

**TOWN OF NORTHUMBERLAND
TOWN BOARD MEETING
MARCH 4, 2010**

The Regular Monthly Meeting of the Northumberland Town Board was called to order @ 7:00 PM by Supervisor Willard Peck. Following the salute, roll call was taken. Those attending included Supervisor Willard Peck; Councilman Paul Bolesh; Councilman Daniel Gale; Councilman George Hodgson and Councilwoman Patricia Bryant. Also attending were Clerk Denise Murphy; Highway Sup't Neil Petteys; Town Attorney Douglas Ward and Deputy Town Clerk Lisa Conlee.

PUBLIC PARTICIPATION

Brian Myers Jr., Chief with the Schuyler Hose Fire Department, came before the Town Board with a report for 2009. There were a total of 155 calls in 2009, 34 of these calls were in the Town of Northumberland. There are 36 active members in the Fire Department, 9 reside in the Town of Northumberland. The Schuyler Hose Fire Department is financially sound and there is no increase for the upcoming fiscal year.

APPROVE MINUTES

1. Councilman Daniel Gale made a motion to approve minutes of the February 4, 2010 Town Board Meeting. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

OLD BUSINESS

1. Schuyler Park update: Councilman Daniel Gale reported that with the snow melt at Schuyler Park it is noticeable that the turf that was installed in the fall is growing. The parking lots should start being installed this month. Everything is on schedule for girl's softball this spring to start their practice on these fields. There will be the first annual "Party for the Park" on April 15th from 6:30 – 11:00 p.m. at Longfellow's Restaurant. It is a cocktail party with a silent auction and raffle to benefit Schuyler Park. Councilman Daniel Gale stated he is extremely excited and proud how everything has come together at the park.

2. Hudson Crossing Park Update: Councilman George Hodgson reported that the town received seven (7) electronic proposal for the design of Hudson River Canalway Trail Segments located in the Town of Northumberland and Saratoga by the March 1, 2010 midnight deadline. Councilman George Hodgson stated the following bids were received:

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The LA Group - \$75,982.15
CT Male - \$59,590.00
Elan Planning, Design & Landscape Architecture - \$64,895.00
CLA Site - \$73,515.00
Behan Planning and Design - \$53,005.00
The Chazen Companies - \$81,635.00
CHA - \$108,710.00

Councilman George Hodgson stated that Tom Wood, Supervisor Town of Saratoga; Willard Peck, Supervisor Town of Northumberland; Marlene Bissell, President of Hudson Crossing Park; Garret O'Connor, Canal Corp and Andrew Labruzzo, Department of State received an electronic copy of the proposals for their review and input. Councilman George Hodgson stated would like to hold a Special Town Board Meeting on Friday, March 12, 2010 @ 7:30 a.m. to award this bid. Councilman George Hodgson made to hold a Special Town Board Meeting on Friday, March 12, 2010 @ 7:30 a.m. to consider awarding the bid for the design of Hudson Crossing River Canalway Trail Segments located in the Town of Northumberland and Saratoga. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

3. Septic Pumping for Sewer District #1: The following bids were received for pumping of sewer tanks in Sewer district #1:

Morning Star Septic System - \$150.00 per 1,000 gallons
Stone Industries - \$135.00 per 1,000 gallons

Councilman Daniel Gale made a motion to award the pumping of septic tanks in Sewer District #1 to Stone Industries for \$135.00 per 1,000 gallons. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

4. Diesel and Unleaded Gasoline for 2010: The following bids were received for diesel and unleaded gasoline. The bids were based on using Albany Reseller Tank Car average price posted on February 23, 2010 plus a firm differential which makes the net price gallon. The bid must also provide for one 500 gallon double wall tank for unleaded fuel and fuel dispenser with gallon meter. The fuel tank and fuel dispenser will be kept at 42 Leonard Street for the term of this agreement. The Town of Northumberland will be responsible to ensure that the operation and maintenance of the tank are in full

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compliance with all applicable state and local laws and regulations for Petroleum Bulk Storage (PBS) facilities, including the registration of the tank with the New York State Department of Environmental Conservation.

G.A. Bove & Sons, Inc. L/S Diesel Bid \$2.5442 per gallon
N/L Gasoline \$2.4025 per gallon
Shaw Fuel Oil & Kero Inc. Low sulfur diesel/diesel blend: a firm differential of \$.20 per gallon
(Declined bidding on unleaded gasoline)
John Ray & Sons Unleaded/diesel: a firm differential of \$.12 per gallon

The Town Board Members were provided a copy of Saratoga County's Diesel Fuel Award – 10-DF-1. Councilman Daniel Gale made a motion to award the bid for Low Sulfur Diesel and Unleaded Gasoline to John Ray & Sons with a firm differential of \$.12 per gallon. The award will also provide for one 500 gallon double wall tank for unleaded fuel and fuel dispenser with gallon meter. The fuel tank and fuel dispenser will be kept at 42 Leonard Street for the term of this agreement. The Town of Northumberland will be responsible to ensure that the operation and maintenance of the tank are in full compliance with all applicable state and local laws and regulations for Petroleum Bulk Storage (PBS) facilities, including the registration of the tank with the New York State Department of Environmental Conservation. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

NEW BUSINESS

1. Supervisor Willard Peck informed the Town Board that when the Highway Department transferred from the New York State Teamsters Council out of Syracuse to Albany the Highway men lost their DBL. The Town has contacted Adirondack Trust Insurance regarding obtaining disability insurance for the six (6) full time highway employees. Councilman Daniel Gale introduced Resolution #22 of 2010 –

WHEREAS, the Town of Northumberland Highway Employees were without Disability Insurance and,

WHEREAS, the Town of Northumberland can opt in for DBL coverage for all non elected full time employees of the Highway Department, therefore be it

RESOLVED, the DBL coverage will cover non-elected full time highway employees.

Councilwoman Patricia Bryant seconded the introduction of Resolution #22 of 2010.

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Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #22 of 2010 Adopted

2. BAN Resolution for \$130,000 serial bond to pay for the purchase of a 2010 International 7600 Dump Truck: Supervisor Willard Peck stated the town received the 2010 International 7600 with dump body. The total cost of the vehicle was \$164,716.00. Supervisor Willard Peck stated the Town Board has contacted Glens Falls National Bank and Trust regarding a Bond Anticipation Note (BAN) and was quoted an interest rate of 2.25%. Supervisor Willard Peck stated he is recommending a BAN in the amount of \$130,000, with the balance to be paid out of DA5130.2. Councilman Daniel Gale introduced Resolution #23 of 2010

BOND RESOLUTION DATED MARCH 4, 2010

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$130,000.00 SERIAL BONDS OF THE TOWN OF NORTHUMBERLAND, NEW YORK TO PAY FOR THE PURCHASE OF A 2010 INTERNTONAL 7600 DUMP TRUCK.

BE IT RESOLVED this 4th day of March 2010, 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 \$130,000.00 serial bonds of the Town of Northumberland, New York, to pay for the purchase of a 2010 International 7600 Dump Truck.

Section 2. The estimated maximum cost of said 2010 International 7600 Dump Truck is \$164,716.00. It is hereby determined that the plan for financing such purchase is by payment from funds contained in the 2010 budget for the Highway Department of the Town of Northumberland in an amount not to exceed \$34,716.00 and by the issuance of serial bonds of the Town of Northumberland, New York, in an amount not exceeding \$130,000.00.

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Section 3. The period of probable usefulness thereof is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. Said bonds will mature over a period not to exceed 5 years. No down payment is required thereof pursuant to Section 107 of the Local Finance Law.

Section 4. 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 bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of such Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the serial bonds herein authorized is hereby delegated to the Supervisor of the Town of Northumberland. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of the Town of Northumberland. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. This resolution shall take effect immediately.

Councilman Paul Bolesh seconded the introduction of Resolution #23 of 2010

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Abstain” Resolution #23 of 2010 Adopted

Councilman George Hodgson introduced Resolution #24 of 2010

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BOND ANTICIPATION NOTE RESOLUTION DATED MARCH 4, 2010

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOTES OF THE TOWN OF NORTHUMBERLAND, NEW YORK, IN ANTICIPATION OF SALE OF \$130,000.00 SERIAL BONDS TO PAY FOR THE PURCHASE OF A 2010 INTERNATIONAL 7600 DUMP TRUCK.

WHEREAS, the Town Board of the Town of Northumberland, New York, has heretofore by resolution dated March 4, 2010, authorized the issuance and sale of serial bonds in the amount of \$130,000.00 to pay for the purchase of a 2010 International 7600 Dump Truck.

WHEREAS, the Town Board of the Town of Northumberland, New York, now desires to provide the issuance of a Bond Anticipation Note in anticipation of the sale of the aforesaid bonds,

BE IT RESOLVED this 4th day of March, 2010, 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 Note or Notes for the purpose of paying for a 2010 International 7600 Dump Truck and in anticipation of the sale of serial bonds of the Town of Northumberland, New York, as authorized in a resolution adopted March 4, 2010, entitled

"A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$130,000.00 SERIAL BONDS OF THE TOWN OF NORTHUMBERLAND, NEW YORK, TO PAY FOR THE PURCHASE OF A 2010 INTERNATIONAL 7600 DUMP TRUCK.@

Section 2. The amount of Bonds to be issued for the aforesaid purpose is \$130,000.00. The amount of said Bond Anticipation Note or Notes shall not exceed \$130,000.00.

Section 3. There are 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 Notes, authorized herein are not renewal notes. The Bond Anticipation Notes authorized herein shall provide that they cannot be converted to registered notes.

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

Section 6. The Bond Anticipation 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 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, 2010. 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 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.

Councilman Paul Bolesh seconded the introduction of Resolution #23 of 2010

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Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Abstain” Resolution #23 of 2010 Adopted

3. Councilman Daniel Gale asked if there is any thoughts on how the Town Hall maintenance and mowing will be addressed this summer with the passing of James Shea, part time highway employee. Highway Sup’t Neil Petteys stated that Edward McGowan, part time highway employee will be doing the maintenance at the town hall and the mowing at the town parks.

4. Town Clean up Day: Councilman Paul Bolesh reported that this year’s Town Clean up Day will be held on April 17, 2010 from 9:00 – 12 noon. The rain date will be April 24, 2010.

5. The Town Board has been approached by the Town Justices regarding installing an outside light in front of the Town Hall. National Grid has provided a quote of \$9.32 a month to install an outdoor light on the National Grid pole in front of the Town Hall. Councilman Daniel Gale made a motion authorizing Supervisor Willard Peck to apply to Niagara Mohawk Power Corporation to supply a high pressure sodium 100 Watt light at 17 Catherine Street for and during the period of “twelve months for over head supplied service commencing on or about April 1, 2010 and thereafter until canceled on thirty days prior written notice with a \$9.32 monthly charge. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

6. Payroll Annual Software Support Contract: The Town Bookkeeper’s payroll annual software support contract with Williamson Law Book Co expires 04/01/2010. The charge for 2010 for this support is \$625.00. Councilman George Hodgson made a motion authorizing Supervisor Willard Peck to sign a contract, on behalf of the Town of Northumberland, with Williamson Law Book for 2010 payroll support in the amount of \$625.00. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

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7. Asphalt Paving: Highway Sup't Neil Petteys submitted to the Town Board the list of roads he would like to pave in the 2010 paving season:

Stonebridge Road
Winney Drive
Gates Avenue
Justin Way
Schuyler Way North
Lindsey Hill

Highway Sup't Neil Petteys stated that he has prepared an "Agreement for the Expenditure of Highway Moneys" for 2010 for the Town Board's consideration. Councilman George Hodgson made a motion authorizing the Town Board Members to enter into an Agreement with the Highway Supt. Pursuant to the provisions of Section 284 of the Highway Law, we agree 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: General Repairs, the sum of \$397,000. Shall be set aside to be expended for primary work and general repairs upon 59.94 miles of town highways, including sluices, culverts and bridges having a span less than five feet and board walks or renewals thereof. The following is a list of permanent improvements of town highway:

- a) Gates Avenue a distance of 1,212'
- b) Justin Way a distance of 588 '
- c) Stonebridge Road a distance of 3,600'
- d) Winney Drive
- e) Schuyler Way North 1,000'
- f) Lindsey Hill Road

Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Highway Sup't Neil Petteys stated that he would like to extend Peckham contract Spec. No. 01-HW-09 for one year. Under "Detailed Specifications" – EXTENSION OF CONTRACT: The Town

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reserves the right to extend any contract issued, based on this specification, under the same terms and conditions for a one year period from date of expiration provided such extension is mutually agreeable to both the Town and the contractor. Highway Sup't Neil Petteys has talked with Peckham Road Corp and they are interested in extending the contract for 2010 based on the unit price of \$52.35 per ton as outlined in their awarded 2009 Asphalt Concrete Paving Contract Spec. # 01-HW-09. Town Attorney Douglas Ward stated that he has discussed this with the Association of Towns and they have indicated that this is acceptable since it was outlined in the Asphalt Paving Specifications and it is a one year extension. Councilwoman Patricia Bryant made a motion to approve the extension of contract (spec. No 01-HW-09) with Peckham Road Corp for \$52.35 per ton and subject to Town Attorney Douglas Ward's approval. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

8. Bid for Roll-Off's at Transfer Station: Tabled

DESIGNATIONS

1. Councilman Paul Bolesh made a motion to approve vouchers for payment as presented. Councilman George Hodgson seconded the motion. All in favor, motion carried.

DEPARTMENT OF LABOR

Kurt Hackel with the Department of Labor came before the Town Board to give a presentation on prevailing wages and what projects are subject to this. Mr. Hackel provided the Town Board with material outlining prevailing wages.

EXECUTIVE SESSION

Councilman George Hodgson made a motion @ 8:50 PM to go into Executive Session to discuss possible litigation. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

Councilman Paul Bolesh made a motion to reconvene the Regular Monthly Meeting @ 9:15 PM. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

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Supervisor Willard Peck stated that the Town Board Members listen to the Town Attorney since it involved possible employment litigation. Supervisor Willard Peck made a motion to hire Attorney Ken Ritzenberg who specializes in Labor @ \$150.00 per hour. Councilman George Hodgson seconded the motion. All in favor, motion carried.

Councilman Paul Bolesh made a motion @ 9:20 PM to adjourn the Regular Monthly Meeting. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy
Town Clerk

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