

**Town of Northumberland
Town Board Meeting
May 5, 2011**

The Regular Monthly Meeting of the Northumberland Town Board came 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 Superintendent Neil Petteys; Building and Zoning Administrator Richard Colozza and Town Attorney Douglas Ward. Tom Sears and Harry Sears from the Town of Northumberland were present. Jay Castimore with Peckham Materials was also present.

PUBLIC PARTICIPATION

Harry Sears came before the Town Board to discuss his Eagle Scout Project that the Town Board approved at the September 2010 Town Board Meeting. Mr. Sears gave a brief description of his project which involves the grating and repaving the basketball court in the Bertha E Smith Park. Mr. Sears indicated that he would like to complete his project by mid June. Mr. Sears stated he just received the necessary scouting signature for approval for his project; and wishes to establish a starting date with the Town. Mr. Sears stated he would like to start the preparation work that needs to be done prior to the resurfacing of the basketball court (take down support poles, backboards and rims and do surface preparation). Mr. Sears stated he may need the advice of an expert if there is any special surface preparation to be done. Mr. Sears also asked if there is a "Safety Standard" required by the town to avoid liability. Mr. Sears also asked who he should coordinate with the Town between Town Board Meetings. Mr. Sears stated he plans on doing some Fund Raising such as a car wash and bake sale. Highway Sup't Neil Petteys stated he will work with Mr. Sears regarding taking down the basketball poles, backboard and nets since they are extremely heavy. It was the consensus of the Town Board that Mr. Sears can start his project any time so he can meet his completion date of mid-June. Mr. Castimore with Peckham Materials stated regardless of the outcome of tonight's bid for 2011 Asphalt Paving, he would be more than happy to work with Mr. Sears regarding paving the basketball court.

Asphalt Paving Bids: Supervisor Willard Peck informed the Town Board Members and public that the Town Board solicited sealed bids for 2011 Asphalt Paving with a returnable date of 4:00 PM on May 4, 2011. The Following Bids were received and opened:

Kubricky Construction: \$64.41 per ton
HMA Contracting: \$57.58 per ton
Peter Luizzi & Bros: \$58.57 per ton
Peckham Road Corp: \$56.25 per ton
Callanan Industries: \$59.59 per ton
Rifenburg Construction: \$68.70 per ton

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Councilman Daniel Gale introduced Resolution #36 of 2011:

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, and

WHEREAS, The Town of Northumberland Town Board, at their Regular Monthly Meeting held on May 5, 2011, opened all sealed bids for the asphalt concrete paving work in the Town of Northumberland for 2011,

BE IT RESOLVED, The Town of Northumberland Town Board accepts Peckham Road Corp bid of \$56.25 per ton, and be it further

RESOLVED, The Town of Northumberland Town Board resolves to bind Peckham Road Corp under the Asphalt Concrete Paving Contract and to authorize the Town Supervisor to execute a contract, and be it further

RESOLVED, Pursuant to the Town of Northumberland Town Board's approval of the submitted bid by Peckham Road Corp, Supervisor Willard Peck will provide an execution of the Contract binding Peckham Road to complete the work in accordance with the Asphalt Concrete Paving Contract.

Councilman Paul Bolesh seconded the introduction of Resolution #36 of 2011.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye” Resolution #36 of 2011 Adopted

APPROVE MINUTES

1. Councilwoman Patricia Bryant made a motion to approve the minutes of the April 7, 2011 Regular Monthly Meeting. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

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CORRESPONDENCE

1. Dog Control Officer Ed Cross submitted April 2011 Monthly Report. Mr. Cross answered 16 complaints and took 4 dogs to the Shelter. Mr. Cross issued 5 Warnings. Mr. Cross stated that April has been a very busy month. Mr. Cross indicated that he is finding out that quite a few people have not renewed their dog license. Mr. Cross provided a copy of the Town of Saratoga's Delinquent Dog Report and Notice of Delinquent Renewal for the Town Board's review. Mr. Cross explained in the Town of Saratoga after the two weeks are up and no response, the Town Clerk gives me a delinquent dog report list. Mr. Cross stated at that point, he issues a Court Appearance Ticket. Supervisor Willard Peck stated the purpose of Dog Licenses is to make sure the dog has active rabies shot. It was the consensus of the Town Board Members that the Town Clerk is authorized to send out delinquent notices to individuals that have not renewed their dog license and if they do not renew the license, or do not inform the Town Clerk that the dog is gone or deceased, a Delinquent List will be sent to the Dog Control Officer.

2. Moreau Emergency Squad's Report: The Town Board received a copy of Moreau Emergency Squad's "Profit and Loss Standard" and "Balance Sheet Standard" for March 2011.

3. Agreement T007059 – Hudson River Access Improvements: Town Clerk Denise Murphy stated she received an email from Erin O'Brien with NYS Department of State. Ms. O'Brien email stated that she had attached one complete copy and three (3) signature and notary pages of a proposed Agreement with the Department of State for Hudson River Access Improvement Project and a Contract Administration Update Form. The grant is for a pocket park on the old Duval Property located on Route 4N. The grant is in the amount of \$32,260 and the local share is \$32,260. Councilman Daniel Gale asked if these funds will be used for a study or for the actual improvements to the property. Councilman George Hodgson stated the funds will be used for actual improvements. Councilman George Hodgson stated that he has not had an opportunity to review these documents since they were emailed to his old address at the County. Attorney Douglas Ward stated that some of the Appendix's listed in the email were not included. Councilman George Hodgson made a motion authorizing Town Supervisor Willard Peck to sign the Agreement contingent upon the Town Attorney's review and approval of the Appendix's that were not sent in the email. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

4. Highway Sup't Neil Petteys received a letter from New York State Department of Transportation/Local Program Bureau regarding CHIPS for 2011. The Town of Northumberland has a total CHIPS Capital balance of \$93,638.60 which is available for the June 2011 payment.

5. The Town received a response form from Jean Driscoll regarding the Turning Point Parade. The parade will be on Sunday, August 7, 2011. The Town Board tabled until next month's meeting so Board Members can look at their calendar and determine if they are going to be in town that weekend.

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6. Supervisor Peck informed the Town Board Members and public that on Sunday, June 19th from 12 Noon – 4:00 PM will be “Sundae on the Farm”. This year the event will be at the Clear Echo Farm, hosted by the Peck Families. Supervisor Peck stated the Sundae on the Farm 2011 is sponsored by Cornell Cooperative Extension of Saratoga County; American Farmland Trust; Saratoga County Farm Bureau and the Town of Northumberland with support from the Saratoga County Agricultural and Farmland Protection Board. Supervisor Peck stated that as a Sponsor of the Event, the Town of Northumberland will need to provide a Certificate of Insurance along with a hold harmless clause. Supervisor Peck stated he will discuss this with Cornell Cooperative Extension prior to the event. The Town of Northumberland will also need to provide a truck for garbage and road barriers. Building and Zoning Administrator, Richard Colozza stated a Safety Plan needs to be prepared and provided to his office prior to the Event. Supervisor Willard Peck asked Mr. Colozza to contact Kevin Peck and give him a list of things that will need to be done prior to the event.

OLD BUSINESS

1. Schuyler Park: Councilman Daniel Gale informed the Town Board that the Schuyler Park Committee has worked hard and has come up with a “Schuyler Park Use” Policy and “Field and Facility Request Form” for adoption by both the Town of Northumberland and Saratoga. Both Attorney William Reynolds, Town of Saratoga, and Attorney Douglas Ward, Town of Northumberland have reviewed the documents and have approved the wording. Councilman Daniel Gale explained the entire document Councilman George Hodgson introduced Resolution # 37 of 2011 – Approval of the Schuyler Park Use Policy

WHEREAS, the Schuyler Park Municipal Cooperation Agreement allows the Schuyler Park Committee to decide on the policies of the park and may determine the rules of its use; now therefore be it

RESOLVED, that the following Schuyler Park Use Policy is approved by the Town Board:

Park Use Policy

The Schuyler Park facilities are primarily for use by Town of Northumberland and Town of Saratoga residents and either town’s recreational programs. Use by other organizations, groups or non-resident individuals is subject to availability.

The public is welcome to enjoy the use of any unscheduled field space or facilities at any time.

Organizations, leagues or teams with scheduled activities, approved by the park scheduler, have precedence over the field space or facility in question.

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Organized leagues, teams and outside parties are asked to contact the park scheduler via the website (www.schuylerpark.com) to coordinate field space and facility usage.

The Schuyler Park Committee reserves the right to cancel any and all activities for reasons such as, but not limited to, field conditions, failure to comply with rules and regulations, damage, continual misconduct or behavior problems of participants. This decision is final.

The Schuyler Park Committee reserves the right to refuse any group or organization which promotes indecent or unlawful behavior.

Facility Fees

All Schuyler Park fees are determined by the Saratoga and Northumberland Town Boards.

RESIDENTS OF THE TOWN OF NORTHUMBERLAND AND TOWN OF SARATOGA:

Not for profit organizations, Leagues and/or Teams where a majority of participants are from the Town of Northumberland or Town of Saratoga may use Schuyler Park field space or facilities free of facility fees after submitting the necessary usage request form, insurance documents and fee waiver form.

The fee waiver form must include a roster of all participants' names and addresses. The roster will be used as verification of residency.

NON-RESIDENTS OF TOWN OF NORTHUMBERLAND OR TOWN OF SARATOGA:

Not for profit organizations, Leagues and/or Teams where a minority or no members are from the Town of Northumberland or Town of Saratoga may use Schuyler Park field space or facilities at a rate of \$25 per hour per field or facility requested. All fees will be paid up front and be submitted with the necessary usage request form and insurance documents.

SCHUYLERVILLE CENTRAL SCHOOL DISTRICT FUNCTIONS:

The Schuylerville Central School District has a contractual agreement with Schuyler Park for field space from 3:00 to 6:00 PM, Monday through Friday during the school year and additional space as requested and scheduled. This contractual arrangement is in place until 2015.

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FOR PROFIT ORGANIZATIONS:

For Profit Organizations, Leagues and/or Teams, regardless of residential make-up may use Schuyler Park field space or facilities at a rate of \$50 per hour per field or facility requested. All fees will be paid up front and be submitted with the necessary usage request form and insurance documents.

There are no usage fees for individuals.

Current usage policies are fees are subject to change. A \$25.00 fee will be charged for all returned checks. All fees are nonrefundable.

HOLD HARMLESS AND INSURANCE REQUIREMENTS

ALL ORGANIZATIONAL USERS will provide a certificate of insurance with minimum limits of:

\$1,000,000.00 BODILY INJURY PER OCCURRENCE
\$1,000,000.00 PROPERTY DAMAGE PER OCCURRENCE
\$2,000,000.00 AGGREGATE, OR
\$1,000,000.00 COMBINED SINGLE LIMIT

The Town of Northumberland and Town of Saratoga shall be named additional insured on all general liability policies.

Users may also be required to provide a hold harmless agreement.

Insurance certificate and hold harmless agreement are to be submitted with all field-pavilion use request forms.

SCHUYLER PARK USER INSTRUCTIONS

Contact the Schuyler Park Committee, via schuylerpark.com, for availability. It is recommended that requests be submitted at least two weeks in advance.

Complete the request and fee waiver forms, then submit them with necessary fees and proper insurance/hold harmless documentation:

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Town of Saratoga
Schuyler Park Committee
12 Spring Street
Schuylerville, NY 12871

Make checks payable to "Town of Saratoga" and attach certificate of insurance if you are an organization, league or team.

Councilman Paul Bolesh seconded the introduction of Resolution #37 of 2011:

Supervisor Willard Peck – "Aye"

Councilman Paul Bolesh – "Aye"

Councilman Daniel Gale – "Aye"

Councilman George Hodgson – "Aye"

Councilwoman Patricia Bryant – "Aye" Resolution #37 of 2011 Adopted

Councilman Daniel Gale reported that the Schuyler Park has seen an increase in use since the Fort Hardy fields flooded. The Fort Hardy fields are beginning to be used again. The Friends of Schuyler Park are focusing on building a playground.

2. Councilman George Hodgson gave a brief overview of the Earth Week events that took place at Hudson Crossing Park. Councilman George Hodgson gave the Town Board Members a draft letter, he prepared for the Town Board's approval, to Senator Roy McDonald and Assemblyman Steven Englebright regarding Canal Corp Land. Councilman Hodgson stated the purpose of the letter was to show that the Town of Northumberland has and continues to fully support, with our local resources, the development of Hudson Crossing Park (HCP), a 48 acre Champlain Canal Park located at Lock C5. The Town of Northumberland, is aware that Senator Griffo introduced legislation in 2008 which was subsequently passed, allowing for the transfer of non-essential NYS Canal Corporation lands to a not-for-profit agency for canal park development purposes within the City of Utica. Councilman Hodgson stated he would like the Town of Northumberland to request that similar legislation be drafted and introduced for passage consideration by New York State, for the transfer of non-essential NYS Canal Corporation lands located contiguous to Lock C5 of the Champlain Canal to Hudson Crossing Park, Inc. The transfer of this property will provide a major enhancement to the public's use of this unique open space and historic area and provide a major tourist destination which will greatly assist in the economic redevelopment of the surrounding area. Councilman George Hodgson stated he prepared a similar letter for the Town of Saratoga. Attorney Douglas Ward stated he would like to change some of the wording in the letter. Councilman George Hodgson made a motion authorizing Supervisor Willard Peck sign a Letter of Support, on behalf of the Town Board, for the passage of New York State legislation which would allow for the transfer of non-essential NYS Canal Corporation lands to Hudson Crossing

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Park, Inc contingent on Attorney Douglas Ward's final approve of the language. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

3. The sale of Used Highway Equipment: Supervisor Willard Peck stated the Town Board solicited bids for the sale of the town's 1993 Case/IH Tractor with a return date of May 4th. Highway Sup't Neil Petteys informed the Town Board that the new tractor from Capital Tractor could take up to 90 days for delivery. Highway Sup't Petteys stated with the wet spring he does not feel comfortable going without a road side tractor. Supervisor Willard Peck made a motion to reject all bids received for the 1993 Case/IH Tractor and to shred the sealed envelopes and to rebid the 1993 Case/IH Tractor when the town receives their new road side tractor. Councilman Daniel Gale seconded the motion. All in favor, motion carried. The following individuals submitted sealed bids and will be notified that their bids were all rejected and shredded prior to being opened: Ed Cross, Allen Wood, Hope Arlin and Randall Countermine.

4. Town Hall Building Committee: Councilman Daniel Gale informed the Town Board Members that the following individuals indicated they were interested in serving on the Town Hall Building Committee: John DeLisle, James McKnight, Jim Mitchell, and Richard Daigle. Supervisor Willard Peck indicated that David Gougler, West River Road, would be a great member to the Town Hall Building Committee. The Town Clerk will send Mr. Gougler a Letter to see if he would be interested in serving on the Committee.

5. Updates to Subdivision Regulations: Supervisor Willard Peck asked if the Town Board Members had an opportunity to review the Subdivision Regulations. The Town Board will have their comments for June's Town Board Meeting.

NEW BUSINESS

There was no new business at this time

DESIGNATIONS

1. Councilman Daniel Gale introduced Resolution # 38 of 2011:

BE IT RESOLVED, the Northumberland Town Board approves the following:

Debit

Credit

DA5112.2/Capital Outlays \$ 22,229.00 DA5142.4/Snow Contractual \$22,229.00

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Councilman Paul Bolesh seconded the introduction of Resolution #38 of 2011.

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman Daniel Gale – “Aye”
Councilman George Hodgson – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #38 of 2011 Adopted

2. Approval of Vouchers for payment as present: Councilman Paul Bolesh introduced Resolution #39 of 2011:

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

A (General Fund) Vouchers # 143 - # 183 Total: \$ 31,860.39
DA (Highway Fund) Vouchers # 83 - # 109 Total: \$ 14,709.24
SS (Sewer District #1) Voucher # 6 Total: \$ 87.26

Councilman George Hodgson seconded the introduction of Resolution # 39 of 2011.

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman Daniel Gale – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #39 of 2011 – Adopted

3. Supervisor Willard Peck submitted his April 2011 Supervisor’s Report

COMMITTEES

Youth: Councilman Daniel Gale reported that he, along with Supervisor Willard Peck, met with Dee Cogan regarding the summer program. This year the program will accept 60 children. The Summer Program will run Tuesdays and Thursdays from July 12th thru August 18th. The tentative sign up day is May 26th & 27th and June 1st from 5:00 – 7:00 PM.

Town Clerk: Town Clerk Denise Murphy informed the Town Board Members that the Town Clerk’s Conference in Buffalo, NY was fantastic. Clerk Murphy stated she attended the classes on the Financial Responsibilities of the Town Clerk put on by the NYS Comptroller’s Officer. The class was extremely informative. The Town Clerk also attended the Tax Collector’s Class. The woman who taught the class,

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Donna Combs, is the Town Clerk/Tax Collector for the Town of Warrensburg. She is also the president of the New York State Tax Collector's Association. Town Clerk Denise Murphy informed the Town Board Members that Rose Farr, Town Clerk in Corinth and Donna Combs, Town Clerk Warrensburg invited her to come to spend a day at their Town Hall to see how they performed the duties as Tax Collector. The Town Clerk also attended a Refresher Course for Notary Public's. The Town Clerk provided Board Members with a copy of the material she received at the Conference.

Councilman Paul Bolesh made a motion @ 9:20 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 @ 9:45 PM to reconvene the Regular Monthly Meeting. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried. Supervisor Willard Peck stated there was no action taken during Executive Session.

Councilwoman Patricia Bryant made a motion @ 9:47 PM to adjourn the Regular Monthly Meeting. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy
Town Clerk