

**Town of Northumberland
Town Board Meeting
July 11, 2019**

The Regular Monthly Meeting of the Northumberland Town Board was called to order @ 8:00 AM by Supervisor Willard Peck. Following the salute to the flag, roll call was taken. Those attending were Supervisor Willard Peck; Councilman Paul Bolesh; Councilman John DeLisle; Councilman George Hodgson and Councilwoman Patricia Bryant. Also attending were Town Attorney David Brennan; Town Clerk Denise Murphy; Building and Zoning Administrator Richard Colozza and Highway Supt R. David Coffinger.

PUBLIC PARTICIPATION

Wayne Jones, 48 St. Johns Drive, came before the Town Board regarding a home located at 52 San Luis Road sitting vacant for 9 years. Mr. Jones stated that he has tried to get ahold of the bank to see the status of this home. Mr. Jones stated the property is in horrible condition. Mr. Jones stated that he is totally frustrated and needed some help to figure out if this house is in foreclosure. Mr. Jones stated, in last few years, the front yard was mowed periodically by either the bank or another entity but nothing has been done this year at all.

Edson Cook, 14 San Luis Road, stated he also has an adjoining property that is in the same shape as 52 San Luis Road. Mr. Cook stated in this case the homeowner has passed away and her grown kids and grandkids have lived there off and on for years. Mr. Cook stated that there is garbage everywhere on this property, located at 38 St. Croix Place, and he is the one that mows the lawn. Mr. Cook stated both of these properties are in the same development and they are having an impact on residence wishing to sell their homes.

Robert Bazarnick, 17 San Luis Road, agreed with both Mr. Jones's and Mr. Cook's statements.

Supervisor Willard Peck stated that unfortunately this is happening throughout Saratoga County. Residents purchased property at the height of the housing market and now owe more than what the home is worth and causing, in some cases, the property owner to walk away. Supervisor Peck asked Town Attorney David Brennan if he could research the status of these parcels and write a letter to the Bank requesting they do maintenance on these vacant properties. Mr. Jones asked if he could be copied on any letters that are sent to the bank. Attorney Brennan stated that he would.

APPROVAL OF MINUTES

1. Councilman George Hodgson made a motion to approve the minutes of the June 13, 2019 Regular Monthly Meeting. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

CORRESPONDENCE

1. Dog Control Officers Report: Ed Cross submitted his Dog Control Report for June 2019. Mr. Cross answered 5 Complaints and issued 5 Warnings.

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2. The Town Board received an invitation from the Turning Point Parade Committee to march in the 25th Annual Turning Point Parade on Sunday, August 4th. It was the consensus of the Town Board that they will not be participating this year due to individual family commitments.

3. Supervisor Willard Peck received a letter from Saratoga County Planning Department regarding the 2019 Saratoga County Farmland Protection and Open Space Grant Program. The purpose of the grant program is to assist in protecting farmland and other unique open spaces and natural areas throughout Saratoga County. This year, a total of \$100,000 has been allocated by the Saratoga County Board of Supervisors. All applications must be received by August 30, 2019. Supervisor Peck asked that both the Building Department and Town Clerk have a copy of the application available.

4. The Town of Northumberland received a letter from Canal Corporation regarding Earthen Embankment Integrity Program.

NEW BUSINESS

1. Masonry block repair at the Highway Garage: Highway Supt Coffinger met with Charles Baker Engineer with EDP regarding the deterioration of the masonry block walls at the highway garage. Mr. Baker suggested that the Town purchase all concrete, provide excavation and backfill work and install the required drainage diversion swales, to provide positive drainage away from the building. Following this procedure will allow the Town to control and manage project costs. Mr. Baker stated that if the Town decides to follow this procedure, a suggested RFP was prepared. If this procedure is decided the Town should have the highway men excavate alongside the wall (to be repaired) so we can accurately measure the number of blocks below grade, verify the depth and size of existing footing and better quantify the amount of work to be performed. Councilman John DeLisle stated that he felt that the blocks below grade are probably in good shape. Councilman DeLisle stated that he recommends doing test holes, below grade, at the bad spots to see if the blocks are deteriorating. Councilman DeLisle stated that most likely it is all the winter salt that has caused the problem. Councilman DeLisle stated that he would be glad to meet with Highway Supt Coffinger when they dig to verify if blocks below grade need to be replaced. If they don't need to be replaced, this should be a fairly easy fix. Councilman DeLisle and Highway Supt Coffinger will work on this project and report back to the Town Board.

2. Repairs on Homestead Road: Highway Supt Coffinger met with Charles Baker, Engineer with EDP regarding proposed improvements on Homestead Road. Highway Supt Coffinger showed Mr. Baker a few areas that are presently experiencing drainage issues and he is looking for guidance related to making improvements in these areas. Mr. Baker will be looking into topographic information and identifying watershed areas, this will take some time. One of the issues discussed was the installation of drainage structures to drain problematic areas. Mr. Baker explained to Mr. Coffinger that the Town has the right to replace any structure, such as drainage pipe that is plugged, deteriorated or in need of repair. Typically, these structures are covered under "riparian rights". The Town has the right to maintain drainage facilities as they currently exist. Mr. Baker stated, on the other hand, the Town does not have the right to take drainage from one location to another, without establishing some form of

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legal agreement with the impacted landowners. Town Attorney David Brennan stated that he will work with Highway Supt Coffinger to review these areas to see if they are in established wetlands and if water can be diverted to these areas, then prepare drainage easements.

3. Updated Procurement Policy: The Town Board has reviewed the Town's Procurement Policy and determined that it needed to be updated. The Town Board Members were provided a proposed updated Procurement Policy for their review and adoption. Councilwoman Patricia Bryant introduced Resolution #53 of 2019

WHEREAS, the Town Board reviewed the town's Procurement Policy and determined that it needed to be updated, therefore be it

RESOLVED, the Town of Northumberland's Procurement Policy is as follows:

1. General purpose.

These policies and procedures have been developed in compliance with New York State General Municipal Law § 104-b and to help protect local government taxpayers by assuring that competition is sought in a reasonable, cost-effective manner for small procurements and other situations when competitive bidding is not required by law. Appropriate use of competition provides taxpayers with the greatest assurance that goods and services are procured in the most prudent and economical manner, goods and services of desired quality are being acquired at the lowest possible price and procurements are not influenced by favoritism, improvidence, extravagance, fraud or corruption.

2. Procedures for determining whether procurements are subject to bidding.

The procedures for determining whether a procurement of goods or services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law are as follows:

A. Determine whether the procurement is a purchase contract or a contract for public works. Formal competitive bidding is required for all purchase contracts above \$20,000 and contracts for public works above \$35,000. If a determination is made that competitive bidding is not required, the following guidelines must be followed.

B. Purchasing and procurements practices for the Town of Northumberland at the following thresholds:

- (1) Purchase contracts equal to or below \$20,000.
 - (a) Under \$500: No quote required. Conduct appropriate research.
 - (b) \$500 - \$3,999: Two verbal quotes.
 - (c) \$4,000 - \$20,000: Three written quotes
- (2) Contracts for public work equal to or below \$35,000
 - (a) Under \$1,000: No quote required. Conduct appropriate research.
 - (b) \$1,000 - \$9,999: Three quotes.

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(c) \$10,000 - \$35,000: Public notice seeking written quotes.

3. Items expected from policies and procurements.

The town Board sets forth the following circumstances when, or types of procurements for which, in the sole discretion of the town Board, the solicitation of alternative proposals or quotations will not be in the best interest of the town of Northumberland.

A. Emergencies. There are statutory criteria to be met to fall within this exception but, generally, there must be a present, immediate and existing condition which is creating an imminent threat or danger which requires such immediate action. Emergency procurement must be documented with a statement that an emergency situation makes it necessary to forgo standard procedure. Documentation shall include the following as soon as circumstances permit.

- 1) Time and date of emergency.
- 2) Description of threat to life, health or property.
- 3) Notations of purchases, amounts and any cost comparisons obtained.
- 4) Notification of Town Supervisor.
- 5) Copy of documentation filed with Town Supervisor.

B. Procurement from state, county, Department of Corrections. The exception for state or county contracts purchases applies only when purchases are made from the current state or county vendor, or in certain cases, a listed agent or distributor, whose contract has been extended to the Town of Northumberland.

C. Professional services. Professional services involve specialized expertise, use of professional judgment, a relationship of personal trust and confidence, and/or a high degree of creativity.

D. Sole source procurement. Such exemptions apply for goods or services for which there is not substantial equivalent and which are, in fact, available from only one source. Before making such purchases, a determination should be made that no other item provides substantially similar benefits and that the cost of the item is reasonable given the benefit derived from the purchase.

E. Insurance. Insurance coverage, by New York State law, is not subject to formal competitive bidding. It is the policy of the Town of Northumberland to, from time to time, seek requests for proposals for Insurance coverage; such procurement shall occur at a minimum of once every five years.

F. Other. Other exemptions from the Town of Northumberland procurement policies and procedures include:

1. True leases.
2. Secondhand equipment from other governments.
3. Certain food and milk purchases.

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4. Agencies for the blind and other severely handicapped.
5. Routine office supplies due to the difficulty of projecting need and quantity.
6. Uniforms for the Highway Dept. due to additional costs of the names on the uniforms.
7. Grease and oil for equipment due to lack of storage space.
8. Repair parts due to the difficulty of projecting need and quantity. They will be purchased at the most convenient dealer based upon time and distance. All purchases will be governed under order policy.
9. Printing of stationary and envelopes with logo. Current vendor has screening and special order stock. Would be duplicating costs to change vendors.
10. Legal Notices.
11. Water meters.
12. Computers and services.

4. Documentation.

Purchases and contracts procured in accordance with this policy must be documented as follows:

- A. Appropriate research.
 - 1) Conduct comparison shopping through internet or comparable research.
- B. Verbal quotations.
 - 1) Telephone log listing date, time, name of vendor, telephone number called, item and Price quoted.
- C. Written quotations.
 - 1) Statement shall include date, name of vendor, description of purchase contract or contract for public works, price quoted, signature of owner or other vendor agent.
 - 2) Written quotes shall be copied for the Town Supervisor's office.
- D. Requests for proposals.
 - 1) Requests for proposals (RFP's) should be announced through public notice and/or by directly contacting a minimum number of professionals.
 - 2) Where possible, a written solicitation should be prepared in advance.
 - 3) Selection of professional may be based on factors other than quoted price as follows:
 - a) Superior resumes.
 - b) Locality experience.
 - c) Staffing and suitability for needs.
 - d) Experience from former Town projects.
 - e) Rate of success performance experience.

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f) Specialty experience in field of project request.

5. Awards to other than the lowest responsible offer.

Anytime a purchase is made from other than the lowest responsible vendor or contractor submitting a quotation or proposal, there must be justification and documentation of the factual reasons why the purchase is in the best interest of the Town of Northumberland and otherwise furthers the purpose of § 104-b.

6. Annual review.

The Town Board shall annually review these policies and procedures to ensure they stay current and appropriate in order to meet any changing needs of the Town.

7. Input solicited from officers involved in procurement.

Department heads are directed to file with the Budget Director written comments regarding any difficulty with these procedures.

8. Unintentional failure to comply.

- A. A good faith effort shall be made to obtain the required number of quotes. If the purchaser is unable to obtain the required number of quotes, the purchaser will document the attempt made to obtain such quotes. In no event shall the failure to obtain the proposals be a bar to the procurement.
- B. The unintentional failure to fully comply with the provisions of general Municipal Law §104-b shall not be grounds to void action taken or given rise to cause of action against the Town of Northumberland or any officers or employees thereof.

9. Individuals responsible for purchasing and their titles.

<u>Entity</u>	<u>Individual responsible for Purchasing</u>
Town Board	Town Supervisor/Board Member/Town Clerk
Assessor	Town Supervisor/Town Clerk/Assessor/Clerk
Dog Control	Town Supervisor/Clerk/Dog Control Officer
Bookkeeping	Town Bookkeeper and/or Town Clerk
Town Clerk/ Tax Collector	Town Clerk/Clerk
Highway Department	Highway Superintendent/Clerk
Planning Board	Clerk
Zoning Board of Appeals	Clerk
Town Court	Town Justice/Clerk
Building Department	Building Inspector/Town Clerk/Clerk

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Town Entities not on this List

Town Supervisor/Town Clerk

Councilman Paul Bolesh seconded the introduction of Resolution #53 of 2019.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman John DeLisle – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #53 of 2019 Adopted

4. Saratoga County Animal Shelter: Supervisor Willard Peck presented the Agreement between the County of Saratoga Animal Shelter and the Town of Northumberland for the care and impoundment of animals delivered to the Shelter for 2019. Councilman Paul Bolesh introduced Resolution #54 of 2019 – A Resolution authorizing Supervisor Willard Peck to sign the following Agreement -

WHEREAS, the County of Saratoga (**hereinafter “COUNTY”**) owns and operates the Saratoga County Animal Shelter (**hereinafter “Shelter”**) located at 6010 County Farm Road, Ballston Spa, New York 12020; and

WHEREAS, COUNTY’S Shelter provides certain services to contracting municipalities relative to the care and impoundment of animals delivered to the Shelter by municipal animal or dog control officers within Saratoga County; and

WHEREAS, COUNTY’S Shelter also provides other services to contracting municipalities such as cremation services, as well as emergency response services when a municipality’s animal or dog control officer is unavailable to respond; and

WHEREAS, Town of Northumberland (**hereinafter “TOWN”**) desires to enter into an agreement with **COUNTY** for provision of shelter and other services offered by **COUNTY’S** Shelter;

NOW, THEREFORE, for and in consideration of the mutual covenants contained in this Agreement, **COUNTY** and **TOWN** agree as follows:

1. The **County** will maintain and operate a shelter for the care and impoundment of seized and stray dogs in accordance with Article 7 of the Agriculture and Markets Law and its applicable rules and regulations. The **COUNTY’S** Shelter will also provide for the care and impoundment of seized cats delivered to the Shelter by **TOWN**.
2. The **COUNTY** Shelter shall be staffed by **COUNTY** employees and will open Monday through Saturdays (excluding holidays) from 10 A.M. to 4 P.M. The **COUNTY** shall provide the **TOWN** with a key to access the Animal Control area of the Shelter at all times.
3. The **COUNTY** is responsible for the maintenance of the Shelter’s records including the disposition of each animal delivered to the Shelter. The **COUNTY** shall provide the **TOWN** with a monthly Animal Control Officer/Dog Control Officer report detailing each stray and seized dog

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delivered to the Shelter from within the municipal boundaries of the **TOWN**. The **COUNTY** shall also provide the **TOWN** with a monthly report of all cats delivered to the Shelter by **TOWN'S** Animal or Dog Control Officer. The **TOWN** shall have forty-five (45) days from the receipt of each monthly report submitted by **COUNTY** to dispute any entry in the report by notifying the Shelter's Supervisor, in writing, of any disputed entry or entries.

4. Commencing July 1, 2019, the **COUNTY** will accept trapped feral cats brought by the **TOWN** to the Shelter to be vaccinated and spayed/neutered, subject to **TOWN'S** agreement to take back and recover the cat from the Shelter and release it back into the area in which it was found. If a feral cat is Leukemia or Aids positive, or has serious health issues, the Shelter will humanely euthanize the animal.
5. Commencing July 1, 2019, the **COUNTY** will no longer accept the **TOWN** deceased wildlife/roadkill such as deer, fox, skunk and opossum for cremation at the Shelter unless there is suspected concern of rabies, which must be supported by appropriate documentation of symptoms and behavior observed, and the prior approval of Saratoga County Health Services to test the deceased animal for rabies has been obtained.
6. The **COUNTY'S** Shelter staff will respond to emergency or rabies-related incidents as soon as possible when **TOWN'S** animal control person is unavailable. The charge will be based upon a per call rate of \$90.00 plus mileage rate set by the IRS.
7. For shelter services rendered to animals either delivered to the Shelter by **TOWN** or for which services **TOWN** is otherwise responsible for the payment of pursuant to state law or regulation, **COUNTY** shall charge, and **TOWN** agrees to pay, a fee of \$40.00 per dog, \$20.00 per cat and \$20.00 per puppy or kitten.
8. For the cremation of animals either delivered by the **TOWN** to the Shelter or for which the **TOWN** is otherwise responsible for the payment of the cremation of, **COUNTY** shall charge, and **TOWN** agrees to pay, a fee determined by the weight of the animal cremated in accordance with the following schedule:

0-25 lbs.	\$15.00
26-50 lbs.	\$20.00
51-75 lbs.	\$30.00
76-100 lbs.	\$35.00
Over 100 lbs.	\$40.00
9. The **COUNTY** will collect and remit impoundment fees to the **TOWN**.
10. The **TOWN** will pay the **COUNTY** for all services rendered by the **COUNTY** pursuant to this agreement during the period from January 1, 2019 through December 31, 2019, as documented

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6. September's Town Board Meeting: Councilman George Hodgson stated that he will be out of Town for both the September and October Town Board Meetings and wondered if the Town Board would consider changing the date for September's Meeting. It was the consensus of the Town Board Members to hold September's Town Board Meeting on September 4, 2019 @ 8:00 AM. The Town Clerk was instructed to post the change.

OLD BUSINESS

1. Honor a Deceased Veteran: Town Clerk Denise Murphy stated that she provided Board Member's with a Resolution honoring John Martin for the Town Board's review. The Town of Northumberland is scheduled in October to honor a deceased veteran. Clerk Murphy asked the Town Board Members to review and bring any changes to the next Town Board Meeting.

DESIGNATIONS

1. Approve Vouchers for Payment: Councilwoman Patricia Bryant introduced Resolution # 56 of 2019

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

A (General Fund) Vouchers # 196 - # 223 Total: \$ 19,936.49
DA (Highway Fund) Vouchers # 143 - # 169 Total: \$ 31,003.49
SS (Sewer Fund) Voucher # 9 – #10 Total: \$ 2,402.37

Councilman George Hodgson seconded the introduction of Resolution # 56 of 2019

Supervisor Willard Peck – "Aye"
Councilman Paul Bolesh – "Aye"
Councilman John DeLisle – "Aye"
Councilman George Hodgson – "Aye"
Councilwoman Patricia Bryant – "Aye" Resolution # 56 of 2019 Adopted

2. Supervisor Willard Peck presented the Supervisor's Report for May, 2019 for the Town Board's consideration. Councilwoman Patricia Bryant introduced Resolution # 57 of 2019 -

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 2019:

GENERAL

Balance as of 04/30/2019	\$	1,160,242.15
Increases	\$	156,357.12

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Decreases	\$	278,668.77
Balance as of 05/31/2019	\$	1,037,930.50

HIGHWAY

Balance as of 04/30/2019	\$	436,812.20
Increases	\$	39.87
Decreases	\$	60,978.31
Balance as of 05/31/2019	\$	375,873.76

SEWER DISTRICT #1

Balance as of 04/30/2019	\$	20,289.35
Increases	\$.57
Decreases	\$	43.70
Balance as of 05/31/2019	\$	20,246.22

CAPITAL PROJECT – BUILDING

Balance as of 04/30/2019	\$	12.45
Increases	\$.00
Decreases	\$.00
Balance as of 05/31/2019	\$	12.45

BE IT RESOLVED, the Town Board has reviewed and approved May 2019 Monthly Report by Supervisor Willard Peck as presented.

Councilman George Hodgson seconded the introduction of Resolution # 57 of 2019

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman John DeLisle – “Aye”
Councilman George Hodgson – “Aye”
Councilwoman Patricia Bryant – “Aye”

Resolution #57 of 2019 Adopted

DEPARTMENTS

Highway: Highway Supt Coffinger reported that he has been back out looking at the drainage issue on Maplewood Court. The sand and rocks that were installed to stabilize a bank located at 14 Maplewood Court has washed out again and is in the drainage ditch. This is the same property that the Town of Northumberland was in a court proceeding previously regarding the same problem. The problem was resolved, to the best of everyone’s knowledge, but turned out

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not to be the solution. After a lengthy discussion it was decided that Town Attorney Brennan, Highway Supt Coffinger and Building and Zoning Administrator Colozza will meet at the site and review. The Town will call in Charles Baker, Engineer with EDP if needed to obtain his recommendation for a solution to this problem. Town Supervisor Peck stated that he will also stop by to look at the problem.

EXECUTIVE SESSION

Councilman Paul Bolesh made a motion to go into Executive Session at 9:10 AM to discuss potential litigation. Councilman John DeLisle seconded the motion. All in favor, motion carried.

Councilman John DeLisle made a motion to reconvene the Regular Monthly Meeting at 9:20 AM. Councilman George Hodgson seconded the motion. All in favor, motion carried.

Supervisor Willard Peck stated that no action was taken.

Councilwoman Patricia Bryant made a motion at 9:24 AM to adjourn the Regular Monthly Meeting. Councilman George Hodgson seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy
Town Clerk