

**Town of Northumberland
Town Board Meeting
October 4, 2010**

The Regular Monthly Meeting 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 Daniel Gale and Councilwoman Patricia Bryant. Councilman George Hodgson and Councilman Paul Bolesh were absent. Also attending were Clerk Denise Murphy; Highway Sup't Neil Petteys; Town Attorney Douglas Ward; Town Justice James Evans and Building and Zoning Administrator Richard Colozza.

PUBLIC PARTICIPATION

Supervisor Willard Peck informed the public that prior to tonight's meeting Town Board Members met with David Meager with Adirondack Trust Insurance to go over the town's 2010 – 2011 "Town" Insurance Policy.

Harry Sears, Troop 46 out of Saratoga Springs, came before the Town Board regarding his Eagle Scout project. Mr. Sears stated his project is the total renovation of the basketball court at the Town of Northumberland Youth Park located on Kobor Road. The project entails the repairing of cracks on the court, re-surfacing the existing blacktop with blacktop, marking basketball lines on new blacktop, straightening existing blackboard poles, replacing the old backboards and rims with new backboards and rims, and applying a dirt taper around the court and seeding the dirt taper. Mr. Sears stated his Eagle Scout Project will help to benefit the community by restoring community pride in the Youth Park. Mr. Sears stated with the present condition of the Youth Park, the basketball court is rarely used. The court provides the youth of the Town of Northumberland with an outdoor activity that fosters teamwork, togetherness, and athleticism. Furthermore the sport of basketball can help stop the growing issue of overweight children by promoting exercise. The estimated cost for this project is \$7,000.00. Mr. Sears asked if the Town of Northumberland could help with some of the costs. Mr. Sears is hoping the majority of funds will be donations and discounts. The Town Board discussed different options regarding donations from paving vendors. Highway Sup't Neil Petteys stated he will work with Mr. Sears regarding possible vendors willing to help with this project. It was the consensus of the Town Board that if Mr. Sears was unable to find vendors willing to donate their service, or ran short on needed finances for this project, to come back to the Town Board.

Town Justice James Evans came before the Town Board regarding his request last month for renovations to current office space at the Town Hall. Justice Evans stated that his department needs additional space. Currently three desks occupy a small office along with 4 file cabinets. In 2008 the Town Board approved submitting a Grant to Justice Court Assistance Program (JCAP) for construction and renovations to the current court office. The Town received a notice, in December 2008, from JCAP that the town has received tentative approval for these renovations up to \$7,928.00. Justice Evans stated that he has contact JCAP regarding these funds since the town has not received any of these funds. He will let the Town Board know what he finds out. Supervisor Willard Peck stated he asked Justice Evans to be present tonight since Town's Building Inspector, Richard Colozza, expressed concern last month regarding how the bids were solicited and received for the renovations. Mr. Colozza stated the Town Board should tie the heating for this office into the town's boiler system instead of installing electric heat. Also the Town should use only one (1) electrician for all the work so there will be uniformity in the electrical work. Also, the scope of the work to be preformed is too vague. Justice Evan's bid did not address handicap accessibility. Councilman Daniel Gale stated that he and Councilman Paul Bolesh both sit on the Building Committee and they will work with the Town Court and Building Inspector to come up with a workable plan for renovations.

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Town Justice James Evans stated that he would like the Town Board to approve a 2010 Grant request to the Justice Court Assistant Program (JCAP) for a Briggs and Stratton Generator and two (2) judicial robes. Justice Evans stated that he can submit a grant up to \$30,000.00.

Councilman Daniel Gale introduced Resolution #33 of 2010.

WHEREAS, the Northumberland Town Court has a total budget for 2010 in the amount of \$56,670.00 to cover all costs associated with the Northumberland Court System, and

WHEREAS, the Northumberland Town Court is in need of a Briggs & Stratton Generator and two (2) Judicial Robes

THEREFORE BE IT RESOLVED, that the Northumberland Town Board authorizes the Justice Court request to apply for a grant from the Justice Court Assistant Program.

Councilwoman Patricia Bryant seconded the motion.

Supervisor Willard Peck – “Aye”

Councilman Daniel Gale – “Aye”

Councilwoman Patricia Bryant – “Aye” Resolution #33 of 2010 Adopted

APPROVE MINUTES

1. Councilman Daniel Gale made a motion to approve minutes of the September 2, 2010 Regular Monthly Meeting. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

OLD BUSINESS

1. Town Attorney Douglas Ward stated that he has been working with the Town Clerk to put together a Local Law regarding Dog Licensing. Town Attorney Douglas Ward provided Board Members with a draft copy of the proposed Local Law. It addresses some of the areas Agriculture and Markets felt needed to be in the Local Law. Attorney Douglas Ward went over some of the wording in the draft proposed Local Law:

Purpose

The Town of Northumberland finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to person, damage to property and have created nuisances within the town. The purpose of this Local Law is to protect the health, safety and well being of person’s property by imposing restrictions on the keeping and running at large of dogs within the Town.

Authority

This Local Law is enacted pursuant to the provisions of (Article 7, Chapter 59, Part T) of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

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Title

The title of this Local Law shall be "Dog Control Law" of the Town of Northumberland.

Definition of Terms

As used in this Local Law the following words shall have the following respective meanings:

- (a) "Dog means male and female, licensed and unlicensed, members of the specis canis famillaris.
- (b) "Owner means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association , or corporation , who which at any time owns or custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the town. Any person owning or harboring a dog for a period of one (1) week to filing any complaint charging a violation of this Local law, shall be held in and deemed to be the owner of any dog found in violation of this chapter.
- (c) "Run at Large" means to be in a public place or on private land without knowledge, consent and approval of the owner of such lands.
- (d) "Town" means the Town of Northumberland

Restrictions

It shall be unlawful for any owner in the Town to permit or allow such a dog to:

- (a) Run at large. All dogs must be restrained by adequate collar and leash or fenced by visible or invisible fence at the premises of the owner of such dog. A dog or dogs hunting in the company of a hunter or hunters does not constitute running at large.
- (b) Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
- (c) Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such a dog. Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner of said premises.
- (d) Chase, jump upon or at or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehensive of bodily harm.
- (e) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.

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Licensing of Dogs

- (a) All dogs in the Town of Northumberland must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies vaccination at the time of licensing or the renewal of an existing license.
- (b) Fees for Licensing of Dogs. The fee for a spayed or neutered dog will be six (\$6.00) annually, which includes the assessment of a one dollar (\$1.00) surcharge for the purpose of carrying out animal population control. The fee for an unsprayed or unneutered dog will be thirteen dollars (\$13.00), which includes a three dollar (\$3.00) surcharge for the purpose of carrying out animal population control. The fees for the purebred dog licenses are as follows:
 - 1 to 25 purebred dogs \$25.00 annual fee
 - 25 to 50 purebred dogs \$75.00 annual fee
 - 50 plus purebred dogs \$100.00 annual fee

In addition to the foregoing, there shall be a three dollars (\$3.00) surcharge for each unsprayed/ unneutered purebred dog licensed for the purpose of carrying out the animal population control.

All dogs listed on a purebred license must be registered with a New York State recognized purebred registry.

A license for any guide dog, service dog, hearing dog, detection dog, war dog, working dog, police dog and therapy dog is required, but no license fee shall be charged.

The Town Board may, by resolution, change any of the foregoing fees if deemed necessary adopted by residents of the Town of Northumberland.

- (c) The Town of Northumberland shall contract with an animal shelter to license dogs adopted by residents of the Town of Northumberland.
- (d) All dog licenses may be purchased and obtained by visiting the office of the Town Clerk or by regular mail. When licensing or renewing a license by mail the appropriate fee must accompany the forms. Fees are non-refundable.
- (e) Fees for Seizure of Dogs. The fee for seizure and impoundment of dogs in violation of this law or the laws of the New York State Department of Agriculture and Markets Law shall be set forth in Section 118 of the Agriculture and Markets Law.

Seizure of Dogs at Large

Any dogs found to be running at large in violation of Section 117 of the Agriculture and Markets Law, whether licensed or unlicensed, will be seized by the Dog Control Officer and such dog shall be properly fed and cared for until redeemed by the owner, adopted or disposed of and provided by Section 117 of the Agriculture and Markets Law.

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Duties of Dog Control Officer

A Dog Control Officer designated by the Town Board, as provided by Section 114 of the Agriculture and markets law, may enforce the provisions of this Chapter and may also investigate and report to the Town Justice of any dangerous dog, as described in Section 121 of the Agriculture and Markets Law, and see that the order or orders of the Town Justice in such case are carried out.

Filing of Complaints

Any person who observes a dog causing damage or destruction to property of a person other than its owner or committing a nuisance upon the premises of a person other than its owner may file a signed complaint, under oath, with a town Justice of the Town of Northumberland specifying the objectionable conduct of the dog, the date therefore, the damage caused, a description of the dog and name and residence, if known, of the owner or other person harboring said dog.

Summons

Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice may summon the alleged owner or other person harboring said dog to appear in person before him. If the summons is disregarded, the Justice may permit the filing of an information and issue a warrant for the arrest of such person.

Penalties for Offenses

A violation of this Chapter shall be deemed an offence against this Chapter, and any person convicted of such violation shall be liable to the penalty set forth in Section 119 of the Agriculture and Markets Law.

Period for impoundment

Dogs impounded under the provisions of Section 117 of the agriculture and Markets Law shall be held for redemption not less than five (5) days.

Severability

Should any section or provisions of this Chapter be deemed to be unconstitutional or invalid by a Court of law, such decision shall not affect the validity of this Chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Repealer

This Chapter shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Northumberland and they shall be upon the effectiveness of this Local Law, null and void.

Effective date

This Local Law shall become effective upon filing with the Secretary of State.

It was the consensus of the Town Board Members that the Town would not issue Purebred Licenses. The Town Clerk and Town Attorney will work on this proposed Local Law to make minor changes. A final draft of the

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proposed Local Law will be presented at next month's meeting with a Public Hearing to be set for December's Town Board Meeting..

2. Waste Removal at the Transfer Station: The Town Board has been working on a bid proposal for the removal of household garbage and recyclable items at the Transfer station. Councilwoman Patricia Bryant made a motion to solicit bids for the following:

The Town of Northumberland is soliciting bids for Waste Removal Service and Recycling at our transfer station located on Peters Road for fiscal year 2011. The bids are in two parts, "Part A", and "Part B".

"Part A" Waste Service

Rental of 2 – 30 yard roll offs
Disposal of 2 – 30 yard roll offs
Hauling of 2 – 30 yard rolls offs

All service invoices must include all fees such as fuel/environmental surcharge. All invoices must be submitted on a monthly bases. The bid must also include the cost of an additional roll off if needed within the Town of Northumberland. Proof on Insurance is required naming the Town of Northumberland as additional insurer. The awarded bidder must sign a contract holding the "Town of Northumberland" harmless.

- The estimated waste tonage is available at the Town Clerk's office from January 1, 2010 until most current invoice. The Town of Northumberland does not accept C & D waste, yard waste and tires.

Part "B" Recycling

Bid to include containers at the Town of Northumberland's Transfer Station located on Peters Road to hold recycling items, hauling and any and all costs associated with the removal of all items. Presently the Town of Northumberland recycles newspaper, flattened cardboard, magazines, plastic bottles, glass bottles and jars, steel cans and bulk metals. The Transfer station does not accept Christmas trees and leaves for composting. The bid must include the cost of any additional bins if needed within the Town of Northumberland for recycling. Proof of Insurance is required naming the Town of Northumberland as additional insurer. The awarded bidder must sign a contract holding the "Town of Northumberland" harmless.

- The estimate weight of recycled items for 2009 is available at the Town Clerk's Office.

All bidders must submit a Bid proposal for both Part "A" Waste Service and Part "B" Recycling. All proposals must be valid for 90 days. All Bids must be submitted no later than December 1, 2010 and must be addressed to the "Bid Committee", Town of Northumberland, PO Box 128, 17 Catherine Street, Gansevoort, NY. The Town has the right to reject any or all bids.

Councilman Daniel Gale seconded the motion. All in favor, motion carried.

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3. Honor a deceased Veteran: November 16, 2010 Saratoga County Board of Supervisors will be honoring a deceased veteran from the Town of Northumberland. The Town Board last month chose William Sherman to honor at this ceremony. Councilwoman Patricia Bryant introduced Resolution # 34 of 2010:

Resolution Honoring Deceased Veteran William Abram Sherman

WHEREAS, William Abram Sherman was born March 22, 1920 on the Sherman family farm in Bacon Hill, to the late William Abram Sherman and Alice (Hagadorn) Sherman, and

WHEREAS, William Abram Sherman graduated from South Glens Falls High School in 1938 and graduated from Green Mountain College in Poultney, VT. in 1940.

WHEREAS, William Abram Sherman married Eileen C. Bain in Argyle New York on October 22, 1942 and on their last anniversary together, they celebrated 67 years of marriage, and

WHEREAS, William Abram Sherman's surviving relatives are, his spouse Eileen C. Sherman (Bain) of Gansevoort; his son, Merrill A. Sherman and his wife, Carile (Pearsall) of Gansevoort; his son, Gary L. Sherman and his wife, Dorothy (McWhorter) of Schuylerville; grandsons, Robert Sherman of Wallingford, CT and Jason Sherman of Sunderland, MA; granddaughters Rachel Sherman Barnes and her husband, Matthew, of Chatham, MA, Audra Sherman Cook and her husband, Edson, of Gansevoort and Laura Sherman Miller of Gansevoort; grandson-in-law Courtland Miller; great granddaughter, Sage Barnes of Chatham, MA; great grandson Brady William Cook of Gansevoort; Eleanor (Sherman) Thomas, sister, of Schuylerville; and the family dogs, Trinket and Greta, and

WHEREAS, William Abram Sherman was predeceased by his infant son, Donald William Sherman; and baby granddaughter Kristy Jean Sherman, and

WHEREAS, On November 3, 1942, William Abram Sherman enlisted in the US Navy where he bravely and proudly served his country with the Sea Bees during World War II aboard the US LST-333 in the Mediterranean going into the invasion of Sicily where he was severely injured and honorably discharged with a Purple Heart on November 3, 1943.

WHEREAS, William Abram Sherman had been employed by Fowlers in Glens Falls, Sandy Hill Corporation in Hudson Falls, and Washington County Co-Operative Insurance Company in Greenwich. William Abram Sherman was elected Supervisor for the Town of Northumberland in 1978. He was also an Inspector of Elections.

WHEREAS, William Abram Sherman served as Supervisor from 1979-1981. Many milestones were accomplished while William Abram Sherman was Supervisor; such as the Open Container Local Law being adopted, a landfill (located on Peters Road) power line installed, Municipal Center repairs and upgrades to gym and sheriff's department, a Disaster Preparedness Program was started in 1981 and beginnings of protest of the County Wide Landfill on April 6, 1981 which led to a Local Law being passed stating no wastes or refuse generated outside the Town of Northumberland could be dumped on any premises without express permission of Town Board, and

WHEREAS, William Abram Sherman was a Charter member of the Gansevoort Volunteer Fire Department where he held the title of Past President and he also served on the Board of Commissioners, receiving his 25 Year Certificate April 7, 1971, and

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WHEREAS, William Abram Sherman took great pride in maintaining the Sherman family farm and looked forward to the spring and summer months when he could tend to his riverside garden, now therefore be it

Resolved, That the Northumberland Town Board hereby honors William Abrams Sherman for his valiant service to our Country and his endless hours of serving his community which helped to make Northumberland a wonderful place to call home.

Councilman Daniel Gale seconded the introduction of Resolution #34 of 2010

Supervisor Willard Peck – “Aye”
Councilman Daniel Gale – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #34 of 2010 Adopted

NEW BUSINESS

1. At last month’s Town Board Meeting, Town Board Members looked at possibly abolishing the office of Town Tax Collector. Town Attorney Douglas Ward stated after doing research it was determined that the Town Board can abolish the office of Town Tax Collector by Resolution provided it was adopted at least 150 days prior to any biennial Town election. Once the position is abolished, it cannot be reestablished. The Town Board will review proposed Resolution and make a determination at November’s Town Board Meeting.

2. 2011 County Tax Levy – Sales Tax Application:

Supervisor Willard introduced Resolution # 35 of 2010

BE IT RESOLVED, the Northumberland Town Board requests that the Town’s share of the 2010 Sales Tax Revenue be distributed as cash.

Councilman Daniel Gale seconded the introduction of Resolution # 35 of 2010.

Supervisor Willard Peck – “Aye”
Councilman Daniel Gale – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #35 of 2010 Adopted

3. 2011 Town Budget: Supervisor Willard Peck, as Budget Officer, submitted the 2011 Proposed Town Budget. Supervisor Peck stated he will be making some minor changes. There will not be a tax increase. The Supervisor and Town Board Members did not receive a salary increase. Elected and appointed employees received an average of a 3% increase. Supervisor Willard Peck asked the Town Board Members to please review the proposed town budget and if they have any questions please let him know.

4. November’s Town Board Meeting and 2011 Town Budget Public Hearing: The Town Clerk asked the Town Board Members if they would consider changing the Meeting date for November due to her husband being operated on November 4, 2010. Councilman Daniel Gale made a motion to hold the Public Hearing on the 2011

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Town Budget on Monday, November 1, 2010 @ 7:00 PM to be followed by the Regular Monthly Meeting. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

DESIGNATIONS

1. Transfers: Supervisor Willard Peck introduced the following transfers for the Town Boards consideration:

From: DA9040.8 \$282.00

To: DA9055.8 \$252.00

DA9089.8 \$ 30.00

Councilwoman Patricia Bryant made a motion to approve transfers as presented by Supervisor Willard Peck. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

2. Approval of Vouchers: Councilman Daniel Gale made a motion to approve the following vouchers for payment:

General Fund Vouchers # 270/# 344 - # 378 Total Claim \$30,020.31

Highway Fund Vouchers # 212 - # 233 Total Claim \$195,188.53

Sewer Fund Voucher #12 Total Claim \$26.13

Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

DEPARTMENTS

Highway Sup't: Highway Sup't Neil Petteys informed the Town Board that he would like to sell the 1986 Ford Dump Truck. Highway Sup't Neil Petteys stated that he no longer has a need for it. Councilman Daniel Gale made a motion to solicit bids for the sale of the 1986 Ford Dump Truck with a return date of December 1, 2010. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

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

Respectfully submitted,

Denise D Murphy
Town Clerk

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