

The first regular meeting of the Kingsbury Town Board was conducted on December 14, 2015 at 7 p.m. at Kingsbury Town Hall on 210 Main Street, Hudson Falls.

MEMBERS PRESENT: James T. Lindsay, Supervisor
Paul Bromley, Councilman
William Collins
Richard Doyle, Councilman
Henry Freebern, Councilman

OTHERS PRESENT: Dana Hogan, Supervisor Elect
Ross Cortese, Code Enforcement Officer
Matt Fuller, Attorney for the Town
Michael Keenan, Town Justice

The meeting was called to order by Supervisor Lindsay at 7 p.m. with the Flag Salute led by Councilman Collins.

The minutes of the November 23, 2015 Board meeting were accepted as submitted by the Town Clerk.

Town Justice Michael Keenan reported that he had been working on adjusting the budget to take on the Village Court duties. Judge Keenan has been in touch with Matt Shivers of the Office of Court Administration who would like to meet with the Town Board, Mayor John Barton, Village Justice Matthew Mabb, Village Court Clerk Lisa Ringer and the Village Board on tentatively on December 28, 2015 at 10 a.m.; to assist with the transition of Village Court being dissolved and the Town taking over all court cases. Keenan stated after the transition of the Court; it should support itself. Keenan also stated the caseload will double but he does not think the expenses will double. Keenan also stated it will be necessary to employ a full-time clerk and also a part-time clerk. Keenan also discussed security measures. Keenan stated the time the Court is least secure is when Court is not in session, but when the Court Clerk is by herself when Court is not in session. Keenan is concerned with the number of people that will be in the Court Room. Keenan will stagger the appearance times to avoid an over-crowded Court Room. Judge Keenan will meet with Judge Mabb and then have a proposal ready for the Town Board.

In the executive session of the November 23, 2015 Town Board Meeting Councilman Doyle suggested the Town Board show their appreciation to Councilman Bromley for his dedication and hard work in the construction of the Highway Garage and the renovation and construction of the new Town Hall. Councilman Doyle suggested the Town modify the eligibility requirements for medical insurance for retirees. Attorney Matt Fuller reviewed a resolution concerning medical insurance for retirees as follows:

**TOWN BOARD OF THE TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK**

Resolution No. 12 of 2015
Adopted December 14, 2015

Introduced by Councilman Doyle

who moved its adoption

Seconded by Councilman Freebern

RESOLUTION CONCERNING SECTION 808 -MEDICAL INSURANCE FOR RETIREES- OF THE TOWN OF KINGSBURY EMPLOYEE HANDBOOK

WHEREAS, the Town of Kingsbury Town Board (hereinafter “Town Board”) previously adopted the comprehensive Town of Kingsbury, Employee Handbook, dated February 11, 2009 and subsequently dated August 10, 2015, which Handbook has been amended from time to time by resolution of the Town Board and which contains provisions regarding the eligibility of medical insurance for retirees; and

WHEREAS, the Town Board is desirous of maintaining an up-to-date Employee Handbook which details current and accurate personnel policies and procedures, employee benefits, compliance policies, and other pertinent information governing employment related matters; and

WHEREAS, the Town Board has reviewed the Town’s current Employee Handbook and the Town’s proposed modifications to the Town’s personnel policies and finds that it is in the best interest of the Town and its employees to adopt a modification to the existing Town of Kingsbury Town Employee Handbook as it specifically relates to Section 808 entitled “Medical Insurance for Retirees” of said Handbook; and

WHEREAS, the Town Board desires to modify said section 808 entitled “Medical and Insurance for Retirees” as it relates to eligible Town employees medical insurance after retirement as follows:

1. Section 808 Medical Insurance for Retirees subsection “Premium Payment” shall be substituted with the following modified language:

Premium Payment— *For Retirees who retire prior to December 31, 2015, the Town will contribute \$100.00 per month towards the cost for individual medical insurance coverage, and \$100.00 per month towards the cost for spouse/dependent coverage for each individual retiree. For Retirees who retire on December 31, 2015 or after, the Town will contribute \$200.00 per month towards the cost for individual medical insurance, and \$200.00 per month towards the cost for spouse/dependent coverage, for each eligible retiree. The balance of the premium due must be paid to the Town by the 15th day of the month prior to the month of coverage. Failure to remit payment in a timely fashion will result in cancellation of coverage; and*

Death of Retiree- In the event the retiree predeceases the spouse/dependent(s), the spouse/dependent(s) may remain on the Town’s medical insurance plan as provided above under the provisions of COBRA (see Section 809). Upon expiration of the COBRA period, the surviving spouse must obtain medical insurance coverage elsewhere. *For Retirees who retire prior to December 31, 2015, the Town will contribute \$100.00 per month towards the cost for the cost for the surviving spouse/dependent(s) coverage to offset the cost of that coverage. For*

Retirees who retire on December 31, 2015 or after, the Town will contribute \$200.00 per month towards the cost for surviving spouse/dependent(s) coverage to offset the cost of that coverage.
and

WHEREAS, the Town Board desires to offer Councilman Paul Bromley, an elected official of the Town of Kingsbury, and his spouse the eligibility for medical insurance upon retirement, despite the eligibility requirements set forth in Section 808 of the Town of Kingsbury Employee Handbook, and

WHEREAS, pursuant to the Employee Handbook, the Town has the authority to modify the eligibility requirements by resolution of the Town Board; and

WHEREAS, the Town Board, after due deliberation thereon, has determined that it is in the best interests of the Town to modify the eligibility requirements to grandfather various council persons and their spouses so that they are eligible for medical insurance and to modify the amount paid to retiree's spouses to be the same amount as the retiree.

NOW, THEREFORE, BE IT

RESOLVED, Councilman Paul Bromley, an elected official of the Town of Kingsbury, and his spouse shall be eligible for medical insurance upon retirement, despite the eligibility requirements set forth in Section 808 of the Town of Kingsbury Employee Handbook; and be it further

RESOLVED, the Town will modify section 808 as follows:

Premium Payment— *For Retirees who retire prior to December 31, 2015, the Town will contribute \$100.00 per month towards the cost for individual medical insurance coverage, and \$100.00 per month towards the cost for spouse/dependent coverage for each individual retiree. For Retirees who retire on December 31, 2015 or after, the Town will contribute \$200.00 per month towards the cost for individual medical insurance, and \$200.00 per month towards the cost for spouse/dependent coverage, for each eligible retiree. The balance of the premium due must be paid to the Town by the 15th day of the month prior to the month of coverage. Failure to remit payment in a timely fashion will result in cancellation of coverage; and be it further*

RESOLVED, the Town will further modify section 808 as follows:

Death of Retiree- In the event the retiree predeceases the spouse/dependent(s), the spouse/dependent(s) may remain on the Town's medical insurance plan as provided above under the provisions of COBRA (see Section 809). Upon expiration of the COBRA period, the surviving spouse must obtain medical insurance coverage elsewhere. *For Retirees who retire prior to December 31, 2015, the Town will contribute \$100.00 per month towards the cost for the cost for the surviving spouse/dependent(s) coverage to offset the cost of that coverage. For Retirees who retire on December 31, 2015 or after, the Town will contribute \$200.00 per month towards the cost for surviving spouse/dependent(s) coverage to offset the cost of that coverage; and be it further*

RESOLVED, this resolution shall take effect immediately.

The Board adopted a resolution accepting the dedication of a new Town highway as follows:

TOWN BOARD OF THE TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK

Resolution No. 13 of 2015

Adopted December 14, 2015

Introduced by Councilman Freebern

who moved its adoption.

Seconded by Councilman Collins

RESOLUTION ACCEPTING DEDICATION OF
NEW TOWN HIGHWAY

PARK ROAD FROM THE COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT
AGENCY

WHEREAS, the Counties of Warren and Washington Industrial Development Agency, organized under the laws of the State of New York with its principal place of business at 5 Warren Street, Glens Falls, New York, (hereinafter the "IDA") has offered to dedicate a certain road named Park Road in the Town of Kingsbury (hereinafter the "Town") to the Town for the use and enjoyment of the public and the residents of the Town as a town highway, which parcel is depicted in the survey, a copy of which is attached hereto; and

WHEREAS, the Town Superintendent of Highway and Water has inspected said road and the utilities contained thereunder and has recommended the acceptance thereof; and

WHEREAS, the form of the deed and title to the road offered for dedication herein has been reviewed and approved by Town Counsel, Meyer & Fuller, PLLC; and

WHEREAS, the dedication of the road by the Counties of Warren and Washington Industrial Development Agency will be approved by resolution of the IDA and approved by the Town Counsel prior to acceptance by the Town.

NOW, THEREFORE BE IT

RESOLVED BY THE TOWN BOARD OF THE TOWN OF KINGSBURY THAT the Town hereby accepts and approve the deed for the dedication of Park Road to the public and the conveyance thereof to the Town of Kingsbury, subject to the final review and approval of the deed, title insurance policy, survey and transfer documents by the Town Counsel; and be it further

RESOLVED that the Town Supervisor is hereby authorized and approved to execute, sign and affix the Town seal to any and all documents necessary to complete the transaction; and be it further

RESOLVED that upon the execution of all documents, the Counties of Warren and Washington Industrial Development Agency is authorized and directed to record the deed in the Washington County Clerk's office, with a copy of any and all documentation to be provided to the Town Clerk; and be it further

RESOLVED that the Town Clerk is directed to add the road to the official inventory of Town Highways as follows:

Name of Road/Highway: Park Road

Location: Off Park Road, Town of Kingsbury

Description: As per attached

and be it further

RESOLVED that this resolution shall take effect immediately.

PRESENT: James T. Lindsay, Supervisor
Paul Bromley, Councilman
William Collins, Councilman
Richard Doyle, Councilman
Henry Freebern, Councilman

AYES: 5

NAYES: 0

ABSENT: 0

{Seal}

Cynthia A. Bardin, Town Clerk

Town of Kingsbury

After discussion the Board adopted the following resolution:

TOWN BOARD OF THE TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK

Resolution No. 14 of 2015

Adopted December 14, 2015

Introduced by Councilman Bromley

who moved its adoption.

Seconded by Councilman Freebern

RESOLUTION FOR TOWN OF KINGSBURY CONSOLIDATED WATER DISTRICT TO REIMBURSE THE TOWN OF KINGSBURY GENERAL FUND ACCOUNT FOR MONIES SPENT RELATING TO JUNE 1, 2009 AGREEMENT WITH TOWN OF QUEENSBURY PERTAINING TO EXCESS WATER CAPACITY

WHEREAS, on or about June 1, 2009, the Town of Kingsbury (hereinafter "Town") entered in to an agreement with the Town of Queensbury to purchase excess water capacity for and on behalf of the Town of Kingsbury Water Districts (at the time separate districts); and

WHEREAS, the purchasing of excess capacity was done for advance planning purposes in order to provide for additional growth within the Town of Kingsbury for both those vacant parcels existing within the Town of Kingsbury Water Districts, but more importantly, as a way to provide reserve capacity for the eventual growth and expansion of the existing water districts within the Town; and

WHEREAS, over a period of four years from 2009 through 2012, pursuant to said agreement with the Town of Queensbury, the Town paid a total of Five Hundred Ten Thousand Two Hundred Thirty Five Dollars and Zero Cents (\$510,235.00) out of the Town of Kingsbury General Fund Account to the Town of Queensbury; and

WHEREAS, the money was paid from the General Fund Account for the express purpose of providing the excess water capacity for the benefit of the whole town in the interest of advance planning, with such costs to be later reimbursed by the Town Kingsbury Consolidated Water District at the time and locations where the expansion(s) actually occurs; and

WHEREAS, the Town Board must allocate that portion of the purchased capacity attributable to future expansion and that portion of the purchased capacity attributable to the existing Water District; and

WHEREAS, the Water District must reimburse the Town General Fund Account for such money expended on behalf of the Town's Water District and Water District Users; and

WHEREAS, in accordance with this resolution, the Town Board shall provide for the reimbursement of the Town's General Fund Account in a manner appropriate to reimburse the General Fund Account until such time as the balance is completed.

NOW, THEREFORE BE IT

RESOLVED, the Town Board hereby finds that pursuant to the NYS General Municipal Law, the Town may expend money from its General Fund for advance planning purposes (see 1994 Opns St Comp No. 28; see also 1989 Opns St Comp No. 28) and to the extent that the costs relate to the water district, those costs shall be reimbursed by the Water District; and be it further

RESOLVED, that of the Five Hundred Ten Thousand Two Hundred Thirty Five Dollars and Zero Cents (\$510,235.00) should be allocated so that forty percent (40%) of this money was to have been allocated to future expansion of the Water District, which shall be reimbursed by at the time of said expansion and allocated accordingly based upon the facts and circumstances of the expansion; and be it further

RESOLVED, that Three Hundred Six Thousand One Hundred Forty One Dollars and Zero Cents (\$306,141.00), the remaining sixty percent (60%) should be allocated to the existing Water District, which shall refund the Town's General Fund Account; and be it further

RESOLVED, that the Water District shall reimburse the General Fund a sum of not less than Ten Thousand Dollars and Zero Cents (\$10,000.00) annually until such time as General Fund Account has been completely reimbursed the Three Hundred Six Thousand One Hundred Forty One Dollars and Zero Cents (\$306,141.00) paid from the General Fund Account on behalf of the Water District; and be it further

RESOLVED, the Town Comptroller is hereby authorized to make the necessary budget transfers to effectuate the terms of this resolution; and be it further

RESOLVED, that this resolution shall take effect immediately.

Councilman Bromley gave an update on the progress at 6 Michigan Street. He reported the siding on the exterior of the Court Room was 99% complete, the windows have arrived, commercial doors will be installed soon, NY Fire & Signal will be installing a security system and the furnace is approximately 1/3 complete and will be operable by the end of the week. Councilman Bromley stated that Superintendent of Highways, Michael Graham and his crew had done a great job on the paving of the parking lots. Bromley also reported that a flag pole base and power to the base had been installed, and a sign will be

installed in the spring. Supervisor Lindsay commented that once his term is complete he will be at 6 Michigan Street working until the new Town Hall and Court Room are complete.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes to accept the following budget transfers:

FROM: NYS RETIREMENT	1.9010.8	6,700.00
TO: ATTORNEY CONTR.	1.1420.4	2,500.00
STREET LIGHTING	1.5182.4	4,200.00
FROM: MACHINERY P.S.	3.51130.1	8,000.00
TO: MACHINERY CONTR	3.51130.4	8,000.00
FROM GENERAL REPAIRS P.S.	4.5110.1	1,100.00
TO: CHIPS. CAPITAL	4.5112.2	1,100.00

Code Enforcement Ross Cortese reported the Village Board was in agreement about the possibility of Village Code Enforcement working with the Washington County Code Enforcement. Cortese reported that Mayor Barton suggested the next step would to meet with Dave Armando, the Code Administrator of Washington County. Supervisor Lindsay suggested that he contact Mayor Barton to set up a joint meeting with the Town Board, the Village Board and Dave Armando. Code Officer Cortese explained that if the Town and Village agreed to work with the County, the County would issue building permits and conduct fire safety inspections, responsibilities that he currently has. Cortese explained he would continue with the same responsibilities as far as planning and zoning, local laws, any local permitting, quality of life issues and any other day to day issues.

Code Officer Cortese reported he had received notification the Environmental Insurance with East Side had lapsed. Supervisor Lindsay stated he would like to go into executive session for legal counsel in regard to the Town's options with East Side.

Supervisor Lindsay received a letter from Timothy Place, Deputy District Superintendent of BOCES. Mr. Place stated that at the November 18, 2015 BOCES Board Meeting a resolution was passed in recognition of paving by the Town of Kingsbury. The resolution acknowledged, thanked and extended sincere appreciation to the Town of Kingsbury, the Kingsbury Town Board, Supervisor James T. Lindsay, the Kingsbury Highway Department and Michael Graham for paving the access road at The Southern Adirondack Educational Center.

A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 5 ayes to enter into executive session at 8 p.m.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes to exit the executive session at 8:45 p.m.

There being no further business before the Board a motion by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 5 ayes to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Cynthia A. Bardin

<http://www.kingsburyny.gov>