

The second regular meeting of the Kingsbury Town Board was conducted on November 20, 2017 at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls.

MEMBERS PRESENT:	Dana Hogan, Supervisor Paul Bromley, Councilman Richard Doyle, Councilman Henry Freebern, Councilman
ABSENT:	William Collins, Councilman
OTHERS PRESENT	Dave Meager, Adirondack Trust Insurance MaryEllen Stockwell, Town Attorney Michael Graham, Highway Superintendent James Chase, Water Superintendent Mary Ordway, Town Comptroller Dan Washburn, Newly Elected Councilman Jerry & Jolene Caruso, Town Residents

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

The minutes of the November 6, 2017 Board Meeting were accepted as submitted by Town Clerk with a **motion** by Councilman Bromley seconded by Councilman Collins and carried by a vote of 4 ayes.

Supervisor Hogan announced that Dave Meager of Adirondack Trust Insurance was in attendance of the Board Meeting. Comptroller Mary Ordway stated the Board had opted into the New York State Paid Family Leave Benefit (PFL) at the last Board Meeting. Comptroller Ordway had invited Mr. Meager to the Board Meeting because he had made some very impressive points about opting out of the PFL. Mr. Meager explained the New York State Family Paid Leave Act will go into effect on January 1, 2018. It is mandated on all private businesses; but towns, villages, public libraries and fire districts are exempt. They do have the option to participate and must notify the New York Worker's Compensation Board by December 1, 2017 with their decision. It would be an amendment on your disability policy and is designed to cover a situation where the employee is not sick but a family member may be sick, an adoption or the birth of a new child occurs or events related to a family member's active-duty military status. The insurance is funded by the employee and will pay for 50% of their salary which is subject to a state mandated cap, which is approximately \$1,300.00 per week. Mr. Meager stated on the surface you would think if it is paid for by the employee, what is the downside? Mr. Meager referred the Board to a chart which indicated the increase in the per cent of the average weekly wage for the PFL benefit. In 2018 – 50%, 2019 55%, 2020 60% and in 2021 – 67% are the maximum % of employee average weekly wage. The weeks available also increase: 2018 – 8 weeks, 2019 – 10 weeks, 2020 – 10 weeks and 2021 – 12 weeks. Mr. Meager would not make a decision for the Town Board but feels his job is to give the Board the facts. Mr. Meager feels it is a generous program, the most generous in the United States and there are only four states that participate. The most an employee would pay is \$85.00 annually. Mr. Meager stated if an employee were out for 12 weeks; the Town would have continue to pay their hospitalization, hold their position and hire a qualified person during their absence. The person hired would have to be terminated when the employee returned to their position. Mr. Meager feels the staffing issue would be the main concern of the Board when making this decision to participate in the Family Paid Leave.

Councilman Doyle asked Mr. Meager if the PFL follows the same criteria as the FMLA. Mr. Meager stated yes but the FMLA is not paid. Councilman Doyle asked if someone could take FMLA now for any

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of the reasons they could take PFL; the Town would still be required to hold their position. Mr. Meager stated the big difference; under FMLA you are required to hold their job; how many people would be able to afford to be out over an extended period of time. Under the PFL they will receive a 50% reimbursement in 2018 and 4 years later they will receive a 67% reimbursement and there is nothing that would prevent that from combining the PFL with their sick time; so they could be out with full pay for an extended period of time. Councilman Freebern asked if they were paid if they were elected officials. Comptroller Mary Ordway commented elected officials are not covered under the disability policy, they are paid whether they work or not and full time appointed employees are covered under the disability policy. Councilman Doyle stated the PFL is giving the employee an opportunity to be paid when they are out to take care of their sick family member and is not costing the Town anything, the cost would be an employee deduction. Comptroller Mary Ordway stated it is going to cost the Town because you are going to have to hire someone to replace the employee that is out on PFL. Councilman Doyle stated you would have to hire someone if they were out with the FMLA, which is an unpaid leave and we cannot take away their job. Comptroller Mary Ordway stated the problem is hiring somebody; who would you hire to come into my office that will know the computer programs and be able to do the work, you still need to get the work done while the individual is out. Councilman Freebern stated that is a problem no matter what, whether they are out under FMLA or PFL. Councilman Doyle agrees it is a valid concern to hire a replacement, but it is the same whether the employee is paid or not getting paid. Comptroller Mary Ordway stated if they are not getting paid chances they are not going to be out 12 weeks, the time they would be out would be shortened; there would be less incentive to be out. Mr. Meager agreed a person may be more likely to take time off when they are getting paid as opposed to when they are not getting paid. Councilman Bromley asked who determines the criteria for the time off. Mr. Meager responded, it is really new, but he is assuming you need documentation from a doctor. Mr. Meager explained it will be a rider on your disability policy and be handled by the disability company. Councilman Bromley stated if they are being scrutinized by the disability company the likelihood of someone taking advantage of this is probably pretty slim. Mr. Meager believes the likelihood of someone taking advantage of PFL is greater than disability because under disability the doctor has to certify that he has examined you and you are too sick to work and certifies it on a form. Mr. Meager is not certain of the evaluation procedure for the PFL. Councilman Bromley said it seems the insurance company will scrutinize an evaluation of an applicant for the PFL because they are writing the check not the Town. Councilman Bromley stated he feels the applicant would be scrutinized even more because the premium is very low. Mr. Meager stated he is at the meeting to be more of an advisor and would point out if you are taking care of a sick parent who is to say how long you are going to be out, who is to say how long you need to be out and who is to say if you have siblings or not. Mr. Meager said it is a well-intentioned bill and we would all be compassionate in a situation where someone needed time off to care for a family member; but it is a decision for the Board to make. Mr. Meager stated you are right there is no cost to the Town; the cost is to the employee. The cost to the Town is to replace the employee and being able to get a replacement. Councilman Bromley stated which would be the case regardless if the employee used FMLA or PFL. Mr. Meager stated if the assessor were out for 6 months it would be difficult to get a trained individual to work during their absence and you could not give that person a sense of job security. Comptroller Mary Ordway stated Mr. Meager has a lot of municipalities with disability policies and none have chosen to opt in to the PFL. If the Board decides to do this, coverage must be maintained for one year; and a 12-month notice must be given if the Town decides to opt out of PFL. Therefore the Town would be committed to two years of the PFL. Mr. Meager commented he has not had any municipality opt in at this time. Mr. Meager stated a lot of municipalities are going to wait for one year to see how the program works. Councilman Bromley asked Dan Washburn how he felt about the PFL. Mr. Washburn stated he has looked at both sides and would not like an employee to take advantage of the PFL but also feels as an owner of a company, he would not be selfish

to say I don't want them to take the time off; it would put him in a tough spot. Councilman Bromley stated we are all replaceable even though things may not go as smooth. Councilman Freeborn asked if it were only four states that were offering the PFL. Mr. Meager answered yes and New York is the most generous. Superintendent Hogan asked Mr. Meager if he thought there would be a funding problem. Mr. Meager stated yes, because the most it would cost an employee would be \$85.00 per year, and the rate would be reviewed annually. Mr. Meager stated since this was a rider on the disability policy some carriers have decided not to write disability in New York because they fear the underfunding of this program. Councilman Bromley stated the premium could be paid by the employee or by the employer and could be used as an incentive during the hiring process. Comptroller Mary Ordway stated she believes if an employee does not contribute and they collect on the PFL it becomes taxable income to them; if the employee pays for it, it does not become taxable income. Supervisor Hogan asked if there was an open enrollment program for PFL and if after reviewing the PFL Act ;if the Town could opt in for example in 6 months. Supervisor Hogan does not feel an urgency to opt in to the PFL and is not comfortable at this time to opt in to the PFL. Mr. Meager stated of the 17 municipalities he services none have opted into the PFL. The discussion continued and a **motion** by Councilman Freeborn seconded by Councilman Bromley and carried by a vote of 4 ayes to opt out of the PFL and wait to see how the PFL program works. Councilman Bromley would like the Board to review the PFL in the future.

Supervisor Hogan opened the Public Hearing at 7:32 PM to discuss the proposed Local Law to extend the real property exemption for Cold War Veterans. Attorney Stockwell explained the proposed Local Law and exemptions to Town resident Jerry Caruso. A **motion** by Councilman Freeborn seconded by Councilman Bromley and carried by a vote of 4 ayes to close the Public Hearing at 7:38 PM. The following Local Law was adopted as follows:

**TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK
Local Law No. 3 of 2017**

**A LOCAL LAW AMENDING THE EXEMPTION FOR COLD WAR VETERANS FROM REAL PROPERTY TAX
PURSUANT TO REAL PROPERTY TAX LAW SECTION 458-B**

Be it enacted by the Town Board (the "Board") of the Town of Kingsbury ("Town"), County of Washington, State of New York ("State") as follows:

Section 1. Legislative Intent

This Board hereby finds and determines that it has been the Town's longstanding policy to offer to its veterans the broadest property tax exemption permitted by the laws of New York State. The purpose of this Local Law is provide for an extension of the Cold War Veteran's Exemption to qualifying owners of real property for as long as they remain qualifying without regard to the ten (10) year limitation originally enacted under NYS Real Property Tax Law § 458-b.

Section 2. Amendment

Chapter 248 of the Code of the Town of Kingsbury, entitled "Taxation," Article VII, entitled "Code War Veterans Exemption," §248-34, is hereby amended by deleting subsection C in its entirety and replaced as follows:

c. Limitations. The exemption provided in this Article shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to the ten (10) year limitation set forth in NYS Real Property Tax Law §458-b.

Section 3. Repealer

All Local Laws or ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

A **motion** by Councilman Freebern seconded by Councilman Bromley and carried by a vote of 4 ayes for the following resolution:

**TOWN BOARD OF THE TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK**

Resolution Number 14 of 2017
Adopted November 20, 2017

Introduced by Councilman Bromley
who moved its adoption.

Seconded by Councilman Freebern

**RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW NUMBER 3 OF 2017,
A LOCAL LAW AMENDING THE EXEMPTION FOR COLD WAR VETERANS FROM
REAL PROPERTY TAX PURSUANT TO REAL PROPERTY TAX LAW SECTION 458-B**

BE IT RESOLVED by the Town Board (the "Board") of the Town of Kingsbury (the "Town"), in the County of Washington, on this 20th day of November 2017, as follows:

WHEREAS, through resolution 14 of 2017, duly adopted by the Town Board, a public hearing was scheduled to be held before the Town Board on November 20, 2017 at 7:05 p.m. at the Offices of the Town of Kingsbury to hear all interested parties on proposed Local Law No. 3 of 2017 of the Town of Kingsbury which amends the Real Property Tax Exemption for Cold War Veterans under the New York State Real Property Tax Law 458-b and shall apply to Town real property taxes; and

WHEREAS, notice of said public hearing was duly posted and then published in the official newspaper of the Town, pursuant to and in conformance with the Municipal Home Rule Law; and

WHEREAS, said public hearing was duly held before the Town Board this 20th day of November, 2017 at 7:05 p.m. at the Offices of the Town of Kingsbury and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the local law.

NOW, THEREFORE BE IT

RESOLVED, the Town Board hereby finds the consideration and proposed adoption of this Local Law is an action under the New York State Environmental Quality Review Act (SEQRA). The Town Board hereby declares that this action is a Type II action pursuant to 6 NYCRR 617.5(20) and (27) and declares that the action does not have a significant impact on the environment and the action is hereby precluded from further environmental review; and be it further

RESOLVED, the Town Board, upon due deliberation of the Local Law finds that the adoption of the same is in the best interests of the Town; and be it further

RESOLVED, the Local Law amending the Real Property Tax Exemption for Cold War Veterans under the New York State Real Property Tax Law 458-b and shall apply to Town real property taxes, a copy of which is attached hereto and made a part hereof; and be it further

RESOLVED, pursuant to and in accordance with the Municipal Home Rule Law, the Town Clerk is hereby directed to enter this Local Law into the minutes of this meeting and file the same with the Office of the Secretary of State of the State of New York.

RESOLVED, this resolution shall take effect immediately.

LEGAL UPDATE:

Attorney MaryEllen Stockwell reported she is working with Dog Control Officer Todd Humiston on a Memorandum of Understanding with the Northway Emergency Clinic. Attorney Stockwell also reported after the first of the year she and Dog Control Officer Humiston will work on revising the current Animal Control Local Laws.

TOWN CLERK REPORT:

Town Clerk reported Washington County Clerk, Stephanie Lemery is applying for shared services under the Local Government Records Management Improvement Fund Grant and is looking for support from the Town of Kingsbury. Supervisor Hogan commented this is truly a shared service and both the Town of Kingsbury and Washington County will benefit from this. After discussion the following resolution was adopted:

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**TOWN BOARD OF THE TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK**

Resolution Number 15 of 2017
Adopted November 20, 2017

Introduced by Councilman Bromley
Who moved its adoption.

Seconded by Councilman Freebern.

**RESOLUTION FOR SUPPORT FOR THE WASHINGTON COUNTY CLERK'S APPLICATION FOR SHARED
SERVICES UNDER THE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF)
GRANT**

BE IT RESOLVED by the Town Board ("the Board") of the Town of Kingsbury (the "Town"), in the County of Washington, on this 20th day of November 2017, as follows:

Whereas the Washington County Clerk's Office intends to apply for funding through the New York State Local Government Records Management Improvement Fund Grant for monies to continue its efforts to increase efficiencies in local services delivery of services and through shared services and support related to records management systems and

Whereas the Town Board of the Town of Kingsbury looks forward to this opportunity for shared services and intermunicipal cooperation which result in savings for its constituents and

Whereas the Town of Kingsbury anticipates cooperating with and adjoining in future shared services offered and /or supported by the County whenever feasible.

Now therefore be it

Resolved that the Town Board do hereby fully support the Washington County Clerk's Office in its pursuit and application for funding for shared services through a Local Government Records Management Improvement Fund Grant.

RESOLVED, this resolution shall take effect immediately

AYE VOTES

Supervisor Hogan: Aye Councilman Bromley: Aye
Councilman Doyle: Aye Councilman Freebern: Aye

The Town Clerk has completed the 2017-18 Hudson Falls Central School District Tax Collection and provided copies of the following report to the Board:

TO: Supervisor Hogan
 Councilman: Bromley, Collins, Doyle & Freebern

FROM: Tax Collector: Cynthia A. Bardin

<http://www.kingsburyny.gov>

SUBJECT: 2017 – 18 Hudson Falls District School Tax Collection
DATE: November 20, 2017

Penalties Collected October 3 – November 6, 2017 - \$7,030.48
Bank Interest for September & October 2017 - \$49.97
Return Check Fees \$80.00
Total Paid to Town: \$7,160.45

Total Paid to Deputies: \$4,589.64
Balance to Town after Deputy Pay: \$2,570.81

Town Clerk reported she had attended a meeting for Tax Collectors. The 2018 Town/County Tax Bill will have a new format; being printed with a receipt attached.

The Town Clerk is looking for permission from the Board to set up with the BAS Online Backup System. At this time the Town Clerk and Tax Collector Office have 3 computers which carry BAS licenses. The Town Clerk would like to remove the license in the Tax Collector Office because it is seldom used. Doing so would reduce the annual software support/ maintenance fee cost \$120.00. At this time the Town Clerk downloads the BAS information onto a flash drive and brings it home with her. The initial start-up cost would be \$275.00; \$95.00 for a one time set up fee and \$180.00 annual fee for the online backup service. A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 4 ayes for the Town Clerk to set up with the BAS Online Backup which will be more efficient and protect the BAS records.

HIGHWAY SUPERINTENDENT REPORT:

Michael Graham would like to request a speed limit reduction for Casey Road. A **motion** by Councilman Freebern seconded by Councilman Bromley and carried by a vote of 4 ayes requesting a speed limit reduction on Casey Road. The Town Clerk will prepare the request. After discussion the Board amended the speed reduction request to include Park Road with a **motion** by Councilman Freebern seconded by Councilman Bromley and carried by a vote of 4 ayes.

Michael Graham reported a Snowplow Safety Demonstration was conducted at the Hudson Falls Primary School for 160 first – grade students. Graham stated there also was a discussion about snowbanks; not playing in them near the road and letting your parents know if you are playing in a snow bank. Councilman Bromley commented it is a good program. Graham would like to work with the second and third graders also. In December there will be a program for the first, second and third graders in the auditorium at the Primary School.

Graham also reported he had been approached about the sale of the Cat road grader. Graham would like to attempt to sell it one more time, by publishing a Notice to Bidders in the Post Star. The grader had been advertised for sale with no success on Auctions International. The Board decided it would be a good idea for a Notice to Bidders be published in the Post-Star.

WATER SUPERINTENDENT REPORT:

James Chase reported they are ready for the next 2 sections of the DASNY Water Project. The first section was for fittings and valves for the fire department and he is about 80% complete with that. Chase stated the fire company greatly appreciated the new hookups which will make it quicker and easier for them. Mr. Chase would like permission from the Board to go out to bid for hydrants, valves and pipe, etc. One bid will be materials for the installation of water line connectors between the Village of Hudson Falls and the Town of Kingsbury, on Feeder, Myrtle and North Streets. This will give us a total of 5 inter

connections between the Village and the Town; these are very important during fire-fighting or if there is a water break valves can be shut down and water can be provided to part of their district while the break can be repaired. Supervisor Hogan commented when the grant was written we identified the connectors would help establish shared services and with the cooperation of the Village, to reduce costs and provide a better service in the future. Mike Fiorillo of the Village is going to provide the excavator and tools and Michael Graham of the Town is going to provide some of the pavement needing repair, making it a joint project, truly a shared service. James Chase commented he and Mike Fiorillo have spent approximately 20 hours on this project. The second part of the bid is to repair and install 3 hydrants; there are 2 hydrants on Ferguson Lane where they are going to reduce the speed because they are in a swampy area. The fire companies would have to stand in the cattails to open the hydrant. It has also affected the operation of the hydrants because the black silt in the swamp is going in the hydrants and makes it very difficult to open the hydrants. They will be replaced with 2, 7 foot high non-draining hydrants that the swamp water can't get into. There is also a plan to run a water line to the residents between Blenor and Manlee Avenue by hooking into Mr. Schermerhorn's construction. If that should fail there is a valve on Vaughn and Dix Avenue, they would bore under the road and run it 600 feet to the other end of Blenor Avenue. A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 4 ayes giving permission for James Chase to go out to bid for hydrants, valves, pipes & etc.

A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 4 ayes to accept written reports for the month of October as follows
Code Enforcement: No Activity
Assessor: Property Tax Relief Information Sheet

SUPERVISOR REPORT:

Supervisor Hogan congratulated Dan Washburn for his win in the election for a Town Councilman position.

PUBLIC COMMENT:

Jerry Caruso asked if the speed limit on the corner on Casey Road would remain at 40 mph if the speed limit request was approved. Michael Graham stated the speed limit would remain 40 mph on the corner on Casey Road.

There being no further business before the Board a **motion** by Councilman Freebern seconded by Councilman Bromley and carried by a vote of 4 ayes to adjourn the meeting at 8:08 PM.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk