

**Town of Northumberland
December 10, 2009
Town Board Meeting**

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

At this point Supervisor Willard Peck stated he wanted to take a moment of silence for James Shea that passed away December 9, 2009 when the highway truck he was a wingman in collided with a freight train, also, for Kerry Garnsey for his continual recovery. Councilman Daniel Gale stated he is extremely proud of the crew at the Highway Department. With everything that happened, they went out on the plow trucks and did their job. Jim Shea was well respected in our community and will be missed.

PUBLIC PARTICIPATION

Highway Sup't Neil Petteys stated the tandem truck the Town Board purchased earlier this fall is a month off. The town's insurance has not assigned an appraiser yet. Highway Sup't Neil Petteys stated he received a fax from H.L. Gage regarding a replacement cost for an International Truck. Highway Sup't Neil Petteys stated the town should receive a dollar figure sometime next week from our insurance company regarding replacing the truck involved in the accident. Richard Ray, Arrowhead, informed the Town Board that he has a demo truck on site. Mr. Ray provided the Town Board with material regarding the truck. It is a 2010 Mack tandem truck. The Town Board could purchase a truck two ways; we could go out to bid or by emergency purchase. Mr. Ray stated this truck could be delivered tomorrow. The Town Board will review all the material they were presented tonight.

Highway Sup't Neil Petteys stated that he is so thankful for all the support from the community and surrounding towns and counties calling to offer help after the accident. Highway Sup't Neil Petteys stated they are going to use the old 1986 Ford truck for plowing until everything is resolved.

Justice James Evans came before the Town Board regarding the policy for full time employees. Jody Munger is now full time and a questions regarding vacation and holiday pay has come up. Mrs. Munger is paid hourly. Supervisor Willard Peck stated the Town Board needs to put together an Employee Manual/Policy. Full time status only effects, outside of the highway crew, the Building and Zoning Administrator and the Court Clerk. Everyone else is either elected or part time. Part time employees are not entitled to paid vacation or holidays. The Town Board has determined that Full Time Employees are entitled to two (2) week's vacation and holiday pay (as outlined on Saratoga County paid holiday schedule). Jody Munger will be full time as of December 11, 2009. Supervisor Willard Peck stated that he has heard that Mrs. Munger is doing a great job.

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Walter Smead, Sole Assessor, came before the Town Board to explain the “Six-Year Plan for re-inspection, reappraisal and maintaining assessments at 100% on an annual basis” with the State of New York. Mr. Smead stated that up to this point he has done tri-annual assessment which limit his ability to adjust assessments if there is a noticeable increase or decrease in the housing market. By entering into this agreement, this allows him the flexibility to adjust assessments, if needed, yearly. Mr. Smead stated as long as the town maintains a 100% equalization rate, the town will receive \$5.00 per parcel each year. The town has roughly 2,000 parcels. Much of the cost associated with yearly review of assessments will be covered by the reimbursement cost. Mr. Smead stated as we move forward, the yearly cost will be less. Supervisor Willard Peck stated keeping the equalization rate at 100% is a good thing especially with school tax levies. Mr. Smead stated he has been using the Town Clerk’s part timer, Lisa Conlee, to help him organize his office. Mrs. Conlee has been a great asset. Mr. Smead stated he does not have a lot of time for filing and sometimes he gets behind. When he starts the Six Year Plan he is looking at 2,000+ pieces of paper each year that needs to be filed. Supervisor Willard Peck stated he noticed a big difference in his office since Mrs. Conlee has started organizing his office. Mr. Smead stated he can absorb the addition time for Mrs. Conlee within his budget. Councilman Daniel Gale introduced Resolution #33 of 2009:

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the “Six Year Plan for re-inspection, reappraisal and maintaining assessments at 100% on an annual basis” with the State of New York, be it further

RESOLVED, that copies of this Resolution and a formal request for State assistance be sent to the following:

Beth Cervenak
NYSORPS
16 Sheridan Avenue
Albany, NY 12210-2714

Carol Holley, Director
Saratoga County Real Property
35 West High Street – Bldg #2
Ballston Spa, NY 12020

Councilman Paul Bolesh seconded the introduction of Resolution #33 of 2009

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman Daniel Gale – “Aye”

Resolution #33 of 2009 – Adopted

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APPROVE MINUTES

1. Councilman Paul Bolesh made a motion to approve minutes of the November 5, 2009 Public Hearing on the 2010 Town Budget. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

2. Councilman Paul Bolesh made a motion to approve minutes of the November 5, 2009 Regular Monthly Meeting. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

CORRESPONDENCE

1. The Town Board received a letter from Tia Kilburn, Planning/Zoning Clerk regarding Planning Board alternate and Zoning Board of Appeals Member. Bernadette Marry has moved out of the area. Presently she is an alternate on the Planning Board. Gordon Strong, Zoning Board Member, has not attended a meeting since December of 2008. The Town Board will post the opening for an alternate on the Planning Board. Attorney Douglas Ward will research if the Town Board can replace a member of either the Zoning Board of Appeals or Planning Board if they do not attend meetings for a prolong period of time.

2. The following letter was received from New York State Dept of Transportation regarding the speed reduction request for King Road. The letter states, "This is in response to your August 20, 2009 request for a speed limit reduction on King Road (County Route 39) in the Hamlet of Bacon Hill. Currently, there is a 40 MPH speed limit on King Road between a point 0.1 mile west of Williams Road and Route 32 that encompasses the more heavily developed section of highway. We reviewed this 40MPH speed zone and have determined that a further reduction of the speed limit is not warranted at this time. Included in our study, we took radar measurement of traffic speeds within this 40 MPH zone. We found 77% of traffic exceeding the posted speed limit with the highest recorded speed being 65 MPH. Under these circumstances, increased enforcement of the existing speed limit rather than a further reduction of the speed limit is the appropriate action. By way of this letter, we will notify the State Police and Saratoga County Sheriff of our findings for whatever actions they deem appropriate."

3. The Town received from Saratoga County Office of Emergency Services a list of persons with special needs from this office's "Special Needs Registry". The Town Clerk will provide emergency services a copy of this "Special Needs Registry"

4. The Town of Northumberland will be honoring a deceased Veteran November, 2010.

5. Supervisor Willard Peck informed the Town Board Members that they will need to appoint a resident to serve on both the Youth Advisory Board and Fire Advisory Board for Saratoga County.

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APPOINTMENTS

1. The following terms expire in 2010: ZBA Member Hugo Leone (02/28/2010); Planning Board Member Susan Martindale (09/30/2010); Board of Assessment Review William Peck (09/30/2010)

OLD BUSINESS

1. Schuyler Park update: Councilman Daniel Gale reported that the sod work has been finished. The back stops and dugouts are in and installed. BOCES finished the trails up in the woods. Depending on the weather, the Committee hopes to have the parking area boxed in and leveled off. Two individuals have donated the stone for the parking area. That is a savings of roughly \$40,000. Friends of Schuyler Park are going to have a cocktail party fundraiser at Longfellow's Restraunt in April. At this present time, there are no outstanding bills for the improvements at Schuyler Park. The Committee is waiting to hear if they are receiving a grant from the Alfred Solomon Foundation to build the "Alfred Z Solomon Pavilion". Olsen Associates have donated the plans for the concession/bathrooms at Schuyler Park. That will be a huge savings. Fort Miller is donating the material for the septic system and pre-casts for benches. Councilman Daniel Gale stated in the spring they will have a press conference and then he will sit back and watch the first girl's softball game. The Town Board congratulated Councilman Daniel Gale for his and the Committee's hard work.

2. Hudson Crossing Park Update: Councilman George Hodgson provided Board Members with a written update. Councilman Hodgson stated there were two vouchers in front of the Board Members tonight for approval (CG Stone and Clear Enterprises) which have been submitted for the completion of the dock trail and stone steps at Hudson Crossing. Both have been inspected and have completed to specifications. Councilman George Hodgson stated he has had conversations with Canal Corporation, Garret O'Connor, and they are happy with the jobs. The Town of Northumberland has been issued a Canal Corp Work Permit.

3. Local Law #3 of 2009 – The Town Board held a Public Hearing prior to tonight's meeting and there were no comments from the public. Councilman Paul Bolesh made a motion to adopt Local Law #3 of 2009 - **A Local Law continuing a temporary moratorium on the further consideration or approval by the Northumberland Town Planning Board of any proposed construction of Cell Towers, Communication Towers or Radio Antennas**

Be it enacted by the Town Board of the Town of Northumberland as follows:

Section 1.

The Town of Northumberland continues to update its comprehensive plan with the intention of subsequently enacting revisions to its existing zoning ordinance. Among the considerations regarding

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development in the Town are the protection of the community's agricultural character, open space, aesthetic and other natural resources. Tall, pole or lattice type structures such as cell towers, communication towers, radio towers and similar structures could adversely affect these important resources if they are not properly located and sited in the Town. Accordingly, on June 5, 2009 the Town Board adopted Local Law #2 of 2009 – A Local Law establishing a temporary moratorium on the further consideration or approval by the Northumberland Town Planning Board of any proposed construction of cell towers, communication towers or radio towers. This moratorium was filed in the Secretary of State's Office and took effect on June 10, 2009. The Town Board has made good progress toward completion of its assigned tasks, but needs additional time to finalize its proposals and recommendations. Consequently, the Town of Northumberland is in need of an additional extension of the moratorium period in order to allow the Town Board to complete the updates to its Comprehensive Plan.

Section 2.

There is enacted a continuation of the temporary moratorium (initially adopted as Local Law #2 of 2009) on the further consideration or approval of the Northumberland Town Planning Board of any proposed construction of cell towers, communications towers, radio towers or similar pole or lattice structures within the Town. This moratorium shall continue for a period of six (6) months from the effective date of this local law.

Section 3.

This Local Law shall take effect immediately.

Councilman Daniel Gale seconded the motion. All in favor, motion carried.

4. Bids for Vinyl Siding at the Town Hall: Supervisor Willard Peck stated that the Town Board solicited bids for vinyl siding at the town hall. There was an error in the bidding specifications. This project is subject to prevailing wages. Councilman Daniel Gale made a motion to reject all bids due to incorrect information in the specifications and the Town Board is not going to make the bids public knowledge so they are not subject to Freedom of Information Law (F.O.I.L.). Councilman Paul Bolesh seconded the motion. All in favor, motion carried. The Town Board will rebid this project in the spring.

5. Barbera Homes, Inc (The Preserve at King Road) Irrevocable Letter of Credit in the amount of \$138,722.30 will expire on December 28, 2009. The Town Clerk sent Barbera Homes a letter informing them that they need to present a renewed Irrevocable Letter of Credit in the amount of \$138,722.30 on or before December 28, 2009.

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6. Town Attorney Douglas Ward stated that he has made contact with Maureen Duval regarding the parcel on Route 4N that she would like to convey to the Town of Northumberland for open space. Mrs. Duval has forwarded the deed to his office. There is one issue that Mrs. Duval would like to have incorporated into the deed stating if the town should determine they no long want the property, it would revert back to her heirs. Attorney Douglas Ward stated under New York State Law conveyed property to a town for open space purposes cannot be conveyed without the approval of the state legislature. Attorney Douglas Ward stated he has contacted the "Association of Towns" regarding this issue and has not received a clear out answer. Town Attorney Douglas Ward stated he will research this provision further.

NEW BUSINESS

1. End of Year Meeting: The Town Board will hold their 2009 End of Year Meeting on Thursday, December 31, 2009 @ 7:30 am.

2. 2010 Organizational Meeting: The Town Board will hold their 2010 Organizational Meeting on Thursday, January 7, 2010 @ 7:00 pm followed by the Regular Monthly Meeting

3. Mailbox Policy: The Highway Department has historically replaced mailboxes that are damaged during snow removal with a standard plain mailbox. Supervisor Peck received a call from a resident on Homestead Road who claimed the plow truck hit her mailbox and she does not want a standard plain mailbox. The resident would like one installed equal to the one hit by the plow truck. Supervisor Peck has done some research and found that the State, Saratoga County and surrounding towns do not replace mailboxes if their plow trucks hit one. The Town Board tabled any action until Highway Supt Neil Petteys has an opportunity to comment.

4. Councilman Daniel Gale expressed concern with the dredging project on the Hudson River. The fire department was unaware that contractors for GE were doing archeology studies along the shore when their boat went over the dam drowning one of the contractors. Phase I has been completed. 2010 will be the research year. Councilman Daniel Gale thought someone from the Town of Northumberland should attend the Dredging Meetings.

5. Councilman Daniel Gale stated he was reviewing the minutes regarding the proposed 2010 Town Budget. Councilman Gale stated the Town Clerk and Highway Sup't will be contacting surrounding town's to see how they are dealing with the shortfall at their transfer stations. Councilman Gale stated maybe the Town Board needs to look at raising the bag costs or only being opened one day a week or even closing the transfer station at the end of 2010.

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6. Councilman Daniel Gale stated he was going to review the attendance at the Youth Center. There appears to only be a few youth who attend the program. Councilman Gale stated maybe the Youth Center should be closed during the winter months since there is such a poor attendance.

DESIGNATIONS

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

EXECUTIVE SESSION

Councilman Paul Bolesh made a motion to go into Executive Session @ 8:45 PM to discuss legal and personnel issues. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

Councilman Daniel Gale made a motion @ 8:55 PM to reconvene the Regular Monthly Meeting. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Councilman Paul Bolesh made a motion to adjourn the Regular Monthly Meeting @ 9:05 PM. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

Respectfully submitted

Denise Murphy
Town Clerk

Supervisor Willard Peck reported that the Town Board received legal updates from the Town Attorney. No action was taken.