

The second regular meeting of the Kingsbury Town Board was conducted on March 19, 2018 at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls.

MEMBERS PRESENT:	Dana Hogan, Supervisor Richard Doyle, Councilman Henry Freebern, Councilman William Haessly, Councilman Dan Washburn, Councilman
OTHERS PRESENT	Michael Graham, Highway Superintendent Todd Humiston, Dog Control Officer Mary Ordway, Comptroller Ross Cortese, Code Enforcement Officer Jeffrey Meyer, Town Attorney Dave Meager, Amsure Robyn Reynolds, Capital District Regional Planning Commission Bob Vittengel, Apex Solar Eric Obrecht, DEC Charlotte Bethoney, NYS DOH Steve Lawrence, NYS DOH

The meeting was called to order at 7 p.m. by Supervisor Hogan and opened for the order of business with the Flag Salute led by Councilman Washburn.

The minutes of the March 5, 2018 Board Meeting were accepted as submitted by the Town Clerk with a **motion** by Councilman Freebern seconded by Councilman Washburn and carried by a vote of 5 ayes.

Supervisor Hogan invited representatives of the Department of Environmental Conservation and the Department of Health to the Board Meeting to discuss and answer any questions about the recent testing of wells for PFOA on Dean Road. Eric Obrecht of the DEC reported fifty three (53) homes have been contacted; thirty one (31) have responded and would like their wells tested. At this time twenty eight (28) wells have been tested; with one near 70 PPT (parts per trillion) which is the EPA Health Advisory Level for PFOA, and PFOS and one above the 70 PPT. One has a treatment system which has been installed and the other will be evaluated on March 27th for a treatment system. Bottled water is being provided to these two homes and will be provided until the treatment systems are installed and tested. The rest of the wells that were tested detected no signs of PFOA or very low levels. Supervisor Hogan asked if there was additional testing waiting for results. Mr. Obrecht responded there is one remaining and three that will be set up for sampling this week. Councilman Freebern asked what prompted the testing of the wells for PFOA. Mr. Obrecht explained in 2016 DEC sent surveys to people that may have used chemicals that contained PFOA and PFOS in manufacturing or airports that had used fire-fighting foam. When the surveys were returned they evaluated where they were and the proximity to either private water supplies or public water supplies, this initiated testing in Washington County. Charlotte Bethoney from the New York State Department of Health said basically what happened when the corporations returned their surveys to the affirmative they were ranked being close to public or private water supplies. Based on that information they have gone into the communities and looked to see if these facilities had ground water monitoring wells on site or their own supplies to do the testing first. Those companies that did so were immediately sampled; Floyd Bennett Airport and WF Lake did not have either PFOA or PFOS. From there they tested private wells because they would be closest to the site. There are areas in the WF Lake area that have

public water and that water supply has been tested; the water supply that actually comes across the County Line Road has been tested; that was done prior in 2016 or earlier and it did not contain PFOA or PFOS. Back in January or February 150 letters were sent out and they only have responses from nine (9) individuals and that covers the Town of Kingsbury area and in Warren County near the Floyd Bennett Airport. It is a combination of the two based on those results and that is why they have gone out; Dick Lawrence, a member of her staff, went door to door, knocking on doors and putting hang tags on doors to talk to individuals to try to get them to agree to having their water tested.

Councilman Freebern asked who is responsible for the treatment systems. Mr. Obrecht stated right now the DEC is responsible for the systems and will remain responsible until they can identify the potential source of the contamination. They will monitor them starting monthly to make sure they are working correctly and after a while they will change out and use carbon to treat the two chemicals; they will be responsible for maintaining them until the source is located.

Councilman Doyle asked what was the potential of the contamination migrating. Charlotte Bethoney stated they basically took a quarter to a mile and a half radius from WF Lake and the Floyd Bennett Airport and targeted those areas for testing. Eventually they will move out from these directions. She stated at this time they are not seeing a great number of wells that are impacted, so they don't know what that really means yet.

Councilman Freebern asked if run off had anything to do with this. Mr. Obrecht stated at this time they are not certain how the contaminants got into the ground water.

Councilman Haessly asked if the testing included any contaminants other than PFOA. Mr. Obrecht responded no.

Supervisor Hogan stated he had been in contact with Eric Obrecht of the DEC almost daily and he appreciates it; Mr. Obrecht has been very receptive to the calls from concerned residents.

Charlotte Bethoney stated when the results are received from a testing, Steve Lawrence contacts the resident by phone to verbally relay the results, and then it is followed up with an official letter from their department.

Superintendent of Highways Michael Graham asked if he would like to have his water tested would he go to the DOH office in Glens Falls. Charlotte Bethoney responded Glens Falls doesn't have the capacity or capability to conduct the testing for PFOA. She suggested he contact Steve Lawrence and he could provide him on a list of laboratories that could conduct the testing.

Dave Meager of Amsure (formerly Adirondack Trust Insurance) presented a summary of insurance for the Town of Kingsbury. The Town is insured with NYMIR which is not self-insurance. The blanket limit is \$2,911,572.00 for the building and contents with a \$500 deductible. He explained under general liability there are several components; with a 5 million dollar umbrella. In 2017 there was an accident on a Town road which resulted in a lawsuit filed against the Town. NYMIR defended the Town and the case was closed in January with no payment. A new item on the policy is Security Breach; if any personally identifiable information that you have in your care and custody is compromised, under state law as the custodian of that information, it is up to you to notify the people, pay credit monitoring for them and bring in your IT person to determine what happened. If this occurs the Town will be covered. The policy also includes Public Officials Coverage. Mr. Meager explained the coverage on Town vehicles and Town equipment. Mr. Meager stated Michael Graham and Comptroller Mary Ordway do a great job determining the value of the Town equipment. Supervisor Hogan thanked Mary and Mike for the leadership they show; Comptroller Mary Ordway stated we have an agent that explains how to insure your vehicles.

There is an increase in the renewal premium of approximately \$300. This is the fourth year the Town will pay a capitalization fee of \$545.43; when you pay the fifth year NYMIR will start giving it back to you for four years. There is also a new approval to return any annual underwriting earnings directly to their members. The first year was a small amount; but hopefully will be a significant amount in the future.

Councilman Doyle stated the deductible of \$500.00 on the building seems unusually low; increasing the deductible may lower the premium. Mr. Meager will get figures and options on deductibles for the Town to review before renewing the policy.

Supervisor Hogan invited Bob Vittengel of Apex Solar to discuss the DEC EV Charging Grant. Mr. Vittengel is with Apex Solar Power who specialize in solar EV charging and back-up systems. There are some good programs out right now and they are fortunate enough to be helping communities with the green cleaner program for New York State. Mr. Vittengel introduced Robyn Reynolds from the Capital District Regional Planning Commission who will explain the program and its advantages. There are some serious grants that small communities can pick up on, save a lot of money and parlay that money into other energy saving initiatives.

Robyn Reynolds has been working a lot in this area with a lot of communities in Warren County and some communities in Washington County who are interested in receiving technical assistance and grants that are available through the Clean Energy Program. Her organization, the Capital District Regional Planning Commission, received a grant from NYSERDA. She explained the program is free and offers technical assistance and no cost share funding is available as long as the community engages with actions that have to do with energy and energy savings. There are 10 High Impact Actions as follows: benchmarking, clean energy upgrades, LED street lights, clean fleets, solarize, unified solar permit, energy code enforcement training, climate smart communities certification, community choice aggregation and energize NY finance. The basic gist of the program is if a community completes four out of ten high impact actions, they would be eligible to receive a cost-share funding with no money down with a grant from the state that would enable you to implement more energy saving measures. The Capital District Economic Planning Commission is happy to help wherever the Town feels comfortable moving forward and is here to find out what the Town of Kingsbury is interested in. The Commission has helped sixteen (16) communities access grants and would be happy to help outline options that are available to the Town.

Councilman Haessly asked if the Commission could provide engineering services. Robyn explained some engineering services are available, but they could not do energy audits, but they could do a basic lighting audit or inventory so you can understand your options moving forward. They also do not do a full HVAC analysis. Councilman Haessly asked if they assist with solar arrays to offset the utility costs. Robyn stated New York Sun, a division of NYSERDA could provide that analysis.

Supervisor Hogan asked if solarize was something we would have to take advantage of solar as a municipality or as a community. Robyn stated it would be a campaign where an organizer would provide information to the community, partner with the solar seller and then the solar seller will often offer a discount for solar systems because essentially it is a group purchase. Robyn reported the Town of Queensbury is launching a solarize campaign in the near future and they are looking for folks to partner with them; so there is an opportunity to link up with an existing campaign so that residents in the Town of Kingsbury may take advantage of the savings.

Comptroller Mary Ordway stated we have a new highway building and a new town hall with energy savings in mind during construction; would those energy saving features count towards the grant? Robyn said yes and what we could do, we could look at a baseline year from before the building upgrades took place before the buildings were built and see how the energy consumption changed between those years and when the buildings were built. Mary Ordway stated we have cut the energy costs by 2/3's by using a municipal supplier. The Town saved \$20,000.00 in electric costs in the new facilities compared to the costs in the old facilities. Robyn will touch base with Mary to obtain the figures for the energy costs to see if it would count towards a grant.

Councilman Doyle asked under the charging station grant who pays for the electricity. Robyn stated with the grant that is funded under the DEC, you can choose a station where you can choose the charging structure so you can choose to charge users for the electricity used or charge per hour. Most advocate a per hour fee then you are able to recoup some of the additional costs incurred, such as network fees for the software or transaction fees.

Bob Vittengel asked if the Town decided to piggy back onto Queensbury's solarize program, would that be one of the four actions required to become eligible for a grant; and the grant would be how much if the Town became eligible. Robyn stated yes it would be counted as one of the actions, and right now there are a couple of grants available in the amount of \$50,000.00. Once the \$50,000.00 grants are gone grants of \$5,000.00 will be available, which may help us match us up with additional grants or resources that may meet our needs.

Councilman Haessly asked where charging stations would be placed. Robyn said typically in area that has other kinds of venues or business around it; then someone can park and walk someplace else; some charging stations are placed near parks and playgrounds.

Councilman Washburn asked where charging would be placed in the Town of Kingsbury and are you allowed to install multiple charging stations. Bob Vittengel answered you have to coordinate what you have available in your main service panel, how many amps available and which business to trench.

Councilman Haessly asked about solar arrays. Robyn explained there are opportunities now and NYSERDA is kicking in an extra incentive for solar arrays being installed and other communities are looking at remote solar at a different location. There are some new resources going into the development of large scale solar. Bob Vittengel of Apex Solar stated we could power town hall and the highway garage; it all comes down to how many kilowatt hours you use. An analysis of the power used in the last 13 months would come up with a trend and see how much roof space it takes to offset that. You could give more roof space at one location than the other and remote that meter electricity from one building to another.

Mr. Vittengel stated the state has an exciting program for grants as long as the community engages in four actions that have to do with energy and energy savings. One step getting there would be simple by starting your own solarize program. Most of the incentives you actually get paid to do. If the Town were to buy or lease an electric car you would be given a grant for \$5,000.00. You could lease or buy a vehicle for approximately \$7,500 for 3 years with \$5,000 back. The Town would use the car at a cost of \$2,500.00, which would be fully warranted and the cost to operate is about a third to a half as much as a gasoline powered vehicle.

The charge point charging stations are the smart ones. The cost of charging a car to go 12,000 miles each year is less than \$2.00 per day. We need to get the chargers for electric vehicles installed to encourage people to buy electric cars and the state has incentives to get them here.

The Energize New York Finance is a great way to go; payments for a system on a business are made on their annual property tax.

Mr. Vittengel stated the combination of completing the four elements is easy for a Town to accomplish if they put their mind to it; but you must act quickly before the grant money is gone. The Board discussed their options for installing an electric charging station. Mr. Vittengel explained there would be no cost to the Town. Apex is planning on installing 2,000 chargers in the next 6 months.

LEGAL UPDATE:

Attorney Meyer reported Keylock Self-Storage upon completing their appraisal, has decided to discontinue their action against the Board of Assessment Review, the Assessor of the Town of Kingsbury and the Town of Kingsbury for the years 2011 – 2017.

Attorney Meyer, Councilman Haessly and Councilman Doyle met with Ben Broeder to discuss the PILOT for Cypress Creek. Councilman Doyle reported Mr. Broeder provided some information to pass onto Colleen Adamec, Sole Assessor. Colleen has an appointment with Mr. Broeder; after their meeting a meeting will be scheduled with Mr. Broeder, Attorney Meyer, Assesor Colleen Adamec, Councilman Doyle and Councilman Haessly to see where to go from there.

Councilman Haessly reported he is researching the opportunity to receive a grant from the USDA for town vehicles.

The Board discussed the possibility of installing solar panels at the Highway Garage. Supervisor Hogan will contact Robyn Reynolds of the Capital District Planning Commission. Supervisor Hogan noted one of the impact actions through the Clean Energy Program was Energy Code Enforcement Training. Code Enforcement Ross Cortese stated he had attended the required training.

TOWN CLERK REPORT:

Town Clerk reported Local No. 1 of 2018 imposing a limited large scale solar energy generating facility land use moratorium was filed with the New York Department of State on February 28th.

Town Clerk reported the BAS website had been updated by Bob Wallace. The update has become much easier and can be done by the Town Clerk, which will save the Town approximately \$50.00 each time an update is required.

Town Clerk thanked Michael Graham for having his staff raise the counter in the tax office.

CODE ENFORCEMENT OFFICER:

Ross Cortese reported the Planning/Zoning Boards have been busy. This month DaVita will be returning after receiving approval from the Zoning Board, but has delayed their approval for site plan review after deciding they would like to add more beds to the facility. Cumberland Farms would like to be on the April agenda as a preliminary meeting.

COMPTROLLER;

Mary Ordway is asking for permission to attend the Annual Finance School in Saratoga on May 3rd & 4th; there is money in her budget. A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 5 ayes giving permission for Mary Ordway to attend Finance School in May.

A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 5 ayes to include Parcel ID No. 146.-1-6.2 in the water district.

The annual report was filed to the State Comptroller's Office.

DOG CONTROL OFFICER:

Todd Humiston reported he had received the water bottles that will be given to students at the Dog Safety Presentations. At this time presentations for 380 students have been scheduled, more scheduling is necessary which will bring the total to 400 to 500 students. The Towns of Fort Ann and Fort Edward have agreed to pay 20% of the cost of the school program, which he will be reimbursed for the next quarter. Todd feels he has the problem with loose dogs under control on Crowley Road.

HIGHWAY SUPERINTENDENT REPORT:

Tomorrow the Highway staff will attend a free safety workshop at the Saratoga City Center.

Michael Graham is asking permission to attend the annual Association of Towns Highway Conference conducted in Ithaca in June. A **motion** by Councilman Freebern seconded by Councilman Haessly and carried by a vote of 5 ayes giving permission to Michael Graham to attend Highway School in June.

SUPERVISOR REPORT:

Supervisor Hogan announced there will be an Informational Meeting on March 22 at 5:30 pm at Village Hall about the Champlain Canalway Trail Project.

Supervisor Hogan received a resolution from Solomon Northup Legacy which the Board will review at the next meeting.

Supervisor Hogan received a request to change the meeting time from 7 pm to 6 pm. After discussion the Board decided to leave the meeting time at 7 pm.

Supervisor Hogan has started the grant writing process for the DASNY water grant.

A **motion** by Councilman Freebern seconded by Councilman Washburn to accept the reports of certain officers for the months of January and February as follows:

<http://www.kingsburyny.gov>

January for Comptroller – Receipts \$1,605,217.04; Disbursements \$475,920.28

February for Comptroller – Receipts \$102,506.48; Disbursements \$216,118.08

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to enter into executive session at 8:33 pm to discuss legal matters related to property in the Town of Kingsbury as well as the potential purchase of property in the Town of Kingsbury negotiation. The Supervisor invited Comptroller Mary Ordway and Superintendent of Highways Michael Graham to attend the executive session.

A **motion** by Councilman Freebern seconded by Councilman Haessly and carried by a vote of 5 ayes to exit the executive session at 9:06 pm.

There being no further business before the Board a **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 5 ayes to adjourn the meeting at 9:06 pm.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk