

The first regular meeting of the Kingsbury Town Board was held on November 6, 2017 at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls, New York

	Paul Bromley, Councilman
	William Collins, Councilman
	Richard Doyle, Councilman
	Henry Freebern, Councilman/ Deputy Supervisor
ABSENT:	Supervisor Hogan
OTHERS PRESENT:	Michael Graham, Highway Superintendent
	Todd Humiston, Dog Control Officer
	Mary Ordway, Town Comptroller
	Dan Washburn, Elected Councilman Beginning January 2018
	Residents of Birchwood Avenue

The meeting was called to order at 7 p.m. by Deputy Supervisor Freebern and opened for the order of business with the Flag Salute led by Councilman Bromley. Supervisor Hogan had recused himself from the meeting due to a conflict of interest.

A **motion** by Councilman Doyle seconded by Councilman Bromley and carried by a vote of 4 eyes to accept the minutes of the October 16, 2017 Board Meeting as submitted by the Town Clerk.

A **motion** by Councilman Bromley seconded by Councilman Doyle and carried by a vote of 4 eyes for Supervisor Hogan to re-appoint Sandy Wheeler to represent the Town on the Advisory Committee for the Washington County Office for Aging for a 2-year term

**TOWN CLERK REPORT:**

Town Clerk reported she had two meetings scheduled at the Washington County Facility on November 15, 2017. At 9 a.m. she will meet with County Clerk Stephanie Lemery and General Code to discuss obtaining a shared grant to digitize Town Records. At 10 a.m. she will meet with Laura Chadwick of Real Property Tax Services to discuss the new format of the upcoming 2018 County/Town tax bill.

Town Clerk also reported the notice for the Public Hearing to discuss the proposed Local Law extending the real property tax exemption for Cold War Veterans had been published.

Town Clerk also reported she had received a call from Rick Diamond, School Safety Officer of WSWHE BOCES. WSWHE BOCES filed a copy of the Level Emergency Response Plan with the Town Clerk; this will be updated each year.

Town Clerk reported on Wednesday November 8<sup>th</sup> there will be a memorial dedication for Paul Loding, deceased Town Historian, at the Union Cemetery at 1:30 p.m. at the Jane McCrea enclosure.

**COMPTROLLER REPORT:**

A **motion** by Councilman Bromley seconded by Councilman Doyle and carried by a vote of 4 eyes to accept the following budget transfers:

FROM:	CONTINGENT ACCOUNT	1.1990.4	3,175
TO:	JUSTICE EQUIPMENT	1.1110.2	300
	CENTRAL COMMUNICATIONS	1.1650.4	1,100

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CENTRAL DATA PROCESSING	1.1680.4	1,700
DBL INSURANCE	1.9055.8	75

**APPROPRIATE FUND BALANCE TO MAKE ADDITIONAL  
PRINCIPAL PYT ON HWY TO STATUTORY**

	<b>INST. BOND PRIN</b>	<b>1.9720.6</b>	<b>80,000</b>
FROM:	BRIDGE S P.S.	3.5120.1	3,500
TO:	BRIDGES CONTR.	3.5120.4	3,500

A **motion** by Councilman Doyle seconded by Councilman Bromley and carried by a vote of 4 ayes giving permission to the Comptroller to make Budget Transfers without approval and report them on her monthly report.

A **motion** by Councilman Bromley seconded by Councilman Doyle and carried by a vote of 4 ayes giving permission to the Comptroller to re-levy the unpaid water bills as of November 20, 2017 to the 2018 County/Town Tax Bills.

The Comptroller reported the Town could opt-out of providing the New York Paid Family Benefit to its employees. There is no cost to the Town; it is a payroll deduction to the employee. The Comptroller feels because our Town has so many benefits she would like the Town to opt out of the New York Paid Family Benefit. A discussion followed. Councilman Doyle commented it is designed to be employee funded. Comptroller commented the payroll deduction is \$1.65 per week. Councilman Doyle would like the Board to hold off before making a final decision and possibly a special meeting will be scheduled with the presence of the Supervisor to continue this discussion.

A **motion** by Councilman Bromley seconded by Councilman Doyle and carried by a vote of 4 ayes giving Comptroller Mary Ordway permission to attend a 3-day conference in Albany in March.

A **motion** by Councilman Doyle seconded by Councilman Collins and carried by a vote of 4 ayes to pay Comptroller Mary Ordway for her extra time of 203 ½ hours from November 1, 2016 to October 31, 2017 which will be charged to the Water Department.

**DOG CONTROL REPORT:**

Todd Humiston reported he had two dangerous dog hearings pending this week; the Town Attorney MaryEllen Stockwell is assisting with these cases. He stated there have been issues with one case at the Countryside Animal Shelter, but he has it under control.

Humiston would like to review and re-write the Local Laws, he feels the fines and fees need to be updated. One big concern is 8 of the 29 seizures this year have been done under the police department during drug raids and arrests. Under the current law if an Article 7 is not violated and the dog is licensed, the Town is responsible to hold the seized dog until there is a bond hearing. A committee will be formed to review the current Local Law.

**HIGHWAY DEPARTMENT SUPERINTENDENT REPORT:**

Michael Graham reported approximately 7,000 yards of winter sand has been put up.

Graham reported the offer was not accepted for the grader, the buyer did not want to pay the premium to Auctions International. After discussion the Board decided to wait until spring to try to sell the grader. Comptroller Mary Ordway stated that would reduce the highway reserve fund.

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On Wednesday the Town and Village Highway Departments will conduct a Snowplow Safety Program at the Dix Avenue Primary School for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> grade students.

Councilman Bromley asked if there was an update on East Side. Michael Graham commented the DEC was would be on site on Thursday for samples and on Monday they were going to dig test holes with the Town's backhoe.

#### COUNCILMAN REPORT:

Councilman Doyle asked the Town Clerk what change would be made to the tax bills. The Town Clerk will update the Board on the next Town Board Meeting on November 20, 2017.

#### SUPERVISOR REPORT:

Deputy Supervisor reported the Town had received a thank you note from the Luciano Family stating their appreciation for the Town's support in the race held in August.

A **motion** by Councilman Doyle seconded by Councilman Bromley and carried by a vote of 4 ayes to accept the reports of certain officer for the month of October as follows:

Dog Control Officer: Complaints/Calls 56 Seizures 3; Unlicensed Dogs 3; Bites Investigated 1; Dangerous Dogs 1; Mileage 430 with 95 charged to Fort Edward & 183 charged to Fort Ann

Town Clerk: Paid to EnCon \$2,657.88; Paid to Supervisor \$3,267.00; Paid to NYS Dept. of Health \$157.50; Paid to the Village of Hudson Falls \$220.00; Paid to Ag & Markets for Population Control \$189.00

Town Comptroller: Receipts \$95,380.90; Disbursements \$150,850.23

Assessor: Sales Reports

For September – Town Justice; Fees Collected: \$14,572.50

#### PUBLIC COMMENT:

Steve Chase of Birchwood Drive stated he has an issue with the development of the property behind him and he is not getting anywhere with the Zoning person he is supposed to deal with to get the project back on the original scope it should be on. The property is owned by Ken Collette.

Councilman Bromley asked what is actually going on. Steve Chase stated most of the trees behind his house are gone now and they were supposed to screen the residential neighborhood from the commercial property; there is no screening or buffer behind them anymore. The Board viewed a map of Birchwood Avenue. Deputy Supervisor Freebern stated he was on Birchwood Avenue on Friday morning and felt he had not cut trees past the buffer zone. Mr. Chase commented more trees were cut on Friday afternoon. Freebern stated he measured and as far as going back the 40 it looked like from what he could tell, there is a buffer then a line and a ditch there. From what he has been told he is going to put up a fence more, shrubbery and the back of the storage building is going to face the Birchwood Avenue residents. Mr. Chase distributed pictures of their back yard. Councilman Bromley asked if the fence in the picture was his. Mr. Chase answered yes and that he owns 10 to 12 feet past the fence. Councilman Doyle asked if the trees were his. Mr. Chase stated that some of them were his. Tammy Chase commented the bigger trees closer to a fence are theirs and the trees that are left are small and fragile and with a recent windstorm they were almost falling over. The small trees that were left are supposed to be the 40 foot buffer zone; there was no talk of a fence or additional shrubbery going in. Mr. & Mrs. Chase stated they have dealt with this for the last two years and have tried working with Ross Cortese, Code Enforcement Officer since March of this year. Tammy Chase stated with the trees cut down their

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view from their kitchen is the building (as shown in the pictures they provided to the Board); before the trees were cut, the building was not visible and there was a thick row of trees. When they had agreed on the 40 foot buffer there was a thick row of trees. It now appears the lot has been clear-cut.

Brian Legault, also a resident of Birchwood Drive, stated there is a lot of traffic in and out by the hour not by the week, there was supposed to be traffic 2 to 3 days a week. Mr. Legault has lived there for 27 years and has never been able to see the building in winter or summer. Deputy Supervisor stated the clearing is supposed to stop. Mr. Chase stated in the original approval it was stated the neighborhood would be screened. Mrs. Chase stated one morning at 6:45 they were there picking up equipment and dump trucks and trailers are being stored at the location; would it be possible for them to store the equipment on the other side of the building. Deputy Supervisor did speak to Mr. Collette, and told him he thought 7 a.m. was early enough to start.

Councilman Bromley asked if a survey was conducted when Mr. Collette purchased the property. Mr. Chase stated he did not think so; he is measuring off a neighbor at 12 Birchwood Avenue who did have a survey conducted. Councilman Bromley stated the only way to do a proper setback and 40 foot buffer is off a survey. Mrs. Chase stated Mr. Collette placed a Styrofoam cup on a twig and used it as one of his markers.

Mrs. Chase is also concerned about the rain; they live in a swampy area. Fill is being brought in building it up and no type of drainage and no piping to show that it will be brought to the road where it is supposed to go. Mrs. Chase also stated according to the real estate law a buffer should shelter residents from any type of disturbance.

Councilman Bromley read from the resolution adopted on October 22, 2015 by the Zoning Board of Appeals the following: The use will not have any impact on neighboring properties and is designed to prevent water runoff and be screened from the neighbors.

The discussion continued, the Board will view the area and contact Code Enforcement Officer Ross Cortese and Town Attorney Meyer. Deputy Superintendent Freebern thanked the Birchwood residents for attending the meeting to express their concerns.

Comptroller Mary Ordway stated it would be horrendous to set up deductions for the New York State Paid Family Leave for part-time employees. Councilman Doyle suggested she check with Attorney Meyer to see which part-time employees would qualify.

There being no further business before the Board a **motion** by Councilman Bromley seconded by Councilman Doyle and carried by a vote of 4 ayes to adjourn the meeting at 7:54P.M.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk