

A Special Meeting of the Kingsbury Town Board was conducted via teleconference on May 13, 2020.

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

OTHERS PRESENT: Rebecca Pomainville, Comptroller  
Michael Graham, Highway Superintendent  
Todd Humiston, Enforcement & Dog Control Officer  
Jeffrey Meyer, Town Attorney  
Jerry Caruso, Town Resident

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

A **motion** by Councilman Haessly seconded by Councilwoman Havens and carried by a vote of 4 ayes to accept the minutes of the Special Meeting conducted on April 27, 2020 as submitted by the Town Clerk. Roll Call vote by Supervisor Hogan:

Councilman Doyle	Aye
Councilman Haessly	Aye
Councilwoman Havens	Aye
Councilman Washburn	Aye

Supervisor Hogan requested a moment of silence in honor of Justice Michael Keenan who had recently passed and then read the following resolution:

## **RESOLUTION OF SORROW HONORING THE HONORABLE JUSTICE MICHAEL JAMES KEENAN**

**Whereas**, the honorable Justice Keenan was removed from our midst on May 6, 2020; and

**Whereas**, Michael served the Town of Kingsbury as Town Justice from January 1, 2006 until May 5, 2020; and

**Whereas**, Michael was a member of the Washington County Magistrates Association and an avid supporter of the Strand Theater; and

**NOW, THEREFORE, BE IT RESOLVED** that our sincerest sympathy is extended to his family in their hour of sorrow remembering that:

May you see God's light on the path ahead

When the road you walk is dark.  
May you always hear,  
Even in your hour of sorrow,  
The gentle singing of the lark.  
When times are hard may hardness  
Never turn your heart to stone,  
May you always remember  
When the shadows fall-  
You do not walk alone.

*An Irish Blessing*

**BE IT FURTHER RESOLVED** that this resolution be spread upon the minutes of our meeting and a copy sent to the family of the deceased.

Dated: May 13, 2020

By Order of the Kingsbury Town Board

Supervisor Hogan said with the passing of Justice Keenan the Town was faced with replacing him quickly. The Town Justice role in the Town of Kingsbury is rather busy; we have the highest volume in Washington County which covers the Town of Kingsbury and the Village of Hudson Falls. The Town has two options; the Town could appoint a licensed attorney or another judge who is a resident in our Town who has recently served the bench. The Town does not have a judge who is a resident that recently served the bench. Option Two was to request an assignment from the Office of Court Administration to appoint an interim Town Justice until a new Town Justice can be elected in November. The Board, via email communication, decided to move forward with Option Two. Supervisor Hogan is pleased to publicly announce that Fort Edward Village and Town Justice, Joe Malvuccio, has agreed to serve as our interim Justice for the remainder of the year. Judge Malvuccio has worked in the Town Court before when Justice Keenan was on vacation and has worked with Court Clerk Laura Barody. Laura speaks very highly of him and works well with him. Judge Malvuccio was in the Court today taking care of some administrative matters that he needed to address quickly. Judge Malvuccio will be paid the same salary that Justice Keenan received and it must be authorized by the Board.

A **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 4 ayes authorizing payment to Judge Joe Malvuccio the same salary allotted to Justice Keenan for the remainder of the year. Roll call vote by Supervisor Hogan:

Councilman Doyle	Aye
Councilman Haessly	Aye
Councilwoman Havens	Aye
Councilman Washburn	Aye

A **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 4 ayes authorizing the Town Supervisor as a second signatory on the Town Justice account and the Town Justice Bail account for future needs. Roll call vote by Supervisor Hogan:

Councilman Doyle	Aye
Councilman Haessly	Aye

Councilwoman Havens      Aye  
Councilman Washburn      Aye

Supervisor Hogan has had people reach out to him related to who will be the new Town Justice and interested in the position. Supervisor Hogan has directed them to contact the Washington County Board of Elections; he prefers to stay out of the process and suggests the Board use the same approach.

Supervisor Hogan reported during the COVID-19 pandemic the Town continues to operate providing the primary services that we are expected to provide.

Supervisor Hogan was invited to a Washington County & Mayors meeting on Zoom hosted by Assemblywoman Carrie Woerner, kind of a re-opening call. It provided an opportunity to provide some of the feedback received from the community. Supervisor Hogan has received calls from businesses with concerns about re-opening, primarily due to a lack of guidance. The businesses do not know what is going to be expected of them. The barbers and hair stylists are not receiving much guidance right now; not certain what phase of re-opening they would be included in. A landlord called concerned with the rules related to evictions; no evictions until August. A contractor spoke to him related to what he felt was an arbitrary application of the rules related to contractors. Assemblywoman Woerner will take the feedback and try to get some answers.

The County did conduct some virtual meetings last week; Public Safety, Public Works, Finance and Government Ops. On Monday May 18<sup>th</sup>, the County DPW is going to begin working half crews; Building and Grounds and Code Enforcement will start coming back online. The Department of Motor Vehicles is working with a rotated crew right now, one third of them are working on Monday, Wednesday and Friday. They are doing primarily drop-offs and mail-ins and a lot of the dealer paperwork for new cars. One of the largest sources of sales tax revenue for the County is car sales; it is important to get the car dealerships going again.

Tentatively June 1<sup>st</sup> they are going to attempt to bring back the entire County personnel, if the phase re-opening moves forward on the timeline, they are hoping it can.

#### TOWN CLERK REPORT:

Town Clerk reported it has been business as usual; busy with phone calls in regard to taxes, DMV questions and dog licensing questions.

#### ENFORCEMENT REPORT:

Todd Humiston noticed in a neighboring community a hair salon was putting their signs out. They were excited because the Governor said the North Country was opening back up. They were surprised to hear that we are part of the Capitol Region and not the North Country. He is nervous because some of the people in Washington County may think we are part of the North Country and may attempt to re-open pre-maturely. He was also approached by a landlord with a non-COVID reason to have a tenant evicted. Todd Humiston told him to contact his attorney for advice. Attorney Meyer agreed that was the best answer, we cannot give out legal advice. A discussion followed about the executive order regarding evictions due to non-payment if COVID-related.

Supervisor Hogan asked Attorney Meyer if there were any differences in the re-opening of courts or are the same phase re-opening with every other entity in our Capitol Region.

Attorney Meyer explained they are treated differently, there have been periodically orders from the Chief Judge. They are in the process of Phase 3 opening of courts, their focus being on criminal and family law and moving things that are already in the system. They are doing a lot with remote

conferences right now to keep things moving. You see it a lot in family law where there are custody disputes or divorces. They are allowing new cases to be filed based on what type of case for Supreme Court. They are in the process of a Phase 3 re-opening and it is being handled separately from the Governor.

#### COMPTROLLER REPORT:

Rebecca Pomainville has been working with the Canon representative and they have worked out a new contract where we would go from having two large printer/copiers to one large copier in Town Hall and replace the one that is nearly non-functioning at the Highway Garage with a multi-function table-top unit. We would use the trade-in credit for the Konica which is in the Town Hall towards a deal for a new Canon at the Town Hall. If we sign this commitment the Town would save approximately \$100.00 a month. She is looking for the Board's ok to make these changes and to sign the contract; this would be a lease.

Supervisor Hogan asked what would be done in the event of a copier failure. The Comptroller stated it has a service agreement and they would be there in a timely fashion to get it fixed; they are serviced in a business day. After a discussion with no objections, the Comptroller will move forward with a new contract with Canon.

#### DOG CONTROL OFFICER:

Todd Humiston reached out to the SPCA. Due to the COVID-19 pandemic there has been a nationwide uptick in the adoptions of pets. During the pandemic people are at home with the adopted pets and there is concern when people return to work, they may not be acclimating the animals to being alone. There is going to be anxiety and with that there is going to be barking, chewing and scratching. There is concern the shelters will become overwhelmed with people turning the adopted animals back in. He is working with the SPCA on a public service announcement that will be put on his Facebook page. Hopefully people will read the announcement and train their new pets in preparation of returning to school or work. It is not uncommon after the summer break for school to have an uptick in pickups and they are hoping this does not occur after the re-opening of the state.

#### HIGHWAY SUPERINTENDENT REPORT:

Michael Graham reported Wait Road and Hendee Road had been paved. Supervisor Hogan asked if the Town had submitted their reimbursement request to CHIPS. Superintendent Graham explained they are waiting for an invoice from Peckham which must be paid before submitting the reimbursement request. The Town Comptroller stated she had received the invoice this afternoon; once the Highway Superintendent checks the bill it will be paid.

#### COUNCILMAN REPORT:

Councilman Haessly stated he had not heard any more on the Spectrum contract and he was checking on the status of the Board of Assessment Review appointments.

Councilman Doyle and Councilwoman Havens conducted teleconference interviews for the BAR position. Councilman Doyle reported they had received two applications, but only one applicant called during the scheduled interview. They are recommending Kathy Macura be appointed as a BAR member.

A **motion** by Councilman Doyle seconded by Councilman Washburn to appoint Kathy Macura to the Board of Assessment Review, her term beginning immediately, ending on September 30, 2024. Kathy Macura will fill a vacant position previously held by Stephanie Lemery whose term expired September 30, 2019.

Roll call vote by Supervisor Hogan:

<http://www.kingsburyny.gov>

Councilman Doyle       Aye  
Councilman Haessly      Aye  
Councilwoman Havens    Aye  
Councilman Washburn    Aye

At this time there is still another vacant seat on the Board of Assessment Review. The Comptroller has re-posted the position on Indeed but has received no response at this time. Councilwoman Havens does know someone who may be interested in the position and has been researching information about the position.

Councilman Haessly stated the Spectrum contract was something we had started working on with changes to receiving quarterly payments instead of annual payments, other changes and construction plans to get more people on the internet.

Attorney Meyer reported he emailed the Board the contract with the marked- up comments and is waiting to hear if there were any other issues the Board wanted to press before sending it to Spectrum. Attorney Meyer will re-send the contract to the Board and if there are additional comments, he will pass it on to Kevin Egan of Spectrum. Supervisor Hogan suggested the Board respond to Attorney Meyer by the end of the day on Friday with any requests for additional changes.

Councilwoman Havens had a question about the insurance in regard to adding coverage on the Comptroller. Supervisor Hogan stated the annual premium to add the Comptroller position to the crime bond at half a million dollars is \$36.00 annually. Supervisor Hogan will contact Dave Meager to add the Comptroller position to the Crime Coverage of our insurance policy.

Councilwoman Havens also expressed her concern for family members during the COVID-19 pandemic and her heart goes out to everyone.

#### SUPERVISOR REPORT:

Supervisor Hogan stated unless something pressing comes up, he would like to cancel the Board meeting scheduled for May 18, 2020.

If anyone hears anything in our community, business owners, individuals whatever it may be, if it is something you hear about Supervisor Hogan will contact Assemblywoman Woerner or Senator Betty Little to assist with the matter. Assemblywoman Woerner posted a video on Facebook with a public announcement in regard to her disappointment in the way the unemployment system is working right now, people are not getting the answers they need.

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

Enforcement Officer for March: Sign Permit; Total Fees \$50.00 For April: Research Fees; Total Fees \$25.00

Dog Control Officer for April: Complaints/Calls 30; Seizures 1; Unlicensed Dogs 4; Mileage 144, Total Mileage 44,414

Town Clerk for April: Paid to EnCon \$77.48; Paid to Supervisor \$1,469.52; Paid to the Village of Hudson Falls \$90.00; Paid to Ag & Markets \$81.00.

Comptroller for April; Receipts \$128,968.66; Disbursements \$189,713.75

Roll call vote by Supervisor Hogan:

Councilman Doyle       Aye  
Councilman Haessly      Aye

Councilwoman Havens    Aye  
Councilman Washburn    Aye

**PUBLIC COMMENT:**

Supervisor Hogan asked for a public comment. Town Resident Jerry Caruso thanked the Board. Mr. Caruso made the first public comment at the Town's virtual meeting.

There being no further business before the Board a **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to adjourn the meeting at 7:58 PM.

Respectfully submitted,

Cynthia Bardin, Town Clerk