

The second regular meeting of the Kingsbury Town Board was conducted via virtual/teleconference on June 15, 2020.

MEMBERS PRESENT: Dana Hogan, Supervisor
Richard Doyle, Councilman
William Haessly, Councilman
Jane Havens, Councilwoman
Dan Washburn, Councilman

OTHERS PRESENT: Rebecca Pomainville, Comptroller
Michael Graham, Highway Superintendent
Todd Humiston, Enforcement & Dog Control Officer
Jeffrey Meyer, Town Attorney
Jolene & Jerry Caruso, Eric & Jessica Dashnaw & Lisa
Harrington, Town Residents

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

A **motion** by Councilman Doyle seconded by Councilwoman Havens to accept the minutes of the June 1, 2020 Board Meeting as submitted by the Town Clerk.

Supervisor Hogan announced the first item on the agenda is a traffic study request. Enforcement Officer Todd Humiston reported he had attended the last two joint Public Hearings with the Village and Town of Fort Edward for the W.L. Plastics application for their facility they plan to put in the Town and Village of Fort Edward. Mr. Humiston did address the concerns of the Kingsbury Town Board in regards to a traffic study being conducted mainly on State Route 196 where the traffic would be coming on and off from Lock 8 Way which is a private road they will be using to access the IDA's facility, formerly the GE de-watering site. They are looking into sub-dividing the land into five different lots, two of which W. L. Plastics is looking to purchase. One lot is in the Village and one is in the Town. They are looking to put in a plastic pipe operation; all the material will be coming in on rail and the pipe will be leaving on trucks. They are looking at hiring 50 employees, it will be a 24/7 operation but the trucks will be coming and going only during the daytime with the possibility of 40 semi-trailers on and off State Route 196. There is a flashing light there now and it is kind of a blind corner coming off the bridge side of State Route 196. He addressed this concern with the Village and Town of Fort Edward Planning Boards and also spoke with the Village Planning Board Chairman. It appears that both the Village & Town of Fort Edward Planning Board Chairman's are in agreeance. Their engineering company, which is C.T. Male, will have a third party do a traffic study. At the next meeting they will be looking at who is going to conduct the study, how far it will be going and they did say at a minimum the intersection with the flashing light will be a part of the traffic study. The second concern is the private road where there has been some motorcycle racing and other incidents that has brought in the Sheriff's Department. There have been some medical concerns with individuals being air-lifted out of there. It is a private road so the Sheriff's Department does not have a lot of control over it. This was not discussed at the meeting because the meeting is about W.L. Plastics and that piece of property is currently owned by the State and WCC as of right now. It is looking like that the IDA is going to be possibly acquiring those pieces of property as part of the whole development. It would not be part of W.L. Plastics application process. There will be

another meeting in about 3 weeks and there are a lot of zoning variances they will need from the Village and Town of Fort Edward before moving forward.

Supervisor Hogan asked if there was anything the Board needed to do at this time or is it mostly a Town and Village Fort Edward matter. Enforcement Officer Humiston said it is a Town and Village of Fort Edward matter and he feels if they do the traffic study and it is done correctly the Town will be agreeable; they seem to be in line with what was requested.

Attorney Meyer stated with regard to the racing and the other use of Lock 8 Way; while it is not before the Planning and Zoning Boards currently in the Village & Town of Fort Edward, the SEQR process is set up exactly for this reason. The IDA assuming control and ownership of this road is part of the larger project; so that potential impact is appropriate for the SEQR review if not for the larger project review. To the extent that W.L. Plastics says don't worry about it, you don't want to listen to it we should continue to beat home the point that as part of the SEQR review when they are doing the traffic study and looking at use of that access road because that is appropriate and that is the point of SEQR. Enforcement Officer Humiston asked if they could look at private property in the traffic study as well. Attorney Meyer said they could look at the potential impacts of having this straightaway and people trespassing and otherwise using a road that may or may not be public or private or restricted use, limited use with loose parameters and no law enforcement.

A **motion** by Councilman Washburn seconded by Councilwoman Havens and carried by a vote of 4 ayes to re-appoint David Gauci to the Planning Board for a 7-year term beginning July 1, 2020 until June 30, 2027. Supervisor Hogan abstained from the vote; Mr. Gauci is married to a family member of his.

LEGAL UPDATE:

Attorney Meyer reported he had sent the memo to Charter; they acknowledged receipt and were going to talk it over and get back to him. At this time there is no official response.

TOWN CLERK REPORT:

The Town Clerk reported they had re-opened the office last week and things were going very well. The doors have remained locked and a door chime with an intercom has been installed to alert the office staff when a customer has arrived. Several in person transactions occurred including; 1 dog license, 3 marriage licenses, 2 fishing licenses, 1 hunting license inquiry, 1 certified transcript of marriage and 2 notary requests. The senior citizens needing to have their disabled parking permits renewed are happy they do not have to come into the office, their permits can be renewed and mailed to them.

ENFORCEMENT & DOG CONTROL REPORT:

Todd Humiston reported the building permits are up and going well. The new system seems to be working really well, no complaint; it is more of a scheduling thing. Dog control is also going well.

HIGHWAY SUPERINTENDENT:

Michael Graham reported everything is going well; they have been doing a lot of cleaning up of brush, roadside mowing and getting the dirt roads graded.

COMPTROLLER REPORT:

Rebecca Pomainville had sent out an email to the Board with budget updates detailing projections from now until the end of the year. A discussion followed. The Comptroller said given the reductions that have occurred with the Highway Department, the re-negotiations of contracts and not having Rec this year we will be in decent shape as long as we continue to be as frugal and careful as possible.

The Board discussed the reduction in sales tax revenue received from Washington County. Councilman Doyle stated there was a time when the Town did not receive tax revenue and that approximately 10 years ago the Town started to receive a portion.

Councilman Doyle expressed his concern for not having a balance in the General Fund Whole Town in the future; he has noticed a trend where the fund balance decreases each year. The Comptroller stated she had noticed the trend when she became Comptroller. She does think that once our bonds are paid the problem will be gone; it is just a matter of being as careful and aware as we can, so the fund does not get fully depleted. Supervisor Hogan stated at one time we were working on a Fund Balance Policy in conjunction with the County, but the Town could establish their own policy. The Comptroller attended a webinar workshop during the COVID shutdown and it gave a great worksheet for her to plug in numbers into for a 5-year plan. The 5-year plan will help earmark money for long range planning and fund balance needs.

COUNCIL REPORT:

Councilman Haessly asked if there was a response from Spectrum in regard to the agreement. Attorney Meyer stated they acknowledged receipt of the memo and were going to talk about it internally and get back to him.

Councilman Haessly stated we had the sewer study done last year and wondered if we were going to do anything about turning over the sewer districts to the County. Councilman Washburn said there were conversations prior to the COVID-19 pandemic and he will follow up with the sewer board before our next Board Meeting. Councilman Haessly asked if we were going to have to spend any money.

Councilman Washburn is hopeful that we will not have to spend money but cannot confirm because he is only one person on the Board.

Councilwoman Havens would like the Kingsbury Directory updated. The Town Clerk will have the directory updated.

Councilwoman Havens "Good News about Town" was the Charles R. Wood Virtual Talent Show found on You Tube with Contestant #14 Sheriff Jeff Murphy singing Bruce Springsteen's "Our Town". Included in the video are pictures. There were other locals who participated in the talent show.

Councilman Doyle asked when the Court was going to re-open. Supervisor Hogan does not have a clear answer. Attorney Meyer also does not have a clear answer. Enforcement Officer Humiston had talked to Judge Malvuccio who said dangerous dog cases and other cases could be heard and cases could be heard no more than 10 at a time; so they may be re-opening very soon. It is possible there is a plan in the works.

WRITTEN REPORTS:

A **motion** by Councilman Doyle seconded by Councilwoman Havens and carried by a vote of 5 ayes to accept the reports of certain officers for the month of May as follows:

Town Comptroller: Receipts \$497,339.25; Disbursements \$702,187.64
Assessor Sales for April

PUBLIC COMMENT:

Jessica and Eric Dashnaw of 6 Company Bridge Road moved to the Town of Kingsbury two years ago and are learning of the Town rules and try to abide by them. They make sure they get their building permits. There is an ongoing property dispute with their neighbor and she feels like the neighbor is using Enforcement Officer Humiston as a crutch to harass them. The neighbor has been arrested for assault and filed another complaint to the Enforcement Officer 3 days later. Most of the complaints filed against the Dashnaw's have been unfounded.

Enforcement Officer Humiston stated July 4, 2019 is when the calls started from the Dashnaw's neighbor and since then he has received 14 calls and 2 written complaints with 25 items in the complaints. Out of the 25 items, 3 were founded, they were normal maintenance type such as grass, items in the yard and an unregistered vehicle all were fixed immediately by the Dashnaw's. The most recent complaint was written and sent on June 6, 2020 with 3 items, tall grass, messy yard, indoor building, repairs being done without a permit and water run-off. Parts of the area had tall grass but they are in construction areas. The Washington County Code has also been called to the property numerous times with all complaints unfounded.

Supervisor Hogan asked Attorney Meyer what the Town should do in this matter. Attorney Meyer will do some research to see where the line is drawn in this matter. Unfortunately, municipalities are always a target and attempted to be used as leverage in private property disputes between neighbors as this matter appears to be.

Supervisor Hogan told the Dashnaw's, we will circle back on this matter and address this the best we can and maybe chart a different path moving forward. Jessica Dashnaw welcomes any of the inspectors coming on her property, she has nothing to hide.

Lisa Harrington of 734 County Route 41 stated they had problems with the same neighbor in 2015. She operates a daycare facility and CPS was called numerous times and other various complaints had been filed against her, all of which were unfounded. Last year the neighbor had complained of a sewer run-off onto his property, which was unfounded.

A **motion** by Councilman Washburn seconded by Councilwoman Havens and carried by a vote of 5 ayes to enter into an executive session at 7:51 PM to discuss the appointment leading to legal issues.

Supervisor Hogan requested Enforcement Officer Humiston remain for the executive session.

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to exit the executive session at 8:45 PM; no action was taken.

There being no further business before the Board a **motion** by Councilman Washburn seconded by Councilwoman Havens and carried by a vote of 5 ayes to adjourn the meeting at 8:45 PM.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk