

The first regular meeting of the Kingsbury Town Board was conducted on June 1, 2020 via teleconference/virtual.

MEMBERS PRESENT:

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

OTHERS PRESENT:

Jeffrey Meyer, Town Attorney
Rebecca Pomainville, Comptroller
Michael Graham, Highway Superintendent
Todd Humiston, Enforcement & Dog Control Officer
Josh Bagnato, Transmission Developers, Inc.
Jerry & Jolene Caruso, Town Residents

The meeting was called to order at 7:01 PM by Supervisor Hogan and opened for the order of business with the Flag Salute led by Councilwoman Havens.

The minutes of the May 13, 2020 Special Town Board Meeting were accepted as submitted by the Town Clerk with a **motion** by Councilman Haessly seconded by Councilman Washburn and carried by a vote of 5 ayes.

Josh Bagnato of Transmissions Developers, Inc. gave a summary of the Champlain Hudson Power Express Project. The CHPE is a fully permitted, 1,000-megawatt high voltage direct current underwater and underground transmission line bringing low cost renewable energy from the U.S. – entirely down the Canadian-Pacific Railway. It is a private transmission line which will be buried. Mr. Bagnato is seeking a resolution from the Town Board stating they are fully familiar and supportive of the project. Attorney Meyer recommended the following be added to the sample resolution provided by the Champlain Hudson Power Express, Inc.:

In the resolved section that the Board hereby grants its consent to CHPEI, in accordance with section 11(3) of the New York State Transportation Corporations Law, he would add notwithstanding the foregoing the Board makes no commitment relative to the real property that is underlying the Town highways that is not owned by the Municipality. A **motion** by Councilman Doyle seconded by Councilman Haessly to accept the following with the changes recommended by Attorney Meyer:

RESOLUTION OF THE BOARD OF THE TOWN OF KINGSBURY

WHEREAS, Champlain Hudson Power Express, Inc. (including its successors and/or assigns, “CHPEI”) is developing the Champlain Hudson Power Express Project (the “Project”),

an approximately 1,000 megawatt underground and underwater high voltage, direct current electric transmission facility extending from the United States' border with Canada to Queens, New York; and

WHEREAS, the New York State Public Service Commission (the "PSC") has ruled that the Project will supply clean, renewable hydroelectricity to New York State and has issued a Certificate of Environmental Compatibility and Public Need authorizing the construction and operation of the Project (including any amendments thereto, the "Certificate"); and

WHEREAS, CHPEI has discussed the Project extensively with the Town of Kingsbury, as a portion of the Project will be located within the Municipality and will occupy certain privately and/or publicly-owned land; and

WHEREAS, the Project will provide significant economic and environmental benefits to New York State and the Municipality in the form of lower electric rates, a reduction in greenhouse gas emissions and increased jobs, including local jobs during the Project's construction; and

WHEREAS, the Project will provide significant tax (or payment in lieu of tax) revenue to Town of Kingsbury, County of Washington and School District of Hudson Falls during the course of its expected 40-60 year operating life; and

WHEREAS, prior to construction within the Municipality, CHPEI will require a Road Crossing Agreement with the Municipality that will include, at a minimum, construction responsibilities and plans, restoration and repair of damage, dispute resolution, bonding, insurance and indemnification provisions; and

WHEREAS, once the Project commences operation, it is not expected to require any services from the Municipality;

NOW, THEREFORE, BE IT RESOLVED,

1. That the Kingsbury Town Board is fully familiar with and supportive of the Project, including the use and occupancy of privately and/or publicly-owned land in the Municipality.

2. That the Board hereby grants its consent to CHPEI, in accordance with section 11(3) of the New York State Transportation Corporations Law, to lay down, construct and maintain its wires, conductors, conduits and other fixtures in and under the streets, avenues, public parks and all other publicly-owned places in the Municipality in accordance with the provisions of the Certificate. Notwithstanding the foregoing, the Board makes no representations or warranties as to the ownership of the land under the highway and if they are not owned by the Town, CHPEI shall secure the necessary easements.

3. That the Board commits the Municipality to the taking of such further actions, if and when reasonably requested by CHPEI and consistent with applicable law, as may facilitate the successful achievement of the Project, including, without limitation, executing a Crossing Agreement substantially in the form annexed hereto.

4. That the Kingsbury Town Board is hereby authorized and directed to take all appropriate measures to implement the intent of this Resolution and the Town Clerk is hereby directed to forward a certified copy hereof to CHPEI at the Pieter Schuyler Building, 600 Broadway, Albany, NY 12207.

5. That the Board approves the inclusion of a copy of this Resolution as a part of any filing made by CHPEI with any governmental bodies when and as required or requested by the same and the use of this Resolution in public statements made by CHPEI regarding host community support for the Project.

6. That this Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on a roll call, which resulted as follows:

Aye

Supervisor Hogan
Councilman Doyle
Councilman Haessly
Councilman Washburn

Abstain

Councilwoman Havens, did not have the opportunity to review the proposed resolution

The foregoing Resolution was thereupon declared duly adopted.

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to schedule a Public Hearing on July 20, 2020 for a Local Law amending reducing the number of members on the Zoning Board of Appeals.

The Board discussed clarifying the definition of a Town Zoning & Planning Law in regard to a “buffer zone” between a residential and commercial property. Councilman Doyle stated at this time a lawn can constitute a buffer zone. He thinks we should specify that it be something that cannot be seen through whether it be fir trees, cedar or some type of conifer tree. Councilman Haessly suggested we should discuss the definition of a vision barrier as well as a buffer zone. Supervisor Hogan asked Attorney Meyer if there was a template to be used in this situation to better define a buffer zone. Attorney Meyer stated different communities do different things. The way the language is written now is when you are transitioning from a commercial district to a residential district the portion that is facing the residential district must have a 5 foot fence and there needs to be a buffer essentially from the property line fifty feet which must be maintained. It does not say what is existing or what may occur it just says it must be maintained. Attorney Meyer stated it is one of the areas where there is room for improvement. Supervisor Hogan asked Attorney Meyer in order to move forward and tighten the definition of buffer zone what would the steps be to come up with a better definition. Attorney Meyer stated you could do it two ways; you could see what other communities do when there is a transition from residential to commercial or we can use what we have and better define what should be in the 50 foot buffer zone. If the Board would like to see landscaping, a visual buffer and some kind of noise mitigation we could use that and save the time and energy in research. The discussion continued. Enforcement Officer Todd Humiston stated he feels there is room for improvement in the transition zones, he will research and have ideas for the next Board Meeting.

Supervisor Hogan reported Highway Superintendent Michael Graham brought his entire crew back after working half crews for the last few weeks. Superintendent Graham spoke with the Washington County Safety Officer last week and then printed some forms about disinfecting and social distancing and then conducted a safety meeting with the highway crew. When the crew arrives they are required to complete a COVID-19 pre-screening checklist and a discussion occurs where COVID-19, disinfecting, social distancing and wearing masks is addressed. Posters have been placed in the facility with the proper way to wash your hands and ways to prevent the spread of COVID-19.

Supervisor Hogan stated it was time to discuss the opening of Town Hall and requested the Comptroller and the Town Clerk put together a plan. Comptroller Rebecca Pomainville reported she had the same pre-screening forms for employees and posters that the Highway employees have to keep things consistent. She will maintain the required state records. A drop box will be installed by the Highway Department this week on the Town Clerk side of the Town Hall for payments to help reduce the foot traffic in Town Hall. A door chime with an intercom has been ordered which will be installed at the main entrance of Town Hall. The door will remain locked, allowing one person at a time in the building. When they ring the door chime a clerk can respond and assist them and let them know if they can enter the building. Comptroller Pomainville stated every organization must have a COVID-19 Response Co-ordinator, Highway Superintendent Graham will be responsible for the employees in his building and the Comptroller will make sure we maintain the proper records and training.

Supervisor Hogan stated with the way Town Hall is set up we should be able to maintain social distancing. The Town Clerk feels her Deputy can return to the office; they will be able to work from the Town Clerk Office and the Tax Office if necessary. Supervisor Hogan asked the Town Clerk if the door should remain locked. The Town Clerk stated the door should remain locked due to the limited space in Town Hall. The hallway is not six feet wide and social distancing would not be possible.

Councilwoman Jane Havens addressed the Board with her thoughts related to the handling and effects of the COVID-19 pandemic. She is supportive of whatever is comfortable for the Town Clerk and Comptroller in regard to the re-opening of Town Hall.

Councilman Haessly shared his thoughts on the re-opening of Town Hall. Councilman Haessly, Councilman Washburn and Councilman Doyle are supportive of whatever is comfortable for the Town Clerk and Comptroller in regard to the re-opening of Town Hall.

Enforcement Officer Todd Humiston agrees there should be no more than one or two customers in the building at one time. Due to the small size of his office and his secretary's office social distancing will not be possible, they may have to conduct business near the front of the offices.

The Board discussed the re-opening of the Town Court. Attorney Meyer stated the court system is slowly starting to process things again and may re-open sooner than expected. The discussion continued in regard to the cleaning of Town Hall and the Town Court.

Supervisor Hogan reviewed the plan for re-opening Town Hall; the Board is in favor of us moving back to a blended re-opening where we bring people back, we maintain the proper social distancing, we keep Town Hall locked, essentially open by appointment only, but customers can enter the building if they would like.

TOWN CLERK REPORT:

Town Clerk reported she had sent a letter and an oath of office to Kathy Macura, the newly appointed member of the Board of Assessment Review. The notarized oath of office has been returned to the Town Clerk and filed.

Town Clerk reported effective August 1, 2020 the State Archives is revising its local government records retention and disposition schedules which will replace and supersede the MU-1 Schedule used by municipalities. The Town Board must adopt by resolution the LGS-1 schedule before the Town Clerk can utilize it.

ENFORCEMENT & DOG CONTROL OFFICER REPORT:

Todd Humiston reported he is back working in the office full time and has been very busy with enforcement and dog calls. He has been conducting curb side appointments; a lot of people have been dropping off permits to be signed or picking up complaint forms. The verbal warnings that are issued about barking dogs or unleashed dogs have been handled via mail and is working very well.

COMPTROLLER/BUDGET OFFICER REPORT:

Rebecca Pomainville requested an executive session to discuss the health insurance for a particular individual.

HIGHWAY SUPERINTENDENT REPORT:

Michael Graham reported they had received the bills for paving and they are approximately \$20,000.00 under budget.

Graham received an email from Councilman Haessly in regard to putting stone in the Town Court parking lot. Graham stated he would prefer to pave the parking lot. The cost to pave the parking lot will be approximately \$15,000.00. A discussion followed. Comptroller Pomainville asked if the Board would be opposed to waiting until the third quarter to see how the Town's revenue and expenses were playing before making a decision to pave.

COUNCIL REPORT:

Councilwoman Havens asked the Comptroller if she had heard from the other Board of Assessment Review candidate. The Comptroller stated she received a call from the candidate and asked him to submit a letter of interest and his resume. She has not received anything at this time.

Councilwoman Havens "Good News About Town" is they did have a Memorial Day Parade. Tim Havens orchestrated a tractor parade with about 18 participants. They put the flags on and got an escort from the Sheriff's Department. They took the normal parade route and went into the cemetery to the War Memorial and Tim Havens did a little service. Everyone felt like they did not let Memorial Day pass, so Kingsbury and Hudson Falls did have a Memorial Day parade and it was safe.

SUPERVISOR REPORT:

Supervisor Hogan reported the County is opening on June 8th by appointment only.

The County Budget Officer Dan Shaw was replaced by another Budget Officer.

Supervisor Hogan spoke to Assessor Colleen Adamec in regard to Grievance Day. Colleen feels we can conduct Grievance Day at the Town Hall by appointment only and maintain social distancing.

A **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 5 ayes to accept the reports of certain officers for the month of May as follows:

Dog Control Officer: Complaints/Calls 32; Unlicensed Dogs 6; Bites Investigated 1; Mileage 154 (44,568)

Town Clerk: Paid to Supervisor: \$1,379.00; Paid to the Village of Hudson Falls; Paid to Ag & Markets for Population Control \$71.00

Town Justice for March: Fees Collected \$14,609.50

Assessor Sales for March

PUBLIC COMMENT:

Jerry Caruso thanked the Town Clerk for keeping him in the loop with notification of Town Board Meetings and a thank you to Superintendent Graham and his crew for the clean-up after the weekend storms.

A **motion** by Councilwoman Havens seconded by Councilman Haessly and carried by a vote of 5 ayes to re-appoint Randy Weaver to the Planning Board for a 7- year term.

A **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 5 ayes to enter into executive session at 8:34 PM to discuss potential legal action and health insurance for a specific individual.

A **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 5 ayes to exit the executive session at 8:53 PM; no action was taken.

There being no further business before the Board a **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 5 ayes to adjourn the meeting at 8:53 PM.

Respectfully submitted,
Cynthia A. Bardin