

**Town of Northumberland  
Town Board Meeting  
March 14, 2013**

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 Daniel Gale; Councilman George Hodgson and Councilwoman Patricia Bryant. Councilman Paul Bolesh was absent. Also attending was Clerk Denise Murphy; Building and Zoning Administrator Richard Colozza; Highway Sup't Neil Petteys and Town Attorney Douglas Ward.

**PUBLIC PARTICIPATION**

Chris Benn, General Schuyler Emergency Squad, gave a report on the calls for the month of February:

There were 52 calls

Town of Saratoga – 20 calls

Town of Northumberland – 11 calls

Village of Schuylerville – 14 calls

Village of Victory – 3 calls

Mutual Aide – 3 calls

The Stop N Shop Fundraiser will be this Saturday at the Squad Building. There will be 30 vendors and a bake sale. The hours are 10 – 4.

Ronni Travers, President of Public Sector HR Consultants LLC, did a brief presentation regarding the development of an Employee Handbook for the Town of Northumberland. Ms. Travers stated that not having a good Employee Handbook leaves the Town open to liability. Ms. Travers will prepare a proposal on the projected cost for an Employee Handbook for the Town Board consideration. Councilman Daniel Gale will be the liaison between Ms. Travers, Public Sector HR Consultants, LLC and the Northumberland Town Board.

Penny Gifford-Hargett came before the Town Board to receive the Town Board's consensus regarding her family's wish to have an easement across the Town's sewer line at the end of Third Street. Mrs. Hargett stated that her sister would like to build a single family residence at the end of Third Street. Mrs. Hargett went before the Planning Board On March 11, 2013 for a Minor Subdivision of the family's 7.77 acre parcel which surrounds the Sewer District. Mrs. Hargett stated if the Town Board would not entertain her request, she will not continue with the Planning Board. Mrs. Hargett stated that her dad had come before the Town Board with a similar request in May, 1996 and received consensual approval from the Town Board. Supervisor Willard Peck asked Highway Sup't Neil Petteys how deep the sewer lines were at the end of Third Street. Highway Sup't Neil Petteys stated that they presently plow across

**Town of Northumberland  
Town Board Meeting  
March 14, 2013**

the sewer line at the end of Third and Fourth Street. Councilman George Hodgson made a motion to approve Penny Gifford-Hargett's request for an easement across the sewer line on the south end of Third Street subject to the Planning Board's approval of the subdivision and the Town Attorney's review and legal wording of the easement. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Lyle Purinton had asked to come tonight to request a waiver from hiring a forester for a logging project on the parcel that the Town of Northumberland holds the easement rights. Mr. Purinton stated that he contacted a forester and they wanted \$10,000 for the project. The Town of Northumberland has a Local Law regarding Timber Harvesting – Local Law #6 of 2006. Supervisor Willard Peck stated that he told Mr. Purinton to come in and talk to Richard Colozza, Building and Zoning Administrator, to possibly get a list of foresters. Mr. Colozza stated that you can contact NYS Department of Environmental Conservation and get a list of licensed foresters.

**MINUTES**

1. Councilman George Hodgson made a motion to approve minutes of the February 14, 2013 Regular Monthly Meeting. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

**CORRESPONDENCE**

1. Edward Cross, Dog Control Officer, submitted his February 2013 report. Mr. Cross answered 6 complaints; and issued 2 warnings.

2. The Town Board received a copy of a letter from Senator Kathy Marchione to Senator Dean Skelos requesting support for funding in the amount of \$350,000 for the *"The Historic Saratoga-Washington on the Hudson Partnership"*.

3. The Town Board received a Public Notice issued by the New York District Corps of Engineers for a proposed project either located within the town's expressed area of interest or near where they reside. The public notice is for the project – Conducting dredging, with ten years maintenance and upland disposal, of PCB contaminated sediments within a 38 mile portion of the Champlain Canal (Hudson River) to restore and maintain the State navigation channel to its previously approved width and depth.

4. The Town Board received a copy of Resolution #52 of 2013 – "Opposing the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013" adopted by Saratoga County Board of Supervisors.

**Town of Northumberland  
Town Board Meeting  
March 14, 2013**

5. The Town Board received a copy of Moreau Emergency Squad's Call Volume List for the Town of Northumberland for 2012 and January 2013.

**NEW BUSINESS**

1. Hudson Crossing Park Update: Councilman George Hodgson stated that he has prepared a reimbursement for New York State Department of State – Old Saratoga on the Hudson Waterfront Revitalization Plan. Councilman Hodgson stated he has documented project costs of roughly \$544,074.00 and will be requesting 50% reimbursement of \$272,037.00. Councilman Hodgson stated that he has submitted a Draft copy for Department of States review. As soon as he hears if everything is ok, he will submit the signed reimbursement request.

2. Schuyler Park Update: Councilman Daniel Gale stated that "Friends of Schuyler Park" held their fundraiser at Longfellow's Restaurant on March 7, 2013 and raised roughly \$10,000. These funds have been earmarked for the construction of a second concession stand and bathrooms. Councilman Gale stated that scheduling requests for the fields have already started. The fields are booked 7 days a week starting in mid-April to the end of June early July. There will be another soccer camp for ages 6 – 16 the last week of August. Councilman Gale stated that so many parents are walking around the perimeters of the park that the Committee, after determining that is exactly 1 mile, is working on establishing a walking trail. Councilman Gale is still working with Schuylerville Central School to extend the "Five Year" Agreement.

3. Fuel Bid for 2013: The following bids were received for fuel oil for 2013. The bid for Unleaded required that bidder must provide a 500 gallon double walk tank and dispenser to be located at the Highway Garage.

- John Ray & Sons - \$.15 per gallon differential for Diesel Blend
- Ray Energy - \$.12 per gallon differential for unleaded gasoline. (Currently a 500 gallon double wall tank with dispenser and meter is being supplied by Ray Energy)

The Town Board received a copy of Saratoga County's awarded bid for Diesel Fuel Award. The bid for Diesel and Diesel/Blend differential range was \$.0948 - \$.1555 per gallon. Saratoga County's bid for unleaded gasoline does not allow the Town of Northumberland to qualify since there is a minimum gallon requirement which the town does not meet.

**Town of Northumberland  
Town Board Meeting  
March 14, 2013**

Councilwoman Patricia Bryant made a motion to award the Diesel Blend to John Ray & Sons with a differential of \$.15 per gallon for Diesel/Blend and Ray Energy with a differential of \$.12 per gallon for unleaded gasoline. Councilman George Hodgson seconded the motion. All in favor, motion carried.

4. Sewer Bids: The Town Board received bids from the following companies:

1. Straight's Septic Service
2. Morning Star Excavating
3. IBS Septic
4. Stone Industries

Town Attorney Douglas Ward stated that after reviewing the Bid Specifications it was noted that Prevailing Wages was not included and that is a New York State Labor Department Law. Councilman Daniel Gale made a motion to reject all bids and to rebid the pumping of sewers in Sewer District #1 with "prevailing wage" requirement. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

5. Town Attorney Douglas Ward stated that he was asked to put together a proposed Local Law dealing with Maintenance Bonds and Letters of Credit. Chuck Waldron, President of C & S Construction, had come before the Town Board last month asking the Town Board to release his Letter of Credit with SunMark Credit Union in the amount of \$50,000 for roads and drainage easements in Brampton Woods. The Town of Northumberland accepted the roads in 2007. The final coat was put on the roads within the Development in 2010. There have been no issues with the road. Mr. Waldron had pointed out that with the down turn in the economy they have not been able to sell homes within this subdivision. Town Attorney Douglas Ward presented his proposed Local Law for the Town Board's consideration. The proposed Local Law #1 of 2013 reads as:

**A Local Law Amending, Section VI entitled "Major Subdivisions" Regarding Maintenance Bonds and Letters of Credit**

Be it enacted by the Town Board of the Town of Northumberland as follows:

**The present Section VI – Major Subdivision, Letter D, Number 3 shall read as follows:**

3. After various items of construction are inspected and approved, the amount of the Letter of Credit or Performance Bond may be reduced, provided that it shall not be reduced to less than the amount determined for the construction which is still uncompleted, plus twenty percent of the amount

**Town of Northumberland  
Town Board Meeting  
March 14, 2013**

determined for that construction which is completed and approved. At the time of the dedication to the Town it shall be replaced with a maintenance bond or letter of credit equal to twenty percent of the value of the improvements, including storm drainage systems being ceded to the Town. The maintenance bond or letter of credit shall remain in effect one year after the final inspection or until seventy-five percent of the total lots within the subdivision have been developed, whichever is later. It shall then be released provided the owner has submitted "as built" plans. After the one year period provided herein, the Town Board, upon application by the owner, and good cause shown, may provide for the release of the maintenance bond or letter of credit upon such conditions as it may impose to protect the improvements and the public health, safety and welfare of the Town.

This amendment to the local law shall become effective immediately upon filing in the Office of the Secretary of State.

The Town Clerk informed the Town Board that she has already referred this proposed Local Law to County Planning for their review/comments and recommendations/ approval.

Councilman George Hodgson made a motion to hold a Public Hearing on proposed Local Law #1 of 2013 – A Local Law Amending, Section VI entitled "Major Subdivisions" regarding Maintenance Bonds and Letters of Credit on April 11, 2013 @ 7:00 PM to be followed by the April Town Board Meeting. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

6. The Town Clerk reminded the Town Board Members that they need to get articles to Tia Kilburn if they want them included in the Town Wide Newsletter.

**NEW BUSINESS**

1. Bond Anticipation Renewal Note: Supervisor Willard Peck informed the Town Board Members that they need to renew the BAN in the amount of \$60,000 for the purchase of the 2010 International Dump Truck. The interest rate with Glens Falls National Bank and Trust has been lowered to 1.79%. Councilman Daniel Gale introduced Resolution #31 of 2013 –

**BOND ANTICIPATION NOTE RESOLUTION (RENEWAL) DATED MARCH 14, 2013**

RESOLUTION AUTHORIZING THE RENEWAL OF A BOND ANTICIPATION NOTE OR NOTES OF THE TOWN OF NORTHUMBERLAND, NEW YORK IN THE AMOUNT OF \$60,000.00 IN ANTICIPATION OF THE SALE OF \$130,000.00 SERIAL BONDS TO PAY FOR THE PURCHASE OF A 2010 INTERNATIONAL 7600 DUMP TRUCK.

**Town of Northumberland  
Town Board Meeting  
March 14, 2013**

**WHEREAS**, pursuant to the bond resolution adopted March 4, 2010, the Town Board of the Town of Northumberland, New York, issued and a Bond Anticipation Note in the amount of \$130,000.00, to mature March 4, 2011 for the purpose of purchasing a 2010 International 7600 Dump Truck; and

**WHEREAS**, pursuant to a Bond Anticipation Renewal Note Resolution adopted March 3, 2011, the Town Board renewed the note, in part, by issuing a \$105,000.00 Bond Anticipation Renewal Note and paying \$25,000.00 of the principal owed on the note together with accrued interest; and

**WHEREAS**, pursuant to a Bond Anticipation Renewal Note Resolution adopted March 23, 2012, the Town Board renewed the note, in part, by issuing an \$80,000.00 Bond Anticipation Renewal Note and paying \$25,000.00 of the principal owed on the note together with accrued interest; 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 March 21, 2013 to wit the sum of \$20,000.00 together with accrued interest and a new renewal note to be dated March 21, 2013 and issued in the amount of \$60,000.00 to mature no later than March 21, 2014;

**BE IT RESOLVED** this 14th day of March, 2013, 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 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 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."

Section 2. The amount of Bonds to be issued for the aforesaid purpose is \$60,000.00. The amount of said Bond Anticipation Renewal Note or Notes shall not exceed \$60,000.00.

Section 3. Immediately, upon issuance of the Bond Anticipation Renewal Note authorized herein, the Bond Anticipation Note dated March 23, 2012 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.

**Town of Northumberland  
Town Board Meeting  
March 14, 2013**

Section 4. The Bond Anticipation Renewal Notes authorized herein are renewal notes. By resolution dated March 4, 2010, the Town Board of the Town of Northumberland authorized the issuance of \$130,000.00 of serial bonds and Bond Anticipation Notes to pay for the purchase of a 2010 International 7600 Dump Truck. Thereafter, on March 3, 2011, the Town issued a Bond Anticipation Renewal Note in the amount of 105,000.00 and paid \$25,000.00 of the principal owed on the original note together with accrued interest. Thereafter, on March 23, 2012, the Town issued Bond Anticipation Renewal Note in the amount of \$80,000.00 and paid \$25,000.00 of the principal owed on the prior notes together with accrued interest. On or before March 21, 2013, the Town will issue Bond Anticipation Renewal Notes in the amount of \$60,000.00 and pay \$20,000.00 of the principal owed on the prior notes together with accrued interest. The Bond Anticipation Renewal Notes authorized herein are a renewal of the \$60,000.00 balance of the notes previously issued to pay for the purchase of a 2010 International 7600 Dump Truck. Said notes shall be renewed at the Glens Falls National Bank at an interest rate of 1.79%. 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, 2013. 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.

**Town of Northumberland  
Town Board Meeting  
March 14, 2013**

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 George Hodgson seconded the introduction of Resolution #31 of 2013:

Supervisor Willard Peck – “Aye”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Abstain”      Resolution #31 of 2013 Adopted

2. Councilman George Hodgson informed the Town Board that he has prepared a Resolution honoring Clinton Barber’s years of service for the Town Board’s consideration.

Councilman George Hodgson introduced Resolution #32 of 2013 – **HONORING THE LIFE AND CONTRIBUTIONS OF CLINTON A. BARBER TO THE TOWN OF NORTHUMBERLAND AND THE COUNTY OF SARATOGA**

**WHEREAS**, Clinton A. Barber was born in the Town of Northumberland on September 20, 1947 and remained a lifelong resident, public servant and important agricultural producer of the Town of Northumberland and the County of Saratoga until his death on November 22, 2012, and

**WHEREAS**, Clinton A. Barber graduated from Cobleskill College in 1967 where he majored in animal husbandry, was President of the Dairy Club, and named the most outstanding agricultural student in his graduating class, and

**WHEREAS**, upon completing his agricultural training at Cobleskill College, Clinton A. Barber returned home to Barber Brother’s Farm which was established in the Town of Northumberland in 1939 where he married Linda Williams, raised his daughter Cortney and son Chad, and began implementing modern farming practices, eventually assuming the farm’s ownership, enlarging same to over 1000 acres and 600 dairy cows, and

**Town of Northumberland  
Town Board Meeting  
March 14, 2013**

**WHEREAS**, Clinton A. Barber was instrumental in helping Saratoga County establish its first Agricultural District in Saratoga County in 1970, serving on Saratoga County’s Agricultural Land Protection Board and, until the time of his death, also serving as the Saratoga County USDA Farm Services Agency Chairman and

**WHEREAS**, Clinton A. Barber tirelessly served the Town of Northumberland for over 40 years being a member of the Town’s first Planning Board in 1972, being named to the Town’s Comprehensive review Committee for the zoning ordinance and land use plan, serving thereafter on the Town’s Master Plan Committee, as Chairman of the Town’s Zoning Board of Review in 1998, and serving, until the time of his death, as a member of the Town’s Zoning Board of Appeals, and

**WHEREAS**, Clinton A. Barber has been instrumental in preserving and protecting agriculture within the Town of Northumberland and Saratoga County since 1967, assuring that today’s Barber Brother’s Farm and other agricultural operations in Saratoga County remain viable, and

**WHEREAS**, Clinton A. Barber valued his friends and neighbors and was always there with an impeccable sense of humor and smile when help was needed , and that his efforts and achievements were always directed towards family, farming and dedicated public service, now therefore be it

**RESOLVED**, the Town of Northumberland Town Board by this resolution recognizes and will always remember the important contributions Clinton A. Barber made over the past 40 years through his dedicated and tireless agricultural and public services to the Town of Northumberland and the County of Saratoga.

Councilman Daniel Gale seconded the introduction of Resolution #32 of 2013

Supervisor Willard Peck – “Aye”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #32 of 2013 Adopted



***Town of Northumberland  
Town Board Meeting  
March 14, 2013***

**DEPARTMENTS**

Highway: Highway Sup't Neil Petteys informed the Town Board that obtained quotes for a new mower. The present mower was purchased in 1992. Hudson River Tractor Co, Schaghticoke, NY had a list of mowers that are on State Contract. Supervisor Willard Peck asked Highway Sup't Neil Petteys to review each of the mower specifications and come back next month with his recommendation.

Councilman Daniel Gale made a motion @ 8:40 PM to go into Executive Session to discuss personnel matters and pending litigation. Councilman George Hodgson seconded the motion. All in favor, motion carried.

Councilwoman Patricia Bryant made a motion @ 9:20 PM to reconvene the Regular Monthly Meeting. Councilman George Hodgson seconded the motion. All in favor, motion carried. There was no action taken.

Councilman Daniel Gale made a motion @ 9:24 PM to adjourn the Regular Monthly Meeting. Councilman George Hodgson seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy  
Town Clerk

**Town of Northumberland  
Town Board Meeting  
March 14, 2013**