

November 15, 2021 Town Board Meeting

The second regular meeting of the Kingsbury Town Board was conducted on November 15, 2021, at 6 Michigan Street, Hudson Falls, NY.

MEMBERS PRESENT

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

OTHERS PRESENT

Jeffrey Meyer, Town Attorney
Michael Graham, Highway Superintendent
Rebecca Pomainville, Comptroller
Todd Humiston, Enforcement & Dog Control Officer
Jared Humiston & Joey Lufkin – ADK techs
Chris Perez & Allan Van Tassel - Storedtech

The meeting was called to order at 6:33 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 Councilwoman Havens and carried by a vote of 5ayes to accept the minutes of the October 18 and November 1, 2021, Town Board Meetings, as submitted by the Town Clerk.

Allan Van Tassel and Chris Perez of Storedtech, introduced themselves and Mr. Perez provided an overview of services offered for management technology and telecommunications services. Storedtech is located in Queensbury and has been in business for about 10 years with 73 employees who service 500+ clients in 5 offices. Their delivery team has been divided into small groups so they can stay small but grow big; that way their clients get to know them well. The company is fiscally responsible and debt-free. Funding received during COVID was given back. They work closely with the Comptroller's Office. He suggested it was time to invest in putting good technology in place to secure the Town's environment. After an analysis of the Town business, they see no reason for the Town to invest in a server, there is more current modern-day technology in the cloud that is fully accepted by the NYS Comptroller's Office Technology Department. The cloud is just as secure if not more secure than anything you could buy. They are cloud-first, and recommend not to invest capital in putting a server in the Town but utilize some of the services available through Microsoft which is already somewhat set up and will require some changes, because it is a home version. The Town could take advantage of having Microsoft Solutions in place, by addressing the email problem which is not reliable. There is no reliability on retaining records, no ability to do legal hold and no ability to do FOIL requests with 100% certainty. The Town could have a business class email solution in place, and you would have the ability to take advantage of One-Drive, Teams, and Share Point which are included in the Microsoft Office 365. Microsoft can spend more money on security than any business or Town, but you must be aligned with a vendor that understands how to take the journey with you, get you to the environment in a secure fashion and then how to manage it.

Storedtech recommends the Town not spend a tremendous amount of money on a server, but to take advantage of a cloud. Mr. Perez reviewed the proposal and options for their Managed Services solution

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to the Town. The Board asked questions of Mr. Perez. The proposal includes prices all under state contract and includes cyber-security awareness training. They work best with the municipalities that want to pay attention to their technology, how they can use technology in a secure fashion and open to Storedtech being part of those discussions and to help make business decisions in whatever budget you may have. Mr. Perez concluded his overview of the proposal.

Supervisor Hogan stated the Board will meet and discuss the presentations.

Jared Humiston, owner of Adirondack Technical Solutions, introduced Joey Lufkin who has been with the company for the last 3 to 4 years in the sales department. The business has been open for 17 years located in Argyle with most of the business being in the Capital area. They specialize in A-to-Z IT services, not just computers or servers but everything related to cyber security. They have prepared a quote for the services they can provide. The services they offer that meet the guidelines of New York State. The New York Shield Act was passed last year stating that all organizations must take reasonable measures to protect personal identifiable and confidential information of its employees, its customers, its clients. They would provide employee training which is as important as the equipment. The program they design is with the mind set of delivering the service the most cost-effective and the most effective from a technical and operational perspective. The tools put into place to protect the computers and the same tools put into place to train the staff all build off from each other and assures all the items that are gathered for compliance to make sure they do not have to go back to change orders. The help desk is located in Argyle and an attempt will be made to correct any issues remotely, if that is not possible an on-site visit will occur with no charge to the Town. There are a lot of cyber security standards, and they will form a plan. Their goal in the first year is take any organization they work with from spending money on maintaining their business to free up money to innovate their business through the use of technology to operate more efficiently.

Mr. Humiston answered questions from the Board.

Supervisor Hogan stated the Board will meet to discuss the two proposals. Supervisor Hogan disclosed he serves with Jared Humiston on the Washington County Local Development Cooperation Board.

Councilman Washburn disclosed ADKTechs serves Hilltop Corporation.

Comptroller Rebecca Pomainville reported the NYS Comptroller's Office determined there is still a question of the exact amount of what the Town's tax cap should be. It has been recommended the Town reduce the amount of the tax levy by \$3,800.00 as caution; once they agree on what the number should be it would roll over into next year as unused tax funds and would be added to the tax levy next year. The Comptroller recommends they increase the projected franchise fees revenue by \$3,800.00 and reduce the taxes by \$3,800.00. Supervisor Hogan entertained a motion to increase the actual GL 1.1170 franchise fees by \$3,800.00 and reduce the GL 1.1001 real property by \$3,800.00; a **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 5 ayes.

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to accept the 2022 Budget and the fire protection contract.

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to schedule a Public Hearing on December 6, 2021, for Borrego Solar Systems who is requesting a waiver from the Solar Moratorium.

The Board discussed the regulation of cannabis. Councilman Doyle stated there were Towns who were able to put this on the ballot for the general election. He would like the opportunity to contact them, find out what they had to do to put it on the ballot, and have it put on next year's general election ballot. The people of the community would have the option to vote on this issue. A **motion** by

<https://www.kingsburyny.gov>

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Councilman Washburn seconded by Councilwoman Havens and carried by a vote of 4 ayes; to schedule a Public Hearing on December 6, 2021, to discuss the regulation of cannabis in the Town of Kingsbury; Councilman Haessly abstained from the vote. Councilwoman Havens stated the Office of Cannabis Management must be notified when a decision is made.

TOWN CLERK REPORT:

Supervisor's Report:

TO:	Supervisor Hogan Councilman: Doyle, Haessly, Washburn & Councilwoman Havens		
FROM:	Tax Collector: Cynthia A. Bardin		
SUBJECT:	2021-22 Hudson Falls School Tax Collection		
DATE:	November 15, 2021		
Payments to Town•	Penalties Collected	\$881.50	
		\$1,196.89	
		\$3,420.25	
	Return Check Fee Collected:	\$40.00	
	Total Collected	\$5,538.64	
Total Payments to Hudson Falls School		\$10,504,089.15	

Maria McCashion of the NYS Archives picked up 27 boxes of Court documents that have been prepared for shredding with authorization from the Office of Court Administration. The documents will be shredded at no cost to the Town. Maria will return in February or March to pick up any records that will be prepared for shredding.

FOIL request received for Town records for 580 Queensbury Avenue.

A workshop for the National Flood Insurance Program has been forwarded to the Board, Enforcement Officer Humiston and Code Enforcement Officer Ross Cortese.

ENFORCEMENT REPORT:

Todd Humiston reported the Town's flood maps are from 1979. Supervisor Hogan recalls there was a national flood programming effort at the County, and they handle everything on the Town's behalf; he will check with Tim Hardy.

Humiston attended a zoom meeting with the IDA about a potential company interested in purchasing 10 acres at the former de-watering facility to take the biodegradable solid waste and recycle it into products with the focus being on paper. Supervisor Hogan stated the name of the company is Hughes Energy out of Yonkers, NY, with a number of different facilities in the country. It will be non-incineration; they use a steam and plan on hiring 50 people with some being professional and technical engineers. They are excited to come to the site, it has the rail lines they will need to haul organic waste, which will reduce the amount of truck traffic. They were sensitive to the concerns of the Village of Hudson Falls and the Town of Kingsbury with a lot of trucks going over the roads near schools, etc. They spoke about diverting traffic to St. James Road and over then come back to the bridge. The Town is sensitive to the concerns of

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traffic turning left out of Lock 8 Way. There is a great deal of emphasis on rail for this company. There will be all internal storage, no external storage. They are an environmentally focused company, all their vehicles will be electric vehicles. The company also would have their training facility at this site. Todd Humiston stated the building that houses the waste will have negative pressure, so when the doors are opened no smell will be coming out.

Supervisor Hogan stated there is a video that explains their procedure which is all internal. A discussion about sewer and the bridge ensued.

Todd Humiston reported there is a resident that is trying to fill in a ditch with leaves. The County has been notified; Humiston will let the resident know the County will fix it.

DOG CONTROL REPORT:

Supervisor Hogan asked about the agreement with Fort Edward. Attorney Meyer stated there was a question about temporary coverage for dog control. The agreement that was sent to Attorney Meyer was an old agreement which was not the right agreement to be used and he did not act on it. The Town has heard no more from Fort Edward.

COMPTROLLER REPORT:

The Comptroller audited the PILOT payments and discovered the Town had been underpaid for a couple of the PILOTS for several years. The IDA agreed with her findings and the Town will receive approximately \$4,800.00.

The Comptroller is seeking permission to place an app on the cell phone of the assistant to the Water Superintendent so he can receive, and place calls on a Town number on his personal cell phone. There will be a slight increase on the Town phone bill. She would also like to provide him with the standard \$120.00 each quarter reimbursement stipend that other employees receive for the use of his personal phone for business. A **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 5 ayes to approve the \$120.00 each quarter and to upgrade the service to put the app on his phone. A **motion** by Councilwoman Havens seconded by Councilman Haessly and carried by a vote of 5 ayes giving permission to Supervisor Hogan to sign the letter of agreement with Troy and Banks for the audit of the franchise fees with Charter.

HIGHWAY SUPERINTENDENT REPORT:

Superintendent Michael Graham is seeking permission to have a no parking on Town roads published in the Post-Star effective November 17, 2021, until March 2022; a **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 5 ayes for the notice to be published. A new employee has been hired.

The 2022 budget included the purchase of two vehicles, Superintendent Graham has written up specs which have been reviewed by Attorney Meyer. A **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 5 ayes giving permission to go out to bid for two trucks with the bids being returned by the next Board Meeting on December 6, 2021.

Superintendent Graham would like to order the truck before the first of the year, get the pricing before the prices go up and get a letter of intent to say the two trucks can be purchased in 2022. One truck will be a 1-ton pickup, regular cab, 8-foot box and the other a 1 ½ ton cab and chassis. The equipment will be purchased and installed by the Town, a dump box for the cab and chassis and a sander for the pickup. A plow that is in good shape will be installed on the pickup, which will save the Town about \$4,000.00. A **motion** by Councilman Washburn seconded by Councilwoman Havens giving approval to the Highway Superintendent to go out to bid for 2 trucks with the bids being opened at the next Town Board Meeting on December 6, 2022.

Councilwoman Havens reported in response to the letter the Board received from a resident about the markings on Dean Road, she spoke to the resident whose biggest concern was whatever the expense to clean it should not be the responsibility of the taxpayers, it should be allocated back to the resident who marked the road. The markings can still be seen, and the road will not be cut out to remove the markings.

Superintendent Graham reported a local contractor darkened it and a bill was sent to the resident that marked the road. The Comptroller reported the bill has not been paid.

COUNCIL REPORT:

Councilwoman Havens provided an update on the Comprehensive Plan: the joint Board Meeting was completed, and the second Open House was completed with better participation. Laberge had hoped for a better business response but due to a shortage of employees and their long work hours there was not. Laberge has asked the Town to do one more thing for businesses. Laberge is working on wrapping up Phase 1.

Councilwoman Havens stated she did not initiate the discussion on the Town's firearms law but supports Councilman Haessly's interest to amend it. She does not like the prohibition of the legal possession of firearms and has waited patiently through anyone's request to postpone an action. She was told previously if something does not get to resolution the clerk will put it back on the agenda, which hasn't happened. She educated herself with Attorney Meyer about the legalities of various items like voting in absentia, open government, email etiquette and how to bring closure to something that is unresolved. She stated she does not have a full understanding of the proper way to move the present situation on the firearms law, but she stated her intent and interest requesting the Attorney correct her at any time. She stated she believes there was an interest by other Board members to see Councilman Haessly's proposed change to the law to be re-written and she could have assisted in that, but she wants the law rescinded. She does not support the prohibition of legal possession of firearms and would like to close any previous comment period and move to the appropriate action so she can propose the action to rescind Chapter 136 of the Town Law. She requested proper guidance from Attorney Meyer. She would like to bring this to resolution efficiently and has her original resolution to read if necessary.

Supervisor Hogan asked Councilwoman Havens if she wanted a full revocation of the law and asked Attorney Meyer if she could make the resolution tonight.

Attorney Meyer stated she could make a motion to introduce, but the law has not been prepared, but could be done verbally; a Local Law to rescind Chapter 136. There could be a resolution to introduce the proposal and if the Board sees fitting schedule a Public Hearing. In terms of the prior Local Law often times you can fall into a no man's land based on Robert's Rule of Order, a strict interpretation of Robert's Rule of Order and whether or not the Town has adopted a strict interpretation of Robert's Rule of Order and long enough, regardless of what happened everything needs to start over, what happened a year and a half ago has expired.

Councilwoman Havens read a resolution she had prepared to repeal Chapter 136 of the Code of the Town of Kingsbury prohibiting the possession of firearms on Town property.

Councilwoman Havens made a **motion** to introduce a Local Law and schedule a Public Hearing for December 6, 2021. Councilman Haessly suggested the Public Hearing be scheduled for a later date due to the upcoming holiday season. Councilwoman Havens stated it is the only item that has been kicked down the road since she has served on the Board and would like to schedule the Public Hearing on December 6th. The **motion** was seconded by Councilman Haessly.

Supervisor Hogan asked if full revocation would allow people to bring in long arms, firearms, whatever they wanted into the building, into a Town meeting. Attorney Meyer stated as long as it does not violate New York State Law. Councilman Doyle does not want to have another Public Hearing on this issue, he feels there are pros and cons but is not in favor of full revocation. The motion was defeated with 2 ayes and 3 nays. Councilwoman Havens requested an executive session.

SUPERVISOR REPORT:

The Public Hearing for the 2022 County Budget is scheduled for Friday.

There is an open Supervisor's Race in Greenwich and there will be a live stream counting of the ballots.

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WRITTEN REPORTS:

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

Dog Control Officer: Seizures 1; Unlicensed Dogs 3 ;Written Warnings 1; Mileage 315 (51,330)

Town Clerk: Paid to EnCon \$2,333.08; Paid to Supervisor \$3,152.54; Paid to the Village of Hudson Falls \$330.00; Paid to Ag & Markets for Population Control \$99.00

Town Comptroller: Receipts \$101,098.26; Disbursements \$160,166.59

Assessor Reports

Enforcement Officer – August: Fire Inspections 10; Permits 8; Total Fees: \$2,973.00

For September: Permits: 4; Fire Inspections 10; Research Fee 1; Total Fees: \$3,655.00

For October: Permits 11; Fire Inspections 8; Research Fees 2; Total Fees \$1,245.00

A **motion** by Councilwoman Havens seconded by Councilman Doyle and carried by a vote of 5 ayes to enter into an executive session at 8:15 pm.

A **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 5 ayes to exit the executive session at 8:50 pm; no action was taken.

There being no further business before the Board **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 5 ayes to adjourn the meeting at 8:50 pm.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk