

The second regular meeting of the Kingsbury Town Board was conducted on April 19, 2021 at the Town of Kingsbury Town Hall, 6 Michigan St., Hudson Falls, NY 12839. The meeting was called to order by Councilman Dan Washburn at 7 PM and opened for the order of business with the Flag Salute and Pledge of Allegiance led by Councilman Haessly.

Roll Call by Deputy Town Clerk Irene Weizenhofer.

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

MEMBERS ABSENT: Dana Hogan, Supervisor

MEMBERS EXCUSED: Richard Doyle, Councilman

OTHERS PRESENT: Enforcement Officer, Todd Humiston
 Highway Superintendent, Michael Graham
 Seasonal Highway Employee, Mike LaRose
 Town Comptroller, Rebecca Pomainville
 Town Attorney, Jeff Meyers
 Dave Meager, Amsure Insurance Spokesman

A motion was made by Councilwoman Havens to accept the Board minutes from April 5, 2021 and 2nd by Councilman Haessly. A vote was taken all yeas, none opposed.

- I. **Dave Meager, Amsure Insurance Renewal.** Dave Meager, spokesman, located at 31 Church Street, Saratoga Springs, New York presented an overview representing NYMIR Insurance and handed out a spiral bound booklet, as the Town of Kingsbury annual policy is up for renewal. Mr. Meager reviewed insurance coverage with a general understanding of the Towns insurance policy. He discussed property coverage, agreed amounts, replacement costs, buildings, deductibles, general liability coverage/limits, accidents on Town streets & roads, designing of the roads, limits and umbrella for general liability, potable water, theft, volunteers & employee, public officials liability, crime coverage, computer fraud coverage, security breach, vehicle/trucks/dump trucks/equipment insured, insured values, depreciated values and can quote for replacement costs and gave some examples. Numbers listed on page 6 have been reviewed by Mike and Rebecca. He mentioned if we chose higher deductibles then we could get credit and quoted some cost savings. Mike asked if we could now have insurance for trucks 10 years or older. Mr. Meager replied right. There is a miscellaneous section at the bottom of page 7 that lists tools with a maximum individual value being \$5,000.00. The 2nd paver falls in this category, a few years ago, this category was created in order to consolidate the tools & equipment list. Things valued over \$5,000.00 are itemized and items under \$5,000.00 fall into the miscellaneous category. The policy in the middle of the page is a bond covering employees entrusted with money and extra on the Comptroller, Town Clerk, Tax Receiver. Mr. Meager said the Town did a good job controlling claims and the good news is premiums are less than last year, on page 9. There is

one pending claim now that Mr. Meager has talked with Town Attorney, Jeff Meyer, about. This is the last year you will get a Capital payment back. Councilman Haessly questioned when premiums are due. Mr. Meager responded the policy started April 5, 2021. when the Board was scheduled to meet but was postponed until today. Rebecca Pomainville added we can add extra premium for the dump truck later. Town Comptroller Rebecca Pomainville would reply, after review.

Councilwoman Havens made a motion to accept the insurance proposal as presented and Councilman Haessly 2nd with further discussion/research. A vote was taken all in favor, none opposed.

- II. **Councilman Washburn opened the meeting for Public Hearing for the Town of Kingsbury Fee Structure.** Councilman Washburn asked if there were any public comments and there was no reply. **Councilman Washburn closed the Public Hearing at 7:17 PM.**

Todd Humiston mentioned exception for non-profit was not on the fee schedule and a couple of Board members wanted consideration for that. Town Attorney Jeff Meyer asked about nonprofit policy exemptions, gave examples. There was a group discussion regarding the descriptions/purposes possible for nonprofit determination. Town Attorney Jeff Meyer added we can set the fee schedule as is and we can come back later at a Board meeting to revisit/amend and make a motion to the fee schedule deeming what is appropriate for non-profit clarity.

Councilwoman Havens made a motion to accept the fee schedule as presented and also increasing Planning/Zoning applications fees from \$200.00 to \$250.00 to cover sign costs and the copy fees from .25 to .50 and Councilman Haessly 2nd the motion. A vote was taken all yeas, none opposed.

- III. **Councilwoman Havens read the Town of Kingsbury Municipal Resolution and signed by Irene Weizenhofer Deputy Town Clerk dated April 19, 2021and emailed to Councilwoman Havens.**

Town of Kingsbury Municipal Resolution

WHEREAS, the Town of Kingsbury has a Comprehensive Plan that was last updated in 1973, and

WHEREAS, it is recommended that Comprehensive Plans, in general, be updated at least every 10 years, and

WHEREAS, the Town of Kingsbury recognizes the strong need of the community to update its Comprehensive Plan, and

WHEREAS, the Town of Kingsbury has identified the Hudson River Valley Greenway Planning Grant Program to assist with funding the development of an update of the Town's Comprehensive Plan, and

WHEREAS, the Town of Kingsbury is a Greenway Community and seeks to apply to the Hudson River Valley Greenway for a grant under the Hudson River Valley Greenway Planning Grant Program for a project entitled "Town of Kingsbury Comprehensive Plan Update" to be located in the Town of Kingsbury.

NOW, THEREFORE, be it resolved that the governing board of the Town of Kingsbury hereby does approve and endorse the application for a grant under the Hudson River Valley Greenway Planning Grant Program, for a project known as the 'Town of Kingsbury Comprehensive Plan Update' and located within this community.

April 19, 2021 Date of Adoption

Irene Weizenhofer Name of Municipal Clerk

Deputy Town Clerk

Irene Weizenhofer Signature

Councilwoman Havens made a motion to accept this Municipal Resolution and Councilman Haessly 2nd the motion. A vote was taken all yeas, none opposed.

Councilwoman Havens made a motion to sign this Municipal Resolution non cost contract with Laberge after review by the Attorney and Councilman Haessly 2nd the motion. A vote was taken all in favor, none opposed.

IV. Renewal of Dental Insurance. Town Comptroller Rebecca Pomainville spoke and said we just need to renew our plan, with no effect to premiums once members of the Board are dropped in October.

Councilman Haessly made a motion to renew the Dental Insurance Policy at the current rate as stated per our Comptroller and Councilwoman Havens 2nd. A vote was taken and all in favor, none opposed.

V. Payroll Update. Town Comptroller Rebecca Pomainville spoke and is trying to figure out what caused the payroll problem year to date. There is a backup made for every payroll and that was used to reset data to the proper amount, it was a quick fix again. The issue/problem cannot be pinpointed, it is likely a quarter end processing issue. Written procedures were provided that were tremendously helpful. Our software program KVS has launched a web-based program and we are awaiting price quotes.

VI. Resolution for EBO (Equal Business Opportunity). Town Comptroller Rebecca Pomainville spoke and said someone needs to have an EBO login for EEO with MBE compliance with respect to the Burgoyne Avenue Waterline Extension grant. She has prepared a resolution which must accompany the application for the Town of Kingsbury Municipality in order to obtain password access.

WHEREAS: Town of Kingsbury (TOWN) has been awarded a NYS DOT grant for the extension of the waterline on Burgoyne Avenue; and

WHEREAS: Town must comply with the EEO M/WBE and SDVOB requirements for construction contracts; and

WHEREAS: Town must designate a Responsible Local Official (RLO) authorized to use the Equitable Business Opportunity System (EBO system); therefore, be it

RESOLVED: That the Town Board names the Town Comptroller, Rebecca Pomainville, the EBO system RLO.

Councilman Haessly made a motion authorizing permission to the Town Comptroller Rebecca Pomainville as our responsible primary official login holder to obtain a login to State of New York for an EBO password to meet our requirements and Councilwoman Havens 2nd. A vote was taken, all yeas, none opposed.

VII. KSPE Engineering Contracts for Waterline Inspection. Councilman Washburn said we have 2 contracts that need to be authorized for the grant to extend the waterline. The first contract needs to be signed for the initial project for a total of \$16,480.00. There was a short group conversation about the contract and why the choice was made with whom it was made.

Councilwoman Havens made a motion to accept the contract and Councilman Haessly 2nd. A vote was taken. All yeas, none opposed.

Councilman Washburn announced the second contract is necessary because the D.O.H. determined the water/sewer lines were too close based on the plan provided to the architect. D.O.H. is saying we have to change/redesign the 2010 drawings in order to meet the specs. That is why we are at this change order. Highway Superintendent explained D.O.H. (Department of Health) wanted more separated water/sewer lines. The drawings will have to be reengineered. Councilman Haessly mentioned he has drawings from a year ago showing water/sewer lines. Councilman Washburn explained the documents we had from 2010 were used for the original bid. There was a discussion regarding design work and what would be presented in a second contract presentation. Councilman Haessly suggested they complete the work that was first bid on and contracted, then add on. Councilman Washburn replied they cannot proceed due to the drawings we gave to KSPE. Our drawings indicate something that the D.O.H. will not grant. Town Attorney Jeff Meyer added the 2010 drawings predated the sewer lines. As things progressed it was revealed that you cannot have a water line without a water district. In order to put the water line in the ground we need to form a district. Sewer/water boundaries/separations are not there. At the time when this was sent out to bid a lot of this information was unknown or discovered. The waterline money is available now, thanks to Jim Chase Water Superintendent, so we need to move now, we had no idea

this was imminent. There was a conversation regarding the timeline and delaying this contract until next Board meeting, but it was unknown timewise and agreed we could possibly put the grant in jeopardy. It was mentioned the job has to get to the surveyor. Councilman Haessly reviewed the project timeline and said we should be underway by now and cannot see 2 weeks making much difference. Councilwoman Havens concern was she did not want to lose any time in lieu of the grant. Councilman Washburn commented this is a projected schedule, as on all projects we do. When you run into issues that why we have change orders. There was a conversation about an expiration date on the grant money and a loss in the past on grant money. There was a short conversation agreeing we are stalled now without forming a district or without new plans as there are no contract documents. There was another conversation about all correspondance should be written not verbal. All verbal billable direction has to be approved in writing and not with just one person, change orders must be in writing and approved by the Town representative.

Councilman Havens made a motion to accept the 2nd contract not to exceed \$23,610.00 and Councilman Haessly 2nd. A vote taken, all yeas, none opposed.

VIII. Agreement to Spend Highway Funds. Highway Superintendent Mike Graham spoke and outlined this year's annual agreement to spend highway funds. General repairs and capital improvements of specific roads/drives. The estimate cost is \$275,000.00, everything is in the budget we just need it signed and filed with the clerk.

Councilman Haessly made a motion to agree to spend highway funds in the budget and Councilwoman Jane Havens 2nd. A vote was taken all in favor, none opposed.

IX. Legal Update. Town Attorney Jeff Meyer had no legal updates to report for the public meeting. Jeff Meyer announced as the board is aware the Town is served with papers relative to Geer Road Solar 1, 2, 3 and he would be representing/defending the Town regardless of insurance coverage or not. There may be insurance coverage, it was submitted to the insurance company.

Reports: Deputy Town Clerk Irene Weizenhofer reported on computer status. Her printer was down a couple of days and had to have Rick from Express Computers fix. He said with shutdowns or power hits can cause glitches and cause internal parameters to change. Fixed now, just takes time. We are up and working now. Cindy's computer still freezes. My laptop is slow and according to BAS my computer is a slave off of the counter computer and must reach out via internet to communicate. My laptop has a 1.3 CPU, and the counter has a 3.0 CPU hence it is slow speed. The internet speed we now have should be sufficient according to Rick. However, BAS told us the counter tower needs an upgrade as well as Cindy's tower, but we realize we have budget issues.

There was a group conversation discussing prices, needs, laptop/desktop, computer crash, loss of documents, processors, future network needs or server, backups, one drive, Microsoft licenses, component replacements that have been done, speed of laptop mirrors off counter computer and according to BAS this is the way it must be even though we are paying for 2 licenses. A solution was suggested to downsize to just 2 computers rather than 3. It was decided to table for tonight as it is not in the budget and will be brought up at another board meeting to upgrade our system/computers.

Code Enforcement Officer Todd Humiston spoke and advised that they are going to start sending out notices for fire inspections so we can start scheduling. Ross is caught up on building inspections.

Highway Superintendent Mike Graham gave status of almost done sweeping. We are going to start grinding and paving.

Councilman Haessly spoke about Spectrum part of Charter Communications and we have to have a franchise agreement to get 5% of their annual income revenues, that we have been receiving annually. Next year they have agreed to pay us quarterly 45 days after the quarter ended. This means we will get about 75% of our payments in this year. The problem is payment will be made when PSC signs off on the contract meaning payments will be later. Town Attorney Jeff Meyer added we will receive whatever the agreement said. The payment will rollover until the new agreement is signed. The prior agreement stays in place until a new agreement is signed, he explained with an example. There will be a public hearing set and will keep the board up to date.

Written reports were included emails previous to the board meeting. There were no questions.

Councilwoman Havens made a motion to accept the written reports and Councilman Haessly 2nd. A vote was taken, all in favor, none opposed.

Public Comments:

Councilman Washburn asked if there were any public comments, no replies. Councilman Washburn asked if there was any need for an executive session, no responses.

Councilman Haessly made a motion to adjourn the board meeting and Councilwoman Havens 2nd. A vote was taken, all in favor, none opposed.

The April 19, 2021 board meeting was adjourned at 8:14PM.

Respectfully submitted,

Irene Weizenhofer, Deputy Town Clerk

