

The second regular meeting of the Kingsbury Town Board was conducted on September 17, 2018 at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls.

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

OTHERS PRESENT: Ross Cortese, Code Enforcement Officer
Todd Humiston, Dog Control Officer
Jeffrey Meter, Town Attorney

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 Haessly.

The minutes of the August 20, 2018 Board Meeting were accepted as submitted by Town Clerk with a **motion** by Councilman Freebern seconded by Councilman Haessly and carried by a vote of 5 ayes.

Supervisor Hogan received a phone call indicating that the Vaughn Cemetery is overgrown and not being maintained by anyone. After discussion the Board tabled the matter until the next Board Meeting when Highway Superintendent Michael Graham is present and research is complete about abandoned cemeteries.

Supervisor Hogan announced the Strand Theatre is hosting a special event on September 23 which requires additional parking due to large attendance. The Strand has requested permission to allow parking in the Town parking lot during the event. The Ringer Auto Group will shuttle attendees to and from the event. Supervisor Hogan will request a certificate of insurance as advised by Town Attorney Jeffrey Meyer.

Supervisor Hogan stated the next item on the agenda is to re-appoint Michelle Wood to the Board of Assessment Review for a 5-year term. Councilman Haessly suggested changing up the Board of Assessment Review members; he knows three residents who are interested in serving on the BAR. Councilman Haessly questioned if it was allowed that someone serve on more than one Board. (Michelle Wood currently serves on the BAR and the Zoning Board) Supervisor Hogan asked Attorney Meyer for legal guidance; Attorney Meyer stated it depends on the Board but there was no conflict for Michelle Wood to serve on the two Boards for the Town of Kingsbury. A **motion** by Councilman Haessly seconded by Councilman Freebern and carried by a vote of 5 ayes to table the approval of Ms. Wood until the personnel committee had an opportunity to convene to discuss future appointments.

LEGAL UPDATE:

Attorney Meyer provided copies of a revised draft of a proposed Solar Energy PILOT Law. Councilman Doyle and Councilman Haessly will report on the changes made to the original proposal.

Attorney Meyer received a call from Bill Nikas requesting the Town accept dedication of a new portion of Town Highway Quarry Circle from the Quarry, LLC. Superintendent of Highways Michael Graham

has met with Mr. Nikas but was unable to attend this evening's meeting; this will be tabled until the next Board Meeting when Superintendent Graham is present to discuss the outcome of his meeting with Mr. Nikas.

TOWN CLERK REPORT:

Town Clerk reported more than two and a half million in taxes had been collected for the Hudson Falls Central School District. She also reported \$266.02 was saved in the mailing of the school taxes by combining multiple parcels with the same owner.

A call was received from Heather Hannink of 396 County Route 36 requesting a sign be posted near her home because of drivers not stopping for a stopped school bus in front of her home. Ms. Hannink's home is located on a sharp corner and drivers are not aware of the stopped bus. The Town Clerk contacted Jim Hogan, Washington County, Highway General Supervisor III and was assured a sign would be placed by the end of the week.

DOG CONTROL REPORT:

Todd Humiston reported a there had been a second meeting with Attorney Stockwell in regard to proposed changes to the Dog Control Law. Attorney Stock well prepare and send the proposed Local Law to the Board.

Humiston reported schools outside of the Town are interested in his Dog Safety Program. He would like to conduct the program; he would do this on his own time and charge the schools for supplies and mileage. The Board has no objection, but must make the Board aware when he conducts the program outside of the Town.

COUNCILMAN REPORT:

Councilman Washburn updated the Board on the RFQ's received for the proposed extension of the Washington County Sewer District No. 2. The committee will meet on September 27, 2018 at the Fort Edward Visitor's Center to conduct interviews with The Chazen Companies and Barton & Loguidice. Councilman Haessly reported he and Councilman Doyle had met; Councilman Doyle has done a lot of work on the Solar Energy System PILOT Law.

Councilman Haessly provided copies of maps of the proposed sewer extension to the Board.

Councilman Doyle reported a change had been made in the proposed Solar Energy System PILOT Law; the annual payment will be based upon megawatt capacity at \$2,000.00 per megawatt; this is in line with the NYSERDA guidelines. The fifteen year percentages established beforehand will remain the same.

A **motion** by Councilman Haessly seconded by Councilman Washburn to set public hearings on October 15, 2018 for the proposed Solar Energy PILOT Law and for a Local Law amending certain sections of the Town of Kingsbury Zoning Local Law contained in Chapter 280.

Councilman Doyle would like to request proposals for legal fees as we are approaching the preparation of the 2019 budget.

SUPERVISOR REPORT:

Supervisor Hogan opened three quotes for the construction of a parking lot on Michigan Street. The quotes are required to be submitted with the JCAP application for possible grant money that may be obtained to go towards the cost of the parking lot. Supervisor Hogan will give them to Superintendent Graham to review.

Supervisor Hogan reported Kevin Polunci, Director of Business for the Hudson Falls Central School, met with Comptroller Mary Ordway to discuss the possibility of the school administering the Kingsbury Recreation Program. Supervisor Hogan has a meeting scheduled with Kevin Polunci and the Recreation Commission on Wednesday evening to discuss the administration going forward and what role the Recreation Commission would play; and if they are comfortable with the changes being proposed.

Supervisor Hogan also spoke with Mayor Barton and Village Attorney Nikas about the Inter Municipal Agreement between the Town and Village concerning the use and maintenance of Derby Park; they appear to be comfortable with the possible change. The proposed change of the administering of the Recreation Program will save tax-payers money and not impact the current program. Debbie Battiste the Recreation Director has agreed to stay on and will play a big role in the change.

Supervisor Hogan received a call from Justice Keenan in regard to concerns of security in the Town Court offices and Court Room from the Office of Court Administration. Justice Keenan is working with the OCA to receive a satisfactory statement of what the Town Court should do.

Supervisor Hogan received a call from a tax paying resident concerned that the Town had opted out of the tax exemption for solar structures. Supervisor Hogan explained to the resident that the Town had not opted out but Washington County and the Hudson Falls School District did not opt in.

PUBLIC COMMENT:

Jerry Caruso asked if the Board decided to seek candidates for the Board of Assessment Review wouldn't it be proper to advertise for the position where people would submit resumes with qualifications.

Supervisor Hogan stated the Town does advertise when a vacancy occurs; but there is no vacancy on the BAR at this time. The Board will continue the discussion at the next Board Meeting.

CODE ENFORCEMENT OFFICER:

Ross Cortese reported he had contact with the buyer of the former East Side facility in regard to the requirements to open his business there. He provided him with regulations so he understood he would have to go to Planning Board.

A **motion** by Councilman Freebern seconded by Councilman and carried by a vote of 5 ayes to enter into executive session at 7:45 PM to discuss pending litigation; Ross Cortes and the Town Clerk were invited.

Supervisor Hogan recused himself from the executive session at 8:07 PM.

A **motion** by Councilman Washburn seconded by Councilman Freebern and carried by a vote of 5 ayes to exit the executive session at 8:25 PM.

WRITTEN REPORTS:

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

Code Enforcement: Variances 1: Site Plan 1; Research Fees 3; Total \$475.00; Dog Control Officer: Complaints/Calls 47; Seizures 5; Unlicensed Dogs 7; Summons Issued 1; Bites Investigated 1; Mileage 485 w/ 162 to Fort Edward & 141 to Fort Ann; Town Clerk: Paid to EnCon \$3,023.96; Paid to Supervisor \$3,741.60; Paid to NYS Dept. of Health \$225.00; Paid to the Village of Hudson Falls \$310.00; Paid to Ag & Markets for Population Control \$229.00; Town Comptroller: Receipts \$147,682.54; Disbursements \$275,392.08

There being no further business before the Board **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 5 ayes to adjourn the meeting at 8:27 pm.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk

<http://www.kingsburyny.gov>