

**Town of Northumberland
November 13, 2014
Town Board Meeting**

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 John DeLisle; Councilman George Hodgson and Councilwoman Patricia Bryant. Also attending Was Clerk Denise Murphy; Town Attorney Douglas Ward; Building and Zoning Administrator Richard Colozza and Highway Sup't Harold Vance Jr. Also attending was town resident David Gougler.

PUBLIC PARTICIPATION

There were no comments from the public.

APPROVAL OF MINUTES

1. Councilman George Hodgson made a motion to approve the minutes of the September 11, 2014 Regular Monthly Meeting. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.
2. Councilman John DeLisle made a motion to approve the minutes of the September 25, 2014 Special Town Board Meeting. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.
3. Councilman George Hodgson made a motion to approve the minutes of the October 9, 2014 Regular Monthly Meeting. Councilman John DeLisle seconded the motion. All in favor, motion carried.

CORRESPONDENCE

1. Dog Control Officer: Ed Cross, DCO, submitted his October 2014 report. Mr. Cross answered 8 complaints, brought 1 dog to the shelter, issued 1 warning, issued 1 summons and handled 2 bite cases.
2. The Town of Northumberland received a letter from New York Municipal Insurance Reciprocal regarding recommendations for Town. Mr. Blaisdell, Senior Risk Control Specialist, performed an underwriting survey of the Town. Supervisor Willard Peck asked that all Town Board Members review the recommendations.
3. The Town of Northumberland received a letter from IVI Telecom Services, Inc. regarding Section 106 Public Outreach – IVI Project #: TS41012660.
4. The Town of Northumberland received the clall list from Moreau Emergency Squad:

January – 14
February – 16
March – 17
April – 8

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May – 23
June – 20
July – 18
August – 18
September – 14
October – 13 Total calls year to date: 161

5. The Town of Northumberland received a report from General Schuyler Emergency Squad: The General Schuyler Emergency Squad answered 53 calls for October – 16 in the Town of Saratoga, 5 in the Town of Northumberland, 20 in the Village of Schuylerville, 2 in the Village of Victory, 3 Mutual Aid to Easton/Greenwich, 3 Mutual Aid to Wilton, 1 Stand-by in Wilton and 3 Mutual Aid in the City of Saratoga. In October the Agency ran a successful Flue Shot Clinic with 20 shots administered. They also participated in two Regattas on Saratoga Lake and numerous football games and the Fire Prevention Day at the Schuylerville Elementary School.

6. Supervisor Willard Peck received information regarding the New York State Puppy Mill Law. Supervisor Peck turned this information over to Town Attorney Douglas Ward.

OLD BUSINESS

1. Time Warner Cable Franchise Agreement: Supervisor Peck stated that Time Warner Cable has sent a map of the Town of Northumberland showing where service is available. Supervisor Peck asked that each Board Member to review it for areas that need to be expanded.
2. Employee Handbook: Councilwoman Patricia Bryant stated that she has reviewed all the notes made on the draft Employee Handbook and she would like to review some areas with the Town Clerk. Once this has been completed, she will present the proposed changes to Supervisor Peck.

NEW BUSINESS

Supervisor Willard Peck made a motion to go into Executive Session @ 7:15 PM to discuss possible litigation. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Supervisor Willard Peck made a motion to reconvene the Regular Monthly Meeting @ 7:50 PM. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

1. Town Attorney Douglas Ward stated that the Town Clerk received a Referendum Petitions from Christopher Laing regarding Town Resolution # 83 “In the Matter of authorizing the Financing and Construction of a New Town Hall and the execution of contracts for the Construction Work “on October 27, 2014. Under State Law the Town Clerk is charged with reviewing all such submissions to determine whether they are in a proper form to be filed. Town Attorney Douglas Ward stated that the State Comptroller Office has opined that: “[a]n official with whom documents are required to be filed has power to determine whether those documents are in proper form for filing. His/Her duties are

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ministerial and in that capacity he/she may reject documents which are on their face invalid and not entitled to be filed". The Comptroller further opined: "The town board could have no part in such a determination." Pursuant to this authority, Town Clerk Denise Murphy, in consultation with the Town Attorney, reviewed the Referendum Petitions regarding Town Resolution # 83 and found that they were facially invalid and not entitled to be filed. The Town Attorney stated that the Courts insist on strict compliance and enforcement of Town Law and the Election Law requirements regarding preparation and submission of referendum Petitions, These requirements are intended to guard against "fraud, deception or confusion". Town Clerk Denise Murphy stated that she has sent Mr, Laing a certified letter, returning the original eight pages of Referendum Petitions and informing him the reasons that the Petitions were facially invalid and not entitled to be filed. In the letter, Town Clerk Denise Murphy explained the defects in the Petition are as follows:

- The Signers do not attest that the address next to their name is their present place of residence.
- The Witness Statement does not indicate the number of signers that were witnessed signing each Petition.
- The pages of the Petitions were not stapled together.
- The Petitions do not state a basis for a referendum.

Town Clerk Denise Murphy forwarded a copy of this letter to Supervisor Willard Peck and the Town Board. Town Clerk Denise Murphy also noted that since she is rejecting and returning the original petitions and she will not be taking any further steps in this matter.

Supervisor Willard Peck stated that State Law dictates the Town Clerk has the sole responsibility of declaring a Petition valid. Supervisor Willard Peck stated the Town Board defers to the Town Clerk's decision to reject the Petition submitted by Christopher Laing. Town Supervisor Willard Peck agreed with the Town Clerk's conclusion that the Petitions were defective on their face. Supervisor Willard Peck stated that since there were residents that expressed interest in a Referendum and in the spirit of the law, he stated he would support holding a Referendum Vote. Town Attorney Douglas Word stated that in this case the Town Board could, on its own initiative, vote to hold a Referendum on Resolution # 83.

Councilman John DeLisle introduced Resolution # 87 of 2014 as follows – **RESOLUTION FOR SCHEDULING OF A REFERENDUM VOTE REGARDING THE TOWN BOARD'S DETERMINATION TO AUTHORIZE THE FINANCING AND CONSTRUCTION OF A NEW TOWN HALL**

WHEREAS, on October 9, 2014 the Town Board of the Town of Northumberland, New York (the Town Board), duly adopted a resolution (Resolution No. 83, 2014) authorizing the financing and construction of a New Town Hall (hereinafter Resolution No. 83). After completion of the new Town Hall, the existing Town Hall would be removed.

WHEREAS, the Town Board adopted Resolution No, 83 after public hearing held on September 25, 2014 (no party appeared to express any opposition to the financing and construction plan) and consideration of the analysis and recommendations of a Building Committee, which over the course of a

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year evaluated various options including a no action alternative, building repair and renovation options, and building replacement options.

WHEREAS, as stated in Resolution No. 83, the Town Board recognized that this resolution was subject to permissive referendum as provided in Sections 90 and 91 of the Town Law of the State of New York.

WHEREAS, on October 27, 2014, Mr. Christopher Laing submitted petitions to the Northumberland Town Clerk seeking a permissive referendum on Resolution No. 83.

WHEREAS, by determination dated November 13, 2014, the Northumberland Town Clerk rejected and returned the petitions to Mr. Laing on the grounds that they were facially invalid under the requirements of the NYS Town Law and Election Law and were not entitled to be filed.

WHEREAS, while the Town Board defers to the determination of the Town Clerk (who has exclusive jurisdiction in this regard), it recognizes that there now appears to be some interest in putting Resolution No 83 to a public vote despite the fact no opposition to the proposed Town Hall project has ever been submitted to the Town throughout the review and decision-making process.

WHEREAS, the Town Board has consistently underscored the importance of public involvement in this review/decision-making process and, given the apparent, recent expression of support for a referendum to provide voter input, the Town Board believes that such a referendum should be held despite the facial inadequacy of the petitions submitted by Mr. Laing.

WHEREAS, the Town Board has independent authority to authorize a public referendum on Resolution No. 83 (regardless of the invalidity of the petitions) pursuant to Town Law §§ 90, 91, 92 and 94.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board that it be and hereby is determined as follows:

- (1) That a referendum vote will be scheduled for January 20 , 2015 between the hours of 9am and 8pm at Northumberland Town Hall at 17 Catherine St., Gansevoort NY on the following ballot proposition:

Do you support construction of a New Town Hall that will be more efficient for heat, electric and maintenance while meeting the increased safety upgrade requirements for court facilities and town offices, as opposed to making major, necessary structural and system renovations to the existing, deteriorated Town Hall.

Vote Yes to support construction of a New Town Hall and removing the existing Town Hall.

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Vote No to oppose construction of a New Town Hall

(2) That legal notice of the referendum be published and posted as required by law and is otherwise sufficient.

(3) That the Town Clerk take such measures as are necessary to ensure that the referendum proceeds in accordance with all applicable law.

Councilman Paul Bolesh seconded the introduction of Resolution # 87 of 2014.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman John DeLisle – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution # 87 of 2014

Town Attorney Douglas Ward stated that he will work with the Town Clerk to coordinate the next part setting up a Special Town Vote.

2. 2015 Town Budget: Supervisor Peck stated that the Town Board held their Public Hearing on the proposed 2015 Town Budget on November 6, 2014. There were no comments from the public. Councilwoman Patricia Bryant introduced Resolution 88 of 2014 –

WHEREAS, the Northumberland Town Board having, on November 6, 2014 at 7:00 p.m., duly held a Public Hearing on the proposed town budget approved by this Board and filed with the Town Clerk for the fiscal year commencing January 1, 2015, and having heard all persons desiring to be heard in the matter, and the matter of the budget for this Town for such fiscal year having been fully discussed and considered, it is

RESOLVED, that said proposed town budget approved and filed as aforesaid, is hereby adopted and established as the annual budget as so adopted is detailed in the minutes of the proceedings of this Town Board, and be it further

RESOLVED, that the Town Clerk of this Town shall prepare and certify as provide by law, duplicate copies of said annual budget hereby adopted, and deliver one of such copies to the Supervisor of the Town, and that he shall present such copy to the Board of Legislators of the County as required by law. **The 2015 Annual budget, in its entirety, is in the official minute book at the town clerk’s office and on the website, townofnorthumberland.org.**

Councilman John DeLisle seconded the introduction of Resolution # 88 of 2014.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

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Councilman George Hodgson – “Aye”
Councilman John DeLisle – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #88 of 2014 Adopted

3. Highway Sup’t Harold Vance Jr. informed the Town Board that he has examined the intersection of Gurnsprings Road and Strong Road regarding the complaints his office has received regarding visibility. Highway Sup’t Harold Vance Jr. stated that it is hard to see coming off Gurnsprings Road looking heading south on Gurnsprings Road. Highway Sup’t Harold Vance stated that a three way “Stop” sign is warranted at this intersection. Councilman George Hodgson made a motion to approve a three way “Stop” sign at the intersection of Gurnsprings Road and Strong Road. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

DESIGNATIONS

1. Transfers: Councilman Paul Bolesh introduced Resolution # 89 of 2014 –

WHEREAS, the following accounts are over:

A1110.2 - \$ 150.00
A1355.4 - \$ 291.00
A1910.4 - \$3,358.00
A3310.4 - \$2,320.00
A8020.4 - \$ 132.0
A8020.4 - \$ 728.00

Therefore be it, Resolved, to Transfers from the following Account:

A1990.4 - \$ 6,766.00
A1220.4 - \$ 213.00

Councilman John DeLisle seconded the introduction of Resolution # 89 of 2014.

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman George Hodgson – “Aye”
Councilman John DeLisle – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #89 of 2014 Adopted

2. Councilman George Hodgson introduced Resolution # 90

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

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A(General Fund) Vouchers - #355 - #390 Total: #25,615.74
DA(Highway Fund) Vouchers - #273 - #293 Total: \$24,622.96
SS(Sewer District #1) Vouchers #11 & #12 Total: \$1,481.97

Councilwoman Patricia Bryant seconded the introduction of Resolution # 90 of 2014.

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman George Hodgson – “Aye”
Councilman John DeLisle – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #90 of 2014 Adopted

3. Supervisor’s Financial Report: Councilman John DeLisle introduced Resolution # 91 of 2014:

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 October 2014:

GENERAL

Balance as of 09/30/2014	\$ 1,536,140.67
Increases	\$ 143,033.46
Decreases	\$ 243,679.07
Balance as of 10/31/2014	\$ 1,435,495.06

HIGHWAY

Balance as of 09/30/2014	\$ 384,008.22
Increases	\$ 33.89
Decreases	\$ 204,809.30
Balance as of 10/31/2014	\$ 179,232.81

SEWER DISTRICT #1

Balance as of 09/30/2014	\$ 32,861.23
Increases	\$ 4.95
Decreases	\$ 25.03
Balance as of 10/31/2014	\$ 32,841.15

BE IT RESOLVED, the Town Board has reviewed and approved October, 2014 Monthly Report by Supervisor Willard Peck as presented.

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Councilwoman Patricia Bryant seconded the introduction of Resolution # 91 of 2014.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman John DeLisle – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution # 91 of 2014 Adopted.

Councilman Paul Bolesh made a motion @ 8:15 PM to adjourn the Regular Monthly Meeting.
Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy
Town Clerk