

Town of Northumberland
Town Board Meeting
October 1, 2009

The Regular Monthly Meeting of the Northumberland Town Board was called to order by Supervisor Willard Peck. Those attending included Supervisor Willard Peck, Councilman Paul Bolesh, Councilman Daniel Gale and Councilman George Hodgson. Councilwoman Patricia Bryant was absent. Also attending were Town Clerk Denise Murphy, Zoning and Building Administrator Richard Colozza and Highway Sup't Neil Petteys.

PUBLIC PARTICIPATION

Chris Laing, owner of Shelly Park Adult Community, stated he has 100 families living in his adult community now. Mr. Laing stated their lot rent is based on the taxes both school and property. These seniors live on a fixed income and they cannot afford to have their lot rent going up. Mr. Laing stated times are tough right now for everyone and asks that the Town Board consider this when adopting their 2010 Town Budget. Mr. Laing stated he would like to request that the Town Board post their Town Budget on our web site so town residents have the opportunity to review the proposed Town Budget prior to adoption.

Aaron B Epling with New York State Deferred Compensation Plan came before the Town Board regarding making this program available for Town employees. Mr. Epling gave an outline on how this program worked. Mr. Epling stated there is no cost to the town for employees to participate.

Councilman George Hodgson introduced Resolution #26 of 2009 - **Adoption of the State of New York Deferred Compensation Plan**

WHEREAS, the Town of Northumberland wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for voluntary participation employees; and

WHEREAS, the Town of Northumberland is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law* and

WHEREAS, the Town of Northumberland has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the PLAN is to encourage employees to make and continue careers with the Town of Northumberland by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement;

NOW, THEREFORE, it is hereby:

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RESOLVED, that the Town of Northumberland hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Town of Northumberland are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

*A local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law includes; city, town, village or other political subdivision as defined in Section 131 of the retirement and Social Security law or civil division of the State; a school district or other governmental entity operating a public school, college, or university; a public improvement or special district, a public authority, commission, or public benefit corporation, agency or instrumentality or public benefit corporation; or any other public corporation, agency or instrumentality or unit of government which exercises governmental powers under the laws of the State.

Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

APPROVE MINUTES

1. Councilman Daniel Gale made a motion to approve minutes of the September 3, 2009 Regular Monthly Meeting. Councilman George Hodgson seconded the motion.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Abstain”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye” Motion Approved

CORRESPONDENCE

1. The Town Board received a letter from Saratoga County Dept. of Social Services regarding the Home Energy Assistance Program (HEAP) for the '09-'10 Program Year.
2. The Town Board received a letter from NYS Canal Corp. regarding the 2009 navigation season on the New York State Canal System will officially come to an end in November.
3. The Town Board received a letter from NYS Unified Court System acknowledging receipt of the town's application for a grant under the Justice Court Assistance Program. The Town of

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Northumberland will be notified on or about December 1, 2009 concerning the disposition of the town's application.

4. The Town Board received a letter from Saratoga County Office for the Aging regarding a Public Hearing on Wednesday, October 28, 2009 from 11:00 am – 1:00 pm at the Saratoga Springs Public Library. The purpose the hearing shall be to obtain input, suggestions and comments relative to programs for the aging for the year 2010, under Title III of the Older Americans Act of 1965, as amended, and the New York Community Services Act for the Saratoga County planning and service area.
5. The Town Board received a letter dated September 16, 2009 from NYS Emergency Management Office. The State Emergency Management Office has processed a payment in the amount of \$453.90 for the severe winter storm of December, 2008.
6. . The Town Board received a letter dated September 18, 2009 from NYS Emergency Management Office. The State Emergency Management Office has processed a payment in the amount of \$689.56 for the severe winter storm of December, 2008.

APPOINTMENTS

1. Board of Assessment Review: Councilman George Hodgson made a motion to reappoint Susan Smith to the Board of Assessment Review (term expires 09/30/2014). Councilman Paul Bolesh seconded the motion. All in favor, motion carried.
2. Planning Board: Councilman Daniel Gale made a motion to reappoint Kevin Pumiglia to the Planning Board (term expires 09/30/2016). Councilman Paul Bolesh seconded the motion. All in favor, motion carried.
3. Zoning Board of Appeals: Councilman Paul Bolesh made a motion to reappoint Clinton Barber to the Zoning Board of Appeals (term expires 09/30/2016). Councilman Daniel Gale seconded the motion. All in favor, motion carried.
4. The Town Clerk informed the Town Board the following terms expire in 2010:

ZBA – Hugo Leone (term expires 02/2010)

Planning Board – Susan Martindale (term expires 09/2010)

Board of Assessment Review – William Peck (term expires 09/2010)

OLD BUSINESS

1. Schuyler Park Update: Councilman Daniel Gale informed the Town Board that the work at Schuyler Park is in full motion. The final grading should be done today. The Schuyler Park Committee opened bids for an irrigation system. The following bids were received:

Drumm & Ayers - \$93,780.00 (minus \$4,000 donation)

Cleveland Bros - \$81,570.58

Rainbow Sprinklers - \$80,500.00

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The Schuyler Park Committee has unanimously recommended to both the Town of Northumberland and the Town of Saratoga town boards that the lowest bidder, Rainbow Sprinkler, 18 Fonda Road, Cohoes, NY be awarded the contract pending the review and approval by the Town of Saratoga's Town Attorney, William Reynolds and Town of Saratoga's Town Engineer Kenneth Martin that the bid specifications are met.

Councilman Daniel Gale introduced Resolution # 27 of 2009 – Schuyler Park Irrigation System Bid Acceptance

WHEREAS, the town board of the Town of Northumberland recognizes the need for an irrigation system at Schuyler Park; and

WHEREAS, bids were solicited via advertising, and

WHEREAS, the Schuyler Park Committee opened all bids on September 14, 2009 as follows: Rainbow Sprinklers - \$80,500, Drumm & Ayers - \$93,780 minus \$4,000 donation, net \$89,780, and Cleveland Bros. \$81,570.58. They met on September 29th and unanimously recommended to both the Town of Northumberland and the Town of Saratoga town boards that the lowest bidder, Rainbow Sprinklers, 18 Fonda Road, Cohoes, NY be awarded the contract; therefore be it

RESOLVED, that the lowest proposal from Rainbow Sprinklers in the amount of \$80,500 is accepted for the irrigation system at Schuyler Park pending review and approval by Saratoga Town Attorney William Reynolds and Saratoga Town Engineer Kenneth Martin that the bid specifications are met.

Councilman Paul Bolesh seconded the introduction of Resolution #27 of 2009.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye” Resolution #27 of 2009 Adopted

Councilman Daniel Gale stated once the irrigation is installed, the sod will be laid out and be ready for softball and baseball in the spring.

Hudson Crossing Park Update: Councilman George Hodgson reported the bids were opened for Bid A – Stone Steps; Bid B – Parking Area & Signage; Bid C – Grading & Installation of Asphalt Trail from dock to Outlook Pavilion & Upper Trail on September 22, 2009. Councilman George Hodgson stated 13 contractors bid on these three components. A complete package of bids received was submitted to Canal Corp for their review. Councilman George Hodgson stated he has talked with Canal Corp and was told the town can approve the bids without their recommendation.

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Councilman George Hodgson introduced Resolution #28 of 2009 – Resolution Awarding bids for improvements at Hudson Crossing Park

WHEREAS, the Town of Northumberland recognizes the need for improvements at the Hudson Crossing Park; and

WHEREAS, bids were solicited via advertising; and

WHEREAS, the Town Clerk opened all bids on September 22, 2009 @ 12:00 Noon and the following bids were received:

- Rosch Brothers – Bid A - \$26,800.00/Bid B - \$42,180.00/Bid C - \$27,800.00
- West Branch, Inc – Bid A - \$22,042.00/Bid B - \$43,242.00/Bid C - \$15,250.00
- Swartwout Construction – Bid A - \$19,000.00/Bid B - \$49,000.00/Bid C - \$14,900.00
- Bob Talham – Bid A – No Bid/Bid B – No Bid/ Bid C - \$32,532.00 (excludes Timber steps)
- Peter Luizzi & Bros – Bid A - \$49,977.00/Bid B - \$43,721.00/Bid C - \$54,810.00
- Charles Freidman Excavator – Bid A - \$19,750.00/Bid B - \$35,800.00/Bid C - \$11,925.00
- AJ Catalfamo Const. – Bid A - \$12,700.00/Bid B – \$47,625.00/Bid C - \$46,802.00
- Seaway Const. – Bid A - \$34,500.00/Bid B - \$59,790.00/Bid C - \$22,800.00
- CG Stone, Inc – Bid A - \$16,250 (Chester Granite)\$18,600 (Blue-Sto)\$27,000 (American Granite)
- Dupuis Landscape – Bid A - \$21,855.00/Bid B - \$51,950.00/Bid C - \$32,150.00
- Bombard Exc. – Bid A - \$24,000.00/Bid B - \$41,000.00/Bid C - \$35,000.00
- Clear Enterprises – Bid A - \$18,395.00/Bid B - \$54,895.00/Bid C - \$10,150.00
- Johnson Const. – Bid A - \$16,500.00/Bid B - \$42,500.00/Bid C - \$15,000.00

BE IT RESOLVED, the Northumberland Town Board awards Bid A to CG Stone, Inc \$16,250.00 (Chester Granite) due to the high quality of the stone, and be it further

RESOLVED the Northumberland Town Board awards Bid C to Clear Enterprises in the amount of \$10,150.00, and be further

RESOLVED, Bid B – Parking Area & Signage will not be awarded since it would place the total project over budget.

Councilman Daniel Gale seconded Resolution #27 of 2009

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”

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Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye” Resolution #27 of 2009 Adopted

3. Town Clerk Denise Murphy informed the Town Board that she has been notified by the Town of Wilton that latex paint will no longer be accepted at the Hazardous Waste Collection Day on October 17, 2009. NYS Dept of Environmental Conservation stated that residents can either take the lid off the paint or let it dry out or put kitty litter in the can and then discard it along with household waste.

4. Bids for used Highway Equipment: The following bids were received for the sale of a 1988 Gradall and a 1979 Chevy utility truck:

Jane McFarlane - \$355.00/1979 Chevy Utility Truck

Jane McFarlane - \$1,625.00/1988 Gradall

Highway Sup't Neil Petteys stated the value of the equipment is greater than what was offered. Councilman Daniel Gale made a motion to reject both bids since they were below equipment value. Councilman George Hodgson seconded the motion. All in favor, motion carried.

NEW BUSINESS

1. Supervisor Willard Peck provided Board Members with a 2010 Tentative Town Budget. Supervisor Willard Peck stated that he did not put a salary increase for Town Attorney and Town Board Members. The Town Clerk asked for 0% increase due to the economy. The Highway Sup't will receive a salary increase. The town employees will receive roughly a 3% increase. Supervisor Willard Peck stated he is still working on the emergency services contractual amount for 2010. The Northumberland Fire District has not provided a figure for 2010. Supervisor Peck stated that sales tax and mortgage tax are down. Supervisor Willard Peck made a motion to hold the Public Hearing on the 2010 Preliminary Town Budget on November 5, 2009 @ 7:00 pm at the Town Hall, Gansevoort. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

2. Town Insurance: David Meager, Adirondack Trust Insurance, sent the town board an email regarding added premium for increasing the Town's Umbrella policy from the present \$3 million to \$4 million. The annual additional premium is only \$500 which is money well spent in this litigious environment where public entities are often seen as the deep pocket. Councilman Daniel Gale made a motion to increase the Town's Umbrella policy from the present \$3 million to \$4 million. Councilman George Hodgson seconded the motion. All in favor, motion carried. Mr. Meager also provided the process recommended when using contractor who are awarded the paving of town roads. The Company should give the Town a Certificate of Insurance showing that he carries Workers Compensation and General Liability Insurance. He also suggested that the Company carry at least \$3 million in total liability coverage and they name the Town as Additional Insured on their policy. Furthermore, the Company should sign an agreement drafted by the Town Attorney whereby they agree to Hold Harmless the Town

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for liability claims arising out of their work. Taking these steps should not be difficult for the contractor and will provide the Town with another layer of protection in the event of a road claim.

3. The Town of Northumberland has been notified that a tax certiorari proceeding has commenced by Fort Miller Associates challenging the assessed value of a hydroelectric facility it owns in the town. Town Attorney Douglas Ward stated he would like the Town Board to retain Daniel G. Vincelette, PC as legal counsel. Daniel G. Vincelette fee for representation is \$165.00 per hour and Hannelore Smith, Associate is \$135.00 per hour. As part of their representation, they will coordinate the Town's representation with Town Attorney Douglas Ward and the Assessor, Walter Smead. In addition to the fees outlined, my representation may require certain incidental charges for disbursements and auxiliary services. If the Town is required to retain an expert (i.e. appraiser, accountant, engineer, geologist, etc) for the preparation of a report or to testify at trial, the Town will be directly and entirely responsible for said expert's fees. Mr. Vincelette's representation may be terminated prior to the conclusion of the matter by the Town or by his firm, subject to the rules of professional responsibility, upon written notice. No such termination, however, will relieve the town of the obligation to pay the legal fees owed for services performed and other charges owned through the date of termination. In the event that a dispute arises between the Town and Daniel Vincelette relating to their fees, the town may have the right to arbitration of the dispute pursuant to Part 137 of the Rules of the Chief Administrator of the Courts, a copy of which will be provided to the town upon request. Councilman Daniel Gale made a motion to enter into an Agreement with Daniel G Vincelette, PC regarding Tax Certiorari Fee Proposal/Retention – Town of Northumberland as outlined in a letter dated September 21, 2009 from Daniel G Vincelette, PC to Douglas Ward, Esq., and authorize Supervisor Willard Peck to sign the letter as accepted. Councilman George Hodgson seconded the motion. All in favor, motion carried.

4. Councilman Daniel Gale reported that Congressman Scott Murphy will be holding a "Congress on the Corner" gathering at the Gansevoort Fire Department from 3 – 4 PM on Saturday October 3rd.

5. Councilman Daniel Gale reported that the Town Board will need to appoint a new Emergency Service Coordinator. Glenn Stevens is moving to Alaska.

DESIGNATIONS

1. Councilman George Hodgson made a motion to approve vouchers for payment as presented. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

COMMITTEES

Highway Sup't Neil Petteys provided Board Members with a Vehicle Inventory Report and Inventory Report – Other Assets.

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The Town Clerk provided Town Board Members a list of Irrevocable Letter of Credit that is on file with the Town of Northumberland:

- Bordeau Builders, Inc (DiSiena Subdivision)
\$83,895.00 (expiration date July 6, 2011)
- Barbera Homes, Inc (The Preserve at King Road)
\$138,722.30 (expiration date 12/28/2009)
- C & S Construction (Brampton Woods)
\$145,385.20 (expiration date 03/10/2010)

Councilman Daniel Gale made a motion @ 8:35 PM to go into Executive Session to discuss litigation. Councilman Paul Bolesh seconded the motion. All in favor, motion carried. Councilman George Hodgson made a motion @ 9:10 PM to reconvene the Regular Monthly Meeting. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

Supervisor Willard Peck reported that no action was taken.

Councilman Daniel Gale made a motion @ 9:15 PM to adjourn the Regular Monthly Meeting. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy
Town Clerk