

## March 7, 2022 Town Board Meeting Minutes

The first regular meeting of the Kingsbury Town Board was conducted on March 7, 2022 at 6 Michigan Street, Hudson Falls.

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

OTHERS PRESENT: Jeffrey Meyer, Town Attorney  
Michael Graham, Highway Superintendent  
Rebecca Pomainville, Town Comptroller  
Max McDonnell, Senior Center Director  
Jeannie Williams, Feeder Canal Alliance Director  
Lorraine Forcier, Town Resident  
Paul Hancock, Capital District Democratic  
Socialists of America

The meeting was called to order by Supervisor Hogan at 6:33 pm and opened for the order of business with the Flag Salute led by Councilman Doyle.

The minutes of the Public Hearing for the Regulation of Solar Collectors conducted on February 1, 2022, and the February 7, 2022, Town Board Meeting were accepted as submitted by the Town Clerk with a **motion** by Councilman Lindsay seconded by Councilman Doyle and carried by a vote of 5 ayes.

Max McDonnell, Senior Center Director reported the Center is in the process of purchasing a 14 – passenger van. He thanked Supervisor Hogan for his assistance in contacting other municipalities to help with funding of the van. The Board of Directors for the Senior Center met and approved a resolution authorizing the Senior Center of the Kingsbury & Fort Edward Area, Inc. as Lead Agency to apply to the Federal Transit Administration administered by the New York State Department of Transportation Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program Grant for a Project Entitled the Senior Center of the Kingsbury Fort Edward Transit Adult Passenger 2022 New Van Program. Emails were received from Pam Landi, Planner for the Washington County Planning Department, indicating they had successfully submitted for prequalification with NYS Grants Gateway. Max thanked the Town Board for their support through the years.

Supervisor Hogan and Max McDonnell had talked to Laura Oswald, Director of Economic Development, the grant is available every 2 years. Max McDonnell indicated their second bus is on the downside. He also is concerned with the cash flow of the grant. Originally the Town was going to fund the share portion of a 20% match and split it up amongst 4 communities. The 4 communities may be asked to fund the entire grant amount while they are waiting for the reimbursement from the grant. The portion would not be approximately \$3,000.00, it may be closer to \$12,000.00 to \$15,000.00.

Max McDonnell had considered waiting 2 years for the next grant due to available cash. Supervisor Hogan felt the time was right to get a new bus, most of the communities are flush with cash with the Resource Recovery Funds.

Jeannie Williams, Feeder Canal Alliance Director thanked the Town Board for their support throughout the years. Jeannie is at the meeting to talk about Towpath Road which has nothing to do with Feeder

Canal Alliance, other than it is a connected trail to the Champlain Canalway Trail and the Empire State Trail. Jeannie reported she has received an award from the Canals of New York as care tender which is given to someone who has achieved a great deal for trails in NYS., she received the award on behalf of everyone who has helped on the trails in this area.

Towpath Road was designated originally as part of the Champlain Canalway Trail, and it was known the road is pretty bad. The Empire State Trail has now designated the road as part of the Empire State Trail, and it is dangerous. The road is owned by the New York State Canal Corporation and is maintained by the Town of Kingsbury. The Empire State Trail has invested \$1.2 million dollars in two tunnels and two bridges to be able to connect the trail from Fort Edward to Fort Ann. The credence for the Empire State Trail is that people can safely ride from New York City to the Canadian border. The Towpath Road part of the trail is terrible, there is no speed limit, there are rocks on it, and she has received calls about how dangerous it is and how they hesitate to take families on it. The Evergreen Bike Shop located in Fort Edward does not recommend people ride on Towpath Road because it kills bicycles and can damage people, people have popped tires and dented frames. Jeannie is willing to write letters to get the support of NYS Canal Corporation, the Empire State Trail, and New York State to do something about Towpath Road. Jeannie has contacted Canal Corp and the trail manager stated their engineers have looked at the road, they are trying to repair Canal Corp. owned off trails first. They also stated there was no interest from the Town to pave the road. Highway Superintendent Graham stated that was not true.

Jeannie is contacting people and collecting information and would like to meet with Dana and if they are unable to move forward, she will write a letter to the Governor, the head of the NYS Trail, Canal Corp, Dan Stec, and Carrie Woerner if the Board is interested in paving the road.

Supervisor Hogan read an email that stated a paved road could be a solution however it is more expensive and was told that the Town has already voiced concerns about speeding which would be worsened if the road was changed to asphalt. Supervisor Hogan stated the Town is not opposed to paving.

Highway Superintendent Graham reached out to Reid Schultze, NYS DOT Traffic Engineer, requesting a speed limit reduction and explained the dirt road is also part of a bike trail. Mr. Schultze stated the road has to be black topped in order for the speed limit to be dropped.

Supervisor Hogan and the Board have no objection to Jeannie Williams efforts to have the road paved and will help in any way he can.

Attorney Meyer reviewed the Short Environmental Assessment Form for the Amendment to the Regulation of Solar Energy Collectors. It was determined that the proposed action will not result in any significant adverse environmental impacts.

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

Resolution No. 2 of 2022  
Adopted March 7, 2022

Introduced \_\_\_\_\_  
by  
Councilman Washburn  
who moved its  
adoption

Seconded by Councilman Lindsay

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RESOLUTION ADOPTING PROPOSED LOCAL LAW  
AMENDING CHAPTER 280 OF  
THE CODE OF THE TOWN OF KINGSBURY RELATIVE TO  
THE REGULATION OF SOLAR ENERGY COLLECTORS

WHEREAS, pursuant to Section 10 of Municipal Home Rule Law and Sections 264 and 265 of Town Law, the Town Board of the Town of Kingsbury (the "Town") has the authority to adopt local laws amending the Zoning Local Law of the Town of Kingsbury and the Code of the Town of Kingsbury; and

WHEREAS, the Town Board has consulted with the Planning Board and the Code Enforcement Officer, and after due deliberation, finds and determines that it is imperative to amend the zoning regulations governing solar energy collection systems to better balance the potential impact on neighbors due to the installation and use of solar energy collectors while permitting property owners to install solar collection systems; and

WHEREAS, in order to accomplish said intent, found it necessary to amend certain sections of the Zoning Local Law of the Town of Kingsbury contained in Chapter 280 of the Code of the Town of Kingsbury as it applies to locating solar energy collectors and related equipment as necessary and appropriate; and

WHEREAS, the Town Board held public hearing to be held before the Town Board on February 1, 2022 at 7:00 p.m. to hear all interested parties regarding the adoption of a proposed Local Law amending the regulations governing solar energy collectors contained in Chapter 280 of the Code of the Town of Kingsbury; and

WHEREAS, notice of said public hearing was duly posted and then published in The Post Star, the official newspaper of the Town, pursuant to and in conformance with Section 20 of the Municipal Home Rule Law and Sections 264 and 265 of Town Law; and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the proposed Local Law; and

WHEREAS, the Town Board referred the proposal Local Law to the Washington County Planning Board which found this project to be a matter of essentially local concern; and WHEREAS, the Town Board after reviewing the Short EAF and taking a hard look at the potential environmental impacts of the proposed Local Law, the Town Board issued a Negative Declaration in connection with its findings pursuant to the State Environmental Quality Review Act ("SEQRA"), as codified under 6 NYCRR Part 617 et. seq., relative to the adoption of the proposed Local Law, whereby the adoption thereof constitutes an Unlisted Action that will not have any significant adverse impact upon the environment.

NOW, THEREFORE BE IT

RESOLVED, the Board, upon due deliberation of the proposed Local Law and the comments presented at the public hearing, finds that the adoption of the same shall be in the best interests of the Town and protects the public health, safety and welfare. The proposed Local Law is designed to regulate the installation and use of solar energy collectors balancing the rights of all property owners; and be it further

RESOLVED, the proposed Local Law is hereby adopted, copies of which are attached hereto and made a part hereof; and be it further

RESOLVED, the Clerk is hereby instructed to publish a copy of the Local Law in The Post Star and to file a certified copy of the Local Law in the Office of the Secretary of State; and be it further

RESOLVED, the Law shall take effect upon its filing with the Office of the Secretary of State and filing of an affidavit of publication with the Clerk; and be it further

RESOLVED, this resolution shall take effect immediately.

Supervisor Hogan reported he has reviewed a contract for the upgrade of the computers in Town Hall; the Comptroller and Town Attorney will review the document before he signs it. Councilman Haessly stated he is not in favor of storage in the cloud due to what is going on today. Supervisor Hogan will contact StoredTech to a board meeting to ask questions about cybersecurity.

A **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 5 ayes to re-appoint Tim LaSarlo to the Planning Board for a 7-year term.

A **motion** by Councilman Washburn seconded by Councilman Lindsay and carried by a vote of 5 ayes to re-appoint Brian Heasley to the Zoning Board for a 5-year term.

Supervisor Hogan received a message from John Huggins of the Glens Falls Hospital asking if the Town had any projects that needed assistance in a grant to create a safer community for pedestrians and cyclists. Supervisor Hogan stated there is a sidewalk from CVS to Dean Road that is in terrible shape that he would like to see be fixed. John Huggins did some tentative investigations to see if this was possible. Nicole Allen of Laberge determined it would be very expensive due to state requirements. The estimate was over \$800,000.00. Supervisor Hogan would like to move forward to see if the sidewalk could be replaced with the Board's approval. Councilman Haessly suggested a letter be written to the State to alert them of a hazard.

Lorraine Forcier stated the Schermerhorn project on Dix Avenue may include some sidewalk which would cut the cost of a new sidewalk.

Councilman Washburn stated the infrastructure should be checked; whether sewer or water needs updating prior to spending money on a sidewalk.

TOWN CLERK REPORT:

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TO: Supervisor Hogan  
Councilman: Doyle, Haessly, Lindsay, Washburn

FROM: Tax Collector: Cynthia A. Bardin

SUBJECT: 2022Town & County Tax Collection

DATE: March 7, 2022

Paid to Supervisor: January 3, 2022 - \$17,503.45  
January 7, 20212 - \$385,174.41  
January 14, 2022 \$859,350.84  
January 21, 2022 \$512,371.26

Total Paid to Supervisor including water relevies: \$1,778,400.26

Penalties Paid to Town:

2/07/2022	\$134.09
2/14/2022	\$600.32
2/22/2022	\$245.51
2/25/2022	\$440.16
3/7/2022	\$1,566.44

Total: \$2,986.52

Delinquent 2022 County/Town Tax Bills have been mailed.

Dog license renewal letters were sent in late December for January licensing. Many residents did not receive their renewal notice but did receive the delinquent notice sent in February, possibly a problem with the Post Office.

COMPTROLLER REPORT:

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to accept a budget transfer for \$294.06 from Clerk Personal Services 1.1410.1 to Clerk Contractual 1.1410.4 for Tax Collector Software Maintenance Fee.

The NYMIR renewal application was submitted to the Board, everything will remain the same except for changes to the cyber security coverage. Our insurance agent is going out for additional quotes for cyber security. He wants to meet with the Board at the April 4<sup>th</sup> Town Board Meeting to review all of the policies and the cyber security options. A **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 5 ayes approving that Supervisor Hogan sign the application with no obligation.

The annual report is not complete; the Comptroller has not received Court Distribution statements for the months of August through December. The Comptroller has reached out to the State Comptroller's Office, they will reach out to the Justice Court Fund to see if they could move it along. If the statements are not received the Supervisor will need to write a letter requesting a 30-day extension to file.

HIGHWAY SUPERINTENDENT REPORT:

Superintendent Graham reported they received a \$40,000.00 grant for Towpath Road for material. Beth Gillis assisted with the DEC grant. Towpath Road checked all the boxes; they wanted an urban low-residential area. Towpath Road has spots where it floods over, gravel will be brought in to build the road up. Stones will be put on the side, place some vegetation to help shore the bank up. The grant starts on April 1, 2022, gravel will be crushed in the Town's pit with funds from the grant. More details will be available at the next Town Board meeting.

Councilman Washburn asked if the grant money could be used in house. Superintendent Graham stated there is a \$10,000.00 match which is through in-kind service, the equipment and the salary of the employees can be used towards the match.

The Board discussed the increase in gas prices and the affect they would have on the cost of paving.

The Board also discussed the grant received for the Court Parking Lot. The funds have not been received, once received the Board will go out to bid for paving. The Town paver is too big for paving the Court Parking Lot.

Shane Reynolds has passed the water exam, he has a few more things to do before receiving his license. A **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 5 ayes giving Superintendent Graham permission to post roads. The Town Clerk will send a notice to the Post-Star.

Resident Thomas Sullivan wrote a letter in regard to repair necessary on State Route 4, it was also forwarded to the Department of State. Supervisor Hogan forwarded the letter to Carrie Woerner and Dan Stec to see if they could influence the repair as quickly as possible.

Councilman Haessly asked if a specific employee had gotten his CDL license. Superintendent Graham reported that they had.

Councilman Doyle asked if the installation of the new water meters was complete. Superintendent Graham stated COVID delayed the installation, but they will start installing more meters.

COUNCILMAN REPORT:

Councilman Doyle reported the Comprehensive Master Plan Committee will meet at Town Hall on March 17, 2022, at 6:30 pm.

Councilman Doyle voiced his concern about the way some things are snuck through the budgeting process, some issues could have a significant impact on the Town. In the budget process the Governor snuck through a provision that overrode local zoning for single family housing. It would allow high density housing on any single-family lot; small homes could be put in your back yard for additional income. The provision was withdrawn and was not highly advertised and could have a significant impact on the Town. He asked Attorney Meyer how the Community could protect themselves from these dictates from the State.

Attorney Meyer stated it depends on the language the State uses. If the right words are used, you can't do anything. Currently you can put a single-family home in all zoning districts, if there is a concern of the state changing or using a single-family dwelling as a point of leverage to place large density dwelling that the Town doesn't want; the Town should take a hard look at where single-family dwellings are permissible going forward with the Comprehensive Plan.

The discussion continued.

Councilman Haessly asked the Comptroller if Spectrum had been audited. The Comptroller stated the paperwork has been submitted and the auditors are in their process.

A **motion** by Councilman Haessly seconded by Councilman Lindsay and carried by a vote of 5 ayes to request quotes for 6 new chairs for the Board Room. The Comptroller will check into purchasing chairs on state contract.

Supervisor Hogan forwarded a report to the Board from Sheriff Murphy that he had provided to Public Safety.

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A **motion** by Councilman Lindsay seconded by Councilman Doyle and carried by a vote of 5 ayes to accept reports from certain officers for the month of January as follows:

Code Enforcement Officer: Fire Inspections 2; Site Plans 1; Use Permits 2; Total Fees \$625.00

Dog Control Officer: Complaints/Calls 3; Mileage 344 ( 52,250 )

Town Clerk: Paid to EnCon \$75.58; Paid to Supervisor \$1,938.88; Paid to the Village of Hudson Falls \$120.00; Paid to Ag & Markets for Population Control \$86.00

Town Comptroller for December: Receipts \$85,068.33; Disbursements \$247,053.55

January: Receipts \$1,849,572.72; Disbursements \$452,467.89

Councilman Haessly asked how many inspections were being conducted and how much it was costing the Town with the part-time Code Enforcement Officer hired last year. Supervisor Hogan and the Comptroller agreed he was paying for himself.

Attorney Meyer stated he could put together a Local Law for the singular Zoning Amendment for sunseting site plan approvals and if there are any other amendments to zoning, they could be added. The Board will continue the discussion at the next Board Meeting on March 21, 2022.

**PUBLIC COMMENT:**

Paul Hancock, of the Capital District Democratic Socialists of America, spoke to urge the Board to support increased monitoring and regulation of ethylene oxide emissions from the Sterigenics facility at 84 Park Road in Kingsbury. Ethylene oxide is a highly carcinogenic, highly volatile gas that has come under the EPA and state and local governments in Illinois, Georgia, New Mexico, and Texas. It was suggested the Town install, operate, and maintain a continuous emissions monitoring system. Mr. Hancock explained there are funds to underwrite the installation of appropriate air monitoring systems surrounding the Sterigenics facility in Kingsbury. There is a grant available, Enhanced Air Quality Monitoring Funding Under the American Rescue Plan.

Supervisor Hogan stated it is a very important issue; some applications for grants are relatively simple, but some are more complex and as much as there may be funding available; the challenge for the Town would be the available resources at any given time with a March 26, 2022, application deadline.

Supervisor Hogan stated he does not have the technological expertise to address the matter. He would hope that the DEC and the EPA would be addressing it since it is across state borders. We should be able to lean on our representatives at the state and federal levels to make sure it is being addressed for the safety of the people they represent. Supervisor Hogan does not feel like the Town has the capacity to apply for a grant for air quality monitoring system with a March 26<sup>th</sup> deadline. He would like to discuss the matter with the facility involved.

Supervisor Hogan thanked Paul Hancock for the information and will contact the DEC representatives for any information about Sterigenics.

There being no further business before the Board a **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 5 ayes to adjourn the meeting at 8:10 pm.

Respectfully submitted,

Cynthia Bardin

<https://www.kingsburyny.gov>