

**Town of Northumberland
Town Board Meeting
October 2, 2008**

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/Zoning Administrator Richard Colozza and Town Attorney Douglas Ward.

PUBLIC PARTICIPATION

Jack Sullivan, 105 Virginia Place, stated he was here tonight to get an update on Virginia Place. Mr. Sullivan stated at the May Town Board Meeting, he was told Mr. Rosse was having a contractor repair the potholes on Virginia Place. Mr. Sullivan had pictures of Virginia Place taken today which showed huge potholes. Mr. Sullivan stated his concerns are winter is coming, the end of the paving season is just weeks away, and this is still a private road which is not being maintained by the Developer. Mr. Sullivan stated it does not feel like the Town is making any progress with Mr. Rosse. Town Attorney Douglas Ward stated the town has been working on getting the oil trucks out of the development, which were put in by the Developer. Attorney Douglas Ward stated dealing with the issues surrounding Homestead Estate has been challenging. Mr. Rosse keeps on changing attorneys. As long as Mr. Rosse has an attorney representing him, he cannot talk to him personally. Supervisor Willard Peck explained to the public how road bonds were established back in the 80's and 90's. Homestead Estate was approved during that time frame. Today, bonds are established and reviewed by both the Planning Board and Town Attorney to verify the amount is correct to protect the tax payers so similar problems do not come up in the future. Supervisor Willard Peck stated the Town Attorney is looking at every avenue on how to legally take over Virginia Place. Attorney Douglas Ward told Mr. Sullivan to call him personally when he wants an update. Supervisor Peck stated he sympathies with the residents of Homestead Estate, he too is frustrated. Patricia Smith, 106 Virginia Place, stated there are many residents from Homestead Estate present tonight and we encourage the Town Board to continue moving forward to resolve some of these problems. The following individuals introduced themselves: Frank Smith, Kristine O'Rourke, Cary Carruthers, Barry Kellwig and Joan Sullivan.

Allen Wood, 329 Goff Road, stated that with the condition of the economy, was the town looking at establishing an emergency program for heat and food this winter for residents that are in dire need. Mr. Wood stated he talked with the Town Clerk today and asked her what procedures she took if someone called the town hall in need of immediate service. The Town Clerk indicated she referred these individuals to Saratoga County

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Department of Social Services, Saratoga County Economic Opportunity Council or Saratoga County Office for the Aging. Mr. Wood wanted to know if the Town Board could establish a fund of maybe a \$1,000 which the Town Clerk could dispense on a one on one bases, or could the Town Board establish a Town Food Pantry. Supervisor Peck indicated that he was not sure the Town could establish an account for emergency help to residents. Supervisor Peck stated if someone were in dire need, he would hope they contact him directly.

Mr. Wood asked how high the cell at the Finch Pruyn Landfill could go. Supervisor Peck stated they could go an additional 15 feet on top of the original permit, which is roughly 50 feet.

Mr. Wood asked if any of Lock 5 Island in the Town of Northumberland. Councilman George Hodgson indicated that 70 % is in the Town of Northumberland. Mr. Wood asked who is going to maintain the Hudson Crossing Park once it is completed. Mr. Wood fears it is going to be a financial burden to the residents of Northumberland. Councilman George Hodgson stated this Town Board would make sure the tax burden to maintain this park is minimal. Improvements to the Hudson Crossing Park have been done with a Grant from Congressman Sweeney and a Grant from Canal Corp. The Park presently has a large core of volunteers.

Mr. Wood stated that previously Schuyler Park was going to be cleared by a large group of volunteers, now he reads in the News Paper that the Committee is looking for construction crews to come in and do this work. Mr. Wood stated that with the economy the way it is, we should not be spending money for these parks instead we should be tightening our belts. Supervisor Willard Peck stated Schuyler Park is a joint effort between the Town of Saratoga and Town of Northumberland. Supervisor Willard Peck explained so far the only money the Town of Northumberland has used has come from our Parkland Account, which is money from developers during the Planning Board approval process. Other funds, for this adventure, come from the Finch & Pruyn negotiated agreement. Supervisor Willard Peck stated no money has been used from taxpayers. Supervisor Peck explained the Five Year Agreement between the Town of Saratoga, Town of Northumberland and Schuylerville School regarding Schuyler Park. Councilman Daniel Gale stated that Schuyler Park would not be a burden to the taxpayers. If the money runs out, the project will stop, and will only proceed with volunteers. This Town Board has proven that they deal responsibly with taxpayer's money.

APPROVE MINUTES

1. Councilman George Hodgson made a motion to approve minutes of the September 4, 2008 Regular Monthly Meeting. Councilman Paul Bolesh seconded the motion.

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Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman Daniel Gale – “Abstain”
Councilwoman Patricia Bryant – “Aye” Motion Carried

2. Councilman Paul Bolesh made a motion to approve minutes of the September 17, 2008 Special Town Board Meeting. Councilman George Hodgson seconded the motion.
Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman Daniel Gale – “Aye”
Councilman George Hodgson – “Aye”
Councilwoman Patricia Bryant – “Abstain” Motion carried

APPOINTMENTS

1. Councilman George Hodgson made a motion to reappoint Florence Austin to the Board of Assessment Review (term expires 09/30/2013). Councilman Daniel Gale seconded the motion. All in favor, motion carried.
2. Supervisor Willard Peck asked the Town Clerk to let him know how long James Heber has served on the Planning Board, Brit Basinger has served on the Planning Board, and Gordon Strong has served on the Zoning Board of Appeals. All three individuals term expired at the end of September 2008. Supervisor Willard Peck made a motion to extend their terms for one more month and to advertise their openings again to see if we receive any letters of interest from the public. Councilman George Hodgson seconded the motion. All in favor, motion carried.

CORRESPONDENCE

1. The town received a Grant Application and Instruction from New York State Department of Environmental Conservation regarding funding for projects to eradicate terrestrial invasive species from the ecosystems of New York State.
2. The Town received “Career Opportunities” in Saratoga County for posting.
3. Supervisor Willard Peck stated he received a listing of properties going up for Auction for back taxes. Supervisor Willard Peck asked Building/Zoning Administrator Richard Colozza to review these parcels with the Town Attorney.

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OLD BUSINESS

1. Schuyler Park Update: Councilman Daniel Gale stated if you drive by Schuyler Park you would notice the clearing has started. The bid was awarded to Galusha & Sons back in September. The next project will be leveling the site.

2. Hudson Crossing Update: Councilman George Hodgson reported that everything is progressing nicely. Councilman Hodgson stated he has been notified by New York State Department of Transportation that they concur with the Town's recommendation to award Bid G to Mid-State Industries. Bid G was for the construction of a unisex ADA restroom/storage shed, septic system and metal roofing and flashing for the picnic pavilion. Councilman George Hodgson made a motion to award Bid G to Mid-Life Industries for \$85,500 subject to the review and approval of the contract by the Town Attorney. Supervisor Willard Peck seconded the motion. All in favor, motion carried. Motion carried.

3. C & S Construction Performance Bond Reduction Request: C & S Construction has requested a Performance Bond reduction for Brampton Woods Phase I & II. Town Engineer, Jim Mitchell has reviewed the construction estimates prepared by Engineering America, dated October 1, 2008 reflecting the value of the remaining work and 20 % retainer for \$145,385.20. Jim Mitchell consulted with Highway Sup't Neil Petteys regarding this estimate and concurred with the figure. Supervisor Willard Peck made a motion to forward Town Engineer, Jim Mitchell's recommendation for a Performance Guarantee reduction for Brampton Woods Phase I & II for their review and recommendation. Councilman Daniel Gale seconded the motion. All in favor, motion carried. Supervisor Willard Peck stated a letter was sent to Patricia Bryant, previous Chairperson for the Planning Board, regarding Brampton Woods from Kathy O'Brien, Biologist I, Wildlife – Endangered Species Unit with New York State Department of Environmental Conservation. Ms. O'Brien states that a condition of the 2004 Brampton Estate subdivision on Colebrook Road by C & S Construction is for C & S to deed 4.6 acres of the Karnerblue/frosted elfin habitat site (the old Spencer Christmas tree farm) which includes a 50-foot buffer between the field and the subdivision to DEC. Although many of the lots of the subdivision have been sold and she believes the Town has accepted the subdivision road, Chuck Waldron of C & S has told Ms. O'Brien he won't turn the land over unless DEC pays him \$4,500 for the loss of use of a well he made in the Christmas tree farm field during the project review process. DEC does not have a mechanism to pay for a well, and there has been no progress toward completing this condition of the project approval. Ms. O'Brien stated that she is concerned with this situation since the trees in the old Christmas tree farm have gotten quite large and

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threaten the habitat on the site by shading the lupine. Supervisor Peck and Town Attorney Douglas Ward have been talking to Chuck Waldron regarding this matter.

NEW BUSINESS

1. Councilman Daniel Gale stated that he is routinely approached by residents about the high taxes, specifically school, in the Town of Northumberland. Councilman Daniel Gale stated the Town Board has consistently adopted conservative Town Budgets over the years. Councilman Gale stated he was reading the “The Business Review” and found some interesting information printed regarding 91 school districts in Upstate New York. Out of 91 school districts studied, Schuylerville School ranked #1 for the highest paid School Superintendent with a total compensation package for 2008 – 2009 of \$241,024, some of this salary is based on Leon Reed being one of the longest serving School Superintendent in Saratoga County. South Glens Falls School Superintendent came in #46 with a total compensation package for 2008 – 2009 of \$167,144. Schuylerville School ranked #12 with a cost to educate a student in 2006 – 2007 of \$14,652, taxes on a \$300K house in 2008 - \$5,690. South Glens Falls ranked #35 with a cost to educate a student in 2006 – 2007 of \$12,408, taxes on a \$300K house in 2008 - \$5,064. Councilman Gale stated he wanted the record to show these figures so residents of Northumberland will understand that these factors play in when determining their school taxes. Supervisor Peck at this point presented the Town of Northumberland’s 2009 Tentative Town Budget. Supervisor Peck stated that historically he has been conservative with his estimates of both Mortgage and Sales Tax., which he is glad since the 2009 projected figures are lower than 2008 figures. Supervisor Peck stated that there is a small pay increase for town employees in the 2.5 – 3% increase. In addition, he put funds in to modernize the Town Clerk, Town Bookkeeper and Highway Sup’t’s office. Supervisor Peck stated this is a bare bone budget and he feels it is extremely conservative. Supervisor Peck stated he has no control over the Gansevoort Fire Department and Schuyler Hose Fire District’s budget or the Moreau and General Schuyler Emergency Squad budget.
2. Supervisor Willard Peck made a motion to hold a Public Hearing for the proposed 2009 Town Budget on November 5, 2008 @ 7:00 PM to be followed by the Town Board Meeting. Councilman George Hodgson seconded the motion. All in favor, motion carried.
3. Supervisor Peck stated that Walter Smead, Sole Assessor, has decided to embark on an assessment improvement process that will result in an equitable 2009 assessment roll. The Town received a “Memorandum of Understanding” from New York State Office of Real Property Services to clarify and outline the roles and responsibilities of the Town of Northumberland and the New York State Office of Real Property Services in the reassessment process. Supervisor Willard Peck introduced Resolution #37 of 2008

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BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the Memorandum of Understanding with the State of New York, stating that the Town of Northumberland is to conduct a Town wide Revaluation Project, be it further

RESOLVED, that the Supervisor is authorized to apply to the New York State Office of Real Property Services to obtain State aid reimbursement for the revaluation; and be it further

RESOLVED, that copies of this Resolution and a formal request for State assistance be sent to the following;

Beth Cervenak
NYSORPS
16 Sheridan Avenue
Albany, NY 12210-2714

Carol Holley, Director
Saratoga County
Real Property Tax Services
35 West High Street, BLDG #2
Ballston Spa, NY 12020

Councilman Daniel Gale seconded the introduction of Resolution #37 of 2008.

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman Daniel Gale – “Aye”
Councilman George Hodgson – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #37 of 2008 adopted

3. Councilman George Hodgson provided each Board Member with a proposed Resolution in support of a revision to NYS Canal Corporation Regulations to allow the Canal Corporation to issue land use permits to NYS snowmobile trails on Canal Corporation property and to allow the use of snowmobiles on the Champlain Canal way Trail for their comments. The consensus of the Town Board was to table adopting this Resolution until the Town Board Members and review.

DESIGNATIONS

1. Supervisor Peck provided each Board Member a copy of the Supervisor’s Statement for the month of September. Councilman Paul Bolesh introduced Resolution #38 of 2008 – Supervisor’s Monthly Report

RESOLVED, that the Supervisor’s Monthly Report for August 2008 is accepted as submitted. Councilman George Hodgson seconded the introduction of Resolution #38 of 2008.

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Councilman Paul Bolesh seconded the introduction of Resolution #38 of 2008.

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

2. Councilman George Hodgson made a motion to approve vouchers for payment as presented. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Councilman Daniel Gale made a motion @ 8:50 PM to go into Executive Session to discuss legal issues. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Councilwoman Patricia Bryant made a motion @ 9:05 PM to reconvene the Regular Monthly Meeting. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

Supervisor Willard Peck made a motion to authorize the Town Attorney to institute litigation to seek damages from Delsignor Blacktop Paving for breaking the 2008 asphalt-paving contract. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Councilman Paul Bolesh made a motion to adjourn the Regular Monthly Meeting @ 9:10 PM. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy
Town Clerk