

The first meeting of the Kingsbury Town Board was held at Kingsbury Town Hall on May 9, 2016 at 210 Main Street. Hudson Falls, NY

MEMBERS PRESENT: Dana Hogan, Supervisor
Paul Bromley, Councilman
William Collins, Councilman
Richard Doyle, Councilman
ABSENT: Henry Freebern, Councilman
OTHERS PRESENT: Ross Cortese, Code Enforcement Officer
Michael Graham, Superintendent of Highways
Michael Keenan, Town Justice

The meeting was called to order by Supervisor Hogan at 7 p.m. and opened for the order of business with the Flag Salute led by Councilman Collins.

A **motion** by Councilman Doyle seconded by Councilman Collins and carried by a vote of 5 ayes to accept the minutes of the April 25, 2016 Board Meeting.

Supervisor Hogan instructed the Town Clerk to read the Notice of Public Hearing for the Town of Kingsbury to adopt a Local Law to change the Zoning Map. At 7:05 pm Supervisor Hogan opened the public hearing for public comment.

Penny Monahan of 48 Vaughn Road asked what is the difference for a home owner, if the zoning changes, will they be taxed a different rate, will they get sidewalks, what will the home owner get; and why bother to do it? Supervisor Hogan responded in terms of the home owner, the change would be minimal and it is an opportunity to address the fact that there are pockets of low density residential areas within a zone which is becoming more of a commercial district. Monahan also stated she is across the street from the Dix Avenue Elementary School and watches crossing guards every day trying to slow the traffic down to allow the busses out; and feels the zoning change to commercial would not make matters any better. Supervisor Hogan agreed it was a valid concern.

David McKeighan of 3051 State Route 4, addressed the Board by asking if he decides to sell his home would it be sold as a residential parcel or commercial? Code Enforcement Officer Ross Cortese responded, if you have a single family home and sell it as a single family home and if the new owner wanted to knock it down, they would have the opportunity of putting a commercial use on the property. Cortese also stated single family homes are allowed in a commercial district.

Penny Monahan commented if you bought into a residential neighborhood zoned commercial; eventually you could be the only house there, everyone else may have a business. Cortese agreed that was possible. Penny Monahan once again stated traffic wise in front of the school it does not make sense to change the zoning to commercial.

Barbara Trombley of 46 Vaughn Road referred to Section B of the public notice asking for clarification of what area the zoning map change would encompass. A discussion followed about the current zoning map.

Barbara Trombley asked what the advantage is now to make a change of the zoning map. She also questioned why the change could not occur as it had in the past when her family homestead was sold and a business was established at that location. The Board explained the family homestead was already

zoned commercial at that time; therefore a business could be established with no change to the zoning map. The Board explained if the proposed zoning map was changed to commercial; any new business would be subject to site plan review with the Town of Kingsbury Planning Board. Barbara Trombley asked if there was an advantage to changing all of the proposed area to commercial, why not individual parcels. Councilman Bromley explained it is illegal to do spot zoning; the Town cannot select a parcel and change the zoning, it must be a designated area. A discussion followed. Darrin Fish questioned what the overall goal was, why is this change being proposed. Supervisor Hogan explained they want to try to increase the ease of commercial development along Route 32 corridor. Supervisor Hogan commented the matter will be tabled with the advice from Town Attorney Jeffrey Meyer; and the Town has not heard from the County. The matter is still open for discussion; with the Board taking into consideration the comments received from the public. Darrin Fish asked if this was the Town's suggestion. The Board responded yes. Barbara Trombley asked if it would be voted on tonight, and if not would they be notified before the vote takes place. Supervisor Hogan recommended they attend the next Board meeting.

The Town Board convened as the Board of Health to discuss 9 Bly Avenue. Code Enforcement Ross Cortese provided pictures of the property and inside the house. Cortese had received complaints from the neighbors about the condition of the property. The owners are deceased; Cortese has reached out to Washington County for information about ownership and no information is available. Neighbors have complained about rodents in the area which may be coming from 9 Bly Avenue. The Washington County Sheriff's Department and Cortese went into the house and found it was pretty bad inside. Cortese would like the Board to determine how he should proceed with this matter. Cortese has posted a notice on the property indicating there was a Board Meeting, where the Town Board would convene as the Board of Health to discuss the matter due to the condition of the property.

A **motion** by Councilman Doyle seconded by Councilman Collins and carried by a vote of 5 ayes to adopt the following resolution

**TOWN BOARD
TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK**

**RESOLUTION DETERMINING A PUBLIC NUISANCE
AT 9 BLY AVENUE AND ORDERING CLEANUP**

WHEREAS, pursuant to Chapter 168 of the Code of the Town of Kingsbury the Town Board, acting as the local Board of Health has the authority to abate any unsanitary condition to constitute a nuisance or condition detrimental to life and health; and

WHEREAS, the premises located at 9 Bly Avenue, tax map # 154.11-5-7 owned by Martin L. Morris and Linda J. Morris, has fallen into a state of disrepair with excessive garbage, refuse, and filth having accumulated on premises, as well as attracting rodents, insects, pests and other vermin detrimental to health; and

WHEREAS, Francis Cortese, the Code Enforcement Officer of the Town of

Kingsbury inspected the subject premises and issued a preliminary determination and order on May 9, 2016 declaring the property unsafe and a clear danger to the public health, safety and welfare; and

WHEREAS, by order of the Code Enforcement Officer, the premises was posted and notices were sent to the owner at their tax billing address setting May 9, 2016 at 7:00 p.m. to appear before the Town Board sitting as the local Board of Health; and

WHEREAS, the Town Board, acting as the local Board of Health has considered the preliminary determination and order and are prepared to issue a determination in accordance with Chapter 168 of the Code of the Town of Kingsbury, and the Laws of the State of New York.

NOW, THEREFORE BE IT RESOLVED THAT:

Section 1. The Town Board has determined that said premises is a public nuisance due to the accumulation of garbage, refuse and filth as well as the presence of rodents, insects, pests and other vermin in accordance with the determination of Mr. Cortese.

Section 2. At the public hearing no one spoke at the public hearing on behalf of the property owner for consideration of this determination and proceeding with clean-up of the premises.

Section 3. The Code Enforcement Officer having confirmed that the condition of the premises has not been remedied as directed by the preliminary determination and order.

Section 4. The Town hereby authorizes the Code Enforcement Officer to proceed to clean-up the premises and remedy the public nuisance occurring on site, and all costs incurred by the Town shall be assessed against the land and become a lien on the property and shall be collected in the same manner as taxes levied thereon.

Section 5. The Town Clerk upon consultation with the Town Attorney shall serve notice on the owner, or legal representative, as well as the Washington County Clerk's Office.

Section 6. This resolution shall take effect immediately.

A **motion** by Councilman Bromley seconded by Councilman Collins and carried by 5 ayes to award the T-Shirt bid for the Recreation Program in the amount of \$7,353.75 to Hallwear.

Town Clerk has been instructed to have a Notice to Bidders published for the purchase

and installation of a fire alarm system for the Highway Garage located at 437 Vaughn Road. The bids must be received in the Town Clerk Office by 3 pm on May 23, 2016.

Supervisor Hogan read a letter from the New York State Public Service Commission. In January 2016 their staff was directed to develop a process for Commission consideration of a Clean Energy Standard (CES) program. The CES mandates that by the year 2030, half the electricity used in the State will come from renewable resources such as solar, wind and hydro. The staff prepared a White Paper on CES as well as a cost benefit analysis of the proposed CES and issued the reports for public comment. Information sessions and public statement hearings are scheduled throughout the state.

Supervisor Hogan received a Public Hearing request from the New York State Department of Transportation regarding Baldwin Corner Bridge. The bridge is safe to cross but is in need of repair. The tentative project schedule is as follows: project approval will occur in July 2016, the plans will be identified in November 2016, date opening will occur in February 9, 2017, construction will begin in April of 2017 and with completion approximately in November 2017. A public hearing has been tentatively scheduled for June 27, 2016 at the Kingsbury Town Hall.

Town Clerk reported the first day in the new Town Hall was a bit chaotic but went well.

Town Clerk also reported the following:

Five resumes had been received for the Town Historian position.

A representative of Solar City requested a peddler's permit. A discussion followed. Town Attorney Meyer will be contacted in regard to issuing the permit.

TNT Fireworks has requested a permit to sell fireworks at Rite Aid. A discussion followed.

Councilman Bromley asked Code Enforcement Officer Ross Cortese if he had received a call from East Side. Cortese reported he had received no call. Town Attorney Meyer has had contact with the DEC's lawyer, who was having contact with whoever is taking over the East Side property. Attorney Meyer will address this at the next Board Meeting.

Justice Michael Keenan stated the Court transition has been stressful. Judge Keenan reported the new Court Clerk office will require furniture and they will use whatever furniture is available and then determine what is needed. The Town will need to purchase filing cabinets. Judge Keenan will do some research to see if JCAP will reimburse the Town for any purchases that are necessary for the Court Clerk office.

Superintendent of Highways Michael Graham reported the following:

They will be paving tomorrow; the paving is going well.

Auctions International brought in approximately \$700.00; with the safe bringing in about \$500.00

A **motion** by Councilman Bromley seconded by Councilman Doyle and carried by a vote of 5 ayes to appoint Jim Shaw as an Alternate Recreation Commission.

Supervisor Hogan stated at the last meeting the Board had received a letter of resignation from Town Historian Paul Loding. Town Clerk drafted the following letter:

Dear Mr. Paul Loding,

It is with deep regret the Kingsbury Town Board accepts your resignation as of April 30, 2016. We thank you for your dedication and years of service to the community.

Sincerely yours,

Dana Hogan
Town of Kingsbury Supervisor

Supervisor Hogan read the following proclamation to Paul Loding:

**PROCLAMATION FROM THE TOWN OF KINGSBURY
IN RECOGNITION OF PAUL LODING
FOR EXEMPLARY SERVICE AND DISTINGUISHED SERVICE
TO THE TOWN OF KINGSBURY**

**Whereas, Paul Loding has served the Town of Kingsbury since 1990 in his position as Town Historian;
and**

**Whereas, Paul Loding is being awarded this recognition as a testimonial of loyal and dedicated service
to the Town of Kingsbury as Historian; and**

Whereas, Paul Loding has been an important resource and friend to our community; and

Whereas, Paul Loding has served as the storyteller of our community; and

Whereas; Paul Loding will be missed by many; and

**Now, therefore ... deep appreciation to Paul Loding for his services rendered to the citizens of our
community while serving as Town Historian.**

Dana Hogan, Supervisor

Supervisor Hogan reported recently the Adirondack Glens Falls Transportation Council has been updated their study for the Dix Avenue corridor. The study is available for public review and comment. The document is available at [www. agftc.org](http://www.agftc.org) under the publications link. Supervisor Hogan attended a public presentation on May 4th about the updated study.

Supervisor Hogan reported he had received a letter from the Department of Transportation regarding the upcoming construction and paving of Highland Avenue, Dix Avenue, Burgoyne Avenue, Route 32 from Lower Warren to State Route 196. scheduled to begin on May 13, 2016. The project includes the following elements: pavement repairs to and re-paving of the subject roads, reconfiguration of the striping at the intersection of Highland and Dix Avenue, modification of the traffic island to improve the turning radius at the intersections of Route 4 & 32, upgrade to the pedestrian ramps at Quaker Road, Route 254, Lower Warren, River Street and intersections to Americans with disabilities act standards. The work will take place between 7 pm and 7 am Monday – Friday. During the overnight construction there will be alternating one-way traffic controlled by a flag person. The project will take approximately 3 weeks to complete.

PUBLIC COMMENT:

Karen Linindoll made a request to use Town roads for the Operation Santa Claus Run scheduled on Saturday, November 19,2016. Once permission is granted from the Town and the Village she will provide insurance papers. The Board stated permission is not necessary, but notification is.

There being no further business before the Board a **motion** by Councilman Doyle seconded by Councilman Collins and carried by a vote of 5 ayes to adjourn the meeting a 8:07 pm.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk