

April 7th, 2025

Kingsbury Town Board Meeting April 7th, 2025

The Town Board meeting for the Town of Kingsbury was conducted on Monday April 7th, 2025, at the Kingsbury Town Hall, 6 Michigan Street, Hudson Falls.

Present: Dana Hogan, Supervisor
Sean Akins, Councilman
Bill Haessly, Councilman
Jim Lindsay, Councilman
Dan Washburn, Councilman

Others Present: Jeff Meyer, Town Attorney
Mason Leonard, Highway Superintendent
Todd Humiston, Dog and Code Enforcement
Rebecca Pomainville, Comptroller
David Meager, Adirondack Trust Insurance
Dustin Hall, Adirondack Trust Insurance
Scott Lindsay
Michele and Robert Springer, Quarry Circle
Andre and Sandi Chadwick, Quarry Circle

The meeting was called to order by Supervisor Hogan at 6:30pm and opened for business with the Flag Salute by Councilman Lindsay.

The minutes of March 17th, 2025, Board Meeting submitted by the Town Clerk were accepted with one correction. It was corrected that Bob Henke is not on the committee but instead created it. A motion by Councilman Akins and seconded by Councilman Lindsay and carried by a vote of 5 ayes.

I. Annual Insurance Review Meeting

David Meager and Dustin Hall from Adirondack Trust Insurance came review and answer any questions regarding the Towns Annual Insurance. David went over the Summary of Insurance that will be provided to the Town by NYMIR. Highway Superintendent Mason Leonard got pricing on a new fire hydrant and was wondering if we should adjust because of that. David thinks the Town will be okay and doesn't need to increase coverage for that because it's only replacing a current hydrant. There were questions on the Town having coverage for Portable water. David has had conversations with NYMIR on covering this, but they do not plan on changing to include this. David asked if there was a contract between the Town of Kingsbury and Queensbury on water and requested a copy to review. The Town Attorney Jeff Meyer happened to have a copy of the agreement and confirmed that Queensbury does have to provide Portable water. Councilman Washburn asked when we will know for sure if they will not cover for Potable water. David said when Malta tried to get coverage NYMIR would not provide it and said he could investigate getting new quotes so if the Town would like to look elsewhere we could. Queensbury currently is covered by NYMIR as well. Dustin Hall said it would take four weeks from submission to get those for the

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Board. No motion was made to renew and will be tabled until the Board can get those additional quotes.

II. AFR (Annual Financial Report) for the Town of Kingsbury 2024

A motion to accept is made by Councilman Washburn and seconded by Councilman Lindsay and carried by a vote of 5 ayes.

III. Legal Updates

No legal update for public consumption by Attorney Jeff Meyer. There will be a need for an Executive Session for contract discussion.

Reports

Paige Zahaba, Town Clerk

The Town Clerk has two interviews scheduled for the Deputy Clerk position.

Rebecca Pomainville, Comptroller

Today she met with the State Comptroller's office regarding the audit that's been going on since December. They went over a broad overview and had no major findings. They did give a handful of recommendations. They went over a couple of different categories.

1. **Control Environment** – This is the policies the Town has in place and internal controls. They recommended we have a formal resolution that assigns the financial duties of the Supervisor to the Town Comptroller. Rebecca believes this was done a long time ago with the previous comptroller when the position was initially created but we don't have this on file. They also said we should have an updated resolution for this. They also suggested we have employee disclosure and have it documented of outside employment for themselves and their spouses. This way it's on record and we can prevent a potential conflict of interest.
2. **Accounting Records and Reports** – They recommended we establish a backup for our Comptroller. In case something happens, and Rebecca is unable to perform her duties we have backup. She currently has SOP's typed and available but has no one who can do it. They also recommended Rebecca talk to the accounting software companies to create a stricter password policy with them.
3. **Cash Management** - They said if we have an increase in revenue at some point that we should monitor our bond levels to ensure it's still sufficient. They also said we should add an annual review of our investment policy to our Board Meeting. They also noticed we have one bank account that has zero dollars in it due to being a holding account. We should either close that account or submit a bank reconciliation monthly for that account for zero dollars. Rebecca will be closing the account. Cash receipts and deposits should also have a backup and suggested the Clerk office keep a log of checks that come in for Rebecca. They didn't find any issues with the way it's done now and just recommended the log. They also recommended we pass a resolution for every cash drawer we have that holds petty cash. We currently have one cash drawer in the court, two cash drawers in the Clerk's office, one cash drawer in the Tax Receivers office and a petty cash bag locked in Rebeccas office. They suggested we have updated and

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current resolutions specifying dollar amounts for each drawer and purpose and proper usage. We are responsible for this policy

4. **Purchasing** – They said our inventory records for miscellaneous items should be updated. The current inventory list we have for the garage is tons of pages long and needs updating. They also suggested we secure W-9 forms for the vendors we have. Rebecca currently has them electronically but there could be some in parts of Town Hall from previous years. They briefly discussed the timing of when a purchase is made versus when it was approved for purchase. Whenever we purchase over \$5000.00, we need to go to the Board first for approval and the copies of the minutes and the Board resolution should all be attached to make it easier to show it was approved.
5. **Payroll** – They didn't have any recommendations. They briefly discussed pay for salaried employees changing to be paid in equal installments like elected officials and not having any rollover into January.
6. **Real Property Taxes** – They suggested we secure documentation for the post mark date and document why penalties aren't being charged if its being based off a postmark. They also suggested we secure an agreement with the School for Tax Collection.
7. **Town Clerk** – They recommended we get duplicate receipts for collection of miscellaneous payments such as photocopies. They also said when we write out these receipts, we show the form of payment such as cash, check or credit card. They also recommended the Void report being reviewed along with the daily transactions report monthly rather than annually. They also suggested we get rid of the Username COUNTER at the counter computer and instead each individual person has their own login. Also said we should have the monthly reports signed off on.
8. **IT** – Continue to monitor the service contract and making sure they are delivering on what was contracted to us. They also said we should investigate what we have for a disaster recovery plan with IT. Not necessarily one that Stored tech has created but having one at Town hall, so we know who calls who and who does what.
9. **Objective** – They had a Broad Audit of everything and then they pick an objective of what the final audit will be focused on. They decided on the Multiyear planning. It's something that's discussed every year at budget workshops. It involves an equipment replacement plan, and they recommended we have a five-year plan in place. We've been going year to year, so we don't currently have one in place. They will be auditing 2022-2025 and looking at fund balance and replacement of equipment and seeing if it's all documented and making recommendations on that.

Highway Superintendent, Mason Leonard

1. Mason is looking to deem a 1995 Ford Single axle dump truck surplus listed on go deals. It is no longer in use. A motion by Councilman Akins and seconded by Councilman Washburn and carried by a vote of 5 ayes to accept this surplus.

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2. Looking to get a Resolution accepting an RFP for vehicle repair services. Currently having engine troubles with one of the Town trucks and a little out of their scope of work. Rebecca assisted with putting together an RFP for a shop to work on Town vehicles at a fixed price. They got bids from three different vendors. Birch Motors came back with the lowest number for a 12-month fixed rate at \$125 an hour and selling parts are at list price. They also got bids from Brown's Brother's Automotive and Michaels. A motion to accept the resolution was made by Councilman Haessly and seconded by Councilman Lindsay and carried by a vote of 5 ayes.
3. Wanted to let the Board know that the Highway Department is switching to (4) 10 hour days next week. They will be working Monday through Thursday from 6:00am to 4:00pm

Supervisor Hogan has had complaints about the work being performed to the powerlines. Mason and Supervisor Hogan met with the folks from Kuwait and TDI today because of an uptick in complaints. Between the guys driving too fast to Mason witnessing a truck going over a posted road it shouldn't have been on. Mason attempted to have a conversation with the driver and the Supervisor, but they were not cooperating. Then Supervisor Hogan contacted Kuwait last week to go over some of the things that have happened, and they asked to meet today at 2:00pm. When they arrived, they also had someone from TDI with them. They were receptive and deal with a lot of different sub-contractors. We will see what happens in the next upcoming weeks. Supervisor Hogan heard back from someone on Crowley Road today and they said there have been a lot less trucks driving that road the last couple days.

Supervisor Hogan opened public comment.

Michele and Robert Springer and Andre and Sandi Chadwick from Quarry circle are present with some concerns. They came in front of the Town Board last May with these same concerns but never got an update. Code Enforcement Officer Todd Humiston said the initial design goes to Nikas's retention pond and that this reduces water they would have had. They agreed it is not as bad as last year, but they'd like to see the Town build a channel or outlet to help move the water elsewhere. They said they believe there is an outlet that would move the water to Dix Ave. Todd then informed them that it is illegal to channel the water elsewhere. Todd informed everyone that stormwater retention means keeping the water on your property. He also said that retention ponds were initially created to help prevent this issue, but some homeowners filled those in. This went against what the engineers had planned for the property. There is concern that additional water from Schermerhorn is coming down from their retention pond to the residents at Quarry Circle. They were told by the DEC that they are not retention ponds. That retention ponds are only meant to hold water for 24-48 hours before it dissipates and that doesn't happen here. Supervisor Hogan pointed out that they had high water tables, the same as him. This is why when he built his house, he brought fill in to fix this. They all seemed to agree that should have been done at Quarry Circle. Supervisor Hogan then asked who built the houses. They told him the houses were already built when they bought the houses. They were built by Rick Stanley and Scott Esterbrook and designed by Bill Nikas. Todd read the original plans from the Planning Board and water was a concern then. The Planning Board mandated that the houses were either built on a slab or crawl space because of the high water and

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that they couldn't have basements. Supervisor Hogan asked Town Attorney Jeff Meyer if the builders have any responsibility here. Councilman Haessly then asked how long they'd be liable for. Jeff said he believes they are responsible/liable for the life of the structure. Councilman Haessly then suggested they go back to their legal council and see if the engineer firm who did the layout of the land has any responsibility. Supervisor Hogan then asked what they feel the Town should be doing in this matter. They felt like the Town should be cleaning up the trenches. Supervisor Hogan asked if they meant behind Donna Vincents house, and they said yes. Hogan then went on to say he met Donna Vincent, and they had a couple discussions on it. She indicated Supervisor Hogan made a promise to clean it up. He said we have an easement there, but we don't have an obligation to clean it up. One of the neighbors has a shed and a pool back there so even if ww did clean it up it would involve ripping those structures out. The Town doesn't really have a role in this.

They also wanted to bring up that with Spring around the corner and fishing season coming up they have a concern with all the fishermen and teens fishing out of the pond. Said kids are crawling in and around the rocks trying to fish. There is also trash being left behind. This has become a hangout spot, and they want to know which homes have liability for this. They are worried someone is going to fall because of the slippery, uneven rocks. They are also staying quite late over there. Supervisor Hogan suggested a call to law enforcement, and they said they did. Law enforcement said there was nothing they could do unless the area is posted with no fishing signs. It is owned by Quarry LLC. Bill Nikas could approve the posting of signs. Supervisor Hogan let them know that the Town has been made aware of this being a public nuisance. The Town could look into a Nuisance Law and try to notify Quarry LLC. They also let us know the website says Saturday dates for the meetings in April and May.

A motion by Councilman Washburn and seconded by Councilman Akins and carried by a vote of 5 ayes at 7:44pm to enter Executive session for contract negotiations.

No action is expected to be taken in Executive session.

A motion by Councilman Washburn and seconded by Councilman Haessly and carried by a vote of 5 ayes at 8:21pm to exit Executive session. No action was taken.

A motion by Councilman Washburn and seconded by Councilman Haessly and carried by a vote of 5 ayes at 8:21pm to adjourn.

Respectfully submitted,

A handwritten signature in black ink that reads "Paige Zahaba". The signature is written in a cursive, flowing style.

Paige Zahaba, Town Clerk