

The second regular meeting of the Kingsbury Town Board was conducted virtually, via Zoom, on March 15, 2021.

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

ABSENT: Dana Hogan, Supervisor

OTHERS PRESENT: Jeffrey Meyer, Town Attorney  
Todd Humiston, Enforcement & Dog Control Officer  
Michael Graham, Highway Superintendent  
Rebecca Pomainville, Town Comptroller  
Chris Krahling & Etan Rubenstein – Agricultural Stewardship Association  
Curtis Taylor, Kingsbury Transfer Station, LLC  
Lorraine Forcier & Mike Cleveland – Town Residents  
3 Unidentified Callers

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

The minutes of the March 1, 2021 Town Board Meeting will be reviewed at the next Town Board Meeting on April 5, 2021.

Chris Krahling, Senior Project Manager, of the Agricultural Stewardship Association is seeking a letter of support from the Town Board for the Deep Roots Farm application to the state for Phase 2 of the Dairy Transitions Farmland Implementation Grants Program. Mr. Krahling explained the association was founded in 1990 and is a non-profit, community supported land conservancy dedicated to protecting farmland and forests. Since 1990, 144 easements (conservation agreements) have been made conserving 24,000 acres.

The Deep Roots Farm is owned by Albert and Donna Marns; this project totals approximately 283 acres located in Kingsbury and borders their home farm which was conserved in 2015 with state and federal farmland protection funding.

A **motion** by Councilwoman Havens seconded by Councilman Washburn and carried by a vote of 3 ayes for Supervisor Hogan to sign a letter of support for the Deep Roots Farm application to the state for Phase 2 of the Dairy Transitions Farmland Protection Implementation Grants Program. Councilman Haessly abstained from the vote.

Deputy Supervisor Doyle asked Attorney Meyer if he had reviewed the Junkyard Application from Kingsbury Transfer Station, LLC.

Attorney Meyer has reviewed the application but stated it is not complete. A copy of the deed is required, pollution liability insurance is required and financial surety information relative to the cost of all the junk that could be on the premises next year in the event the Town were to close their doors. Those items were not included in the application. The application did include the ask that they be treated the same as Elnicki. The previous owner Earth, Waste & Metal had requested a waiver on the financial surety on their license, which was granted. Kingsbury Transfer Station, LLC could apply for a waiver which the Town Board would have to review.

<https://www.kingsburyny.gov>

Deputy Supervisor Doyle stated the application is not complete so the Board cannot act on it tonight. Curtis Taylor thanked Attorney Meyer for listing the items that were not included on the junkyard permit application and stated they would be happy to provide the missing documents. Curtis Taylor asked who to speak to about the waiver for the financial surety. Attorney Meyer stated questions about the application and the specifics could be directed to him, he was part of the group that helped write the law and is familiar with the fine print. Enforcement Officer could coordinate and provide materials to the Town Board.

A **motion** by Councilman Haessly seconded Councilman Washburn and carried by a vote of 4 ayes to accept the Internal Audits conducted by the Comptroller.

Comptroller Rebecca Pomainville reported the AUD was emailed to the Board on February 18<sup>th</sup>, has been filed with the NYS Comptroller and a notice has been placed in the newspaper. A **motion** by Councilwoman Havens seconded by Councilman Washburn and carried by a vote of 4 ayes to accept the AUD.

The Board Meeting conducted on March 1, 2021 included a discussion about the County and the fire inspections which had not been completed. In 2016 the Town turned over building permits and fire inspections to the County and the Board wishes to turn it back over to Town control. The former retired Code Enforcement Officer Ross Cortese will come and assist on a part-time basis working 16 to 20 flexible hours a week. Fees from the building permits will come back to the Town which will help cover the salary paid to Ross Cortese.

Enforcement Officer Humiston stated building permits would cover some of the cost, but he recommends the Board consider adding a fee to conduct the fire inspections. Adding fees would be a new concept for this area. Charging for fire inspections would off-set the cost of the part-time Code Enforcement Officer. Enforcement Officer Humiston stated the County is very behind, the Town may be overloaded with current permits issued by the County in the beginning.

Deputy Supervisor Doyle asked Attorney Meyer if the Town was required to give a notice to the County for taking over the building permits and fire inspections.

Attorney Meyer replied yes, technically the Town is locked in for the year and would need to give them notice by December for next year. Supervisor Hogan was having conversations at the County to mutually agree to terminate the agreement based on the workload and the needs of the community.

Councilman Haessly stated before we take this back, we should determine a cost, what work is entailed and how many properties needed to be inspected. Councilman Haessly asked Enforcement Officer Humiston how many inspections he would do in a year. Humiston replied in 2020 without septic, 65 inspections were conducted which would generate approximately \$14,000.00 to \$16,000.00 in revenue. The discussion continued. Ross Cortese commented for 15 years the fire inspections and building inspections were scheduled in the Village of Hudson Falls and Kingsbury and during that time a good hand full were completed and they have a pretty good idea how to do this.

Councilwoman Havens stated she supports hiring Ross Cortese part-time; the County has not been doing it and the Town has people who can do it.

Councilwoman Havens made a **motion** that the Town leave the County and hire Ross Cortese part-time. Comptroller Rebecca Pomainville asked if the Board should make sure the County is willing to cancel the service before hiring Ross Cortese.

Councilman Washburn also stated we should make sure the County is willing to cancel the service but if the County wants to keep it until January, he could be hired to work on policies and procedures and get started on fire inspections.

Deputy Supervisor Doyle read notes he received from Supervisor Hogan recommending the Board hire Ross Cortese immediately. Supervisor Hogan will work with Attorney Meyer on preparing a legal notice to send to the County requesting return of all open fire inspections and building permits to the Town by the end of Thursday March 18<sup>th</sup>. Deputy Supervisor Doyle suggests the Board conduct an executive session to discuss pay rate and the hiring of Ross Cortese.

#### LEGAL UPDATE:

Attorney Meyer is working through the lease to append the landfill RFP that is going to get sent out. Attorney Meyer spoke with Kevin Egan of Spectrum and they are finalizing the fine print and should have a final copy of the agreement in time for the next meeting and when the Board can schedule Public Hearings it can be put on the schedule.

Councilman Haessly asked if the document would be available to the public; Attorney Meyer replied yes.

#### TOWN CLERK REPORT:

Town Clerk reported at the last meeting there was a problem with the computer used to sell hunting and fishing licenses. The computer has been updated to Windows 10 and is working fine.

The computer used by the Town Clerk Deputy is very slow. Rick VanLint of Express Computer Restore conducted a speed test with a result of 20%; he will be in the office this week to check the interface where the internet enters the building to see if there is a problem.

Town Clerk reported her computer her computer shut down on Friday while she was working on meeting minutes. Approximately 2 ½ hours of work was lost even though there is an auto save feature. This is the second time in approximately 2 months the computer has shut down and resulted in minutes lost. Town Clerk will have Mr. VanLint check her computer when he is in the office.

Town Clerk discussed re-opening of Town Hall to the public. At this time the door should be locked; we are unable to social distance and the Town Assessor is very concerned because she has not been vaccinated at this time.

The Town Clerk and Deputy Clerk are conducting all business and plan to schedule appointments on Tuesday and Thursday when the assessor is not in her office.

Councilman Doyle would like to see the office to re-open whenever everyone is comfortable, hopefully sometime in April.

Councilwoman Havens stated other Town Clerks around the County are open. She stated any kind of financial business conducted outside the door is irresponsible. She has been watching the numbers and feels it is time to make a serious plan to re-open.

Town Clerk stated one cash transaction occurred outside the office when there was no other person in the area. A resident was allowed in the office for a dog redemption transaction and the assessor expressed her concern. Town Clerk stated she needs to consider other staff members' feelings before allowing the public into Town Hall.

Deputy Supervisor Doyle stated we should come up with a plan; we want the Town employees to be comfortable, but we need to provide convenience to the Town residents.

Town Clerk asked if anyone had received complaints about Town Hall being closed. Councilwoman Havens replied she had received complaints from people in her store.

Enforcement Officer Humiston stated if the Town takes back the building permits, we will have to have a way to review the permits from applicants. He also stated we need to start Public Hearings; there are residents that are not able to build their homes and residents that can't sub-divide their properties because they need Public Hearings.

Councilman Haessly suggested June 1<sup>st</sup> would be a good time to open up.

Councilman Washburn stated the issue is if we wait too long people are not going to build this year; once they go through planning and zoning and line up a builder it is winter.

Enforcement Officer Humiston stated we should look at having multiple meetings each month.

Councilwoman Havens did some research on building locations and meeting places and their capacity. Enforcement Officer Humiston spoke to Scott Purdy about using the firehouse for Public Hearings as we had before.

Councilwoman Havens suggested rotating the locations of Public Hearings/Public Meetings. She contacted David Kearns who schedules at the fire house who reported they are at 50% capacity and can accommodate 100 people, but realistically 50 people; after their April Board Meeting, he will contact her. She also contacted the school and is waiting to hear back. Jonathan Newell of the Strand Theatre said meetings could be conducted there.

Deputy Supervisor Doyle suggested the American Legion as a meeting location.

The discussion continued.

#### ENFORCEMENT OFFICER REPORT:

Enforcement Officer Humiston reported Justin Fehl submitted his resignation from the Planning Board. Comptroller Rebecca Pomainville could post the position on Indeed if necessary. The Board agreed to advertise for the position.

#### DOG CONTROL OFFICER REPORT:

Todd Humiston reported Ag & Markets conducted their annual inspection.

#### HIGHWAY SUPERINTENDENT:

Highway Superintendent Graham and the Comptroller have been working on bids for street sweeping that is done in the spring. Quotes will be available at the next Board Meeting. Street sweeping usually begins in mid-April.

Councilman Haessly asked if the trees were still standing on Michigan Street near the future Court Parking lot. Superintendent Graham responded they were still standing. Enforcement Officer Humiston stated they will be down before the store opens.

#### COUNCIL REPORT:

Councilwoman Havens announced the next scheduled meeting for the Comprehensive Master Plan Committee will be held on Thursday March 18<sup>th</sup> at 6:30 at Kingsbury Station #1. She has reviewed the procurement policy; for professional services, the Town can hire somebody if they meet certain criteria. The Laberge Group has reached out and have responded to Kingsbury' requests in the past. Laberge has an extensive book of business. Councilwoman Havens would like permission from the Board to contract with them to assist with the Comprehensive Master Plan; they can help the Town secure grants to help pay for their services.

Councilman Haessly stated Laberge looks like a good outfit and the quicker we get started the quicker it will be done. He also stated once the stimulus money is dispersed to various Towns you will see a lot of engineering firms get loaded up with projects.

Deputy Supervisor Doyle stated the Town has worked with Laberge in the past. Laberge has offered to do the first grant writing for free to try to get money to fund this project. The Town is starting this project with no money to cover it.

Councilwoman Havens explained it is the Green Way, community vision, overall development. Laberge has written the grant multiple times, they know how to write it and they know what to ask for and will start with that one.

Deputy Supervisor Doyle stated we did not have anything ear-marked in the budget for this project but there must be something available under professional fees in the budget that the Board could use.

Deputy Supervisor Doyle stated there is 1.3 million coming to the Town of Kingsbury from the stimulus package. The funds must be split with the Village of Hudson Falls. The money can only be used for certain things; water sewer and broadband infrastructure etc. The funds will not be going into the General Fund to be spent on anything the Town wants.

Councilwoman Havens stated the Board should conduct a specific meeting to make the public aware what the limitations are on the stimulus money once received. The discussion continued. Councilman Haessly stated you must be prepared to spend the funds because there will be a time limit for the availability of the funds.

Comptroller Rebecca Pomainville submitted two emergency plans: Emergency Plan for the Kingsbury Highway/Water Department involving Communicable Disease and Communicable Disease for Kingsbury Town Hall, Town Board, Planning Board and Zoning Board as required by Governor Cuomo by April 1, 2021. The guidelines for Town Hall were based on what the Town did during the shutdown as far as essential and non-essential employees. Highway Superintendent Graham worked with other Town Highway Committees for the emergency plan. The Comptroller must submit the plans to the state. A **motion** by Councilman Haessly seconded by Councilman Washburn and carried by a vote of 4 ayes to adopt the following emergency plans contingent upon approval from the state.

## **Emergency Plan for the Kingsbury Highway/ Water department involving Communicable Disease.**

**Essential positions:** All MEO personnel, water operators and highway superintendent. Part time plow personnel. **Non-essential positions:** Crossing guard. Due to the nature of the job, these positions require in-person presence .

**Work shifts:** The highway crew could be split into halves, depending on

circumstances. This would provide coverage while minimizing exposure to other employees and the general public. Split crew execution will depend on weather and storm events. During snowstorms, employees will be assigned their own plow route. All routes are essential. Start/end times may be altered as needed to minimize contact with other employees. The employee would be assigned a single vehicle and the vehicle would be wiped down at the start and end of each shift.

**Water work shift:** The main water operator would report to the water barn only and only use the equipment at that location. The water operator's plow truck can be left at the water barn if needed. Second and third operators would only be at the water barn on the main operator's days off. All office and used equipment will be wiped down at the start and end of each shift. The Town of Kingsbury's water department is small, thereby necessitating the need to keep our two operators safe and

healthy. The water operator is a full-time position. **All safety steps must comply with DOH.** All daily checks and reports still need to be done and filed as required. Both licensed operators should never be together in case of infection. In the case of the need for additional help at the water department, water main break or other emergency, appropriate PPE will be used by all involved and the operators would supervise from a safe distance .

**PPE protocols:** PPE is provided on an as-needed basis and is required by the town. Each employee is assigned and is responsible for the use, cleanliness, and notification of the need to replace. PPE can be acquired through Washington County and/or vendors utilized by the town.

**Employee Exposed to disease:** Any employee exposed to virus/illness will be instructed to follow guidelines as set by the state or county health regarding

treatment and quarantine. Contact tracing can be done by work shift, an affected employee will be instructed to follow guidelines. Should an entire shift be under quarantine, another shift will be required to pick up the shifts that are not covered.

**Water Employee Exposed to disease:** Will have to follow above guidelines and notify the other operators and the DOH.

**Documenting hours and Locations:** There are only two locations to report to the Kingsbury Highway department, Vaughn Road Main Barn and the Kingsbury Water Barn on Dix Avenue. Employees can keep their time card with them and document start/end times. Water operators can do the same but scan and then email timecard, thereby mitigating in-person contact

**Emergency housing** There is no Emergency Housing for our water operators. Other town employees may be housed at the highway barn. The main barn has bathrooms and basic breakrooms. Cots and bedding would need to be provided. The highway barn does have showers, but no laundry accommodations. Campers or other temporary housing could also be set up as emergency housing if needed at either location.

**Contact Information Mike Graham,  
Kingsbury Highway Superintendent  
518-338-8169**

**Communicable Disease Emergency Plan for Kingsbury  
Town Hall, Town Board,  
Planning Board, and Zoning  
Board Non-essential positions**

- Assessor
- Comptroller . Confidential  
Secretary . Court Clerk  
(part-time)
  - Deputy Town  
Clerk(s)
  - Enforcement  
Officer
  - Planning Board  
Members
  - Town  
Councilmembers
  - Town  
Supervisor
  - Zoning Board  
Members

**Protocols for non-essential employees to follow to work  
remotely**

Telecommuting allows employees to work at home or in a satellite location for all or part of their workweek. Telecommuting is not an entitlement, it is not a companywide benefit, and it in no way changes the terms and conditions of employment with the Town. The manager and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved. Equipment supplied by the Town (ex: computer, phone, etc.) will be maintained by the Town. Equipment supplied by the Town is to be used for Town purposes only. Equipment supplied by the employee, if deemed appropriate by the Town, will be maintained by the employee. The Town accepts no responsibility for damage or repairs to employee-owned equipment. The Town reserves the right to make determinations as to appropriate equipment, subject to change at any time. The Town will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. The Town will also reimburse the employee for business-related expenses, such as phone calls and shipping costs, that are reasonably incurred in

carrying out the employee's job. The employee will establish an appropriate work environment within his or her home for work purposes. The Town will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space. Telecommuting employees will be expected to ensure the protection of confidential information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment. Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked. Hours

## **Communicable Disease Emergency Plan for Kingsbury Town Hall, Town Board, Planning Board, and Zoning Board**

### **Essential positions**

Court Clerk (full-time) Court Justice Court Officer

Dog Control Officer

- Town Clerk/Receiver of Taxes
- Deputy Receiver of Taxes

### **Staggard work shifts**

When necessary, staggard work shifts can be accomplished by alternating in-office days and telecommuting days during normal business hours.

### **Protocols to document specific hours and work locations**

Essential employees have only one work location, 6 Michigan Street. Documentation of specific hours will follow protocols established in the Employee Handbook. Required off-site visits, for example Dog Control, will be completed with an abundance of caution while following State, Federal, and local guidelines.

### **Emergency housing for essential employees**

Town employees may be housed at the highway barn. The main barn has bathrooms and basic breakrooms. Cots and bedding would need to be provided. The highway barn does have showers, but no laundry accommodations. Campers or other temporary housing could also be set up as emergency housing if needed at either location.

### **PPE protocols**

PPE is provided on an as-needed basis and is required by the town. Each employee is assigned and is responsible for the use, cleanliness, and notification of the need to replace. PPE can be acquired through Washington County and/or vendors utilized by the town.



## **Employee Exposed to disease**

Any employee exposed to virus/illness will be instructed to follow guidelines as set by the state or county health regarding treatment and quarantine. Contact tracing can be done by the Town's designated coordinator and affected employee will be instructed to follow guidelines.

## **Policy on leave**

In the event employee(s) require testing, treatment, quarantine, etc., the Town will follow orders established at the NYS and Federal level in addition to following the Town's Employee handbook.

### **Communicable Disease Emergency Plan for Kingsbury Town Hall, Town Board,**

**Planning Board, and Zoning Board** worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor.

## **Contact Information**

Town Hall 518-747-2188 [info@kingsburyny.gov](mailto:info@kingsburyny.gov)

## WRITTEN REPORTS:

A **motion** by Councilwoman Havens seconded by Councilman Haessly and carried by a vote of 4 ayes to accept the reports of certain officers for the month of February as follows:

Town Clerk: Paid to EnCon \$23.62 ; Paid to Supervisor \$;1,669.38; Paid to the Village of Hudson Falls \$90.00 ; Paid to Ag & Markets for Population Control \$118.00

Dog Control Officer: Complaints: 6; Unlicensed Dogs 2; Mileage: 186 (48,380)

Town Comptroller: \$156,255.90; Disbursements \$168,648.26

Deputy Supervisor Doyle sent the Landfill Lease RFP to the Board and to Attorney Meyer. Attorney Meyer will review the document, and it will be on the agenda for the first meeting in April for the Board to review.

## PUBLIC COMMENT:

No public comment.

A **motion** by Councilman Washburn seconded by Councilwoman Havens and carried by a vote of 4 ayes to enter into an executive session at 8:36 PM to discuss matters related to the appointment of a particular person. Enforcement Officer Todd Humiston and Comptroller Rebecca Pomainville were invited to attend.

A **motion** by Councilman Washburn seconded by Councilwoman Havens and carried by a vote of 4 ayes to exit the executive session at 8:58 PM.

A **motion** by Councilman Haessly seconded by Councilwoman Havens and carried by a vote of 4 ayes to re-hire Ross Cortese as a part-time Code Enforcement Officer at \$20.00 an hour, plus mileage , and the cost for him to complete training each year; effective immediately.

A **motion** by Councilwoman Havens seconded by Councilman Washburn and carried by a vote of 4 ayes to move the fire inspections and building permits from the County to the Town.

Attorney Meyer reported Enforcement Officer Humiston sent a Notice of Annulment for Geer Road Solar. Councilwoman Havens asked if we could speak publicly of the notice. Attorney Meyer stated yes, the notice is a public record which could be provided to anyone with a FOIL request to the Town Clerk.

The Comptroller will reach out to Ross Cortese to schedule an appointment to fill out paperwork.

A **motion** by Councilman Washburn seconded by Councilwoman Havens to hire Laberge to assist with securing grants for the update of the Comprehensive Master Plan; the first grant will be pro bono, then they will get a grant to pay for the work to update the Master Plan. Councilwoman Havens stated it is referred to as a patchwork quilt; there is not one large grant to pay for a Master Plan, it is a series of grants that you derive from conversations, meetings, and availability. It is common practice to have multiple grants to pay for the entire process.

Deputy Supervisor Doyle stated there will possibly be a cost to the Town, the grants may not fully pay to update the Master Plan. A discussion continued.

Councilwoman Havens stated you cannot do a Master Plan without an agency like Laberge.

Deputy Supervisor Doyle would like to put a cap of \$15,000.00 to spend on the Master Plan for this year. Councilman Washburn does not agree, let's see how this plays out, they secure the initial grant pro bono and then the Board re visit what they come up with and what they suggest.

Councilwoman Havens stated she believes in fiscal conservatism and will not obligate to anything that would surprise the Town.

The Comptroller asked if Laberge would provide a service agreement that would spell out everything as far as doing the grant pro bono, future steps and approval processes as far expenses that would be incurred by the Town. Councilwoman Havens will have a conversation with Laberge in regard to an agreement..

Deputy Supervisor Doyle stated the motion is to hire Laberge pro bono for a single grant, a **motion** was made by Councilman Washburn seconded by Councilwoman Havens and carried by a vote of 4 ayes.

There being no further business before the Board a **motion** by Councilman Haessly seconded by Deputy Supervisor Doyle and carried by a vote of 4 ayes to adjourn the meeting at 9:20 pm.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk