

The second regular meeting of the Kingsbury Town Board was held on October 17, 2016 at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls.

MEMBERS PRESENT: Dana Hogan, Supervisor
Paul Bromley, Councilman
William Collins, Councilman
Richard Doyle, Councilman
Henry Freebern, Councilman

OTHERS PRESENT: Jeffrey Meyer, Attorney for the Town
Ross Cortese, Code Enforcement Officer
Todd Humiston, Dog Control Officer
Mary Ordway, Comptroller
Jolene & Jerry Caruso, 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 Freebern.

The minutes of the September 19 and October 3, 2016 Board Meeting were accepted as submitted by the Town Clerk with a **motion** by Councilman Bromley seconded by Councilman Freebern and carried with a vote of 5 ayes.

Supervisor Hogan reported the sale of 210 Main Street to the Hudson River Music Hall was final on Friday October 7, 2016. Hogan commented the members of the Hudson River Music Hall are very excited and walking on air.

Attorney Meyer reported he had received an email response from Sheriff Jeff Murphy in regard to the proposed Local Law for Nuisance Properties .Attorney Meyer reported essentially other Towns do as what was proposed in the original draft of the proposed Local Law by listing specific violations of the State Penal Laws and the Code of the Town of Kingsbury and assigning a point value for each violation. The Town Board will conduct a workshop at the Kingsbury Town Hall on Monday October 24, 2016 at 6 pm to review which sections of the State Penal Law to include in the proposed Local Law. Councilman Doyle suggested the Board also discuss the proposed Local Law for Noise Control at the workshop.

LEGAL UPDATE:

Attorney Meyer reported the DEC is reviewing the results of the Phase I conducted at East Side Recycling located on Route 149 in the Town of Kingsbury. The DEC has noted some concerns and is discussing whether they will prosecute for potential violations and investigate for further violations. Councilman Freebern asked if there was a plan to conduct the Phase II at East Side. Attorney Meyer stated the Town does not have permission to go on the property to conduct a Phase II. Attorney Meyer commented they are still attempting to contact the owner; Anthony Marro to obtain permission to go on the property.

Attorney Meyer would like an executive session to discuss East Side and pending litigation with an Article 7.

Attorney Meyer reported there are some questions about the Town's potential liability relative to Derby Park. There is an agreement with the Village of Hudson Falls for the Town Recreation Department to use the Park and as part of that the Town is responsible for retaining what to use by the Rec Department, identifying the Village if there is an issue and providing insurance with the Town listed as additionally

insured. Meyer stated there are some complaints and questions from neighbors relative to some changes the Village has made and the potential for a safety hazard for children. Supervisor Hogan interjected that Mrs. Waters asked him to take a ride with her to Derby Park because she wanted to express her concern for the safety of children using the playground area. At one time there was a chain link fence that bordered the playground and has been removed and replaced with split rail fencing with openings in it. Mrs. Waters had witnessed an incident of children chasing each other and they ran near the road; stopped because a car was coming and fortunately the car stopped. Mrs. Waters envisions through the years it is just a matter of time where something happens. Supervisor Hogan encouraged her to reach out to the Village. Mrs. Waters did attend a Village Board Meeting. Attorney Meyer will draft a notice and send it to the Village.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes accepting the reports of certain officers for the month of September:

Code Enforcement Officer: No. Permits 2; Site Plan 1; Total Fees: \$300.00

Town Clerk: Paid to EnCon \$5,864.57; Paid to Supervisor \$3,774.17; Paid to NYS Dept. of Health \$292.50; Paid to the Village of Hudson Falls \$100.00; Paid to Ag & Markets for Population Control \$230.00

Town Comptroller: Receipts \$152,373.02; Disbursements \$133,502.17

The Town Clerk reported she will have a Supervisor's Report for the next meeting regarding money paid to the Town relative to the Hudson Falls Central School District tax collection.

A **motion** by Councilman Freebern seconded by Councilman Collins for the following budget transfers and budget amendment submitted by Comptroller Marry Ordway:

BUDGET TRANSFERS

FROM: ADMIN. CONTR.	7.8310.4	7,600.00
TO: PURIFICATION	7.8330.4	4,000.00
TRANS. & DIST.	7.8340.4	3,600.00

BUDGEMENT AMENDMENT

INCREASE REVENUES (SALE OF 210 MAIN ST.) 31,925.00
1.2660

INCREASE APPROPRIATIONS

JUSTICE P.S.	1.1110.1	30,000.00
CENTRAL STOREROOM	1.1660.4	400.00
TAXES & ASS. ON PROPERTY	1.1950.4	50.00
TRAFFIC CONTROL CONTR.	1.3310.4	350.00
SUPT. HIGHWAYS CONTR.	1.5010.4	125.00
POOL CONTR.	1.7180.4	1,000.00

A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 5 ayes giving Comptroller Mary Ordway permission to close the Highway Capital Project Fund because there is no money left.

A **motion** by Councilman Freebern seconded by Councilman Bromley and carried by a vote of 5 ayes giving Comptroller Mary Ordway permission to transfer \$32,000.00 of unspent money in the Highway Equipment Budget to the Highway Reserve Account.

Comptroller Mary Ordway would like to set a Public Hearing for the 2017 Preliminary Budget and Fire Protection Contract at the next Town Board Meeting scheduled for November 7, 2016. A **motion** by Councilman Freebern seconded by Councilman Bromley and carried by a vote of 5 ayes to set a public hearing for the Fire Protection District Contract and the 2017 Preliminary Budget at the Kingsbury Town Hall on November 7, 2016 at 7:05 pm. She would also like to make sure the Local Laws adopted in 2016 are sent to General Code so the billing can occur in the fiscal year they are adopted.

Dog Control Officer Todd Humiston reported the Macero matter (wolf dog) which occurred in May; went to a hearing last week. The Judge found Macero guilty on two counts and awarded the Town \$607.00 to be paid monthly over the next six months in restitution and \$100.00 in fines.

Supervisor Hogan reported he received a thank you letter from the Luciano family for the use of the Town of Kingsbury for their annual race.

An Open House of the new Town Hall has been scheduled for Saturday November 5, 2016 from 10 a.m. to 12 noon.

A **motion** by Councilman Bromley seconded by Councilman Doyle and carried by a vote of 5 ayes to enter into executive session to discuss pending litigation at 7:30 pm.

A **motion** by Councilman Collins seconded by Councilman Bromley and carried by a vote of 5 ayes to exit the executive session at 8:35 p.m.

A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 5 ayes to appoint Michelle Radliff as a full time employee as the Comptroller's confidential secretary and also as the Code Enforcement Secretary; with her term to run con-current with that of the Comptroller.

There being no further business before the Board a **motion** by Councilman Bromley seconded by Councilman Collins and carried by a vote of 5 ayes to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk