

**Town of Northumberland
Town Board Meeting
December 5, 2011**

The Regular Monthly Meeting was called to order by Supervisor Willard Peck @ 7:30 PM. Following the salute to the flag, roll call was taken. Those attending included Supervisor Willard Peck; Councilman Paul Bolesh; Councilman Daniel Gale; Councilman George Hodgson and Councilwoman Patricia Bryant. Also attending were Clerk Denise Murphy; Highway Sup't Neil Petteys; Building and Zoning Administrator Richard Colozza and Town Attorney Douglas Ward.

PUBLIC PARTICIPATION

Maria Trabka, Executive Director with Saratoga P.L.A.N (Preserving Land and Nature), came before the Town Board to give a brief overview of their not-for-profit land trust. Saratoga PLAN helps protect the exceptional quality of life in Saratoga County by conserving open spaces and special places for present and future generations. Saratoga PLAN helps communities make long-term decisions to sustain the Saratoga Region as a great place to live, work, visit and farm. As a land trust, they protect land in the Saratoga region through purchases and donations of land and conservation easements, to protect important natural resources and open spaces. Saratoga PLAN has protected over 3,387 acres of farmland, forest, natural habitat, trail corridors, historic places, and water resources in the Saratoga region and has over 1,000 acres of projects now in the work. Saratoga PLAN has the opportunity to conserve the Foster Sheep Farm in the Town of Northumberland. The farm is 145 acres of hay fields and pastures which are located on the western bank of the Hudson River. The original farmhouse has been converted into a gathering spot for knitters, offering a yarn shop, and classes in knitting, dyeing and other fiber arts. This project is the first in what we hope will be many investments in farmland conservation in Saratoga County by the Natural Resources Conservation Service's Farm and Ranch Lands Protection Program. Ms. Trabka stated that the "3 Bags Full Campaign" is raising funds to make the conservation of the Foster Sheep Farm a reality. These funds will be used to coordinate the process of applying a perpetual conservation easement on the property, ensuring that it will remain farmland and forest forever. Ms. Trabka stated that previously Saratoga PLAN purchased a 64 acre parcel in the Town of Northumberland and is developing a recreational trail system which will include a replacement bridge spanning the Cold Brook. The trails on this preserve will eventually connect to county trails and trails owned by New York State, Saratoga County Forestland and the Wilton Wildlife Preserve. The Coldbrook Preserve will offer a critical buffer to wetland habitat for the Blanding's turtle; a New York State threatened species, and the spotted turtle, as well as research opportunities for scientists to study the species. The old logging bridge over the Cold Brook needs to be replaced. Engineering has been donated by AECOM and steel girders are being donated by Stone Bridge Iron and Steel, a Town of Northumberland business. The Coldbrook Preserve has thus far been funded by state and county grants and private donations. Saratoga PLAN must raise additional funds to complete this project. \$76,000 needed to be raised, so far \$67,000 has been raised. Ms. Trabka asked if the Town of Northumberland would consider donating towards the \$9,000 that still is needed since this will provide great recreational opportunities for residents in the Town of Northumberland and surrounding areas. Supervisor Willard Peck stated that he has talked to Ms. Trabka earlier about using some of the Recreational Funds which

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are given to the Town of Northumberland by Developers for recreational purposes. Supervisor Willard Peck stated these funds were not tax payer's monies. Supervisor Willard Peck stated that he would like the Town Board Members to think about it and possibly take action later on in the Meeting. Christine and James McKnight stated they are the property owners that transferred the 64 acre parcel, known now as the Coldbrook Preserve. Mrs. McKnight stated this is a perfect example of public/private and not-for-profit organizations working together to preserve open space. The citizens of the Town will benefit. Supervisor Willard Peck stated that he agreed with Mrs. McKnight that this parcel is a great asset to the residents of the Town of Northumberland. James McKnight stated that he is extremely happy with the way the Northumberland Town Board continues to support "Open Space" in the Town. Edgar King, 337 King Road, stated for what it is worth it has been a privilege to serve on Saratoga PLAN Board of Directors. Mr. King stated that he is the only member from a rural setting. Mr. King stated that he is delighted to preserve farmland especially in the Town of Northumberland. Ms. Trabka stated that she wanted to personally thank the Town Board Members for considering making a donation towards Coldbrook Preserve Project.

April Strong, 112 Stormy Lane, came before the Town Board to see if they would rent the Town Hall gym for Zumba classes. Mrs. Strong stated that she has been certified as both a personal trainer and a Zumba Instructor. Mrs. Strong stated that she presently conducts classes as a personal trainer at the Glens Falls YMCA. Mrs. Strong stated that it was not going to be an issue to obtain Insurance. Town Attorney Douglas Ward stated he had talked to April last week and asked her to come tonight so she could answer any Town Board Member's question. Town Clerk Denise Murphy stated that when she was on the Youth Committee, back in the 80's, the YMCA rented the gym for yoga classes. Councilman Daniel Gale stated that the Schuyler Park adopted a facility fee schedule which was determined by both the Town of Saratoga and Northumberland's Town Boards, which is a rate of \$50.00 an hour for "profit" organizations. Supervisor Willard Peck asked roughly how many people is she looking at joining her class, what would be the hours and when is she looking at starting. Mrs. Strong stated that she is hoping to enroll between 10 – 20 people. Mrs. Strong stated that she is not sure what would be more realistic day or evening classes and she hopes to start sometime after the first of the year. April Strong will work with Town Clerk Denise Murphy; Councilwoman Patricia Bryant and Town Attorney Douglas Ward to come up with a plan for the Town Board's consideration.

APPROVAL OF MINUTES

1. Councilman Paul Bolesh made a motion to approve the minutes of the November 3, 2011 Public Hearing on proposed 2012 Town Budget. Councilman Daniel Gale seconded the motion.

Supervisor Willard Peck – "Aye"
Councilman Paul Bolesh – "Aye"
Councilman Daniel Gale – "Aye"
Councilman George Hodgson – "Abstain"

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Councilwoman Patricia Bryant – “Aye” Motion Approved

2. Councilwoman Patricia Bryant made a motion to approve minutes of the November 3, 2011 Regular Monthly Meeting with the following change:

Page 4: #3 should read, “It was the consensus of the Town Board to hold December’s Town Board Meeting on Monday, December 5, 2011 @ 7:30 PM.

Page 6: COMMITTEES: Highway Sup’t, add

Councilwoman Patricia Bryant – “Aye”

Councilman Paul Bolesh seconded the motion.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Abstain

Councilwoman Patricia Bryant – “Aye” Motion Approved

CORRESPONDENCE

1. Edward Cross, Dog Control Officer submitted his Monthly Report for November, 2011. Mr. Cross answered 6 complaints; took 2 dogs to the Animal Shelter; issued 1 summons and had one dog bite case. Mr. Cross commented it was a very quit month.

2. The Town of Northumberland was sent a letter from Linda A Miles, Town Clerk for the Town of Fort Edward. The Town of Fort Edward pursuant to Section 264 of the Town Law, is sending Public Hearing notice, to consider the adoption of Local Law #1 – A proposed local law to amend the Fort Edward Zoning Law and law to amend the Fort Edward Land Subdivision Regulations to exempt Family Subdivisions form Application Fees. Copies of the proposed Local Law were enclosed as well.

3. The Town of Northumberland was sent a copy of a letter from the New York District of the US Army Corp of Engineers to Linda Pleat who owns property at the corner of State Route 32N and State Route 4N regarding Permit Application Number NAN-2011-00833-UBO by Pleat, Linda.

4. The Town of Northumberland received a letter from the Division of Regional Affairs with the Office of the Attorney General. The AG’s Office is requesting a copy of the Town’s Code of Ethics. The Town Clerk provided each Board Member with a copy that had been adopted January 1, 1971. Supervisor Willard Peck and Town Attorney Douglas Ward will review the town’s “Code of Ethics”.

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OLD BUSINESS

1. Road Dedication of Preserve at King Road Subdivision: The Northumberland Town Board received a Letter from the Northumberland Planning Board. The Planning Board held their monthly meeting on November 14, 2011 and voted unanimously to send a positive referral to the Town Board for acceptance of the Roads Caitlin Court and Maplewood Court in the “Preserve at King Road” Subdivision. Boswell Engineering submitted a letter, previously regarding the one (1) year Letter of Credit. Chad Cooke, PE with Boswell Engineering stated that in conjunction with original Construction Cost Estimate prepared by Boswell Engineer, dated November 2007, and per the guidelines of the Town of Northumberland, as outlined in Section IV – Procedures, this letter is to serve notice that Barbera Homes, Inc is responsible for a one (1) year letter of credit in an amount equal to 20% of the Construction Cost Estimate. Using this formula, a Letter of Credit in the amount of \$27,600.00 should be issued to the Town of Northumberland at the time the Town Board accepts the roads and drainage easements per Town Policy. Attorney Douglas Ward stated that he has reviewed the Deed and Title Insurance. Highway Sup’t Neil Petteys stated that he has done a walk through with Town Engineer James Mitchell, and Planning Board Member James Heber and has found everything in order.

Councilman Daniel Gale introduced Resolution # 61 of 2011:

WHEREAS, Frank Barbera, developer for Barbera Homes submitted an “Application for Acceptance of Town Roads and Drainage Easements” on March 11, 2011 for Caitlin Court and Maplewood Court and Storm Water Management Easements located on lots 14, 15 and 16, and

WHEREAS, Highway Superintendent Neil Petteys, Town Engineer James Mitchell and Planning Board Member James Heber did an inspection on October 14, 2011 of Caitlin Court and Maplewood Court and Drainage Easements located within the “The Preserve at King Road”, be it

RESOLVED, the Northumberland Town Board accepts ownership as follows:

Caitlin Court – beginning at County Route 39, also known as King Road for a distance of 1,287 feet

Maplewood Court – beginning at Maplewood Court, formerly proposed to be known as Meghan Court for a distance of 1,338 feet

Storm Water Management Easement – Approximately 3.01 acres on lots 14, 15 and 16 in the “The Preserve at King Road” Subdivision.

BE IT FURTHER RESOLVED, to waive the time requirements of the Town of Northumberland Subdivision Regulations Section IV (4)(c) and Section VI (6), and

BE IT FURTHER RESOLVED, that this Resolution shall take place immediately.

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Councilwoman Patricia Bryant seconded the introduction of Resolution #61 of 2011.

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman Daniel Gale – “Aye”
Councilman George Hodgson – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #61 of 2011 Adopted

2. The Town Board solicited bids for the sale of the Town’s Roadside Mower: The following bids were received and noted:

Alan Wood - \$5,252.00
Hope Arlin - \$6,000.00
Chuck Arlin - \$5,550.00

Councilman Daniel introduced Resolution #62 of 2011:

WHEREAS, the Town of Northumberland Town Board posted a legal notice for the sale of the Town of Northumberland’s 1993 Case International 895 roadside tractor with a minimum bid of \$5,000.00, and

WHEREASE, the Town of Northumberland received three bids for the 1993 Case International 895 roadside mower, therefore be it

RESOLVED, the Town of Northumberland Town Board awards the bid for the sale of the 1993 Case to Hope Arlin in the amount of \$6,000.00.

Councilman George Hodgson seconded the introduction of Resolution #62

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman Daniel Gale - “Aye”
Councilman George Hodgson – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #62 of 2011 Adopted.

3 Supervisor Willard Peck made a motion @ 8:10 PM to go into Executive Session to discuss personnel. Councilman George Hodgson seconded the motion. All in favor, motion carried. Councilman Paul Bolesh made a motion @ 8:18 to reconvene the Regular Monthly Meeting. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

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Supervisor Willard Peck stated that he has reviewed the Agreement between Town of Northumberland and the Teamsters Local 294. Supervisor Willard Peck stated this Contract covers January 1, 2012 – December 31, 2016. Supervisor Peck stated the contract can be reopened in the event the average increase in Health Insurance Cost for 2015 and 2016 is twice what the average increase has been for the last ten years, there will be a Health Insurance and Wage reopener for the years 2015 and 2016, because the rates for 2015 and 2016 were not available at the time of the signing of this agreement. Another area that has been added is the Opt-Out section. All employees covered by this agreement will have the opportunity to Opt-Out from Health Coverage, in doing so they will be paid a yearly amount. Supervisor Peck stated this is a good contract. Supervisor introduced Resolution #63 of 2011

WHEREAS, the Northumberland Town Board has been working with Teamsters Union on the Agreement between Town of Northumberland and the Teamsters Local 294 for January 1, 2012 – December 31, 2016, and

WHEREAS, Supervisor Willard Peck has reviewed the provisions, terms and wording in the Collective Bargaining Agreement and they are not contrary to or inconsistent with the provisions, terms and wording in the Stipulations, therefore be it

RESOLVED, the Northumberland Town Board ratifies the signing of the document between Willard Peck, Supervisor and John Bulgaro, President and Thomas Quackenbush, Business Agent with Teamsters Local 294.

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman Daniel Gale – “Aye”
Councilman George Hodgson – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution # 63 Adopted

NEW BUSINESS

1. The Town Board received a letter from Planning Board Clerk, Tia Kilburn, regarding Planning Board Application # 0002-11. The letter stated that the Planning Board held their monthly meeting on November 14, 2011 and voted to refer Planning Board Application #0002-11 for Site Plan/Soil Disturbance, applicant Timothy Powell to the Town Board for further action due to lack of compliance with the Planning Board. In December, 2010, Richard Colozza/Code Enforcement Administrator issued a Stop Work Order for 346 Grange Hall Road (SBL# 144.-1-6.3) owned by Mr. Timothy Powell and Ms. Cynthia Voelker. The Stop Worker Order was for not addressing the Town’s Soil Disturbance Law and Storm Water Management Law. The disturbance was over one acre which requires a Site Plan Review with the Town of Northumberland’s Planning Board. In January, 2011 Richard Colozza/Code Enforcement Officer sent Timothy Powell a letter stating that the Stop Work notice that was issued for

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the site located at 346 Grange Hall Road will be “relaxed” so the applicant can work on his NYSDEC Closure Plan. Mr. Colozza’s letter stated that he will be allowed to sort the material that had been dropped at the site before December 28, 2010 and to start the final grade work of the cover material in compliance with NYSDEC guide lines. The landfill site was closed as far as accepting any additional material at the site until which time Mr. Powell had completed the Site Plan Review and obtained approval from the Town of Northumberland Planning Board. Mr. Powell was present at the Meeting. Mr. Powell stated that he has New York State DEC Registration #46D11 for a Land clearing Debris Landfill three acres or less. According to his Registration he can accept concrete and stumps. Mr. Powell stated he has only had one neighbor complain about his site. Mr. Powell stated that his brother previously complained about water backing up on his site, but he was causing the problem himself. Mr. Powell stated he hired Anthony DeFrance PE to do a preliminary landfill closure plan. Mr. Powell stated there were numerous errors on the plan and he has since tried to hire a new engineer but is having problems. Mr. Powell stated that he has since hired an Attorney in Saratoga Springs to address his problems with the original engineer Anthony DeFrance. Town Attorney Douglas Ward gave Mr. Powell his cell phone number and asked Mr. Powell to have his Attorney call him. The Town Board requested that Mr. Powell keep Richard Colozza, Code Enforcement Officer or Tia Kilburn, Planning Clerk, up to date on the progress he is making.

2. Establishing a date for the End of the Year Meeting and Organizational Meeting: It was the consensus of the Town Board Members to hold the End of the Year Meeting on Friday, December 23rd @ 7:30 AM. The Organizational Meeting will be held on Thursday, January 5, 2012 @ 7:00 PM followed by the Regular Monthly Meeting.

3. Councilman Daniel Gale stated there will be an electronic drop off on December 7th from 2 – 7 PM at Lowes parking lot in Saratoga Springs.

4. Councilman Daniel Gale informed the Town Board that the Building Committee held their first meeting. Councilman Daniel Gale stated it was a great meeting.

5. Saratoga Preserve: Supervisor Willard Peck asked the Board Members if they had an opportunity to review the information that Maria Trabka, Executive Director with Saratoga P.L.A.N. presented tonight. Supervisor Willard Peck asked the Town Board if they wished to take any action tonight regarding making a donation towards the funds needed as a match to a NYS Grant, to help construct additional trails, a bridge and signage. Councilman George Hodgson introduced Resolution # 64 of 2011:

WHEREAS, Saratoga PLAN purchased a 65 acre parcel in the Town of Northumberland which will be opening in the spring of 2012 for public recreation, and

WHEREAS, the trails on this preserve will eventually connect to other trails owned by the State and the County and the Wilton Wildlife Preserve, and

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WHEREAS, the Colebrook Preserve will offer critical buffer to wetland habitat for Blanding’s turtle, a New York State-threatened species, and the spotted turtle, as well as opportunities for scientists to study the species, and

WHEREAS, Saratoga PLAN still needs to raise \$9,000 as a match to a New York State Grant, to help construct additional trails, a bridge and signage, therefore be it

RESOLVED, the Town of Northumberland will provide \$9,000 from the Town of Northumberland’s Recreation Fund which is monies set aside from funds paid from Developers as part of the Planning Board approval process; and further

RESOLVED, these funds are in support of additional trails and the buffer for the Blanding’s turtle.

Councilman Paul Bolesh seconded the introduction of Resolution #64 of 2011.

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman Daniel Gale – “Aye”
Councilman George Hodgson – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #64 of 2011 Adopted

DESIGNATIONS

1. Approval of Vouchers: Councilman Daniel Gale introduced Resolution #65 of 2011

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

A (General Fund) Vouchers #400 - #433 Total: \$ 75,591.80
DA (Highway Fund) Vouchers #255 - #273 Total: \$ 43,737.79
SS (Sewer District #1) Voucher #14 Total: \$39.64

Councilwoman Patricia Bryant seconded the introduction of Resolution #65 of 2011

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman Daniel Gale – “Aye”
Councilman George Hodgson – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution #65 of 2011 Adopted

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DEPARTMENTS

Highway: Highway Sup't Neil Petteys stated that his Department received a nice Thank You Note from Neil Roberts regarding the great job his Department did cutting down some trees and cleaning up the site. Highway Sup't Neil Petteys stated that while he was on vacation he left a long list of projects for the men. Mr. Petteys stated that he was glad to report they were all completed except for two.

Councilman Paul Bolesh made a motion @ 9:10 PM to adjourn the Regular Monthly Meeting. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Respectfully Submitted,

Denise Murphy
Town Clerk