

Town of North Hudson Regular Town Board Meeting

Tuesday March 16, 2021

6:00 p.m.

Present were Supervisor Stephanie DeZalia, Councilman Marshall Gero, Councilman Robert Dobie, Councilwoman Maureen Marsden and Town Clerk Martha King.

Councilman Brian Caza was absent.

Due to COVID the meeting was closed to the public.

Supervisor DeZalia called the meeting to order at 6:00pm and led in the salute to the Flag.

Approval of the February 16, 2021 minutes as amended.

Moved by Maureen Marsden and seconded by Robert Dobie.

All in Favor. Ayes-4, Noes -0

Supervisors Financial Report

As of February 28, 2021

Checking Accounts

Town of North Hudson Checking	0.10%	\$ 974,090.75
General Fund		\$ 941,120.75
Fire District		\$ 32,970.00
Highway Fund Checking	0.10%	\$ 775,729.87

Total All Funds \$ 1,749,820.62

Old Business

A. Town Insurance

Supervisor DeZalia has received insurance proposals and the Board was given the information. She proposes the Town contract with Zurich, saving \$2,400 and included extra benefits.

However, during this process when looking at the Towns property to be insured, Mark Carpenter, from Carpenter & Assoc. Insurance Agency, LLC uncovered a problem with the property description. He inquired as to where the log cabin was. Supervisor DeZalia indicated there was no "cabin" on Town property. She will discuss the inaccurate image off the cabin and the description error on the deeds to the 4 lots with Mike Marsden, chief assessor and then with Dave from Real Property and have the tax map error corrected.

B. Early Election

Supervisor DeZalia met virtually with Allison McGahay, Sue Montgomery-Corey and deputies Shona Doyle and Jennifer Fifield from the Board of Elections to discuss the North Hudson Town Hall as the second early voting site with North Elba, the most populated town, being the primary early voting site. A second site is not required but will be beneficial to the residents of towns in southern Essex County. Essex County needs to submit the sites to the State by May 1. It would be for 9 days prior to both the primary election in June and general election in November. Dates are June 11th-20th and October 20th -31st. It was noted that the Town offices can/will remain open during this time. Hours would be Monday and Wednesday 12-8, Tuesday, Thursday, Friday 9-5 and Saturday and Sunday 9-2. The ballots and machine will need to be placed in a locked

area after hours. There will be an onsite inspection of the Town Hall to make sure we fit the requirements.

Resolution #34-20201

Resolution authorizing the Supervisor to enter into a contract with the Essex County Board of Elections for the use of the North Hudson Town Hall for the 9 days leading up to the Primary Election in June 2021 and again for the 9 days leading up to the General election in November 2021. Whereas this Resolution will be in effect for the 2021 Election calendar year. The Town of North Hudson and the County of Essex will evaluate the success of the location for future use and a new resolution would be done as needed.

Moved by Robert Dobie Second by Maureen Marsden

Roll Call:

Supervisor DeZalia-Aye

Councilwoman Marsden-Aye

Councilman Dobie-Aye

Councilman Gero-Aye

Councilman Caza-Absent

C. DEC State Parking lots

Supervisor DeZalia contacted Ben Thomas regarding the Town continuing or discontinuing of the plowing of their 6 parking lots. She conveyed the Town's concerns regarding the use of Town's time and money that goes into maintaining these lots for the State. Supervisor DeZalia reminded him that the State does currently have fee contracts with other Towns for such services. He went back to his department to investigate possibly funding the services and his response was the State has no funds to reimburse the Town for the cost of plowing these parking lots. He understands the Town's position. If the Town decides to continue to do this, we will have to file for a TRP permit for permission to plow those lots for the State. The Town Board will further discuss this with the Highway Committee.

D. NCSPCA

Supervisor DeZalia stated she has received the 2021 Agreement with the SPCA for the dogs if they have been deemed dangerous. The facility has been updated to accommodate them and is an additional \$100 above the normal fee for dangerous dogs. Since the Town has already contracted with Eagles Nest last fall for 1 year for \$500 she will not enter into this contract at this time. Next fall it is most likely that that Town will contract with the NCSPCA and not Eagles Nest.

E. Electric sign and speed signs

Supervisor DeZalia was contacted by Tom from the Underwood Club about the flashing speed signs. She will try to submit the sign proposals at the Highway Committee meeting on the 23rd. Hopefully a decision will be made and signs can be ordered in April. She currently has 1 updated electric sign proposal and is waiting on the other 2. The goal is to have this completed by summer.

F. Employee Health Insurance Eligibility

Supervisor DeZalia has been gathering the information needed to present to the Board on who is eligible for health insurance. She will get this information to the Board for the

April meeting. Also at that time establishing the need to update Employee Handbook and benefits will be discussed.

6. New Business

A. Department Reports

Supervisor-

Supervisor DeZalia stated how glad she was to finally be eligible to schedule an appointment for her COVID vaccine as now all Town employees are eligible. Most have already been vaccinated and now the rest will be eligible, she also has helped some residents in obtaining their COVID vaccine appointments.

She has been working with FEMA to try to get them the additional documentation required pertaining to the Highway Department road maintenance logs.

She has scheduled a Highway Committee meeting for March 23rd at 9:30am. This is a published meeting with minutes being taken for all Board members to attend. The meeting will still be closed to the public due to COVID.

Supervisor DeZalia announced that hopefully in April meetings will be open to the public. She is waiting on further direction from the County.

Supervisor DeZalia received the High Peaks Advisory Group Final Report. This is the group of stake holders put together to come up with solutions to the overcrowding and extreme traffic in the High Peaks area. North Hudson was mentioned in this report as a possible Shuttle site. It is available if anyone would like to review it.

She also has received the final copy of the 2021 ROOST marketing plan. It also is available if any would like to review it. Roost is also establishing a task force to create a regional strategy for tourism activities linking the communities together. She has been invited to be part of the task force. The goal is to create a plan to promote regional activities including Hamilton County towns. This will be 5, 1 hour meetings beginning mid-March through May 24th, 2021.

Supervisor DeZalia also listed the following activities that she has participated in :

- attended the AOT Annual Business meeting
- -Multiple vaccination distribution calls and meetings
- - assisting residents in securing vaccine appointments
- Attended the NYS Association of Counties on Cannabis Legislation
- - Zoom meeting with T-Mobile Government
- -Attended Clean Energy Communities webinar
- -AOT virtual meeting to review the State Budget Issues affecting Towns
- -Zoom AOT meeting with Majority leader Schumer as speaker reviewing the highlights of the Federal Stimulus package and its effect on the counties, towns and villages
- -Attended all County Board and Committee meetings.

Highway-

The boiler at the Highway garage failed inspection again. Superintendent Duntley will be obtaining a price on the part needed for the repair. It is a panel that shuts off if it gets hot. When repaired it will need to be re-inspected.

Supervisor DeZalia has asked Superintendent Duntley about Town Spring Clean-up. The Clerks and Supervisors office both have received inquiries on this.

Codes Department

There was no report from codes officer this month.

Supervisor DeZalia asked the Committee members the status of the open complaint from 2019 as it appears it is still open. She reminded the Board that the committee had discussed a plan to meet with the Codes officer on this matter. She once again reminded the Board it will be 3 years in April since the complaint was made, and the initial variance waiver dates back to 2015. Councilman Gero and Councilman Dobie will meet with Jon Senecal. Supervisor stated she has not received any reports or updates on this.

Supervisors Clerk-

Cassandra has finished the AUD and submitted it to the State.

She is working on getting all employees set up for the annual PESH required training.

Cassandra has received quotes for the replacement of flags, poles and pulley trucks. The Flags if ordered from Rileighs and the trucks from Amazon would be a total of \$1,396.22. The other quote is from Carrot Top for a total of \$1,902.89.

Resolution #35-2021

Resolved for the Supervisor to purchase the needed replacement US flags, Armed Forces flags, poles and trucks from Rieighs and Amazon for a total of \$ 1, 396.22

Moved by Maureen Marsden Seconded by Robert Dobie

Roll Call:

Supervisor DeZalia-Aye

Councilwoman Marsden-Aye

Councilman Dobie-Aye

Councilman Gero-Aye

Councilman Caza-Absent

Town Clerk-

Laurie DeZalia has been appointed the new Deputy Town Clerk and Cassandra D'Agostino the New Deputy Registrar.

If the April meeting is not open to the public the Clerk has requested that Laurie be allowed to attend the Town Board Meeting for observation purposes.

B. County Reports

1. The County has been in discussion with the Bouquet Valley School District about property in Lewis, a possible site for a new school building.
2. The Counting is looking at its options as far as the Floral Hall Building at the Fairgrounds. There is some historical significance with this building.
3. The County has held a public hearing on the upcoming Block Grants that HAPEC will be applying for. This will be earmarked for landlords to fix up their rental spaces.
4. April was designated as Donate Life Month.
5. Hazardous waste Days will be held on July 10 in North Elba, July 31 in Lewis, August 14- in North Hudson and August 28 in Ticonderoga.

C. Town Property to Koller

Larry Koller has again informed the Town of his interest in purchasing the lot that sits behind his house. This lot was deeded to the Town from Essex County as part of the FEMA Harzard Mitigation Grant Program. The Deed is with Reservation of Conservation Easement and therefore has numerous restrictions. The Town Attorney, John Silvestri, is reviewing it to see if we are prevented from selling it.

D. Landfill Post-Closure Agreement

Supervisor DeZalia received the Professional Services Agreement for the Post-Closure Monitoring Services at the Town of North Hudson Landfill. The cost for the Post-Closure annual well testing is \$2,541. It was discussed by the Board and agreed upon to continue testing the 3 ground water wells and the 3 residential wells annually.

Resolution # 36-2021

Resolution granting the Supervisor to enter into agreement with Adirondack Landfill Services LLC for the Post Landfill annual testing of wells for the amount of \$2,541.

Moved by Maureen Marsden Seconded by Robert Dobie

Roll Call:

Supervisor DeZalia-Aye

Councilwoman Marsden-Aye

Councilman Dobie-Aye

Councilman Gero-Aye

Councilman Caza-Absent

Supervisor DeZalia

Supervisor DeZalia shared 2 resolutions passed by the Essex County Board of Supervisors with the Board. The Board is in agreement with them and also passed the following Resolutions.

Resolution # 37-2021

Board Member Robert Dobie offered the following Resolution and moved its adoption:

RESOLUTION CALLING UPON NYS LEGISLATORS TO CURTAIL GOVERNOR ANDREW COUMO'S EMERGENCY POWERS

AUTHORITY

WHEREAS, on March 3, 2020 Chapter 23 of the Laws of 2020 amended Sections 20 and 29-A of the Executive Law to permit the Governor of the State of New York to issue by executive order any directive necessary to respond to a state of emergency including disease outbreak; and

WHEREAS, on March 7, 2020 the Governor declared a statewide emergency to address the threat that the novel Coronavirus COVID-19 poses to health and welfare; and

WHEREAS, the overriding concern is to slow the spread of the disease as to save lives and not overwhelm the capacity and resources of the medical system in New York State; and

WHEREAS, the NYS of Emergency has been extended numerous times and is still in effect; and

WHEREAS, on numerous occasions, Governor Coumo used emergency powers to execute nonemergency policy beyond the risks of the COVID-19 pandemic; and

WHEREAS, the Governor's broad response has come with great economic and social cost and has infringed on the basic freedoms of the people of the Town of North Hudson; now, therefore be it

RESOLVED, that the Town Board of North Hudson hereby calls upon New York State Legislators to curtail Governor Coumo's emergency powers authority to restore the balance of power and reinstate local home rule; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the State Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator James Tedisco, Senator Daniel Stec, Assemblyman Robert Smullen, Assemblyman Matt Simpson, NYAOT and AATV.

Seconded by Councilman Marshall Gero and adopted by the following vote:

Gero-Aye

DeZalia-Aye

Dobie-Aye

Marsden-Aye

Caza-Absent

Resolution #38-2021

RESOLUTION URGING THE GOVERNOR AND FEDERAL GOVERNMENT TO EXPAND BROADBAND AND RURAL CELLULAR COVERAGE TO ALL NEW YORKERS

DATED: MARCH 16, 2021

Resolution offered by: Maureen Marsden and Moved its adoption:

WHEREAS, Governor Andrew M. Cuomo has said broadband coverage is a priority for New York State, and

WHEREAS, in September, 2019, the Governor announced the Upstate Cellular Coverage Task Forces, stating every New Yorker should be able to access a stable cell connection, yet our upstate regions have struggled for too long to make the connections that are vital to everyday life and commerce... Today we're leading the way forward by establishing a task force of cellular service experts, elected representatives and environmental advocates who will develop concrete policies and help to ensure service is provided and infrastructure for it is built in a sustainable way", and

WHEREAS, maps developed by the Federal Communications Commission (FCC) using Form 477 data are inaccurate and misrepresent the accessibility of broadband and cellular service and are referenced by the federal and state governments for funding purposes, and

WHEREAS, the FCC recently announced a \$99 million federal investment through the Rural Digital Opportunity Fund (RDOF) to deploy broadband technology to over 46,000 previously unserved locations in rural portions of upstate New York in the coming years, and

WHEREAS, the House of Representatives passed the Broadband Deployment Accuracy and Technology Availability Act, legislation which improves the accuracy of the FCC's broadband availability maps by strengthening the process by which broadband data is collected. The Broadband DATA Act was signed into law on March 23rd, 2020, and

WHEREAS, based on newer and more accurate data gathered directly from schools, municipalities, and other organization, there are large gaps in broadband and rural cellular service across rural and upstate New York, contradicting FCC maps, and

WHEREAS, the FCC staff also determined that the Mobility Fund Phase II coverage maps submitted by certain carriers overstated actual coverage and did not reflect on-the-ground performance in many instances, and

WHEREAS, the FCC ultimately terminated the planned Mobility Fund Phase II auction and replace it with a 5G Fund for Rural America, using multi-round reverse auctions to distribute up to \$9 billion to bring voice and 5G broadband service to rural areas of our country that are unlikely to see unsubsidized deployment of 5G-capable networks, and

WHEREAS, New York State has also adopted legislation that enacted a right-of-way use and occupancy fee for any fiber optics cables located in our crossing a state-controlled right of way and authorized the New York State Department of

Transportation (DOT) to enter free-bearing permits with fiber optic installers, and

WHEREAS, understanding the financial constraints facing the State of New York, counties across the state endeavor to work with the State to incentivize the department of fiber connections in rural areas of the State, and

WHEREAS, our residents need access to reliable and affordable broadband and cellular service for school, employment, telehealth, and social aspects of life, and

WHEREAS, as we have seen in the face of this pandemic, broadband serves a vital need for breaking down the digital divide that creates groups of haves and haves-nots within our state, and

WHEREAS, broadband and cellular access provides a critical public infrastructure need for New York residents, towns, municipalities, counties, emergency services, and more,

NOW, THEREFORE, BE IT RESOLVED, the Town of North Hudson calls upon Governor Cuomo, our Federal and State legislative delegations to work with the Federal Communications Commission (FCC) and local leaders and officials to deploy new broadband and cellular service maps in order to deploy the 5G Fund for Rural America as well as broadband infrastructure programs, and

BE IT FURTHER RESOLVED, the Town of North Hudson, Board Members, asks the Governor and State Legislature to amend Section 24-c of the Highway Law and Section 7 of the Transportation Corporation Law to incentivize the deployment of fiber connectivity in rural and hard to serve regions of the State, and

BE IT FURTHER RESOLVED, the Town Board of the Town of North Hudson ask the Governor and our Federal and State legislative delegations to work to ensure this vital economic development infrastructure need is available to all New Yorkers to prevent the further isolation of those in need, and

BE IT FURTHER RESOLVED, that the North Hudson Board shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the New York State Congressional Delegation and all others deemed necessary and proper.

Second by Robert Dobie and adopted by the following vote:

Gero-Aye

DeZalia-Aye

Dobie-Aye

Marsden-Aye

Caza-Absent

7. Approval of Abstracts

Motion made to approve the General and Highway Abstracts by Maureen Marsden and Seconded by Robert Dobie to approve abstracts.

All in Favor
Gero-Aye
DeZalia-Aye
Dobie-Aye
Marsden-Aye
Caza-Absent

8. Judges Financial Report

The Board Justice Committee was reminded by Councilman Gero that the committee is to meet quarterly.

Motion to approve the Judges Financial Report

Motion by Marshall Gero and seconded by Robert Dobie

All in Favor
Gero-Aye
DeZalia-Aye
Dobie-Aye
Marsden-Aye
Caza-Absent

9. Privilege of the Floor

No public in attendance due to COVID.

Supervisor DeZalia gave the Board a brief update she received on SLIC in the Town.

Blue Ridge Road is not in SLIC area, however it is in Frontier, and Hughes Net service area.

Pepper Hollow Road and Greenough Road will be available if enough people are interested in SLIC services but residents may be required to pay for the installation if they don't sign up when it is first available to them. Ensign Pond Road doesn't not seem to be in any carriers' area at this time.

10. Executive Session

Supervisor DeZalia motioned to move into executive session to discuss employee matter

Seconded by

All in Favor
Ayes-4
Noes-0
Absent-1

Motion to come out of Executive Session at 7:35pm.

Action to be taken is to meet and have a discussion with the employee.

11. Adjournment

Motion to adjourn at 7:40pm by Marshall Gero seconded by Maureen Marsden

All in favor
Ayes-4
Noes-0

Respectfully Submitted
Martha M. King
Town Clerk

