

**Town of Northumberland
Town Board Meeting
September 15, 2015**

Supervisor Willard Peck called the Regular Monthly Meeting to order @ 7:10 PM. Following the salute to the flag, roll call was taken. Those attending included Supervisor Willard Peck; Councilman Paul Bolesh; Councilman John DeLisle and Councilwoman Patricia Bryant. Councilman George Hodgson was absent. Also attending were Clerk Denise Murphy; Highway Sup't Harold Vance Jr. and Town Attorney Douglas Ward.

PUBLIC PARTICIPATION

There were no comments from the public

APPROVAL OF MINUTES

1. Councilman Paul Bolesh made a motion to approve the minutes of the August 11, 2015 Regular Monthly Meeting. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

CORRESPONDENCE

1. Dog Control Officer Edward Cross submitted his August 2015 Monthly Report. Mr. Cross reported that he answered 9 complaints, brought 2 dogs to the shelter, issued 2 warnings and answered 5 dog bite cases.

2. The Town of Northumberland received notification that New York State Department of Transportation authorized the posting of 30 MPH for within the Cedar Run Development and 45 MPH on Peters Road. Highway Sup't Harold Vance Jr. has posted the authorized "Speed Limit" signs for both the Cedar Run Development and Peters Road.

3. The Town of Northumberland received an email from Scott Rivers asking to have a thirty-year reunion at the town hall and have access of the dance hall/cafeteria. It was the consensus of the Town Board Members to deny Mr. River's request due to liability concerns. The Town Clerk will notify Mr. Rivers.

4. The Town Board Member's received a copy of the Zoning Board of Appeals minutes from their September 2, 2015 Meeting.

5. The Town Board received a Summer Camp 2015 Report from Youth Director Jennifer Amidon.

6. The Town Board Members received a call list for August 2015 from Moreau Emergency Squad.

OLD BUSINESS

1. Time Warner Cable Franchise Agreement – Town Attorney Douglas Ward will contact Time Warner Cable to see where we stand at this point.

**Town of Northumberland
Town Board Meeting
September 15, 2015**

2. Employee Handbook – Tabled

NEW BUSINESS

1. Supervisor Peck informed the Town Board Members that he had been notified by Saratoga PLAN that they were seeking support for Saratoga County and State funding to enable Saratoga PLAN to purchase development rights and conserve the Fiddle-i-fee Farm owned by Neil and Cathy Roberts on West River Road. Supervisor Peck stated that Saratoga PLAN had come to the Town Board in the fall of 2014 seeking the same support. Unfortunately, the Roberts property did not receive State funding, they just fell short. Saratoga PLAN is resubmitting an application. Supervisor Peck submitted a letter stating that Northumberland supports landowners who choose to permanently conserve their land for agriculture and forestry, thereby maintaining the town's primary industry, environmental quality, landscape services, scenic beauty, and quality of life. The Fiddle-i-fee Farm is an excellent example of a productive, fertile and essential patch in an extensive working landscape that produces food, provides wildlife habitat, replenishes and cleanses groundwater, and buffers the Hudson River, offering a multi-faceted, high priority conservation package.

Councilwoman Patricia Bryant introduced Resolution # 65 of 2015 - A Resolution for Endorsement of a Conservation Easement

WHEREAS,

A. Neil Roberts and Cathy Roberts are owners of certain real property, known as Fiddle-i-fee Farm (the "Property") consisting of approximately 145 acres, in 144.-1-22 and 144.-1-21 tax map parcels located on Stone Bridge, Ballard, and West River Roads in Northumberland, Saratoga County, New York.

B. Saratoga PLAN is a New York not-for-profit corporation within the meaning of Article 49, Title 3 or the Environmental Conservation Law of the State of New York (together with any successor statute, the "ECL"), is organized for, among other purposes, conserving real property, is a tax exempt and qualified organization within the meaning of Sections 501(c)(3), 509(a) and 170(b)(1)(A)(vi) of the Internal Revenue Code (the "Code"), and is a "qualified organization" to accept, purchase, and hold conservation easements under Section 170(h) of the Code of Treasury Regulation Section 1.170A-14(c).

C. Article 14, Section 4 of the New York State Constitution States: "The policy of this state shall be to conserve and protect its natural resources and scenic beauty and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products;"

D. Section 49-0301 of the ECL states: "The legislature hereby finds and declares that in order to implement the state policy of conserving, preserving and protecting its environmental assets and natural and man-made resources, the preservation of open spaces, the preservation, development and improvement of agricultural and forest lands,... is fundamental to maintenance, enhancement and improvement of ... balanced economic growth and quality of life in all areas of the state;"

**Town of Northumberland
Town Board Meeting
September 15, 2015**

E. The Property is located within Saratoga County’s Agricultural District #1, created pursuant to Article 25-AA of the New York State Agriculture and Markets Law (the “AML”). Section 300 states: “It is hereby found and declared that many of the agricultural lands in New York State are in jeopardy of being lost for any agricultural purposes. When nonagricultural development extends into farm areas, competition for limited resources results... it is, therefore, the declared policy of the state to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products... It is the purpose of this article to provide a locally-initiated mechanism for the protection and enhancement of New York State’s agricultural lands as a viable segment of the local and state economies and as an economic and environmental resource of major importance;”

F. Article 25-AAA, Section 321 of the AML states: “It is hereby found and declared that agricultural lands are irreplaceable state assets. In an effort to maintain the economic viability, and environmental and landscape preservation values associated with agriculture”, the Commissioner is authorized to administer programs to assist counties in developing agricultural and farmland protection plans to assist both county and municipal governments in the implementation of such plans. The Commissioner gives priority to projects that will preserve viable agricultural land, are located in areas facing significant development pressure and serve as a buffer for a significant natural public resource containing important ecosystem or habitat characteristics;”

G. The Property is located within Saratoga County, which adopted an Agricultural and Farmland Protection Plan in December 1997 and a Green Infrastructure Plan in November 2006. The Agricultural and Farmland Protection Plan recommends:

- a. Support Local PDR Projects
 - i. “Encourage partnerships between landowners, local governments, private organizations, and the county to leverage access to existing state and federal funds for purchase of development rights (“PDR”).
- b. Support Agricultural Conservation Easements
 - i. “Encourage landowners to learn more about private conservation options like conservation easements and promote public-private partnerships to expand these efforts”

The Green Infrastructure Plan recommends:

- c. “Help county municipalities and other partners create protection priorities, goals, and strategies for the conservation of natural heritage” (pg. 67).

H. The Saratoga County Farmland Protection and Open Space Grant Program was established to, “help farmers meet the required local match of the New York State Farmland Protection Implementation Grant;”

I. The Property is located within the Town of Northumberland, which adopted a Comprehensive Land Use Plan in July, 2004. The plan identifies agriculture as the most important industry in Northumberland, vital to the town’s economic well-being. The Plan recommends:

- a. “Preserve and encourage agricultural use within the town” (pg. 36)

**Town of Northumberland
Town Board Meeting
September 15, 2015**

- i. "Encourage public, private, and not for profit groups to purchase or secure by other means development rights from farmland while allowing agricultural use to continue".
- b. "Preserve and Protect the unique natural areas and plant and animal communities within the town" (pg. 38)
 - i. "Encourage private groups such as Saratoga PLAN to implement conservation easements to protect the town's unique environmental areas".
- c. "Require the densities and development patterns are consistent with soil suitability and protection of agricultural and open space resources" (pg. 39)
 - i. "Use viable agricultural soils for agricultural purposes".

J. The Property consists primarily of productive agricultural land. The Property contains approximately 49.92 acres of prime soils, and approximately 7.14 acres of soils of statewide importance as defined by the U.S. Department of Agriculture Natural Resources Conservation Service.

K. Saratoga PLAN determined that accepting this Easement on the Property will enhance the long-term agricultural values of the Property and promote the use of soil conservation practices, which will further Saratoga PLAN's charitable purposes of protecting the distinctive rural character of Saratoga County and its lands and waters of a significant historic and ecological value. Furthermore, the Property is located within a priority area for farmland and forestland conservation identified by Saratoga PLAN in its conservation plan, adopted in June 2014.

L. The Roberts and Saratoga PLAN agree that the purpose of the agricultural conservation easement will be to conserve Viable Agricultural Land by preventing the conversion of the Property to non-farm uses. In achieving such prevention the Property shall be forever reserved for continued Agricultural Use.

M. The Roberts are willing to bargain sell their development rights by donating a portion of the value and by providing other cash contributions to the total project cost.

Now, Therefore

The Town of Northumberland Town Board passed a Resolution on September 15, 2015 at a regular Town Board meeting, to endorse the submission of an application from Saratoga PLAN, in cooperation with Saratoga County Planning Department, to the Saratoga County Farmland Protection and Open Space Grant Program for funding to assist in meeting a portion of the required local match of the New York State Department of Agriculture and Markets for funding to Purchase Development Rights on the Roberts Property.

The Town of Northumberland Town Board passed a Resolution on September 15, 2015 at a regular Town Board meeting, to endorse the submission of an application from Saratoga PLAN, in cooperation with Saratoga County Planning Department, to the New York State Department of Agriculture and Markets for funding to Purchase Development Rights on the Roberts Property.

Councilman Paul Bolesh seconded the introduction of Resolution # 65 of 2015.

**Town of Northumberland
Town Board Meeting
September 15, 2015**

Supervisor Willard Peck – “Abstain”

Councilman Paul Bolesh – “Aye”

Councilman John DeLisle – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution # 65 of 2015 Adopted

2. Councilman George Hodgson has prepared a Short Environmental Assessment Form for the Hudson View Park (the old Duval Property), adjacent to Routes 4 & 32 in the hamlet of Northumberland. Councilman Hodgson sent a letter to the New York State Canal Corporation (NYSCC) which asks for their concurrence with the Town of Northumberland to act as “Lead Agency” under the New York State Environmental Quality Review Act. New York State Canal Corporation stated, in a letter dated September 8, 2015, that the proposed activities are located on property under the jurisdiction of the NYSCC; therefore, they should be considered an “Involved Agency” under SEQRA. NYSCC has discretionary permit authority for any proposed projects that may be constructed on Canal lands or waters. NYSCC does not object to the Town continuing their role as “Lead Agency”, as long as the following issues are properly addressed:

1. The Canal Corporation must review and approve the design for any facilities proposed on Canal lands/waters.
2. The Canal Corporation has review and approval authority for the construction of any Projects on Canal lands/waters.
3. The Canal Corporation has authority to require either a use and occupancy permit or a long-term lease for any facilities constructed on Canal lands/waters.
4. The applicant is responsible for obtaining all required permits and approvals from federal, state, and local agencies, such as the U.S. Army Corp of Engineers, NYS Department of Environmental Conservation and the State’s Historic Preservation Office (SHPO).

New York State Canal Corporation wish to have their issues in both the Town of Northumberland’s evaluation and our “Determination of Significance” and provide them with our determination and supporting documents for their consideration. Should NYSCC agree with the Town of Northumberland’s “findings” under SEQRA, they would provide the town with their concurrence.

Councilman John DeLisle introduced Resolution # 65 of 2015 –

WHEREAS, the Town Board of the Town of Northumberland (the Town) proposes to construct a small (.1ac) Pocket Park adjacent to the Hudson River along Routes 4 & 32 in the Town of Northumberland (the “Project”); and

WHEREAS, the Town, has prepared an Environmental Assessment Form (EAF) pursuant to the State Environmental Quality Review Act (“SEQRA”), and undertaken a “coordinated review” under SEQRA; and

**Town of Northumberland
Town Board Meeting
September 15, 2015**

WHEREAS, the SEQRA Involved Agencies, the NYS Canal Corporation and the NYS Department of Transportation have consented to the Town acting as the SEQRA Lead Agency for the review of this Project Proposal; and

WHEREAS, Town has reviewed the SEQRA EAF Part 1 and a draft SEQRA EAF Part 2 & 3, now therefore be it

RESOLVED, that the Town Board determines as follows:

1. That pursuant to SEQRA and consistent with the consent of the Involved Agencies the Town Board declares itself to be Lead Agency for the purpose of SEQRA review of the proposed Project. As Lead Agency the Town Board agrees that the Town and its representatives will comply with the conditions included in a letter dated September 8, 2015 from the Thruway Authority to Supervisor Peck.
2. Based on the EAF and other Project materials the Town Board determines that the Project is an “unlisted action” under SEQRA and will not result in any significant adverse environmental impacts.
3. The Town Board authorizes the Town Supervisor to complete the SEQRA EAF parts 2 & 3 as drafted and issue a “negative declaration” for the Project and to take such other procedural steps as may be necessary to implement this determination.

Councilwoman Patricia Bryant seconded the introduction of Resolution # 66 of 2015.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman John DeLisle – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution # 66 of 2015 Adopted

3. The Northumberland Town Board and the Planning Board received an Application for a Zoning Amendment from the Town Board and a Siting Permit from the Planning Board by Cellco Partnership d/b/a Verizon Wireless, to construct and operate a 120’ wireless telecommunications facility on property known as 5 Blue Heron Terrace. The Site is owned by Peter and Linda Marshall and consists of a 100’ x 100’ leased area with a fenced compound enclosing a 120’ monopole tower, a 10’ x 10’ equipment shelter, back- up generator, together with other site improvements. The Site is located in the Town’s R-3 zoning district. Building and Zoning Administrator Richard Colozza stated that Jared Lusk, with Nixon Peabody, which is representing Cellco Partnership, was at the September 14, 2015 Planning Board Meeting and informed the members that they have scheduled a balloon fly for Saturday, October 3, 2015 at approximately 7:00 AM and will continue until approximately 12:00 Noon. Should poor weather conditions require the balloon fly to be postponed, the balloon fly will be rescheduled to occur on Sunday, October 4, 2015 at the same time. The Planning Board and Town Board will hold a joint Public Hearing regarding this Application on Monday, October 19, 2015 @ 7:00 PM.

**Town of Northumberland
Town Board Meeting
September 15, 2015**

4. Town Justice James Evans has submitted a letter to the Northumberland Town Board requesting authorization to apply for a grant from the Justice Assistance Program for the following:

- Philips HeartStart Onsite Workplace AED - \$1,330.00
 - AED Replacement Pads Adult/Children - \$175.00
 - Mobile File Cabinet - \$179.99
 - Supply Cabinet - \$379.99
 - Wooden Coat Rack - \$51.99
 - Card & Multimedia Storage File Cabinet - \$1,145.00
 - Rectangular Folding Table 18" x 72" - \$70.99
 - Window Shades for Court Room x 6 - \$678.00
 - Window Shades for Court Office x 8 - \$1,120.00
 - Conference Table/Chairs (H2403) - \$550.00
- Total - \$5,680.96

Councilman John DeLisle introduced Resolution #67 of 2015

WHEREAS, the Northumberland Town Court has a total budget for 2015 in the amount of \$56,054.00 to cover all costs associated with the Northumberland Court system, and

WHEREAS, the Northumberland Town Court is in need of funds for furniture, AED and shades for the court office and court room,

THEREFORE BE IT RESOLVED that the Northumberland Town Board authorizes the Justice Court to apply for a grant in the amount of \$5,680.96 from the Justice Court Assistance Program.

Councilwoman Patricia Bryant seconded the introduction of Resolution #67 of 2015

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman John DeLisle – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution # 67 of 2015 Adopted

5. Asphalt paving bid for the parking at the Town Hall: Highway Sup't Harold Vance Jr. stated that after reviewing the amount of tonnage of type 3 asphalt binder needed the estimated cost will exceed \$20,000 but below \$50,000. Based on these projected figures the Town of Northumberland's Procurement Policy requires that the Town post a legal notice in the Town's designated newspaper to solicit sealed bids for this project. Councilman John DeLisle made a motion to authorize the release of a bid request for the fine grading and paving (type 3 asphalt binder only) of the parking lots at the New Town Hall. The work shall be subject to prevailing New York State Wage Rates. The bids must be returned by 12:00 Noon on October 2, 2015. The Bids will be opened at 7:00 PM on October 8, 2015.

**Town of Northumberland
Town Board Meeting
September 15, 2015**

The Town of Northumberland has the right to reject any and all bids. The bid package will be approved by both the Town Engineer and the Town Attorney prior to being released. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

APPOINTMENTS

1. Planning Board: Supervisor Willard Peck made a motion to reappoint James Heber to the Planning Board (term expires 09/30/2022). Councilman John DeLisle seconded the motion. All in favor, motion carried.
2. Board of Assessment Review: Councilman John DeLisle made a motion to reappoint William Peck to the Board of Assessment Review (term will expire 09/30/2020). Councilwoman Patricia Bryant seconded the motion.

Supervisor Willard Peck – “Abstain”
Councilman Paul Bolesh – “Aye”
Councilman John DeLisle – “Aye”
Councilwoman Patricia Bryant – “Aye” Motion carried

DESIGNATION

1. Approval of Vouchers: Councilman Paul Bolesh introduced Resolution # 68 of 2015 –

BE IT RESOLVED, the following Vouchers to be paid as presented:

A (General Fund) Vouchers - # 256 - # 283 Total: \$ 81,972.26
DA (Highway Fund) Vouchers - # 210 - # 244 Total: \$207,680.35
SS (Gansevoort Sewer District) Voucher # 8 Total: \$ 24.76
HA (Capital Project-Building) Vouchers # 34 - # 40 Total: \$ 221,793.23

Councilwoman Patricia Bryant seconded the introduction of Resolution # 68 of 2015.

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman John DeLisle – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution # 68 of 2015 Adopted

2. Supervisor’s Financial Report for July 2015: Councilman John DeLisle introduced Resolution # 69 of 2015: **BE IT RESOLVED**, pursuant to Section 125 of the Town Law, Supervisor Willard Peck rendered the following detailed statement of all money received and disbursed during the month August 2015:

GENERAL

**Town of Northumberland
Town Board Meeting
September 15, 2015**

Balance as of 07/31/2015	\$	1,213,859.69
Increases	\$	103,766.94
Decreases	\$	54,396.22
Balance as of 08/31/2015	\$	1,263,230.41

HIGHWAY

Balance as of 07/31/2015	\$	164,883.37
Increases	\$	15.68
Decreases	\$	107,680.78
Balance as of 08/31/2015	\$	57,218.27

SEWER DISTRICT #1

Balance as of 07/31/2015	\$	35,843.09
Increases	\$	1.91
Decreases	\$	52.72
Balance as of 08/31/2015	\$	35,792.28

CAPITAL PROJECT – BUILDING

Balance as of 07/31/2015	\$	968,748.37
Increases	\$	93.71
Decreases	\$	169,266.78
Balance as of 08/31/2015	\$	799,575.30

BE IT RESOLVED, the Town Board has reviewed and approved August, 2015 Monthly Report by Supervisor Willard Peck as presented.

Councilwoman Patricia Bryant seconded the introduction of Resolution # 69 of 2015.

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman John DeLisle – “Aye”
Councilwoman Patricia Bryant – “Aye”

Resolution # 69 of 2015 Adopted

COMMITTEES

**Town of Northumberland
Town Board Meeting
September 15, 2015**

Town Clerk: Town Clerk Denise Murphy informed the Town Board Members that Maria McCashion, Regional Advisory Officer with New York State Archives called to see if she could come and get a tour of the new town hall. After Ms. McCashion, along with Building and Zoning Administrator Richard Colozza, and myself had a tour of the New Town Hall, we went into the present Town Hall to review the records we presently have. Ms. McCashion was extremely happy with the great space that the Town Board allocated in the New Town Hall for records storage. Ms. McCashion was also extremely impressed with the amount of work my office has done logging in old records and storing them as outlined in the Retention Manual. Ms. McCashion stated she would like to come on October 19th to go in the Record Room to see what records we can get rid of. Ms. McCashion stated that our Town has never requested grant funds for record maintenance, she would like to help us to obtain shelving, computer and work station for our New Town Hall for the records that need to be permanently stored.

ADJOURNMENT

Councilman John DeLisle made a motion @ 8:10 PM to adjourn the regular monthly meeting. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy
Town Clerk