

**Town of Northumberland  
Town Board Meeting  
July 15, 2021**

The Regular Monthly Meeting of the Northumberland Town Board was called to order @ 8:00 AM by Supervisor Willard Peck. 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 David Brennan; Highway Supt David Coffinger and Building and Zoning Administrator Richard Colozza.

**PUBLIC PARTICIPATION**

Jill Howard, 25 San Luis Road, expressed concern with a sink hole in her front lawn related to the town's catch basin. Mrs. Howard stated that she left a message at the Highway Garage on Tuesday and hasn't heard back from the Highway Supt. Mrs. Howard stated that her front lawn is continuing to get washed below ground level. There is a new sink hole and the rain is not going down the drain. The water is tunneling through the surrounding ground and creating multiple sink holes in her front yard. Mrs. Howard stated that the Highway Department had been there last month and did a large amount of work to try and rectify the problem, but the underlying issue was not resolved. Mrs. Howard stated that she is concerned about her drinking water as her well is shallow and this runoff maybe feeding it. Mrs. Howard provided pictures of her front yard in relationship to the sink hole. Highway Supt David Coffinger stated that he stopped by her property around 6:30 AM to take a further look at the drainage. Highway Supt Coffinger stated that he has ordered a concrete sleeve to bring the drainage grate up which will allow for better flow of rain water. Highway Supt Coffinger stated that he hopes to complete the work in the next few weeks. Highway Supt Coffinger stated the problem is there are no plans on file for her development regarding the drainage pipes. Highway Supt Coffinger stated that the sink holes will not interfere with her water quality. Mrs. Howard thanked Highway Supt Coffinger for explaining what he plans to do. Highway Supt Coffinger stated that he is hoping to pave the roads in her Development next year.

Steven Allen, 139 Leonard Street, asked the Town Board if there has been any discussion regarding additional Cell Towers in the Town. Mr. Allen stated that his landline with Verizon has not worked for the last month. After calling the Public Service Commission they finally came today and fixed it. His only telephone he and his wife had was there cell phones during this time. He stated that they have to go outside and drive around to get more than 2 bars on their phones. Mr. Allen stated that both him and his wife are Senior Citizens and that worries him. Supervisor Peck informed Mr. Allen that the Town Board will vote today regarding establishing the New Cingular Wireless Telecommunications Development District. The site is roughly 1 to 1 ½ miles from Mr. Allen's home. Supervisor Peck stated that if they receive approval tonight from the Town Board, they still need to go to the Planning Board for Site Plan Review. Attorney David Brennan stated that a Public Hearing has been set for this project on July 26<sup>th</sup>. Town Attorney Brennan stated that once they receive their approvals, they hope to start construction this fall. Mr. Allen stated that he is also frustrated that he can not get Time Warner Cable. The cable stops right before this home. Mr. Allen thought that the Governor was pushing for broadband for every New Yorker. Supervisor Peck gave a brief history on how the Town has been negotiating with

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Time Warner to increase cable in our Town. Supervisor Peck stated that he will continue pushing for a larger area to have cable.

**APPROVAL OF MINUTES**

1. Councilman George Hodgson made a motion to approve the minutes of the June 10, 2021 Public Hearing regarding a Local Law Amending the Town of Northumberland Zoning Ordinance to Establish a Planned Unit Development District for Stonebridge Farm. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

2. Councilman John DeLisle made a motion to approve the minutes of the June 10, 2021 Public Hearing regarding a Local Law Establishing the New Cingular Wireless (AT & T) Telecommunications Development District. Councilman George Hodgson seconded the motion. All in favor, motion carried.

3. Councilman John DeLisle made a motion to approve minutes of the June 10, 2021 Public Hearing on a Local Law Enacting an Eight Month Moratorium on Certain Solar Energy Systems. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

4. Councilwoman Patricia Bryant made a motion to approve minutes of the June 10, 2021 Regular Monthly Meeting. Councilman John DeLisle seconded the motion. All in favor, motion carried.

**CORRESPONDENCE**

1. Dog Control Report for June, 2021: Ed Cross, Dog Control Officer, answered 8 complaints, brought 9 dogs to the Saratoga County Animal Shelter, issued 3 Warnings and issued 4 Summons. A very busy month.

2. The Town Board received a letter from NYS Division of the Budget thanking the town for submitting information and request for funds from the ARPA Coronavirus Local Fiscal Recovery Fund. The Town of Northumberland is eligible for a total ARPA payment of \$518,497, of which half will be paid this Summer and half in the Summer of 2022.

3. The Town Board received a letter from New York State Department of Agriculture and Markets regarding the Town's Dog Control Officer Inspection Report. The report indicates that the Dog Control Officers Services were rated "Satisfactory".

4. The Town Board received a letter from New York State Canal Corporation regarding "Earthen Embankment Integrity Program (EEIP) – Notice of Release of Draft Generic Environmental Impact Statement (DGEIS).

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**NEW BUSINESS**

1. Local Law regarding Adult Use Cannabis Retail Dispensaries and On-Site Consumption Sites: Earlier this month Attorney Dave Brennan forwarded information to the Town Board Members regarding Cannabis Retail Sales. Attorney Brennan also forwarded Sample Local Laws regarding “Local Opting out of Adult Use Cannabis Retail Dispensaries and On-Site Consumption Sites”. If a Municipality does not “Opt-Out” prior to December 31<sup>st</sup>, there is no way to “Opt-Out” after December 31, 2021. A Municipality can always “Opt-In” after the December 31, 2021 cutoff date. Supervisor Peck stated that he would like each Board Member to review the material for next month’s Meeting.
  
2. Turning Point Parade: The Town Board was informed that the Turning Point Parade will be held on August 1, 2021@ 1:00 PM. Supervisor Willard Peck stated that if any Board Member is interested in Marching, please let him know.
  
3. Grange Hall Road Culvert: Supervisor Peck received an email from Dustin Lewis, Saratoga County Soil and Water Conservation District. Their Office is submitting an application for funding to replace a culvert on Grange Hall Road. It is the same culvert that the Town is applying for BRIDGE NY funding for. This application, if it is awarded, would only apply if the BRIDGE NY funding does not come through. As part of the application process, they need letters of support from both Supervisor Peck and Highway Supt David Coffinger. Supervisor Peck stated that he has prepared a letter and would like the Town Board to support his signature. Councilman George Hodgson made a motion to authorize Supervisor Willard Peck to sign a “Letter of Support” for Upper Hudson River Watershed LWRP Implementation Project for Culverts to Secretary of State- Rossana Rosado. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.
  
4. Rebuilding Together Saratoga County: Supervisor Willard Peck stated that he received an email from Michele Larkin requesting a Letter of Support for Rebuilding Together Saratoga County’s Application to the United States Department of Agriculture Housing Preservation Grant Program. Rebuilding Together Saratoga County is requesting funding to complete home repair projects for low-income homeowners in the rural parts of Saratoga and Washington County. Supervisor Willard Peck stated that he has prepared a letter and would like the Town Board to support his signature. Councilman Paul Bolesh made a motion to authorize Supervisor Peck to sign a “Letter of Support” for Rebuilding Together Saratoga County’s Application to the United States Department of Agriculture Housing Preservation Grant Program. Councilman John DeLisle seconded the motion. All in favor, motion carried.
  
5. August Town Board Meeting: Supervisor Willard Peck stated that he has a commitment on August 12, 2021. It was the consensus of the Town Board Member’s to hold August Town Board Meeting on August 26, 2021 @ 8:00 AM.

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**OLD BUSINESS**

1. Consider Adoption of Local Law Establishing the New Cingular Wireless (AT & T) Telecommunications Development District: Supervisor Willard Peck informed the Town Board Members that Saratoga County Planning Board reviewed the Town's proposed amendment to the Town's Telecommunications Development District (TDD) to allow a second telecommunications tower to be built within the proposed expanded TDD area. Saratoga County Planning Board approved the amendment. Supervisor Willard Peck asked if the Town Board wished to take any action.

Councilman John DeLisle introduced Resolution #49 of 2021

**LOCAL LAW # 2 OF THE YEAR 2021 - A LOCAL LAW ESTABLISHING THE NEW CINGULAR WIRELESS PCS, LLC ("AT&T") TELECOMMUNICATIONS DEVELOPMENT DISTRICT**

**Be it enacted by the Town of Board of the Town of Northumberland as follows:**

1. **INTENT; AUTHORITY** - This Local Law shall be known as Local Law No. 2 of 2021 and amends the Town of Northumberland Zoning Ordinance and Zoning Map to provide for the creation of "Telecommunications Development District No. 2, New Cingular Wireless PCS, LLC ("AT&T") TDD". It is adopted pursuant to Municipal Home Rule Law Section 10 and Town of Northumberland Local Law No. 2 of 2010 / Zoning Ordinance Article V-A (the "TDD Local Law").
2. **AMENDMENT TO ZONING ORDINANCE AND MAP** - The Town of Northumberland Zoning Ordinance and Zoning Map are hereby amended by establishing a Telecommunications development District to be known as described as "Telecommunications Development District No. 2, New Cingular Wireless PCS, LLC ("AT&T") TDD" encompassing the area described in Exhibit A, located in the R-3 residential district.
3. **TDD BOUNDARIES** - The area of the telecommunications Development District consists of an approximately 100' x 100' area located on a portion of property located at 5 Blue Heron Terrace, Town of Northumberland, Saratoga County, New York, described as set forth in the property description attached hereto as Appendix A, subject to submission of a survey of the property by a licensed surveyor.
4. **PERMITTED USES WITHIN THE TDD** - The property within the Telecommunications Development District shall be used only for purposes permitted pursuant to the TDD Local Law.
5. **TOWN PLANNING BOARD APPROVAL** - In accordance with Section IV of the TDD Local Law, written Planning Board approval for a Telecommunications Siting Permit is required in order to own, site, construct or operate telecommunications towers and related facilities within the TDD.

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6. **COMPLIANCE WITH TDD LOCAL LAW** - Prior to the issuance of any Building Permit for construction within the TDD, the applicant shall comply with the requirements of the TDD Local Law.
7. **VIOLATIONS** - Any violations of the provisions of this Local Law shall constitute a violation of the Zoning Ordinance and the provisions hereof shall be enforceable pursuant to the enforcement provisions of the Zoning Ordinance. The Town may also seek any other remedies as allowed under law.

**EFFECTIVE DATE** - This local Law shall take effect upon filing by the New York State Secretary

Councilman George Hodgson seconded the introduction of Resolution #49 2021.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman John DeLisle – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”      Resolution # 49 of 2021 Adopted

2. Consider Adopting a Local Law Enacting an Eight Month Moratorium on Certain Solar Energy Systems: Supervisor Peck stated that this proposed Project – A proposed 8-month moratorium for the Town to consider updates to its existing Zoning Ordinance that regulates certain Solar Energy Systems was referred to Saratoga County Planning Board for their review. Saratoga County has reviewed and approved the proposed Moratorium. Town Attorney David Brennan stated this proposed Local Law is not subject to SEQRA. Supervisor Willard Peck asked if they wished to take action tonight?

Councilman George Hodgson introduced Resolution #50 of 2021 –

**Local Law No. 3 of the year 2021**

**A Local Law Enacting an Eight Month Moratorium  
on Certain Solar Energy Systems**

**Be it enacted by the Town Board of the Town of Northumberland as follows:**

Section 1. Title

This Local Law shall be referred to as “A Local Law Enacting an Eight Month Moratorium on Certain Solar Energy Systems.”

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Section 2. Purpose and Intent

The Town of Northumberland is considering updating the provisions of its existing Zoning Ordinance that regulate Solar Energy Systems. The current Zoning Ordinance provisions regulating Freestanding/Ground-Mounted Solar Collection Systems have resulted in applications to the Town that are inconsistent with the Town's desire to protect community agricultural character, open space, aesthetics and other resources. The Town has received applications that are significantly visible from local roads and properties and that take viable agricultural land out of production. The Town seeks to pause the processing of applications for Freestanding/Ground-Mounted Solar Collection Systems, as that term is defined in the Zoning Ordinance as amended by Local Law 2 of 2017, so that the Town may study the issues affecting this particular land use and execute a public process to consider updating the Zoning Ordinance to reflect the results of the analysis. The Town Board notes that Rooftop/Building Mounted Solar Collections Systems and Accessory Solar Energy Systems, as those terms are defined in the Zoning Ordinance, are not the types of applications that have been identified as potentially problematic. Accordingly, Rooftop/Building Mounted Solar Collections Systems and Accessory Solar Energy Systems are excluded from the restrictions contained in this Local Law.

Section 3. Authority

This moratorium is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

Section 4. Scope of Controls

For a period of eight (8) months from the effective date of this Local Law, no board, officer or agency of the Town shall accept, process, consider or approve any new applications for building permits, special use permits, special permits, variances, site plan approvals, lot line revisions, subdivision approvals or other approvals or permissions related to the undertaking, establishment, placement, development, excavation, enlargement, construction or erection of Freestanding/Ground-Mounted Solar Collection Systems, as that term is defined in the Zoning Ordinance as amended by Local Law 2 of 2017.

Section 5. Exemptions

Any application seeking approval of a Freestanding/Ground-Mounted Solar Collection System, as that term is defined in the Zoning Ordinance as amended by Local Law 2 of 2017 which the Town of Northumberland has deemed complete and for which a public hearing has been completed by the Planning Board shall be exempt from this moratorium and shall be processed and decided in accordance with the existing Zoning Ordinance without regard to this Local Law. For purposes of this provision, at the time of adoption of this Local Law, the only project that meets the requirements of this Section 5 is the Application of Omni Navitas for property owned by Horst Renz located at 235 Wall Street (SBL 156.-1-2.24).

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Section 6. Hardship

- A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special use permit, special permit, site plan, lot line revision, subdivision, or other approvals, permissions, or permits during the period of the moratorium imposed by this Local Law.
  
- B. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variance from this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the Town. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within sixty-two (62) days of the close of said Public Hearing, render its decision either granting or denying the application for a variance from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall grant a variance of the application of this Local Law to a particular property. In granting any variance, the Town Board shall grant the minimum variance necessary to provide the property owner relief from strict compliance with this Local Law.

Section 7. Term

The moratorium imposed by this Local Law shall be in effect for a period of eight (8) months from the effective date of this Local Law.

Section 8. Penalties

Any person, firm or corporation that shall undertake, establish, place, develop, excavate, enlarge, construct or erect anything regulated within the "Scope of Controls" listed in Section 4 above in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall:

- A. Be guilty if an offense, punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a period not to exceed 15 days, or both. Each day's continued violation shall constitute a separate offense, and
  
- B. Be subject to appropriate action or proceedings by the proper authorities of the Town to enjoin, correct, or abate any violation(s).

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Section 9. Validity

The invalidity of any provision of this Local Law shall not affect the validity of any other provisions of this Local Law that can be given effect without such invalid provision.

Section 10. Suspension and Supersession of Other Laws

All local laws in conflict with the provisions of this Local Law area hereby superseded and suspended for a period of eight (8) months from the effective date of this Local Law. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of New York Town Law under the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3), §10(1)(ii)(a)(14), and §22.

In particular, this Local Law supersedes any inconsistent provisions of New York Town Law §267, §267-a, §267-b, §274-a, §274-b, §276 and §277 for the purpose of vesting the Town Board of the Town of Northumberland with the authority to accept, hear, process and determine applications for variances from this Local Law.

Section 11. Effective Date

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Councilman Paul Bolesh seconded the introduction of Resolution #50 of 2021.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman John DeLisle – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”      Resolution #50 of 2021 Adopted

**APPOINTMENTS**

Assessor: Supervisor Willard Peck stated that Walter Smead, Sole Assessor, has come to him about hiring a part-time Clerk to help him with data gathering. Mr. Smead stated that he would like the Town to consider hiring Kelly Miller for the position. Ms. Miller has a lot of technical experience working in an Assessor's Office. Councilman John DeLisle made a motion to hire Kelly Miller as a part time Clerk in the Assessor's Office for \$25.00 per hour up to 15 hours a week. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.



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**DESIGNATIONS**

1. Approval of Vouchers: Councilwoman Patricia Bryant introduced Resolution # 51 of 2021

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

A (General Fund) Vouchers # 166 - # 199 Total: \$ 41,345.94  
DA (Highway Fund) Vouchers # 162 - # 191 Total: \$ 44,064.35  
SS (Sewer Fund) Voucher # 6 Total: \$ 31.43  
TA (Trust & Agency Fund) Vouchers # 17 & # 18 Total: \$8,041.80

Councilman John DeLisle seconded the introduction of Resolution # 51 of 2021

Supervisor Willard Peck – “Aye”  
Councilman John DeLisle – “Aye”  
Councilman Paul Bolesh – “Aye”  
Councilman George Hodgson – “Aye”  
Councilwoman Patricia Bryant – “Aye”                      Resolution # 51 of 2021 Adopted

2. Supervisor Willard Peck previously presented the Supervisor’s Report for May, 2021 for the Town Board’s consideration. Councilman Paul Bolesh introduced Resolution # 52 of 2021 -

**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 May 2021:

**GENERAL**

Balance as of 04/30/2021	\$	1,302,627.03
Increases	\$	195,615.78
Decreases	\$	86,914.63
Balance as of 05/31/2021	\$	1,449,101.74

**HIGHWAY**

Balance as of 04/30/2021	\$	641,630.37
Increases	\$	15,593.78
Decreases	\$	96,819.14
Balance as of 05/31/2021	\$	560,405.01

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SEWER DISTRICT #1

Balance as of 04/31/2021	\$	10,770.07
Increases	\$	0.30
Decreases	\$	47.50
Balance as of 05/31/2021	\$	10,722.87

**BE IT RESOLVED**, the Town Board has reviewed and approved May 2021 Monthly Report by Supervisor Willard Peck as presented.

Councilwoman Patricia Bryant seconded the introduction of Resolution #52 of 2021.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman John DeLisle – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #52 Adopted

Councilman Paul Bolesh made a motion to go into Executive Session to discuss updates on litigation @ 9:10 AM. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Councilman John DeLisle made a motion @ 9:20 AM to reconvene the Regular Monthly Meeting. Councilman Paul Bolesh seconded the motion. All in favor, motion carried. Supervisor Peck asked if the Town Board wished to take any action. There was none.

Councilman Paul Bolesh made a motion @ 9:23 AM to adjourn the Regular Monthly Meeting. Councilman John DeLisle seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy, Town Clerk