

**Town of Northumberland
Town Board Meeting
March 9, 2023**

The Regular Monthly Meeting of the Northumberland Town Board was called to order @ 8:00 AM by Supervisor Willard Peck. Following the salute to the flag, roll call was taken. Those attending included Supervisor Willard Peck; Councilman Paul Bolesh; Councilman George Hodgson and Councilwoman Patricia Bryant. Councilman John DeLisle was absent. Also attending were Town Attorney David Brennan, Town Clerk Denise Murphy and Building/Zoning Administrator Michael Terry.

PUBLIC PARTICIPATION

There were no comments from the public.

CORRESPONDENCE

1. Dog Control Officer: Ed Cross submitted his Dog Control Report for February 2023. Mr. Cross answered four (4) Complaints; brought one (1) dog to the Shelter; issued one (1) Warning and had one (1) bite case and one (1) surrendered Dog.

NEW BUSINESS

1. Agreement to spend Highway Moneys: Highway Supt David Coffinger submitted the following roads to be paved in 2023. Highway Supt Coffinger is recommending paving Gurnsprings Road from Pettis Road to Strong Road and Purinton Road from Stonebridge Road to Route 32N. Full reclamation – grinding grading, then black top, rolling both when grinding is done and then after paving and Mott Road – Fiber Matt.

Councilman George Hodgson introduced Resolution #28 of 2023:

BE IT RESOLVED that the Town Supt of Highways for the Town of Northumberland, Saratoga County, New York and the Northumberland Town Board.

Pursuant to the provision of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repairs and improvement of highways and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows;

1. **GENERAL REPAIRS:** The sum of \$490,000.00 shall be set aside to be expended for primary work and general repair upon 60.38 miles of town highways, including sluices and culverts.

2. **PERMANENT IMPROVEMENT:** The following Town Highways and repairs on various roads as needed:

Gurnsprings Road from Pettis Road to Strong Road and Purinton Road from Stonebridge Road to Route 32N. Full reclamation – grinding, grading, then black top rolling both when griding is done and then after paving. Mott Road – Fiber Matt.

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Councilwoman Patricia Bryant seconded the introduction of Resolution #28 as presented.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #28 of 2023 Adopted

2. Saratoga Plan: Supervisor Willard Peck stated that Wayne Terwilliger, Conservation Project Manager with Saratoga Plan contacted him regarding Two Lions Farm located on Beaver Street in the Town of Northumberland. With the Town’s approval Saratoga Plan will be applying for funding from NYSDAM for a purchase of development rights when the next round of the FPIG Grant is released this spring. Two Lions Farm is 78 Acres of which approximately 49 acres (65%) of the property is actively farmed. The property is an equine boarding and breeding operation consisting of two large hay fields, several paddocks, an indoor riding arena, outdoor riding area ten-stall horse barn and run-in sheds. The property is historically the Rojan Farm owned by the Bongard Family (a famous horse racing family in the Saratoga area- in the museum of racing). The goal of the conservation easement is to protect the farm in perpetuity.

Councilman Paul Bolesh introduced Resolution 29 of 2023 –

**PROVIDING ENDORSEMENT OF SARATOGA PLAN APPLICATIONS FOR
NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS
FARMLAND PROTECTION IMPLEMENTATION GRANT**

WHEREAS, Two Lions LLC, John D. Cornell, manager (the “Grantor”) desire to protect certain real property consisting of 78 ± acres of viable agricultural land in tax parcels 156.-1-17.2 and 156.-1-17.1, located at 165 and 169 Beaver Street, in the Town of Northumberland, Saratoga County, New York (the “Property”). The Grantor desires to protect the Property for agricultural purposes by conveying a permanent conservation easement on the land.

WHEREAS, the Property is in active agricultural use as an equine boarding and breeding operation with approximately 45 acres of fertile farmland that includes about 21.1 acres (27%) of prime soils and 24 acres of soils of statewide importance (31.6%), as defined by the U.S. Department of Agriculture Natural Resources Conservation Services.

WHEREAS, the Property is located within Saratoga County’s Agricultural District #1, created pursuant to Article 25-AA of the New York State Agriculture and Markets Law (the “AML”). Section 300 states: “It is hereby found and declared that many of the agricultural lands in New York State are in jeopardy of being lost for any agricultural purposes. When nonagricultural development extends into farm areas, competition for limited resources results... it is, therefore, the declared policy of the state to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products... It is the purpose of this article to provide a locally initiated mechanism for the protection and enhancement of New York State’s agricultural lands as a viable

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segment of the local and state economies and as an economic and environmental resource of major importance.”.

WHEREAS, Saratoga County adopted an *Agricultural and Farmland Protection Plan* in December 1997 that recommends supporting local farmland conservation projects by encouraging: “partnerships between landowners, local governments, private organizations, and county to leverage access to existing state and federal funds for purchase of development rights;” and by encouraging “landowners to learn more about private conservation options like conservation easements and promote public-private partnerships to expand these efforts”;

WHEREAS, Saratoga County adopted a *Green Infrastructure Plan* in November 2006 that recommends the County to “Help County municipalities and other partners create protection priorities, goals, and strategies for the conservation of natural heritage” and create farmland core areas, which the Property is located within and contributes to;

WHEREAS, the Town of Northumberland adopted a *Comprehensive Land Use Plan* in November 2003 that recommends “Preserving Agriculture, Open Space and a Rural Lifestyle”. This plan seeks to encourage agricultural uses in the Town by supporting programs for purchase of development rights for farmland, and “Encourage private groups such as Saratoga PLAN to implement conservation easements to protect the town’s unique environmental areas...”

WHEREAS, Saratoga PLAN is a New York not-for-profit corporation within the meaning of Article 49, Title 3 or the Environmental Conservation Law of the State of New York (together with any successor statute, the “ECL”), is organized for, among other purposes, conserving real property, is a tax exempt and qualified organization within the meaning of Sections 501(c)(3), 509(a) and 170(b)(1)(A)(vi) of the Internal Revenue Code (the “Code”), and is a “qualified organization” to accept, purchase, and hold conservation easements under Section 170(h) of the Code of Treasury Regulation Section 1.170A-14(c);

WHEREAS, Saratoga PLAN determined that accepting an Easement on the Property will enhance the long-term agricultural values of the Property and promote the use of soil conservation practices, which will further Saratoga PLAN’s charitable purposes of protecting the distinctive rural character of Saratoga County and its lands and waters of a significant historic and ecological value; and

WHEREAS, the Grantors and Saratoga PLAN agree that the purpose of the agricultural conservation easement will be to conserve Viable Agricultural Land by preventing the conversion of the Property to non-farm uses. In achieving such prevention, the Property shall be forever reserved for continued Agricultural Use.

NOW THEREFORE, BE IT RESOLVED that the Town of Northumberland Town Board endorses the submission of an application from Saratoga PLAN to the New York State Department of Agriculture and Markets for funding to Purchase Development Rights on the Two Lions Farm Property and for Saratoga PLAN to hold and uphold a perpetual conservation easement on the land.

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Councilman George Hodgson seconded the introduction of Resolution #29 of 2023:

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution #29 of 2023 Adopted

3. Update Solar Law: Town Attorney David Brennan made some proposed changes to the Town’s Solar Law based on comments he received from Town Board Members. These are the proposed changes for the Town Board’s consideration:

3. General Regulations

(k): Eliminate “when possible and practicable”.

(q): Add “and shall be operated via spring wound timer or similar switch to ensure the lighting turns off. Motion activated sensors are prohibited”.

(t)(1) change 20 ft to 16 ft.

(t)(2) Add “The maximum Lot coverage for such systems is determined by calculating the area within the required perimeter fence along with any improved area outside the perimeter fence including the area of the access road, and, if different, the utility connection path. For the access road and utility connection path, the Lot Coverage is calculated by multiplying the length of the access road and utility connection path times the greater of the width required for grading or construction or 25 feet.”

(t)(2) Delete “The area beneath freestanding/ground mounted solar collectors shall be included in calculating whether a system complies with requirements of this Article.”

(t)(3) Add “In the Agricultural Protection District, the Planning Board for Freestanding/Ground-Mounted Solar Collection Systems is granted absolute discretion to direct siting away from and to prohibit siting on land, that the Planning Board determines, in their judgement, to be superior agricultural land on the particular parcel.”

(t)(4) Add “In all districts where Freestanding/Ground Mounted Solar Collection Systems are allowed via Special Permit, such systems must be sited in accordance with the following hierarchy:

(i) Land with non-agricultural vegetative cover;

(ii) Land in agricultural production or use.

If the highest priority is not proposed, the Applicant must provide a detailed site selection analysis identifying all lots within 2,000 feet of all suitable interconnection lines and points and identify with

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specificity why a site of the highest priority has not been proposed. In the site selection analysis the applicant shall include comprehensive details of the site selection process including physical characteristics of potential sites and correspondence to and from property owners.”

Schedule of Permitted Uses, Minimum Lot Sizes Area and Bulk Regulations – for Freestanding/ Ground-Mounted Solar Collection System, in each district where allowed, reduce the maximum height from 20 feet to 16 feet.

It was the consensus of the Town Board Members to introduce this Local Law and refer the proposed changes as a Local Law to the Town of Northumberland’s Planning Board and Saratoga County Planning Board for their recommendations and comments. This proposed Local Law is subject to SEQRA. Councilman George Hodgson made a motion to hold a Public Hearing on April 13, 2023 @ 8:00 AM on proposed Local Law #1 of 2023. Councilman Paul Bolesh seconded the motion. All in favor, motion carried. Town Attorney David Brennan stated that the Town Board will not be able to adopt the proposed Local Law at April’s Town Board Meeting since we will not have the decision back from County Planning by April 13th.

3. Fuel Bids: The Town of Northumberland solicited sealed bids for both unleaded gasoline and diesel for 2023. The following bid was received:

John Ray & Sons with a firm differential of \$.16 per gallon for Diesel/Blend Fuel over Albany Reseller Tank Car Average. There were no other bids.

Councilman George Hodgson introduced Resolution # 30 of 2023:

WHEREAS, On March 7, 2023, John Ray & Sons submitted a signed bid (dated February 23, 2023) to the Town of Northumberland for On-Road Diesel for fiscal year 2020 with a firm differential of \$.16 per gallon, be it

RESOLVED, The Town of Northumberland Town Board accepts John Ray & Sons bid of a firm differential of \$.16 per gallon for On-Road diesel and to authorize the Town Supervisor to execute this contract. And be it further

RESOLVED, pursuant to the Town Board’s approval of the submitted bid by John Ray & Sons, the contract binding John Ray & Sons to provide On-Road Diesel with a firm differential of \$.16 over Albany Reseller Tank Car Average.

Councilwoman Patricia Bryant seconded the introduction of Resolution #30 of 2023.

Supervisor Willard Peck – “Aye”

Councilman Paul Bolesh – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye”

Resolution # 30 of 2023 Adopted

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The Town Clerk was asked to repost the formal bid for unleaded gas to be opened at the April 13th Town Board Meeting.

4. Town Wide Newsletter: Councilman Paul Bolesh would like to see a Town Wide Newsletter sent out in the next few weeks. Councilman Bolesh would like to hold Town Wide Clean-up the week of 04/22 – 04/29/2023. Councilwoman Patricia Bryant stated she would like to prepare an article asking for volunteers for our local Fire Departments and an article about picking up after your dog while out walking. The Articles would need to be turned into Tia by the end of March to allow time for Newsletter to be printed and sent out.

OLD BUSINESS

1. Stonebridge Farm: There is nothing new to report.
2. Web Site: Town Clerk Denise Murphy stated that she has reached out to Spa.Net regarding redesigning the Town's Web Page. They will be submitting a proposal.

APPOINTMENTS

1. Planning Board: Town Clerk Murphy informed the Town Board Members that Lisa Black wishes to be reappointed to the Planning Board. Councilman George Hodgson made a motion to reappoint Lisa Black to the Planning Board (term will expire 09/30/2030). Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

DESIGNATIONS

1. Approval of Vouchers: Councilman Patricia Bryant introduced Resolution # 31 of 2023

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

A (General Fund) Vouchers # 57 - # 86 Total: \$ 43,172.41
DA (Highway Fund) Vouchers # 56 - # 93 Total: \$ 163,696.83
SS (Sewer District Voucher #12 Total: \$55.37

Councilman Paul Bolesh seconded the introduction of Resolution #31 of 2023.

Supervisor Willard Peck – “Aye”
Councilman Paul Bolesh – “Aye”
Councilman George Hodgson – “Aye”
Councilwoman Patricia Bryant – “Aye”

Resolution # 31 of 2023 Adopted

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ADJOURNMENT

Councilman Paul Bolesh made a motion @ 9:05 AM to adjourn the Regular Monthly Meeting.
Councilman George Hodgson seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy
Town Clerk