

November 6, 2023 Town Board Meeting Minutes

The first regular meeting was conducted on November 6, 2023, at the Kingsbury Town Hall, 6 Michigan Street, Hudson Falls.

PRESENT:

Dana Hogan, Supervisor
Richard Doyle, Deputy Supervisor
William Haessly, Councilman
James Lindsay, Councilman
Dan Washburn, Councilman

OTHERS PRESENT:

Nicole Allen, Laberge
Comprehensive Plan Committee Members: Lorraine Forcier, Karen LaRose, Dan Hogan
Rebecca Pomainville, Comptroller
Todd Humiston, Code Enforcement & Dog Control Officer
Michael Graham, Highway Superintendent
Jeffrey Meyer, Town Attorney
Shane Reynolds, Water Superintendent
Highway Employees: Herb Strong, Mike LaRose
Retired Highway Employees: Tim Morgan, Larry Harris
Kingsbury Hose Volunteers: Jerry Kearns, Zack Cross, Eric Purdy, William Hafner, Steve Gitto, Scott Purdy
Brian Perry
Town Residents: Dennis Kelly, Jeff Zappieri, Cynthia Roberts, Jolene & Jerry Caruso, Dan Colomb, Sean Akins, Chip Doty, Dave Brindle

The meeting was called to order by Supervisor Hogan at 6:00 pm and opened for the order of business with the Flag Salute led by Councilman Doyle.

Councilman Doyle opened the meeting for the Comprehensive Master Plan Committee. The committee members are himself, Councilman Lindsay, Dan Hogan, Karen LaRose, and Lorraine Forcier. The purpose of the meeting is to hear comments from the committee and the public regarding the draft of the Comprehensive Master Plan. Lorraine Forcier commented, she thought the Plan was very good, very comprehensive. The results of the survey were interpreted accurately in the Plan. Karen LaRose and Dan Hogan agree. Dan went through the bits and pieces and headlines; everything seemed to hit the bullet points the committee had gone through. Lorraine Forcier commented the important part is to keep this going forward, that there are committees to keep the Plan up to date and keep visions, goals, and plans in sight and review it along 5 years. Councilman Doyle commented it is good to make goals and make the Plan a working document. Councilman Lindsay commented how much the new Plan mirrors the old Plan from the 70's; there were not many changes from what the community wanted. Demographics have changed, the Town still does not have sewer, they did not have sewer in the 70's; but the Town has improved their water infrastructure. The goals seem to be the same with a few tweaks.

Councilman Doyle asked if anyone from the Public had comments about the Plan. Jerry Caruso commented that the Committee should be commended for the effort made; Jolene Caruso commented it is appreciated. Councilman Doyle thanked the committee members for their efforts. Jeffrey Zappieri

asked process wise if this is acceptance by the Town Board of the final draft tonight. Councilman Doyle explained this was the last meeting of the Committee and tonight and they will accept the draft and forward it to the Town Board for their action which will include SEQR and a Public Hearing which is set for 6:40pm this evening. Cynthia Roberts thanked the Committee for their time during the entire process. She asked what steps would be taken regarding any zoning changes that may come forward. Councilman Doyle stated once the Town Board has completed the SEQR it will be forwarded to Washington County for approval. As soon as the Town Board has accepted it the Board can start the process for zoning changes. Nicole Allen stated the zoning needs to be in concert with the Plan. Councilman Doyle stated the primary change is in commercial being a setback from the main roads instead of being based on the road frontage which will commence once the Plan is accepted by the Town Board.

Cynthia Roberts asked if the revisions set the Town up for additional funding from the State. Nicole Allen explained the Plan was funded by the Hudson Valley Greenway and additional funding from the Department of State. The Greenway Grant is now closed, and the Town is eligible to re-apply for another allocation; it is a continuous process they are eligible for. Councilman Doyle stated updating the Comprehensive Master Plan will qualify the Town for more grants and funding.

Chip Doty thanked the Committee for doing a great job and thought it looked like the old Plan. A **motion** by Karen LaRose seconded by Dan Hogan and carried by a vote of 5 ayes for approval of the Comprehensive Master Plan and to forward the draft Plan to the Town Board for approval. Councilman Doyle thanked the Committee for their time on the project, their approval concludes the Comprehensive Master Plan's business.

The Board will recess until 6:30 pm.

Supervisor Hogan re-opened the meeting at 6:30 pm.

The minutes of the August 30th & 31st Town Clerk Interviews, October 16th Town Board Meeting, October 17th Budget Workshop and October 25th Planning Board Member Interviews were accepted as submitted by the Town Clerk with a **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 5 ayes.

The Public Hearing for the Comprehensive Master Plan was continued. The Plan has been forwarded to the Town Board from the Master Plan Committee with a positive recommendation. Supervisor Hogan thanked the Master Plan Committee for their time and work. A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes for the following resolution:

RESOLUTION 7 of 2023

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF KINGSBURY
2023 COMPREHENSIVE PLAN
CLASSIFYING THE ACTION AS TYPE I,
DECLARING LEAD AGENCY, AND SETTING PUBLIC HEARING**

WHEREAS, the Town of Kingsbury Town Board, per Town Law 272-a, charged a Comprehensive Planning Committee with formulating a new Town Comprehensive Plan and the Town Board is involved in this action to establish this Comprehensive Plan; and

WHEREAS, the Comprehensive Plan Committee held a public hearing on November 6, 2023; and

WHEREAS, this Plan sets out to protect and preserve agriculture and the Right to Farm in this community, and it is the intent for the Town to continue to encourage preservation and diversification of

agricultural activities; and

WHEREAS, the adoption of a new Comprehensive Plan is a Type I action under SEQRA, per NYCRR 617.4(b)(1), since it covers the adoption of the municipality's land use plan; and

WHEREAS, the Town Board is the only entity that can legislatively adopt a Town of Kingsbury Comprehensive Plan, thus, the Town Board seeks to serve as the lead agency for the new 2023 Comprehensive Plan; and

WHEREAS, the Town Board has prepared and reviewed Part 1 of a Full Environmental Assessment Form ("FEAF") as part of advancing review of this action; and

WHEREAS, adoption of this local comprehensive plan would not involve a federal agency; and

WHEREAS, the Washington County Planning Agency is required to review the draft plan and this review is considered an advisory opinion under SEQRA and the agency is not considered to be eligible for lead agency status in this action;

WHEREAS, the Town Board is required to refer the draft plan to the Washington County Planning Agency under GML 239-m.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Kingsbury in regular session duly convened as follows:

1. The Town Board of the Town of Kingsbury hereby determines that the Project is a Type I Action under SEQRA and declares itself lead agency pursuant to SEQRA and its implementing regulations at 6 NYCRR§617.6(b)(1) with respect to the proposed action to adopt a new 2023 Comprehensive Plan.
2. The Town Board of the Town of Kingsbury hereby directs the referral of 2023 Comprehensive Plan to Washington County Planning Agency for review and recommendation pursuant to New York General Municipal Law §239-m.
3. The Town Board authorizes and directs the Town Clerk to notice the identified involved and interested agencies of this action classification and lead agency declaration; and
4. The Town Board hereby schedules a public hearing on the new Comprehensive Plan to be held before the Town of Kingsbury Town Board on December 18, 2023 commencing at 6:30 PM, at the Town of Kingsbury Town Office, 6 Michigan Street, Hudson Falls, New York, 12839, and further directs that notice of such public hearing be posted and published in accordance with applicable law.

On a **motion** by Councilman Doyle seconded by Councilman Washburn, the foregoing Resolution was adopted on a vote of 5 Ayes, 0 Nays and 0 Absents. The Supervisor declared the Resolution adopted.

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Town Board present were:

<i>VOTE</i>	<i>AYE</i>	<i>NAY</i>
Supervisor Hogan	X	
Councilman Doyle	X	
Councilman Haessly	X	
Councilman Lindsay	X	
Councilman Washburn	X	

Involved & Interested Agencies

- Town of Kingsbury Planning Board
- Washington County Planning Agency
- Washington County Agricultural & Farmland Protection Board
- Hudson River Valley Greenway
- NYS Department of State
- OPHRP State Historic Preservation Officer

CERTIFICATE OF RECORDING OFFICER

STATE OF NEW YORK

COUNTY OF WASHINGTON

That the attached Resolution is a true and correct copy of the Resolution, as regularly adopted at a legally convened meeting of the Town of Kingsbury duly held on the 6th day of November 2023; and further that such Resolution has been fully recorded in the Minute Book in my office.

In witness thereof, I have hereunto set my hand this 6th day of November 2023.

Cynthia Bardin

Town Clerk

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Supervisor Hogan opened the Public Hearing for the Fire Protection District Contract & the 2024 Preliminary Budget at 6:33 pm. There being no Public Comment the Public Hearing was closed at 6:33 pm. The Comptroller would prefer the Board to wait a couple of weeks before adopting the 2024 Preliminary Budget to enable her to discuss the sewer district consolidation with the NYS Comptroller.

A **motion** by Councilman Washburn seconded by Councilman Lindsay and carried by a vote of 5 ayes for the following Budget Transfer:

NOVEMBER 6, 2023, BOARD MEETING

BUDGET AMENDMENT #003 - 2023: Burgoyne Ave Waterline Extension; and

WHEREAS: The Town of Kingsbury (TOWN) was awarded a grant from the NYS Department of Transportation (NYSDOT) in an amount not to exceed \$250,000.00 (Two hundred-fifty thousand dollars and no/100) to extend the waterline on Burgoyne Avenue (Contract No. D040172); and

WHEREAS: Town Board approved KSPE \$15,000 Change Order on August 21, 2023; and

WHEREAS: Federal Covid Relief (ARP Act) Funds were received in July 2021 and can be partially allocated for water infrastructure investments.

WHEREAS: Budget Amendments require Legislative approval; therefore, be it

RESOLVED: That the Town Board 10.4991 (Federal Aid, Water \$15,000
authorizes the Town Capital Projects)

Comptroller to the following

Budget Amendment: Increase

Revenue:

Increase Appropriation: 10.8340.21 (Transmission & \$15,000
Distribution, Engineering)

LEGAL UPDATE:

To follow up on the Comptroller's comment, in terms of Sewer District 1 the Board approved the dissolution, a couple of remaining items which the Supervisor has the authority to resolve on his own are conveying whatever infrastructure it has belongs to Washington County Sewer District #1. Also entering into an updated intermunicipal agreement with the Town of Queensbury relative to modifying the existing intermunicipal agreement, it is reserving the capacity that Kingsbury has paid for and will stay with Kingsbury. The agreement needs to have those details finalized.

Attorney Meyer requested an executive session to discuss pending litigation.

An agreement has been reached with Borego regarding the decommissioning agreement; the Town holds a cash escrow for the decommissioning costs and the agreement needs to be finalized. The Board has approved but Attorney Meyer is requesting a resolution authorizing the Supervisor to sign the agreement. A **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 5 ayes authorizing the Supervisor to sign an escrow agreement with Borego which will hold the decommissioning amount.

Supervisor Hogan opened the Public Hearing to discuss a proposed Local Law to Amend Zoning in the Industrial Park at 6:40 pm. Supervisor asked for comments from the public.

Jerry Carsuso asked if there was an existing business in the building where recreation may be possible with the amended Local Law. The Code Enforcement Officer stated the building the business is no longer there, a small part in the front is being used.

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Dennis Kelly asked how the storage of boats would create jobs; the Park was designed for businesses to start up, create jobs in the small technical park. It has turned into a storage facility in regard to the 25 to 35 boats that are already stored behind the cut stone business. Why does the Board want this. If you were able to sell that property water, sewer and power are available for a small business to open which may provide 20 jobs. A boat storage can be put anywhere without water, sewer, or power. Why are the laws in the park being changed to suit one use.

Supervisor Hogan explained the IDA made a request to entertain the idea of changing the Town's zoning because they feel they have a market for that type of industry. The IDA has a buyer that is interested; this is not the first time they have had a buyer for that location for that type of business.

Code Enforcement Officer Humiston commented they have a buyer for the lot and that buyer wants to buy a lot from someone else. There is someone who owns a lot who asked and was told it is not an approved use. There have been a few requests regarding this type of use.

Supervisor Hogan explained the IDA has not been able to market these properties and are looking at the way to change things.

Chip Doty agrees with Mr. Kelly it seems like an odd use, boat, and RV storage; he thought the Park was designed for small businesses. Supervisor Hogan commented that it is a small business.

Mr. Doty commented that it is a waste to sell valuable lots for that type of business.

There being no further Public Comment Supervisor Hogan closed the Public Hearing at 6:46 pm and asked the Board if they would like to take action on this matter at this time.

Councilman Doyle stated the Board should amend the Zoning Law; he understands the concerns of no jobs it is better to have something there instead of remaining empty. A motion by Councilman Doyle to adopt the Local Law to amend the Zoning.

Attorney Meyer stated this could not be adopted tonight; it is a Type 1 action which requires SEQR. The Board needs to go through a long environmental form which could be done at the next meeting or the first December meeting.

Councilman Doyle rescinded the motion.

HIGHWAY SUPERINTENDENT REPORT:

Michael Graham received a request from BOCES to use a small part of the Highway Garage for students to practice backing up and doing small maneuvers for their CDL training. BOCES would put the Town on their Certificate of Insurance. Councilman Haessly suggested they provide a written request. Graham will reach out to BOCES.

Michael Graham reported there are some per diem guys that help in the wintertime. A **motion** by Councilman Washburn seconded by Councilman Haessly that beginning November 1, 2023, until December 31, 2024, the rate of pay for per diem guys used in the wintertime to be \$22.00 an hour. Councilman Haessly suggested they wait and ponder it a little bit due to all the things we may be dealing with in the near future. Graham stated he does not have enough full-time guys when we get snow. Councilman Haessly withdrew his concern. The **motion** was carried by a vote of 5 ayes.

SUPERVISOR REPORT:

November 9th there will be a Feeder Canal Alliance Meeting from 3 to 4:30 pm if anyone is interested in attending, a Washington County Tourism representative will be there.

The Washington County Budget Hearing will be conducted on November 17th.

The Hudson Falls Community Run for Kids 5K is November 12th at 10 am.

A **motion** by Councilman Washburn seconded by Councilman Lindsay and carried by a vote of 5 ayes to enter into an executive session at 7:52 pm to discuss proposed or pending litigation, collective

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negotiations, and a matter leading to the employment, promotion or demotion, discipline, suspension or removal to a person or corporation.

A **motion** by Councilman Lindsay seconded by Councilman Washburn and carried by a vote of 5 ayes to exit the executive session at 8:02 pm.

A **motion** by Councilman Washburn seconded by Councilman Lindsay and carried by a vote of 5 ayes to appoint Luke Getty to the position of Planning Board Member to replace Randy Getty.

A **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 5 ayes to appoint Dave Russell to the position of Second Alternate Planning Board Member.

There being no further business before the Board the meeting was adjourned at 8:03 pm.

Respectfully submitted,

Cynthia Bardin, Town Clerk