

The second regular meeting of the Kingsbury Town Board was conducted on September 21, 2020 at the Kingsbury Volunteer Fire Co., 3715 Burgoyne Ave., Hudson Falls, NY 12839

MEMBERS PRESENT: Richard Doyle, Councilman
William Haessly, Councilman
Jane Havens, Councilwoman
Dan Washburn, Councilman

ABSENT: Dana Hogan, Supervisor

OTHERS PRESENT: Enforcement Officer, Todd Huminston
Highway Superintendent, Michael Graham
Town Comptroller, Rebecca Pomainville
Town Attorney, Jeff Meyer
Town Resident, Mike Cleveland, Les Macura, Jamie Sabo,
Peter Sabo, Mark Pepin, Michael & Gloria Cameron, George
Sprague, Lillian LaFrance, Paul Bromley, Hank Freebern,
David Havens, Tim Havens Sr., Jolene & Jerry Caruso,
Tim Havens Jr., Dave Perkins, Jill & Greg Couture, Tom Bocchi.

The meeting was called to order at 7 PM by Deputy Supervisor Doyle and opened for the order of business with the Flag Salute and Pledge of Allegiance led by Councilman Haessly.

A **motion** was made by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 4 ayes to accept the minutes of the August 17, 2020 Town Board Meeting as submitted by the Town Clerk.

Deputy Supervisor Doyle announced we were holding a public hearing tonight to propose a change in Chapter 136 of Town Law which deals with possession of firearms on town property. Deputy Supervisor gave a brief history description of Local Law No. 2 which was adopted in 2005. The law was passed due to the proximity of the Court Room to other Town offices and the clientele waiting in the hallway outside the Court Room. The concern was the Court Officer who had a pistol on his hip. Some of the Town employees were concerned and the law was adopted. Things have changed we are in a new Town building and the court offices are separate from the other Town offices. Some of the Board Members have interest in changing or repealing this law. The proposal law that was printed for tonight was drafted by Councilman Haessly, a good first effort. This was discussed at our last meeting and this was a compromise position the Board came out with. Deputy Supervisor Doyle commented on the federal gun free school zone act of 1990 because Resident Jerry Caruso emailed a question to the Board. The Town Hall on Michigan Street is within 1,000 feet of 2 schools but the gun free school zone act was amended in 1995 to grant an exemption for people that are licensed in their State. Since New York State licenses concealed carry, that portion of this proposal Federal law would

not prohibit this proposal. There was a question raised about other local municipalities; do they have similar prohibitions. Deputy Supervisor Doyle spoke with Supervisor Hogan today and neither Washington County nor the Village of Hudson Falls have a prohibition against the public coming onto their property with firearms. Councilman Washburn commented there are exclusions at the jail and the courthouse. Deputy Supervisor Doyle stated the courthouse and the court itself work under a whole separate set of laws and rules. Firearms are not allowed in courtrooms. At the county, the Courtroom has a separate entrance from the DMV office and the county clerk office. Deputy Superintendent Doyle stated the Board will answer questions as they come up to the best of their ability.

Resident Les Macura spoke and said he was a licensed concealed carry holder, retired military, he worked as a police officer and spent over 22 years in uniform; sworn to protect the constitution of this country. Just because he's retired doesn't mean he stopped protecting the constitution and is absolutely amazed that any court officer anywhere was unarmed. That is insane with all that goes on today. He knows there are a lot of pros and cons with this issue. With mass shootings and everything going on in our country he always wondered if just one person was able to return fire how many lives would be saved, just one person. That's my point, my input and thank you for the opportunity.

Resident Mark Pepin stated he has lived in Washington County for about 25 years and has some familiarity with firearms. He is an NRA officer, a certified pistol instructor, certified shotgun instructor and he is on the Board with Councilwoman Havens for the high school clay target association where they get kids shooting firearms. Laws are not to prevent bad actions it is about your intent and laws should be about intent. You are not going to create a law to stop someone from doing bad things. The Village of South Glens Falls is across from Oliver Winch School and the person that lives across from there is Neil Green. He works on firearms and has people in and out all day with firearms. He has been there 40 years or more and has never had one incident with police law enforcement. I'll make a correction on New York State Law; the New York State Law by constitution is a concealed carry state. We've allowed our judges to put limitations on our permits unconstitutionally. If we are going to go by concealed carry the NYS Constitution says once we get a permit, we are able to carry concealed. You can't carry open but can carry concealed.

Resident Lillian LaFrance spoke I have lived in Hudson Falls/ Kingsbury area for 6 or 7 years now, in Washington County for about 20 years. I am a former military member; she was a military police investigator in plain clothes. She is familiar with weapons and used to weapons. She does not have one because she would use it and does not think it would be safe for her to have one. She asks that you vote no to this amendment to the Charter. The two speakers before her both pointed out to me there are fears or concerns that protection is needed and if this is the case perhaps, we should have a law enforcement officer on the property to do that. It is not the responsibilities of private individuals to provide the security to Town Hall employees, or the court system. It should be certified, trained, practicing law enforcement officials not private individuals. Both the current and the proposed amendment talk about non-concealed I quote "the town board finds non-concealed possession of firearms by persons on town property may impair the performance of government functions". She would think concealed weapons being allowed on town property would also cause intimidation. She would directly be intimidated of

doing her business at town hall knowing that somebody there might have a weapon in their purse or car. It is not needed by individuals and again if any of you feel insecure in your jobs at Town Hall, we should be getting law enforcement protection.

Resident Paul Bromley a retired Councilman stated he was on the Town Board when this original amendment was first passed. He directed a question to Town Attorney Jeff Meyer; in New York State it is legal to carry a long gun anywhere essentially, am I right or not? Are we going to be infringing on a constitutional right by saying you can carry a concealed firearm but you can't carry a long gun? Are we opening ourselves up for someone to come in and say you can carry a concealed gun but not a long gun?

Attorney Meyer replied a properly drafted law can avoid that ambiguity. He agrees with Lillian LaFrance and feels security should be left up to security officers. As a town employee he could understand where there would be some concern. Just because somebody has a legitimate concealed carry permit doesn't necessarily mean that they have the best intentions. He thinks if security is an issue; he is all for gun rights; he believes we should limit guns to a security officer in towns and schools and not rely on people with permits for our protection.

Hank Freebern, a retired Councilman, spoke asked how this proposed change came about from 2005 to now. Councilman Haessly replied he brought it up because anybody in the town parking lot with a rifle in their car would be in violation of the existing law and could be prosecuted and I don't believe that should be happening, I believe in the second amendment and shouldn't think anybody that has a firearm in their car should be prosecuted for having it in their car when they pull into a public parking lot. The second reason is he believes in the 2nd amendment and if you have a license to carry and you are carrying concealed it shouldn't bother anybody because they don't know you are carrying a gun. Mr. Freebern is concerned that Town Hall is within 1,000 feet of the school. Deputy Supervisor Doyle replied it is written that way and the Town Hall is within 1000 feet of two schools, he spoke to Sheriff Murphy specifically about the gun free school zones act implications and the Sheriff did confirm there is an exemption for concealed carry holders in the act. That portion of this proposal would not be prevented from the federal law. The long guns is still unclear to him whether someone having their rifle in their trunk and come into Town Hall to get their license could be charged. This law is an attempt to keep law-abiding citizens still law-abiding citizens and not break the law unintentionally. You have some concealed carry holders that want the ability to continue to exercise their right to come into Town Hall. Councilwoman Havens asked to speak about the gun free school zones. The Gun Free School Zone Act of 1990 was determined to be unconstitutional in 1995 because Congress in enacting the legislation exceeded its authority under the commerce clause of the Constitution. The law was amended, NY DEC regulates the discharge of firearms within 500 feet of any school. DEC also references schools can grant hunters the ability to pass through school property with a firearm to get to adjacent hunting grounds. Councilwoman Havens spoke to Congresswoman Elise Stefanik to gain knowledge about the commerce law and she said people have to transact business and if you are transacting business with no intent of harming a child it has become irrelevant. Mr. Freebern stated we don't really know that person is not going to harm a child. He stated we should not allow people in town hall that are carrying a weapon whether it would be a board member or someone walking in. He does not see it

as a problem being the only town that doesn't allow guns on Town property in this age. He does not understand why change something that worked and does not understand what the Town has to gain. He stated any decision the Town Board makes is for the gain for the Town and the people that live in it. This is the town he lives in and he thinks it is wrong. Mr. Freebern asked the Town Attorney if this were to go through and something happens on town property how does insurance play into this and who is who is liable? Town Attorney Meyer replied it depends, the Town is most likely uninsured if an incident occurred and the employee didn't have permission to have a weapon most likely the Town would be sued, the insurance most likely is not going to cover it and it would go back on the Town and the person involved in the incident and it is easier for the insurance to disclaim coverage if it is a criminal act.

Resident Tim Havens Jr. stated he is a firearms owner, a concealed permit carry holder, licensed federal firearms licensee and gunsmith. He pointed out in the precedence set by the law, it really can't stand for a very long time if it criminalizes something that is not a crime. Someone who is a law-abiding citizen, but they are breaking the law unintentionally. In reference to the gun free school zone act in US versus Lopez it was struck down by the Supreme Court because the law made something illegal that was not intended by the person to be a malicious act. What the original law does it takes something where there is no intent; it's written as Town property not Town Hall which states on any Town property , which could mean the Town barn or Town Hall there cannot be firearms at all. In the current law it says there can't be any firearms at all town hall or town property; the employees who are aware are fine but if someone is making a delivery and carries for protection it would mean they are breaking the law in Kingsbury. They don't know they are breaking the law, so the law really needs to be changed to either a full repeal, which I support, or an amendment. Basically, what you have now is there is less of a chance of someone being prosecuted for breaking the law for something that was not malicious. The second amendment which is part of the constitution we really can't touch as the town. The truth is everywhere you go you are really not intimidated but there are people carrying all the time. People come into our store which is a gun store or tractor store or any other place you know there are people around you all the time that are armed. There is no need to be intimidated if everyone is responsible and, in this area, it is basically true. We really should not have to be a major threat of intimidation that goes for pistols and long guns as well. No one is banned from long guns in our area in any other setting other than town property and when it comes to town property and you are going to do business on town property like me if I carry a firearm at work and I have to go to town hall I can't leave my gun at the gun store because if I go back there I have to go through a background check which means I have to go back home to leave my gun before I go to town hall. I can't leave it in my vehicle because if my vehicle is stolen it means I am liable.

Resident Jerry Caruso stated he is opposed to rescinding this law or an amendment to it. I am interested in the safety of our employees here and people that come into the offices or other town properties. He would like clarification on the gun free rule for school zones, originally said there was an exception for a permit holder they had to have it unloaded and a lock box and that's been changed? Town Attorney Jeff Meyer replied that's a different part of that law. The exception was for licensed firearms holder for hunting rifles and

separate exception for secured, locked and unloaded in your car, but they are independent exceptions. Mr. Caruso asked if a concealed carry permit holder can carry on school property; Attorney Meyer replied yes. Mr. Caruso had a question for Councilwoman Havens. Last meeting you mentioned you took a little survey of town employees who thought this should be rescinded I thought you said it came out something like 50/50? Were the people who were against rescinding mostly within the town office? Councilwoman Havens replied I would have to go back and recount as I made a list as I had the opportunity to catch each person and just put it in that order. The final results were 7 had no preference no opinion, 2 supported rescinding the law, 7 supported keeping the law the way it is, 1 had no response, 2 had conditional responses and 1 retiring next month. Mr. Caruso stated he personally does not think second amendment rights are being trampled on here. There have been no weapons allowed in court rooms or in air ports where people are boarding a flight and nobody is jumping up and down stating their rights are being violated.

Deputy Supervisor Doyle announced everyone that signed in to speak has spoken asked if anyone has changed their mind and would like to speak now?

Tim Havens Sr. spoke we ended up with this law because we had a bit of a showoff who was the Town Justice. He would pull back his robe in Town Hall to show that he had a side arm; he believes that is why this law was initially made. Other towns don't have it we don't need it. I believe it should be repealed in its entirety immediately. Let's not try to set a standard for others to follow; let's be like them. The only thing that stops a bad guy with a gun is a good guy with a gun and I don't think for one minute this is about protecting anyone in town hall. He believes it is about protecting innocent people who go to buy their hunting license from the town clerk unknowingly breaking the law by having their gun locked in their truck in their trunk. He thinks this is an unnecessary law and the world is full of unnecessary laws there are plenty of necessary ones. He is a law-abiding citizen, a proud gun owner, a proud gun store owner, a proud Father of two kids that are avid marksmen and proud to be married to Councilwoman Havens that spearheaded the effort to get shooting sports back into high schools. He thinks we need to get rid of this law tonight; he may make a few enemies tonight and might make a few friends.

Councilwoman Havens spoke and said she opposes amending Chapter 136 of the code of the Town of Kingsbury prohibiting the possession of firearms because she supports a full repeal of Chapter 136. The law change was made in June 2005 in response to the town Judge carrying his handgun. Kingsbury residents paid the price for the Judges indiscretion, no innocent person should have to pay the price. Each individual is responsible for their action. I again, ask the board for a public hearing if I find the public supports it. The court is governed by the New York State office of Court Administration. Town hall has been constructed to keep court business entry separate from town hall. To my knowledge at this time no elected official or department head of town hall from 2005 is working now. I respect Councilman Haessly in his attempt to craft a new law as a compromise, but I am unable to support it. In the amended law it references and therefore gives credence to the New York Safe Act. That is bad legislation done by the dark of night that almost all of New York State counties municipalities law enforcement agencies and residents oppose. Jane displayed a map and showed that you could see in red the

counties that favor the New York Safe Act. How is it working for any of them right now? New York State Safe Act isn't saving anyone down in the city. The current and amended law section 136-5 grants exceptions. These create an elite class of people. Exceptions in laws are bad they always create more exceptions. Example of what we are talking about and we are not talking about town employees providing security for someone else. You are stopping to town hall to buy a hunting license; you stop to the town barn to speak with the highway garage. You carry every day with a New York State unrestricted concealed carry permit and stop to pay your taxes or to get a dog license. Employees would like to leave work to a range or directly to hunting camp. To those who work in the town building we would never compose anything to put any of you in danger. In 1989 she was held up at gun point by a masked man at her first job as a bank teller. She had a gun pointed at her in close range and her life threatened. The experience was handled very well considering the situation because they were trained. There can be and should be training at town hall. She wants the people who represent her and work for us to be brave. Sometimes during the course of events, a situation occurs, and bravery is exhibited or observed. It is ever more admirable when it is in the course of our daily lives in the arena of public opinion. In 2017 she was one of eight people that came together and asked the same thing of at least twelve schools and their administrators. Are you brave enough to start a competition shooting team in your school? These superintendents, principals, athletic directors and board members listened to us to their students and accepted the challenge to do something that some of their peers questioned. Hudson Falls, Granville and Whitehall are trail blazers and others followed. Every school board approved this without decent. High school trap is the safest sport in the nation. There has never been an injury to a competitor, coach, or spectator. No other school sport can say that. Since 2001 student's 6th grade to 12th grade have shot over 4 million rounds with no injuries but people are still afraid. A school superintendent told her he had no idea this could be so safe. She asked what do we fear. We fear what that which we are not educated on. We have at least 12 schools in the area shooting competitive trap. There are so many positive results from this at every level. These teachers have trusted these kids can't you trust our resident gun owners and not criminalize them. Criminals do not reason and there forth decide not to perpetrate a crime because there is a law prohibiting their actions not one-gun law has prevented or even mitigated a shooting used to justify them. To every Veteran in this room that gave your time and service to our Country so I could have the freedom to sit up here and fight for this I thank you.

Councilman Haessly spoke about his draft of the proposed law and expressed he was trying to eliminate problems that we have with the current law. If we fully repealed the current law, it would be a just matter of time before another Town Board would want to pass another gun law. If we have an ordinance or a firearms management within the town then maybe it will not be looked at again in terms to change/modify it. His biggest concern is that many people that come to town hall do not even know that this particular law is in effect and as a result they are in violation. He has said to our Town Supervisor, suppose someone is going down the road on Main Street and he turns into Michigan Avenue and fails to turn on his signal light and gets pulled over by an officer of the law and he follows him into the parking lot and by golly he says you didn't turn on your signal light and I see you have this firearm in the back seat. What do you think he is going to get a ticket for failure to signal or if our officer knows our law is in place will he get another ticket for

another violation? He is just saying with the law the way it is they are going to pile it on at some time. He could support a full repeal, but it might result in another law down the road. He believes in the 2nd amendment and has served his country. The bottom line is we have to do something to get rid of this law and if it comes down to if everyone wants a full repeal, he can do that too. He can live with this as he drafted it, was a compromise and those of you who have read it have some idea of what is in it.

Deputy Supervisor Doyle thanked everyone for their input, their opinion. He believes that there are some things in the law that is drafted that need some rewording. There are some things that we need to consider not the least is which is where our Town Attorney pointed out the insurance aspect of this. He would like to see something in there even though it goes without stating the court operates by a separate set of rules; it might be worth putting something in it to just clarify it. He is not certain about the gun free school zone law, it pertains to the town hall but doesn't really pertain to the town barns.

Deputy Supervisor Doyle stated the Public Hearing will remain open and the Board is taking no action.

A resident is concerned by a statement made by Councilman Haessly. Councilman Haessly stated he is concerned that if the Board fully repeals the current law; in the future another Board may want to pass another gun law. The resident feels making laws should not be based on the possible future changing of the law. The law should be based on today and how our voters feel.

Deputy Supervisor Doyle announced two bids were received for Propane for Delivery at 437 Vaughn Road (Highway Garage) as follows:
Vadnais Fuels, LLC \$00.25 price differential (amount to be added to the Selkirk Rack price)
GA Bove Fuels \$00.18 price differential (amount to be added to the Selkirk Rack price)
After reviewed by Highway Superintendent Michael Graham, a **motion** by Councilman Washburn seconded by Councilwoman Havens and carried by a vote of 4 ayes to accept the lowest bid from GA Bove Fuels for propane delivery at 437 Vaughn Road.

Deputy Supervisor Doyle announced Barry Jones was is up for re-appointment for a 5-year term to the Board of Assessment Review. Councilman Haessly stated he is not going to vote for him and asked if it had been advertised. Deputy Supervisor Doyle commented we have been trying to get applicants, the position has been posted on Indeed, the bulletin board in Town Hall and also on the website and no interest has been shown. There was a group discussion about current and resigned members on the board. At this time there are 4 BAR members, one vacancy and the Board can still legally operate. Councilman Haessly stated there was a Board of Assessment Review meeting two years ago and the minutes taken by a stenographer indicated the board went off record. Councilman Haessly stated there is no legitimate reason for the board to go off record in a public meeting to discuss someone's taxes. Councilman Haessly mentioned this because once in a while it wouldn't hurt to rotate some of these people around. Deputy Supervisor Doyle replied there is still an opening. A **motion** by Councilman Washburn seconded by Councilwoman Havens and carried by a vote of 3 ayes to re-appoint Barry Jones to the Board of Assessment Review for a 5 year term; Councilman Haessly was opposed.

Deputy Supervisor Doyle read an invitation from the Officers of the Kingsbury Cemetery Association for the dedication of a historic roadside marker provided through a generous grant from the William G. Pomeroy Foundation. The Dedication Ceremony will be at the Kingsbury Cemetery on the corner of State Route 4 and Kingsbury Road on October 17, 2020 at 10:00AM.

TOWN CLERK:

The office has been busy with the school tax collection and there has been an increase in the payments received by mail due to COVID-19. Taxpayers have been very cooperative. Supervisor Hogan has signed the Greater Glens Falls Transit Agreement; three copies have been returned their office. Once signed by the Glens Falls Mayor a copy will be returned to our office.

ENFORCEMENT & DOG CONTROL OFFICER REPORT:

Todd Humiston announced there is an opening on the Zoning Board of Appeals. There is no report on Dog Control.

TOWN COMPTROLLER:

Rebecca Pomainville has started working on the 2021 Budget; department heads have submitted their requests. Councilman Doyle if mortgage tax receipts were going to be up or down. The Comptroller indicated there are some shortages that she is concerned about and stated we have offset by reducing our spending this year and by reducing our expenses next year. She believes we will be able to stay within the tax cap. Councilman Haessly asked the Comptroller if she had heard anything in terms of NYS Civil Service indicating any kind of potential encouraging early retirement. The Comptroller has researched but has found nothing yet.

The Comptroller reported there was a 20% reduction announced by CHIPS, but that was after the Town had submitted their money for CHIPS so we received 100%. The County did tell her to be aware they may find a way to recover that. The Comptroller has not received the tax cap calculations from the state.

HIGHWAY SUPERINTENDENT REPORT:

Highway Superintendent reported every 2 to 3 years a screen is rented to prepare the winter sand. This year due to COVID-19 two towns have reached out to him to because they could not get sand from their supplier. The cost of the screen rental could be offset if the two towns could purchase sand from the Town of Kingsbury. Councilwoman Havens questions this because she has a problem selling a natural resource that is not renewable; to her a 45-year resource is not a lot. She stated buildings have a 50-year life span. That is a legacy benefit to the town. In her opinion to sell something like that it has to grossly benefit the resident's versus just something that we could do, and it is commendable to think of other ways to find income. She asked who provided the sand in the past. Superintendent Graham replied the Town of Greenfield and they will not provide it this year due to training issues and COVID. We have never done this before this is a one-time one-year deal. It is about 2500 yards of sand ;about 1-year average of our sand usage. It is not a lot of sand and it will help offset the cost of the screen and get us through the

next 2-3 years and will help get us out of this slump. Councilwoman Havens stated her concern about the truck traffic on Tripoli Road, concern about the measuring of the sand to be sold, the productivity of the Kingsbury highway guys, the operation efficiency and the cost and advised the board she would not support selling our sand. The workload that we are adding may decrease our efficiency and she thinks the price is on the low side. Comptroller Rebecca Pomainville talked to the NYS Comptroller's Office and was told the Town can do this, but we have to have a reasonable price based on our cost. The Comptroller provided a breakdown of a cost analysis of what it costs to screen the sand which justifies the price the Town is asking for the sand. She also stated it isn't really only about offsetting the cost of the screen rental, but it is a wonderful thing, especially at this time when the Town is crunching for money; however it is also more about being a good neighbor. If the Town does not do a favor for a neighboring Town how do we expect them to do a favor for us.

Councilwoman Havens feels the Towns in need are too far of a reach for a neighbor to give up our resource and opposes selling our resource.

Councilman Haessly mentioned town of Greenfield is in a bad situation and we are probably the only town that can help them out. It is not costing us money and is using a bit of our resources and by selling this resource the cost of renting the screen is offset so the Town is able to screen sand for themselves. We may need help from them another time in the future. We helped the town of Fort Edward last year when they their barn burned and we allowed them to house some of their trucks at our Highway Garage. This is the way municipalities/neighbors have to work together. This is not going to break us as a matter of fact it is not even going to cost us. So, if this is a 1-time deal I have no problem doing it.

Councilman Washburn announced he was in favor just because it is a 1-time deal. It will pay for our screen and get us sand for 2-3 years. The discussion continued.

A **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 3 ayes to sell sand to neighboring municipalities for one time; Councilwoman Havens was opposed.

Deputy Supervisor Doyle made a **resolution** to allow Town Supervisor Hogan to sign Barn Stormers Snow Mobile Club permission to utilize a strip of land owned by Niagara Mohawk Corporation d/b/a National Grid which runs through the town of Kingsbury for the purpose of a snow mobile trail. The resolution was carried by a vote of 4 ayes.

Deputy Supervisor Doyle announced he and Supervisor Hogan had a call from an outfit that is interested in putting solar on the Kingsbury capped landfill and will follow that up with another discussion this Wednesday with an engineering firm. He has some questions to be answered not the least of which is cost. He will keep the Board posted as that process progresses. It will involve some type of an RP either for engineering services first and their assistance in our developing an RP for the developer to put an actual system on the landfill. If all the stars line up and everything is approved by the DEC and other agencies it would provide the town with another source of revenue.

A **motion** by Councilwoman Havens seconded by Councilman Haessly and carried by a vote of 4 ayes to accept the reports of certain officers for the month of August as follows:

Enforcement Officer: Site Plan: 3; Total Fees: \$600.00

Dog Control Officer: Complaints/Calls 18; Seizures 1; Unlicensed Dogs 1; Summons Issued 2; Bites Investigated 1; Written Warnings 1; Mileage 461 – 45,995

Town Clerk: Paid to EnCon \$2,827.55; Paid to Supervisor \$2,635.95; Paid to the Village of Hudson Falls \$160.00; Paid to Ag & Markets for Population Control \$121.00

Town Comptroller: Receipts \$122,219.94; Disbursements \$175,073.37

Town Justice for May: \$2,922.00

June: \$8,586.25

July: \$21,392.00

Enforcement Officer Todd Humiston asked if the interested party in the solar project on the landfill was interested in selling to the Town or leasing the land. Deputy Supervisor Doyle stated this is part of the Governors push to get solar out there for his carbon omissions goal by 2030-2050. They are looking at brown fields and capped landfills. The town would lease the property and we would be looking at lease income potentially doing it by a per megawatt producing basis rather than the actual square footage. It is a suggestion the way other towns are looking at doing it. He spoke to Glens Falls who is in the process of looking at it and provides a possibility of expense reduction for them. Apparently, they are paying \$12,000.00 a year for someone to mow their capped landfill over by the Northway. They would not only save that but then get leased income. It also offers us the opportunity for the Town to buy solar or buy the solar credits to reduce our energy costs another way we could potentially reduce costs to the taxpayer.

Enforcement Officer Todd Humiston commented the reason he is asking is it was 3 phase on Burgoyne.

Deputy Supervisor Doyle replied about six months ago someone approached me and backed away from it because they said the substation was too small and the substation they are talking about is I believe across from the bus barns on Harrison Avenue, that is the closest one I'm aware of. This firm that we spoke to said that was not actually a problem for them they are a bigger firm and thought the substation was close enough and could potentially have enough storage space for them to be able to sell the power that was produced. This is very tentative we'll see what happens.

Resident Les Macura commented he would like to make a statement for the record. As a Kingsbury town taxpayer, he is absolutely appalled at the re-appointment of Barry Jones so quickly. It is documented, and I have the documentation that he violated New York State open meeting law. In my opinion this board should have asked the town attorney to table this until the town attorney could review the open meeting law and the evidence that Barry Jones violated that law and as far as I'm concerned every one of you who voted yes tonight in such a rush; is negligent.

Councilman Washburn asked Mr. Macura if he turned in any evidence. Mr. Macura stated he spoke to this board several months ago. I told Supervisor Hogan I had evidence in my hand; he didn't want to see it and blew me off. He is very strongly opposed to Barry Jones

being appointed so quickly, so smooth, nobody even cared. He cares and would be willing to discuss this with any of you at any time. It appears to me that it is a done deal. Councilwoman Havens commented at least since January I've been on the board and meetings that I attended prior the only presentation I saw that you made was a conversation about Colleen Adamec. The conversation seemed to focus on the assessor and at no time has anyone provided us with any information that we could see that things should be looked into. Mr. Macura stated said again I remember holding up the papers and told Supervisor Hogan I have the evidence right here if you would like to review it. Nobody here has to see it, nobody here has any interest, but just because there is a spare slot, he slithered back in. Councilwoman Havens responded well that is not the only reason that was just a point of conversation that there was an extra slot. I haven't been provided with any information whatsoever that he should not be in this position and I voted yes. Councilman Haessly said Mr. Macura was pushed away. The discussion continued.

Resident Mike Cleveland from Gear Road spoke Peckham and Matrix is going to put a 200 acre solar farm out there and circulated a petition out there and he would say about 95% of the neighborhood over there just on Geer Road alone, do not want that project there. He also started petitioning Rock City Road, same thing. Now you are talking about another solar project over here. Did you check with all the neighbors before you started approaching this company, because Peckham's and Matrix did not contact us. Deputy Supervisor Doyle explained the difference is Kingsbury owns the landfill. This is a very tentative start we are in discussions regarding ways to find additional income for the town to offset taxes. This is a different situation than Peckham and Matrix. Mr. Cleveland asked what is going to happen to my property value over there? Deputy Supervisor Doyle replied I can't answer that. Mr. Cleveland stated he spoke to two different realtors and they all said it is going to go down because every panel that he can see will drive my property value down. Deputy Supervisor Doyle stated he would respectfully disagree because he has read reports; one within the past couple of weeks. Solar increases the resale value of your home if you have solar in your home. Mr. Cleveland, in your home not a solar farm next to it. Deputy Supervisor Doyle stated, correct. I don't know what it will do to your resale value. Mr. Cleveland asked if a study had been done on that by the town board, planning board or zoning board. Doyle stated the project has come before the planning board. Mr. Cleveland asked if a study was done on the negative effect. Councilman Washburn commented Todd may be best to answer that. Enforcement Officer Todd Humiston responded by saying the Planning Board has no authority to stop the solar project because they were approved in the law for all districts. We would have no reason to look into that project because it has been approved. Councilman Washburn added that's because our current laws allowed it and now, we are looking at all of those different things. The law could have been 50 years old that allowed these certain things and as situations like this come up then we have to make changes to the law. We are making changes to how we are doing things. As far as notifications with projects certain things like that when they came in, they followed the law that was written previously. They weren't doing anything wrong. Mr. Cleveland stated he is not saying they are, but we should have known about this project right from the get-go and we did not. Councilman Haessly added we are making small steps in making the public more aware of what is

going on. The last couple of meeting we approved putting signage on properties where we are going to have a public hearing on. The signs are about going to be about 3' X 3' to go on the property when it comes before the zoning and planning board meetings. Town Attorney Jeff Meyer interjected we are preparing a proposal for site plans, notifying property owners within 500' with larger notice signs hung on the property for neighbors, residences, people passing by to put them on notice that there is a pending application. Councilman Haessly added there is a moratorium in effect on solar projects. The state has a big initiative to increase solar throughout the state moving away from fossil fuels to generate power. The state is cataloging all land for future solar development. This is economical for our farmers compared to renting to other farmers, it pays their taxes. The decommissioning plan says they will take it all out when done who says they'll be here then? I don't know where this is going. Mr. Cleveland stated he lives in Kingsbury in an agricultural residential and he feels solar farms are totally commercial, and especially at that magnitude, 200 acres is a lot of property. It is destroying his view of the neighborhood, my neighbor's view no more farm fields no more animals and it is all fenced in. How far do we go until we say it's too much to gain power? Councilman Washburn replied that is why we put a moratorium on. Unfortunately, it didn't happen soon enough for Geer Road. We can only change moving forward. The project is approved but the pilot hasn't been negotiated or approved yet.

Councilman Haessly explained the PILOT program for solar farm projects, and he believes they will last 25 years. Mr. Cleveland asked if the solar panels only last 25 years and are considered hazardous waste what are we going to do with them then. Enforcement Officer Humiston stated there is a decommissioning plan in place, that is one part of the law where they must put up money before they can install the panels; money that the Town will have set aside which is based off the Town engineer and what they determine as to what the decommissioning costs would down the road be if the project is abandoned. The decommissioning cost is pro-rated.

Councilwoman Havens announced her telephone responses for a survey for firearms being allowed in Town Hall received from Town Hall employees specifically to Resident Jerry Caruso. One was for the change, four were against, four had no opinion and two with a conditional response. There was a group conversation discussing employees who were caught off guard and not comfortable being asked directly by a board member.

Councilwoman Havens announced anyone can certainly change their opinion and for future reference we can put together a policy on polling employees.

Councilman Haessly stated we should look at the security arrangements in Town Hall. Resident Jolene Caruso suggested the Town use Survey Monkey for something in the future.

Deputy Supervisor Doyle announced we did not need an executive session. There being no further business before the Board a **motion** to adjourn the meeting at 8:46 PM was made by Councilman Haessly seconded by Councilman Washburn and carried by a vote of 4 ayes.

Respectfully submitted,

Cynthia Bardin, Town Clerk & Irene Weizenhofer, Deputy Town Clerk