

**Town of Northumberland  
Town Board Meeting  
May 10, 2018**

The Regular Monthly Meeting of the Northumberland Town Board was called to order @ 7:00 PM by Supervisor Willard Peck. Following the salute to the flag, roll call was taken. Those attending included Supervisor Willard Peck; Councilman George Hodgson and Councilwoman Patricia Bryant. Also attending were Clerk Denise Murphy; Building and Zoning Adm. Richard Colozza and Highway Supt Harold Vance Jr.

**PUBLIC PARTICIPATION**

There were no comments from the Public.

**APPROVAL OF MINUTES**

1. Councilman George Hodgson made a motion to approve the minutes of the April 19, 2018 Regular Monthly Meeting. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

**CORRESPONDENCE**

1. Dog Control Officer's Report: Edward Cross submitted his Dog Control Officer's report for April 2018. Mr. Cross answered 1 complaint, issued 1 warning and had 1 bite case.

2. The Town received a letter from Saratoga County Agricultural Promotion Committee regarding "Sundae on the Farm". The Committee has decided that they will be planning an alternate event this year. Instead of the traditional "Sundae on the Farm, this new event considered a "Twilight Tour", is tentatively scheduled for August 14<sup>th</sup>. The event will be much smaller and is intended to include local government and business leaders. It will be an educational night of discussion to present issues, challenges and opportunities facing Saratoga County Agriculture. Plans for 2019 include returning to their traditional "Sundae on the Farm" event.

**OLD BUSINESS**

1. Town Hall Parking Lot/Top Coat: Supervisor Willard Peck stated that the Town Board needs to review and approve a revised bid for the top coat for the Town Hall parking lot. The bids that were submitted last month had one vendor including a quote for the small parking lot out front and the other vendor did not. Highway Supt Harold Vance Jr stated that he received two (2) proposals. Peckham Road Corporation submitted a proposal of \$33,730.75 and Kubricky Construction Corp submitted a proposal of \$ 31,241.35. These bids were based on the Saratoga County Pavement Services Contract that was bid

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in January of 2018. Highway Supt Harold Vance Jr stated that he was happy with the lowest bid from Kubricky Construction Corp. Highway Supt Harold Vance Jr stated that this does not include stripping.

Councilman George Hodgson introduced Resolution #48 of 2018:

**WHEREAS**, the Northumberland Town Board wishes to place a top coat on the town hall parking lot, and

**WHEREAS**, the Northumberland Town Board proposals were based on the Saratoga County Pavement Services Contract (18-PWAC-3R), therefore be it

**RESOLVED**, the Northumberland Town Board accepts Kubricky Construction Corp bid of \$31,241.35 for the total project of Town Hall top roadway and parking.

Councilwoman Patricia Bryant seconded the introduction of Resolution #48 of 2018

Supervisor Willard Peck – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #48 of 2018 Adopted

**NEW BUSINESS**

1. BAN Renewal for Town Hall: Supervisor Willard Peck stated that he has talked to the bank regarding the interest rate for the BAN for the Town Hall. The interest rate is 2.53%. Supervisor Willard Peck stated that the Town is paying \$150,000 towards the principal and will Bond the balance of \$600,000.

Councilman George Hodgson introduced Resolution #49 of 2018 –

**BOND ANTICIPATION RENEWAL NOTE RESOLUTION DATED MAY 10, 2018**

A RESOLUTION AUTHORIZING THE RENEWAL OF A BOND ANTICIPATION NOTE OR NOTES OF THE TOWN OF NORTHUMBERLAND, NEW YORK, IN THE AMOUNT OF \$600,000.00 IN ANTICIPATION OF THE SALE OF \$1,000,000.00 SERIAL BONDS TO PAY FOR THE CONSTRUCTUION OF A NEW TOWN HALL.

**WHEREAS**, pursuant to the bond resolution adopted May 19, 2015, the Town Board of the Town of Northumberland, New York, issued a Bond Anticipation Note dated May 20, 2015 in the amount of \$1,000,000.00, to mature May 19, 2016 to pay for the construction of a new town hall.

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**WHEREAS**, pursuant to a Bond Anticipation Renewal Note Resolution adopted May 12, 2016, the Town Board renewed the note, in part, by issuing an \$850,000.00 Bond Anticipation Renewal Note dated May 19, 2016, to mature on May 18, 2017, and paying \$150,000.00 of the principal owed on the note together with accrued interest on May 19, 2016; and

**WHEREAS**, pursuant to a Bond Anticipation Renewal Note Resolution adopted May 11, 2017, the Town Board renewed the note, in part, by issuing an \$750,000.00 Bond Anticipation Renewal Note dated May 18, 2017 to mature on May 17, 2018, and paying \$100,000.00 of the principal owed on the note together with accrued interest on May 18, 2017; and

**WHEREAS**, the Town Board desires to provide for the renewal, in part, of the prior note with a portion of said prior note to be paid on or about May 17, 2018 in the amount of \$150,000.00 together with accrued interest and a new renewal note to be dated May 17, 2018 and issued in the amount of \$600,000.00 to mature no later than May 16, 2019;

**BE IT RESOLVED** this 10th day of May, 2018, by the Town Board of The Town of Northumberland, New York, as follows:

Section 1. There are hereby authorized to be issued pursuant to the Local Finance Law of the State of New York Bond Anticipation Renewal Note or Notes for the purpose of constructing a new town hall and in anticipation of the sale of serial bonds of the Town of Northumberland, New York, as authorized in a resolution adopted May 19, 2015, entitled

"A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$1,000,000.00 SERIAL BONDS OF THE TOWN OF NORTHUMBERLAND, NEW YORK TO PAY FOR THE CONSTRUCTION OF A NEW TOWN HALL."

Section 2. The amount of Bonds to be issued for the aforesaid purpose is \$600,000.00. The amount of said Bond Anticipation Renewal Note or Notes shall not exceed \$600,000.00.

Section 3. Immediately, upon issuance of the Bond Anticipation Renewal Note authorized herein, the Bond Anticipation Note dated May 18, 2017 issued in anticipation of the aforesaid bonds will be paid and there will be no Bond Anticipation Notes outstanding which have been previously issued by the Town of Northumberland in anticipation of the sale of the aforesaid bonds.

Section 4. The Bond Anticipation Renewal Notes authorized herein are renewal notes. By resolution dated May 19, 2015, the Town Board of the Town of Northumberland authorized the issuance of \$1,000,000.00 of serial bonds and Bond Anticipation Notes to pay for the

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construction of a new town hall. Thereafter, on May 19, 2016, the Town issued a Bond Anticipation Renewal Note in the amount of \$850,000.00 and paid \$150,000.00 of the principal owed on the original note together with accrued interest. Thereafter, on May 18, 2017, the Town issued a Bond Anticipation Renewal Note in the amount of \$750,000.00 and paid \$100,000.00 of the principal owed on the original note together with accrued interest. On or about May 17, 2018, the Town will issue Bond Anticipation Renewal Notes in the amount of \$600,000.00 and pay \$150,000.00 of the principal owed on the prior notes together with accrued interest. The Bond Anticipation Renewal Notes authorized herein are a renewal of the \$1,000,000.00 balance of the notes previously issued to pay for the construction of the new town hall. Said notes shall be renewed at the Glens Falls National Bank at an interest rate of 2.53%. The Bond Anticipation Renewal Notes authorized herein shall provide that they cannot be converted to registered notes.

Section 5. The Bond Anticipation Renewal Notes authorized herein shall mature within one year of the date of their issue.

Section 6. The Bond Anticipation Renewal Notes authorized herein are not issued in anticipation of bonds for an assessable improvement.

Section 7. The Town Clerk is hereby authorized to sell at private sale the original bond anticipation renewal notes herein authorized to be issued. Such notes may be sold and delivered at one time or from time to time and if sold at different times they shall be dated as of the respective dates of issue. The place of payment, rate of interest, denominations and all other terms, details and contents of said notes, including provisions for redemption if deemed desirable, shall be determined by the Supervisor of the Town of Northumberland.

Section 8. The Supervisor of the Town of Northumberland is hereby authorized to designate these notes as qualified tax-exempt obligations pursuant to section 265 (b) (3) of the Internal Revenue Code of 1986. The Town of Northumberland does not reasonably expect to issue in excess of Ten Million Dollars (\$10,000,000.00) of its general obligations in a calendar year ending December 31, 2018. The Town Board covenants that it will take any necessary action to all things and not take any prohibited action to insure that the interest on the notes will be exempt from federal taxation at all times.

Section 9. Such bond anticipation notes shall be signed by the Supervisor of the Town of Northumberland and shall have the corporate seal of the Town of Northumberland affixed thereto and attested by the Town Clerk.

Section 10. The faith and credit of said Town of Northumberland, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such notes as the same

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respectively become due and payable. The bond anticipation notes shall be paid from the aforesaid revenues or may be redeemed as provided by the Local Finance Law of the State of New York.

Section 11. This resolution shall take effect immediately.

Councilwoman Patricia Bryant seconded the introduction of Resolution # 49

Supervisor Willard Peck – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”    Resolution #49 of 2018 Adopted

2. Half-A-Chance Farm: Supervisor Willard Peck stated that the Town of Northumberland received a copy of a letter from Saratoga County Agriculture and Farmland Protection Board to New York State Department of Agriculture and Markets regarding Saratoga County Agriculture and Farmland Protection Board endorsement for Half-A-Chance Farm. Supervisor Peck stated that we need to adopt two Resolution’s tonight. The first, is a resolution of endorsement for an application to be submitted by Saratoga PLAN on behalf of Half-A-Chance Farm to the county for Farmland and Open Space Protection grant program. The second is a resolution supporting Saratoga PLAN in applying for funding from New York State to permanently protect the Half-A-Chance Farm located on Duncan Lane in our Town.

Councilman George Hodgson introduced Resolution #50 of 2018 - **A Resolution for Endorsement of an Application to the Saratoga County Farmland and Open Space Protection grant program Half-A-Chance Farm**

**WHEREAS**, Michele Peters is the owner of certain real property known as Half-A-Chance Farm (the “Property”) consisting of approximately 74 acres of viable agricultural land in tax map parcel #104.-1-28 located on Duncan Lane in the Town of Northumberland, Saratoga County, New York. The landowner is interested in protecting the Property for agricultural purposes by conveying a permanent conservation easement on the land;

**WHEREAS**, the Property is located in the Town of Northumberland which adopted a Comprehensive Land Use Plan in 2003 with a stated land use goal to “preserve and encourage agricultural uses within the Town of Northumberland” and to “Preserve the rural, open-space character of the town.” The Plan also identifies agriculture as the “economic backbone of the town;”

**WHEREAS**, the Saratoga County Farmland Protection and Open Space Preservation grant program was established in 2003 by the County Board of Supervisors to aide farmers in meeting the required local

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match of the New York State Farmland Protection Implementation Grant Program (FPIG) which enables the purchase of development rights (PDR) on eligible farmland;

**WHEREAS**, the Saratoga County Board of Supervisors has allocated \$100,000 for the 2018 Farmland Protection and Open Space grant program and eligible applicants include all Saratoga County municipalities and not-for-profit land trusts;

**WHEREAS**, Saratoga PLAN is a New York not-for-profit conservation organization dedicated to preserving the rural character, natural habitats, and scenic beauty of Saratoga County so these irreplaceable assets are accessible to all and available for present and future generations;

**WHEREAS**, Saratoga County requires local municipalities to endorse and facilitate land preservation projects when considering grant applications from private conservation organizations;

**WHEREAS**, the Saratoga County Agricultural and Farmland Protection Board passed a resolution endorsing the conservation of this Property on April 25, 2018.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Northumberland Town Board at a regular Town Board meeting on May 10, 2018 voted to endorse the application by Saratoga PLAN for Half-A-Chance Farm for funding from Saratoga County. The Town is willing to serve as the conduit for grant funding from Saratoga County to Saratoga PLAN.

Councilwoman Patricia Bryant seconded the introduction of Resolution #50

Supervisor Willard Peck – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #50 of 2018 Adopted

Councilwoman Patricia Bryant introduced Resolution #51 of 2018 - **A Resolution for Endorsement of a Conservation Easement Half-A-Chance Farm**

**WHEREAS,**

A. Michele Peters is the landowner of Half-A-Chance Farm, certain real property (the “Property”) consisting of approximately 74 acres in Tax Map Parcel #104.-1-28 located on Duncan Lane, in the Town of Northumberland, Saratoga County, New York. The landowner is interested in protecting the Property for agricultural purposes by conveying a permanent conservation easement on the land;

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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 Section 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;"

E. The Property is located within Saratoga County's Consolidated Agricultural District #2, 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, the Saratoga County Agricultural and Farmland Protection Board passed a resolution endorsing the conservation of this Property and submission of a funding application to New York State for such purpose on April 25, 2018.

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H. 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 Agriculture 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:

a. "Help county municipalities and other partners create protection priorities, goals, and strategies for the conservation of natural heritage."

b. "Create greenway corridors between natural system hubs."

I. The Property is located within the Town of Northumberland, which adopted a Comprehensive Land Use Plan (the "Plan") in 2003. The Plan identifies agriculture as the "economic backbone of the town" with recommendations including:

a. "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. "Encourage private groups such as Saratoga PLAN to implement conservation easements to protect the town's unique environmental areas."

c. "Use viable agricultural soils for agricultural purposes."

J. The Property consists primarily of productive agricultural land. The Property contains approximately 38% prime soils and 46% soils of statewide importance as defined by the U.S. Department of Agriculture Natural Resources Conservation Services.

K. Saratoga PLAN determined that accepting a Conservation 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 significant historic and ecological value. Furthermore, the Property is located within a high priority area for farmland and forestland conservation identified by Saratoga PLAN in its conservation plan, adopted in January 2014;

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L. Half-A-Chance Farm, Michele Peters, 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.

**NOW, THEREFORE, BE IT RESOLVED:**

The Town of Northumberland Town Board passed a Resolution on May 10, 2018 at a regular Town Board meeting, to endorse the submission of an application from Saratoga PLAN, in cooperation with the Saratoga County Planning Department, to New York State Department of Agriculture and Markets for funding to Purchase Development Rights of Half-A-Chance Farm and for Saratoga PLAN to hold and uphold a perpetual conservation easement on the land.

Councilman George Hodgson seconded the introduction of Resolution #51.

Supervisor Willard Peck – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #51 of 2018 Adopted

**DESIGNATIONS**

1. Supervisor Willard Peck presented the following transfer for the Town Board’s consideration:

From: A1990.4 \$3.00

To: A4068.4 \$3.00

Councilman George Hodgson introduced Resolution #51 of 2018

**BE IT RESOLVED**, the Town Board authorizes the transfer From: A1990.4 To: A4068.4 \$3.00 as presented by Supervisor Willard Peck for the General Fund.

Councilwoman Patricia Bryant seconded the introduction of Resolution #51.

Supervisor Willard Peck – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye” Resolution #51 of 2018 Adopted

2. Approve Vouchers for Payment: Councilman George Hodgson introduced Resolution # 52 of 2018

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

A (General Fund) Vouchers # 113 - # 142 Total: \$ 206,007.21  
DA (Highway Fund) Vouchers # 86 - # 110 Total: \$ 12,060.41  
SS (Sewer Fund) Voucher #4: \$ 35.62

Councilwoman Patricia Bryant seconded the introduction of Resolution # 52.

Supervisor Willard Peck– “Aye”  
Councilman George Hodgson – “Aye”  
Councilwoman Patricia Bryant – “Aye”                      Resolution # 52 of 2018 Adopted

Councilman George Hodgson made a motion to go into Executive Session to discuss personnel @ 7:45 PM. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Councilwoman Patricia Bryant made a motion @ 8:20 PM to reconvene the Regular Monthly Meeting. Councilman George Hodgson seconded the motion. All in favor, motion carried. No Action was taken.

Councilman George Hodgson made a motion @ 8:25 to adjourn the Regular Monthly Meeting. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy, Town clerk  
Town of Northumberland

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