

**Town of Northumberland
Regular Monthly Meeting
April 7, 2011**

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

PUBLIC PARTICIPATION

Janine Stuchin, Project Manager with Southern Adirondack Tobacco Free Coalition came before the Town Board to discuss creating tobacco-free communities. Ms. Stuchin provided Board Members with "A Guide to Developing Tobacco-Free Outdoor Spaces". Ms. Stuchin stated the purpose of this guide is to help the Town of Northumberland limit pollution from tobacco litter and ensure clean outdoor air. The United States Environmental Protection Agency has classified secondhand smoke as a group A carcinogen, the most dangerous group of cancer causing agents. The US Surgeon General warns that there is no risk-free level of exposure to secondhand smoke. Cigarette butts are the most common form of litter and are hazardous to children and wildlife. Ms. Stuchin stated the Southern Adirondack Tobacco Free Coalition can help develop a comprehensive local law, ordinance or policy regarding making town property "Tobacco Free". The Coalition can also help in develop an enforcement plan that includes signage and develop a plan to notify and education recreational area staff as well as the general community. Supervisor Peck asked if there is funds available to help pay for signage – "Tobacco Free Zone". Supervisor Willard Peck stated his only concern is that when he sat on Saratoga Hospital's Board of Directors, they established the Hospital grounds as tobacco-free, which forced smokers out on the road and throwing their butts on neighbor's property. Ms. Stuchin stated they have been notified their budget has been affected by the new State Budget, but there is still money available for signs. Ms. Stuchin stated they could provide the Town of Northumberland with sample and model Policies. The Town Board will review the material provided by Ms. Stuchin and discuss at a later meeting.

APPROVE MINUTES

1. Councilman Paul Bolesh made a motion to approve minutes of the March 3, 2011 Regular Monthly Meeting. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

CORRESPONDENCE

1. The Town received a letter from Chris Bowcutt, Race Director for the Hudson Crossing Triathlon thanking the Town of Northumberland for their support for the 2011 Hudson Crossing Triathlon taking place June 12, 2011 at Hudson Crossing Park. As requested, Mr. Bowcutt provided the "Town of Northumberland a Certificate of Insurance listing the Town of Northumberland as additional insure. Mr. Bowcutt also provided a Bike Map (12 Miles) and Run Map (3.1 miles) for that portion of the race.

2. The Town Board received a letter from Frank Barbera, Vice President of Barbera Homes regarding "The Preserve at King Road". Mr. Barbera stated that he has submitted an "Application for acceptance of town roads and drainage easements" for Caithlin Court and Maplewood Court +/- 2,625 feet of road and the area of the easement (3.01 acres). Highway Sup't Neil Petteys reported that he, along with a Planning Board Member and Town Engineer Jim Mitchell will be doing an inspection of these roads and will inform the Town Board of their finding. No action was taken by the Town Board at this time.

3. The Town Board received March's report from Dog Control Officer Edward Cross. Mr. Cross stated that he answered 12 complaints; took 2 dogs to the Animal Shelter; issued 3 warnings and one Summons issued. Mr. Cross attended one Court Case and brought one dog, hit and killed by a car, to the Animal Shelter to be cremated.

4. The Town Board received a financial sheet from Moreau Emergency Squad for January and February 2011. The financial sheets reflect their total liabilities and equalities for January and February 2011. Councilman Daniel Gale asked that Moreau Emergency Squad provide quarterly figures.

OLD BUSINESS

1. Update on Schuyler Park. Councilman Daniel Gale reported that the park is presently closed and the gate is locked. There is still 2 – 3 "of snow in areas. Councilman Gale stated the turf experts stated the grass needs to be at a certain temperature before you can walk on it. The fields are booked from 3:00 PM to dusk through June. The Soccer Club "Super 20" Women's Team requested the use of the fields this year; six of their games will be played at Schuyler Park. There will be a Soccer Camp held at Schuyler Park this July. Councilman Daniel Gale also reported that the 2nd Annual Fund Raiser for Schuyler Park brought in \$9,000 +/- . These funds will be used towards the playground and pavilion.

2. Update on Hudson Crossing Park: Councilman George Hodgson reported that Saratoga National Historical Park and Hudson Crossing Park, in partnership, is Celebrating Earth Week 2011, April 15 – 23. The weeklong event will kick off with a recycled art show at Saratoga Battlefield. On Sunday April 17th from 9:00 – 3:00 there will be a Canal Clean Sweep at Hudson Crossing Park. Councilman George Hodgson stated they will be spring cleaning the trails at Eagle Point and doing some landscaping. There will be an Electronics Recycling Day at Hudson Crossing Park on Friday April 22 from 2 – 7 PM. The cost is free or only \$.35 per lb to safely dispose of televisions, computers, printers, fax machines and more. Councilman George Hodgson stated they have started "Sunday at the Park" events. This Sunday he will do a mosquito dunk presentation.

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3. Asphalt Paving Bid: Highway Sup't Neil Petteys reported that he, along with Town Attorney Douglas Ward, have finalized the Asphalt Paving Bid package for 2011. Councilman Paul Bolesh introduced Resolution #31 of 2011

BE IT RESOLVED, Notice is hereby given that sealed proposals will be received by the undersigned for furnishing and delivering F.O.B. to the Town of Northumberland, 17 Catherine Street, PO Box 128, Gansevoort, NY 12831.

Materials, equipment and labor to resurface with asphalt concrete various streets within the Town of Northumberland

Information and specifications will be furnished at the Town Clerk's Office, 17 Catherine Street, Gansevoort, New York 12831, Monday – Thursday 8:00 AM to 4:00 PM, and Friday 8:00 AM – 1:00 PM. All bids must be delivered to the Town Clerk's Office no later than 4:00 PM on Wednesday, May 4, 2011. All bids will be opened and publicly read at the Town Board Meeting on May 5, 2011, @ 7:30 PM.

The Town reserves the right to extend any contract issued, based on these specifications, under the same terms and conditions for a one year period from date or expiration provided such extension is mutually agreeable to both the Town and the contractor. Each bid must contain a NON-COLLUSION CERTIFICATE per General Municipal Law, a WAIVER OF IMMUNITY CLAUSE, plus an OTETA COMPLIANCE CERTIFICATE. **The Town has the right to reject any and all bids.**

Councilwoman Patricia Bryant seconded the introduction of Resolution #31 of 2011

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman Daniel Gale – “Aye”
Councilman George Hodgson – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #31 of 2011 Adopted

4. Roadside Mower: Highway Sup't Neil Petteys reported that Capital Tractor has the State Bid for the following: Newholland T5050, 95 hp, 4 wheel drive, cab with heat and air-conditioning, 16.9 – 30 rear tires, 2 remotes, 24 x 24 hydraulic shuttle transmission, radio, Alamo side mount versa flail, 74 inch cut, pump guard, set up and delivered for \$66,000.00. Capital Tractor guarantees delivery in 90 days. Capital Tractor stated they will give the Town of Northumberland \$5,000 trade in for the 1993 Case IH Tractor. A discussion followed regarding what is the best option, selling the 1993 Case IH Tractor outright or trading it in with a value of \$5,000. Councilwoman Patricia Bryant introduced Resolution #32 of 2011:

WHEREAS, Highway Sup't Neil Petteys has indicated that there is a need for a new road side tractor due to the age and condition of the town's 1993 IH Tractor and

WHEREAS, the Town Board placed funds in the 2011 Highway Equipment Budget to go towards the purchase of a new road side tractor, therefore be it

RESOLVED, the Northumberland Town Board approves the purchase under State Contract of a Newholland T5050, 95hp, 4wd, cab with heat and a/c, 16.9 -30 rear tires, 2 remotes, 24 x 24 hydraulic

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shuttle transmission, radio with Alamo side mount versa flail with 74 " cut with pump guard for \$66,000.00, and be it further

RESOLVED, the Town Board approves that a legal notice be placed in the Town's official newspapers for the sale of the town's 1993 Case/IH Tractor, 4 wheel Drive with Alamo Versa Mid-mount flail 74 " cut with a minimum bid of \$5,000.00, and be it further

RESOLVED, the Town Board has the right to reject any or all bids.

Councilman Paul Bolesh seconded the introduction of Resolution #32 of 2011.

Supervisor Willard Peck – "Aye"
Councilman Paul Bolesh – "Aye"
Councilman Daniel Gale – "Aye"
Councilman George Hodgson – "Aye"
Councilwoman Patricia Bryant – "Aye" Resolution #32 of 2011 Adopted

5. General Schuyler Emergency Squad 2011 Contract: Town Attorney Douglas Ward informed the Town Board that he had been approached by General Schuyler Emergency Squad's legal council that he had concerns with the 2011 Contract drawn up by the Town of Northumberland. In the proposed Contract it stated that "and agrees that is, shall make no charge either directly or indirectly, to any person for emergency ambulance service". In fact, General Schuyler Emergency Squad does third party billing. The Contract with changes to read, *"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 bill is also sent to the user. Squad shall keep proper records and accounts of all monies so received"*. Town Attorney Douglas Ward stated that the Town Board does not need to reauthorize Supervisor Willard Peck to enter into an agreement with General Schuyler Emergency Squad for 2011 since the sum of \$114,093.00 remains the same, and the Town Board had agreed previously to third party billing provided the Squad did not go after any individual who's Insurance Company did not pay the Squad the full amount billed. Attorney Douglas Ward stated he will look at all the Emergency Service Contracts for fiscal year 2012 to see if they need to be updated.

6. Building Committee: Councilman Daniel Gale asked if the Town Board Members have had an opportunity to review names suggested to serve on the Town Hall Building Committee. The following names were suggested to serve on this Committee:

Councilman Paul Bolesh
Councilman Daniel Gale
Town Engineer James Mitchell
Highway Superintendent Neil Petteys
Town Historian Georgia Ball
Planning Board Member John DeLisle
Building Zoning Administrator Richard Colozza
Town Resident Richard Daigle

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Town Resident Rudolf Woykowski
Town Resident Steve Rajeski
Town Resident Kenneth Coons
Town Resident Amy Gates
Town Resident James McKnight

It was the consensus of the Town Board Members that a letter will be sent to each of the individuals mentioned as possible members of the Town Hall Building Committee to see if they are interested in serving on this Committee.

7. Updates to Subdivision Regulations: The Town Board Members will finish reading the proposed changes to the Subdivision Regulations and decide at May's Town Board Meeting if they wish to make any additional changes or if they want to forward a draft copy to the Planning Board Members for their review.

NEW BUSINESS

1. Family Fun Amusement/Town Wide Garage Sale: Supervisor Willard Peck stated he asked Penny Gifford Hargett to attend tonight regarding her request for Family Fun Amusement, owned by Dave Wolff to operate 3 kiddies rides and a few food vendors at the Bertha E Smith Park during the Town Wide Garage Sale, Mother's Day Weekend. Mrs. Hargett stated that Family Fun Amusement has done similar events in surrounding town's during special events. Supervisor Peck stated that he asked that Mr. Wolff's Insurance Company provide proof of Insurance so that the Town Attorney could review prior to the event. Town Attorney Douglas Ward stated his concern was that Mr. Wolff would need to provide Insurance prior to the event and list the "Town of Northumberland" as additional insured. It was the consensus of the Town Board Members that the rides shut down at dusk during the Town Wide Garage Sale. Town Attorney Douglas Ward stated that he has some concerns with the Town Wide Sale Contract Agreement that Mrs. Hargett obtains from the Vendors. He provided a sample copy of the Agreement, Proof of Insurance from a Business and copy of a Home Owner's Policy for a non-business having a table on town property during the sale to our Insurance Agent. David Meager, Adirondack Trust Insurance, commented to Attorney Douglas Ward after reviewing the material submitted to him for review. Mr. Meager states that "Certificate of Insurance" from businesses should have a \$1 million limit and name the Town of Northumberland as additional insured. This requirement is especially important for horse rides and bounce houses. Non business vendors probably think their homeowners insurance protects them which I think is doubtful since money is changing hands. Most Home Owner Insurers will not name a public entity such as the Town as additional insured. Mr. Meager states he does not see any easy answer here. Mr. Meager suggested possibly have a contract between Mrs. Hargett and the Town including a Hold Harmless clause in favor of the Town and imposing the insurance requirements on her to enforce. Regarding the issue of a vendor using Town property, Mr. Meager recommends the following:

1. A contract between the parties to include a Hold Harmless clause in favor of the town.
2. The vendor to provide a Certificate of Insurance with a limit of at least \$1 million
3. This Certificate should name the Town of Northumberland as additional insured.

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Due to the short time left before the Town Wide Garage Sale which is being held May 7 & 8, Attorney Douglas Ward will work with Penny Gifford Hargett on documents for vendors using Town property for the 2012 Town Wide Garage Sale.

2. Renewal of Airway Meadows Golf Club Ball Park Beer License: Town Clerk Denise Murphy received a Renewal Application from Airway Meadows Inc on March 15, 2011. Airway Meadows Golf Club is seeking to renew their Ball Park Beer – Golf Cart with New York State Liquor Authority. Upon receipt of the renewal request, Town Clerk Denise Murphy forwarded a memo to the Saratoga County Sheriff's Department, Supervisor Willard Peck and Building and Zoning Administrator asking for written comments regarding the proposed application, and further stating responses need to be returned to her office within five business days. Town Clerk Denise Murphy received a letter from both Sheriff James Bowen and Building and Zoning Administrator indicating they have received no complaints associated with this site nor are there any outstanding violations at this time. Councilman Paul Bolesh introduced Resolution # 33 of 2011

WHEREAS, pursuant to the requirement of the New York State Alcoholic Beverage Control (ABC) Law, an applicant for a license to sell alcoholic beverages at retail, for on-premises consumption, as well as any applicant for renewal of such a license, must notify the Town Clerk of the municipality wherein the premises are located, and

WHEREAS, this notice is given in order that the municipality, if it so desires, may express an opinion for or against the granting of said license or renewal to the Alcoholic Beverage Control Board,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Northumberland that with respect to the application submitted by Airway Meadows Golf Club of 262 Brownville Road, Gansevoort New York for a license renewal to sell alcoholic beverages at retail for on premises consumption, the Northumberland Town Board has not received any complaints.

Councilwoman Patricia Bryant seconded the introduction of Resolution #33 of 2011.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye” Resolution #33 of 2011 Adopted

3. Town of Northumberland Logo: Councilman George Hodgson stated that he was impressed with the magnetic “Town of Northumberland” sign on the Highway Department Truck designed by Toni Spinelli owner of Broadway Banner. Councilman Hodgson asked if Highway Sup’t Neil Petteys could talk with Mr. Spinelli regarding printing the same logo off for May’s Town Board Meeting for consideration in being the town’s official log.

APPOINTMENTS

1. Opening on the Zoning Board of Appeals (ZBA): Town Clerk Denise Murphy informed the Town Board that Carl Harrison has requested to be reappointed to the Zoning Board of Appeals. Councilman George

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Hodgson made a motion to reappoint Carl Harrison's Term to the Zoning Board of Appeals (term will expire 04/2018). Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

2. Schuyler Park Committee: Councilman Daniel Gale's term on the Schuyler Park Committee expires 05/31/2011. Councilman George Hodgson made a motion to reappoint Councilman Daniel Gale to a three (3) year term on the Schuyler Park Committee. Councilman Paul Bolesh seconded the motion.

Supervisor Willard Peck – "Aye"
Councilman Paul Bolesh – "Aye"
Councilman Daniel Gale - "Abstain"
Councilman George Hodgson – "Aye"
Councilwoman Patricia Bryant – "Aye" Motion adopted

DESIGNATIONS

1. Town Bookkeeper Judy Taylor sent a memo to the Town Board that an adjustment must be made to the 2011 Town Budget reflecting an increase in the budget due to a grant received from the Office of Court Administration. This was approved by the Town Board in 2010 but was just received. The Grant only covered the portion for two (2) new justice Robes.

Councilman Daniel Gale introduced Resolution #34 of 2011

WHEREAS, the Town Board submitted a Grant in 2010 to the Office of Court Administration for a generator and two new justice robes, and

WHEREAS, the total amount of the Grant submitted in 2010 was \$45,000 to cover these costs, be it

RESOLVED, the Town of Northumberland received a check from the Office of Court Administration in the amount of \$620 to cover the cost of two (2) new justice robes, and be it further

RESOLVED, the approval of the following accounts in the General Fund

Debit - A3061(State Aide-Justice) \$620.00
Credit – A1110.2 (Justice/Equipment) \$620.00

Councilman Paul Bolesh seconded the introduction of Resolution #34 of 2011

Supervisor Willard Peck – "Aye"
Councilman Paul Bolesh – "Aye"
Councilman Daniel Gale – "Aye"
Councilman George Hodgson – "Aye"
Councilwoman Patricia Bryant – "Aye" Resolution #34 of 2011 Adopted

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2. Approval of Vouchers for payment as present: Councilman Paul Bolesh introduced Resolution #35 of 2011:

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

A (General Fund) Vouchers # 100 - # 142 Total: \$ 39,763.01

DA (Highway Fund) Vouchers # 49 - # 82 Total: \$ 57,384.77

SS (Sewer District #1) Voucher # 5 Total: \$ 38.22

Councilman George Hodgson seconded the introduction of Resolution # 35 of 2011.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman Daniel Gale – “Aye”

Councilwoman Patricia Bryant – “Aye” Resolution #35 of 2011 – Adopted

3. Supervisor Willard Peck submitted the March 2011 “Monthly Report of Supervisor”.

DEPARTMENTS

1. Highway Sup’t Neil Petteys reported that two Highway Employees are retiring. Bruce Hoag is officially retired April 29, 2011 and Kerry Garnsey is retiring the end of June. The Town Board asked Highway Sup’t Neil Petteys to keep them informed if they were going to have any type of party for them.

Councilwoman Patricia Bryant made a motion @ 9:00 PM to adjourn the Regular Monthly Meeting. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy
Town Clerk

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