

The second regular meeting of the Kingsbury Town Board was held on December 19, 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, 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 Freebern.

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

Supervisor Hogan announced the Town had received three Requests For Qualifications for a Grant Writer. He proceeded to read letters enclosed from CT Male, Chazen Companies and the Laberge Group. The Requests for Qualifications will be reviewed by Supervisor Hogan, Councilman Bromley and Councilman Freebern in January.

Supervisor Hogan received a letter from Town Attorney Meyer to confirm his interest in continuing to perform legal services for the Town of Kingsbury. Included was a Cost Proposal for 2017 proposing their rate for municipal law at \$150.00 per hour. The current hourly rate is \$140.00. A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 5 ayes to accept the cost proposal for 2017 as follows:

MEYER & FULLER, PLLC

COST PROPOSAL

1. We propose to charge the following hourly rates for all legal services rendered to the Town of Kingsbury. We bill in 1/10ths of hours.

Attorneys - \$150/hour

Paralegals - \$75/hour

Travel time will not be billed for regularly scheduled Town Board and Planning Board meetings.

Special meetings will be billed at our hourly rate.

Our hourly rates noted above reflect a reduced hourly rate for, which we offer to our municipal clients.

2. Out of pocket expenses will be billed as incurred, and are difficult to estimate, but would include fees that may be incurred by us for large mailings, high volume copying, application fees or filing fees, etc. In addition, we will obtain advance authorization before incurring any expenses for stenographers, expert witnesses, etc.

Travel expenses will not be billed for regularly scheduled meetings. Special meetings away from Town Hall will be billed at the IRS rate.

3. The Firm will provide statements for services on a monthly basis which will specify the date of service, the identity of the person performing the service, the subject matter referenced for the service, a description of the service performed, the time it took to perform that function, and the hourly rate for the individual performing the function. Expense items will also be itemized.

Although occurring infrequently, should there arise a dispute concerning our fees, the dispute is governed by Section 137 of the Rules of the Chief Administrator of the Courts. These rules provide that you can require such disputes as are covered by the rules to be resolved through the arbitration process, i.e. you may demand that we arbitrate the dispute with you. There are forms and regulations within Section 137 describing your rights and I would be happy to provide copies to you at any time.

LEGAL UPDATE:

Attorney Meyer presented a revised Nuisance Law that incorporated all the changes, he suggested the Board review the proposed law.

Attorney Meyer reported there is movement with the Article 7 with Keylock, possibly a settlement which has lingered for years.

Attorney Meyer reported the Article 7 with Wayne and Paul Hurd has been signed and settled on the total assessed value. Attorney Meyer stated the Ag exemption is completely separate; Colleen Adamec the Town Assessor is checking into that.

Councilman Bromley asked if there was any news on Anthony Marro. Attorney Meyer reported there was no news but will follow up with the DEC.

A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 5 ayes to accept the following Budget Transfers submitted by Comptroller Mary Ordway:

BUDGET TRANSFERS:

FROM:	SUPVR. CONTR.	1.1220.4	1,500.00
	COMPT. CONTR.	1.1315.4	21.00
	ENGR. CONTR.	1.1440.4	4,500.00
TO;	TOWN CK. CONTR.	1.1410.4	200.00
	CENTRAL COMM.	1.1650.4	750.00
	JUSTICE CONTR.	1.1110.4	550.00
	COMPT. P.S.	1.1315.1	21.00
	CENTRAL DATA PROCESS	1.1680.4	2,500.00
	SOCIAL SECURITY	1.9030.8	2,000.00
FROM:	CONTIGENT ACCT.	2.1990.4	1,000.00
	PARKS CONTR.	2.7110.4	1,000.00
	PLANNING P.S.	2.8020.1	2,000.00
TO:	HOSP. & MEDICAL	2.9060.8	4,000.00
From:	BRIDGES P.S.	3.5120.1	3,000.00
	RETIREMENT	3.9010.8	1,500.00

TO:	MACHINERY CONTR.	3.5130.4	3,000.00
	HOSP. & MEDICAL	3.9060.8	1,500.00
FROM:	SOURCE OF SUPPLY CONTR.	7.8320.4	3,700.00
TO:	TRANSMISSION & DIST. COMTR.	7.8340.4	3,700.00

Supervisor Hogan read the following letter from the Friends of the IBA:

Friends of the Washington County Grasslands IBA, Inc.

P.O. Box 82

Fort Edward, NY 12828

(518) 499-0012

www.ibafriends.org

www.winterraptorfest.com



October 18, 2016

Attn: Dana Hogan, Supervisor
 Kingsbury Town Hall
 6 Michigan Street
 Hudson Falls, NY 12839

Dear Mr. Hogan,

I am writing to inform you about a tax issue that impacts Washington County.

Fort Edward landowner Merrilyn Pulver has been trying to sell 180 acres of critical grassland bird habitat to New York State DEC for three years. The land will become part of the Washington County Grasslands WMA (wildlife management area). However, the transaction would take the land off the tax rolls because, by law, New York State can't pay taxes on WMAs.

Friends of the IBA has submitted a proposal to the Town of Fort Edward offering to make a payment of \$3804 to compensate the town, county and school district for lost tax revenues if they approve the transaction. There would be no loss to any of the taxing entities. This agreement would continue until legislation is passed allowing the State of New York to pay taxes on the lands.

Legislation introduced by Senator Little and Assemblywoman Woerner would allow New York State to pay the taxes on the Pulver parcels AND nearly \$11,000 in taxes on the WMA lands it owns in Fort Edward. Similar legislation has been signed into law for 21 towns in New York State. These bills include the IBA towns of Fort Edward, Argyle and Kingsbury. The Senate bill passed 61-0 this year; the Assembly bill did not make it out of committee. The bills will be re-introduced next year.

We are asking Washington County to pass a resolution in support of this legislation. A resolution passed by the Town of Fort Edward is enclosed (*Friends of the IBA name corrected in*

last paragraph). The Washington County Grasslands IBA is critical to the survival of Short-eared Owls in NYS and supports 10 of 11 of New York's grassland bird "Species of Greatest Conservation Need." It attracts thousands of local residents and visitors to Washington County because of the rare birds it supports.

Friends of the IBA's successful Winter Raptor Fest represents only a fraction of the area's potential for economic growth from birding tourism. Your support will benefit local residents and towns and help preserve our natural heritage. Please feel free to call me if you have any questions.

Sincerely,

Laurie LaFond
Director
(518) 796-6003

In addition to the letter Supervisor Hogan received a sample resolution adopted by the Fort Edward Town Board in support of a bill allowing NYS ORPTS to pay taxes in the Washington County WMA. After discussion the Board agreed it was not necessary to take action at this time.

The Board usually conducts the Town Board Meetings on the first and third Monday of each month; due to New Year's and Martin Luther King Day the January meetings will be held Tuesday January 3, 2017 (Organizational Meeting) and Monday January 23, 2017. The Board will resume the Public Hearing for "Nuisance Properties" and open a Public Hearing for "Noise Control" on January 23, 2017.

Town Clerk reported on December 6, 2017 the TE 9c form for the request for the reduction of the speed limit on Vaughn Road had been sent to Steve Haskins; Washington County Superintendent of Public Works.

Supervisor Hogan read a letter from Senator Betty Little about the Mobile and Manufactured Home Replacement Program which she was successful in creating. The program will provide local grants to replace dilapidated mobile and manufactured homes in our community.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes giving Supervisor Hogan permission to submit an application to the program on the behalf of the Town of Kingsbury by January 17, 2017.

Supervisor Hogan reported on December 8, 2016 he and Comptroller Mary Ordway met with the School Administrators and Bob Dingman to discuss sharing the Recreation Department Efficiencies without jeopardizing the services of the program. This issue will be discussed at the next School Board Meeting.

Supervisor Hogan reported the Town had received a Notice of Claim for an incident that occurred on November 4, 2016 at the Smiths Basin Bridge where a construction worker lost his life.

Attorney Meyer reported they had an office at 144 Main Street where the lease had expired. At this time the contents of the office are being stored at 10 Maple Street; the Hudson River Music Hall. Once there is a CO for the front upstairs at 210 Main Street; the Strand Theatre, their offices will be located there.

Supervisor stated on December 23, 2016 there will be a showing of "It's a Wonderful Life" at the Strand Theatre at 210 Main Street, Hudson Falls.

A **motion** by Councilman Freebern seconded by Councilman Doyle to accept the reports of certain officers for the month of November:

Code Enforcement Officer: No. Permits 1; Research Fees 1; Site Plan 1; Total Fees \$275.00
Dog Control Officer: Complaints/Calls 91; Seizures 1; Unlicensed Dogs 48; Bites Investigated 3;
Mileage 205 with 33 to Fort Edward & 27 to Fort Ann
Town Clerk: Paid to EnCon: \$1,277.25; Paid to Supervisor \$1,658.82; Paid to NYS Dept.
of Health \$45.00; Paid to the Village of Hudson Falls \$120.00; Paid to Ag & Markets for Population
Control \$88.00
Town Comptroller: Receipts \$695,391.63; Disbursements \$378,562.14
Town Assessor submitted November Sales and information sheets on the Property Tax Freeze Credit and
the Property Tax Relief Credit to the Board.

There being no further business before the Board a motion by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 5 ayes to adjourn the meeting at 8:15 p.m.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk