

**Town of Northumberland
Town Board Meeting
May 8, 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 Paul Bolesh; Councilman Daniel Gale; Councilman George Hodgson and Councilwoman Patricia Bryant. Also attending were Town Attorney Douglas Ward; Building and Zoning Administrator Richard Colozza and Town Clerk Denise Murphy.

PUBLIC PARTICIPATION

Chuck and Sharon Waldron (C & S Construction Ltd) submitted a letter dated April 22, 2013 requesting that the Town Board release the current Letter of Credit thru Sumark Federal Credit Union that is held by the Town of Northumberland in the amount of \$50,000 for the Brampton Lane Road and the retention/drainage areas both of which are located in the sub-division known as Brampton Woods on Colebrook Road. The final top coat on the road in Phase II has been in place now for 4 years, the top coat on the road in Phase I has been for at least 6-7 years and the drainage/retention areas have been in place for at least 6-7 years and all are functioning and working properly. Due to the poor economy, the down turn in the housing market with slow housing sales and the length of time has already past, the Waldron's are asking that the Town Board release this Letter of Credit in order to lighten the burden of the cost of such on C & S Construction.

Councilman Daniel Gale introduced Resolution #38 of 2013 - **A Resolution allowing for the Release of C & S Construction Ltd. Letter of Credit No. 2006 – 12 in the amount of \$50,000 issued with Sunmark Federal Credit Union.**

WHEREAS, C & S Construction Ltd has provided the Town with Irrevocable Letter of Credit No. 2006-12 dated March 20, 2008 in the amount of \$50,000 issued through Sunmark Federal Credit Union ("the \$50,000 Letter of Credit"),

WHEREAS, Consistent with the requirements of the Town of Northumberland Subdivision Regulations Section VI(D) the \$50,000 Letter of Credit is to insure that any necessary repairs will be made to the Brampton Lane Road and the retention/drainage areas in Brampton Woods Subdivision up until the time of the sale the subdivision parcels.

WHEREAS, Pursuant to the Town of Northumberland Subdivision Regulations, Section VI(D)(3) (as amended by Local Law #1 of the year 2013), C & S Construction Ltd. forwarded a letter to the Northumberland Town Board, dated April 22, 2013, requesting that the Town Board release the current \$50,000 Letter of Credit.

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WHEREAS, the Town of Northumberland Subdivision Regulations, Section VI(D)(3) (as amended by Local Law #1 of the year 2013) provides as follows:

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 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 for 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.

WHEREAS, the \$50,000 Letter of Credit has been in place for more than one year, in accordance with the requirements of the regulations . However, the developer has not been able to sell 75% of the total lots within the subdivision, which is another precondition for release of the \$50,000 Letter of Credit.

WHEREAS, C&S Construction in its letter dated April 22, 2013, explains that there is "good cause" under the regulations for release of the \$50,000 Letter of Credit. It explains that due to the severe downturn in the housing market in recent years it has been unable to sell 75% of the lots in the subdivision

WHEREAS, Highway Superintendent Neil Petteys indicated that the Town of Northumberland accepted the roads in the Brampton Woods subdivision in late 2007 and placed the final coat on the roads in August 2010, and

RESOLVED, that the Town Board finds that the historic downturn in the housing market, together with the Town's prior acceptance of the roads with topcoat, is a unique circumstance and provides " good cause" for relief under Northumberland Subdivision Regulations, Section VI(D)(3) (as amended by Local Law #1 of the year 2013).

RESOLVED, Accordingly the Northumberland Town Board hereby authorizes the release of the \$50,000 Letter of Credit, and be it further

RESOLVED, the release is authorized upon the following condition: If prior to the sale of 100% of the lots in the subdivision, the Highway Superintendent or the Building and Zoning Administrator determines that the subdivision roads have been damaged, no Certificate of Occupancy "CO" will be

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issued for any new single family dwelling in the Brampton Woods Subdivision until such roads have been repaired to the satisfaction of the Highway Superintendent or the Building and Zoning Administrator .

Councilman George Hodgson seconded the introduction of Resolution #38 of 2013.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #38 of 2013 Adopted

Supervisor Willard Peck informed the Town Board that he was going to open asphalt paving bids at this time since there was a representative from Peckham Road Corp here tonight. The following bids were received:

Peckham Road Corporation - \$63.74 per ton

Peter Luizzi and Bros. Asphalt Paving - \$73.13 per ton

Linda Holding Corp. - \$85.65 per ton

Callanan Industries - \$66.10 per ton

Kurbricky Const Corp - \$66.31

DelSignore Blacktop Paving - \$69.50 per ton

Councilwoman Patricia Bryant introduced Resolution 339 of 2013

WHEREAS, On May 8, 2013, Peckham Road Corp. submitted a signed bid (dated May 8, 2013) to the Town of Northumberland to complete asphalt concrete paving work in the Town of Northumberland for the price of \$63.74, and

WHEREAS, The Town of Northumberland Town Board, at their Regular Monthly Meeting held on May8, 2013, opened all sealed bids for the asphalt concrete paving work in the town of Northumberland for 2013,

Be IT RESOLVED, The Town of Northumberland Board accepts Peckham Road Corp. bid of \$63.74 per ton, and be it further

RESOLVED, The Town of Northumberland 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

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NOW, THEREFORE, LET IT BE 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 #39 of 2013.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #39 of 2013 Adopted.

APPROVAL OF MINUTES

1. Councilwoman Patricia Bryant made a motion to approve the minutes of the April 11, 2013 Public Hearing on proposed Local Law #1 of 2013. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

2. Councilman George Hodgson made a motion to approve the minutes of the April 11, 2013 Regular Monthly Meeting with the following change: Page 4; Number 5 should read “Councilman George Hodgson informed the Town Board Members that the ribbon cutting ceremony for the “Riverfront Trail & Boat Launch improvements” scheduled for April 21, 2013 will now be **June 15, 2013** from 2:00 – 4:00 PM”. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

3. Councilman Daniel Gale made a motion to approve minutes of the April 23, 2013 Special Town Board Meeting. Councilman George Hodgson seconded the motion. All in favor, motion carried.

CORRESPONDENCE

1. Dog Control Officer Edward Cross submitted his Dog Control Officer monthly report for April 2013. Mr. Cross answered 6 complaints; issued 3 warnings and 1 summons.

2. Moreau Emergency Squad submitted their Call Volume report for the month of March. Moreau Emergency Squad answered 14 calls in the Town of Northumberland.

3. The Town Board received a letter from Byron Peregrin, Chairman of the Turning Point Parade Committee regarding the 2013 Nineteenth Annual Turning Point Parade. The Committee is inviting the Northumberland Town Board to participate in the parade again this year. The parade scheduled for

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Sunday, August 4th will step off promptly at 1:00 PM. It was the consensus of the Town Board Members that they will participate in the Turning Point Parade.

4. The Town received a letter from Jeff Townsend, General Manager with the Saratoga County Fair. Mr. Townsend is asking permission for the placement of a sign or banner promoting the Saratoga County Fair in the Town of Northumberland. The installation and removal of these signs will be done by Fair Staff, at locations indicated by the Town. The signs will be put in place the week of June 17th, and removed the week of July 23rd. Councilman Daniel Gale made a motion authorizing the placement of a sign or banner promoting the Saratoga Fair in the Town of Northumberland at the intersection of State Route 32 and State Route 50 and/or the entrance into the Town of Northumberland on State Route 50. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

5. The Town received a letter from New York State Department of Transportation regarding a pilot project to build an intelligent GIS Network for all public roads in a four (4) county area of the Department Region 1, Capital District Office. These counties include Albany, Schenectady, Saratoga and Warren.

6. The Town received a letter from Joe Finan, Superintendent, National Park Service inviting the Town Board to the inauguration of the "Sword Surrender Site" on June 1 at 11:00 am. This is the ground where in 1777 General John Burgoyne surrendered to American General Horatio Gates – a pivotal moment in American and world history.

OLD BUSINESS

1. The Northumberland Town Board solicited bids for the pumping of sewers in Sewer District #1 returnable and opened at the April 11, 2013 Town Board Meeting. Straight's Septic Service submitted a bid of \$145.00. Jack J. Straight, Sole Proprietor, indicated that he was the owner/operator. The Northumberland Town Board tabled awarding the sewer bid for 2013 until the Town Clerk contacted Mr. Straight and asked for proof from the New York State Workers' Compensation Board that Mr. Straight that Mr. Straight did not need to obtain both New York State Statutory Disability Benefits Insurance Coverage and Worker's Compensation Insurance Coverage due to the business being owned and operated by one individual. Mr. Straight provided the Town Clerk with the appropriate documentation. Attorney Douglas Ward stated that due to the appropriate documentation being submitted by Mr. Straight, he does not have to pay prevailing wages since he is the owner/operator.

Councilman Paul Bolesh made a motion to award the sewer pumping bid for 2013 for Sewer District #1 to Jack J. Straight (DBA: Straight's Septic Service) in the amount of \$145.00 per 1,000 gallons to include digging, pumping, back filling and any extra hoses needed. Councilman George Hodgson seconded the motion. All in favor, motion carried.

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2. Schuyler Park: Councilman Daniel Gale stated that Schuyler Park is being used non-stop and everything is running smoothly.

3. Hudson Crossing Park: Councilman George Hodgson reported that the Riverwalk Sensory Trail & Kayak Launch Opening Ceremony is on Saturday June 15th @ 2:00 PM. The funds for the Riverwalk Sensory Trail and Kayak were made available through a Grant from New York State Department of State Old Saratoga on the Hudson Waterfront Revitalization Plan. Councilman George Hodgson stated that the signage still needs to be installed prior to the ceremony. The canoe/kayak off-loading pull-off area still needs to be completed. Councilman George Hodgson stated that the Town of Northumberland Highway Department will be completing this component. Councilman Hodgson stated that there is still work that needs to be completed for the NYS Department of Transportation/Scenic Byway Grant for Lakes to Locks Passage Outdoor Heritage Center. Trees still need to be cut along the towpath. This area is in the Town of Saratoga and their Highway Department will be helping with this. Supervisor Willard Peck stated that they hope to have the Dix Bridge renovations completed by October, 2013.

4. Building Committee Update: Councilman Daniel Gale stated that the Building Committee met this past Monday and has recommended a few additional changes to the floor plan. Councilman Gale stated that the Committee reviewed the suggestions by Sole Assessor, Walter Smead. Councilman Gale stated that the new layout incorporates most of Mr. Smead's suggestions. Mr. Gale stated the Committee will be meeting at the end of the Month to hopefully finalize their proposed floor plan so they can formally submit it to the Town Board. Supervisor Peck stated that he would like to attend the end of the month Meeting so he can formally thank the members for their time.

NEW BUSINESS

1. Saratoga County Landfill – SEQRA Lead Agency Continuation: Supervisor Willard Peck received a letter from Alan Grattidge, Chairman of the Saratoga County Board of Supervisors regarding Saratoga County Landfill – SEQRA Lead Agency Continuation. Mr. Grattidge states that Saratoga County has been involved in the process of privatization of the Saratoga County Landfill facility located on Kober Road in the Town of Northumberland. Three potential purchasers/lessee operators have responded to the County's Request for Proposals. As a result, the County is contemplating transfer of the County's Part 360 Permit to whichever one of these entities is ultimately selected. In order to maximize the County's options and flexibility the County also anticipates submitting a request for minor permit modification to amend the County's Part 360 Permit. Saratoga County served as SEQRA Lead Agency in Coordinated Review for the initial Part 360 permitting process and Saratoga County wishes to continue in that role for the upcoming actions. Therefore, the purpose of the correspondence is to formally notify the Town of Northumberland of the County's intent to continue to serve as SEQRA Lead Agency. Saratoga County requests that the Town of Northumberland acknowledge and consent to the County's continuation in this role. Mr. Grattidge stated that if Saratoga County Board of Supervisor's do not receive any response within thirty (30) days, then they will assume that the Town of Northumberland has no objection to the

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County continuing in its Lead Agency role for this project. The date of this letter is April 1, 2013. Councilman George Hodgson pointed out that thirty (30) days has passed. Based on this, Saratoga County Board of Supervisor's can assume that the Town of Northumberland has no objection to the County continuing in its Lead Agency role for this project.

2. Purchase of a roadside mower: Councilman Daniel Gale stated that he has talked with Chuck Arlin, Foreman for the Highway Department, regarding what mower would fit the Town's needs. Mr. Arlin, who was present, stated that the Town's 1994 John Deere Lawn and Garden Tractor is presently at Falls Farm & Garden. The lawn tractor is in need of major repairs. Mr. Arlin stated that he didn't want to put any money into the tractor until the Town Board decides if they are going to purchase a new one. Councilman Gale stated that based on information he received *Hudson River Tractor, Co, LLC* had the John Deere ZTrak Zero Turn Mowers on State Contract. Highway Sup't Neil Petteys had indicated, previously that he would like the Model Z930M – offered for \$7,918.10. The mower has a hand operated break and go forward travel speed of 10 mph, 72 inch deck width and is 74.86 inches wide with the chute out. Mr. Arlin indicated that a bagger to fit this mower would be extremely helpful in the fall and spring months. The Town Board did not have a final figure for a bagger. The Town Board Members asked Mr. Arlin if the 1994 John Deere Lawn and Garden Tractor was worth selling. Mr. Arlin stated at this point it has some serious mechanical problems. The Town Board Members suggested trading in the 1994 John Deere Lawn and Garden Tractor as a trade-in on a new one. Supervisor Willard Peck stated that he would be more than happy to talk to the Hudson River Tractor Co and see if that was an option.

Councilman George Hodgson introduced Resolution #40 of 2013

WHEREAS, the Highway Department is responsible for mowing of town own property in the Town of Northumberland; and

WHEREAS, the Town of Northumberland's 1994 John Deere Lawn and Garden Tractor is in need of major repairs; and

WHEREAS, Highway Sup't Neil Petteys investigated mowers that were on New York State Contract; and

WHEREAS, Highway Sup't Neil Petteys suggested that the Town of Northumberland purchase a John Deere Model Z930M for \$7,918.00 and

WHEREAS, the Highway Department has suggested that there is a need for a John Deere bagger to collect the leaves and grass cuttings, therefore be it

RESOLVED, the Northumberland Town Board authorizes the purchase of a John Deere Z930 on Sate Contract for \$7,918.00 and be it further

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RESOLVED, the Northumberland Town Board authorizes the purchase of a John Deere bagger to fit the John Deere Z930 M with a cost not to exceed \$3,000.00 and be it further

RESOLVED, that Supervisor Willard Peck will ask Hudson River Tractor Co. if the 1994 John Deere Lawn and Garden Tractor can be used as a trade-in towards the purchase of the John Deere Z930M Z Trak, and be it further

RESOLVED, that the purpose price of both the John Deere Z930M Commercial ZTrak and John Deere bagger be paid for out of the Recreation Fund.

Councilman Daniel Gale seconded the introduction of Resolution #40 of 2013.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman George Hodgson – “Aye”

Councilman Daniel Gale – “Aye”

Councilwoman Patricia Bryant – “Aye” Resolution #40 of 2013 Adopted

3. Dozer Rental Quotes: Councilman Daniel Gale stated that Chuck Arlin, Foreman of the Highway Department informed him that there is a need for a dozer rental. Mr. Arlin indicated that was a lot of road side work that needed to be completed that required a dozer. Councilman Daniel Gale provided the following quotes:

Monroe Tractor – Case 650K - \$2,085.00 per month/no additional fee for transportation

Capital Tractor – New Holland Model D85 - \$2,250.00 per month/transp. Fee \$250.00

Milton CAT – CAT D4K - \$2,200 per month/Plus transportation fee

Anderson Equip. Co – Komatsu D37 - \$2,300.00 per month/Plus transportation fee

Chuck Arlin stated that he would like the Town Board to rent the dozer for a minimum of three (3) months.

Councilman Daniel Gale introduced Resolution #41 of 2013

WHEREAS, the Highway Department has requested that the Town Board of the Town of Northumberland rent a dozer for road side work for a minimum of 3 months; and

WHEREAS, Councilman Daniel Gale provided a list of four (4) quotes for the monthly rental of a dozer; therefore be it

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RESOLVED, the Northumberland Town Board after reviewing the quotes accepts Monroe Tractor’s quote of \$2,085.00 per month for a Case 650K with no Additional fee for transportation.

Councilwoman Patricia Bryant seconded the introduction of Resolution # 41 of 2013.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #41 of 2013 Adopted

Councilman Daniel Gale stated that he would like to thank Charles Arlin, Foreman, for the outstanding job he has been doing filling in for Highway Sup’t Neil Petteys while he is absent due to medical reasons.

Councilman Daniel Gale stated that the line item A3310.4 (signage) is going to be overspent.

Councilman Gale stated that the Highway Department is running low on signs. Councilman Gale stated that under Federal Highway Administration (FHWA) regulations, communities have until 2015 to improve the nighttime visibility of roadside signs – such as stop, yield and railroad crossing signs. Signs that fail to meet minimum standards must be replaced. Chuck Arlin stated that there has been a lot of vandalism to the street signs presently in place. The guys have been going around cleaning them and if need be resurfacing them.

DESIGNATIONS

1. Transfers: Councilman George Hodgson introduced Resolution #42 of 2013:

WHEREAS, the following accounts are over with expenses:

DA5142.4 Snow/Contractual	\$9,323.00
DA9055.8 Disability Ins.	\$ 291.00
DA9330.7 BAN Interest	\$ 5.00
DA5142.1 Snow/Personnel	\$2,300.00

BE IT RESOLVED, the Town authorizes the transfer the money from the following account to cover these expenses:

DA5110.1 (General Repairs/Personnel)	\$2,300.00
DA5110.4 (General Repairs/Cont.)	\$9,619.00

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Councilman Daniel Gale seconded the introduction of Resolution #42 of 2013

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman Daniel Gale – “Aye”
Councilman George Hodgson – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #42 of 2013 Adopted.

2. Approval of Vouchers: Councilman George Hodgson introduced Resolution # 43 of 2013

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

A (General Fund) Vouchers # 143 - # 174 Total: \$51,102.33
DA (Highway Fund) Vouchers # 101 - # 115 Total: \$15,169.34
SS (Sewer Fund) Voucher #4 Total: \$39.14

Councilwoman Patricia Bryant seconded the introduction of Resolution # 43 of 2013

Deputy Supervisor Daniel Gale – “Aye”
Councilman George Hodgson – “Aye”
Councilwoman Patricia Bryant – “Aye”
Councilman Paul Bolesh – “Aye” Resolution # 43 of 2013 Adopted

2. Councilman Daniel Gale introduced Resolution # 44 of 2013

BE IT RESOLVED, pursuant to Section 125 of the Town Law, Supervisor Willard Peck rendered the following detailed statement of all money received and disbursed during the month of April 2013:

BE IT RESOLVED, the Town Board has reviewed and approved April 2013 Monthly Report by Supervisor as presented.

Councilwoman Patricia Bryant seconded the introduction of Resolution # 44 of 2013.

Deputy Supervisor Daniel Gale – “Aye”
Councilman George Hodgson – “Aye”
Councilman Paul Bolesh – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution # 44 of 2013 Adopted

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Supervisor Willard Peck informed the Public and Town Board Members that Saratoga County Board of Supervisor's will be hold a Public Hearing on the proposals for privatization of the Saratoga County Landfill Facility on May 15th @ 5:15 PM at the Legislative Chamber in Ballston Spa.

Supervisor Willard Peck made a motion to go into Executive Session @ 8:45 PM to discuss possible litigation matters and personnel matters. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

Councilman George Hodgson made a motion to reconvene the Regular Monthly Meeting @ 9:10 PM. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Supervisor Willard Peck stated that no action was taken during Executive Session. Councilman Paul Bolesh made a motion to adjourn the Regular Monthly Meeting @ 9:15 PM. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise D Murphy
Town Clerk