

## February 7, 2022 Town Board Meeting

The first regular meeting was conducted virtually via Zoom on February 7, 2022.

### PRESENT:

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

### OTHERS PRESENT:

Jeffrey Meyer, Town Attorney  
Rebecca Pomainville, Town Comptroller  
Michael Graham, Highway Superintendent  
Terrence Nolan, Borrego Solar

The meeting was called to order by Supervisor Hogan at 6:30 pm and opened for the order of business with the Flag Salute led by Councilman Washburn.

The minutes of the Solar Workshop conducted on January 11, 2022, and the January 18, 200 Town Board Meeting were accepted as submitted by the Town Clerk with a **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 5 ayes.

Supervisor Hogan opened the meeting with a discussion on the proposed solar law, he was hoping the Board could move forward with the acceptance of the law and asked Attorney Meyer what the next step was before the Board could accept the law. Attorney Meyer explained when a zoning is being amended it is required that the proposed Local Law be sent to Washington County Planning Department for County referral. It would be reviewed to prove or disprove off the comments. Most matters are determined to be of local concern, but it is an important procedural step. The Board cannot take any action until the comments are referred back to the Town. The Board has waited for a more formal product and timing in trying to get this done it has not worked out. It is being sent to the County Planning Agency, they have 30 days to respond or not, after the Town Board can formally and officially act. The Town Board cannot approve contingent on the Washington County Planning approval, it must be completely reviewed by them before the Town Board can act.

Supervisor Hogan stated the next Washington County Planning Board is scheduled for March 1, 2022, the Board would likely be in a position to vote on the proposed law as long as there no comments, changes, or corrections. The moratorium is scheduled to expire on February 24, 2022. Supervisor Hogan asked Attorney Meyer if the Board had the option to extend the moratorium. Attorney Meyer stated a better route would be if the County were to submit comments the Board would look to re-instate the moratorium at the next meeting on March 7, 2022. The moratorium prevents Planning Board review, the week between when the moratorium formally expires and the following Town Board meeting there is not enough time for the Town Planning Board to meet to consider an application to have a project move forward. The application is based on the law at the time of adoption, the Planning Board would not have time to act on anything prior to the March 7<sup>th</sup> Town Board meeting.

Supervisor Hogan re-opened the Public Hearing for amending the zoning regulations concerning the use and location of solar collectors at 6:40 pm. Resident Lorraine Forcier thanked the Town Board, Attorney Meyer, and Code Enforcement Officer Humiston for all the work they had done on the proposed local law for solar. Supervisor Hogan thanked Lorraine Forcier, the general public and Terrence Nolan for their input. There being no further comment Supervisor closed the Public Hearing at 6:41 pm.

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Councilman Washburn requested a secondary price from Adirondack Techs for a cloud-based server. The quote has been received with an old online server; Storedtech is using the Microsoft 11 guide system. Due to the price, it seems the Storedtech proposal is better. Updated pricing will be necessary and possibly look into Windows 11.

A **motion** by Councilman Washburn seconded by Councilman Lindsay and carried by a vote of 5 ayes to accept a proposal from Storedtech for updating the computers in Town Hall.

Supervisor Hogan would like the Comprehensive Master Plan Vision Report posted on the Town website for public input.

Comptroller Rebecca Pomainville has completed the Town Court Audit, everything was in order. She has not completed the audit for the Town Clerk or the Tax Receiver. A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to accept the audit of the Town Court completed by the Town Comptroller.

Supervisor Hogan received a letter from the NYS DOT indicating that there are traffic lights in the Town of Kingsbury that are owned by the State of New York and are equipped with switches to allow for generator hook-ups during power outages. The State has asked the Town to provide generators to power the switches in the event of a power outage in the Town of Kingsbury.

Highway Superintendent Graham spoke with Mike Fenley who explained this came about a few years ago when there was extensive wind damage with trees down, some of the larger Towns lost power for out for 3 or 4 days and created a lot of traffic issues. Mr. Fenley explained the Town does not have to opt in, there will be no repercussions if they decide not to opt in. It is not cost effective for the state to purchase thousands of generators, therefore they are asking the Towns to purchase the generators. There are 5 traffic signals in the Town of Kingsbury most located on Dix Avenue.

Councilman Lindsay asked what size generator was needed. Superintendent Graham responded a 2200-watt generator is needed with the cost of \$836.00 to \$1,000.00 which does not include the price of the cord. The Town does not have to purchase all the generators at one time, they could purchase one a year. There is a concern if the generator were chained to the pole someone with bolt cutters could cut the chain and take the generator. Councilman Washburn asked who would start the generators and who would fill them with gas every 4 hours. Superintendent Graham responded it would be the Highway Department and they may have to work overtime unless the Town works out something with the Fire Department. The generators would be stored at the Highway Garage when not in use.

Councilman Haessly suggested placing 4-way stops at the intersections in the event of a power outage. He stated a concern the generators may not operate if not used on a regular basis and if a generator failed the Town may be liable if an accident occurred.

Councilman Doyle stated he is not certain if the Town should shoulder the financial burden with it being on state owned roads. The discussion will continue at a later date.

#### TOWN CLERK REPORT:

Comparison reports were sent to the Board for monies collected in the Town Clerk Office in 2020 and 2021. In 2021 \$69, 309.37 was collected; in 2020 \$44,090.68 with an increase in building permits, hunting licenses and dog licenses.

The Town has been paid in full for the 2022 County/Town collection, the Town Clerk provided the following report:

<https://www.kingsburyny.gov>

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

FROM: Tax Collector: Cynthia A. Bardin

SUBJECT: 2022Town & County Tax Collection

DATE: January 21, 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

**COMPTROLLER/BUDGET OFFICER REPORT:**

A **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 5 ayes giving Supervisor Hogan permission to sign the contracts for the library, the Kingsbury Volunteer Hose, and the Senior Center.

The Comptroller was awarded a scholarship with the New York Government Finance Officer's Association to attend the annual conference in April with no cost to the Town.

Justice White sent a message to the Comptroller in regard to the award of the JCAP Grant in the amount of \$28,721.00; \$279.00 for video surveillance system and the remaining for the renovations for the court parking lot.

**HIGHWAY SUPERINTENDENT REPORT:**

The Advocacy Campaign will be virtual once again. They are advocating for \$250 million for the CHIPS for the next 5 years, EWR from \$100 million to \$150 million and PAVE will remain the same. The Governor has imposed a new program, Pave our Potholes in the amount of \$100 million. Upon approval he will let the Board know how much the Town will receive.

**COUNCILMAN REPORT:**

Councilman Doyle would like to consider returning to in person meetings starting with the next meeting in February; COVID cases have dropped. Supervisor Hogan stated the next meeting in February falls on President's Day and suggests the Board not conduct a meeting until March 7<sup>th</sup>, the Board has conducted a lot of meetings recently.

Councilman Haessly would like to wait until the percentage of COVID cases drops to 5%. The Board will monitor the percentage of COVID cases.

Councilman Washburn thanked the Highway staff for their hard work and dedication during the recent storm.

Councilman Haessly asked when we would have the documents for the bid for the waterline extension project. He also asked about auditing Spectrum, and he would like to pick up on the sewer line identification.

Supervisor Hogan will follow up on the documents for the waterline.

The Comptroller reported she has submitted the documents for the audit of Spectrum.

<https://www.kingsburyny.gov>

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Councilman Washburn stated last year it was indicated where the manhole covers are located, trying to identify where we actually have sewer infrastructure, they did not pay to do in depth studies. Now the sewer department is doing a map planning report and information will be relayed with that, but he is not certain when that will be completed. Councilman Haessly stated the Town needs to know the size of the lines, the capacity and whether it needs repair. It was never determined who owns the lines whether it be the Town or the sewer agency and who is responsible to repair or replace them.

Councilman Washburn stated currently it has been decided who owns what lines and there is an inter-municipal agreement with Kingsbury and Washington County Sewer, and they are responsible for the upkeep and the maintenance of the sewer; funds are put aside for that each year.

Attorney Meyer stated whatever is in the ground is owned by most likely the Town, it is a question of whether is in the formal Town Sewer District or whether it is outside of the Town Sewer District. There is nothing in place that would have conveyed the infrastructure to Washington County. Councilman Haessly asked if a line has to be fully replaced would the Town have to fix it. Councilman Washburn stated no it is on the residents that it serves. Attorney Meyer stated Town residents that are not on the sewer line would never pay for a broken pipe. The discussion continued.

A **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 5 ayes to enter into an executive session at 7:15 pm to discuss the employment matter related to a specific employee.

A **motion** by Councilman Washburn seconded by Councilman Lindsay and carried by a vote of 5 ayes to exit the executive session at 8:15 pm.

A **motion** by Councilman Haessly seconded by Councilman Washburn and carried by a vote of 5 ayes for the following resolution:

Whereas, the Town Board has received a request to terminate the employment of the current Court Clerk from Justice Anthony White,

And based upon the advice and consent of the Town Justice the Town Board has considered the request and is ready to act on the same,

Therefore, it be resolved the Court Clerk is hereby terminated effective immediately,

And it be further resolved the Town Board hereby authorizes the Town Justice and Comptroller to notify the employee of her termination and to perform a final accounting and payout of benefits with a final paycheck.

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 8:17 pm.

Respectfully submitted,

Cynthia Bardin, Town Clerk