

**Town of Northumberland  
Town Board Meeting  
December 9, 2010**

The Regular Monthly Meeting of the Northumberland Town Board Meeting was called to order @ 7:30 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 Daniel Gale; Councilman George Hodgson and Councilwoman Patricia Bryant. Also attending were Clerk Denise Murphy; Highway Sup't Neil Petteys; Town Attorney Douglas Ward and Building/Zoning Administrator Richard Colozza.

PUBLIC PARTICIPATION

Supervisor Willard Peck stated he would like a moment of silence for the one year anniversary of the death of Highway Employee James She who was killed when the town's highway truck was struck by a train during a snow storm.

APPROVE MINUTES

1. Councilman Paul Bolesh made a motion to approve the Minutes of the November 1, 2010 Public Hearing on the Town's 2011 Budget. Councilman Daniel Gale seconded the motion. All in favor, motion carried.
  
2. Councilman Daniel Gale made a motion to approve the Minutes of the November 1, 2010 Regular Monthly Meeting. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

CORRESPONDENCE

1. The Town received a copy of a letter from New York State Department of Transportation to Ms. Janet Oswald regarding her safety concerns at the intersection of Route 4 and 32. Highway Sup't Neil Petteys stated he will go down to the intersection and see if there is a street light at this intersection, and if so make sure it is working.
  
2. The Town received a copy of Moreau Emergency Squad's proposed 2011 Budget.

OLD BUSINESS

1. Supervisor Willard Peck stated that the Town Board held a Public Hearing earlier tonight regarding proposed Local Law #3 of 2010 – Dog Control. Councilman Daniel Gale made a motion to adopt Local Law #3 of 2010 – Dog Control Law

*Town of Northumberland  
Town Board Meeting  
December 9, 2010*

**Purpose**

The Town of Northumberland finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to person, damage to property and have created nuisances within the town. The purpose of this Local Law is to protect the health, safety and well being of persons and property by imposing restrictions on the keeping and running at large dogs within the Town. The purpose of this Local Law is also to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage.

**Authority**

This Local Law is enacted pursuant to the provisions of (Article 7, Chapter 59, Part T) of the Agriculture and Markets Law and the Municipal Home Rule law of the State of New York.

**Title**

The title of this Local Law shall be “Dog Control Law” of the Town of Northumberland.

**Definition of Terms**

As used in this Local Law the following words shall have the following respective meanings:

- (a) “Dog” means male and female, licensed and unlicensed, members of the specis canis Famillaris.
- (b) “Owner” means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the town. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held and deemed to be the owner of any dog found in violation of this chapter.
- (c) “Run at Large” means to be in a public place or on private land without knowledge, consent and approval of the owner of such lands.
- (d) “Town” means the Town of Northumberland
- (e) “Agriculture and Markets Law”. All references in this Local Law to Section 106 through 124 of the Agriculture and Markets Law are to those provisions as they were amended and became effective on January 1, 2011.

**Restrictions**

It shall be unlawful for any owner in the Town to permit or allow such a dog to:

*Town of Northumberland  
Town Board Meeting  
December 9, 2010*

- (a) Run at large. All dogs must be restrained by adequate collar and leash or fenced by visible or invisible fence at the premises of the owner of such dog. A dog or dogs hunting in the company of a hunter or hunters does not constitute running at large.
- (b) Engage in habitual and loud howling , barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
- (c) Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such a dog. Uproot , dig, or otherwise damage any vegetables, lawns, flowers, gardens beds, or other property without the consent or approval of the owner of said premises.
- (d) Chase, jump upon or at otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehensive of bodily harm.
- (e) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.

**Licensing of Dogs**

- (a) All dogs in the Town of Northumberland 4 months of age or older, unless otherwise exempted shall be licensed with the Town Clerk. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk a dog license together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town of Northumberland. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required. Each license issued shall be valid for a period of one year and shall not be transferrable.
- (b) Fees for licensing of dogs. The fee for a spayed or neutered dog will be six (\$6.00) annually, which includes the assessment of a one dollar (\$1.00) surcharge for the purpose of carrying out animal population control. The fee for an unsprayed or unneutered dog will be thirteen dollars (\$13.00), which includes a three dollar (\$3.00) surcharge for the purpose of carrying out animal population control.
- (c) Purebred License: The Town of Northumberland will not be issuing Purebred or Kennel licenses. All dogs will be licensed individually as per fee system stated above.  
A license for any guide dog, service dog, hearing dog, detection dog, war dog, working dog, police dog and therapy dog is required, but no license fee shall be charged. The Town Board may, by resolution, change any of the foregoing fees if deemed necessary.
- (d) The Town of Northumberland shall contract with an animal shelter to license dogs adopted by the residents of the Town of Northumberland.
- (e) All dog licenses may be purchased and obtained by visiting the office of the Town Clerk or by regular mail. When licensing or renewing a license by mail the appropriate fee must

*Town of Northumberland  
Town Board Meeting  
December 9, 2010*

accompany the forms. Fees are non-refundable.

- (f) Fees for Seizure of dogs. The fee for seizure and impoundment of dogs in violation of this law or laws of the New York State Department of Agriculture and Markets Law shall be as set forth in Section 118 of the Agriculture and markets Law.

**Seizure of Dogs at Large**

Any dogs found to be running at large in violation of this Local Law or section 117 of the Agriculture and Markets law, whether licensed or unlicensed, will be seized by the Dog Control Officer and such dog shall be properly fed and cared for until redeemed by the owner, adopted or disposed of and provided by Section 117 of the Agriculture and Markets Law.

**Duties of Dog Control Officer**

A Dog Control Officer designated by the Town Board, as provided by section 114 of the Agriculture and Market Law, may enforce the provisions of this Chapter and may also investigate and report to the Town Justice any dangerous dog, as described in Section 121 of the agriculture and Markets Law, and see that the order or orders of the Town Justice in such case are carried out.

**Filing of Complaints**

Any person who observes a dog causing damage or destruction to property of a person other than its owner or committing a nuisance upon the premises of a person other than its owner or otherwise violating this local law may file a signed complaint, under oath, with a town Justice of the Town of Northumberland specifying the objectionable conduct of the dog, the date therefore, the damage caused, a description of the dog and name and residents, if known, of the owner or other harboring said dog.

**Summons**

Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice may summon the alleged owner or other person harboring said dog to appear in person before him. If the summons is disregarded, the Justice may permit the filing of any information and issue a warrant for the arrest of such person.

**Penalties for Offenses**

Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Twenty-five Dollars (\$25.00) for a first violation; of Fifty Dollars (\$50.00) for a second violation and Seventy-five Dollars (\$75.00) for each subsequent violation.

**Period for Impoundment**

Dogs impounded under the provisions of Section 117 of the Agriculture and Markets Law or this Local Law shall be held in accordance with the provisions of section 117 of the Agriculture and Markets Law.

*Town of Northumberland  
Town Board Meeting  
December 9, 2010*

**Severability**

Should any section or provisions of this Local Law be deemed to be unconstitutional or invalid by a Court of law, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Repealer**

This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the town of Northumberland and they shall be upon the effectiveness of this Local law, null and void.

**Effective date**

This Local Law shall become effective upon filing with the Secretary of State.

Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

2. Supervisor Willard Peck stated the Town of Northumberland solicited bids for waste removal and recycling at the town's transfer station located on Peters Road. The bid proposal stated all bidders must submit a bid proposal for both Part "A" Waste Service and Part "B" Recycling. The Following bids were received:

**Waste Management**

Part "A"

Two (2) Thirty (30) cubic yard open top roll-off containers for solid waste/debris dumped on call: Haul rate - \$105 each; Disposal rate - \$56.50 per ton each; Rental \$35 per month each.

(Optional additional roll-off's as needed for the same rates plus a \$50 one-time delivery charge)

Part "B"

Cardboard/newspapers/paper – One (1) Ten (10) cubic yard container, picked up one (1) time per week \$42.50 per month.

Glass, Plastic & Tin – Single Stream Commingled Recyclables – Twenty Five (25) Ninety Six (96) gal totes dumped one (1) time per week \$97.69 per month.

Scrap Metal – One (1) Thirty (30) cubic yard open top container dumped on call – Haul rate \$105 each; Disposal/rebate – None; Rental \$35 per month.

*Town of Northumberland  
Town Board Meeting  
December 9, 2010*

Alternate Recycling for Glass, Plastic & Tin – One (1) twenty-five (25) cubic yard closed sectional roll-off on call. Haul rate - \$105 each; Disposal/rebate – none; Rental \$35 per month.

**Springer Waste**

Part “A”

Rental of 2 – 30 yard roll offs - \$50 per month/each roll off

Disposal of 2 – 30 yard roll offs - \$62 per ton

Hauling of 2 – 30 yard roll offs - \$105 per haul

(Additional roll-offs supplied at the same rates as above)

Part “B”

Rental of multi compartment 30 yard roll-off recycling container - \$75 per month

Processing of recycling - \$50 per ton

Hauling of recycling container - \$105. Per haul

**D & G Recycling LLC**

Scrap Metal - \$51 per ton

Scrap plastic - \$.015 per pound

Tin cans - \$12 per net ton

Scrap Paper - \$12 per net ton

(All pricing FOB your location)

**Eastside Used Auto Parts**

Scrap Metal - \$185 per gross ton

Tin Cans - \$50 per ton

Car Batteries - \$7 per battery

**NHKelman, Inc**

Scrap Mixed Metal - \$140 per gross ton

The bid proposal stated all bidders must submit a bid proposal for both Part “A” Waste Service and Part “B” Recycling.

*Town of Northumberland  
Town Board Meeting  
December 9, 2010*

Mr. Anthony Reinl, Public Sector Representative with Waste Management was present. The Town Board Members stated that Waste Management's bid was the lowest and asked if they would consider removing the scrap metal portion from their bid. Mr. Reinl stated that he did not have a problem with removing the scrap metal part of his companies bid. Councilman Daniel Gale made a motion to award the Waste Service and Recycling, minus the Scrap Metal Bid, for 2011 to Waste Management. Councilman George Hodgson seconded the motion. All in favor, motion carried. Highway Sup't Neil Petteys stated he will contact the Scrap Metal Haulers for clarification on the bids that were submitted.

3. Sale of 1986 Ford Dump Truck: The Town Board solicited sealed bids for the sale of the Town's 1986 Dump Truck. The following bids were received:

Eastside Used Auto Parts - \$1,300.00  
D & G Recycling - \$150.00

Councilman Daniel Gale made a motion to sell the 1986 dump truck to Eastside Used Auto Parts for \$1,300.00. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

4. Hudson Crossing Park: Councilman George Hodgson stated that earlier he solicited quotes for concrete at the Hudson Crossing Park to be poured no later than December 15, 2010. Councilman George Hodgson stated the only quote he received was from Catalfamo Construction for \$11,225.00 and there was a question regarding whether or not it was feasible for the concrete to be poured prior to December 15, 2010 deadline. Based on the town's Procurement Policy and the concern over the frost, the concrete will not be awarded until it is rebid in the spring. Councilman George Hodgson stated that he would like to again table adopting the Resolution – Authorizing the implementation, and Funding in the first instance 100% of the federal aid and State "Marchiselli" Program – aid eligible costs, of a transportation federal-aid project and appropriating funds therefore. Councilmen George Hodgson stated he would like to first close out the Department of State/Sweeney Grant and Canal Corp Grant. Councilman Hodgson stated he will submit a voucher for both Grants for reimbursement to the town. Councilman George Hodgson stated that Hudson Crossing Park was notified that they were awarded a Grant from the Alfred Z Solomon's Charitable Trust in the amount of \$20,000 for the construction of a canoe/kayak access and launch. Hudson Crossing Park, Inc. has already received the check in the amount of \$20,000.

5. Renovations to the Justice Office: The Town solicited bids for renovations to the Justice Office. The Town only received one (1) quote and that was from "Custom Construction" in the amount of \$2,900.00. The wiring will be done by Electrical Doctor Plus, who has done the electric jobs at the town hall previously. The heating will be done by Liberty H.V.A.C.R, Darryl Dumas, who has been doing the repairs to the Heating system. Building and Zoning Administrator Richard Colozza stated that he had given three local contractors a copy of the specifications and they did not submit a bid. Councilman Daniel

*Town of Northumberland  
Town Board Meeting  
December 9, 2010*

Gale made a motion to award the bid for the renovations to the Justice Office to “Custom Construction” in the amount of \$2,900. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

NEW BUSINESS

1. Bond Reduction Request – Brampton Woods Subdivision: Highway Sup’t Neil Petteys informed the Town Board that Chuck Waldron with C & S Construction requested that their Letter of Credit for Brampton Woods Sub-division be reduced. Mr. Waldron stated with the economy being such that it is, he feels it is going to be quite some time before his reaches the 75% mark that is required to reduce the letter of credit any further, therefore he is requesting that the Letter of Credit be reduced to \$50,000. Mr. Waldron stated all the work with the exception of the repair and top coat of section two has been done for some time now and has held up quite well. Mr. Waldron feels the final \$50,000 would be more than enough to cover any repair that might be needed. James Mitchell, Town Engineer stated that he agrees with Mr. Waldron’s description of the current status. Mr. Mitchell stated he has discussed this with the Highway Sup’t and both agree that \$50,000 should be adequate provided the contractor uses proper care in protecting the roadways against damage related to completion of the remaining homes. Town Attorney Douglas Ward stated he has reviewed the documents and would like to have the minutes note that the references shown on the estimate are incorrect. The estimate incorrectly indicates that its purpose is to cover construction costs for the top course of paving (which has already been completed). This \$50,000 amount which we are approving is intended to cover the retainage for **all** the completed work in **both phases** and can be used, if necessary, to correct deficiencies in either phase. Councilman Paul Bolesh made a motion to approve the reduction in C & S Construction Ltd Letter of Credit No 2006 - 12 with Sunmark Federal Credit Union from \$145,385.20 to \$50,000.00; and it is noted that the approved reduction to \$50,000.00 is intended to cover the retainage for **all** completed work in **both phases** and be used, if necessary, to correct deficiencies in either phase. Councilman George Hodgson seconded the motion. All in favor, motion carried.

2. Bond Reduction Request – Stafford Way: Gary Bordeau with Boreau Builders is requesting that his \$4,600.00 being held by the Town of Northumberland for one year from completion being reduced. The year has expired. The Town Board tabled any action since no formal request was submitted by the Developer.

3. The Northumberland Town Board will hold their End of Year Meeting on December 30, 2010 @ 7:30 AM.

4. Building and Zoning Administrator Richard Colozza stated that he has received numerous calls regarding lots for sale in the Hickory Circle Subdivision. Building and Zoning Administrator Richard Colozza reminded the Town Board that Hickory Circle is a private road and there are numerous concerns regarding this road. Highway Sup’t Neil Petteys stated Hickory Circle was not built to town road specifications and would require substantial work to bring up to town specifications and eventually



*Town of Northumberland  
Town Board Meeting  
December 9, 2010*

turned over to the Town. The Town needs to come up with a game plan as to how he is to proceed in case individuals come in requesting a Building Permit.

5. Highway Sup't Neil Petteys stated he was approached by Roy Duprey, 4951 State Route 50 regarding a speed reduction for State Route 50 in front of his home. Mr. Duprey stated his drive way is on a blind corner. When vehicles are head south on State Route 50 the present speed is 55 MPH in this area.. Mr. Duprey's wife runs a Day care center and many of the parents have almost been hit pulling in and out of his driveway. Highway Sup't Neil Petteys stated he would like to recommend a speed reduction with New York State Department of Transportation from the intersection of State Route 50 and Stump Street to Saratoga RV Park, approximately 2,700'. Councilman Paul Bolesh introduced Resolution #42 of 2010

**WHEREAS**, the Northumberland Town Board has received a request from a resident of 4951 State Route 50 for a Speed Reduction on State Route 50, and

**WHEREAS**, Highway Sup't Neil Petteys has looked at this portion of State Route 50 and has determined that there is a blind curve on this portion of State Route 50, therefore be it

**RESOLVED**, the Town Board for the Town of Northumberland requests a speed reduction from the intersection of State Route 50 and Stump Street heading south for approximately 2,700 ft, and be it further

**RESOLVED**, the Town Clerk will forward a copy of this Resolution to Saratoga County Department of Public Works and New York State Department of Transportation

Councilman Daniel Gale seconded the introduction of Resolution #42 of 2010:

Supervisor Willard Peck – "Aye"

Councilman Paul Bolesh – "Aye"

Councilman Daniel Gale – "Aye"

Councilman George Hodgson – "Aye"

Councilwoman Patricia Bryant – "Aye"      Resolution #42 of 2010 Adopted

6. Highway Sup't Neil Petteys stated Chuck Waldron, President of the Brampton Woods Homeowners Association, informed him that resident's of Brampton Woods have complained to him regarding the parties being held on the eyebrow owned by the Town in the back end of the Subdivision. Some of the residents in the Development get together on this parcel and have fires and play basketball. Presently there is a fire pit and basketball hoop on this parcel. Attorney Douglas Ward expressed concern with liability in case of an accident on town property during one of these parties. Highway Sup't Neil Petteys stated he can remove the fire pit and basketball hoop based on the town's Local Law #4 of 1989 and Local Law #1 of 2003. Highway Sup't Neil Petteys stated he will put a notice on both items giving a week

*Town of Northumberland  
Town Board Meeting  
December 9, 2010*

for them to be removed. If they are not removed in that time frame his highway men will go and remove the fire pit and basketball hoop and store them at the Highway Garage for a few weeks.

DESIGNATIONS

1. Transfer: Supervisor Willard Peck introduced Resolution #43 of 2010 –

**BE IT RESOLVED**, the Northumberland Town Board approves the following:

<u>Debit</u>	<u>Credit</u>
A1990.4/Contractual - \$7,852.00	A1910.4/Unallocated Insurance - \$7,553.00
	A7310.4/Youth - \$249.00
	A7620.4/Adult Recreation - \$50.00

Councilman Daniel Gale seconded the introduction of Resolution #43 of 2010

Supervisor Willard Peck – “Aye”  
Councilman Paul Bolesh – “Aye”  
Councilman Daniel Gale – “Aye”  
Councilman George Hodgson – “Aye”  
Councilwoman Patricia Bryant – “Aye”      Resolution #43 of 2010 – Adopted

2. Approval of Vouchers:

Councilman Daniel Gale introduced Resolution #44 of 2010

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

A (General Fund) Vouchers #411 - #454    Total: \$58,921.56  
DA (Highway Fund) Vouchers #261 - #293    Total: \$51,876.21  
SS (Sewer District #1) Voucher #14    Total: \$38.08

Councilman George Hodgson seconded the introduction of Resolution #44 of 2010.

Supervisor Willard Peck – “Aye”  
Councilman Paul Bolesh – “Aye”  
Councilman Daniel Gale – “Aye”  
Councilman George Hodgson – “Aye”  
Councilwoman Patricia Bryant – “Aye”      Resolution #44 of 2010 - Adopted

*Town of Northumberland  
Town Board Meeting  
December 9, 2010*

3. Councilwoman Patricia Bryant introduced Resolution #45 of 2010

**BE IT RESOLVED**, the Supervisor's Monthly Report for November 2010 is accepted as submitted.

Councilman Daniel Gale seconded the introduction of Resolution #45 of 2010

Supervisor Willard Peck – "Aye"

Councilman Paul Bolesh – "Aye"

Councilman Daniel Gale – "Aye"

Councilman George Hodgson – "Aye"

Councilwoman Patricia Bryant – "Aye"

Resolution #45 of 2010 – Adopted

Councilman Daniel Gale made a motion @ 8:20 PM to adjourn the Regular Monthly Meeting.

Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy  
Town Clerk