

June 3, 2024 Meeting Minutes

The first regular meeting was conducted on June 3, 2024, at the Kingsbury Town Hall, 6 Michigan Street, Hudson Falls.

PRESENT: Dana Hogan, Supervisor
William Haessly, Councilman
James Lindsay, Councilman
Dan Washburn, Councilman

ABSENT: Sean Akins, Deputy Supervisor

OTHERS PRESENT: Paige Zahaba, Deputy Town Clerk
Erin Strain, Court Clerk
Anthony White, Town Judge
Jeffrey Meyer, Town Attorney
Mike LaRose, Highway Employee

The meeting was called to order by Supervisor Hogan at 6:30 pm and opened for the order of business with the Flag Salute led by Councilman Lindsay.

The minutes of the May 20, 2024, Town Board Meeting, were accepted as submitted by the Town Clerk with a **motion** by Councilman Lindsay and seconded by Councilman Haessly and carried by a vote of 4 ayes.

A **motion** by Councilman Haessly seconded by Councilman Washburn and carried by a vote of 4 ayes to accept the quote from S & D Mowing for the mowing of the Moss Street Cemetery. (Quotes attached)

A **motion** by Councilman Lindsay seconded by Councilman Washburn and carried by a vote of 4 ayes granting permission to Paige Zahaba, Deputy Town Clerk, to take a notary exam on June 13, 2024, in Albany, New York. There will be a \$15.00 fee which will be covered in the Town Clerk budget under education expenses.

Judge Anthony White addressed the Board with a request for a full-time Deputy Court Clerk for 2025. He provided copies of a Revenue Generated Report by various courts in Washington County. He stated the Court System is not a revenue generating system; each case should be dealt with individually and is not in the business of collecting money and surcharges. He always takes into consideration the cost of funding the police, the paperwork; everything that is involved is taken into consideration when he is imposing fines. He is proposing eliminating the part-time deputy clerk and requesting a full-time deputy court clerk for the year 2025. Having a full-time deputy clerk, he knows that if a clerk is sick or on vacation there is someone to cover. Now there are times when calls do not get answered, he is hoping to cut that down by having two full-time court clerks. Sometimes people that are calling the court office are not in their best moment in life. When someone is paying a fine and the phone is ringing, the clerk does not answer the phone, they must collect the fine. The Town of Kingsbury Court has handled 422 cases; 80 of which were felonies and 342 misdemeanors as of March 22, 2024. This does not include the number of vehicle and traffic cases and preliminary hearings. The phone is not answered when they are holding court. There is no court that comes close, probably the busiest court in Washington County. Supervisor Hogan asked what the average Court Clerk count was in Washington County and what is the expenditure side of it.

Judge White assumes there is one court clerk and oftentimes there is more than one Judge; there will be a Town Judge, Village Judge and in one case they alternate in another Township. Moreau and Queensbury

Court both agree this is a very busy court. He has been consulting with those courts to phase out the antiquated parking module that has been used in the past. They will implement a court-run program parking module; he has been getting training and they will be continuing to get training through Moreau and Queensbury.

Councilman Haessly asked if that would eliminate the backlog of parking ticket issues. The Judge responded yes. Supervisor Hogan stated no parking tickets have been recorded in the last 6 months. Judge White explained there are tickets that have not been processed because of the times they are doing in County Court. Judge White explained it is a long-drawn-out process and the new system with the court run program is a much faster process.

Councilman Washburn asked Judge White if he had a rough idea of what the caseload increase has been over the last couple of years. The Judge doesn't have that here; when he took the bench Covid was at peak so there was no court. There was bail reform, the stay on summary proceedings which are evictions and the legalization of marijuana all of which impacted the court and brought the numbers way down. He is seeing a spike in the last 10 months. Supervisor Hogan would like to see the numbers. The Board would like caseload numbers pre-Covid and post-Covid. Supervisor Hogan stated the caseload numbers at the County level pre-Covid and now are both at 1,700.

Councilman Lindsay asked if the \$49,265.00 amount of revenue includes what the Town pays the Village. Judge White stated that is what goes into the Town, he does not know how the Town pays the Village. Supervisor Hogan stated we get it from the Justice Court Fund, and we have not paid any of the parking ticket fines; Mayor Barton is upset about it. The Judge explained that is why they tried to find an answer to the antiquated program for entering the tickets.

Councilman Haessly asked is what the Village gets generally parking ticket money; what fines do they get sent to them. The Judge explained parking tickets were handed to him when he took the bench. Supervisor Hogan believes if you get a speeding ticket in the Village the fines would go back to the Village as well.

Supervisor Hogan asked the Judge when he last entered a parking ticket. The Judge answered just the other day. Supervisor Hogan asked prior to that. The Judge answered March; Erin Strain, Court Clerk stated no it was April; they were shown a different way to do it and does not know if she did it wrong. The Judge has someone coming to show them what they are going to do and get to the bottom of that. The Court Clerk stated she does not know how they separate the money for the Village and the Town through the reports she submits. The Judge saw in the new program there are codes you can enter; the Codes will generate and come up on the form from the State Comptroller's that will indicate what tickets are for what purpose.

Supervisor Hogan asked if this would make things easier in the future; would you prefer to wait to see if it is super easy, rather than adding somebody and more time.

Judge White stated he does not want to add another person.

Supervisor Hogan stated you are two years ago you reduced the hours of the Deputy Court Clerk.

Judge White responded he did reduce the hours based on a business model, when a company is slow you may have to let people go or re-assign. Supervisor Hogan stated he recalls there is another reason, and we could have a discussion offline if you would like. Judge White explained there were many reasons associated with it. This makes sense but when a business begins to see an uptick in business then they want to take on...

Supervisor Hogan stated we don't know if you are actually seeing an uptick in business; Judge White stated not yet, no. Supervisor Hogan stated we don't have the numbers; according to the County the numbers are back where they were pre-Covid. Judge Keenan had himself one clerk most of the time and by the end of his tenure he added a part-time person. The Town Clerk explained when the Village Court was dissolved, Judge Keenan hired a part-time clerk.

June 3, 2024 Meeting Minutes

Supervisor Hogan stated we have always had 1 ½ clerks and it does not feel like the court load has gone up, that is why he finds it hard to believe that bail reform and other things that have occurred that we are having a higher case load than we did in 2019. Judge White stated he would get the numbers.

Councilman Haessly stated the complexity of the cases before Judge White may be different than for example the Town of Argyle. The discussion continued. Judge White stated they are getting a lot of opiate cases. There has also been a gang assault recently and an arson.

Councilman Haessly stated it sounds like you are in need of additional workforce. Judge White stated that is what he is proposing, and he wanted to do it now in June for the year 2025. This is something he wanted to discuss now.

Councilman Washburn requested a little more information, get the figures of the uptick and some information for other cities and municipalities (for example Glens Falls or Queensbury) Judge to Clerk ratio. A discussion began. Judge White stated his position is considered as a part-time position.

Judge White explained he has been in the court room at times on weekends and in the middle of the night. Councilman Haessly stated he does not know what his workload is now and if you need additional help that is the part you are going to have to explain; what is backlogged and what isn't.

Judge White stated he will provide the numbers but two people in the office answering phones, going to the window, processing the cases that they have; to him it just makes sense. He understands numbers speak louder than words.

Supervisor Hogan stated he must understand the taxpayers have a say in this matter as well. The theory of what we are trying to do is become more efficient which we have done as a Town. The Highway Barn is down, the Comptroller no longer has an assistant; he asks as a taxpayer and on behalf of the fiduciary if there is any way you can become more efficient with less workers, that would be great. If you are able to justify it with numbers, we can certainly take a look at it. The reason why we have been able to keep the tax rate down in the Town of Kingsbury is because he believes the employees have become much more efficient. The Board is looking for caseload numbers pre-Covid and current. Judge White stated the numbers for the first quarter of 2024, was 422 cases.

Supervisor Hogan received a listing of expenditures, the revenues have dropped significantly, and he knows it is not supposed to be considered a revenue source, but it is down 100%. The Judge explained you used to get marijuana fines, they don't get those anymore, and you could suspend someone's driver's license for not paying, you can't do that anymore. Supervisor Hogan stated he does not see any local courts going through the same extreme number reduction.

Councilman Lindsay asked what the options were if they did not pay.

Judge White responded if they don't appear, they can suspend their license and they can pay a \$70.00 scoff lift fee. (Court Clerk added \$70.00 for each ticket) Then they are given an appearance to come in. He has been issuing judgements.

Supervisor Hogan stated if the revenue is down, the workload must be down. Judge White does not have that answer. The Board would like that information too; we have plenty of time we don't start budget stuff until September.

Councilman Haessly stated to sum this up at one time you had a fulltime then you discontinued. The Court Clerk, Erin Strain, stated the second clerk worked for 25 hours; it was then cut to 15 hours. Councilman Haessly stated you need more help right now. Judge White stated here is the other argument to that, a full-time position, he wants to go low base rate, the thought was \$35,000.00, but offering your full-time Town employee you get some benefits that will offset the low pay and hopefully have employee retention and allow him to interview some people that may be of a better caliber.

Councilman Haessly asked if the state dictated the amount of a fine. Judge White explained there are guides as to how much you can charge for fines and surcharges.

The discussion continued about the Court not being a revenue generating system and Courts are typically a red hole in the budget. When the numbers are as far down as they are Supervisor Hogan feels it is fair

June 3, 2024 Meeting Minutes

to ask the question. Revenue in 2019 was \$120,000.00; in 2023 \$43,000.00 It is significant drop. The taxpayer has to make up that difference.

Councilman Haessly asked if the State had changed things and imposed more paperwork. Judge White does not have an answer for that. The Court Clerk stated she was only taught what she was taught. The Judge is hoping to streamline with the new program, he now has Judges that will come in and help him, he did not have that before.

Councilman Haessly asked if an additional part timer would help. Judge White explained the part timer he has now works 15 hours; he is budgeting that time in the event someone is ill. He has to bring someone in which is burning the hours, and he is trying to last for the year.

Councilman Lindsay stated in previous courts time to time here would be substantial backlogs in paperwork. He asked the Judge if he was in good shape on that. The Judge responded they are behind, they are never catching up, never fully caught up and it is concerning. If he were fully staffed, he could collect fines and answer phones. When he became Judge, he got a credit card service that collects fines online and by phone. Sometimes if someone calls and they want to pay by phone, that would be a call that is missed if they are getting ready for court on Wednesday morning. Councilman Haessly stated so certain times of the week you are busy, and it is difficult to handle because of a surge.

Judge White stated Monday mornings they are busy with evictions and small claims. Sometimes in the afternoon they may get a hearing which is time-consuming. Tuesday they are preparing for Court on Wednesday which is a full day. Supervisor Hogan asked if the part time person was in the office. Judge White stated Mondays she is there from 9 – 12, Tuesdays 9 to 11:30 and Wednesday all day and Thursdays 9 to noon. At 1:00 if they are holding hearings there is no one answering the phones.

The Judge will get case counts to the Board.

LEGAL UPDATE:

Attorney Meyer has nothing to report.

TOWN CLERK:

Nick from the Union Cemetery has concerns about the selling of the plots in the Moss Street Cemetery. Sections 8 & 9 have been mapped, they are working on section 7 and will soon start section 6. A lot of the records are inaccurate and there was a time when the Association did not conduct meetings. Nick has requested annual reports for 2016, 2017, 2018 and 2023. The Town Clerk contacted the NYS Association of Cemeteries who provided copies of the requested documents; this will enable Nick to conduct more research.

Supervisor Hogan continued by reporting Nick has put lot sales on hold because he fears he is going to double sell a lot due to the record keeping that has been in existence in the past. He is trying to get it cleaned up. Supervisor Hogan saw the prior records which are handwritten. Nick is typing them out and has created a map of the actual cemetery and populates it with lot sales. The reports that were requested from the State and documentation he requested from Terry Gould the former Moss Street Association President will help in his research.

Town Clerk reported two lots have been sold; the deed is signed by the Town Clerk and the Supervisor and embossed with the Town seal. The original is mailed to the owner of the plot and a copy is sent to Nick at the Union Cemetery and a copy is retained in the vault in the Town Clerk office.

Supervisor Hogan stated if somebody brings in something and decorates a headstone, cemetery management is responsible for removing it.

Supervisor Hogan would like to put up signs that state this is a carry in carry out facility.

Town Clerk suggested a clean-up be scheduled in the spring with volunteers from the National Honor Society or the Alternative Sentencing Program.

June 3, 2024 Meeting Minutes

COUNCILMAN REPORT:

Councilman Lindsay commented a super job was done on the paving of Bentley Road.

PUBLIC COMMENT:

No public comment.

A **motion** by Councilman Lindsay seconded by Councilman Haessly and carried by a vote of 4 ayes to enter into an executive session at 7:09 pm to discuss potential contract negotiations. No action is anticipated in the executive session.

A **motion** by Councilman Lindsay seconded by Councilman Washburn and carried by a vote of 4 ayes to exit the executive session at 7:45 pm. Supervisor Hogan made a **motion** to adjourn the meeting at 7:45 pm.

Respectfully submitted,

Cynthia Bardin, Town Clerk

TOWN OF KINGSBURY – 2024 MOWING MOSS STREET CEMETERY
Quote Response Form

Company Name	A & J Mowing		
Street, City	265 Bluebird Rd. Apt. 121 NY 12803		
Phone #	518-338-6517	Fax #	
Contact Name	Debbie Tucker	Title	Owner
Email	debbietucker9@yahoo.com		
PER MOW RATE	\$1,200.00	Additional Fees (if applicable):	
Misc Fee & Description			
Misc Fee & Description			

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

By signing below, I hereby represent and warrant that I am signing with full and complete authority to bind the above reference company to each and every term of this Agreement.

Steve C. Tucker 5/23/24
Signature Steve C. Tucker Date

Debbie Tucker Owners
Printed Name Title
Debbie Tucker

**TOWN OF KINGSBURY –2024 MOWING MOSS STREET CEMETERY
Quote Response Form**

Company Name	J.M. Lopez Property Management		
Street, City	185 Jenkinville Rd Queensbury NY 12804		
Phone #	5183215537	Fax #	
Contact Name	Joshua Lopez	Title	
Email	josh.lopez299@gmail.com		
PER MOW RATE	\$3000.00	Additional Fees (if applicable):	
Misc Fee & Description			
Misc Fee & Description			

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition. By signing below, I hereby represent and warrant that I am signing with full and complete authority to bind the above reference company to each and every term of this Agreement.

Signature Date