

The second regular meeting of the Kingsbury Town Board was conducted on May 17, 2021 at the Town of Kingsbury Town Hall, 6 Michigan St., Hudson Falls, NY 12839

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

OTHERS PRESENT: Enforcement Officer, Todd Humiston
Town Comptroller, Rebecca Pomainville
Town Attorney, Jeff Meyers & Matt Fuller
Local Resident, Lorraine Forcier

The May 17, 2021 Town of Kingsbury Board meeting was called to order at 7:02 PM by Supervisor Hogan and opened for the order of business with the Flag Salute and Pledge of Allegiance led by Councilman Doyle.

Roll Call by Deputy Town Clerk Irene Weizenhofer.

A motion was made by Councilwoman Havens to accept Town Board Meeting Minutes for 5/3/2021 and seconded by Councilman Doyle. A vote was taken and all in favor. None opposed.

- I. **RFP for Surveying Services for the Burgoyne Avenue Water Extension.** Comptroller Pomainville announced we had received by today (5/17/21, prior to 3:00 PM), two proposals. First sealed proposal was opened, and it was from Creighton Manning Engineering, LLP out of Albany, NY. The fee was \$8,500.00 with a 30-day completion. The second sealed proposal was opened, and it was from WSP USA Buildings Inc. out of NY, NY. The fee was \$24,965.59 with an expected to complete 7/19/21. Comptroller Pomainville will make a phone call to confirm the lowest quote and they understand the agreement. Supervisor Hogan asked if we were all comfortable accepting this proposal and move forward with our authorization and the work could get done in 30 days. **A motion was made by Councilman Washburn and seconded by Councilman Haessly to move forward with the Survey for the Burgoyne Water Extension. A vote was taken, all agreed, none opposed.**

- II. **EEO/M/WBE Policy – Waterline Grant Requirement.** A copy of the M/WBE and EEO Policy statement was emailed to the board earlier and offered time to read and review. Comptroller Pomainville announced this is to be part of our Town policy going forward as part of our compliance in order to receive the grant funds. There was a Board group discussion regarding discrimination, good faith efforts finding minorities, Engineer involvement, Contractors, policy dictated by the State, not accepting inferior quality, applications, recruitments to meet State mandates, discriminatory and/or non-discriminating policy, general policy, equal opportunity practices, percentage requirements. Town attorney Jeff Meyers added it is a set of procedures. Things get posted on different

job boards and make good faith efforts to try to fill contracts with percentages required to fill minority owned businesses recognized by the state. It is a tremendous benefit for minority owned businesses and it's a function of the state law. We can always change and rescind the policy as necessary if it handicaps the Town in some way, we can reevaluate. **A motion was made by Councilman Haessly to accept the EEO/M/WBE Policy seconded by Councilman Washburn with objections. A vote was taken, all in favor, none opposed.**

- III. **Franchise Fee Audit.** Supervisor Hogan announced this is being tabled due to lack of an executed agreement. Town Attorney Jeff Meyers added PSC (Public Service Commission) has to approve the contract before Spectrum can sign it. The Town won't have a fully executed agreement for several months.
- IV. **Kingsbury Transfer Station, LLC.** Enforcement Officer, Todd Humiston gave an update explaining the transfer station company was scrapping appliances and needed the junkyard permit but now are going to utilize interior storage to store, which would no longer require a junkyard permit as they no longer scrap on site. Officer Humiston asked the company to present a request in writing to remove the license and added they will send the appliances to their Albany recycling center. Until we receive a written request, this agenda item will remain as an open item.
- V. **Solar Law Workshop.** Supervisor Hogan wanted to schedule the Solar workshop for June 21, 2021 prior to the regular scheduled Board meeting. There was a discussion whether the workshop should be open to the public and it would be documented, noticed legally 10 days prior.
- VI. **Legal Update.** Town Attorney, Jeff Meyers announced we need an executive session for discussion. We need to address the variance request from Kingsbury Solar now that the public hearing moratorium is over. Supervisor Hogan asked if we have to have them come in for the request of a variance and Jeff Meyer replied "correct" adding "this Board would essentially sit similar to a Zoning Board of appeals, listen to what they have to say. They would present their arguments why they should be granted a waiver from the moratorium". Supervisor Hogan asked if we could plan on June 21st meeting or next meeting. There was a lengthy discussion regarding when the meeting would be, should the workshop be public or not, should we plan on the Firehouse, past workshop meetings, accomplishments/goals/concerns for the Solar workshop, agenda for the workshop, to include sizes, zoning, acceptability, PILOT, agricultural, review the current State law, concerns from residents, anticipation of coming off moratorium, having something in place, what we do and moving forward with Solar in Kingsbury, other localities facing the same issues, rural settings/residents impact/anticipation, farm to commercial solar no longer considered agriculture production, need to identify zones. Supervisor Hogan would put together an agenda.

Supervisor Hogan moved to **Town Reports.** Written reports were distributed previous to the Board meeting by Town Clerk Cindy Bardin.

Deputy Town Clerk, Irene Weizenhofer, reported our monitor in the Tax office has been repaired, it turned out to be a cable which was replaced and is now working. Dog license fees were compared

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for 1st quarter of 2020 to 2021 and fees were up \$1,885.00. BINGO at American Legion has resumed for 2 weeks now. Kingsbury Firehouse will not resume until after the summer season.

Comptroller Rebecca Pomainville reported in regard to IT Compliance follow up. Completed 1st item to inventory hardware & software. Reached out to the County in regard to State requirements and completed training through the State Comptroller's office. Completed a web training for security awareness supplied by US.gov and will be sending out to all office staff to complete for annual security training. Security training covers things like safe emails and phishing. Has downloaded basic security and need to work on password protection for all workstations. We also need an IT disaster/recovery plan for an emergency such as fire, flood, etc. where we cannot utilize our computers. We need a plan in place so we can continue to provide services such as payroll, bill pay, clerk duties, etc. Pomainville has been working on getting everyone backed up to OneDrive so if someone is unable to access their PC, they could still access their documents. There was a discussion about other options. Pomainville is working with the County for other security plan options/procedures.

Comptroller Pomainville reported on the database for development of Buildings & Codes, Planning & Zoning. Michelle Radliff has now entered all violations, complaints from 2019 to present and has entered all of 2020 to present building permits. We now have a historical database and Code Enforcer, Ross Cortese is now using the database independently.

Supervisor Hogan asked Enforcement Officer Todd Humiston how everything was going with Building Permits. Humiston replied everything seems to be going well, we're keeping up.

Councilman Haessly questioned the waterline estimate/cost. Comptroller Pomainville responded the engineers estimate will come once the survey has been done. Then, the Engineers estimate can be completed. Haessly was concerned about timing the grant payment and if we had any anticipated monetary issues. Pomainville responded that all funds are already approved and have been transferred from our reserves into the Capital project. You will see it on the monthly written report in a new fund account. As we get reimbursed it will get put back into our reserve. The grant will reimburse along the way. Haessly, asked if there are any added expense related to a new water district engineered? Councilman Washburn replied it was done as part of our change order, forming another water district. Pomainville added that the 2nd contract we signed included the comps for the water district extension. There was a small group conversation about waterlines, bounds, water district and plans of service in the future, estimate costs and time passed since last estimate, cost & material inflation since, possibly going back to the granting authority for additional funds to help offset costs since then and the increased cost to the project.

Councilman Doyle stated the Solar RFP on the landfill did receive a great deal of response. Doyle conducted a site visit on May 7, 2021. There were two developers that sent representatives, one was Solar Liberty from Buffalo and the other was BQ that only work on capped landfills. Mark who helped put together the RFP said they are #1 in the state dealing with capped landfills. BQ representative suggested we check with Fort Edward. Doyle needs to reissue an RFP this Friday May 21st or Monday the 24th adjusting dates, the timeline. Doyle has four questions from various people and is answering as we go along as they are so minimal. The RFP bid opening submissions by July 19th. The RFP will be sent to Town Clerk for notice. Doyle did a satellite image, we walked the

perimeter and walked to the top, it is maybe 10 acres usable on the south side. There are concerns about the grade. Doyle feels we will get a bid, at least two.

Councilwoman Havens spoke about the comprehensive plan committee which met on the 6th. The only agenda item was to compile stakeholders in categories around the communities in which we started. The next step is to get contact information for a lot of these parties, organizations, or individuals. Karen LaRose has contacted Real Properties to get updated maps. She is communicating with Laura Chadwick to see what maps can be provided, which will be a savings from a project with LaBerge. Havens spoke to Nicole Allen at LaBerge and tries to touch base every Tuesday, covering 4 topics. She had some insight on the greenway grant, which was submitted by the deadline. She was optimistic and hoping by next month we may have some information. LaBerge sends things to Town Supervisor and Havens. Havens discussed with some detail and said Nicole Allen sent an email (a proposal) about two other grants, one especially through NYS Department of State for finalization in 2022. This is something she felt we should look at and have LaBerge submit on behalf of the Town. The email was received late in the day and Havens would call her back to get expenses involved. Councilman Doyle added we could make a motion not to exceed \$5,000.00 total and we would take it out of professional services/Engineering. **A motion was made by Councilman Washburn to apply for the Climate Smart Grant, not to exceed \$5,000.00 in expenses and 2nd by Councilman Doyle. A vote was taken, all agreed, none opposed.**

Councilwoman Havens also spoke about approximately 4 Master plans that fall within the Town, such as the Feeder Canal, The Village Plan, etc. Nicole Allen may have these plans or Havens may have to contact the County, as they are filed with the County. This way the committee will know what has been done.

Councilman Havens asked if anything was found about the truck replacement? Supervisor Hogan responded he had sent out an email on May 4th from Dave Meager for the 3 trucks. Havens realized she did get it.

Supervisor Hogan discussed and announced Comptroller Pomainville and he will attend a meeting about American Rescue Plan Act Funding, invited whoever was interested to attend as well via email invitation. The meeting is being put on by the Association of Towns. County funds have been prioritized. Possible topics were named, reimbursements, expenditures, etc.

Supervisor Hogan stated written reports for Code Enforcement Officer, Dog Control Officer, Town Clerk, Town Comptroller were emailed prior to tonight's Board meeting. Supervisor Hogan asked if there were any questions, discussions? No replies. **A motion was made by Councilman Doyle to accept the written reports as written and 2nd by Councilwoman Havens. A vote was taken, all in favor, none opposed.**

Enforcement Officer: No. Permits 4; Total Fees \$240.00

Dog Control Officer: Complaints/Calls 16; Seizures 1; Unlicensed Dogs 28; Bites Investigated 1; Written Warnings 9; Mileage 412 (49,190)

Town Clerk: Paid to EnCon \$282.71; Paid to Supervisor \$2,066.29; Paid to the Village of Hudson Falls \$320.00; Paid to Ag & Markets for Population Control \$142.00

Town Comptroller: Receipts \$353,958.34; Disbursements \$243,871.71

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Supervisor Hogan asked if there were any public comments? Lorraine Forcier, local resident asked Town Attorney when the state is in control of a solar project because of the size of it do the Town regulations still apply? Town Attorney explained the State is in control. There was a brief group conversation on the topic and municipalities get very little input.

Supervisor Hogan announced the need an executive session to discuss legal matters related to the Town of Kingsbury. **A motion was made to go into Executive session at 8:15 pm by Councilman Doyle and seconded by Councilman Haessly. A vote was taken all ayes, none opposed.**

A motion was made to end the executive session by Councilman Doyle and 2nd by Councilwoman Havens. A vote was taken, all yeas, none opposed. The Board came out of executive session at 9:16 PM. No action was taken.

The Board resumed the regular meeting. Action to be taken is to cancel the Solar Workshop that was scheduled for June 21, 2021. We will maintain the Public hearing for Kingsbury Solar, scheduled for June 21, 2021. **Councilman Haessly made a motion to cancel the Solar public workshop for 2nd by Councilman Washburn. A vote was taken, all in favor, none opposed.**

A motion was made to adjourn the Board meeting by Councilman Doyle 2nd by Councilman Havens. A vote was taken, all ayes, none opposed. The meeting was adjourned at 9:17 PM.

Respectfully submitted,

Irene Weizenhofer

Town of Washington, Deputy Town Clerk