

The first regular meeting of the Kingsbury Town Board was conducted on March 1, 2021 virtually via Zoom.

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

OTHERS PRESENT: Jeffrey Meyer, Town Attorney  
Todd Humiston, Enforcement & Dog Control Officer  
Michael Graham, Highway Superintendent  
Rebecca Pomainville, Town Comptroller  
Carrie Woerner, 113<sup>th</sup> District Assemblywoman  
Lorraine Forcier, Town Resident  
1 Other Caller

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 Haessly.

The minutes of the December 7, 2020, February 1, 2021 and the Special Emergency February 18, 2021 Town Board Meetings were accepted as submitted by the Town Clerk with a **motion** by Councilman Haessly seconded by Councilman Washburn and carried by a vote of 5 ayes.

Supervisor Hogan invited Assemblywoman Carrie Woerner to the Town Board Meeting. Assemblywoman Woerner gave the Board an update on the status of the state budget. She explained the process and timeline; the Governor releases his executive budget proposal in early January and programs the state and federal dollars he feels he needs. The state budget he has proposed is 179 billion dollars; much being standard federal dollars that are a pass-through to the state, child-care dollars, health care dollars, and road money, about a third of the overall budget is a federal pass-through. The remainder is state operating dollars; dollars raised through income taxes, corporate taxes, fees, and tolls. Imbedded in the budget is Article 7 language which are supposed to be statute changes that are required in order to enact the budget proposal. The budget is dissected and each member is offered an opportunity to comment and critique on each section of the budget and then they have the opportunity to submit in written form their letters of support for certain aspects of the program and letters of opposition to other aspects of the budget. It all comes together in mid-March in what is called the one house budget resolution, a resolution that does not have the force of law but states their response and this is what they think the budget to look like. The Senate does their response and then negotiations of the final budget begin with the Executive, the Assembly and the Senate and the budget is voted on March 31<sup>st</sup>. This week the Assembly is being briefed on what their one house resolution looks like based on the input that has been provided. Tonight, they did transportation, government employees, corporations which include the MTA all of the transit programs, the power authority, and the labor committee. Every night this week they will look at different sections of the budget, provide one more round of comments then it will be printed and reviewed next week and voted on the following week. In the executive budget important things for the Town would be CHIPS money; the Governor had pulled money out of the CHIPS funding and cut the Extreme Weather funding which will be restored with the question of how much more of last year's can we get. The AIM funding has to be paid out by the Counties

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to the municipalities based on having received more money from the internet sales tax. The internet sales tax were expanded to include Amazon, Amazon Marketplace, etc. and the extra tax dollars were programmed to become AIM payments. The Counties will receive more revenue from sales tax and can fund the municipalities. The governor is trying to cut the AIM funding this year, but they will push back on that proposal because they did not like it last year. The governor has also proposed changes to the Enhanced STAR program for seniors; instead of getting a credit on their tax bill they would receive a check in September in the amount of their STAR exemption. The biggest concern would be if seniors on a fixed income do not receive the check before the taxes are due. The governor claims we have 98% coverage on broadband in the state and now it is too expensive, and he calls for the requirement of a \$15.00 package so that low-income families can afford it. Broadband will be a big issue they feel there is less than 98% coverage. They are expecting federal aid to the state, the municipalities, and the school districts. Senator Schumer and his staff have indicated the state is going to receive 12 billion in aid through the next relief package. There will be dollars for housing, dollars for health care, and dollars for other things; they do not know what that will look like yet. The state should receive enough to bring us back to it would have been pre-pandemic in terms of making up for lost revenue.

Supervisor Hogan stated the Town of Kingsbury and four other municipalities in Washington County receive their AIM funding directly from the Comptroller because the AIM funding is more than 2% of their budgets. The Town was part of the 20% cut in AIM funds but was able to have the County agree to make them whole for the shortfall that was created with the 20% reduction from the Comptroller's Office; with an agreement that the Town pay back the County if they were made whole.

Councilman Haessly wanted to hear more about the \$15.00 internet. Assemblywoman Woerner explained it would be a very basic package with minimal upload and download speeds for a small family and targeted to low-income families. There is also conversation about doing it as a discount based on income requiring that companies offer a discount off their normal price for a regular plan so they are not sacrificing quality for pricing.

Councilwoman Havens stated in 2013 the Governor wanted to do background checks on ammunition but set it aside. She has heard recently that a program is changing for something already in place and the extra money in the budget concerns her. In New York State the FBI does background checks for firearms sales. The FBI said they would not do background checks on ammunition so the Governor did not have the funding to put in place a new background system that would be able to do firearms and ammunition. This has been held up because the funding is not there, and she heard it may have been put into this budget. We have the organization FBI NICS that is very professional and does a very good job. She is concerned about replacing a good entity and paying for a system that does not need to be there just for ammunition sales. Councilwoman Havens asked Assemblywoman Woerner if she was aware of this being in this budget. Assemblywoman Woerner is not aware of that but will check into it. Councilman Haessly is opposed to background checks for ammunition.

Assemblywoman Woerner stated the Governor has included in the budget expanded hunting privileges for youths 12 to 14 to include big game with supervision and also expanding the crossbow season throughout the archery season to enable seniors who can no longer carry a rifle.

Councilman Doyle commented the business where he is employed there has been a number of employees that are still working and getting letters from the state unemployment office stating they have filed a claim for unemployment; they are not sure where the employee data was hacked from but they don't think it was from them. He himself has received letters to his home address with different names. He feels the state could improve the means for reporting fraudulent activity.

Assemblywoman Woerner stated it appears there are hackers somewhere that have built people files that have names, addresses, social security numbers and they are using it to fraudulently apply for unemployment. They are using your name your home address, and your business but they are not going to benefit from this; this is to cause chaos in the system. When people call to report this

Assemblywoman Woerner forwards the information to the Department of Labor at a higher level and suggests that anyone who experiences this could send her an email and she will make sure it gets to the fraud unit at the Department of Labor. This is happening all over the country.

Councilman Haessly stated the solar farms are creating problems for the Towns when they want to set up to do business. They do not generate a lot of jobs long term and it displaces a lot of the farmland. Assemblywoman Woerner agrees, there are Brownfield sites that would be perfect for a solar farm or on the roof-top of the mall in Queensbury. She also stated let's save the prime farmland for farming we only have so much of it.

Supervisor Hogan sent emails in regard to the federal aid to municipalities; if this happens the Town will receive \$2.2 million and the County will receive \$12 million. At this time there is not a lot of clarity.

Comptroller Rebecca Pomainville has completed the internal audits. The audits of the Justice Clerk showed nothing out of place. There were minor issues with the Town Clerk and the Receiver of Taxes which has been addressed, nothing of significance, record keeping on the bank reconciliations is her recommendation. Supervisor Hogan asked if the Board was ready to accept the audits. The Board received the audits today and would like a chance to review them before acceptance of them.

Highway Superintendent Graham reported every year the roads are posted and is seeking permission to publish a notice in the Post-Star. Superintendent Graham would like to post the roads by the end of the week at the same time Fort Ann Highway Superintendent posts their roads. A **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 5 ayes giving permission for Superintendent Graham to post town roads; the Town Clerk will have the notice published in the Post-Star.

#### LEGAL UPDATE:

Attorney Meyer will follow up with Water Superintendent Jim Chase with questions about the water district and to be able to formally sign off the agreement we received.

Supervisor Hogan stated approximately two years ago the Board had drafted a letter to the Washington County Code Enforcement Office in regard to their failure to conduct fire inspections. Supervisor Hogan asked John Graham for an update on the fire inspections. John Graham acknowledged they do not have the personnel to conduct the inspections. The Town has a community of almost 500 - 3 family or more structures in our community where fire inspections should occur every three years. Enforcement Officer stated there are over 500 units on 14 properties.

John Graham explained to Supervisor Hogan they are working through this process to try and improve it in the upcoming year.

Supervisor Hogan stated the fire inspections are not being conducted and that was part the agreement made 5 years ago when the Town transferred our building permits revenue to the county so they could handle the Town building permits and fire inspections.

Supervisor Hogan stated he wanted the Board to be aware of this and asked Attorney Meyer from a legal standpoint if the Board needed to do anything to protect the Town if a tragedy occurred that could have been prevented.

Attorney Meyer stated there really is not much the Town can do, because the agreement is in place and it is a County obligation, the larger concerns may be public relations and a political one. If there were ever a tragedy or an incident the fingers are going to get pointed around, the Town will be protected but it is not going to look good. There may be a political solution or untapped resources or if the County were to make it a priority with different Supervisors banding together trying to resolve this.

Supervisor Hogan asked Attorney Meyer if the Town could set up a fee schedule to conduct the inspections with the fire inspections being conducted by Kingsbury Volunteer Hose Co.; this would generate money to the fire house.

Attorney Meyer stated an inter-municipal agreement or if the Town of Kingsbury takes back the fire safety inspections and enters into an IMA with the hose company or some other qualified agency to carry out the inspections. Attorney Meyer will research to see if this would be legal.

Supervisor Hogan asked the Board if they had any interest in Attorney Meyer looking into the matter or wait another year to see the County improves.

Councilman Haessly stated the Town could hire an architectural firm to do the inspections and a fee structure would need to be adopted and possibly the landlords may have to pay the fee.

Councilwoman Havens stated she is not comfortable and if they are not doing their job the Board needs to do theirs. She would like to continue a discussion. The discussion continued.

Councilman Doyle asked if the Village was having the same problem. Supervisor Hogan stated the Village has a full-time Code Enforcement Officer who should be conducting the inspections. Supervisor Hogan will check with Mayor Barton.

Supervisor Hogan stated we have to figure this out and get it taken care of because it is not being done at the County.

Attorney Meyer suggested the Board reach out to Ross Cortese, retired Code Enforcement Officer for the Town, to see if he kept his certification. He could work part-time strictly for fire inspections.

Supervisor Hogan stated Ross Cortese had expressed to him he was interested in working part-time. Supervisor Hogan will check to see if he is interested.

#### TOWN CLERK REPORT:

Town Clerk emailed the following report to the Board:

TO: Supervisor Hogan  
Councilman: Doyle, Haessly & Washburn  
Councilwoman Havens

FROM: Tax Collector: Cynthia A. Bardin

SUBJECT: 2021 Town & County Tax Collection

DATE: March 1, 2021

Paid to Supervisor: January 11, 2021 - \$587,278.52

January 20, 2021 - \$1,152,710.36

Total Paid to Supervisor including water relevies: \$1,739,988.88

Penalties Paid to Town February 12, 2021: \$479.70

Interest Credit Analysis Interest: \$8.24

Total \$487.94

Penalties Paid to Town February 26, 2021: \$797.69

Total Penalties & Interest Credit to Town: \$1,277.39

Town Clerk reported the computer used to sell hunting and fishing licenses had been updated to Windows 10. The computer tech encountered a problem and indicated it was an old computer; Town Clerk will update the Board at the next meeting.

The Deputy Clerk has completed the update on the Dog Licenses; 6,000 licenses dated from 2000 to 2015 have been purged from the system.

The sales for dog licenses in January 2021 were \$963.00 more than January 2020 due to the deputy making phone calls to the dog owners with delinquent licenses. The Clerk's office will continue to send out delinquent notices for expired licenses and if there is no response follow up with a phone call.

Councilman Haessly had suggested taxpayers send a self-addressed envelope with postage to receive their paid tax receipts. Town Clerk had provided information to the Board that the Town cannot require a taxpayer to enclose a self-addressed, stamped envelope in order to obtain a receipt.

#### ENFORCEMENT OFFICER:

Todd Humiston reported he has not received a junkyard permit application from County Waste, the new owners of Earth, Waste & Metal. He has contacted them requesting the status of the application.

Updated Code Training starts tomorrow which is necessary to keep his certification.

Humiston spoke to Ross Cortese, retired Code Enforcement Officer, who has shown interest in returning part-time; Cortese has heard complaints about how the County is handling building permits and would be willing to conduct fire inspections. Enough revenue may be collected from building permit fees and fire inspections fees to cover Cortese as a part-time employee.

#### DOG CONTROL OFFICER:

#### REPORTS:

There being no further business before the Board a **motion** by Councilman seconded by Councilman and carried by a vote of 5 ayes to adjourn the meeting at P.M.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk