

The first regular meeting of the Kingsbury Town Board was conducted on at the Kingsbury Town Hall on July 6, 2020 at 6 Michigan Street, Hudson Falls.

**MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Todd Humiston, Dog Control & Enforcement Officer  
Michael Graham, Highway Superintendent  
Jeffrey Meyer, Town Attorney

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

The minutes of the June 15, 2020 Town Board Meeting were accepted as submitted by the Town Clerk with a **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 4 ayes.

Enforcement Officer Todd Humiston reported based on a cell tower that is going up on County Route 41 he realized the Town has no oversight in cell towers. In August 2018 New York State gave exemptions for cell towers for building and code for all zones except for commercial zones; which would be subject to Town Planning Board approval. After discussion, Enforcement Officer Todd Humiston will research samples for the Board to review for oversight in cell towers in the Town.

Town Clerk reported she received a call from someone with interest in a peddler's permit for a food truck. Enforcement Officer Todd Humiston is concerned because the Town really does not have any roadside parking for that type of business. He stated if the vendor is in a parking lot it is not a concern. He stated we may want to add something to our peddler's permit to prevent parking where there is not curb-side parking. The Town Clerk will email the Board the current Peddler Permit regulations.

Supervisor Hogan announced State Route 196 would be closed from July 13th through July 27<sup>th</sup>. The closure is part of the NYS Canal Corporation's trail project which involves installing a pedestrian (culvert) crossing under State Route 196, connecting Rabideau Lane and Towpath Road. A discussion followed.

**TOWN CLERK REPORT:**

Town Clerk reported all written reports will be available at the second meeting of the month for the Board to accept. Minutes from the previous meeting will be emailed to Board members upon completion and monthly reports will be emailed before the scheduled second meeting.

Town Clerk reported DECALS has been down since June 29<sup>th</sup> due to the installation of a new statewide system. It is necessary for the clerks to be trained and a new printer must be installed with instruction from the DEC. Fishing licenses can be obtained online at the DEC website or by calling.

The next Board Meeting will be conducted on July 20, 2020 with a Public Hearing scheduled for a Local Law to amend the number of members on the Zoning Board of Appeals. Attorney Meyer will prepare a legal notice for publication in the Post-Star.

## **ENFORCEMENT OFFICER REPORT:**

Enforcement Officer Todd Humiston reported the Planning Board did approve the resolution for the Geer Road Solar Project (Matrix) to go ahead. It appears they have received funding and they have requested a building/demo permit. The Planning Board did place some conditions on demolition of houses that need to come down. The historic stone building will not come down but an addition on that house will be removed. Once the project gets started, he may not receive much information because it is regulated by the state.

Supervisor Hogan reported the Warren/Washington County IDA conducted a special meeting for the potential of negotiating PILOT's for solar companies. The Town of Kingsbury has opted into Real Property Tax Law 487, which allows the Town to negotiate their own PILOT. In the meeting the IDA discussed the idea of PILOTS and negotiating with the county, local school districts and any entity that had opted out. Supervisor Hogan asked if an IDA PILOT for solar could supersede the local entity and negotiate a PILOT. Attorney Meyer stated generally if there is a PILOT for a business or development, the IDA does it, they negotiate separately but it has to fit their mission. Matrix has not approached the Town for a PILOT. The discussion continued.

Enforcement Officer Todd Humiston received the vehicle impact study for Lock 8 Way and WL Plastics and via email forwarded the report to the Board. The report recommended that clearing of vegetation along the north side of Route 196 and restricting heavy vehicle traffic from turning left out of Lock 8 Way will improve sight distance and best serve the heavy traffic exiting Lock 8 Way. With the truck traffic turning left when exiting Lock 8 Way will mean they will not be entering the Village of Hudson Falls at all. Enforcement Officer Humiston will make the NYS DOT aware of the survey results in hopes they enforce the right turn when exiting Lock 8 Way. The discussion continued. Councilwoman Havens expressed her concern over the possible dangers of truck traffic exiting Lock 8 Way.

Attorney Meyer stated you do want to follow up with the NYS DOT and the Town and Village of Fort Edward and specifically say for any approval it must be a condition that the trucks exiting Lock 8 Way make a right-hand turn. If there are enough car wrecks and fatalities, they look at ways to make it safer by adding stop signs and stop lights.

Councilman Doyle and Councilman Haessly also stated their concerns with the exiting of trucks from Lock 8 Way.

Supervisor Hogan requested Enforcement Officer Humiston to share a portion of the traffic impact evaluation that was conducted as follows:

### **Lock 8 Way**

Lock 8 Way is an access road for the Champlain Canal Lock 8. Lock 8 provides north-south travel between NY Route 196 and the project site. Lock 8 Way is currently owned by the Environmental Protection Agency, but ownership is being transitioned to the Warren-Washington IDA. It is our understanding that the plan for ownership to be further transitioned to the Towns of Fort Edward and Kingsbury. Lock 8 Way is a two-lane roadway with one 12-foot travel lane in each direction with little or no shoulder and a posted speed limit of 20-mph. There is a 200 foot segment of Lock 8 Way where travel is limited to a single lane travel lane to traverse a one-lane bridge and the posted speed limit is reduced to 10-mph. Southbound vehicles are controlled with a stop sign and wait for northbound vehicles then proceed through the one-lane segment. There are no sidewalks provided on NY Route 196, so pedestrians and bicyclists share the road with motor vehicles. Land uses in the project vicinity are primarily industrial or undeveloped.

Enforcement Officer Humiston and Supervisor Hogan expressed their concern with the indication that ownership of Lock 8 Way would be transitioned to the Towns of Kingsbury and Fort Edward. The Kingsbury Town Board adopted a resolution in April of 2017 with conditions that must be met before acceptance of the road. Another concern is the fact that Lock 8 Way is a private road and is used by bicyclists and walkers and cannot be patrolled by law enforcement. In 2017 two motorcyclists were air-

lifted from that location after an accident. Attorney Meyer stated concerns can be addressed if incidents occur, which unfortunately would be after the fact. The Board continued the discussion addressing their concerns with Lock 8 Way.

There will be a Town and Village Planning Boards of Fort Edward Meeting on July 8, 2020 with WL Plastics. Supervisor Hogan asked what action the Board would like to take to express their concerns with the traffic and the lack traffic vehicle enforcement on Lock 8 Way. Enforcement Officer Humiston will speak with Jim Houston from CT Male, the Town of Fort Edward Engineer tomorrow; if the Board has specific concerns, they can email them to him and he will add them to his list of concerns. The concerns will reach the Fort Edward Planning Board before the next meeting.

The Board discussed the possibility of placing signs to indicate where the town road ends on Lock 8 Way and where the private portion of the road begins. After discussion the Board decided not to place a sign. Attorney Meyer stated the Town would not be shielding themselves from any liability by having a sign that says "end of town road".

Supervisor Hogan reported Judge Joe Malvuccio said things were going very well since the re-opening of the Court after being closed due to the COVID-19 pandemic.

#### DOG CONTROL OFFICER REPORT:

Todd Humiston reported he will be covering for Fort Ann this week while their dog control officer is on vacation.

#### HIGHWAY SUPERINTENDENT REPORT:

Michael Graham reported everything is going well. Supervisor Hogan stated the town roads look fantastic.

#### COUNCILMAN REPORT:

Councilman Haessly reported he and Attorney Meyer are working arranging a meeting with Spectrum and they will need another Board member to attend.

Councilman Doyle asked if Enforcement Officer Humiston had reached out to other communities in regard to the transition from residential to commercial; he responded he has done some research but has not completed it.

Councilwoman Havens reported she had nothing for tonight and is researching three things and will have them for the next meeting; one on General Election, one on County mowing and something she needs to gather more information for her "Good News About Town".

#### SUPERVISOR REPORT:

Supervisor Hogan reported the sales tax revenue with the County had increased quite a bit. DMV is backed up until July 23 with appointments only.

#### LEGAL UPDATE:

Attorney Meyer reported Kevin Egan of Spectrum is putting together a formal response to the items in the Board's memo and then a meeting will be scheduled.

A **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 5 ayes to enter into executive session at 8:30 PM to discuss a legal concern related to an enforcement action. The Town Clerk and the Enforcement Officer were asked to join the executive session.

A **motion** by Councilman Haessly seconded by Councilman Washburn and carried by a vote of 5 ayes to exit the executive session at 8:49 PM. No action was taken.

There being no further business before the Board a motion by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 5 ayes to adjourn the meeting at PM.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk