

**Town of Northumberland
Town Board Meeting
December 18, 2014**

The Regular Monthly Meeting was called to order by Supervisor Willard Peck. Following the salute to the flag, roll call was taken. Those attending included Supervisor Willard Peck; Councilman Paul Bolesh; Councilman John DeLisle and Councilman George Hodgson. Councilwoman Patricia Bryant was absent. Town employees attending were Town Attorney Douglas Ward; Town Clerk Denise Murphy and Building and Zoning Administrator Richard Colozza. Also attending were Mark Schachner, Esq and Justin Grassi with Miller, Mannix, Schachner & Hafner LLC; Jared Lusk, Nixon Peabody LLC; Rick Anras and Sara Colman with Verizon Wireless; Jessica Cuva; Matt and Sabrina Oberkrieser and Jacob Heber.

PUBLIC PARTICIPATION

Supervisor Willard Peck stated that Town Attorney Douglas Ward will need to recuse himself regarding the application for the siting of a telecommunication tower, antennae and related facility for Verizon Wireless in the Town of Northumberland. At this point Councilman George Hodgson introduced Resolution # 92 of 2014 –

WHEREAS, the Town of Northumberland requires legal representation for issues concerning a Verizon Wireless Telecommunications Facility Project; and

WHEREAS, the Town Board of the Town of Northumberland wishes to engage legal counsel on a contractual basis in the matter; and

WHEREAS, the Town has agreed by Resolution to engage the services of Counsel on its behalf; and

WHEREAS, Counsel has agreed to provide such legal services to the Town, the Town and Counsel hereby agree as follows:

1. **Subject of Agreement** – Counsel shall advise and represent the Town and render legal services to it in relation to the Verizon Wireless Telecommunications Facility Project. Services may include attendance at meetings, drafting of letters, legal opinions and/or other legal documents and providing ongoing advice as may be requested by the Town Supervisor or authorized Town personnel. Mark Schachner will be the principal attorney involved in representation of the Town.
2. **Term** – The Term of this agreement shall be from December 1, 2014 until conclusion of the Town’s review and decision-making process for the Verizon Project.
3. **Compensation** – Fees for all of Counsel’s Legal Services will be billed to the Town at rates not to exceed \$225 per hour. Counsel will invoice the Town on a monthly basis and the Town will pay all invoices within thirty (30) days.

Councilman Paul Bolesh seconded the introduction of Resolution # 92 of 2014

**Town of Northumberland
Town Board Meeting
December 18, 2014**

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman John DeLisle – “Aye”

Councilman George Hodgson – “Aye”

Resolution # 92 of 2014 Adopted

At this point Attorney Mark Schachner switched seats with Town Attorney Douglas Ward. Jared Lusk with Nixon Peabody LLC came before the Town Board to do an informal presentation on the proposed Application for a Zoning Amendment from the Town Board and a Siting Permit from the Planning Board by Cellco Partnership d/b/a/ Verizon Wireless to construct and operate a 100’ wireless telecommunications facility on property known as 4894 NY Route 50. The Site is owned by Saratoga RV Corporation and consists of a 100’ x 100’ leased area with a fenced compound enclosing a 100” monopole tower. Mr. Lusk gave a brief description of how they came up with the cell site and how it relates to the entire cell. Attorney Mark Schachner stated that he just received a copy of the Application and has not had an opportunity to review it. Mr. Lusk stated that he still needs to do a balloon fly as part of the complete Visual Impact Assessment as required in the Town of Northumberland’s Local Law #2 of 2010 – Siting of Telecommunications Towers, Antennae and Related Facilities. Attorney Schachner stated that first the Town Board must approve a Telecommunications Development District (TDD) Zoning Amendment pursuant to Local Law #2 of 2010 and obtaining the written approval of the Town Planning Board. The Town Board asked Mr. Lusk and the representatives from Verizon Wireless to attend the next Planning Board Meeting to give an informational presentation on the proposed project.

Jessica Cuva and Matt Oberkrieser came before the Town Board regarding the ongoing problems they have with a resident who lives near both the Cuva and Oberkrieser’s residents on Kobor Road. Ms. Cuva stated that there is junk vehicles, campers, mason forms and junk wood. Ms. Cuva stated that her husband tried to talk to the resident but has gotten nowhere. Mr. Oberkrieser stated that he feels he is being harassed by some of the neighbors since both his family and the Cuva’s have expressed concern and disappointment with the Zoning Violations that have been ongoing now for years. Councilman DeLisle asked if the property owner has been sent a Violation Letter. Building and Zoning Administrator Richard Colozza indicated that they have. Ms. Cuva stated that one morning they had someone come and post a “For Sale” sign in their front yard to harass her family. Ms. Cuva stated that when they park their diesel trucks on this parcel, the headlights shine right into their bedroom roughly 10 feet away. Ms. Cuva stated that they contacted a Realtor and was told that due to the amount of junk so close to their property, they would probably not receive what it is worth. Supervisor Peck asked that they give him until after the holidays to go and talk to the property owner.

Jacob Heber asked the Town Board why a property owner must get a Logging Permit for trees that are being cut by themselves. Jacob Heber stated that he was advised that he will need to obtain a \$50. Logging Permit which is only good for one year. Mr. Heber stated that this is a 200 + parcel and it was going to take him years to log it. Mr. Heber stated that the logs that are harvested are used by his family to heat with. Mr. Heber stated that farmers are not required to obtain a permit to harvest crops. Mr. Heber stated he felt this was the same. The Town Board will look at the Logging Permit and see if changes are warranted.

**Town of Northumberland
Town Board Meeting
December 18, 2014**

MINUTES

1. Councilman George Hodgson made a motion to approve the minutes of the November 6, 2014 Public Hearing. Councilman John DeLisle seconded the motion. All in favor, motion carried.
2. Councilman Paul Bolesh made a motion to approve the minutes of the November 3, 2014 Regular Monthly Meeting. Councilman George Hodgson seconded the motion. All in favor, motion carried.

CORRESPONDENCE

1. Dog Control report: Edward Cross, Dog Control Officer, submitted his November 2014 Monthly Report. Mr. Cross answered 4 Complaints, brought 1 dog to the Shelter and issued 1 Warning.
2. The Town Board received a letter from Janet Kennedy, Executive Director, for the “Lakes to Locks Passage” requesting a contribution of \$250 for FY 2014 and \$250 contribution for 2015. The \$250 for FY 2014 has been included in the End of the Year Abstract.
3. The Town Board received a copy of a letter from Saratoga Co Department of Public Works Commissioner, Keith Manz PE to Kate Seeley Race Director regarding the 2015 Ragnar Relay Adirondacks which will be held on September 25 – 26, 2015. A portion of County Route 39 (King Road) and County Route 29 (West River Road) are located within the Town of Northumberland. Mr. Manz stated that he had no objection to this request, permission for this event is under the authority of the Town Board in accordance with Vehicle and Traffic Law Section 1660-6 and should obtain the Town’s approval. Mr. Manz stated it will be necessary not only to maintain highway traffic but also to protect the safety of participants in this event.
4. Supervisor Willard Peck stated that Saratoga County Board of Supervisors initiated a “Character First Program” to promote civility, improve trust and good character in our communities, businesses, government and our lives. Each month in 2014 the County invited a student from a local school district to write an essay on different character traits, such as duty, courage, respect, trust and tolerance. Supervisor Willard Peck stated that December 2014 was Forgiveness and it was written by Northumberland resident Cody Durr. Supervisor Peck stated that this was an outstanding essay and would like to honor Cody Durr by introducing Resolution # 93 of 2014 –

WHEREAS, Saratoga County initiated a “Character First Program” to promote civility, improve trust and good character in our communities, businesses, government and our lives, and

WHEREAS, each month in 2014, the County invited a student from a local school district to write an essay on different character traits, such as duty, courage, respect, trust and tolerance, therefore be it

RESOLVED, the Northumberland Town Board would like to honor the following essay prepared by Cody Durr on “Forgiveness”

**Town of Northumberland
Town Board Meeting
December 18, 2014**

Mahatma Ghandi once said “The weak can never forgive. Forgiveness is the attribute of the strong.” Forgiveness is one of the most powerful attributes a person can possess. It can liberate someone from the confining walls of their darkness controlled mind. Pent up hatred and anger cannot advance one any further than the depressing space they are currently occupying. Only forgiveness and clemency can truly set a person free.

On December 14th, 2012 gunman Adam Lanza stormed the elementary school located in Newton, Connecticut. He mercilessly took the lives of 20 children and 6 educators in the tragic shooting spree. The news completely ravaged the town and everyone who felt safe there. Most viewed this as an evil and unforgivable act of horror... but not Scarlett Lewis. Scarlett Lewis was the mother of six year old Jesse Lewis, who was one of the children killed in the massacre. She immediately forgave Adam Lanza and hoped that, “he is experiencing the same kind of love that the children are now, in heaven.” This tremendous act of courage and dignity should serve as an example for anyone who is struggling on the path of forgiveness. If you do not forgive then you will likely spend the rest of your life caught up on the negatives of the situation. Scarlett could either spend eternity building up hatred towards Adam or she could forgive him. Once a person is able to forgive they are set free of the negatives and are able to focus on the positives. In the example of Scarlett Lewis, she can focus on remembering the joys that her son brought her for the six years he touched her life.

A common misconception of forgiveness is that the person forgiving thinks that the act was okay. That is far from the truth. When forgiving, as Scarlett described, “cutting the cord to pain,” you are acknowledging a deed that affected you was not okay. However you’re moving on, past the negatives of the situation, toward the positives. Everyone would rather focus on the positives instead of the negatives. Forgiveness provides a conduit to positivity.

Personal relationships can be served and destroyed if a person does not have the capacity to forgive someone. Families and friendships are too often ripped apart because they refuse to forgive a person they called a brother or a sister or a friend. No matter how unacceptable the deed was, it is crucial to remember the positive times you have shared with that person. In doing this, one will realize how much value that relationship has had and realize that it is better to have a positive relationship than a negative one.

Forgiveness is a crucial thing that everyone should be able to call upon. It will set you free and recover that strained relationship. By forgiving, one can abolish the negatives that have kept him or her in the dark and trapped, and move toward the positivity and freedom that forgiveness provides.

Councilman Paul Bolesh seconded the introduction of Resolution # 93 of 2014.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman John DeLisle – “Aye”

Councilman George Hodgson – “Aye”

Resolution # 93 of 2014 Adopted

**Town of Northumberland
Town Board Meeting
December 18, 2014**

OLD BUSINESS

1. The Town Board reviewed the Service Map for Time Warner Cable. The Town Board made the following additions to the Service Map and requested that Time Warner Cable do a study for the addition of these roads within the Town of Northumberland to extend service in these areas.

- West River Road/County Route 29 – from the Moreau Town Line at Mott Road, southerly direction to the end at State Route 32 in the Hamlet of Bacon Hill.
- Peters Road – from West River Road/County Route 29, westerly to the end at State Route 32.
- Purinton Road – from (approximately) House # 366, easterly to end at West River Road/County Route 29.
- Stonebridge Road – from (approximately) House # 662, southerly to end at State Route 32.
- Rugg Road – from (approximately) House # 307, easterly to end at State Route 32
- King Road/County Route 39 – from Colebrook Road, easterly to intersection with Williams Road.
- Beaver Street – from King Road/County Route 39, southerly to Town of Saratoga Line.
- Wall Street – from King Road/County Route 39, southerly to Town of Saratoga Line.
- Callahan Road – from Lindsay Hill Road, easterly to Stonebridge intersection

Town Attorney Douglas Ward stated that he will use these descriptions and incorporate them in a formal letter to Time Warner Cable since the Town of Northumberland is negotiating the Franchise Agreement.

2. Employee Handbook – Tabled

3. Town Hall Special Election: Town Attorney Douglas Ward stated that the Town Board needs to adopt a Resolution providing for Registration of Unregistered Qualified Voters to participate in the Special Election.

Supervisor Willard Peck introduced Resolution # 94 of 2014 – **A RESOLUTION PROVIDING FOR REGISTRATION OF UNREGISTERED QUALIFIED VOTERS TO PARTICIPATE IN PUBLIC REFERENDUM TO BE HELD ON JANUARY 20, 2015 REGARDING THE POTENTIAL CONSTRUCTION OF A NEW TOWN HALL AND SUBSEQUENT DEMOLITION OF THE EXISTING TOWN HALL**

**Town of Northumberland
Town Board Meeting
December 18, 2014**

WEREAS, at a regular scheduled meeting held on November 13, 2014 the Town Board determined to hold a public referendum regarding the Town Board's determination to construct a New Town Hall and subsequently demolish the existing Town Hall (the Town Hall referendum).

WHEREAS, the Town Hall referendum vote is scheduled to take place on January 20, 2015 between the hours of 9 am and 8 pm at Northumberland Town Hall at 17 Catherine Street, Gansevoort, NY, and

WHEREAS, individuals who are presently registered with the County Board of Elections are authorized to vote in the Town Hall referendum, and

WHEREAS, pursuant to Town Law §84 the Town Board hereby establishes a process for qualified voters, who are not presently registered with the County Board of Elections, to personally register to vote in the Town Hall referendum on January 20, 2015.

NOW THEREFORE BE IT RESOLVED, by the Town Board that it be and hereby is determined as follows:

1. In order to vote in the Town Hall referendum qualified voters, who are not presently registered with the Saratoga County Board of Elections, must personally register with the Town of Northumberland Board of Registration in accordance with this resolution.
2. Arthur DeGraw and Elizabeth DeGraw as previously designated election inspectors are appointed to serve as the Town of Northumberland Board of Registration and shall be vested with the authority of such Board. Arthur DeGraw and Elizabeth DeGraw shall be compensated at the rate of \$100.00 for the Registration Day and \$175.00 for the Special Election.
3. The Town of Northumberland Board of Registration shall meet on January 6, 2015 between the hours of 3 pm and 8 pm (EST) at the Town of Northumberland Town Hall, 17 Catherine Street, Gansevoort, NY.
4. In order to vote in the Town Hall referendum, qualified voters, who are not presently registered with the Saratoga County Board of Elections, must personally appear and register with the Town of Northumberland Board of Registration on January 6, 2015 between the hours of 3 pm and 8 pm (EST) at the Town of Northumberland Town Hall, 17 Catherine Street, Gansevoort, NY.
5. At its Meeting on January 6, 2015 the Town of Northumberland Board of Registration shall prepare the register for the Town Hall referendum. The register shall include all qualified voters in the Town who are presently registered with the Saratoga County Board of Elections, those qualified voters who personally registered as provided in this Resolution and military or confined voters as provided in Town Law §84.
6. The Town of Northumberland Board of Registration shall file the completed register with the Town Clerk in accordance with Town Law §84.

**Town of Northumberland
Town Board Meeting
December 18, 2014**

Councilman John DeLisle seconded the introduction of Resolution # 94 of 2014 –

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman John DeLisle – “Aye”
Councilman George Hodgson – “Aye” Resolution # 94 of 2014 Adopted.

Town Clerk Denise Murphy provided Town Board Members with a “Sample” Ballot for the Special Election that has been approved by Saratoga County Board of Elections.

NEW BUSINESS

1. Highway Sup’t Harold Vance Jr had requested a speed limit study for Lindal Lane and Cedar Run off Fortsville Road. Councilman John DeLisle introduced Resolution # 95 of 2014

WHEREAS, the Town Board of the Town of Northumberland, hereby request the Department of Transportation, pursuant to Section 1622.1 of the Vehicles and Traffic Law, to establish a lower maximum speed at which vehicles may proceed on Lindal Lane and Cedar Run off Fortsville Road/County Route 31, therefore be it

RESOLVED, upon receipt of the notice that the regulation herein requested has been established, the Town of Northumberland, will provide, install and maintain signs in accordance with the Vehicle and Traffic Law and conforming to the Manual of Uniform Traffic Control Devices of the Department of Transportation.

Councilman Paul Bolesh seconded the introduction of Resolution # 95 of 2014 –

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman John DeLisle – “Aye”
Councilman George Hodgson – “Aye” Resolution # 95 of 2014 Adopted.

2. The Northumberland Town Board will hold their End of the Year Meeting on Tuesday, December 30, 2014 @ 8:00 AM.

3. The Northumberland Town Board will hold their Organization Meeting on January 8, 2015 @ 7:00 PM to be followed by the Town Board Meeting.

4. Appointment to the Saratoga Co. Fire Advisory Board for 2015. Councilman George Hodgson made a motion to appoint Thomas Wood to the Fire Advisory Board. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

**Town of Northumberland
Town Board Meeting
December 18, 2014**

5. Appointment to the Saratoga Co. Youth Advisory Board for 2015. Councilman Paul Bolesh made a motion to appoint Jennifer Amidon to the Youth Advisory Board. Councilman George Hodgson seconded the motion. All in favor, motion carried.

DESIGNATIONS

1. Supervisor Willard Peck informed the Town Board that originally he had projected that the per thousand rate for the highway fund for the 2015 Budget would be roughly 1.4 per thousand. Supervisor Peck stated that he received the final figure and it is 1.386988.

2. Councilman George Hodgson introduced Resolution # 96

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

A(General Fund) Vouchers - #391 - #427 Total: \$68,716.72
DA(Highway Fund) Vouchers - #294 - #317 Total: \$71,126.45
SS(Sewer District #1) Vouchers #13 & #14 Total: \$168.53

Councilwoman Patricia Bryant seconded the introduction of Resolution # 96 of 2014.

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman George Hodgson – “Aye”
Councilman John DeLisle – “Aye” Resolution # 96 of 2014 Adopted

3. Supervisor’s Financial Report: Councilman John DeLisle introduced Resolution # 97 of 2014:

BE IT RESOLVED, pursuant to Section 125 of the Town Law, Supervisor Willard Peck rendered the following detailed statement of all money received and disbursed during the month of November 2014:

GENERAL

Balance as of 10/31/2014	\$ 1,435,495.06
Increases	\$ 147,402.35
Decreases	\$ 281,543.61
Balance as of 11/30/2014	\$ 1,301,353.89

HIGHWAY

Balance as of 10/31/2014	\$ 179,232.81
Increases	\$ 223,834.51
Decreases	\$ 53,659.36
Balance as of 11/30/2014	\$ 349,407.96

**Town of Northumberland
Town Board Meeting
December 18, 2014**

SEWER DISTRICT #1

Balance as of 10/31/2014	\$ 32,841.15
Increases	\$
Decreases	\$ 1,481.97
Balance as of 11/30/2014	\$ 31,359.18

BE IT RESOLVED, the Town Board has reviewed and approved November, 2014 Monthly Report by Supervisor Willard Peck as presented.

Councilman George Hodgson seconded the introduction of Resolution # 97 of 2014.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman John DeLisle – “Aye”

Councilman George Hodgson – “Aye”

Resolution # 97 of 2014 Adopted

Councilman John DeLisle made a motion @ 8:45 PM to go into Executive Session to discuss possible litigation and a personnel matter. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Councilman Paul Bolesh made a motion @ 9:20 PM to reconvene the regular monthly meeting.

Councilman George Hodgson seconded the motion. All in favor, motion carried. Supervisor Willard Peck reported no action was taken.

Councilman George Hodgson made a motion to adjourn the regular monthly meeting @ 9:25 PM.

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

Respectfully submitted,

Denise Murphy

Town Clerk

**Town of Northumberland
Town Board Meeting
December 18, 2014**