

Town of Northumberland

June 7, 2007

The Regular Monthly Meeting of the Northumberland Town Board 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 Daniel Gale and Councilman George Hodgson. Councilman Paul Bolesh and Councilman Harold Vance Jr. Also attending was Clerk Denise Murphy, Highway Sup't Neil Petteys and Town Attorney Douglas Ward.

APPROVE MINUTES

1. Councilman George Hodgson made a motion to approve minutes of the May 3, 2007 Regular Monthly Meeting. Councilman Daniel Gale seconded the motion. All in favor, motion carried.
2. Councilman Daniel Gale made a motion to approve minutes of the May 18, 2007 Special Town Board Meeting. Councilman George Hodgson seconded the motion. All in favor, motion carried.

PUBLIC PARTICIPATION

Jack Sullivan, 105 Virginia Place, asked the Town Board what needs to be done so that the Town of Northumberland can take over Virginia Place so it is no longer a private road. Mr. Sullivan stated more than 50% of the homes have been built, and he was led to believe that was one of the requirements for the Town to take over a private road in a development. Supervisor Peck stated the Town Board needs to work with the Town Attorney to review the process. The road has been there 8 – 10 years now. There are formal steps that need to be done before roads can be taken over. The Developer of Homestead Estate has never come before the Town Board and asked that the town take over Virginia Place. Supervisor Peck stated the town needs to make sure the road meets town specifications. Mr. Sullivan expressed concern with the maintenance of Virginia Place over the winter months, there is no salt on the icy roads and very little sand applied following a storm. In fact, it was so slippery a couple of years ago that the postal service and school buses refused to drive into the Development. Councilman Daniel Gale asked if there were any drainage issues in the Development. Mr. Sullivan stated he has not noticed any drainage issues in the development. Mr. Sullivan stated his other concern is since it is a private road, there are no posted speed limit signs anywhere in the Development, and there are a lot of young families with children, which could cause a safety issue. Supervisor Peck stated there is another Development in the Town with a similar problem and the Town Attorney will be looking into both matters.

Pember Dupras came before the Town Board to discuss Lynnwood Thomas property on Wall Street. Mr. Dupras has a tent rental business along with chair and table rental. He is currently renting Herb Thomas barns on Route 29 but has outgrown them. There is no office or show room. His employees come in the morning, load their trucks and leave for the day. Lynnwood Thomas approached him a few years ago regarding his property; he wanted to brake off the house from the barns. Lynnwood Thomas has had health issues and his family stated they need to do something fairly quickly with the property and wanted to know if he was still interested. The only thing Mr. Dupras feels he would need to do at this site is put in a loading dock. The difference now would be he would buy the whole parcel, house and barns. Supervisor Peck stated currently that area is zoned APD (Agricultural Protection District). An option could be to apply for a Commercial PUD, or the Town Board could amend the APD District to allow this use by Special Use Permit. Mr. Dupras stated at this point he is looking to see if t his is even an option. Mr. Dupras stated to make it work it would need to be a long term solution not year by year approval. Zoning Administrator Richard Colozza stated in order to be a Commercial PUD you have to meet the minimum acreage requirement which he believes is 10 acres, but stated he did not have a copy of the Zoning Book in front of him to verify this. Supervisor Peck stated the Town Board can not make a decision tonight. They will need to see what avenue is the best to take.

DESIGNATIONS

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

APPOINTMENTS

1. Cindi Heidorf resigned as Court Clerk and Deputy Town Clerk due to obtaining a full time employment. Both justices have met with Jody Munger and they have asked that she be appointed Court Clerk. Town Clerk Denise Murphy stated that previously the Court Clerk also was appointed Clerk for the Town Clerk and recommends that Jody Munger be appointed as her Clerk under Christina Kilburn. Councilman Daniel Gale made a motion to appoint Jody Munger as Court Clerk and Clerk to the Town Clerk @ \$10.30 per hour. Councilman George seconded the motion. All in favor, motion carried.

2. Alternate to the Zoning Board of Appeals: Councilman George Hodgson made a motion to appoint Patricia Brennan as an alternate to the Zoning Board of Appeals. Supervisor Willard Peck seconded the motion. All in favor, motion carried.

3. Alternate to the Planning Board: Councilman Daniel Gale made a motion to appoint Joseph M Kowalewski as the second alternate to the Planning Board. Councilman George Hodgson seconded the motion. All in favor, motion carried.

CORRESPONDANCE

1. The Town Board received a letter from Thomas Wood; Supervisor for the Town of Saratoga stating the Joint Open Space & Recreation Plan for the Towns of Northumberland and Saratoga is now complete and has been accepted by the New York State Department of State.
2. The Town received a letter from New York State Canal Corp announcing it is offering a new email service called Canal TRANSalert to boaters and customers, including residents of communities along the Canal, to inform them of major incidents and emergencies that may affect navigation on the New York State Canal System.
3. The Town received a letter from the New York State Emergency Management Office which has received the disaster damage project application for the Town of Northumberland which has been deobligated by the Federal Emergency Management Agency in the amount of \$259.22. They are requesting the town to forward a check to the State Emergency Management Office in the amount of \$232.00 made payable to New York State to cover this deobligation. Supervisor Peck and Highway Sup't Neil Petteys will review.
4. The Town received an announcement from Association of Town regarding a Planning and Zoning Summer School 2007.
5. The Town received information from New York State Agriculture & Market regarding advance notices to potential applicants seeking state financial assistance for farmland protection implementation projects.

OLD BUSINESS

1. Brampton Woods: Chuck Waldron, C & S Construction, came before the Town Board regarding a bond reduction for Brampton Lane. Mr. Waldron stated his engineer George Yasenachak submitted a cost estimate of work to be completed on Brampton Lane. Based on these figures, they are asking for a Letter of Credit reduction. The Town Board received a letter from James Mitchell, Town Engineer, and has agreed to a reduction to \$384,315.00 the estimated value of work to be completed. Highway Sup't Neil Petteys has also reviewed and discussed the bond reduction request for Brampton Lane with Town Engineer Jim Mitchell and agrees with the reduction. Councilman Daniel Gale introduced Resolution #28 of 2007

A Resolution granting a Performance Guarantee Reduction – Brampton Woods Phase I & II

WHEREAS, C & S Construction has an Irrevocable Letter of Credit No. 2006-12 in favor of the Town of Northumberland up to an aggregate amount of Six Hundred Thousand and 00/100th Dollars (\$600,000.00) to secure on-site or off-site improvements

at C & S Construction Ltd., Saratoga Springs, NY, and

WHEREAS, C & S Construction has installed certain roads and related infrastructure at the Brampton Woods subdivision, which installation was secured by the Irrevocable Letter of Credit, and

WHEREAS, C & S Construction has requested that the Town Board reduce the Irrevocable Letter of Credit in proportion to the value of such installed roads and related infrastructure and has submitted documentation showing that the value of such installation is Two Hundred Fifteen Thousand Six Hundred Eighty Five and 00/100th Dollars (\$215,685.00), and

WHEREAS, The Town Highway Superintendent and the Town Engineer have inspected the installation and have advised the Town Board that they concur with C & S's statement of the value of the installation, and

BE IT RESOLVED, that based on the document submission by C & S Construction and the review by the Town Highway Superintendent and the Town Engineer, the Town Board of the Town of Northumberland approves the reduction in the Irrevocable Letter of Credit in the amount of Two Hundred Fifteen Thousand Six Hundred Eighty Five and 00/100th Dollars (\$215,685.00), and be it further

RESOLVED, that C & S Construction will have an Irrevocable Letter of Credit in favor of the Town of Northumberland in the amount of Three Hundred Eighty Four Thousand Three Hundred Fifteen and 00/100th Dollars (\$384,315.00), and be it further

RESOLVED, that this Resolution will take affect immediately.

Dated: June 7, 2007

Councilman George Hodgson seconded the introduction of Resolution #28 of 2007

Supervisor Willard Peck – “Aye”

Councilman George Hodgson – “Aye”

Councilman Daniel Gale – “Aye”

Resolution #28 Adopted

2. Underground Storage Tanks: Highway Sup't Neil Petteys reported last month that the underground storage tanks have been removed at the town hall and town garage. New York State Dept of Environmental Conservation has just issued a permit to allow the Highway Department to remove the four (4) loads of contaminated soil. Once the soils are moved Valley Petroleum Services LLC will do a final report. Jim Mitchell, Town Engineer, and Highway Sup't Neil Petteys are working on designing spill pads around the above ground tanks.

3. Gradall Bid: Highway Sup't Neil Petteys reported that last month the Town Board solicited bids for a 1997 or newer gradall. The Town Board received the following bids:

Yacano LLC – 1997 Gradall - \$78,000
1999 Gradall - \$78,000

Highway Sup't Neil Petteys stated when he came home from the Highway Sup't Conference in Ithaca, he stopped by to see both gradalls. Highway Sup't Neil Petteys stated based on his observation and discussion with the dealer he recommends the Town Board purchase the 1999 Gradall G3WD Serial #0138365. Supervisor Peck made a motion to authorize the purchase of the 1999 Gradall G3WD Serial #0138365. Councilman George Hodgson seconded the motion. All in favor, motion carried. Highway Sup't Neil Petteys recommended that the Town Board put the old Gradall out to bid with a minimum bid. Highway Sup't stated he would like a dealer to estimate the value of the town's gradall for a minimum bid. Supervisor Willard Peck made a motion authorizing the Highway Sup't Neil Petteys to sell the old gradall and to determine a minimal bid after referring to a dealer. Councilman George Hodgson seconded the motion. All in favor, motion carried.

3. Councilman Paul Bolesh left a report with the Town Clerk regarding the Veteran's Memorial. Jake Robair will no longer be doing a project at the memorial for an Eagle Scout Award. Seth Smith, Brownville Road, has volunteered to do the work at the memorial for his Eagle Scout project it would be done by the end of the summer since he will turn 18 then.

NEW BUSINESS

1. The Town Board wanted the records to reflect the donation by Ellithorpe's Garden of three hanging baskets. Ellithorpe's are a local business that donates the flowers for the town hall and/or monument each year.

2. Councilman George Hodgson reported that pursuant to the New York State Quality Review Act he has sent a letter to New York State Canal Corp.; New York State Dept. of Environmental Conservation; New York State Department of Transportation; NYSOPRHP, and New York State Museum notifying them that they have been identified as a possible involved agencies for the Hudson Crossing Park project which is being undertaken by the Town of Northumberland located in Saratoga County. The Town wishes to be designed lead agency status for purposes of SEQRA compliance. They were told if they wished to be designated lead agency status for this project they were requested to return written notification to this office no later than Wednesday, June 6, 2007. In the absence of receipt of such notification by the Town of Northumberland, that the Town will assume SEQRA lead agency status by resolution of the Northumberland Town Board on June 7, 2007. Councilman George Hodgson introduced Resolution #29 of 2007 -

**ESTABLISHING THE TOWN OF NORTHUMBERLAND AS LEAD AGENCY
FOR PURPOSES OF SEQRA COMPLIANCE RELATIVE TO THE
CONSTRUCTION OF HUDSON CROSSING PARK**

WHEREAS, the Town of Northumberland has received a federal appropriation and an Erie Canalway Grant from the NYS Canal Corporation to construct Hudson Crossing Park in the vicinity of Lock C5 of the Champlain Canal, and

WHEREAS, the Town of Northumberland completed Part 1 of a SEQRA standard environmental assessment form for the Hudson Crossing Park project which it transmitted to all involved agencies requesting that the Town of Northumberland be identified as lead agency, and

WHEREAS, no other involved agency of the Hudson Crossing Park project expressed a desire to become lead agency, and

WHEREAS, due to the major commitment of resources and funding by the Town of Northumberland dedicated to the Hudson Crossing Park project, now, therefore be it,

RESOLVED, that the Town of Northumberland hereby establishes itself as lead agency for purposes of compliance with the NYS Environmental Quality Review Act, Article 8 of the ECL, for the Hudson Crossing Park project.

Supervisor Willard Peck seconded the introduction of Resolution #29 of 2007.

Supervisor Willard Peck – “Aye”
Councilman George Hodgson – “Aye”
Councilman Daniel Gale – “Aye” Resolution #29 of 2007 – Adopted

Councilman George Hodgson introduced Resolution #30 of 2007 –

**ISSUANCE OF A NEGATIVE DECLARATION PURSUANT TO SEQRA FOR
THE IMPLEMENTATION OF THE HUDSON CROSSING PARK PROJECT**

WHEREAS, the Town of Northumberland has received a federal appropriation and a grant from the NYS Canal Corporation to implement the Hudson Crossing Park Project located in the vicinity of Lock C5 of the Champlain Canal, and

WHEREAS, before implementing the aforementioned program, there is a need to comply with the provisions of Article 8 of the NYS Environmental Conservation Law known as the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, by previous written communication to all other “involved” agencies of the Hudson Crossing Park Project, the Town of Northumberland has established itself as lead agency, and

WHEREAS, the Town of Northumberland prepared a standard environmental assessment form for the Hudson Crossing Park Project and has determined that the aforementioned project is a “Type 1 action” pursuant to New York State SEQRA regulations, and

WHEREAS, the Town of Northumberland has determined after thorough review and evaluation of said environmental assessment form (EAF) and other related documents that the implementation of the Hudson Crossing Park Project will not result in any significant adverse environmental impacts, now, therefore be it

RESOLVED, that the Town of Northumberland hereby authorizes the issuance of a SEQRA Negative Declaration and distribution of such determination to all identified “involved agencies” in accordance with the NYS Environmental Quality Review Act relative to the implementation of the Hudson Crossing Park Project.

Councilman Daniel Gale seconded the introduced of Resolution #30 of 2007.

Supervisor Willard Peck – “Aye”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye” Resolution #30 of 2007 – Adopted

3. Councilman George Hodgson stated that the Town needs to execute a funding agreement with the New York State Canal Corporation for the construction of Hudson Crossing Park. Town Attorney went over the specifications of the grant. Any spending over the limit, the Town is liable for 100%. The Town is able to use the Sweeney Grant as the required 50% local share. Councilman George Hodgson introduced Resolution #31 of 2007 -

**AUTHORIZING THE TOWN OF NORHUMBERLAND TO EXECUTE A
FUNDING AGREEMENT WITH THE NYS CANAL CORPORATION FOR THE
CONSTRUCTION OF HUDSON CROSSING PARK**

WHEREAS, the Town of Northumberland by Resolution #36 of 2006 submitted a grant application request to the NYS Canal Corporation for Erie Canalway Greenway Grant funds in the amount of \$250,000 for the implementation of Hudson Crossing Park, and

WHEREAS, the aforementioned grant application submitted by the Town of Northumberland was subsequently approved on November 11, 2006 by the NYS Canal Corporation in the amount of \$225,000 to assist in the construction of Hudson Crossing Park, and

WHEREAS, the local 50% share of the aforementioned grant is to be provided by a federal appropriation made to Hudson Crossing Park on November 25, 2003, now, therefore, be it

RESOLVED, the Town of Northumberland Town Board hereby authorizes the Chairman of said Board to execute a funding agreement with the NYS Canal Corporation in the amount of \$225,000 for the purpose of constructing Hudson Crossing Park, subject to the agreement's approval in form and content by the Town Attorney.

Supervisor Willard Peck seconded the introduction of Resolution #31 of 2007.

Supervisor Willard Peck – “Aye”
Councilman Daniel Gale – “Aye”
Councilman George Hodgson – “Aye” Resolution #31 of 2007 Adopted

4. Councilman George Hodgson stated the Town needs to adopt another Resolution dealing with the Sweeney Grant through New York State DOT. The first \$53,000 was appropriated for the Engineering costs, now the town needs to adopt a Resolution for the remainder \$197,000 which will be used for the Construction costs associated with the Hudson Crossing Park. Councilman George Hodgson introduced Resolution #32 of 2007

A Resolution authorizing the implementation, and funding in the first instance 100% of the federal aid-eligible cost, of a transportation federal-aid project, to fully fund the local share of federal-aid eligible and ineligible project costs, and appropriating funds therefore.

WHEREAS, a Project for the Hudson Crossing Multi-use Path, Town of Northumberland, P.I.N. 1756.79 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be paid with 100% Federal funds; and

WHEREAS, the Town of Northumberland desires to advance the above project by making a commitment of 100% of the federal cost of construction,

NOW, THEREFORE, the Town Board, duly convened does hereby

RESOLVED, that the Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Northumberland to pay in the first instance 100% of the cost of Construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$53,000.00 (Fifty three thousand dollars and no cents) already has been appropriated from the Town of Northumberland's general fund made available to cover the cost of participation in the preliminary Engineering; and it is further;

RESOLVED, that the additional sum of \$197,000.00 (One hundred ninety seven thousand dollars and no cents) is hereby appropriated from the Town of Northumberland's

general fund to be made available to cover the cost of participation in the construction phase of the project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of Northumberland shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Northumberland be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Town of Northumberland with the New York State Department of Transportation in connection with the advancement or approval to the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, that Resolution shall take effect immediately.

Councilman Daniel Gale seconded the introduction of Resolution #32 of 2007.

Supervisor Willard Peck – “Aye”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye” Resolution #32 of 2007 – Adopted

5. Councilman George Hodgson stated the next step was to solicit bids for construction of improvements to the Hudson Crossing Park. Councilman George Hodgson introduced Resolution #33 of 2007 - **AUTHORIZING THE TOWN OF NORTHUMBERLAND TO LET BIDS RELATED TO ALL HUDSON CROSSING PARK CONSTRUCTION ACTIVITIES**

WHEREAS, the Town of Northumberland has received a federal appropriation and a grant from the NYS Canal Corporation to assist in the construction of improvements to the Hudson Crossing Park, and

WHEREAS, the design, specifications and construction drawing for these proposed improvements have been completed, and

WHEREAS, the design, specifications and construction drawings are currently being reviewed by the appropriate state funding agencies, now, therefore be it

RESOLVED, that the Town of Northumberland is hereby authorized to let bids for the various improvements for Hudson Crossing Park contingent upon receiving the design, specification and construction drawings approval from the appropriate state and federal review agencies which are providing the aforementioned grant assistance.

Councilman Daniel Gale seconded the introduction of Resolution #33 of 2007.

Supervisor Willard Peck – “Aye”

Councilman Daniel Gale – “Aye”

Councilman George Hodgson – “Aye” Resolution #33 of 2007 – Adopted

6. Supervisor Willard Peck stated that at the April’s Town Board Meeting Tracey Clothier with the LA Group did a presentation on the Draft “Joint Open Space and Recreation Plan” for the Town of Northumberland and the Town of Saratoga. The Town of Saratoga did SEQRA and became lead agency. The 30 days have passed. Councilman Daniel Gale made a motion to adopt the Joint Open Space and Recreation Plan for the Towns of Northumberland and Saratoga. Councilman George Hodgson seconded the motion. All in favor, motion carried.

7. Town Attorney Douglas Ward will find out what will be required to take over the roads in Homestead Estate and Hickory Circle. Town Attorney Douglas Ward will then contact the owners; he would like to start the process.

.DEPARTMENTS

Highway – Supervisor Peck stated that the T-Shirts have been ordered for the Highway Department, they should be delivered within 2 weeks. Sup’t Neil Petteys stated he has been consulting with Town Engineer Jim Mitchell regarding a drainage problem on the corner of Cardinal Lane and Robins Run.

Parks - Councilman Daniel Gale stated last month he went on record regarding all the improvements that were donated at the Bertha E Smith Town Park in the Hamlet of Gansevoort. Both labor and material were donated. The soft ball program from OSAA scheduled to play on the fields until the end of the season, which would have been roughly two months. A few weeks after OSAA started using the fields, they pulled out from using the fields. They felt they were not welcomed by some of the surrounding property owners. The equipment shed was vandalized. The flag bunting was ripped down and stuffed in the outhouse. There was a lot of misinformation going around that the Town Board was leasing the property to organization outside of the Town. 50% of the children participating in the OSAA are from the Town of Northumberland. Councilman Gale stated it was very disturbing how it ended up. The Town received a letter from Juyle Spinelli, Broadway Banner, informing the Town that they did not grant parking permission to the Town or any other organization to use their property adjacent to the park. The Spinelli’s installed a gate in the chain link fence adjacent to their property. Attorney Douglas Ward sent a letter to the Spinelli’s informing them that this chain link fence is located on lands owned by the Town of Northumberland and that the chain link fence is the property of the Town of Northumberland, and advising them in the future, please do not make any alternations to the fence or authorize any similar change in the baseball fields without first requesting and receiving permission from the Town Board of the Town of Northumberland.

Councilman George Hodgson made a motion @ 9:00 PM to go into Executive Session to discuss legal issues. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

Councilman Daniel Gale made a motion @ 9:15 PM to reconvene the Regular Monthly Meeting. Councilman George Hodgson seconded the motion. All in favor, motion carried. Supervisor Peck stated the Town Board received legal updates from our Town Attorney

Councilman Daniel Gale made a motion @ 9:20 PM to adjourn the Regular Monthly Meeting. Council George Hodgson seconded the motion. All in favor, motion carried.

Respectfully submitted

Denise Murphy
Town Clerk