

The first regular Town Board Meeting of the Kingsbury Town Board was conducted virtually on April 5, 2021.

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

ABSENT: Dan Washburn, Councilman

OTHERS PRESENT: Jeff Meyer, Town Attorney  
Todd Humiston, Enforcement & Dog Control Officer  
Michael Graham, Highway Superintendent  
Rebecca Pomainville, Comptroller  
Curtis Taylor & John Huggings, Kingsbury Transfer Station, LLC  
Town Residents: Lorraine Forcier, Jill Couture, Jerry Caruso & Mike Cleveland

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

A **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 4 ayes to accept the minutes of the March 1, 2021 and March 15, 2021 Board Meeting as submitted by the Town Clerk.

The Kingsbury Transfer Station has located on State Route 196 has submitted their completed application for a Junkyard Permit. Curtis Taylor of the Kingsbury Transfer Station, LLC stated they are primarily a residential drop-off center for garbage, construction materials and recyclables. The recyclables are accepted as single streaming; the residents no longer have to separate the recyclables; they are shipped to Albany where they are sorted.

The Board has had a chance to review the Junkyard Application. Supervisor Hogan asked Attorney Meyer if the Town relied on the DEC for closure protection for closure procedures. Attorney Meyer stated for the previous owner Elnicki, yes, because of the set up and relationship for this specific facility, the Board felt comfortable previously based on the factors and materials that were provided and granted a waiver for the bond requirement because of the protections the DEC had in place. Kingsbury Transfer Station, LLC is requesting a similar waiver and supplied similar materials that Elnicki had in the past. Supervisor Hogan stated based on the Town's experience in the past with the DEC he is concerned and not comfortable with that approach. Attorney Meyer stated a law was put into place when East Side was a problem; there were stand- alone requirements, because the DEC was refusing to act. East Side had requested a waiver, but it was not granted.

Councilman Doyle spoke about crushed glass that was placed in an area near the exit when the Kingsbury Transfer Station, LLC was operated by the previous owner, Earth, Waste & Metal

. John Huggings explained it was done by Elnicki, they no longer put glass in that area even though Elnicki was permitted to do so. At this time, they are taking bids and filling it with sand and stone in that area. Enforcement Officer Humiston stated Elnicki did have approval through the DEC to put the glass there; glass is considered a clean fill.

Supervisor Hogan asked Councilman Doyle if he had any thoughts on granting a waiver to Kingsbury Transfer, LLC for financial surety. Councilman Doyle replied, not at this time. Curtis Taylor of the Kingsbury Transfer Station, LLC stated there is a waiver in place with the DEC and they had no intention of walking away from this facility and there is a \$55,000.00 closure bond in place with the DEC.

Supervisor Hogan asked Curtis Taylor if the estimate for the bond was provided by their engineer; Mr. Curtis replied yes. Councilwoman Havens is concerned about granting the waiver; nobody intends to walk away from a project and would like to see extra protection in place in case someone does. Curtis Taylor responded he understood and if they were to walk away the DEC would be responsible for clean-up.

Supervisor Hogan asked Attorney Meyer if the Town should have their engineer review this to see if we are comfortable with the bond in place with the DEC. Attorney Meyer stated their engineer submits the estimate and the Town engineer reviews it based on the anticipated volume and the levels of their citing the permit they will determine if the number is accurate and needs to change. Supervisor Hogan stated if the Town were to require financial surety it would be an additional cost to Kingsbury Transfer Station, LLC. Attorney Meyer stated that is what Curtis Taylor stated at the last meeting. there is no way to add the Town in addition to the DEC.

Councilman Doyle stated if the DEC has a bond for closure and the facility is licensed under the Town and the Town Junkyard Law requires a bond as well; who would take priority if they did walk away and a clean-up was necessary, they would be burdened with double surety on the same site. Attorney Meyer stated the preference is to allow the state agency to act, they have more tools in their toolkit in the event of violations; the Town only acts when it is forced to when they feel the state agency is not being responsive. Supervisor Hogan asked Councilman Doyle if he felt the DEC acted in a timely manner on the clean up process for East Side when they were located on Burgoyne Avenue. Councilman Doyle replied the DEC was not executing the clean up process in a timely manner.

Attorney Meyer stated one of the reasons that East Side was finally shut down was the Town hired an attorney that cost approximately \$200,000.00 in legal fees. The attorney did a number of things, one being the preparation of the current Local Law done in tandem with the Town's efforts to formally close that facility. Once the Town was able to accomplish that it gave the Attorney General's Office an added benefit to be able to pursue the cleanup. The clean up was prompted by the Town having to act; the DEC and the Attorney General Office were limited in their actions they were taking and unwilling to take the lead in shutting down the facility. Supervisor Hogan stated that reinforces his concerns and would like the opportunity to have Jarrett Engineering review the engineering dissolution plan, as well as have further discussion whether the Town should require financial surety for cleanup and closure.

Curtis Taylor stated he has no objection to having a second review of the closure process.

Supervisor Hogan asked Enforcement Officer Humiston to share the documents with Jarret for their review and asked Attorney Meyer to develop a way the Town would have financial surety not in conjunction with the DEC.

Attorney Meyer stated for granting a license, once the Town has materials it would schedule a Public Hearing to render a decision on the issuance of a license, but the Town is not at that point.

Supervisor Hogan stated most of the employees at Town Hall will have had their second COVID-19 vaccination by April 15<sup>th</sup> and would like to make a recommendation that the Town resume Public Hearings after April 15<sup>th</sup>. The Town must move forward with business of the Town specifically some Town Planning Board matters and some Town Board matters.

Councilman Doyle is in favor of re-starting the meetings as soon as feasible.

Councilman Haessly stated there are a lot of things that need to be addressed and anticipate what the Board will do when a large gathering is expected.

Councilwoman Havens would like to make a **motion** that Public Hearings be resume after April 15<sup>th</sup>. The **motion** was seconded by Councilman Doyle.

Supervisor Hogan spoke with Town Clerk about customers entering Town Hall. Town Clerk reported she is concerned with people who have not had their vaccines not feeling safe entering Town Hall if more than one person is in the lobby. Town Clerk would like to re-open on Monday April 19<sup>th</sup>, allowing for time to prepare signs and policies.

The **motion** to resume Public Hearings after April 15<sup>th</sup> was made by Councilwoman Havens seconded by Councilman Doyle and carried by a vote of 4 ayes.

A **motion** by Councilwoman Havens seconded by Councilman Doyle to re-open Town Hall on Monday April 19, 2021.

Councilman Haessly suggested people entering Town Hall should have their vaccination. A discussion followed.

Supervisor Hogan stated Town Clerk should be allowed to put up a sign indicating there can be one person at a time in the building and they must be wearing a mask. Councilwoman Havens suggested it be one person allowed in each office. Supervisor Hogan and the Town Clerk agreed. Supervisor Hogan stated he did not think there was a consensus that proof of a vaccine is required to enter the building. After discussion, the **motion** on the floor to re-open Town Hall on April 19 2021 was carried by a vote of 3 ayes and one vote to abstain by Councilman Haessly.

Highway Superintendent Michael Graham and the Comptroller requested quotes for the sweeping of Town Roads. Kingsbury Sweeping, Canaday Sweeping and Poughkeepsie Sweeping are the only three sweeping companies within 60 miles of the Town. The lowest bid was from Kingsbury Sweeping; they have been booked and will start sweeping next week. Kingsbury Sweeping is under new ownership and there will be a \$50.00 charge for travel time and a charge of \$155.00 per hour. A **motion** by Councilwoman Havens seconded by Councilman Doyle and carried by a vote of 4 ayes to hire Kingsbury Sweeping with a \$50.00 travel time charge and an hourly charge of \$155.00 with Board approval if the cost exceeds \$5,000.00.

Councilman Doyle provided the Board in piecemeal, the Land Lease Review RFP for the Kingsbury Landfill with the last being the Land Lease addendum which was almost as long as the rest of the RFP. It is basically a standard document provided by NYSERDA. Councilman Doyle also used an RFP used by the Town of Niagara who had a similar project of putting solar on their landfill. The Board is attempting to see if there is any interest in putting solar on the Kingsbury Landfill. NYSERDA provided a listing of developers that are approved and recommended. Councilman Doyle would like to send the RFP to everyone on the list. In addition to sending the RFP to the developers on the listing provided by NYSERDA he would like to send the RFP to Positive Energy which is located in Kingsbury and another company who has a project going in Granville. There will be a Public Hearing scheduled to receive input from people on this idea. Councilman Haessly asked if the Town Attorney has reviewed the RFP. Councilman Doyle responded Attorney Meyer has reviewed the RFP and provided the Land Lease appendix.

Attorney Meyer did review the RFP and prepared a draft lease and if developers do not like certain provisions they can comment on the lease. Attorney Meyer asked if April 16<sup>th</sup> was enough time for the developers to provide what you are asking for and the current status of solar in the Town is on hold. Councilman Doyle thought Town property was exempt from the moratorium. Attorney Meyer stated that is a position the Town could take. Supervisor Hogan stated the time to turn this around is going to

be will probably be extended out quite a bit. Supervisor Hogan asked if Councilman Doyle wished to receive responses from developers by April 16<sup>th</sup>. Councilman Doyle responded the timeline is in the RFP; it will be sent out on April 16<sup>th</sup> and the scheduled onsite visit for anyone interested will be in early May. He has also coordinated with the DEC contact. Councilman Doyle stated originally, they had hoped to have a developer picked or assigned by the end of December 2021 because of concern of solar credits expiring. With the change in administration that has gone by the wayside. He would like to move forward and if developers ask for more time the Town can be flexible.

Councilwoman Havens has conducted research on laws in other Towns related to solar and has requested a discussion about a solar law for the Town at the next Town Board Meeting. Supervisor Hogan requested the Town Clerk add it to the agenda for the next meeting.

A **motion** by Councilwoman Havens seconded by Councilman Haessly and carried by a vote of 4 ayes for Councilman Doyle to move forward with the RFP for solar on the Kingsbury Landfill with delivery on April 16, 2021.

Councilman Havens provided the following Terms of Reference for the Comprehensive Master Plan Committee:

## Town of Kingsbury Special Project - Comprehensive Town Plan Update Terms of Reference

### COMMITTEE NAME

Comprehensive Planning Committee (CPC)

### PURPOSE

To update the existing Town of Kingsbury's Comprehensive Town Plan incorporating input from the current community and in consideration of other local plans.

### SCOPE

A special project expected to take 18-24 months.

### Who Are We?

- Review 1973 Town Plan
- Collect and review other local plans that may have impact
- Collect and organize existing data Who Do We Want To Be?
- Develop outreach tools
- Gather new public opinion data from as many community members as possible
- Collect new data — 2020 Census, technology, infrastructure How Do We Get There?
- Organize the process
- Search for grants and other funding opportunities ● Update plan chapters, curate the document

## AUTHORITY

Delegated by the Kingsbury Town Board to gather information, apply data and recommend to the Town Board an updated plan.

## MEMBERSHIP

An action committee consisting of two town board members and six active local residents, with the chairperson, a town board member appointed by the supervisor.

## MEETING ARRANGEMENTS

- Frequency — Monthly on a Thursday
- Location — Kingsbury Vol. Hose Co., Burgoyne Avenue, HF ● Start Time - 6:30pm

## REPORTING

Chairperson will report to the Kingsbury Town Board at regular meetings.

Councilwoman Havens stated in her research on the Master Plan there are 4 or 5 Master Plans in and about the community. The Town is the all-encompassing entity of these Master Plans: the Village of Hudson Falls, Route 4 Corridor Management Plan, Feeder Canal Park Master Plan, Hudson River and Champlain Feeder Canal Regional Waterfront Plan and a couple of Tourism and Housing Plans in Washington County. She is hoping to find these plans hopefully in PDF and assign a plan to 2 committee members to read independently and come back to the next meeting to determine what would grossly affect anything the Master Plan Committee would do.

Councilman Haessly stated the Board has not formally organized the group working on the Master Plan and would like to know who the committee members are. Supervisor Hogan explained Councilwoman Havens was appointed as chairperson for the Master Plan Committee at the Annual Organizational Meeting.

Councilwoman Havens explained the Master Plan Committee is an action committee that is working to gather information. The committee consists of Town Board members, herself and Councilman Doyle Scott Winchell Zoning Board member, Karen LaRose Planning Board member, Village Mayor Barton, Greg Smith, a teacher, two local residents Lorraine Forcier and Tim Havens, Jr.

A **motion** by Councilman Doyle seconded by Councilwoman Havens and carried by a vote of 4 ayes authorizing a reimbursement of \$120.00 quarterly to part-time Code Enforcement Officer Ross Cortese for his cell phone.

Comptroller Rebecca Pomainville is seeking Board approval to renew the dental policy which has no price change. Councilman Doyle stated effective October 1, 2021 the Town Board members will not receive medical coverage and he intended the dental insurance to be dropped at the same time. The

Comptroller will make a note to Debbie Bell in regard to the change; there should be no problem ending the coverage the same time as the health insurance.

Councilman Haessly stated the Board talked about the Board not receiving medical benefits, but it had not formally been approved or voted on. The Comptroller stated it was voted on and a part of this year's budget. Councilman Haessly would like to vote on the approval to renew the dental insurance when the entire Board is present. Attorney Meyer stated at the second Town Board Meeting in October it was the Board's decision to eliminate health insurance to Town Board effective October 2021.

The Comptroller reported in issuing payments in receiving the Progress reimbursement payments it is required by the NYS Comptroller to do a budget amendment and have a resolution so the money can be moved from General Fund Whole Town to a Capital Fund Account for accounting purposes. A **motion** by Councilman Doyle seconded by Councilwoman Havens and carried by a vote of 4 ayes to move funds for Capital Project – Burgoyne Avenue Waterline Extension. Roll Call vote:

Supervisor Hogan	Aye
Councilman Doyle	Aye
Councilwoman Havens	Aye
Councilman Haessly	Aye

**BUDGET AMENDMENT #001 - 2021:** Move funds for Capital Project - Burgoyne Avenue Waterline Extension; and

**WHEREAS:** The Town of Kingsbury (TOWN) was awarded a grant from the NYS Department of Transportation (NYSDOT) in an amount not to exceed \$250,000.00 (Two hundred-fifty thousand dollars and no/100) to extend the waterline on Burgoyne Avenue (Contract No. 0040172); and

**WHEREAS:** Master Capital Project Agreement Resolution No. 3 of 2020 resolved that Town will appropriate from the General Fund-Whole Town the sum of \$250,000.00 (Two hundred-fifty thousand dollars and no/100) to cover the cost of participation in the project; and

**WHEREAS:** NYSDOT agrees to reimburse Town all eligible project costs; and

**WHEREAS:** Budget Amendments require Legislative approval; therefore, be it

**RESOLVED:** That the Town Board authorizes the Town Comptroller to decrease the General Fund Whole Town Unassigned Fund Balance and increase the Capital Project Cash Balance and to amend the budget as follows:

From: 1.0917  
\$250,000.00

To:  
10.0200  
\$250,000.00

Councilman Doyle reported the purpose of the meeting he had with Jim Chase, Water Superintendent and Councilman Washburn was to discuss that of the \$250,000.00 Burgoyne Avenue Waterline Extension Grant, the Town will have to spend an additional funds because the water line is going to be running near a sewer line. The original plans were drawn up before the sewer line was installed and there must be a 10- foot separation between the two lines. Approximately \$40,000.00 will be necessary to cover the cost of additional engineering and mapping.

Supervisor Hogan commented included in the federal stimulus package is water infrastructure; the Town should be fine from a financial standpoint. Supervisor Hogan stated a Public Hearing must be scheduled to extend the water district. Supervisor Hogan asked Attorney Meyer if the Town could move forward setting a Public Hearing. Attorney Meyer responded it requires preparation; he has emailed the Comptroller his comments and he is not certain where she is in her process. The Comptroller stated the engineer has made the changes requested by the attorney; she will send them to Attorney Meyer. Attorney Meyer stated it is premature to schedule a Public Hearing.

Enforcement Officer Todd Humiston reported he and Code Enforcement Officer Ross Cortese put together a draft fee schedule based on the current Warren and Washington County Fee Schedules. Warren County charges for fire inspections and in Washington County the fee is what residents are currently paying. Code Enforcement Cortese conducts the inspections and is aware of how long they take and how much effort goes into them to determine a fee. The Board can review the draft fee schedule and make any recommendations. Councilman Haessly asked questions about the draft fee schedule and if the Board was voting tonight.

Supervisor Hogan explained we need to set a Public Hearing so we can move forward on the fees. The Board also needs to set a Public Hearing on the Spectrum contract.

Councilman Haessly stated the Board passed a law to change fees by a resolution. Attorney Meyer stated this is different because it wasn't part of the fee schedule when the Board set the Local Law. Councilman Haessly would like to meet with Enforcement Officer Humiston and Code Enforcement Officer Cortese to discuss the draft fee schedule. A **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 4 ayes to schedule a Public Hearing to discuss the fee structure on April 19, 2021; the meeting will be conducted in person at Town Hall.

#### LEGAL UPDATE:

Attorney Meyer emailed the final contract with Spectrum to Councilman Haessly. A **motion** by Councilman Haessly seconded by Councilwoman Havens and carried by a vote of 4 ayes to schedule a Public Hearing for the Spectrum contract on May 3, 2021.

#### TOWN CLERK REPORT:

Town Clerk reported the Board needs to re-appoint Barry Jones to the Board of Assessment Review. Once appointed the appointee must submit their oath of office within 30 days. The Town Clerk has not received a notarized oath from Mr. Jones. A discussion followed. A **motion** by Councilman Doyle, seconded by Supervisor Hogan to open a discussion. Councilman Haessly objects to the motion, he stated Mr. Jones went off the record during Grievance Day with the relative of another BAR member. Supervisor Hogan stated it was more of a procedural matter and not as nefarious as people were trying it to be. The discussion continued. Supervisor Hogan stated there is a motion on the floor to re-appoint Barry Jones to the BAR by Councilman Doyle seconded by himself; Councilman Haessly opposes the motion and Councilwoman Havens abstains from the vote. The motion does not pass.

Supervisor Hogan announced there are positions open on the Planning Board and the Zoning Board. There are two applications for the Planning Board and one for the Zoning Board. Supervisor Hogan would like the Personnel Committee to schedule interviews with the applicants. Supervisor Hogan stated do we now have a vacancy on the Board of Assessment Review that we will need to fill. Councilman Haessly stated the Board should talk to people to see if they are interested in a BAR position. The discussion continued. Councilwoman Havens would like to speak to Barry Jones and based on that conversation and possibly put forth a motion in the future.

Town Clerk received a FOIL request for the Geer Road Solar as follows:

# Young Sommer LLC

ATTORNEYS AT LAW

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EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY/ NY 12205

Phone: 518-438-9907 • Fax: 518-438-9914

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[www.youngsommer.com](http://www.youngsommer.com)

Allyssa T. Moody, Registered  
Paralegal Writer's Telephone  
Extension: 253  
[amoody@youngsommer.com](mailto:amoody@youngsommer.com)

April 2, 2021

Via Regular and E-Mail

Town of Kingsbury c/o  
Records Access Officer 6  
Michigan Street  
Hudson Falls, NY 12839

**RE: FOIL Request - GeerRoad Project**

Dear Records Access Officer:

Under the provisions of the New York State Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request copies of records pertaining to the Geer Road Solar project:

Applicant: Geer Road Solar 1, LLC  
Geer Road Solar 2, LLC,  
Geer Road Solar 3, LLC,

<https://www.kingsburyny.gov>

Geer Road Solar 4, LLC,

(the "Project"), including, but not limited to, the following:

- audio recordings from all 2019 -2021 (inclusive) Town Board meetings; • video recordings from all 2019 - 2021 (inclusive) Town Board meetings; • audio recordings from all 2019 -2021 (inclusive) Planning Board meetings; • video recordings from all 2019 - 2021 (inclusive) Planning Board meetings; • final/approved/certified versions of 2019 - present Town Board meetings minutes; • final/approved/certified versions of 2019 - present Planning Board meetings minutes; • all Project approvals or denials issued by the Town, its departments, or employees; • all notices issued by the Town, its departments, or employees concerning the Project; • all final/approved/certified resolutions concerning the Project; • all correspondence from the Town to Project applicant;
- All internal and external town correspondence, e-mails, memoranda or notes whether written or electronic regarding the Project; and • all correspondence e-mails, memoranda or notes to the Town from any third-party regarding the Project.

To the extent responsive documents may be emailed, please email to [amoodv@youngsommer.com](mailto:amoodv@youngsommer.com). If hard copies must be sent, please call with associated copy fees and I will issue a check for those costs.

Should you require additional information, please call my cell at 518-847-3046. Thank you.

Very truly yours, /c

74/4cca Mood/

Allyssa T. Moody, RP  
PACE Registered Paralegal

Town Clerk has acknowledged receipt of the FOIL request and asked Attorney Meyer if the request must be complete in 20 days. Attorney Meyer explained after 20 days you must notify when you expect to have the FOIL request completed. The FOIL request will be sent to the Board tomorrow for their review. Town Clerk reported her office is still experiencing problems with the computers. The deputy clerk's computer is very slow processing dog licenses, the Clerk's computer shut down and the computer in the tax office has been very slow. IT has recommended increasing the internet speed. The Town Clerk is hoping the issues are resolved soon so her office can be more efficient.

**ENFORCEMENT OFFICER & DOG CONTROL OFFICER REPORT:**

Permits were received from the County with 142 open permits and some being inactive, 66 are from 2016-2019 with 76 active permits. Ten new permits have been issued since Code Enforcement Ross

Cortese started. Enforcement Officer Humiston has gone on inspections with Code Enforcement Cortese.

Business is picking up for Dog Control; he is covering for the Fort Ann Dog Control Officer this week per the inter-municipal agreement with Fort Ann.

#### COMPTROLLER & BUDGET OFFICER:

The Comptroller reported she has contacted our internet provider; at this time the Town is using 20 megabits. She has received 2 quotes; to upgrade to 50 there would be an increase of approximately \$20.00 per month and to upgrade to 100 there would be an increase of \$100.00 per month. An upgrade of 50 megabits will happen by the week's end. Councilman Haessly asked who provides the internet. The Comptroller responded it is provided by First Light.

The Comptroller has completed a software database for Code Enforcement and will review it with Enforcement Officer Humiston, Code Enforcement Officer Cortese and Michele. She obtained the property information from the Assessor and used that to create a tracking system so they can have a pipeline showing everything they are working on and everything they have completed. It will be a year over year functioning database that is fully integrated and will populate the forms they need. She can also build custom reports based off from the main database. Councilman Haessly asked what the database is, the Comptroller responded it is Excel.

The Comptroller did a webinar with a company that provides online payments for utility billing. At this time, the customers can only pay their water bills by check or cash, drop box or postal mail. They would be able to make an online payment that would automatically post their water account in real time. The program has all the proper securities and does not store credit card numbers. The comptroller still has research to do as far as if the Town will be charged by the bank and also the fees by the provider. She will continue the research if the Board is interested in proving this service. Supervisor asked what the cost would be to the Town. The Comptroller explained there would not be a cost to add the software there would be a service fee, a seventy-five cent per transaction charge. Supervisor Hogan stated Councilman Doyle has always been interested in credit card payments and if we could get an affordable way to do it, that would be good. Councilman Haessly asked if it would eliminate paper work in the office. The Comptroller stated it would greatly reduce depending on who uses it; she would put memos in the bills directing customers to the new feature; it would save in processing mail and manually posting to every receivable account and would require a journal entry afterwards. The Board has no objection to the Comptroller moving forward.

The Comptroller reported payroll year-to-date earnings on the check stubs jumped and does not match the year-to-date paid. She has been working with KVS to resolve the issue so there is no problem at the end of the year with tax documents. Councilwoman Havens stated we should send a letter to break the contract; she thinks we need a new system. The Comptroller stated it happened at the quarter end and is not certain if it is a quarter end procedure that she missed and would like to see if it is an error when she closes out the quarter before she blames the software program. Councilwoman Havens stated the Comptroller should make KVS tell her exactly what the problem is so it can be assessed if it is an error you are making or if it is an internal problem. The Comptroller will figure out what the problem is.

#### HIGHWAY SUPERINTENDENT:

Highway Superintendent Graham received quotes on blacktop and he will work with the Comptroller to prepare the agreement to spend highway funds for the next meeting.

Councilman Haessly asked about incentives due to the federal stimulus bill. Superintendent Graham explained the bill had nothing to do with road construction but there has been some talk about getting more CHIPS money, but until the budget is passed they will not know. Councilman Haessly asked about improvements to culverts and bridges. Superintendent Graham has looked into the Bridge NY program

and once submitted it takes about two years to finalize. Supervisor Hogan stated culverts and bridges in the State of New York are considered the same and asked if the Town had any culverts in need to be replaced; he believes there is money in the federal stimulus money that provided for bridge replacement. Highway Superintendent Graham stated there is always something that can be replaced. Supervisor Hogan suggested Graham put together an inventory so when the Town receives clear guidance on what the money could be used for it may be for culverts. Superintendent Graham explained the County conducts the bridge and culvert inspections yearly and will have a list. Councilman Haessly asked about the status of the trees located near the future Town Court parking lot and the construction of the Walgreen's. Superintendent Graham reported Walgreen's has hired someone and will reach out when they get ready to do the trees. Enforcement Officer Humiston received credit for Walgreen's agreeing to have the trees cut down.

#### COUNCIL REPORT:

Councilman Haessly spoke of a person who may be interested in a position with the Board of Assessment Review.

Councilman Haessly would like to receive emails from the Zoning Board and Planning Board members so when there are things going on and minutes are taken, if he has questions he can contact them by email instead of by phone. Supervisor Hogan asked if there was a contact sheet for the Town employees. Town Clerk reported the Comptroller and the Deputy Clerk created a contact list. The Comptroller stated Councilman Haessly would like every Planning and Zoning Board member to have a kingsburyny.gov email address; at this time, it is not offered. Councilman Haessly would like to discuss this at a later time. Councilman Haessly suggested the Board consider replacing computers when preparing the next budget. Councilman Haessly stated when the Spectrum contract is approved the Town will receive quarterly payments instead of annual and will provide the Town with approximately \$15,000.00 this year.

#### SUPERVISOR REPORT:

Supervisor Hogan reported the first stimulus meeting was conducted at the County to establish some discussion. Vice Chairman Henke is chairing the committee and wanted to generate recommendation of what and if any immediate action could be taken to prepare for the stimulus money and to begin discussions to define potential use of the stimulus money within the broad categories that have been provided so far. There will be two payments around 5.9 million to the County. The first payment will be used to reimburse the County for expenses related to COVID; additional funds may be invested for the future and possibly promoting tourism.

Supervisor Hogan serves on a committee with 7 other towns and the IDA in regard to the Champlain Power Express and negotiations in regard to PILOT have continued.

#### PUBLIC COMMENT:

Lorraine Forcier sent an email to the Board with highlights of ideas for changes in the solar regulations that were pulled from regulations from different towns across New York State and a couple from Massachusetts.

Mike Cleveland is concerned that a study has not been conducted in regard to blasting near a solar facility. Last week there was a blast and neighbors called Peckham's to have their basements which have cracks. He is concerned what would happen to the solar panels with continuous blasting.

Lorraine Forcier commented she is not as close to the mine as the other neighbors she felt the blast at her house with a loud blast.

Supervisor Hogan asked if Joe Derway was contacted by the DEC. Mr. Cleveland responded they had spoke to DEC a few times and their response is wishy washy. He requested seismic graphic readings

from the blast and the DEC would not give him any but did give them to another neighbor who had her well replaced as a result of blasting.

One neighbor had rock spray on their yard and deck. Supervisor Hogan stated if rock spray hits a solar panel and breaks then what happens if moisture or water enters into it. The discussion continued. Supervisor Hogan stated he is not comfortable relying on the DEC from an administrative standpoint to enforce some things.

There being no further business before the Board a **motion** by Councilman Doyle seconded by Councilwoman Havens and carried by a vote of 4 ayes to adjourn the meeting at 9:19 P.M.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk