

*Town of Northumberland
Town Board Meeting
February 2, 2012*

The Regular Monthly Meeting of the Northumberland Town Board was called to order @ 7:30 pm by Supervisor Willard Peck. Following the salute to the flag, roll call was taken. Those attending included Supervisor Willard Peck; Councilman Paul Bolesh; Councilman George Hodgson and Councilwoman Patricia Bryant. Councilman Daniel Gale was absent. Also attending were Clerk Denise Murphy, Highway Sup't Neil Petteys and Town Attorney Douglas Ward.

PUBLIC PARTICIPATION

Chris Benn, President of General Schuyler Emergency Squad came before the Town Board. Mr. Benn stated that in 2011 General Schuyler Emergency Squad answered 627 calls of which 70 were in the Town of Northumberland. Mr. Benn stated that the General Schuyler Emergency Squad has been in their new building now for over a year and they couldn't be happier. Where they are located now, their response time is considerably shorter. The Town Board stated that they are extremely happy with the service provided by General Schuyler Emergency Squad.

APPROVAL OF MINUTES

1. Councilman Paul Bolesh made a motion to approve minutes of the January 5, 2012 Organizational Meeting. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.
2. Councilman George Hodgson made a motion to approve minutes of the January 5, 2012 Regular Monthly Meeting. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

CORRESPONDENCE

1. Dog Control Officer Edward Cross submitted his January 2012 Monthly Report. Mr. Cross answered 5 calls; brought 1 dog to the Saratoga County Animal Shelter and issued 3 warnings.
2. The Town Board Members received a letter from Tia Kilburn, Planning Board Clerk regarding their recommendation for 2012 Chair and Vice-Chair for the Planning Board. The Planning Board recommends that Wayne Durr remain Chairman of the Planning Board for 2012; and Jeffrey King is Vice-Chairman for 2012. Councilwoman Patricia Bryant made a motion to approve Planning Board's recommendation for 2012 that Wayne Durr remains Chairman and Jeffrey King remain Vice-Chairman. Councilman George Hodgson seconded the motion. All in favor, motion carried. The Planning Board recommended that the Town Board change Lisa Black's appointment from alternate to a member of the

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Planning Board and Kevin Pumiglia be changed from a member of the Planning Board to an alternate. The Planning Board Members stated that Mr. Pumiglia has a bad attendance record and has not attended any of the training seminars. The Planning Board stated that with sporadic attendance, the Board could be in the middle of a Site Plan Review or Subdivision process and Mr. Pumiglia would attend a Meeting and they were spending a lot of time bringing him up to speed. It was the consensus of the Town Board Members that it did not make sense to have Mr. Pumiglia as an alternate if he did not attend meetings. Town Attorney Douglas Ward stated he will see if there is a procedure in Municipal or Town Law which allows the Town Board to remove a member from the Planning or Zoning Board for poor attendance.

2. The Town Board received a letter from Tia Kilburn, Zoning Board of Appeals Clerk, regarding the Zoning's recommendations for Chair and Vice Chair for 2012. The Zoning Board recommends that Mark Boyce remain Chairman for 2012 and Julie Trollip be appointed Vice-Chairwoman. Councilman Paul Bolesh made a motion to approve the Zoning Board of Appeals recommendation that Mark Boyce remain Chairman and Julie Trollip be appointed Vice-Chairwoman of the Zoning Board of Appeals for 2012. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

OLD BUSINESS

1. New York State Retirement System: New York State and Local Retirement System Regulations 315.4 requires reelected officials and reappointed individuals must keep accurate three month record of work activities. After additional research was done, it was determined that an elected or appointed official who has prepared a record of activities pursuant to subdivision 315.4 for a previous term, may certify in writing to the governing board within 180 days of taking office that his or her duties, responsibilities and hours have not substantially or materially changed. It was the consensus of the reelected officials, whose new term starts 01/01/2012, which were Supervisor Willard Peck; Councilwoman Patricia Bryant; Highway Sup't Neil Petteys; Town Justice James Evens and Town Clerk Denise Murphy that they will sign a certification that his/her duties, responsibilities and hours have not substantially or materially changed. Town Attorney Douglas Ward stated he will also sign a certification that his/her duties, responsibilities and hours have not substantially or materially changed. Councilman Daniel Gale was not present. The Town Clerk will ask Town Bookkeeper Judy Taylor and Building and Zoning Administrator Richard Colozza how they wish to account for their three month record of work activities.

2. Hudson Crossing Park: Councilman George Hodgson stated that he has received the engineered plans from CLA Site for the construction of Riverwalk Trail. The engineered plans for the canoe/kayak launch were done by Chazen. Councilman George Hodgson stated that he needs to forward a copy of the engineered plans for both projects to Canal Corp and Department of State for their review. Councilman George Hodgson stated that the Town of Northumberland received a Department of State Grant for the Riverwalk Trail and a \$20,000 Grant from the Alfred Z Solomon Charitable Trust for the canoe/kayak launch. Town Attorney Douglas Ward asked Councilman Hodgson to make sure the bid

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specification referenced that prevailing wages would need to be paid. Councilman George Hodgson stated that he would like to solicit bids starting mid February with a returnable date prior to the March's Town Board Meeting. Councilman George Hodgson made a motion to authorize the release for bid requests for the Riverwalk Trail and Kayak/canoe launch. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

NEW BUSINESS

1. Sewer Bid for 2012: Councilman Paul Bolesh made a motion to solicit bids for pumping of septic tanks in Sewer District #1; town hall and highway garage for 2012. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

2. Fuel Bids for Highway Garage 2012: Councilman Paul Bolesh made a motion to solicit bids for Diesel and Unleaded gas for the Highway Garage for 2012. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

3. The 2012 Bacon Hill Fire Protection District Contract was presented for the Town Boards consideration. Councilwoman Patricia Bryant made a motion to approve the 2012 Bacon Hill Fire Protection District as follows:

This Agreement made and dated as of January 1, 2012, between the **Town of Northumberland**, Saratoga County, New York, hereinafter designated as the **TOWN**, and **Moreau Emergency Squad Inc.**, a not-for-profit corporation duly organized under the laws of the STATE of New York, and having its principal office at 1583 Route 9, in the Town and Country of Saratoga, State of New York, which corporation is a duly organized volunteer emergency squad, hereinafter designated as the SQUAD;

Witnesseth:

That pursuant to Section 122-b of the General Municipal Law of the State of New York, the parties do mutually agree as follows:

1. That the **Squad**, at its own expense and upon its own responsibility, agrees to provide and maintain ambulances and necessary equipment, and to organize within its membership an emergency relief squad which shall be trained to operate such ambulances and to render such aid to injured and sick persons as is normally required of ambulance personnel, and to provide emergency ambulance service at any hour of the day or night, during the term of this contract, within that portion of the Town of Northumberland bounded and described as follows:

All that portion of the Town of Northumberland bounded and described as being west Of the Hudson River and southerly and easterly of the Callahan Road, Lindsay Hill Road, Colebrook and Duncan Road, including Callahan and Duncan Roads.

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2. That in consideration of the agreement to provide emergency ambulance services as specified above, the **TOWN** agrees to pay to the **SQUAD** the sum of **Seventy Seven Thousand Six Hundred Fifty Four (\$77,654.00) Dollars** as payment for the ambulance service to be provided. The **SQUAD** agrees to accept the sum of the sum of **Seventy Seven Thousand Six Hundred Fifty Dollars** as payment for the ambulance services to be provided, and:

a). It is hereby mutually covenanted and agreed that the relation of Contractor to the town under this agreement shall be that of an independent contractor and shall not be exclusive;

b). No facilities or equipment have been or shall be provided by **TOWN**;

c). The **TOWN** hereby authorizes **SQUAD** to impose upon each user of the ambulance reasonable fees or charges. Such fees or charges are in conjunction with the amount of this agreement and are received together with the amounts paid by each town and all such fees or charges are and shall be the property of the **SQUAD**. Such fees or charges shall be billed directly to the user and the user's insurance carrier, in such instances that the user's insurance contract so provides for such direct payment so, long as a copy of said bills also sent to the user. **SQUAD** shall keep proper records and accounts of all monies received. Nothing herein contained shall be construed to prevent **SQUAD**

Contract: Moreau Emergency Squad, Inc. & Northumberland-

From soliciting and accepting donations and from conducting fund-raising activities to assist in defraying it's operating and capital expense.

d).Any prior agreement entered into between the **TOWN** and **SQUAD** is hereby amended to conform with the language contained herein to condone and permit the SQUAD to continue to act as an independent contractor, not be exclusive, and to impose fees or charges and to bill for same and to retain the proceeds now and as it has done for many years since it began billing users.

3. The SQUAD agrees to procure and keep in force during the period of this agreement, policy or policies of liability insurance including the TOWN as an Additional Named Insured protecting said SQUAD with limits of at least \$100,000.00 and \$300,000.00 for personal injuries and with property damage coverage in at least the sum o \$25,000.00. The SQUAD agrees to indemnify and save harmless the TOWN from any and all claims arising out of the operation of said ambulance service pursuant to as above set forth.

The term of this agreement shall be from the date thereof January 1, 2012 through and And including December 31, 2012

In **Witness Thereof**, the **TOWN** has caused this instrument to be executed by its Supervisor by authority of a resolution of the Town Board of the Town of Northumberland, and dated 2nd day of February 2012 and the **SQUAD** has caused this instrument to be executed by its duly authorized officer and its seal to be affixed pursuant to an order of Board of directors of said corporation.

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Councilman George Hodgson seconded the Motion. All in favor, motion carried.

4. Town Clerk Denise Murphy informed the Town Board that Harry Sears has received the final approval for his Eagle Scout project at the Bertha E Smith Park. The Town Board Members are invited to the "Eagle Scout Court of Honor for Harry John Sears" on February 26, 2012 at the VFW Post 420 Excelsior Avenue, Saratoga Springs. Councilman Paul Bolesh introduced Resolution #24 of 2012 –

WHEREAS, Harry John Sears was born October 3, 1993 in Carmel NY and is the son of Thomas E and Carol Sears, and

WHEREAS, Harry John Sears and his family moved to the Town of Northumberland in December 1999, and

WHEREAS, Harry John Sears graduated from Spa Catholic School in June 2011 and presently attends SUNY Adirondack College, and

WHEREAS, Harry John Sears was a member of his High School Bowling Team for four (4) years and was team captain in his senior year and helped the team to win the Scholar Athlete Award, and

WHEREAS, Harry John Sears was a National Honor Society Member for three years at his High School, and

WHEREAS, Harry John Sears joined the Boy Scouts, Twin River Council in April 2006 where he held the positions of Scribe, Assistant Patrol Leader, Patrol Leader, Assistant Senior Patrol Leader and Senior Patrol Leader and earned 24 Merit Badges, and

WHEREAS, Harry John Sears, while in Boy Scouts received training in Snorkeling, Kayaking, Adult CPR and First Aid Basis and received AD Altare Dei Religious Award, and

WHEREAS, Harry John Sears attended Boy Scout Camp on three occasions and was Camp Counselor for three weeks and taught two Merit Badges, and

WHEREAS, Harry John Sears presently is a volunteer at the St. Therese Chapel Food Pantry, and

WHEREAS, Harry John Sears took on a huge service project for his Eagle Scout rank with the total renovation of the basket ball court at the Town of Northumberland Bertha E Smith Park located in the Town of Northumberland, therefore be it

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RESOLVED, that the Northumberland Town Board recognizes the outstanding job that Harry John Sears did in the renovation of the basket ball court, and be it further

RESOLVED, that the residents of the Town of Northumberland are extremely happy with the outstanding job of Harry John Sears renovation, and be it further

RESOLVED, that the Northumberland Town Board applauds the hard work, dedication and volunteerism that Harry John Sears provided in his Eagle Scout Project and be it further

RESOLVED, that the Northumberland Town Board knows that Harry John Sears will continue to give to his community and make the Town of Northumberland a wonderful place to live.

Councilwoman Patricia Bryant seconded the introduction of Resolution #24 of 2012.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #24 of 2012 Adopted

DESIGNATIONS

Councilman George Hodgson introduced Resolution #25 of 2012:

WHEREAS, the following vouchers were presented for payment

General: Voucher #34 - #77 Total: \$1,074,459.19

Highway: Vouchers #16 - # 40 Total: \$43,131.57

Sewer: Voucher #1 Total: \$2.78

BE IT RESOLVED, the Town Board approves these vouchers for payment as presented.

Councilwoman Patricia Bryant seconded the introduction of Resolution #25 of 2012.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #25 of 2012 Adopted

Supervisor Willard Peck pointed out to the Town Board Members that he is paying 3 months of the Moreau Emergency Squad Contract amount for 2012. Supervisor Willard Peck has asked the Moreau

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Emergency Squad to attend a Meeting to address some of the Town Board's concerns. Supervisor Willard Peck stated that he has suggested either February 9th or the 23rd. He is waiting to hear back from them. When he does the Town Board will need to hold a Special Town Board Meeting.

2. Supervisor Willard Peck presented his January 2012 Supervisor's Report.

3. Councilman Paul Bolesh reported that Councilman George Hodgson and he audited the departments on January 18th and found everything in order. Councilwoman Patricia Bryant introduced Resolution # 26 of 2012

BE IT RESOLVED, that the recommendation of Councilman Bolesh and Councilman Hodgson be accepted as follows:

Pursuant to Town Law Section 123 the criminal and civil dockets of the Town Justice for 2011 have been duly examined and the fines and fees have been turned over to the proper officials, with the monthly cash summary being viewed; that the records of the Code Enforcement Officer for 2011 having been duly examined and turned over to the proper officials; that the records of the Town Clerk for 2011 having been duly examined and found all fees have been turned over to the proper officials; and the records of the Supervisor for 2011 having been duly examined with all monies disbursed properly.

Councilman Paul Bolesh seconded the introduction of Resolution #26 of 2012.

Supervisor Willard Peck – "Aye"

Councilman Paul Bolesh – "Aye"

Councilman George Hodgson – "Aye"

Councilwoman Patricia Bryant – "Aye" Resolution #26 of 2012 Adopted

DEPARTMENTS

Building and Zoning Administrator Richard Colozza asked the Town Board to approve his request to attend the Adirondack Code Enforcement Training Seminar in Lake Placid from March 4 – 8th. The training classes will fulfill the yearly training requirement. The cost to attend the training session is \$240.00. Councilwoman Patricia Bryant made a motion to authorize Building and Zoning Administrator Richard Colozza to attend the Adirondack Code Enforcement Training Seminar in Lake Placid. Councilman George Hodgson seconded the motion. All in favor, motion carried.

Highway Sup't Neil Petteys stated that he would like to present his "Agreement for the Expenditure of Highway Moneys" for 2012. Councilman George Hodgson introduced Resolution # 27 of 2012: Pursuant

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to the provisions of Section 284 of the Highway Law, the Town Board agrees that moneys levied and collected in the Town for the repair and improvement of highways, and received from the state for State Aid for the repair and improvement of highways , shall be expended as follows:

1. GENERAL REPAIRS: The sum of \$397,000.00 shall be set aside to be expended for primary work and general repairs upon 59.96 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or renewals thereof.

2. PERMANENT IMPROVEMENTS: The following sums shall be set aside to be expended for the permanent improvements of Town Highway:

- Lansing Street (a distance of 290 feet)
- Hill Street (a distance of 290 feet)
- Catherine Street (a distance of 1,980 feet)
- Rugg Road (a distance of 5,280 feet)
- Lindsay Hill Road (a distance of 3,400 feet)
- Putnam Road (a distance of 3,400 feet)

Councilman Paul Bolesh seconded the introduction of Resolution #27 of 2012.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #27 of 2012 Adopted

2. Highway Sup’t Neil Petteys informed the Town Board that he received a letter from Mark Petramale, Construction Manager with Peckham Road Corporation regarding Spec. # 01-HW-11 Asphalt Paving Type 3 & 6. Peckham Road Corp agrees to the extension of the 01-HW-12 Asphalt Paving Contract for the 2012 paving season. Councilman George Hodgson introduced Resolution #28 of 2012

WHEREAS, on May 4, 2011, Peckham Road Corp submitted a signed bid (dated April 29, 2011) to the Town of Northumberland to complete asphalt concrete paving work in the Town of Northumberland for the price of \$56.25 per ton, and

WHEREAS, the Town of Northumberland Town Board, at a May 5, 2011 Meeting passed a Resolution accepting Peckham Road Corp’s bid of \$56.25 per ton, and resolved to find Peckham Road Corp under

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the Asphalt Concrete Paving Contract and to authorize the Town Supervisor to execute a contract, therefore be it

RESOLVED, The Town of Northumberland Town Board, at a February 2, 2012 Meeting passes a Resolution to extend the contract issued, based on the specification, under the same terms and conditions for a one year period from date of expiration (December 31, 2011) provided such extension is mutually agreeable to both the Town of Northumberland and Peckham Road Corp, and be it further

RESOLVED, pursuant to the Town Board's approval of the Extension of Contract (Spec. No: 01-HW-11) submitted bid by Peckham Road Corp, Supervisor Willard Peck provides the execution of the Contract bidding Peckham Road to complete the work in accordance with the Asphalt Concrete Paving Contract.

Councilman Paul Bolesh seconded the introduction of Resolution # 28 of 2012

Supervisor Willard Peck – "Aye"

Councilman Paul Bolesh – "Aye"

Councilman George Hodgson – "Aye"

Councilwoman Patricia Bryant – "Aye" Resolution #28 of 2012 – Adopted

3. Highway Sup't Neil Petteys stated that he has contacted a few companies regarding placing a roll off at the Recycling Center to take old computers and batteries. A lengthy discussion followed regarding liability to the town since both have been declared hazardous waste. Highway Sup't Neil Petteys stated he will report his findings to the Town Board.

Councilman Paul Bolesh made a motion @ 8:30 PM to go into Executive Session to discuss Litigation and personnel matters. Councilman George Hodgson seconded the motion. All in favor, motion carried.

Councilwoman Patricia Bryant made a motion to reconvene the Regular Monthly Meeting @ 10:00 PM. Councilman George Hodgson seconded the motion. All in favor, motion carried.

Supervisor Willard Peck asked the Town Board if they wish to take any action. Councilman George Hodgson introduced Resolution #29 of 2012 - Town of Northumberland Resolution regarding Town of Northumberland v. Del Signore Blacktop Paving, Inc. (Del Signore), Supreme Court Saratoga County Index Number 2008-4229

WHEREAS, the Town of Northumberland commenced action against Del Signore in November of 2008 upon the filing of a Complaint in the Saratoga County Clerk's Office wherein it sought damages for breach of a contract arising out of a bid submitted by Del Signore to complete paving work for the Town; and

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WHEREAS, the Supreme Court of the State of New York, County of Saratoga, Hon. Richard E. Sise, A.J.S.C., issued a Decision and Order, dated October 18, 2011, awarding the Town judgment against Del Signore on the issue of liability for breach of contract but denied the Town’s motion for summary judgment on the issue of damages; and

WHEREAS, Del Signore served a Notice of Appeal from the Decision and Order in the Saratoga County Clerk’s Office, evidencing Del Signore’s intent to appeal to the Supreme Court, Appellate Division, Third Department (Appellate Division); and

WHEREAS, Willard Peck as Supervisor of the Town of Northumberland met with Del Signore on January 25, 2012 at the Appellate Division pursuant to the Court’s Civil Appeals Settlement Program to discuss a potential settlement of the litigation; and

WHEREAS, at the settlement conference, Supervisor Peck, provisionally agreed to fully settle the litigation by the payment of damages from Del Signore to the Town in the amount of \$40,000. As noted by Supervisor Peck at the conference, the Settlement and the settlement amount were contingent on approval of such Settlement and the settlement amount by the Town Board of the Town of Northumberland.

NOW THEREFORE BE IT RESOLVED, that the Northumberland Town Board approves and confirms the Settlement and the settlement amount of \$40,000, and be it

FURTHER RESOLVED, that Supervisor Willard Peck is authorized and directed on behalf of the Town to execute any stipulations, releases or other authorizations necessary to effectuate the Settlement and receive payment of the settlement amount.

Councilman Paul seconded the introduction of Resolution # 29 of 2012

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #29 of 2012 Adopted

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Supervisor Willard Peck asked if there were any other action the Town Board wished to make tonight. There was no further action taken.

Councilman Paul Bolesh made a motion @ 10:10 P.M. to adjourn the Regular Monthly Meeting. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy
Town Clerk