

**Town of Northumberland
Town Board Meeting
December 4, 2008**

The Regular Monthly Meeting of the Northumberland Town Board was called to order @ 7:35 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 George Hodgson and Councilwoman Patricia Bryant. Councilman Daniel Gale was absent. Also attending were Clerk Denise Murphy, Building/Zoning Administrator Richard Colozza, Zoning Board Member Gordon Strong and Town Attorney Douglas Ward. Highway Superintendent Neil Petteys arrived late.

PUBLIC PARTICIPATION

Supervisor Willard Peck deviated from the Agenda since Chuck Waldron, Developer of Brampton Woods, was present along with his Attorney John Arpey. Town Attorney Douglas Ward stated that Town Engineer James Mitchell, Highway Sup't Neil Petteys and Planning Board Member James Heber did a walk through in Brampton Woods regarding their request for a Performance Guarantee Reduction. Both the Town Engineer and the Planning Board have agreed with the letter of credit being reduced to \$145,385.20. Mr. Waldron stated he disagrees with this figure; it should be down in the \$80,000 range. Supervisor Willard Peck stated this was the figure provided by his engineer George Yasenchak and this is the best the town can do tonight. Mr. Waldron will discuss the difference with Mr. Yasenchak and possibly submit another reduction request at the next meeting.

Lauri Griffin, Co-Chairman of Schuyler Park Committee, Ian Murray, Committee Member and Dave Miller with the LA Group were present to give a presentation on the Schuyler Park Final Master Plan. Lauri Griffin reported that she and Daniel Gale, Co-Chairman, visited all the neighboring property owners of the park and that they were a good and positive meeting. The clearing and grubbing has been completed. Rough grading has begun and hopefully will be done in the next few weeks, then this will stop until the spring. Swartwout has donated the use of his equipment. Lauri Griffin stated there are so many people volunteering. Friends of Schuyler Park, a non-profit organization, is up and running. Ian Murray gave an overview of what has been completed at the Park in more detail. Dave Miller, with the LA Group, gave an overview of the Final Master Plan. Areas addressed in the document included an introduction (how the LA Group got involved); site selection and acquisition; Site analysis (site location and adjacent land use, existing site conditions, site access study, hazardous material screening, environmental resource screening and historic and archeological investigations); program development, cost estimate and conclusion. Supervisor Willard Peck stated that he felt the cost estimates should not be incorporated into the Master Plan. Supervisor Peck stated cost estimates should be in some other document; the Master Plans are for the visions of the project.

*Town of Northumberland
Town Board Meeting
December 4, 2008*

Supervisor Willard Peck introduced Resolution #40 of 2008 –

WHEREAS, the Town of Northumberland, NY desires to adopt a Master Plan for the development of Schuyler Park, located on Route 29 in the Town of Saratoga, as a joint project with the Town of Saratoga as a public recreation area, and

WHEREAS, said project is an Action subject to the provisions of New York State Environmental Quality Review Act (SEQRA) and the regulations promulgated to implement said Environmental Quality Review Act, and

WHEREAS, the Town of Saratoga functioned as “Lead Agency” in this matter, and

WHEREAS, the Town of Saratoga has complied with the provisions of SEQRA pertaining to “Lead Agency” designation, and

WHEREAS, there has been prepared a full environmental assessment form for the Project (the “EAF”), and

WHEREAS, pursuant to the regulations, the Town of Saratoga has examined the EAF in order to make a determination as to the potential environmental significance of Action; and the Action appears to constitute a “Type 1 Action”, therefore be it

RESOLVED, the Town of Saratoga has issued a negative declaration pursuant to SEQRA on November 6, 2008 for the action of adopting a Master Plan for the development of Schuyler Park, and be it further

RESOLVED, the Town of Northumberland adopts the Master Plan, prepared by the LA Group, for the development of Schuyler Park, located on Route 29 in the Town of Saratoga removing pages 7 & 8 (Cost Estimates) from the document.

Councilman Paul Bolesh seconded the introduction of Resolution #40 of 2008

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye” Resolution #40 Adopted

*Town of Northumberland
Town Board Meeting
December 4, 2008*

APPROVE MINUTES

1. Councilman George Hodgson made a motion to approve minutes of the November 5, 2008 Public Hearing on the 2009 Town Budget. Councilman Paul Bolesh seconded the motion.

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

2. Councilwoman Patricia Bryant made a motion to approve minutes of the November 5, 2008 Regular Monthly Meeting. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

APPOINTMENTS

1. Planning Board: Tabled until Executive Session since it involved Personnel

CORRESPONDENCE

1. Highway Sup’t Neil Petteys met with Town Engineer James Mitchell regarding the Town Hall roof. Mr. Mitchell determined there is a problem with the existing metal edge flashing. Highway Sup’t Neil Petteys had two contractor’s look at the roof, Schuyler Contracting and Monahan & Loughlin. Monahan & Loughlin never submitted a quote; the job was not big enough. No other contractor returned calls to Highway Sup’t Neil Petteys to come out and look at the project. Schuyler Contracting submitted the following quote:

1. Remove existing metal drip edge at perimeter of EPDM roofing;
2. Wash, clean and prime perimeter of EPDM to receive new edge flashing;
3. Wash, clean and prime existing metal flashing to receive new edge flashing;
4. Install 12’ wide bar and anchor flashing tape to both surfaces;
5. Hard roll new flashing to bond surfaces together;
6. Seal over existing drain with EPDM membrane for the sum of \$3,875.00

A discussion followed regarding the town’s Procurement Policy. Town Attorney Douglas Ward stated the Town Board needs to look at the town’s Procurement Policy to see if it needed to be updated. Supervisor Willard Peck made a motion to accept Schuyler Contractor’s bid of \$3,875.00 due to the emergency nature since the town hall roof leaked last winter. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

*Town of Northumberland
Town Board Meeting
December 4, 2008*

OLD BUSINESS

1. Hudson Crossing Update: Councilman George Hodgson stated he had a picnic pavilion change order (AIA Document) for the Town Board's consideration. Councilman George Hodgson stated it has come to his attention that due to the offset nature of the picnic pavilion roof design, the existing roof spec will not prevent rain leakage inside in the two offset roof locations. Dave Schultz of Mid-State Industries has indicated that necessary padding and metal flashing of the specified roof will not work and will compromise the roof's integrity. Mr. Schultz suggested padding out the rafters on each side of the 2 offset roof sections and increasing each roof's coverage of 26 ga. Lexospan metal roofing. This proposed change order to address this problem and the replacement of small edge areas of delaminated roof plywood will increase the project cost by \$5,500, bringing the total project cost from \$85,500 to \$91,000. Town Attorney Douglas Ward asked if the AIA Document was the correct form for Change Orders. Councilman George Hodgson stated he will verify this with Michael Stella, NYS DOT. Councilman George Hodgson made a motion authorizing Supervisor Peck to sign the AIA Document for a change order in the amount of \$5,500 contingent upon Town Attorney Douglas Ward approval of form. Councilman Paul Bolesh seconded the motion. All in favor, motion carried. Councilman George Hodgson informed the Town Board that Mr & Mrs. Landry, owner of Dix Mansion in Greenwich, deeded two of their time shares in Hilton Head, NC to Hudson Crossing Park, Inc. Hudson Crossing had their first raffle on one of the time shares and raised \$1,100. Councilman George Hodgson stated that Synthesis submitted their final bill in the amount of \$9,791.20. Councilman Hodgson will talk to Synthesis regarding this bill since they did not fulfill some of the requirements of the contract.

2. Snow Mobile Resolution: Councilman George Hodgson introduced Resolution #41 of 2008 - **A RESOLUTION IN SUPPORT OF A REVISION TO NYS CANAL CORPORATION REGULATIONS TO ALLOW THE CANAL CORPORATION TO ISSUE LAND USE PERMITS TO NYS SNOWMOBILE CLUBS FOR THE PURPOSES OF MAINTAINING SNOWMOBILE TRAILS ON CANAL CORPORATION PROPERTY AND TO ALLOW THE USE OF SNOWMOBILES ON THE CHAMPLAIN CANALWAY TRAIL**

WHEREAS, snowmobiling in the 1990's and since the turn of the century has undergone significant change and snowmobiles are now capable of traveling great distance and are more environmentally friendly; and

WHEREAS, the economic impact of snowmobiling is important to the wintertime economy of upstate New York, Saratoga County and the Town of Northumberland contributing over \$1 billion annually to the State's economy;

*Town of Northumberland
Town Board Meeting
December 4, 2008*

WHEREAS, the Champlain Canal bisects Saratoga and Washington Counties and does not provide a suitable trail crossing connection between the snowmobile trail systems of these counties and New York State; and

WHEREAS, club trail systems have become more interconnected to meet the demand for touring snowmobiling. Interest in utilizing canal lands as a primary means to complete trail connections has increased greatly along the Canals of the State (Erie, Champlain, Oswego and Cayuga – Seneca); and

WHEREAS, the Canal Corporation issued a report on the future of the Canals in New York in 2005 which contained several points pertinent to snowmobiling; and

WHEREAS, one recommendation in the 2005 report called for the prohibition of snowmobile use be revised authorizing the Canal Corporation to issue permits to clubs interested in maintaining a snowmobile trail on canal property; and

WHEREAS, in 2006 a draft of the revised regulation was released with the intent to carry out the recommendations found in the 2005 report but was never realized; and

WHEREAS, snowmobiles have historically used the frozen ice surface of the Champlain Canal and a canal side trail would enable continued snowmobile use when conditions on the ice of the canal prevent safe passage; and

WHEREAS, Saratoga County has applied for a federal Transportation Enhancement Program (TEP) grant to rehabilitate the Dix Bridge at Lock C5 which would provide a safe bi-county multi-use recreational crossing of the Hudson River for snowmobilers and other recreational users of the Champlain Canal Trail, and

WHEREAS, Six (6) clubs within Saratoga County maintain over 168 miles of snowmobile trails and nine (9) clubs within Washington County maintain over 350 miles of snowmobile trails and without the elimination of the aforementioned prohibition, this bi-county wide network of trails would not be connected;

WHEREAS, several state and municipal agencies such as the New York State Office of Parks, Recreation and Historic Preservation; the New York State Department of Environmental Conservation; the New York State Department of Transportation; the Adirondack Park Agency; the Department of Environmental Protection of the New York City watershed that have land management responsibilities as well as private companies such as National Grid all recognize snowmobiling and permit clubs to maintain snowmobile trails on these properties;

*Town of Northumberland
Town Board Meeting
December 4, 2008*

NOW, THEREFORE, BE IT RESOLVED the Town of Northumberland hereby requests the NYS Canal Corporation through the NYS Thruway Authority revise its regulations to authorize the Canal Corporation to issue land use permits to NYS Snowmobile Clubs for the purpose of siting and maintaining snowmobile trails on NYS Canal Corporation property and to also allow the use of snowmobiles, with the permission of property owners, on the Champlain Canalway Trail; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to George Hargrave, Chairman, Saratoga County Board of Supervisors; Hon. Roy McDonald, NYS Assemblyman; Hon. Dean G. Skelos, Senate Majority Leader; Carmella Mantello, Director of the Canal Corporation; John Buono, Chairman of the Thruway Authority; Michael Fleischer, Executive Director of the Canal Corporation and Hon. David Paterson, Governor of the State of New York.

Councilman Paul Bolesh seconded the introduction of Resolution #41 of 2008.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye” Resolution #41 of 2008 Adopted

4. Virginia Place: Town Attorney Douglas Ward prepared a letter for Saratoga County Attorney Mark Rider. The Town of Northumberland has been advised that the County has foreclosed on tax delinquent parcels 142.-1-53 and 142.-1-78 (owned by Donangelo, Inc.) and has obtained the deeds to these parcels. The Town of Northumberland understands these properties were in foreclosure on account of the owner’s failure to pay back taxes. These parcels are a road and drainage area in the Virginia Place Subdivision. As such, they are of critical importance to the residents of the Subdivision, the residents of Northumberland and the Town of Northumberland. Attorney Ward informed Attorney Rider that in accordance with their discussion, the Town proposes to purchase these properties from the County in exchange for the Town’s payment of the back taxes and any associated transfer fees and expenses. Willard Peck introduced Resolution #42 of 2008 – **RESOLUTION FOR FORECLOSURE IN THE TOWN OF NORTHUMBERLAND**

WHEREAS, by letter dated September 15, 2008, the Town of Northumberland Town Supervisor was advised by the Saratoga County Attorney that two properties within the Town identified as Tax Map Parcel Nos. 142-1-53 and 142-1-78 were in arrears for back County taxes and that the County intended to foreclose on those properties in the late Fall;

WHEREAS, these parcels were purportedly owned by Donangelo, Inc. and constitute the road and drainage area in the Virginia Place Subdivision;

*Town of Northumberland
Town Board Meeting
December 4, 2008*

WHEREAS, the Town Attorney has been advised by the Saratoga County Attorney that the County has foreclosed on these properties and obtained a deed;

WHEREAS, the Town Attorney has been advised by the Saratoga County Treasurer's Office that the back taxes for these properties are as follows: Parcel 142-1-53 - \$1,601.68; Parcel 142-1-78 - \$424.10;

WHEREAS, the Town Attorney has been advised by the Saratoga County Attorney's Office that the County is prepared to transfer the aforementioned parcels to the Town in exchange for payment of the back taxes and any associated expenses;

WHEREAS, it is in the interests of the residents of the Subdivision, many of whom are residents of the Town, and the Town that the aforementioned back taxes should be paid in exchange for the Town's receiving a transfer of ownership of the properties.

NOW THEREFORE BE IT RESOLVED, the Town Board hereby authorizes the Town Attorney and Town Supervisor to take such actions as are necessary to secure the transfer to the Town of the aforementioned properties by deed in exchange for payment of back taxes and associated expenses, and the Town Attorney and Town Supervisor are authorized to execute such documents as are necessary to effectuate such transfer.

Councilman George Hodgson seconded the introduction of Resolution #42 of 2008

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman George Hodgson – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #42 Adopted

NEW BUSINESS

1. Bond Anticipation Note (Renewal). Town Attorney Douglas Ward stated that the Bond Anticipation Note that the Town Board will be considering tonight will be in the principal amount of \$20,000 dated December 10, 2008 and maturing December 10, 2009, and bearing interest at the rate of 3.5%. The original Bond was for the purchase of a Caterpillar Model 930G Wheel Loader. Supervisor Willard Peck introduced Resolution #43 of 2008 BOND ANTICIPATION NOTE RESOLUTION (RENEWAL) DATED DECEMBER 4, 2008

RESOLUTION AUTHORIZING THE FURTHER RENEWAL OF A BOND ANTICIPATION NOTE OR NOTES OF THE TOWN OF NORTHUMBERLAND, NEW YORK IN THE AMOUNT OF \$20,000.00 IN ANTICIPATION OF THE SALE OF \$80,000.00 SERIAL BONDS OF THE TOWN OF NORTHUMBERLAND FOR THE PURCHASE OF A CATERPILLAR MODEL 930G WHEEL LOADER.

*Town of Northumberland
Town Board Meeting
December 4, 2008*

WHEREAS, pursuant to the bond resolution adopted December 12, 2005, the Town Board of the Town of Northumberland, New York, issued and a Bond Anticipation Note in the amount of \$80,000.00, to mature December 11, 2006 for the purpose of purchasing a Caterpillar Model 930G Wheel Loader; and

WHEREAS, pursuant to a Bond Anticipation Renewal Note Resolution adopted December 11, 2006, the Town Board renewed the note, in part, by issuing a \$60,000.00 Bond Anticipation Renewal Note and paying \$20,000.00 of the principal owed on the note together with accrued interest; and

WHEREAS, pursuant to a Bond Anticipation Renewal Note Resolution adopted December 6, 2007, the Town Board renewed the note, in part, by issuing a \$40,000.00 Bond Anticipation Renewal Note and paying \$20,000.00 of the principal owed on the note together with accrued interest; and

WHEREAS, the Town Board desires to provide for the renewal, in part, of the prior note with a portion of said \$40,000.00 to be paid on or about December 10, 2008 to wit the sum of \$20,000.00 together with accrued interest and a new renewal note issued in the amount of \$20,000.00 to mature no later than December 10, 2009;

BE IT RESOLVED this 4th day of December, 2008, by the Town Board of The Town of Northumberland, New York, as follows:

Section 1. There are hereby authorized to be issued pursuant to the Local Finance Law of the State of New York Bond Anticipation Renewal Note or Notes for the purpose of paying for a Caterpillar Model 930G Wheel Loader and in anticipation of the sale of serial bonds of the Town of Northumberland, New York, as authorized in a resolution adopted December 12, 2005, entitled

“A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$80,000.00 SERIAL BONDS OF THE TOWN OF NORTHUMBERLAND, NEW YORK, TO PAY FOR THE PURCHASE OF A CATERPILLAR MODEL 930G WHEEL LOADER.”

Section 2. The amount of Bonds to be issued for the aforesaid purpose is \$20,000.00. The amount of said Bond Anticipation Renewal Note or Notes shall not exceed \$20,000.00.

Section 3. Immediately, upon issuance of the Bond Anticipation Renewal Notes authorized herein, the Bond Anticipation Renewal Note dated December 10, 2007 issued in anticipation of the aforesaid bonds will be paid and there will be no Bond Anticipation Notes outstanding which have been previously issued by the Town of Northumberland in anticipation of the sale of the aforesaid bonds.

*Town of Northumberland
Town Board Meeting
December 4, 2008*

Section 4. The Bond Anticipation Renewal Notes, authorized herein are renewal notes. By resolution dated December 12, 2005, the Town Board of the Town of Northumberland authorized the issuance of \$80,000.00 of serial bonds and Bond Anticipation Notes to pay for the purchase of a Caterpillar Model 930G Wheel Loader. Thereafter, on December 11, 2006, the Town issued a Bond Anticipation Renewal Note in the amount of \$60,000.00 and paid \$20,000.00 of the principal owed on the original note together with accrued interest. Thereafter, on December 10, 2007, the Town issued a Bond Anticipation Renewal Note in the amount of \$40,000.00 and paid \$20,000.00 of the principal owed on the original note together with accrued interest. On or before December 10, 2008, the Town will issue a Bond Anticipation Renewal Note in the amount of \$20,000.00 and pay \$20,000.00 of the principal owed on the prior note together with accrued interest. The Bond Anticipation Renewal Notes authorized herein are a renewal of the \$20,000.00 balance of the note previously issued to pay for the purchase of a Caterpillar Model 930G Wheel Loader. Said note shall be renewed at the Glens Falls National Bank at an interest rate of 3.5%. The Bond Anticipation Renewal Notes authorized herein shall provide that they cannot be converted to registered notes.

Section 5. The Bond Anticipation Renewal Notes authorized herein shall mature within one year of the date of their issue.

Section 6. The Bond Anticipation Renewal Notes authorized herein are not issued in anticipation of bonds for an assessable improvement.

Section 7. The Town Clerk is hereby authorized to sell at private sale the original bond anticipation renewal notes herein authorized to be issued. Such notes may be sold and delivered at one time or from time to time and if sold at different times they shall be dated as of the respective dates of issue. The place of payment, rate of interest, denominations and all other terms, details and contents of said notes, including provisions for redemption if deemed desirable, shall be determined by the Supervisor of the Town of Northumberland.

Section 8. The Supervisor of the Town of Northumberland is hereby authorized to designate these notes as qualified tax-exempt obligations pursuant to section 265 (b) (3) of the Internal Revenue Code of 1986. The Town of Northumberland does not reasonably expect to issue in excess of Ten Million Dollars (\$10,000,000.00) of its general obligations in a calendar year ending December 31, 2008. The Town Board covenants that it will take any necessary action to all things and not take any prohibited action to insure that the interest on the notes will be exempt from federal taxation at all times.

Section 9. Such bond anticipation notes shall be signed by the Supervisor of the Town of Northumberland and shall have the corporate seal of the Town of Northumberland affixed thereto and attested by the Town Clerk.

*Town of Northumberland
Town Board Meeting
December 4, 2008*

Section 10. The faith and credit of said Town of Northumberland, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such notes as the same respectively become due and payable. The bond anticipation notes shall be paid from the aforesaid revenues or may be redeemed as provided by the Local Finance Law of the State of New York.

Section 11. This resolution shall take effect immediately.

Councilman Paul Bolesh seconded the introduction of Resolution #43 of 2008

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Abstain” Resolution #43 Adopted

2. Subdivision Regulation update: Councilwoman Patricia Bryant stated she would like the Town Board to consider updating the Town of Northumberland’s Subdivision Regulations. The last time the Subdivision Regulations were updated was December, 1999. Councilwoman Patricia Bryant stated, as previous Planning Board Chairperson, there are areas in the Subdivision Regulations that need to be updated. The Town Board will ask the Planning Board members to start reviewing and highlighting areas that they feel need to be addressed.

3. The Northumberland Town Board will hold their End of Year Town Board Meeting on Wednesday, December 31, 2008 @ 7:30 AM.

4. The Town Board will hold their 2009 Organizational Meeting on Thursday, January 8, 2009 @ 7:00 PM, followed by January’s Regular Monthly Meeting.

5. The Town Hall will closed on December 24th @ 12:00 Noon and reopen on Monday, December 29, 2008 @ 8:00 am.

6. Supervisor Willard Peck informed the Town Board that he received a letter from Saratoga County Youth Bureau requesting the Town Board to appoint someone to the Saratoga County Advisory Youth Board. Councilman Paul Bolesh made a motion to appoint Dee Cogan to the Saratoga County Youth Bureau. Councilman George Hodgson seconded the motion. All in favor, motion carried.

DESIGNATIONS

1. Councilman George Hodgson made a motion to approve vouchers for payment as presented. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

*Town of Northumberland
Town Board Meeting
December 4, 2008*

2. Supervisor's Report for October and November 2008 was submitted.

Councilman George Hodgson made a motion @ 10:00 PM to go into Executive Session to discuss personnel and legal issues. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Councilman Paul Bolesh made a motion to reconvene the Regular Monthly Meeting @ 10:20 PM. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Supervisor Willard Peck made a motion to reappoint Brit Basinger (term expires 09/2015) and James Heber (term expires 09/2015) to the Planning Board and to appoint Lisa Black as the alternate on the Planning Board. Councilman George Hodgson seconded the motion. All in favor, motion carried.

Supervisor Willard Peck made a motion authorizing Town Attorney Douglas Ward to look into the procedure to obtain a Performance Bond on Virginia Place from the Developer DonAngelo, and to report back to the Town Board with his findings. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Councilman Paul Bolesh made a motion to adjourn the Regular Monthly Meeting. Councilman George Hodgson seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy
Town Clerk

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