

**Town of Northumberland
Town Board Meeting
June 13, 2013**

The Regular Monthly Meeting was called to order @ 7:00 PM by Deputy Supervisor Daniel Gale. Following the salute to the flag, roll call was taken. Those attending included Deputy Supervisor Daniel Gale; Councilman Paul Bolesh; Councilman George Hodgson and Councilwoman Patricia Bryant. Supervisor Willard Peck was present @ 7:35 PM. Also present was Clerk Denise Murphy; Zoning and Building Administrator Richard Colozza and Town Attorney Douglas Ward.

PUBLIC PARTICIPATION

Marielle Alexander, 28 Stevens Court, came before the Town Board asking that Board Members consider allowing chickens outside of the Agricultural District and less than 10 acres. Mrs. Alexander stated that she and her husband purchased six (6) chickens from Tractor Supply. There were no roosters. Mrs. Alexander stated that her and her husband did not realize you could not have chickens on less than 10 acres and you must be in the R-3 or Agricultural District. Mrs. Alexander stated that there are farms up and down the road leading to her Development off King Road. Mrs. Alexander received a "Violation" letter from the Building Inspector after a neighbor complained about the chickens. Mrs. Alexander stated that the chickens were running free on her property, which is a little over one (1) acre. Mrs. Alexander stated that she would like to apologize to her neighbors who had encounters with her hens. Their intentions were not to let them road free. Mrs. Alexander stated that she wanted all along to keep them in an enclosed area where they could control and monitor them to make sure they are safe and not a nuisance to anyone. Mrs. Alexander stated that her husband has since built a coop for the chickens. Mrs. Alexander provided pictures to show the Town Board that her husband had a coop behind their garage. Mrs. Alexander stated that her and her husband's intentions was to keep a small flock of six (6) hens (and no roosters) to keep the insect population down without using harmful pesticides. Mrs. Alexander stated that backyard chickens are beneficial and that major cities like Brooklyn, Chicago, Los Angeles, Miami, Seattle and San Diego now allow residents (much less than an 1 acre lot) to keep chickens for personal enjoyment and enrichment of life. Mrs. Alexander stated that the City of Saratoga Springs also allows chickens in city limits. Mrs. Alexander provided articles and information for the Town Attorney regarding other communities, specifically cities, which allow backyard chickens.

Town Attorney Douglas Ward stated he would like to review the information that Mrs. Alexander provided to the Town Board. Town Attorney Ward stated that he agrees that this should be looked into more. Town Clerk Denise Murphy stated that many residents have pet rabbits on their property and some pet stores are promoting pigmy goats as pets. Councilwoman Patricia Bryant stated that she just read about families adopting pigmy pigs also as pets. Town Attorney Douglas Ward stated that he will work with Building and Zoning Administrator Richard Colozza to come up with a better policy regarding domestic animals and agricultural animals for the Town Board's consideration.

**Town of Northumberland
Town Board Meeting
June 13, 2013**

Chris Benn, General Schuyler Emergency Squad, gave his report for April and May 2013 calls.

April – 57 calls total

Schuylerville – 19

Town of Saratoga – 20

Town of Northumberland – 9

Victory Mills – 4

Mutual Aid Wilton – 2

Mutual Aid Stillwater – 2

Mutual Aid City of Saratoga – 1

May – 63 calls total

Schuylerville – 17

Town of Saratoga – 25

Town of Northumberland – 3

Victory Mills – 10

Mutual Aid Wilton – 6

Mutual Aid Easton/Greenwich – 1

ALS Assist with Salam – 1

Calls year to date:

2012 – 282

2013 – 268

At this point Supervisor Willard Peck was in attendance and took over the Meeting.

APPROVE MINUTES

1. Councilwoman Patricia Bryant made a motion to approve the minutes of the May 8, 2013 Regular Monthly meeting with the following changes: Page 7 – Resolution #40, change “own” to “owned” and “Sate” to State”. Councilman George Hodgson seconded the motion with changes. All in favor, motion carried.

CORRESPONDENCE

1. Dog Control Officer’s Monthly Report for May, 2013. Edward Cross, DCO answered 5 complaints, brought 1 dog to the shelter, issued 2 Warnings and issued 1 Summons.

Town of Northumberland
Town Board Meeting
June 13, 2013

2. The Town of Northumberland received the Moreau Emergency Squad Call Volume for the Town of Northumberland. Moreau Emergency was call to 22 calls in January, 2013; 11 calls in February, 2013; 14 calls in March, 2013 and 19 calls in April, 2013.
3. The Town of Northumberland received “Notice of Tentative State Equalization Rate for the 2013 Assessment Roll” from New York State Department of Taxation and Finance. The Town of Northumberland’s tentative equalization rate is 100%.
4. Supervisor Willard Peck stated that he received a letter from Joseph Faccuia, CEO of Finch Paper. Mr. Raccuia is stepping down as CEO of Finch Paper and wanted to thank Supervisor Peck for his leadership and guidance. Mr. Debabrata (Deba) Mukherjee is the new CEO of Finch Paper.

OLD BUSINESS

1. Schuyler Park Update: Councilman Daniel Gale informed the Town Board that Schuyler Park is packed every day right up to dusk. With all the rain they have not needed to use the irrigation system. Rental of the pavilion in Schuyler Park has been catching on. Residents of the Town’s of Saratoga and Northumberland can use the pavilion for free. They need to fill out a rental agreement; the form is available on line. A \$50 deposit check is required, if they leave the pavilion as clean as they got it, their \$50 deposit will be returned.
2. Hudson Crossing Park Update: Councilman George Hodgson stated that the 4th Annual Triathlon was a huge success. There were 319 people registered to participate in the event this year, 290 showed up. Councilman Hodgson stated the “Ribbon Cutting Ceremony” will be this Saturday, June 15th from 2 – 4 PM for the Riverwalk Sensory Trail and the Kayak Launch at Hudson Crossing Park. Councilman Hodgson stated he has been at the Hudson Crossing Park all week with other volunteers finishing up for Saturday’s event. Representative from Department of State and Canal Corp will be present. Supervisor Willard Peck will also say a few words about the Sensory Trail and Dix Bridge. Once the Dix Bridge is renovated, the bridge will serve as Canalway Trail crossing for hikers, bikers and snowmobilers. The Dix Bridge is projected to be fully rehabilitated and revamped by mid to late fall this year. Councilman Hodgson stated that two (2) of the four (4) audio interpretative sites along the trail have been installed. Councilman Hodgson stated that David Robinson, motivational speaker, will be present at the ceremony and will give a short speech.
3. Building Committee: Councilman Daniel Gale stated the Building Committee has not met since last month’s meeting.

**Town of Northumberland
Town Board Meeting
June 13, 2013**

NEW BUSINESS

1. The Town of Northumberland has again asked South Glens Falls Central School District if the Town can enter into an Agreement for the use of one – 65-passenger school bus for the Summer Youth Program. South Glens Falls Central School District Board of Education has granted the Town of Northumberland’s request. The South Glens Falls Central School District has sent a formal Agreement for the Town Board’s Consideration. Councilman Daniel Gale introduced Resolution #45 of 2013:

WHEREAS, the Town of Northumberland has requested permission from the School for the use of one 65-passenger school bus for purposes of its Northumberland Youth and Recreation Program for six consecutive Tuesdays and Thursdays, beginning July 9, 2013 and ending August 16, 2013 during the hours of 9:00 AM to 3:00 PM with the specific dates and times of July 9, 2013 through August 16, 2013 to be scheduled between the responsible individuals for each party, and

WHEREAS, each party has reviewed anticipated costs and expenses incurred or expected to be incurred as a result of this shared arrangement,

NOW, THEREFORE, it is mutually agreed:

1. The South Glens Falls Central School District grants permission to the Town of Northumberland the use of one-65 passenger school bus for use in the Northumberland Youth and Recreation Program between the dates of July 9, 2013 and August 16, 2013, two times per week during the hours of 9:00 AM to 3:00 PM as mutually determined by the parties; specifically dates as follows:

- Tuesday, July 9, 2013
- Thursday, July 11, 2013
- Tuesday, July 16, 2013
- Thursday, July 18, 2013
- Tuesday, July 23, 2013
- Thursday, July 25, 2013
- Tuesday, July 30, 2013
- Thursday, August 1, 2013
- Tuesday, August 6, 2013
- Thursday, August 8, 2013
- Tuesday, August 13, 2013
- Thursday, August 15, 2013

2. The Town of Northumberland indemnifies and holds the South Glens Falls Central School District harmless against “any and all” claims for damage made against the South Glens Falls Central School District by reason of any act the Town of Northumberland in its use of said property and holds the South

**Town of Northumberland
Town Board Meeting
June 13, 2013**

Glens Falls Central School District harmless for “any” expenses in connection therewith and shall cause the South Glens Falls Central School District to be named as additional insured under the Town of Northumberland’s General Liability and Automobile Policies.

3. The Town of Northumberland shall provide the South Glens Falls Central School District with evidence of such coverage confirming the South Glens Falls School District and Town of Northumberland carry collision and liability and has added such 65-passenger school bus as an additional insured designated on its General Liability and Automobile Policies.

4. The Town of Northumberland shall be responsible for applicable costs in the use of 65-passenger school bus on noted dates, inclusive of driver’s time and fuel.

5. The parties shall review weekly the aforementioned schedule and costs incurred by each party to confirm the benefits provided to and received by party (Town of Northumberland) to this Agreement are in fact reasonable and acceptable.

6. This Agreement may be terminated by either party at any time between the dates of July 9, 2013 and August 16, 2013 by written notice. In the event no termination notice is received, such Agreement shall continue for stipulated time period and sunset end of the workday August 16, 2013.

AND BE IT FURTHER RESOLVED, the Town of Northumberland Town Board authorizes Supervisor Willard Peck to sign the Agreement on behalf of the Northumberland Town Board.

Councilman Paul Bolesh seconded the introduction of Resolution # 45 of 2013.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #45 of 2013 Adopted

2. Time Warner Franchise Agreement: The Town’s Franchise Agreement expires in July, 2013. Supervisor Peck stated the current Agreement will stay in effect until a new one is adopted.

3. Saratoga County landfill: Supervisor Willard Peck stated that at the beginning of 2012, the Saratoga County Board of Supervisors started a process to identify potential interest by private companies in the County Landfill Facility. The Saratoga County Board of Supervisors decided to explore the potential for privatization of the Landfill facility. The Board of Supervisors established a Landfill Privatization Sub-Committee, which then carefully developed a Request for Proposals (RFP) that: 1) established the specific goals in the Final RFP to a) provide a safe, economically stable, local means of disposal for non-

**Town of Northumberland
Town Board Meeting
June 13, 2013**

recyclable waste and b) recover the County's investment in their landfill facility; 2) established criteria to evaluate the proposals; and 3) incorporated specific terms and conditions to protect public health and the environment. Supervisor Willard Peck stated that he was a member of the sub-committee. Final proposals were received from New England Waste Services of N.Y. Inc. (Casella Waste Systems Inc.); Capital Regions Landfills, Inc. (Waste Connections, Inc.); and Finch Paper LLC. New England Waste Services of New York, while the most innovative of the three proposals, including a facility to convert organics, the 9.5 million lease proposal is not competitive when it comes to meeting the County's goal of providing a significant return on its investment. Capital Region Landfill's proposal includes a range of expansion scenarios, ranging from an approximate 25 acre expansion (doubling the current permitted County Landfill footprint) to a very large landfill complex of 204 – 215 cell area. Finch Paper proposed a superior facility design and efficient landfill cell development plan, taking into account the goals of the County and the community character of the Town of Northumberland while also providing the County a more certain return on the County's investment. The Finch Paper proposal calls for joining the County landfill facility to the neighboring Finch landfill. Finch Paper would operate within the two existing permitted landfill footprints, with the only expansion being construction of a 6.5 acre cell area, referred to as a "valley fill" on the land between the two facilities. The Saratoga County Public Works Committee voted Tuesday, June 11, 2013 to sell the county's landfill to Finch Paper Co. in a deal that could bring the county an estimated \$31 million over the next two decades. The final vote goes in front of the Saratoga County Board of Supervisors on Tuesday, June 18, 2013. Supervisor Peck stated the landfill is still a sore subject in the Town. It was a 10 year battle waged by the Town of Northumberland, with Finch Paper siting their landfill and the county siting their landfill on parcels adjacent to each other. It was a good battle, but it was a battle that was lost. Supervisor Peck stated his job now is to minimize the "impact" while also getting the most for the county. Supervisor Peck stated that Finch Paper has been an "outstanding steward of their landfill". Supervisor Peck stated there are still some areas that the Town Board needs to look at, which includes the Town's Soil Disturbance Law and the 1994 Local Law regarding regulating and controlling the siting, construction or operation of a Solid Waste Management Facility. Since Finch Paper is a private company and expansions would be subject to the Town's Zoning and Local Laws. Supervisor Peck stated that he would like the Town Board to consider adopting a Resolution supporting the sale of the Saratoga County Landfill Facility. Councilman Daniel introduced Resolution # 46 of 2013:

WHEREAS, In 2000 after considerable controversy and the final resolution of extensive litigation, the County of Saratoga constructed the County Landfill Facility ("County Landfill"), off Kobor Road in the Town of Northumberland;

WHEREAS, this construction was pursuant to a permit issued by the Department of Environmental Conservation pursuant to 6 NYCRR Part 360 ("Part 360 Permit") and consisted of Cell #1, an operations building as well as access and other infrastructure;

Town of Northumberland
Town Board Meeting
June 13, 2013

WHEREAS, since completion of construction, Saratoga County has maintained the County Landfill structures and periodically renewed its Part 360 Permit. However, it has never accepted waste at the Facility;

WHEREAS, the Northumberland Town Board (Town Board) recognizes that these activities vest the County with the continuing right to operate the facility and/or the right to sell the County Landfill to others to operate.

WHEREAS, in July 2012, the Saratoga County Board of Supervisors (“BOS”) approved Resolution #158-12 directing the issuance of an RFP for the potential privatization of the County Landfill, pursuant to the procedures established in Section 120-w of the NYS General Municipal Law;

WHEREAS, three companies responded to the RFP: New England Waste Services of NY, Inc. (“NEWSNY”); Capital Regions Landfills, Inc. (“CRL”); and Finch Paper, LLC (“Finch”);

WHEREAS, The County Landfill Privatization Subcommittee (the “Subcommittee”) reviewed proposals submitted by each of the three companies in response to the RFP. On June 10, 2013, the Subcommittee issued a Final Report evaluating each of the proposals and recommended certain “particularized findings” regarding the submissions;

WHEREAS, the Town Board has reviewed relevant portions of the RFP materials, responses and evaluations including, but not limited to, the Subcommittee’s Final Report; and

WHEREAS, the Town Board understands that in the near future, the County Board of Supervisors will make a decision awarding a contract for the privatization of the County Landfill Facility to one of the three companies.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF NORTHUMBERLAND, AS FOLLOWS:

1. The Town Board recommends that the County Board enter into a privatization contract with Finch in accordance with the terms and conditions proposed by the Company in response to the RFP.
2. The Town Board makes this recommendation on the basis of its review of the RFP materials, its experience with landfill activities in the Town, and its independent evaluation of the Applicants and the RFP Proposals.
3. The Town Board believes that among the three proposals, the Finch plan will offer maximized economic benefits to the Town and the County, while minimizing impacts on the

Town of Northumberland
Town Board Meeting
June 13, 2013

environment and the local community in Northumberland, thereby best serving the interests of the Town and County

4. In making this recommendation, the Town Board notes the following.

(a) Finch has responsibly operated its paper sludge landfill in the Town of Northumberland for 14 years. At all times during this operation, Finch has acted as a good neighbor to the Town and to its residents – being responsive to the concerns or input from Town Officials and Town residents.

(b) As the Subcommittee found, the Finch proposal – which limits development to the footprint of its existing facility and the County Landfill, including a valley fill between the two facilities -- is a superior facility design and efficient development plan, which optimizes capacity while using existing facilities, thereby limiting landfill size and environmental/transportation impacts.

(c) The Board would oppose plans such as those initially proposed by CRL, which would expand the landfill beyond (and possibly substantially beyond) the footprint of the Finch and County landfills.

(d) The Town Board would also oppose any plan (which admittedly was not included in any RFP response) to accept hazardous waste at the Landfill

(e) As also noted in the Subcommittee’s Report, the Finch proposal will provide significant support to an important local industry with approximate employment of 700 direct jobs and 1,500 in-direct jobs.

(f) Finally, Finch’s proposed payments to the County, and its agreement to accept 500 tons of solid waste per year from the Town at no charge, together with the County’s proposed profit sharing agreement with the Town, would maximize the Facility’s economic benefits to both the County and the Town.

Councilman George Hodgson seconded the introduction of Resolution #46 of 2013

Supervisor Willard Peck – “Aye”

Councilman Daniel Gale – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman George Hodgson - “Aye”

Councilwoman Patricia Bryant – “Aye” Resolution #46 of 2013 Adopted

Councilman George Hodgson commended both Supervisor Willard Peck and Town Attorney Douglas Ward for their pro-active approach to a very sensitive issue. Councilman Hodgson stated

**Town of Northumberland
Town Board Meeting
June 13, 2013**

that both men did an outstanding job of making sure the Town of Northumberland got the best deal possible. Councilwoman Patricia Bryant stated that she also appreciates all the hard work and dedication that Supervisor Peck and Town Attorney Ward did to get the best for the residents out of a very bad situation.

APPOINTMENTS

1. Deputy Town Attorney. Town Attorney Douglas Ward stated that the Town of Northumberland needs to consider adopting a Resolution to appoint a Deputy Town Attorney to handle legal issues when he is away. Councilman Daniel Gale introduced Resolution # 47 of 2013 –

WHEREAS, the Northumberland Town Board at their January 10, 2013 Organizational Meeting appointed Douglas Ward, ESQ as Town Attorney at a yearly salary of \$24,480, and

WHEREAS, the Northumberland Town Board at their January 10, 2013 Organizational Meeting appointed Douglas Ward, ESQ as Planning/Zoning Attorney at a yearly salary of \$7,200, and

WHEREAS, the Northumberland Town Board realizes there could be a time that Douglas Ward, ESQ would not be available to provide the Northumberland Town Board legal advice;

THEREFORE BE IT RESOLVED, the Northumberland Town Board appoints Robert Panasci, ESQ as the Deputy Town Attorney and Planning/Zoning Attorney with no compensation.

Councilman George Hodgson seconded the introduction of Resolution #47 of 2013.

Supervisor Willard Peck – “Aye”
Councilman Daniel Gale – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman George Hodgson - “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #47 of 2013 Adopted

2. Kevin Peck’s term on the Schuyler Park Committee expired 05/31/2013. Mr. Peck has indicated that he would like the Town Board to consider reappointing him for another three year term. Councilman Daniel Gale introduced Resolution #48 of 2013.

WHEREAS, the Northumberland Town Board entered into a Schuyler Park Municipal Cooperation Agreement in June, 2008 and

WHEREAS, the Agreement states that one Northumberland Board Member and two Northumberland residents will be appointed to the Schuyler Park Committee, and

**Town of Northumberland
Town Board Meeting
June 13, 2013**

WHEREAS, Kevin Peck has served as a member on the Schuyler Park Committee and whose term expired May 31, 2013; and

WHEREAS, Kevin Peck has asked to be reappointed to another three year term

THEREFORE BE IT RESOLVED, the Northumberland Town Board reappoints Kevin Peck to a three year term on the Schuyler Park Committee representing the Town of Northumberland.

Supervisor Willard Peck – “Aye”
Councilman Daniel Gale – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman George Hodgson - “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #48 of 2013 Adopted

DESIGNATIONS

1. Transfers: Councilman George Hodgson introduced Resolution #49 of 2013:

WHEREAS, the following accounts are over with expenses:

A1620.2 (Building /Equip.) \$4,225.00
A1640.4 (Garage/cont) \$1,689.00
A3310.4 (Traffic/cont) \$2,747.00

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

A1990.4 (Contingency) \$8,661.00

Councilwoman Patricia Bryant seconded the introduction of Resolution #49 of 2013

Supervisor Willard Peck – “Aye”
Councilman Daniel Gale – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman George Hodgson - “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #49 of 2013 Adopted

2. Councilwoman Patricia Bryant introduced Resolution #50 of 2013:

WHEREAS, Voucher # 135 in the amount of \$26.00 and Voucher # 173 in the amount of \$52.00 were coded A7310.4 in error,

**Town of Northumberland
Town Board Meeting
June 13, 2013**

Councilman George Hodgson – “Aye”

Councilman Paul Bolesh – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution # 52 of 2013 Adopted

DEPARTMENTS

Building/Zoning: Building and Zoning Administrator Richard Colozza stated that building permits are starting to pick up.

Highway: Chuck Arlin, Foreman, submitted a Highway Report. The Memorial park and Veterans Park have been weeded and mulched. Roadside mowing has begun. Paving started June 6th. Stormy Lane, Robins Run, Loudon Road, Blue Heron and Cardinal Lane have been completed. Ditching and shoulders will be addressed at a later time due to Gradall being down and Peckham’s strict schedule. Crack Sealing has been completed on Catherine Street, Lansing Street, Hill Street, Lindsay Road, Putnam Road and Rugg Road. Road sweeping has been completed. Austin Road milling has been completed along with ditching and replacing some of the culverts. Hazardous trees and stumps and been removed on Gurnspring Road, Peters Road and Pettis Road. Gradall G3W was in shop for approximately 2 weeks. Chuck Arlin is working on obtaining three quotes as required by our Procurement Policy.

Councilman Paul Bolesh made a motion @ 8:40 PM to go into Executive Session to discuss litigation matters. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

Councilman Paul Bolesh made a motion @ 9:35 PM to reconvene the Regular Monthly Meeting. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Supervisor Willard Peck reported that no action was taken. Councilman Paul Bolesh made a motion to adjourn the Regular Monthly Meeting @ 9:40 PM. Councilman George Hodgson seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy
Town Clerk

***Town of Northumberland
Town Board Meeting
June 13, 2013***