

January 18, 2022 Town Board Meeting

The second regular meeting of the Kingsbury Town Board was conducted via Zoom on January 18, 2022.

MEMBERS PRESENT	Dana Hogan, Supervisor Richard Doyle, Councilman James Lindsay, Councilman Dan Washburn, Councilman
ABSENT:	William Haessly, Councilman
OTHERS PRESENT	Jeffrey Meyer, Town Attorney Todd Humiston, Enforcement & Dog Control Officer Rebecca Pomainville, Comptroller Nicole Allen, Laberge Group Terrance Nolan, Borrego Solar Town Residents: Lorraine Forcier, Mike Cleveland

The meeting was called to order at 6:35 p.m. by Supervisor Hogan and opened for the order of business with the Flag Salute led by Councilman Lindsay.

A **motion** by Councilman Lindsay seconded by Councilman Doyle and carried by a vote of 4 ayes to accept the minutes of the December 20, 2021, Board Meeting and January 3, 2022, Organizational Meeting as submitted by the Town Clerk with corrections to be made as suggested by Councilman Washburn.

Supervisor Hogan reported the changes had been made to the proposed Solar Law for the Public Hearing scheduled on February 1, 2022.

Lorraine Forcier requested that the height of the solar panels be decreased from 20 feet to 12 feet. A discussion ensued. Code Enforcement Officer suggested the height of the panels be 15 feet. The Board agreed the height of 15 feet for the solar panels was acceptable and any existing panels above 15 feet would be grandfathered in.

Lorraine Forcier does not think the requirement for the minimum of a 6-foot fence is realistic and should be minimally 8 to 10 feet tall. Councilman Washburn stated an 8-to-10-foot fence is not going to last, you would have to put steel fencing in; if it were not steel it would have to be braced every 4 feet. This topic will be discussed at the Public Hearing.

Nicole Laberge Phase I of the Comprehensive Process is seeking the approval of the Comprehensive Master Plan Vision Report, the culmination of the stakeholder and the public comments that were received. Phase I was partially funded through the Greenway and the Town will be reimbursed for this portion of the process. Phase II will go into much more detail for the Comprehensive Plan and will be funded through the Department of State Smart Growth Opportunities. Acceptance of the Vision Report is acceptance of the completion of the Plan so far. A **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 4 ayes to accept the Comprehensive Master Plan Vision Report.

Councilman Doyle stated he has sent a copy of the report to the Comprehensive Plan Committee.

The Board discussed the quotes that were received from Storedtechs and ADK Techs for the upgrade of the computers in Town Hall. The quote from ADK Techs includes a server; Storedtechs offers a cloud-based program. Councilman Lindsay asked what the life of a server was, Supervisor Hogan responded a

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server must be upgraded every 5 years. Councilman Washburn will get cost information from ADK Techs before the next meeting.

**MOTION – TOWN ASSESSOR – AUTHORITY TO GRANT EXEMPTIONS ON THE 2022 TOWN ASSESSMENT ROLL.**

**MOTION BY COUNCILMAN DOYLE**

**SECONDED BY COUNCILMAN LINDSAY**

Hearing no objection, the Town Board of the Town of *Kingsbury*, pursuant to the authority granted by Executive Order No. 11.1, issued by the Governor of the State of New York, does hereby direct the Town Assessor of the Town of *Kingsbury* to grant exemptions on the 2022 assessment roll in accordance with the Resolution attached hereto.

<b>ROLL CALL: DANA HOGAN, SUPERVISOR</b>	<b>AYE</b>
<b>RICHARD DOYLE</b>	<b>AYE</b>
<b>JAMES LINDSAY, COUNCILMAN</b>	<b>AYE</b>
<b>DAN WASHBURN, COUNCILMAN</b>	<b>AYE</b>

**MOTION CARRIED: WITH A VOTE OF 4 AYES**

**TOWN BOARD AGENDA: JANUARY 18, 2022**

**WHEREAS**, on December 26, 2021, Governor Kathy Hochul issued Executive Order No. 11, declaring a State disaster emergency for the entire State of New York due to the COVID-19 pandemic; and

**WHEREAS**, this State disaster emergency has resulted in limited hours in municipal offices in the Town of *Kingsbury* and rendered senior citizens and individuals with disabilities residing in *Kingsbury* homebound. These factors combined have made it difficult, if not impossible, for many in these populations to file their real property tax exemption applications in person and many, further, lack the ability to file such applications online; and

**WHEREAS**, in recognition of the above problems caused by the pandemic, Governor Hochul issued Executive Order No. 11.1 on December 26, 2021, thereby extending Executive Order No. 11. This extension of the Governor’s Executive Order modifies subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law, the effect of which permits the governing body of an assessing unit (i.e., the Town Board of the Town of *Kingsbury* to adopt a Resolution directing the Assessor to grant exemptions on the 2022 assessment roll to all property owners who received such exemptions on the 2021 assessment roll (i.e., senior citizens and individuals with disabilities with limited income), thereby dispensing with the need for such

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persons to file renewal applications to request such exemptions, and further dispensing with the requirement that assessors mail renewal applications to such persons; and

**WHEREAS**, Executive Order 11.1 further allows the governing body of said assessing unit, in any such Resolution, at its option, to include procedures by which its Town Assessor may require a renewal application to be filed if he has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner or died; and

**WHEREAS**, pursuant to said Executive Order, the Town Board of the Town of **Kingsbury** wishes to adopt such Resolution directing the Town Assessor of the Town of **Kingsbury** to grant exemptions on the 2022 assessment roll to all eligible senior citizens and individuals with disabilities with limited income, and granting the Town Assessor of the Town of **Kingsbury** the authority to require renewal applications for due cause, as discussed above, utilizing procedures outlined below;

**NOW THEREFORE, BE IT RESOLVED**, pursuant to the authority granted by Executive Order No. 11.1, issued by the Governor of the State of New York, that the Town Board of the Town of **Kingsbury** hereby directs the Town Assessor of the Town of **Kingsbury** to:

1. Grant exemptions on the 2022 assessment roll to all individuals who received the senior exemption on the 2021 assessment roll and all individuals who received the exemption on the 2021 assessment roll because they were recognized as a person with disabilities and limited income, thereby dispensing with the need for any such individuals to file renewal applications for such exemptions, except that;
2. The Town Assessor may, in his sole discretion, require a renewal application to be timely filed with his office if he has reason to believe that any such individual, who qualified for the aforementioned exemption on the 2021 assessment roll, may have since changed their primary residence, added another owner to the deed for the relevant property, transferred such property to a new owner or died. If the Town Assessor requires such renewal application be filed, he shall notify the owner of the subject property of such requirement by regular mail, with such notice shall containing instructions on how to file the renewal application. Said renewal application may be returned by mail or by making an appointment to drop same off at the Town Assessor's office, **6 Michigan Street, Hudson Falls, New York**

Supervisor Hogan asked the Comptroller to explain the health insurance buy back. The Comptroller reported Town Board members who were not on the health insurance plan were reimbursed \$2,000.00 for the year they did not participate in health insurance. There is confusion between the cut-off being the end of September where the eligibility for the buy back was available. The handbook language states it is based on the policy year not the calendar year, so members that did not participate in the health insurance from October 1st to September 30<sup>th</sup> will be eligible for the \$2,000.00 reimbursement. The new handbook effective on October 1<sup>st</sup> where Board members not including the Town Supervisor, are no longer eligible for health insurance therefore after October 1, 2021 they are no longer eligible for reimbursement.

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LEGAL UPDATE:

Attorney Meyer received calls from Bill Nikas, Village Attorney, asking if the Town was thinking or planning on doing anything relative to The Traffic Violation Bureau. At this time, the Town is seeking answers from the Office of Court Administration as to what money is owed to the Village for parking violations. The Attorney will do research on how the bureau would work if the Board would like. Supervisor Hogan stated for 2 years the Town has been trying to get the OCA to give the Town a final number what is owed to the Village for parking traffic violators. An approximate number of \$17,000.00 has been given to the Town, the money has been put aside, but there is no final number in writing. On December 3, 2021, an email was received asking if the Town would like to pay over a period or pay a lump sum. The OCA was notified of the Board decision to pay a lump sum but have received no response from them. The OCA indicated they were waiting for information from Town Justice White, which Justice White has sent to them. The Town does not have an exact amount on paper owed to the Village so the Town can cut a check and show the taxpayers where the money went. The Village Mayor is aware of the challenges that are faced by the Town, it is not the Town holding this up, it is the Office of Court Administration. It would be the Town's final decision as to whether or not the Town wants to allow traffic violations to go back to the Village. Councilman Doyle asked if the Traffic Violation Bureau would be located in a Town office. Attorney Meyer stated the Traffic Violation Bureau is still a function of the town Court, whatever the setup is, whether it is limited to parking tickets or other minor traffic violations, there is still paperwork tracking etc. and it will always be the oversight of the Town. The Board will revisit the Traffic Violations Bureau when the OCA matter is addressed. Supervisor Hogan would like Attorney Meyer to respond to Attorney Nikas that the Town respectfully declines the Traffic Violation Bureau at this time until the OCA matter is addressed.

TOWN CLERK REPORT:

The Board of Elections is in dire need of election inspectors.

COUNCILMAN REPORT:

Councilman Doyle would like to wait a month to schedule in person meetings with the Comprehensive Master Plan Committee; in person meetings would be more effective. Councilman Doyle would like to meet at the end of February to review the Master Comprehensive Plan Vision Report.

WRITTEN REPORTS:

A **motion** by Councilman Washburn seconded by Councilman Lindsay and carried by a vote of 4 ayes to accept the reports of certain officers for the month of December as follows:

Dog Control Officer: Seizures 1; Unlicensed Dogs 2; Bites Investigated 2; Mileage 301 (51,906)

Town Clerk: Paid to EnCon \$96.37; Paid to Supervisor \$3,980.67; Paid to the Village of Hudson Falls \$200.00; Paid to Ag & Markets for Population Control \$71.00

Enforcement Officer – Fire Inspections 2; Permits 2; Site Plan 2; Research Fees 2; Total Fees: \$2,561.00

For September: Permits: 4; Fire Inspections 10; Research Fee 1; Total Fees: \$3,655.00

For October: Permits 11; Fire Inspections 8; Research Fees 2; Total Fees \$1,245.00

There being no further business before the Board Supervisor Hogan adjourned the meeting at 7:20 pm.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk

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