

The second regular meeting of the Kingsbury Town Board was conducted on September 16, 2019 at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls.

MEMBERS PRESENT: Dana Hogan, Supervisor
Richard Doyle, Councilman
Henry Freebern
William Haessly, Councilman
Dan Washburn, Councilman

OTHERS PRESENT: Jeffrey Meyer, Town Attorney
Rebecca Pomainville, Town Comptroller
Jeanne Williams, Feeder Canal Alliance
Michael Graham, Highway Superintendent
Todd Humiston, Dog Control Officer
Melissa Guay, Post Star
Felice Best, Linda Burch, Kathy & Les Macura, Jane Havens
Jolene & Jerry Caruso, Ken Spaulding & Patty Nicolls – Town Resident
John Coddington, Fort Ann Resident

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 Washburn.

A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 5 ayes to accept the minutes of the August 5, 2019 Board Meeting.

Jeanne Williams of the Feeder Canal Alliance appreciates everything and thanked the Board for everything they do. The Feeder Canal Alliance are the stewards of the Feeder Canal Trail that goes from Feeder Dam to the T-bridge. They also extend down into Fort Edward and about to extend to go under Route 196 as soon as the tunnel is built. They are also part of the Champlain Canalway Trail which is a trail that goes south and now part of the Empire State Trail. They so appreciate the support of the taxpayers and the Board. They are the only support other than NYS Canal Corporation to take care of the trail. The new construction of the Feeder Canal Trail is about \$1.2 million dollars. Supervisor Hogan recognized Jeanne Williams for her effort she has made the Empire State Trail from Fort Edward up to Fort Ann at this point.

At 7:03 pm Supervisor Hogan opened the Public Comment session for a lease of the haul road serving the Town of Kingsbury's Sand/Gravel Mine on Tripoli Road. Jenkinsville Sand & Gravel, LLC. Felice Best a resident of 31 Tripoli Road has a concern of the trucks going up and down Tripoli Road. She stated the road is a precarious road going down on a slope from north to south and there are numerous curves. There are people who take walks on the road every day. Trucks that use the road use their air brakes all the time, which is against the law. The concern is for safety and noise pollution. There are children and a home for disabled people. She thinks the traffic should be diverted to another road that is safer, that is straight and does not have a home with disabled residents. She would consider further action by circulating a petition or finding a lawyer for the people of the community. She suggested the

Town conduct a study; see how many people walk on Tripoli Road, see how many dangerous accidents have occurred and look into the disabled home that is there.

Supervisor Hogan had a question for Attorney Meyer; We are not approving any permits for that location, correct, they have a DEC permit that is valid? Attorney Meyer does not know the status of the mining permit for Jenkinsville Sand & Gravel but he does know the Town of Kingsbury has a permit to mine. The Board is looking to grant Jenkinsville Sand & Gravel an alternative access onto and off Tripoli Road.

Felice Best stated there are no speed limit signs on Tripoli Road. From Dean Road to Tripoli it curves very quickly and is a dangerous spot and is a spot of many accidents.

Councilman Washburn stated he believes Jenkinsville Sand & Gravel already has approval he has a right of way on Rocky Way.

Tripoli Road is in the Town of Kingsbury and in the Town of Fort Ann. Highway Superintendent Michael Graham will contact Paul Winchell, Fort Ann Highway Superintendent in regard to requesting a speed limit change for all of Tripoli Road.

Supervisor Hogan asked Attorney Meyer if NYS mining permits required a traffic study. Attorney Meyer is not aware of it but will look into it.

Supervisor Hogan would like to look into two things, if a traffic study has been done per NYS mining permits and the right of way on Rocky Way.

Fort Ann resident John Coddington commented on the traffic on Tripoli Road.

Linda Burch a resident of Tripoli Road commented the traffic has gotten worse over the years. There are many more big trucks. Her biggest concern is the speeding trucks.

Councilman Freebern commented there is more traffic than ever on all the Town roads and people are using the side roads to get someplace.

Patty Nicolls asked if jake brakes were legal in the Town of Kingsbury. Highway Superintendent Graham does not believe the Town has an ordinance against jake brakes but will check the Town Code. The discussion continued.

Fort Ann resident John Coddington stated Rocky Way is part of his right of way which he pays tax on approximately half an acre that he cannot use. The other residents on Rocky Way also pay taxes on the right of way. If the right of way is used will he have to listen to trucks all day long and what will it do to the value of his property.

Supervisor Hogan commented Jenkinsville Sand & Gravel has access to his pit through a right of way on Rocky Way but was trying to limit the impact requesting a lease of a haul road serving the Town of Kingsbury's Sand/Gravel mine on Tripoli Road. The discussion continued.

Councilman Haessly stated some of the problems that may occur will lie with the Town of Fort Ann; Rocky Way residents and Jenkinsville Sand & Gravel are located in the Town of Fort Ann.

Councilman Doyle stated there is an added benefit to the Town; there will be more access to the gravel. Highway Superintendent Michael Graham you can only mine so much then you have to reclaim the surface.

Resident Jerry Caruso commented that Jenkinsville Sand & Gravel could also have access from Burquist Road and he probably will operate one way or another it just depends how he will come out.

Councilman Washburn stated DEC suggested access through the Town of Kingsbury's driveway at their gravel pit.

Resident Jane Havens commented jake brakes are not illegal in Kingsbury but are illegal in Fort Edward Village. Under NYS Ordinance they are legal unless prohibited by a local government.

Resident Ken Spaulding stated on some of the roads in Kingsbury the speed limit has been reduced to 45 mph but there is still a problem with speeding. Supervisor suggested contacting Sheriff Jeff Murphy to report the problem.

Supervisor Hogan closed the Public Comment Session at 7:33 pm, no action will be taken at this time.

Supervisor Hogan received a request from Resident Les Macura to speak on a subject related to the next agenda item; appointment of Sole Assessor and a re-appointment to a member Board of Assessment Review.

Kingsbury resident Les Macura of County Route 41 thanked the Board and Supervisor Hogan for the opportunity to speak. Mr. Macura spoke about his concerns with the current Assessor and Board of Assessment review. The discussion continued. Councilman Haessly also addressed his concerns with the current assessor. Supervisor Hogan stated he had received no written complaints against Ms. Adamec. Attorney Meyer's recommendation is to allow the assessor to do her job; if the Board is unhappy with Ms. Adamec they have the option of investigating any complaints. A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 4 ayes and one nay to re-appoint Colleen Adamec for a six-year term as Kingsbury Sole Assessor from October 1, 2019 thru September 30, 2025. Supervisor Hogan announced that Stephanie Lemery will not be seeking a re-appointment to The Board of Assessment Review. The Town Clerk indicated it is not necessary to appoint a replacement right away, there will be time to advertise for the position. A discussion followed. The personnel committee, Councilman Haessly and Councilman Doyle, will meet.

HIGHWAY SUPERINTENDENT:

Michael Graham reported they are working near Ginny Rae's where there have been some flooding issues over the summer. They are making good progress and should be complete soon.

COUNCILMAN REPORT:

Councilman Doyle asked if there was a time table for the completion of the cable installation for high internet on Town roads. Superintendent Graham stated he is not certain when it will be complete. A discussion followed. There is concern the boxes containing the wires will be hit this winter when plowing snow.

Supervisor Hogan commented the more high speed internet customers you have with online orders generates more sales tax to the county.

SUPERVISOR REPORT:

Supervisor Hogan read a letter received commending the Town Clerk for reaction to an emergency in obtaining a birth certificate for a Massachusetts resident.

Supervisor Hogan reported that last week on very short notice he attempted to communicate that there would be a presentation by Tony Jordan on Bail, Discovery & Speedy Reform at the Kingsbury Town Hall. Mr. Jordan expressed a great deal of concern about this; there will be two more presentations throughout the County. Supervisor Hogan would encourage anyone interested in this topic to attend. What it means to us as a community we are going to see more people not facing jail time; they will be released on their own recognizance and not subject to bail. This is a half a million dollar mandate passed onto to local communities by New York State with no funding to go with it. A discussion followed.

WRITTEN REPORTS:

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

Town Clerk: Paid to EnCon \$3,145.58; Paid to Supervisor \$4,447.57; Paid to the Village of Hudson Falls \$52.00; Paid to Ag & Markets for Population Control \$211.00

Town Comptroller: Receipts \$110,034.76; Disbursements \$195,870.80

Town Justice for July: \$18,632.90

PUBLIC COMMENT:

Resident Jerry Caruso asked about the status of the proposed dialysis center on Burgoyne Avenue, there is now a For Sale on the property. Enforcement Officer Todd Humiston was told by an engineer that their services were no longer necessary.

Supervisor Hogan received a letter from Matrix Development, LLC with their intent to construct a solar energy system of approximately 27 megawatts at 221 Geer Road. Enforcement Officer Humiston stated they are scheduled to attend a Planning Board Meeting on September 19, 2019.

A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 5 ayes to enter into an executive session to discuss pending litigation at 8:19 pm. Town Clerk and Town Comptroller were invited to attend the session.

A **motion** by Councilman Washburn and seconded Councilman Haessly and carried by a vote of 5 ayes to exit the executive session at 9:38 pm.

There being no further business before the Board **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 5 ayes to adjourn the meeting at 9:38 pm.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk