

The first regular meeting of the Kingsbury Town Board was conducted on Monday, September 9, 2013 at the Kingsbury Town Hall, 210 Main Street, Hudson Falls, NY.

MEMBERS PRESENT: James T. Lindsay, Supervisor  
Paul Bromley, Councilman  
William Collins, Councilman  
Richard Doyle, Councilman  
Henry Freebern, Councilman

ALSO PRESENT: Francis Cortese, Code Enforcement Officer  
Michael Graham, Highway Superintendent  
Jeffrey Meyer, Attorney for the Town

The meeting was called to order by Supervisor Lindsay at 7:00 p.m. and opened for order of business with the Flag Salute led by Councilman Collins.

**Motion** by Councilman Doyle, seconded by Councilman Freebern and carried by a vote of 5 ayes to accept the minutes of the meeting held on August 26, 2013 as submitted by the Town Clerk.

Supervisor Lindsay welcomed two students from the Hudson Falls School District's Government class. He informed them to ask any questions they wished.

Supervisor Lindsay stated the public hearing for the application of the junkyard license of Earth, Waste and Metals. Attorney Jeffrey Meyer stated that we had received some of the information that was requested from Earth, Waste and Metals at the previous meeting but we have not received all of the requested information. We still need to obtain copies of the updated environmental insurance policy as the original policy was not up to the Town's requirements, copies of the DEC registrations and the new updated binder. Supervisor Lindsay has spoken with the DEC and one of the questions that was discussed was is it permissible under the existing registration to process and crush cars. According to Mr. Lupo of the DEC the answer to that question is "no". Additional registrations and permits are required and it wasn't under the existing registration or under the existing use of Washington County. Supervisor Lindsay also received a letter from Washington County relative to the facility reminding the Town that Washington County is still the property owner and nothing should happen to the site that is not already existing currently without their authorization. The County does not want to see any kind of expansion at the site. We are currently in a holding pattern waiting for additional information. Councilman Doyle asked if they could increase their metal intake. Supervisor Lindsay stated they could take metal up to the tonnage registered with DEC, which is 12,500 tons per year of metal and household refuse. The public hearing still remains open.

Attorney Meyer stated that Earth, Waste and Metal are not exempt from the Town's regulations. The County is watching them to be sure they don't violate any of the terms of the lease or their registrations.

Review of Agricultural District No. 7.: Supervisor Lindsay stated that Councilman Bromley and the Hudson Falls Fish and Game Club were involved in this matter and it took a long time for them to get things done. This is a general review of the district and this will be published in both county newspapers, the Eagle and the Greenwich Journal. The notice needs to be posted in 5 conspicuous places and Supervisor Lindsay wondered if we should spend money and place it in the Post Star so that our residents will be aware of it. Councilman Bromley stated this process cost him \$900 due to the slow process. The State reviews this every 8 years. **Motion** by Councilman Bromley, seconded by Councilman Freebern and carried by a vote of 5 ayes authorizing the Town Clerk to place a legal ad in the Post Star regarding the Review of Agricultural District No. 7.

Supervisor Lindsay distributed copies of the Consolidated Funding Application for the Kingsbury Sewer District Project. The application has been completed and Chazen Company wants us to review it.

Supervisor Lindsay had received a request from Craig Darby (CBRE) the broker for the Dix Avenue property to extend his agreement with the Town. The Town contracted with him last year to broker the Dix Avenue property. The contract runs out today. **Motion** by Councilman Freebern, seconded by Councilman Doyle and carried by a vote of 5 ayes extending the contract with CBRE, Craig Darby, for another year until September 9, 2014.

Update on Highway Garage Facility: Councilman Bromley reported they had started setting the steel today. The plan is to work on the western side and start constructing the firewall between the sections and the workers won't interfere with one another while installing the steel. Until the firewall and steel work is completed, there is not much more that can be done. Highway Superintendent Graham stated in the next few weeks his crew would work on the septic system and once National Grid sets a pole, they can dig the line from the building to the pole. Councilman Bromley said the plan is to use the credit we are owed from D.A. Collins for the land swap will go to the purchase of the structures for the septic and the oil water separator for the floor drains. Supervisor Lindsay asked if Peckham Materials goes forward with the natural gas proposal, could we convert from the propane to natural gas. Councilman Bromley said it is only a matter of switching nozzles and the lines would have to be changed. He stated we would like to go out for bids for a propane provider for the highway garage for next year. We will need a bid for 3,500 +/- gallons of propane plus a fuel tank that the Town wants to own itself. We will advertise for three days. **Motion** by Councilman Bromley, seconded by Councilman Freebern and carried by a vote of 5 ayes to open bids for propane on October 15, 2013 at 7:00 p.m.

**Motion** by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes to reschedule the October 14 town board meeting to Tuesday, October 15, 2013 at 7:00 p.m.

The Town Clerk reported that Steve Peluso from NYS Taxation and Finance would be at our October 15 town board meeting to give a presentation about the basic STAR

program. Eligible property owners must sign up again prior to December 31, 2013. He will stay after the meeting to assist residents in signing up.

Councilman Bromley reported that East Side has been running Kingsbury Road with their big trucks. It is East Side's trucks but a local Kingsbury resident is driving them. Supervisor Lindsay stated he would contact Anthony Marro tomorrow morning regarding this matter.

Supervisor Lindsay reported that Glens Falls Greater Transit has prepared their budget for the year and are seeking a \$64.00 increase.

Supervisor Lindsay reported that Waste Management had sent a letter stating they would be charging us a 15% surcharge of the bill for fuel. A discussion was had as to whether we should go out to bid. He will prepare something for next meeting.

The proposition for the elimination of the Receiver of Taxes position has been sent to the Board of Elections and copies were available at the meeting for residents to see how it would appear on the ballot. There are six other propositions on the ballot prior to ours.

A discussion was had as to whether or not we should seek requests for proposals for attorney services. We bid this out in 2009 and the town board felt it was time to seek bids again.

#### PUBLIC COMMENTS:

Mr. Dennis Kelly of County Line Road asked what the status of the 45-decibel readings On Royal Wood Shavings Manufacturing Inc. from 10:00 p.m. to 7:00 a.m. Mr. Cortese has monitored the noise twice between 5:00 a.m. and 7:00 a.m. and there were no high readings detected. His readings were between 45 and 48. He wants to calibrate the decibel reader so be sure it matches the same meter that RWS has.

Mr. William Underwood of Dean Road stated the sound wall is a joke and that the decibel levels are high. He attested to everything that Dennis Kelly had reported.

A discussion was had about purchasing vs. renting a sound meter to do 24 hour readings. Mr. Kelly stated that from 10:00 p.m. on is when they are over their boundaries with the noise and they have been starting their shifts early. They are not supposed to be working on the weekends and they have been. He requested that Code Enforcement send them a reminder letter about the provisions the Planning Board has set for them.

A discussion was had about the work that was being done by Mr. Cortese and Attorney Meyer to beef up the penalties for violations of our Planning Board and Zoning Board during the editorial phase of the new codebook. Since Mr. Meyer has left the firm, no work has continued on this. Supervisor Lindsay stated he would send a letter to Mr. Aspland requesting that the file be given to Mr. Meyer so that work could continue.

There being no further business to come before the Town Board, **motion** by Councilman Bromley, seconded by Councilman Freebern and carried by a vote of 5 ayes to adjourn the meeting at 8:25 p.m.

Respectfully submitted,

Holly E. Mabb, RMC/CMC

<http://www.kingsburyny.gov>