

**Town of Northumberland
January 8, 2009
Town Board Meeting**

Supervisor Willard Peck called the Regular Monthly Meeting to order @ 7:18 PM. Following the salute to the flag, roll call was taken. Those attending included Councilman Paul Bolesh, Councilman Daniel Gale, Councilman George Hodgson and Councilwoman Patricia Bryant. Also attending were Clerk Denise Murphy, Highway Superintendent Neil Petteys, BZA Richard Colozza and Town Attorney Douglas Ward.

PUBLIC PARTICIPATION

Supervisor Willard Peck stated that he had been contacted by a representative of the Moreau Emergency Squad requesting a meeting with the Town Board tonight regarding their 2009 contract with the Town of Northumberland. Their Financial Officer with the squad was unable to attend tonight. The Town Board does not have a signed contract yet for Ambulance District #1 for 2009. The Moreau Emergency Squad provided a list of dates they would be available to meet with the Town Board – January 13th, January 22nd and January 30th. The Town Board Members all had a conflict for one of these dates. Supervisor Willard Peck suggest February 5, 2009 prior to the Regular Town Board Meeting. Supervisor Peck stated he will ask them to be at the Meeting @ 7:00 PM to meet with the Town Board. The Town Clerk was asked to contact Jeanne Fleury, Town Clerk in the Town of Moreau, and see what they paid Moreau Emergency Squad for both 2008 and 2009.

APPROVE MINUTES

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

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

2. Councilman George Hodgson made a motion to approve minutes of the December 31, 2008 End of Year Meeting. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

CORRESPONDENCE

1. Supervisor Willard Peck received the 2008 End of Year Report for the Joint Youth Program with the Town of Saratoga, which will be filed with Saratoga County Youth Bureau, for his signature.

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OLD BUSINESS

1. Schuyler Park Update: Councilman Daniel Gale stated that Swartwout Construction has most of the excavation done for this year. They are fine tuning the grades and excavating to rough grade. They will be closing the project for the winter on Monday.

2. Update on Hudson Crossing: Councilman George Hodgson stated that Synthesis submitted a voucher, dated November 21, 2008, for \$9,791.20. The amended Contract increased the lump sum amount for services to \$62,500 consistent with the terms and conditions of an original agreement dated March 14, 2006. Councilman George Hodgson provided each Town Board Member and the Town Attorney with a summary of vouchers that have been paid to date to Synthesis between June 5, 2006 and September 4, 2008 including a non-contract expenditure credit to Synthesis of \$3,300 for assistance in services related to the preparation of a Canal Corporation grant application and signage for Hudson Crossing Park Festival. Also included is a \$4,080 (4 hrs/wk x \$85/hr x 12 weeks) credit to the Town of Northumberland for Construction Administration inspection services as described in Section 2.6.5 of the March 27, 2008 AIA agreement which were not performed. Councilman Hodgson stated that \$62,499.68 is the total town payments to date with credit applied. Based on this information, Councilman Hodgson is recommending the Town Board not authorize payment for Synthesis invoice #21468 in the amount of \$9,791.20. Supervisor Peck stated that basically, the Town has fulfilled the contract with Synthesis and we should not have to pay the additional voucher in the amount of \$9,791.20.

Town Attorney Douglas Ward stated he will review the material with Councilman Hodgson. Councilman George Hodgson stated that Hudson Crossing Park, Inc. had a meeting with Carmella Mantello, Canal Corp regarding the construction of an Environmental Center on the Champlain Canal Lock 5 Island. Based on the Attorney General's opinion relative to Canal Corp, they are unable to enter into a lease except with municipalities. Councilman George Hodgson would like to hear the Town Board's opinion on a long term lease with the intention of having a sub-lease with Hudson Crossing Park, Inc to construct the Environmental Center on the Lock 5 Island. Councilman Hodgson stated he would like to have members of Hudson Crossing Park, Inc do a brief presentation at February's Town Board Meeting. It was the consensus of the Town Board to meet with members of Hudson Crossing Park, Inc on February 5, 2009 @ 6:30 PM. Hudson Crossing Park, Inc is not interested in acquiring all the unneeded surplus properties at the Champlain Canal Lock 5 Island. Supervisor Peck stated we currently have a Use Permit with Canal Corp, if the environmental center was to be built it would require a Lease. Councilman George Hodgson stated Hudson Crossing Park, Inc is not looking for the Town of Northumberland to fund the Center. They have had meetings with Congresswoman Kirsten Gillibrand regarding funding.

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Councilman Daniel Gale asked if the DOT (Sweeney Grant) money been depleted. Councilman George Hodgson stated no, the funds were appropriated for improvements on the Island which is 100% reimbursable. Councilman Hodgson stated grants; DOT and Canal Corp funds will most likely be depleted by the fall of 2009. Councilman Gale asked when these funds are depleted, what will the role of the Town of Northumberland be. Councilman Gale stated he recollects that the Town Board involvement with the Hudson Crossing Park was to obtain the funding from DOT and Canal Corp since the monies could only go to a municipality, once these funds were depleted, the Town of Northumberland would no longer be involved. Councilman Hodgson stated he does not recollect it this way, he thought it was going to be a joint project. Councilman Hodgson thought this was going to be a town park similar to Schuyler Park. Councilman Hodgson stated there are no plans for Hudson Crossing Park, Inc to request funds from the Town of Northumberland. The Lease, again, based on the Attorney General's opinion must be with a municipality. Hudson Crossing Park, Inc would like to do a presentation on where they are now and what they hope to accomplish in the future and to see if the Town of Northumberland wishes to pursue a long term lease with Canal Corp for roughly 2 acres of land on the Lock 5 Island. Councilwoman Patricia Bryant asked if there is a cost for a lease with Canal Corp. Councilman Hodgson stated it is his understanding a survey would need to be done which would cost roughly \$5,000. If the lease does not go through, the cost of the survey would be reimbursed. Councilwoman Patricia Bryant asked if the lease goes through, is there an annual cost. Councilman Hodgson stated any cost would be negotiated with Canal Corp; there is nothing in black and white. Councilman Hodgson stated if the Town of Northumberland was willing to enter into a lease agreement with the Canal Corporation to have the Town enter into a sub-lease with Hudson Crossing Park Inc., who would be responsible for the facility. Councilman Gale asked why Hudson Crossing Park, Inc can not lease the property directly; they are a 501-C (3). Attorney Douglas Ward asked if Canal Corp would allow the Town of Northumberland to sub-lease this property in question to Hudson Crossing Park, Inc. Attorney Douglas Ward stated he would have to review the Attorney General's opinion relative to Canal Corp.

Councilman Daniel Gale stated he is not against a lease agreement, but again thought after both of the grants were depleted that the Town of Northumberland was backing out and not taking on a bigger role. Councilman Hodgson asked what is the "bigger role". Maintenance has been minimal to the Town of Northumberland. The Highway Department has helped when asked. The bulk of the work has been done by Hudson Crossing volunteers. Councilman Hodgson stated he cannot predict the future; the goal of Hudson Crossing is not having the Town of Northumberland taking on greater responsibilities. If Hudson Crossing Park, Inc could enter into a lease with Canal Corp they would, Hudson Crossing Park, Inc. would prefer it. Councilman Hodgson stated maybe we need to reach out to the Attorney General's office for their opinion on sub-

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leasing to Not for Profit agencies. Councilman Daniel Gale stated if the town leases the property, we are the owner and we are taking on more of the liability. We are taking on a lot more than we were led to believe. Councilman Hodgson stated Hudson Crossing Park, Inc has a Master Plan where this was all spelled out. Supervisor Peck stated at this

stage, let's have Hudson Crossing come in and give their presentation, and have Attorney Douglas Ward review the Attorney General's opinion relative to Canal Corp.

Councilman Hodgson asked Councilman Daniel Gale how Schuyler Park was going to be maintained in the future. Councilman Gale stated the Town of Saratoga owns Schuyler Park, but both towns will be covering the cost of maintaining the park.

NEW BUSINESS

1. The Town Board will not act on the Moreau Emergency Squad, General Schuyler Emergency Squad and Schuyler Hose 2009 Contracts. Councilman Daniel Gale expressed concern with the wording relative to services provided. The Town Board will look at the contracts.

2. Councilman George Hodgson made a motion authoring the Town Clerk to solicit bids for the pumping of septic tanks in Sewer District #1 for 2009 and diesel fuel and unleaded gas for the highway department for 2009. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

3. Whole House Generator: Supervisor Peck stated he would like to see one installed at both the Town Hall and Highway Garage. Supervisor Peck will discuss this with Conover, the town's electrician, and putting together a RFP as outlined in the Town's Procurement Policy.

4. Councilman George Hodgson made a motion authorizing the Supervisor to enter into an agreement with Saratoga County Office for the Aging for 2009 for the Nutrition Program (four payments of \$117.00) and Transportation (four payments of \$117.00). Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

DESIGNATIONS

1. Supervisor Willard Peck submitted his final 2008 Revenue/Expenditure Report for General/Highway and Sewer fund.

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.

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DEPARTMENTS

Highway Sup't Neil Petteys informed the Town Board that his men have been pushing a lot of snow. His men have been holding well, they are doing a great job.

Supervisor Peck would like Building/Zoning Administrator Richard Colozza and Attorney Douglas Ward to get together and discuss how to calculate useable land for building lots in the Subdivision process.

Councilman George Hodgson made a motion @ 8:30 PM to go into Executive Session to discuss legal issues. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Councilman Daniel Gale made a motion @ 8:45 PM to reconvene the Regular Monthly Meeting. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Supervisor Willard Peck stated the Town Board listened to legal updates by the Town Attorney, no action was taken.

Councilman Paul Bolesh made a motion @ 8:48 PM to adjourn the Regular Monthly Meeting. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

Respectfully submitted

Denise Murphy
Town Clerk