

The first Board Meeting of the Kingsbury Town Board was conducted on December 7, 2020 at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls.

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

OTHERS PRESENT: Michael Graham, Highway Superintendent
Todd Humiston, Enforcement & Dog Control Officer
Rebecca Pomainville, Comptroller
Jeffrey Meyer, Town Attorney
Alexandra and Joe Bombard, Town Residents

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

A **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 4 ayes and 1 abstain from Councilwoman Havens to accept the minutes of the September 8th, September 21st and October 5th Town Board Meeting as submitted by the Town Clerk.

Councilwoman Havens reported the Board had discussed the Town Wide Master Comprehensive Plan last January. At this time there are different projects moving back and forth between the Town Board and the Planning Board. Councilwoman Havens attended a Planning Board Meeting last month to observe; there were seven items on the agenda with four of them being major projects. After the first of the year, she would like to form a committee to start updating the Town Master Plan. The Master Plan is from 1973 and after reading she believes we would like to live the same lifestyle in 2020 that we did in 1973 and appreciate rural life. She suggests that someone attend the Planning Board Meeting to observe proposed projects. She would like to check with neighboring towns to see if any have recently updated their Master Plan.

Councilman Doyle stated the Board discussed at one time and determined the Master Plan needed to be updated so the Town could access grants. He also stated it should be a joint plan with the Village. The Board could try to do it themselves, but if a firm were hired to assist, the cost would be about \$50,000.00. The Board could try it themselves to see how far they would get. He agreed with Councilwoman Havens that it is a good idea to have someone attend the Planning Board Meetings on a rotating basis.

Supervisor Hogan stated there has been a vacancy on the Board of Assessment Review. He has received a letter of interest from a former BAR member, John Murray. Mr. Murray has retired and would like to serve on the Board of Assessment Review. A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to appoint John Murray to the Board of Assessment Review.

Supervisor Hogan reported Town Historian John Mead is up for re-appointment. Mr. Mead was unable to attend the Board Meeting but is interested in being re-appointed. A **motion** by Councilman Doyle seconded by Councilwoman Havens and carried by a vote of 5 ayes to re-appoint John Mead as Town Historian.

A **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 5 ayes giving permission for Supervisor Hogan to sign the following agreement:

Club Name/Address: Kingsbury Barnstormers POB 121 Hudson Falls, NY 12839
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To Town of Kingsbury
_____ (Municipality – City/TownVillage)

Re: Proposed Snowmobile Trail
_____Town of Kingsbury (City/TownVillage) _____ (Municipality Name)

Dear Municipal Official.

On behalf of the Kingsbury Barnstormers SMC we are writing to inform the Town _____ (Club Name) _____ (City/TownVillage) of our desire to utilize a strip of land owned by Niagara Mohawk Power Corporation, which runs ffrough the Town _____ of Kingsbury for the purpose of a

_____ (City/TownVillage) (Municipality) snowmobile trail (see map enclosed). Our club has been in contact with Niagara Mohawk concerning this possibility and they have expressed their willingness to consider our request. If approved, Niagara Mohawk will be granting a License to our club to authorize the use of their property for this purpose. It should be understood that this will be for winter use only by snowmobiles (no ATV's or wheeled vehicles will be allowed at any time). Our club will also be responsible for addressing any concerns that may arise from this use and provide insurance on this trail.

Prior to granting any such authorization, Niagara Mohawk has asked for confirmation that the municipalities ffrough which our proposed tail will operate upon Niagara Mohawk's land have no objections. Therefore, we hereby respectfully request that the appropriate municipal official indicates that your municipality does not object to having our frail on Niagara Mohawk property by affxing his/her signature where indicated below, or in lieu please provide alternative written documentation that we can present to Niagara Mohawk as evidence of such municipal lack of objection. It should be noted that Niagara Mohawk will not grant said License without witten confirmation of the municipality's lack of objection.


Any correspondence, questions or concerns regarding this request should be directed to:

<https://www.kingsburyny.gov>


Dave Perkins,, President, 518-747-4609

(Insert contact information for appropriate Club official)

Sincerely,



(Club resident)



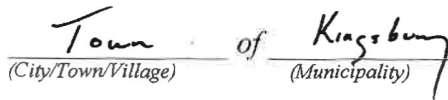
Date



(Municipal Official)



Date



(City/Town/Village) of (Municipality)

TOWN CLERK REPORT:

The No Parking on Public Highway Notice was published on November 19, 2020 at the request of Highway Superintendent Michael Graham.

Local Law No. 3 of 2020 to amend the fee schedule by resolution was filed with NYS Department of State on November 23, 2020 and sent to General Code.

ENFORCEMENT OFFICER:

Todd Humiston clarified that house mounted solar is ok and is not affected by the solar moratorium.

DOG CONTROL OFFICER REPORT:

Todd Humiston reported the Village of Hudson Falls Police took an individual to the hospital; the individual had a dog which was taken to Countryside Veterinary which is a safe-keeping hold. Humiston stated we cannot hold for law enforcement. Humiston is concerned law enforcement may not be aware of the capacity of that. He would like to reach out again and give clarification that if an arrest is made and there is a dog it is that police department's responsibility to hold the dog. Supervisor Hogan asked Humiston to give an example of what could possibly happen.

Humiston stated if a dog is seized then the owner goes to jail for 2 years technically under due process in holding their dog, (dogs are considered property) the dog has to be held at least until there is a bond hearing which determines it is their responsibility to pay for the holding and/or sign the dog over to the municipality that is holding the dog. Sometimes it can take months if not years depending on the judge and the legal system and if there is a bond hearing done. In previous times when the Town was doing it, it was costing the Town an average of \$600.00. If the person were in jail the Town Attorney would show up in court, the Town would get charged for that appearance and if the defendant did not show up for the bond hearing it would be re-scheduled for another week and the Town would be responsible for the cost of holding the dog for another week. Supervisor Hogan stated Humiston has attempted to correct this and has communicated through letters to law enforcement agencies in our Town to make sure they are aware of it. Humiston did not receive confirmation from the law enforcement agencies and is concerned the issue may occur.

Councilman Doyle asked about signs with notification of something going on being put in front of the properties. Humiston reported the notification process has started and is in full effect for Public

Hearings for Planning and Zoning. They are also doing notifications to residents with 500 feet of any proposed project. He has received calls in regard to 2 out of the 3 projects where signs have been put up. Humiston explained anything coming before the Planning and Zoning Boards will get the same treatment. Attorney Meyer stated the criteria for a Public Hearing is anything that requires a site plan review or is a sub-division.

Councilman Doyle was reading about Save Home Rule regarding solar, wind and power projects and the state is looking to pre-empt local zoning. Supervisor Hogan replied it is a renewable energy act that Governor Cuomo has enacted and will essentially take away the site plan review for alternative energy projects out of local control and be cited at the state level.

Supervisor Hogan asked Dog Control Officer Todd Humiston to share his success story of the day. Humiston replied there were a couple of Great Danes loose on Vaughn Road and he posted a picture of the dogs on his Facebook page and received 7500 views in 4 hours and the dogs were home in 3 hours. Supervisor Hogan thanked Humiston; the Facebook page is viewed by a lot of people.

TOWN JUSTICE:

Supervisor Hogan reported newly elected Judge White is in day 3 of his 5- day course.

HIGHWAY SUPERINTENDENT REPORT:

Michael Graham reported Governor Cuomo requests a COVID emergency plan for all government agencies in the event the highway employees are ill, cannot work and especially in the wintertime be unable to plow the roads. He is working with Washington County who has provided maps. The Town has 4 main plow routes, Graham will make a map of the 4 routes, highlight each route and share the map with neighboring Towns: Queensbury, Fort Ann, Argyle and Fort Edward. They will work together and if necessary, everyone will have coverage if anything happens. Cornell Local Roads has indicated an IMA with the neighboring Towns can be as simple as you want. Attorney Meyer asked what the Highway Department did when the Argyle Highway Superintendent passed. Graham responded they did not plow many roads, used our sand; it was not a lot but made him realize how necessary a plan is. He has received the maps back from Washington County, will meet with other superintendents, review them become familiar with the other Town plow routes.

Councilman Washburn asked if there was a plan in place, so the highway staff is not intermingling with each other. Graham responded they are keeping everybody separated and working in groups of two; if two get sick there are three trucks available to do the plowing.

Councilman Haessly asked Graham who makes the call to send someone home if he feels they are sick. Graham responded he does. Councilman Haessly asked if sent home would they use sick time or be on their own. Councilman Washburn stated NYS put into place if your employer sends you home, they must be paid for up to 5 days and are encouraged to get a COVID test immediately.

Graham reported the screening of the sand is complete; there is enough for 2 to 3 years.

COUNCILMAN REPORT:

Councilwoman Havens would like to have a personnel committee meeting with the Comptroller and Councilman Doyle in January.

Councilwoman Havens stated in regard to the Town Board Meeting minutes she has received information sent from the Town Clerk and will share information she has found. She is busy with vendor issues and Planning Board issues at this time. Town Clerk responded she has contacted the Association of Towns and was reassured the content of Town Board Meetings is acceptable.

Councilman Washburn reported here was a sewer meeting tomorrow and is hoping for an approval on an IMA between the Washington County Sewer District and the Town. He would like the Board to review it. Attorney Meyer has also reviewed the IMA agreement.

Councilman Doyle reported he and Supervisor Hogan had a conversation with the DEC about the possibility of putting commercial solar on the Town owned landfill. The DEC has nothing that would prevent the Town from moving forward. The DEC is concerned with one area on the landfill that has collapsed; they will do some remediation work on it this summer. The DEC was concerned with the timing but there would be no conflict because there would be no building on the site until 2022. National Grid and the DEC have been contacted so there is no impediment on moving forward as far as equipment being able to accept the power. Councilman Doyle would like to next notify the community before the development of an RFP to make sure there is not a push back from the community. He would like to send a postcard to the immediate neighbors and anyone within a quarter of a mile from the landfill. After discussion, the Board would like to solicit comments from the public for a potential solar array on the Town of Kingsbury Landfill. Comptroller Rebecca Pomainville will have her Confidential Secretary Michelle Radliff prepare a draft postcard for the Board to review.

Enforcement Officer Humiston asked if a sign should be put up near the landfill to notify the public of the possible commercial solar on the landfill. The Board will continue the conversation at a later time. Councilman Haessly asked when the moratorium for large scale solar projects ended. After discussion, the moratorium expires in six months after enacted and can be renewed for an additional six months. Councilwoman Havens stated we should extend the moratorium while working on the Master Comprehensive Plan.

Councilman Doyle also stated the DEC is concerned that whoever the Town selects must be certified to work on hazardous materials.

Councilman Haessly asked about the transition of email with Primelink to the new Gmail account. The Comptroller suggested everyone start using the new Gmail.

SUPERVISOR REPORT:

Supervisor Hogan stated in light of the comments made by the general public he will provide copies of the Planning Board agendas to the Board and anyone from the public.

The Supervisor has information on a Public Hearing for the Glens Falls Housing Authority Project on December 11th via Zoom for anyone who is interested in attending.

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to enter into an executive session at 7:47 pm to discuss contract negotiations related to business with the Town of Kingsbury.

No action was taken in the executive session and there being no further business before the Board a **motion** by Councilman Haessly seconded by Councilwoman Havens and carried by a vote of 5 ayes to adjourn the meeting at 8:23 P.M.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk