

The first regular meeting of the Kingsbury Town Board was conducted on October 5, 2020 at the Kingsbury Volunteer Hose 3715 Burgoyne Avenue, Hudson Falls, NY.

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

OTHERS PRESENT: Todd Humiston, Enforcement Officer & Dog Control  
Jeff Meyer, Town Attorney  
Rebecca Pomainville, Town Comptroller  
Michael Graham, Superintendent of Highways  
Bob Landry & Mark DelSignore, Glens Falls Housing Authority  
Debra Parker, Tim Havens Jr., David Havens, Tim Havens Sr., Jerry & Jolene Caruso, Greg & Jill Couture, Mike Cleveland, Town Residents

The meeting was called to order at 7:00 p.m. by Supervisor Hogan and opened for the order of business with the Flag Salute led by Councilwoman Havens.

Supervisor Hogan opened the Public Hearing to discuss the Proposed Local Law Amending Chapter 136 Regulating the Possession of Firearms on Town Property. He stated the public meeting was opened at the last Board Meeting, remained open and the Board is now ready to entertain any further comments related to the proposed law amending regulating the possession of firearms on Town property.

Resident Debra Parker Resident wondered what has changed since the law was passed in 2005 to make it now more advisable to carry concealed firearms on town property.

Councilwoman Havens replied the makeup of the town board has changed. For herself as an elected official she started to look at some of the laws and found the Town had a situation and there was a New York State pistol law that should have been adhered to. There was a law under state law that would have handled that situation but instead the Town legislated against the rest of the town. When she looks at it now there are a lot of law abiding innocent people that could be coming to town hall to transact business in the course of their day for a brief moment and now if we enforce this law we have criminalized someone. Mrs. Parker questioned if the law had been enforced in the last 15 years. Councilwoman Haves replied correct. Mrs. Parker asked why. Councilwoman Havens responded, if someone has an unrestricted pistol permit in New York State, it is a concealed carry permit which means it can never be seen by someone. They are granted this permit by the state and they can travel in and amongst us in the town with that firearm and conduct their business anywhere. The moment that they come into town hall no one would know that they had it and shouldn't know; it is against the law to expose that firearm. There are a lot of people in our community in the Adirondacks that have a self-protection shot gun in their truck and this time of the year there are avid hunters who have their hunting gear and their rifle in their truck. There are laws that state it can be in your vehicle unloaded and covered up and she has found our residents are law-abiding and respectful of that and they don't intend to intimidate. Mrs. Parker commented you don't know that. Councilwoman Havens stated we have never had an incident with a citizen in a situation like that. Mrs. Parker stated that may be because there is a law on the books that deters it. Councilwoman Havens stated she found a lot of people do not know about the law. Mrs. Parker stated she can't believe someone would want to bring a firearm on

town property and should not be too much trouble to leave it at home for that particular business. Councilwoman Havens spoke to her personal situation, their store was robbed in August by four people; two of whom are very dangerous. In May they shot up a house in the town of Day with people in the house and because of the New York State bail reform that came to be under our budget they got an appearance ticket. Mrs. Parker interrupted and said I don't think this has anything to do with this issue. Councilwoman Havens explained as we were pursuing justice in the theft of our store a state police officer told us we will put ourselves in danger as these people are off the rails. Mrs. Parker interrupted and said stick to the point in the town. Councilwoman Havens announced I have an unrestricted pistol permit and I carry it for my personal safety. I have a situation now and we were told by law enforcement we need to pay attention to our home and our business. Mrs. Parker asks if she afraid for her own safety coming to the town. Councilwoman Havens replied I am afraid for my own safety everywhere I go until these gentlemen are put in jail. Councilman Haessly asked Councilwoman Havens if she was advised by the police that her life might be in danger. Councilwoman Havens replied yes. Mrs. Parker asked if Councilwoman Havens owns a gun shop. Councilwoman Havens replied I do. Mrs. Parker asked is this not a conflict of interest; you want more guns out there perhaps. Councilman Haessly commented it is his belief that the 2<sup>nd</sup> amendment is not a second-class right. His feeling is that is our right but we also have to be custodians of town property in buildings and look at amending the law so that our people have the right to carry firearms where they want to carry according to the second amendment and also we have to preserve the orderly conduct of business within the town. The bottom line from my point of view is honest citizens under the old law can be penalized and charged with a criminal misdemeanor charge which makes them a criminal. Mrs. Parker asked if the Board was going to decide tonight and asked if there has been any input. Supervisor Hogan replied we did have a public hearing two weeks ago prior to that there has been some discussion and there has been some input. Mrs. Parker commented I do think intimidation is a problem, it could be a problem. Supervisor Hogan commented what is being proposed is you can't brandish your firearm, it is against the law, a concealed carry permit it is one of the exceptions that would be allowed under the new law that is being proposed in the town. Supervisor Hogan commented under the law proposed two major changes proposed are carried concealed options for people who are properly permitted by the state of New York as well as removing the restriction on the firearm that is securely locked in a vehicle on town property. If somebody comes in and has their rifle in the back of their vehicle locked away in a trunk and they go in to pay their tax bill there is a discussion of removing that as being a violation. Mrs. Parker asked in the original law if a person with a rifle is considered a criminal as well as a person with pistol. Supervisor Hogan replied, currently the law as it is written you are not allowed to have firearms on town property. Mrs. Parker asked if that included all hunting rifles. Supervisor Hogan answered yes and commented one of the things we have to think about is we have a proposal in front of us tonight that was offered by Councilman Haessly. The public hearing is specific to the proposal he has made. Supervisor Hogan understands after speaking with the town attorney this proposal has to be voted either up or down and the Board can not necessarily pick and choose and line item veto anything from that law. The Board has to either vote in favor of it or oppose it; therefore, action could be taken by the Board tonight.

Tim Havens Sr. commented this law was put on the books because we had an elected town official that use to brandish his weapon and intimidated others within town hall; that is why that law was hastily crafted, is a little farfetched and kind of dramatic. He himself as a citizen would like to see it repealed in its entirety and not make it a criminal offense for someone to have a hunting rifle in their vehicle or himself as a concealed carry pistol holder, you won't know when I carry around town and I can go to

town hall and transact my business. I think the law should be repealed because people that have a pistol permit have been vetted to the nth degree. New York State and Washington County Justice McKeighan do not give out permits easily. Among us in this room many who have concealed carry permits and since this is a private organization the Kingsbury volunteer fire company is its own organization there could be many firearms in this room right now and none of you know. I'd like to see the law repealed for that reason and also for the fact no other municipality has a law like this.

Supervisor Hogan interrupted and said just to clarify we are not voting to repeal the law this evening, this is a public hearing to make amendments to the current law that is not a replication of the current law. Mr. Havens Sr. responded the amendments will be his second choice a full repeal would be my first choice. The amendments as proposed would suffice as much as people have concerns about a full repeal. The second thing is that no other municipal organization has a law locally like this Argyle, Fort Ann, Hartford, Fort Edward, Moreau, Queensbury doesn't, none of them. I think it should be repealed to be in line with all the other municipal laws. I think we are in uncertain times I don't see anyone coming in town hall threatening the Town Clerk with their tax bill, anybody with a legal gun holder permit it is not going to happen. He has a New York State pistol dealers license and a holder of a Federal firearms dealer's license, is a law-abiding citizen and a taxpayer here and we should be in line with the other municipalities. Town Clerk commented in reference to irate taxpayers we encounter more than one every collection, there was one in the office last week. Mr. Havens responded if that person was threatening in any way to you or any town employee, he is breaking the law. The Town Clerk stated she understands that, but we never know who is coming through that door. Mrs. Parker said you are not going to train this whole town about gun safety. Mr. Havens replied you have to change the world one person at a time.

Tim Havens Jr. stated my quick point is if this law were removed anything that is problematic to my knowledge... Supervisor Hogan interrupted and announced again we are not talking revocation. Tim Havens Jr. continued and said I know I am talking about with the law that is on the books now anything that would be a problem would also be illegal under a second set of laws basically this layer that we have right now that is kind of problematic if it were to be changed or removed either way, the problem is it would still be illegal in definitely state law and then with regards to pistol permits it would be against the conditions of a pistol permit already with or without. So, if any firearms saw the light of day, especially a pistol which it seems we talk most about; if it were to see fresh air it would already be in violation of state law and county law and if we amend it would do more good than harm.

David Havens answered to Mrs. Parkers statement we can't educate the entire town. In Hudson Falls, we started trap teams in the high school target league and in some of our regional schools across the state. The students did learn quite a bit about firearm safety and It is important that we educate not only current people holding licenses but the people coming up so you know they are law-abiding citizens and keep them safe as well as our people coming up. Education is the key to all.

Supervisor Hogan asked if there were any other comments related to the firearms law change. We have the option now to vote on this law, we can close the public hearing then vote on respective changes.

Attorney Meyer stated that is correct. Supervisor Hogan asked if there was a vote amongst the board or we can leave the public hearing open and continue to work out concerns that have been communicated to the board members related to this law. Supervisor Hogan asked if the board members would have any interest in speaking of some of the concerns that they may have.

Councilman Doyle commented he believes in Councilwoman Havens case her rights to defend herself doesn't or shouldn't stop at the town hall door. He stated he is not for repeal but feels this particular law that is drafted needs more verbiage after his discussion with the Sheriff. The sheriff seemed to be

most concerned about the court. Councilman Doyle thinks the Board would need to say something that it does not apply to the Court. We do have the issue of the gun free school zone with long guns here at the town hall. He couldn't vote in favor of this as written but I am not opposed to following the county's lead. The other thing is this was to try to accommodate some people that have a concealed carry permit but as I understand it from the insurance point of view for the county, employees are not allowed to carry means elected officials are not allowed to carry. So, this would only pertain to members of the public even as we amend this law. He thinks we would have to put in there this does not pertain to employees. The question has been brought up if the Town has been enforcing this. There is no gun free zone signage at the town hall so it is very possible that someone could walk in unknowingly into the town hall with a pistol being a concealed carry and breaking the law and not know it. Councilman Doyle stated he cannot support the current proposed law for firearms.

Councilman Washburn stated he has some of the same concerns as Councilman Doyle; he is pro 2<sup>nd</sup> amendment and there are some things the Board must iron out. He asked if we leave the public hearing open how do we make changes to the current proposed law to get some of that verbiage in there, would have to again put out a public notice. Attorney Meyer replied technically no. You can keep it open as the changes are being discussed, then as the document is being manipulated the concern and the recommendation is if the changes are kind of broad based and encompassing and if you are really making significant changes then it makes sense to re-notice it just so the public understands this is a slightly different version and things are still on the books advancing in some manner. It is not technically wrong to just keep it open and keep it rolling and continue to have the discussion. So, if there is a little bit of a judgement call of how and if the public hearing is re-noticed because you certainly do have members of the public that may have missed the first notice, didn't know it was still ongoing and they are interested in reviewing and commenting as appropriate.

Supervisor Hogan stated we have the option to keep the public hearing open and vote on the current amendment as it is. Councilman Haessly made a motion to keep it open and postpone it until February giving the Board time to form a committee to work on it. Supervisor Hogan asked Town Attorney Jeff Meyers if we could table this until February. Attorney Meyer replied yes. His recommendation would be to re-notice it in February, maybe hold a workshop if you are going to entertain some changes and work through whatever lines they want or have a smaller committee or something so if there are larger issues or smaller exceptions that they can work through language with the board, the definitions of firearms or whatever it may be. You can table it until February with the recommendation being to re-notice, so everyone understands that it is an indefinite and that this is ready for discussion again. A **motion** by Councilman Haessly seconded by Councilman Washburn and carried by a vote of 4 ayes and 1 nay to table the Public Hearing for the Proposed Local Law Amending Chapter 136 Regulating the Possession of Firearms on Town Property until February and turn it over to a review committee. Supervisor Hogan voted nay to table the Public Hearing until February.

Mrs. Parker asked if the law were to be repealed what would be the rules governing carrying guns on town property. Supervisor Hogan said it is his understanding and communicated to us in past meetings if we did a full revocation of our firearms law that you could carry a firearm into our town building with no restrictions whatsoever. You could come in with a shot gun slung over your shoulder. Councilwoman Havens said if the law went away it would be state and federal law, it would be just removing a layer that is not enforced. Mrs. Parker asked Councilwoman Havens what do those laws say about town property, can anybody carry a gun into town property. Councilwoman Havens replied in New York State you can carry an unloaded long gun in the streets of New York State and pistols are governed by New York State. We have had pistol permits from like 1922 and you have to have an unrestricted carry

permit and it has to be concealed. Councilwoman Havens added it is legal in New York State to carry an unloaded firearm, a long gun but is not common to be seen. Supervisor Hogan commented as part of learning more about this process I actually called the County Attorney as well as the Village Attorney and to see whether or not and what the consistency was for rules related to carrying firearms within the building. He was told that someone could walk into DMV with a loaded shotgun to conduct their business. The County Attorney told him they would likely be subject to menacing, breaking rules related to menacing and other attorneys he talked to disagreed. It is subject to interpretation and we don't see a lot of people with shotguns, we don't see a lot of people coming into town buildings threatening to shoot town employees. Mrs. Parker said it would be a really bad person to do that, regular people who are vetted, and good citizens would not do that and that's not the concern. Supervisor Hogan added when someone gets vetted and they could have a concealed carry permit they could have a medical condition a week later have a stroke everything can change it's based on that day they got their permit. Councilwoman Havens commented she contacted the Under Sheriff to see how many permits there were in Washington county and he couldn't give me that figure because he was having trouble with the computer. There were at least 1500 pistol permits in just 2020 before June that people opted out of a notification, part of the pistol permit process. There were 8 revoked out of Washington County this year and 8 revoked last year, about the same. He said 99.9% of your pistol permit holders do not break the law. Mrs. Parker added she would agree with that it's the 1%. She thinks the law should be reworded and looked at more carefully.

Tim Havens Sr. announced there will be a fund raiser for Chuck Friedman's 5-year old grandson who has been diagnosed with leukemia and requires aggressive treatment. There will be a trunk convoy in Kingsbury called Fuel up for Finn to raise funds for his treatments this Saturday starting at 11:00 am. The convoy starts at his house on Hartman Road and ends at Friedman's Excavating. The goal was 100 trucks at \$100.00 each; at this time, they are over 250 trucks.

Town Comptroller/Budget Officer Rebecca Pomainville spoke and said this year's budget is a little trickier than last year because of our current pandemic and it was noted by the state that we should be budgeting in anticipation of a 20% reduction in our spending and that is what she did. With that reduction and some increased expenses, it impacted us about 92,000 dollars not in our favor. We attacked every department head to find ways to save money and reduce our spending as much as possible, everybody did. There are still challenging times ahead and the most difficult decision she did make in this budget was a recommendation that we freeze any pay raises this year to be fiscally responsible with the stipulation if possible if things improve and the state aid does not get reduced as we're fearing then we can do a retroactive lump sum raise with a resolution in fourth quarter to make up for the current budget situation. Supervisor Hogan asked to clarify the definition to improve, would it be that the 20% of our funding is reinstated. The Comptroller replied absolutely, and she thinks it would be fiscally wise to hold off on our raises unless our state aid gets restored. She did make a lot of effort this year to come up with cost savings to help with this. So far, she was able to renegotiate several contracts or else change vendors and the annual savings year over year was about \$7,800.00. All of the department heads reduced their budgets anywhere from 10 – 25%. Supervisor Hogan asked what the Town's Aim funding was reduced by. The Comptroller replied it would amount to about \$200,000 dollars. She added in addition there is a possible \$20,000.00 reduction in CHIPS and Pave NY and Extreme Recovery programs possibly going away it would total a reduction of approximately \$40,000.00. Bob Landry, Executive Director of Glens Falls Housing Authority stated 35 years ago The Glens Falls Housing Authority in conjunction with the United States Department of Housing & Urban Development built the G Roswell Earl Towers in Hudson Falls. Over those 35 years they were able to maintain a safe,

clean, and affordable atmosphere for senior citizens with the bulk of them being from Washington County. Approximately 80% of the individuals who live in the building now are from Washington County. Over the years they had the tax pilot with the town that was basically based on what they call shelter money. What shelter rent means is every year they take rental income that comes in from their residents we take out of that our utilities and the amount of money that is left multiply that by 10% and that goes to the communities. They have had a flattening of sorts of their pilot agreement and that has to do with the fact that facilities have become less energy efficient and at the same time you take that calculation and your cost of utilities is going up and the net amount that we have reduces the pilot payment to the town. In 2017 the Glens Falls Housing Authority due to reduced funding from the Federal government became part of a demonstration that the Federal government called RAD, Rental Assistance Demonstration. The public housing side is kind of going away and the Federal government would like to return public housing to the states. They made a funding pool available through the state of New York that we could apply to that would allow us to get the monies needed in order to do the renovations that are needed in the Earl Towers, Stinchman Towers, Cronin High-Rise and LaRose Gardens Family Garden complex. They have been working on this since the year 2017 and part of this program requires them to bring on private sector partner. This private sector partner will participate with the Glens Falls Housing Authority for the next 20 years in the operation of the Glens Falls Earl Towers and the other facilities. The Glens Falls Housing isn't going out of business we're not going anywhere we have to have this partner. The expertise they brought to us was the ability to get the financing from the state of New York and then help them continue forward with the IRS requirements for the funding that becomes available because they have had to form a not for profit for this work. In order to do this the pilot that we had with you right now would need to be amended so that it brings on not just the Glens Falls Authority but it also brings on this new partnership which would be between the Glens Falls Housing Authority and a company called Wilder Balter. They are going to do 5 to 6 million dollars' worth of renovations work to Earl Towers; every apartment will be renovated, all new handicapped accessible bathrooms will be put in, new alarm systems, new boilers, elevators will be upgraded, fire pumps upgraded, and outside we will be doing some storm water management in the parking lot because of issues we have right now. They will be increasing the size of the community room and allowing for an outside seating area for residents of the building which they don't have right now. With all of the energy efficiency work that they are going to do we expect our utility number to come down. Some of this financing is coming through the state of NYSEDA and the requirements there are going to require us to meet certain standards in order to do that. He is here not to change the current pilot we have but is trying to change who that pilot is between Town of Kingsbury and what we are going to call the JV Development Fund Corporation which will actually be the entity that is doing all the renovation works to the high rises will also be the entity to generate the pilot. He sent the Board a piece of information that talked about all we are going to do across the whole spectrum of all of our projects. It is an immense job, and they have a very small staff of Housing Authority of 14 people who try to run the Housing Authority deal with the COVID activity that is out there today. Putting this all together has been an exercise beyond belief, but it will be a great thing for your community and it is going to be a great thing for the residents.

A **motion** by Councilman Haessly seconded by Councilwoman Havens and carried by a vote of 5 ayes for the Town Board to approve the change of ownership and the renewal of the PILOT Agreement with GFHA housing Development Fund Company, Inc. and JV Redevelopment Partners, LP and authorize Supervisor Hogan to sign the amended agreement.

Supervisor Hogan reported he recalled receiving approval to sign documents to receive a grant from the NYS DOT in the sum of \$250,000.00 for a project for the Burgoyne Avenue Water Extension to extend the water from the firehouse to the state highway barn. He is seeking permission to sign the documents; return them to NYS and start the RFP process for engineering and Jim Chase. Attorney Meyer has reviewed the contract and the agreement is to get into the grant program; it is a standard state contract that does have a lot of WBE reporting requirements with all the fine print built into it. It is really the first step and we are going to go forward with the grant. The second half was to either to go out to bid or refer back with to CT Male to administer the grant to make sure that all the fine print was followed and there were no violations. It is the formal state contract going forward with this project but for the purpose of the town it was kind of that first step. Once that step was taken then you can get the professionals in place to make sure it is carried out properly. A **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 5 ayes giving permission to Supervisor Hogan to sign the Master Capital Agreement for the Burgoyne Avenue Water Extension. Supervisor Hogan stated Senator Little secured this grant for the Town to extend the water from down in front of Hannaford down to the firehouse.

Supervisor Hogan announced the next item on the agenda is Solar on Kingsbury Landfill. Councilman Doyle reported they had a second phone call on September 23<sup>rd</sup>, 2020 with a consulting engineering firm called LaBella. Mark Gregor worked with the city of Rochester for 32 years and was involved in putting solar in their landfill. LaBella has a partnership with NexAmp. NexAmp is a developer and LaBella is prospecting for potential sites for putting solar on brown fields or landfills. Should NexAmp be the successful bidder after we develop an RFP, LaBella gets paid at that time. There is no cost to the town for their consulting work. Councilman Doyle made it very clear to them that it has to be up front and it is an open bidding process. He also reported there have been other developers that have already contacted him, people are interested in putting solar on landfills because there is a state push for it. There is no cost to the town for their expertise in assisting us in developing an RFP throughout the market. The timeline that they are looking for is to try and get approved, not constructed; but approved or awarded by the end of 2021 because there is some NYSERDA funding involved which is 15 months away. What they are looking for is for us to decide one if we want to proceed in investigating this possibility of putting solar on the landfill. If we decide to go forward, there are three different approaches, and we would need to think about which way we would want to go.

1. We pay for the system build it and operate it ourselves for the sole benefit of the town.
2. Power Purchase Agreement – developer builds and operates it and sells the energy to the town.
3. Long term lease of land to develop for community solar. Lease & PILOT income and town can purchase electricity/credits from developer if so choose.

At this point we don't know if it is viable until we investigate it. Councilman Doyle is not sure how much space or acreage is down there. All of that would be looked into as far as the RFP development process. Supervisor Hogan added we had talked to NYSERDA a number of years ago. NYSERDA sent some reps from New York City to talk about the potential of utilizing our landfill as a solar field as a way to make it a productive piece of property for the town. NYSERDA had recommended option number 3 to essentially offset the cost of the power for the town. The Town pays about \$35,000.00 a year in energy costs and it would be a way to reduce that cost. We will learn more about that as we go forward if the board decides to go forward. Supervisor Hogan talked to the DEC in March of 2019; at the time the rep at the DEC, who was monitoring the landfill for us, requested to wait about a year because they were

taking care of some litigation concerns they had due to some water runoff. COVID hit and it was delayed by about 3 months and when he got back to them, he got the verbal O.K. to take baby steps and start discussing this option going forward. Supervisor Hogan stated we did get a new rep whom he emailed to say we are having conversations and she encourages us to do so. She asks that we stay in touch with her keep communicating with them. Supervisor Hogan stated the DEC actually works on our behalf to make sure we don't get ourselves into anything that could be bad, particularly a capped landfill which has hazardous waste. The next step would be if the board actually wants to move forward and determine which option is preferred. Supervisor Hogan stated he does not want option 1, he does not want to bill or operate anything. His recollection of the conversation with the NYSERDA rep was their recommendation of option 3, it seems to be the most simplistic approach for the town and puts most of the onus on the developer. Councilman Washburn asked if there is a consulting firm and there is no upfront cost, and they get paid when the project goes, what if for some reason the project doesn't go who is liable for that expense. Councilman Doyle replied that was my question to them and they are working on prospecting basis. Councilwoman Havens commented they have had solar people contact them about land on Route 4 & Waite Road property. They contacted them, they investigated it and it seems like it is very standard in this industry. It starts out with a prospector; they already have a developer, and you deal with that prospector first. Once you agree, they are done with the project and the developer comes into the project and that is who your agreements are with. A discussion continued.

Councilman Haessly expressed his concerns over maintaining the cap on the landfill in regard to the possibility of leaks.

Supervisor Hogan asked if the Board wants to move forward with these discussions; he thinks there will be a lot of investigating on. He'd like to keep having conversations with them and see where we do go. The Board has no objections on moving forward.

#### LEGAL UPDATE:

Town Attorney reported he and Councilman Haessly met with Kevin Eagan of Spectrum and went through concerns that identified with the franchise agreement moving forward. One of the main reasons for the meeting was to sit down and see "the map"; the proprietary map as to exactly where all the cable lines are within the town of Kingsbury and where drops are available. They have an understanding of what the housing density is in those areas because if you reach a point where there are 20 or more houses within a mile then they are obligated by contract to run cable down the road in those areas. They weren't allowed to keep the maps but did make some mental notes and found there is more cable out there than they thought after hearing the complaints of the citizens and the conversations of the town board the past 15 years. A lot of the major roads now have cable. One of the questions he has is whether or not people know as to whether or not there is cable available and if somebody calls and says I want cable whether they know they have ability to call directly to Spectrum and ask for an assessment. Spectrum would do an assessment and tell the home owner what it would cost to run cable to the home owner and if it is not already in front of their house, to find out where the dead areas are and what the costs would be to advance service. The biggest hole appeared to be County Route 41. Attorney Meyer received a call and was told the map he saw wasn't accurate, some of the engineers were finishing up a capital project that had been going on for the last year which did extend cable out to some of those houses on County Route 41. He also mentioned portions on Hendee Road, Crowley Road and County Route 41 actually have cable with active users in the area. From his standpoint the word is slowly getting out there and there may be new areas where there is cable. The



other limiting factor is homes in the country are generally set further away from the road; cable only runs 150' from the road, the signal drops and it is up to the home owner if they want to run it differently, maybe heavier cable, run a longer distance and most likely more expensive cable. That was why the limiting factor was in the franchise agreement and why they were unwilling to make any change to that. He is following up with his legal department to obtain a grant or somehow assist with running cables to one of the underserved areas that there is no obligation to in no way to compensate or reimburse Spectrum for those costs and that becomes a community benefit and not something that they can monetize. Councilman Haessly voiced concerns in the 10-year agreement and concerns about broadband. Supervisor Hogan asked are we going to wait for their response to section 8.9 and whether the board is comfortable with 10-years. Supervisor Hogan and Councilman Doyle agreed they are comfortable with a 10-year agreement. Councilman Doyle asked if the agreement covers just cable and not broadband. Attorney Meyers replied gross revenues includes everything. The requirement for obtaining a franchise is specifically related to cable. From our standpoint it was you should run highspeed from the town hall to all of the municipal buildings and their response was we only have to run cable. From a practical standpoint to the citizens is they are not just going to run cable anywhere anymore they are going to run everything to the extent they can run fiber to a plant and then put out cable from there. They provide everything but the obligation is only cable. They are not obligated to anything more than they have to be and the 5% cap it is statutory. Attorney Meyer requested an executive session.

#### TOWN CLERK REPORT:

Town Clerk reported that Water Superintendent, Jim Chase requested a notice of the hydrant flushing be published in the Post-Star. The notice will be published October 6, 2020 and he will start on October 6, 2020 until October 14, 2020.

Town Clerk provided a copy of the 30- day notice for a liquor license for Ginny Ray's Catering housed where El Mexicano was at 3011 State Route 4, Kingsbury to the Town Board.

Local Law 2, 2020 Imposing a Limited Large-Scale Solar Energy Generating Facility Land Use Moratorium was filed with the NY Department of State on September 10, 2020.

#### ENFORCEMENT REPORT:

Enforcement/Dog Control Officer Todd Humiston reported as suggested by the Town Comptroller we will wait until next year in the first quarter to update Town Laws for the Peddler's Permit, Towers and Wind, Signs and the Fees Schedule. He would like to have drafts prepared so early in 2021 the Board could schedule Public Hearings and asks if anyone has suggestions to let him know.

No report for Dog Control.

#### COMPTROLLER REPORT:

Town Comptroller Rebecca Pomainville reported she has received quotes for new phones for the town hall from Northeast Information, Spectrum/Charter, and Prime Link. Northeast Information gave us the best overall value for 12 new phones and with the installation and service it would give the Town an overall savings of about \$7,000.00 over 5-years with a modern system. A **motion** by Councilman Haessly seconded by Councilman Washburn and carried by a vote of 5 ayes giving permission for the Comptroller to upgrade the phone system at Town Hall. Councilwoman Havens asked if there was an upfront cost. The Comptroller stated there is an \$800.00 up front cost.

The Comptroller would like the Board's approval to move ahead with changing our email server. We are currently with Prime link for our email which is not sufficient for what we need, it doesn't provide for the archiving that we need, it doesn't provide us with calendars, it doesn't provide us with much. If we go with to the basic Gmail service, it's \$6.00 per email address per month and they can be changed on the fly. She can go in and remove/add emails as we need, and they will bill accordingly and will also get us the archiving and 30 gigs of cloud storage for every email account. It will give Google docs and google drive so we can share folders with each other and if we go back to remote it links it back or for any reason we can do Google meet as well because we will all have our Google accounts and we can meet with each other. We will be using our Kingsburyny.gov domain with this email so we are going to have official government emails that we need for other purposes. She cannot get sufficient government quote because she does not have a government email. Councilman Washburn asked if there was a cost savings. The Comptroller replied right now, our email is an included service with our internet package with Prime Link, we don't pay any extra so this will cost an additional \$6.00 for each email address. The Comptroller stated she is phasing out Prime Link by removing them as our phone server and going to Northeast Info and the next step would be to take them out as our internet service provider. **A motion** by Councilman Washburn seconded by Councilwoman Havens and carried by a vote of 5 ayes giving permission to the Comptroller to change the Town's email server from Primelink to the basic Gmail service.

Town Comptroller read a letter from the trustees of the Sandy Hill & Fort Edward Union Cemetery requesting the annual contribution donation of \$1,000.00 for the annual Memorial Day parade which the Town of Kingsbury has been contributing to since 2013. There was no parade this year due to COVID, but the not-for-profit organization has grown accustomed the receipt of the generous annual contribution to help cover many of the cemetery's general overhead expenses and asked the Board to consider to continue with the contribution donation for the 2020 calendar year. After a Board discussion it was decided they could not donate because the celebration did not occur, and the Town cannot give public funds. The Board asked the Comptroller to go back to Sandy Hill and ask for a celebration for Columbus Day or Veterans Day that they may be able to contribute to.

The Comptroller spoke about trying to reduce long term spending and trying to avoid future expenses. The Comptroller referred to Section 806 of our handbook which describes eligibility for health insurance which describes who is and who isn't eligible and Section 807 which is the health insurance buy out. Her suggestion would be effective October 2020 current coverage would remain the same but any newly elected officials who are not full-time employees would not be eligible for new enrollment in health insurance; but would be receiving the buy-out. This would help cut long term liabilities that we could face. Councilman Haessly asked the cost of a family plan; the Comptroller replied about \$20,000.00 a year. Councilwoman Havens said basically you are grandfathering in everyone here. The Comptroller responded any elected official after 2020 with a part-time position would not be eligible to take the insurance but they would receive the buyout. Councilwoman Havens shared a past experience with her business health insurance she experienced while trying to draw the line when it got too expensive and was not allowed to do so by her insurance company. The Comptroller has checked with our agent and it will be ok. Town Attorney Meyer explained elected officials are their own class we are not creating 2 different classes of employees.

The Board discussed benefits to future and current Board members, elected officials, part-time and full-time employees. The discussion continued in regard to a salary and benefits for the newly elected Town Judge and concern was expressed in what the newly elected judge's expectations were in that regard.

Supervisor Hogan asked if the proposed insurance changes were reflected in this current proposed budget; the Comptroller replied no. After discussion Supervisor Hogan requested to reach out to the candidate Judge to see what his expectations were; the Board agreed. Enforcement Officer Humiston commented the Justice position should be classified as a full-time position, they are responsible for other work other than serving on the bench on court and suggests if the Town handbook indicates it is a part-time position it should be updated. Supervisor Hogan stated we still have a backlog of court cases due to the closing of the courts due to COVID. Supervisor Hogan will speak to the candidate for the Town Justice position to see what his expectations are in regard to salary and health insurance coverage.

Supervisor Hogan opened a discussion about the concern for the Town's Capital Reserve related to the Sewer District going down. The Kingsbury sewer district is kind of a sewer district in theory at this point, the Town does not really have a sewer district, we do not have infrastructure, we do not have an operating sewer district, we have the Washington County Sewer District Fort Edward. There are a handful of sewer districts in the Town that are deemed out of district outside of the Washington County Sewer District and they are charged an extra rate for having sewer service and the ability to hook up to the sewer system. This has been going on for almost 20 years and the Town has never been collected revenue to fund infrastructural repairs. Our previous Comptroller had secured a grant and put it in that reserve fund in the event the Town had repairs or maintenance if necessary. Recently the Town Water Superintendent, Jim Chase reported we had to replace one of the pumps at the Dean Road pump station. The Capital Reserve Fund is shrinking, and it won't be long before the balance will be zero. Sewer districts have to be paid for by the people who use it, and the challenge is there is no revenue source from those out of district sewer users. There has been some question as to whether the ad valorem cost added on by the Washington County Sewer District to the out of district users should have been used for capital needs expenses and repairs. Mr. Brillling, the Washington County Sewer District Executive Director has stated that money was only for expenses within the Washington County Sewer District as a percentage of the out of district users portional use of that district. Councilman Washburn, a member of the Washington County Sewer Board of Commissions, explained the rate structure per gallon is the same but the out of district users also pay out of district user fees and ad valorem.

Supervisor Hogan stated in August discussions began with Mr. Brillling about a way to correct this problem which has lingered and needs to be addressed. We are trying to develop an intermunicipal agreement where Washington County Sewer District will pay or will address and take care of our infrastructure and sewer needs.

Councilman Dan Washburn reported in July at one of the sewer meetings it was approved that we were going to start allocating funds for the Kingsbury Sewer District. Sewer District One is the airport and will be turned over to the Washington County Sewer District. There are three other districts, two, three and four: Hannaford, Dean Road and Queens Drive. The Washington County Sewer District has asked that the Town to consolidate all of those sewer districts to one. They agreed to set aside a portion of those fees that were collected, the out of district user fees, to put in a capital account to deal with Dean Road and Hannaford pump stations, power and all of the things that need to be addressed in addition to the bi-weekly checks and any cleaning in this upcoming budget. Supervisor Hogan asked Attorney Meyer if he had a copy of the agreement and if it looks good and you may talk to the Attorney representing Washington County Sewer District to see where we stand to get these approvals done. Town Attorney Meyer has reviewed the agreement and from Kingsbury's standpoint the agreement is acceptable. One of the things is that there has always been a source of problem there has not been a lot of long-term

planning within the budgeting for the sewer district. The agreement provides the mechanism for the county to start collecting those revenues, setting up a capital account so a fund can develop in the event a pump breaks or anything happens within the Kingsbury portion of the sewer district. We need to set up the mechanism in the Washington County Sewer District to properly bill and account for revenues. Supervisor Hogan added last week the pump failed at the Hannaford pump station and that is what prompted all this. The cost of the repairs will use the remaining balance in the capital reserve and then some. Repairs are estimated at \$16,000.00. We are moving forward with this contract. Attorney Meyer stated we must get the sewer district on board with the agreement or some version of the agreement in which the sewer district is handling all of the billing.

Supervisor Hogan reported the JCAP grant was submitted today requesting funds for the paving of the Town Court parking lot.

Highway Superintendent Michael Graham spoke and said there is a monthly highway magazine which interviews highway superintendents all over NY State and gives information about their town, how many miles of road they maintain and their budget. Mike was honored with a cover photo with his crew. It was a very nice article and can be found under Superintendents Profile online.

Councilman Haessly asked what are we doing about updating the zoning so we can deal with the solar moratorium. Supervisor Hogan would like to find out more about Agricultural Stewardship Program for protection of farmland and wants to make sure we are doing the right thing. Councilman Haessly voiced concerns for updating the zoning plan and the Town budget. Enforcement Officer Todd Humiston asked if it was worth updating the zoning plan before updating the Town Comprehension Plan which is more than 50 years old. Councilwoman Havens stated it is a 73-year-old document. The discussion continued.

Councilman Haessly voiced concerns with COVID and suggested the Town should limit meetings in our building from November 1<sup>st</sup> until April 30<sup>th</sup> to avoid a potential spread of the virus. Supervisor Hogan asked the Town Clerk if there were a lot of non-government meetings in our buildings. Town Clerk replied the only meeting she is aware of is the Republican Committee meeting which is conducted approximately 4 times a year. The discussion continued and if the spread of COVID continues the Board may need to consider virtual meetings in the future.

Supervisor Hogan reported, John Murray, former Board of Assessor Review member has indicated a willingness to resume his role now that he is retired. After discussion, the Board agreed they will accept letters of interest until the next Board Meeting on October 19, 2020.

#### PUBLIC COMMENT:

Resident Debra Parker directed a question to Councilman Doyle and asked under what condition would he grant an exception to carry.

Councilman Doyle replied the Town Board has never granted an exemption; he would grant an exemption.

Supervisor Hogan it depends on which board member you ask everyone has their own determination. The discussion continued.

Mrs. Parker also asked about the status of the bike trail. Councilman Haessly suggested she drive down Tow Path Road where a lot of work is being done. Mrs. Parker also asked about the crane sitting on State Route 196. Supervisor Hogan replied those are to set in the bridges. Supervisor Hogan explained prior to COVID the trail was going to be open in November and the use of the trail will be in spring of 2021. Mrs. Parker asked who was paying for the bike trail. Supervisor Hogan explained it was as a state funded program called Empire Bike Path and the trail will go to Fort Ann and in the future expand to Whitehall and then to 22 to Canada.

Councilman Haessly mentioned another future power project from Canada to New York City where there will be construction along the railroad tracks.

Supervisor Hogan requested a motion to go into executive session, a **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 5 ayes to enter into an executive session at 9:46 pm to discuss pending litigation.

A **motion** by Councilman Washburn seconded by Councilwoman Havens and carried by a vote of 5 ayes to exit the executive session at 10:08 pm.

No action was taken during the executive session and there being no further business before the Board the meeting was adjourned at 10:08 pm.

Respectfully submitted,

Cynthia Bardin, Town Clerk

Irene Weizenhofer, Deputy Town Clerk