

# Town of North Hudson Regular Town Board Meeting

Tuesday May 18, 2021

6:00 p.m.

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

Councilman Marshall Gero was excused.

Guests present were Highway Superintendent Ken Foster, Thelma Foster, Tracee Parent, Jake Parent, Brian DeZalia and John Caza.

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

Motion to approve the March 23, 2021 Special Town Board Highway Committee Meeting minutes.

Motion to approve by Councilman Dobie, second Councilwoman Marsden

All in favor. Ayes-4, Noes -0, Absent -1

Motion to approve April 20,2021 Town Board Meeting minutes.

Motion to approve by Councilman Caza, seconded by Councilwoman Marsden.

All in favor. Ayes-4, Noes -0, Absent -1

Motion to approve May 12, 2021 Special Board Meeting minutes.

Motion to approve by Robert Dobie and seconded by Councilwoman Marsden.

All in favor. Ayes-4, Noes -0, Absent -1

## **Supervisors Financial Report**

As of April 30, 2021

### Checking Accounts

Town of North Hudson Checking	0.10%	\$ 758,056.35
General Fund	\$ 725,086.35	
Fire District	\$ 32,970.00	
Highway Fund Checking	0.10%	\$ 689,612.62
Total All Funds		\$ 1,447,668.97

## **Old Business**

### **A.- DSS Worksite Sponsor Program-**

Supervisor DeZalia received an update on this program. Per Jenn Rafferty, they are not assigning people at present but they are gathering information on what Towns would be interested in participating. They would contact the town when they have a participant available and let us know what services they could provide. The towns would only need to provide work hours and supervision for the person. It will be up to the Town to decide if we could provide any work for them. The County pays them and liability falls on the county. In view of the reopening of everything and the shortage of labor, Supervisor DeZalia thinks this is a good program for the Town to participate in.

Motion to allow Town Supervisor DeZalia to sign Work site agreement with the County  
Moved by Councilwoman Marsden, seconded by Councilman Dobie

**Resolution #46 of 2021**

Resolution for the North Hudson Supervisor to sign the Worksite agreement with Essex County.

Roll Call

Councilwoman Marsden-Aye

Councilman Dobie- Aye

Council man Caza-Aye

Supervisor DeZalia- Aye

Councilman Gero- excused

**B.-Volunteer Day**

Supervisor DeZalia received some questions from Beautification Committee on a town wide effort for roadside cleanup. Insurance said we would be covered. She believes it can be incorporated with the upcoming Car Show and businesses ramping up.

DOT would provide the orange bags, vests, hard hats and they will pick up the bags along route 9 and the Town would have to pick up bags on town roads. It could be presented to the residents as “Love your Community Volunteer Day” or “Day of Caring”. Community Wide Volunteer Day on social media, community calendar in newspaper and the website. She believes that this could possibly generate some community volunteers. She would like to see this take place before the Fire Department Car show scheduled for June 19th.

Supervisor DeZalia was contacted by Maggie Bartlett to participate in a collaborative effort with Keene and Elizabethtown to participate in an Adopt a Highway Program for the parking lot at exit 30. It would be the 3 communities working together to keep the parking lot at exit 30 clean. NYS would provide what would be needed. It was suggested that perhaps a monthly schedule could be created for each town for keeping the lot free of trash. Supervisor DeZalia noted since this parking lot is in the Town of North Hudson it is great to receive the help of other towns. She has copies of the DOT application for local families to adopt sections of the highway as well.

**Departmental Reports**

**Supervisor-**

Supervisor DeZalia hasn't received any updates yet from Jim Dougan regarding the DEC parking lots on the County roads. She will follow up with him.

Supervisor DeZalia said the campground looks good and is being booked up for the season.

An equestrian group had a problem with the trail and the logs that were placed across the brook. The snowmobile club had placed logs across a brook for their safe crossing. The logs pose a danger to the horses. The snowmobile club was contacted by the Supervisor and asked for them to be moved. Ethan Thompson came up and moved them

**Highway Department-**

At the May 12, 2021 special Town Board meeting Kenneth Foster was appointed to Highway Superintendent, term to expire December 31,2021. The unexpired term for 2

years will be on the ballot for the November general election. Jake Parent was appointed by Superintendent Foster as Deputy Highway Superintendent.

Supervisor DeZalia asked the Board in light of everything that has transpired if they have given any thought to the County contract. Councilman Caza spoke to this stating that the Highway Committee met briefly and decided to continue with the roads this year with one (1) truck doing the Ensign Pond Road and Blue Ridge Road. The Board would like to keep the contract and give it one year to see if it will work. They believe in trading off will cut costs such as overtime, fuel, sand and salt. If it is successful, the Board would like to continue this. It is believed costs could be cut by 50%. There was some concern regarding only running one (1) truck without having a backup vehicle. Supervisor DeZalia agreed with the Board and believes the Town should put off ending this contract. The contract paid 75% of the highway salaries with 4 employees, now with 3 employees it should figure out to be more. It was noted that the Town of Newcomb does not want to take it on. Supervisor DeZalia believes the DOT Salt Legislation meeting next week will be eye opening and beneficial to Kenny in caring for the roads. It will probably dictate how much product is used and how a road is to be maintained. Supervisor DeZalia stressed ultimately it is about public safety. Councilman Dobie stated "I believe we can save money. Give us a year and see what we can do." Highway Superintendent Foster assured the Board that records will be kept showing just how much time, sand, salt and fuel is being used to do this. Because the Town Board isn't changing anything no resolution was needed. Supervisor will let the County know of this.

Councilman Caza asked Supervisor DeZalia if she would obtain a copy of the County Bare Road Act, stating that the roads need to be maintained per this. Councilman Caza asked for a resolution from the County stating the County roads do not have to be bare. Brian DeZalia spoke to the Board and said he believed the Bare Road policy happened in 1980 for the Olympics.

Ken has submitted a list for surplus and scrap equipment for consideration to The Supervisor. A copy will be given to the Board. A resolution has already been done for surplus/scraping the '69 Cat Loader and '03' Ford pickup, however they are still sitting there and need to go.

Supervisor DeZalia will contact John Howe as he expressed an interest in the loader last year.

Superintendent Foster may have other items from the lot across from the brewery for surplus/scrap in the future.

### **Resolution # 47 of 2021**

Resolved to give Supervisor DeZalia permission to surplus and scrap the following:

'11 Chevy pickup

'06 Ford pickup

2- 11' snow plows

1- 11' wing

1-8' V plow

1-9' Straight plow

1-8 1/2' XV2 plow

Motion by Councilman Dobie seconded by Councilwoman Marsden

Roll Call

Councilwoman Marsden-Aye  
Councilman Dobie- Aye  
Council man Caza-Aye  
Supervisor DeZalia- Aye  
Councilman Gero- excused

Highway Superintendent Foster and crew have moved and cleaned up the area that sits on the northern border of our lot. It appears that some of the equipment, logs and chips were on adjacent land owned by Ryan Bessey. Ryan notified Supervisor DeZalia there is a possibility that some of the underground power/fiber lines to the cell tower may be on his property. Supervisor DeZalia stated she has spent considerable time looking at deeds, easements and maps and her preliminary thoughts were that there on one small section the cellular company may have veered north a bit and crossed onto Ryan's land for a few feet. Once this determination can be made, ATT would have to adjust the line appropriately or discuss an agreement directly with Ryan Bessey. She will follow up with the Board after speaking with the cellular company.

Emmett Thompson has started opening up the beach bathhouse in preparation of the water testing. The Beach opening is being set for the end of June pending the hiring of a lifeguard.

The boiler at the Highway garage has passed the re-inspection.

**Assessors-**

Chief Assessor Mike Marsden submitted a list of properties that received Assessment notices. There were 30 parcels with changes total increase in town value of \$1,933,885.00. Most were due to improvements and 3 properties were gained from the Town of Keene. Most of the fiber line entities decreased, especially SLIC, except for Verizon.

**Codes Dept.-**

There is no report from Mr. Senecal this month. He has been very busy with permits and inspections. He will be in contact the Board about the open complaint.

**Supervisors Clerk-**

Cassandra has been given a few ideas for youth projects by Supervisor DeZalia. Ideas for a "Kindness Rocks" project were shared with her and she may do a "North Hudson Rocks" project with the communities' youth.

**Town Clerk-**

The Clerk has been very busy. The 2021 Town Tax Warrant was returned to the County on May 3<sup>rd</sup>. All went very well. There was a minimal amount of unpaid taxes returned. While gathering information for upcoming Grievance Day she discovered that one of the members of the BAR needed a new oath of office. A minimum of 2 BAR members need to be present for Grievance Day to make a quorum. Supervisor DeZalia spoke with Larry Koller and he is willing to continue on the BAR for now. Larry will need to take a new oath of office and complete recertification. He assured her he will do both prior to Grievance Day. There are also a few vacancies on other boards. Supervisor DeZalia will reach out to a resident who expressed interest in serving on one of these boards.

**Resolution # 48 of 2021**

Resolution appointing Larry Koller to the Board of Assessment Review for a term of 5 years effective today.

Moved by Councilman Dobie seconded by Councilman Caza

Roll Call  
Councilwoman Marsden-Aye  
Councilman Dobie- Aye  
Council man Caza-Aye  
Supervisor DeZalia- Aye  
Councilman Gero- excused

## **B. County Reports**

1. Mask Mandate will be lifted starting May 19<sup>th</sup>.

Supervisor DeZalia read the following statement from County Manager Dan Palmer:

*Tuesday May 18, 2021*

*To Everyone:*

*As many of you are aware, the Governor's office announced, effective Wednesday, May 19, 2021 that NYS will adopt CDC's new mask and social distancing guidelines for fully vaccinated individuals as follows.*

*Effective Wednesday May 19, 2021, NYS will adopt CDC's new mask and social distancing guidelines for fully vaccinated individuals.*

*Consistent with CDC recommendations:*

*\*Immunocompromised and unvaccinated individuals should continue to wear masks and social distance.*

*\* Masks will still be required on public transportation, nursing homes, homeless shelters, correctional facilities, schools and healthcare facilities.*

*\*Individual private venues may impose additional requirements.*

*\* CDC requirements will be posted on NYSDOH website.*

*As it relates to County operations, all fully vaccinated employees who are more than two weeks past the date of their final shot of vaccine, may discontinue the use of face mask other than those circumstances noted within the CDC's recommendations. As noted for those who may be immunocompromised or for those who have chosen not to get the vaccination, you should continue to wear masks. **Additionally, we encourage anyone who may be more comfortable and feels safer wearing a mask to continue to do so.***

*For those Departments that need to deal directly with the public, we realize it will be difficult to determine if they as members of the public have been vaccinated or not, so we are requiring our employees to continue to wear a mask during those interactions. We will encourage the members of the public to wear masks unless they present a vaccination card at the time of their visit. However, we don't want our employees to get into a confrontation over the issue, hence the reason we are requiring our employees to wear a mask during these interactions.*

*Our understanding, is there may be some additional guidelines issued by the State, and if there is anything different, we will advise.*

Supervisor DeZalia and the Board agree to follow suit with the County on this.

2. The County is going to start looking into what can be done at the old Frontier Town property and parking lot. They will be doing some cleaning up of this parcel.

## **C. NY State Fiber Right of Way Fee**

The NYS Budget contained language that enacted the right of way use and occupancy fee for any fiber optic cables located in or crossing state controlled right of way and authorized NYSDOT to enter fee bearing permits with fiber optic installers. Supervisor

DeZalia believes this will hinder future broadband and cellular coverage. She introduced to the Board for consideration the following resolution:

## **Resolution # 49 of 2021**

### **Resolution Requesting the Rescinding of the NYS Fiber Right of Way Fee**

**Whereas**, the 2019-2020 New York State budget contained language that enacted a right of way use and occupancy fee for any fiber optic cables located or crossing state controlled right of way and authorized the New York State Department of Transportation (DOT) to enter fee bearing permits with fiber optic installers and;

**Whereas**, the 2019-2020 state budget also added Section 7 of the Transportation Law, allowing the DOT to charge fiber optic corporations installing and operating the utility lines for fair-market use and occupancy of the state right of way and;

**Whereas**, in early 2020 organizations, businesses, legislators and residents of northern New York became aware of the fee because the DOT started charging the fee and;

**Whereas**, in the rural counties of the North Country it's virtually impossible to install fiber optic cables for any distance without utilizing or crossing a state right of way and development requirements within the Adirondack Park almost entirely preclude installation of broadband in any location other than an existing state right-of-way and;

**Whereas**, the coronavirus pandemic has cause more people to be working from home and more students to be learning from home, and has increased the use of telemedicine, thus magnifying the need for additional broadband services in unserved and underserved areas so rural residents can engage in everyday activities and;

**Whereas**, Governor Coumo, in his 2021 State of the State address championed his Connectivity Agencies which includes, among other provisions, enactment of a requirement for affordable internet for low income families and a series of actions to promote broadband build-out and market competition and;

**Whereas**, the Governor said, "And without affordable broadband, people are not just disconnected, they are refranchised. Broadband must be available to everyone, everywhere. And in New York we will make sure it is" and;

**Whereas**, the DOT fiber right-of-way fees acting as a significant financial deterrent to broadband build-out in rural areas, with some projects already cancelled and others put on hold due to the fact that these fees will cost providers hundreds of thousands, and in some cases, millions of dollars annually, and;

Now, therefore be it

**Resolved**, that the Town of North Hudson formally opposes the enactment of the DOT right-of-way fees on fiber optic cable and urges the Governor and the New York State Legislature to rescind the right-of-way use and occupancy fees on fiber cable immediately so that the Governor's pledge can be fulfilled and the expansion of the fiber network in the North Country can continue to serve critically unserved and underserved areas.

So moved by Councilman Dobie and seconded by Councilwoman Marsden

Roll Call

Councilwoman Marsden-Aye

Councilman Dobie- Aye

Council man Caza-Aye

Supervisor DeZalia- Aye

Councilman Gero- excused

#### **D. June Town Board Meeting**

Due to the North Hudson Town Hall being used as an early voting site the date of the June meeting will be changed from Tuesday June 15<sup>th</sup> to Wednesday June 23<sup>rd</sup>.

This will be posted on the website, bulletin board, the Town Hall signboard and published in the Sun Community News.

**Resolution # 50 of 2020** Resolved to change the Tuesday June 15, 2021 regular Town Board meeting to Wednesday June 23, 2021 at 6 p.m.

So moved by Supervisor DeZalia and seconded by Councilman Caza

Roll call

Councilwoman Marsden-Aye

Councilman Dobie- Aye

Council man Caza-Aye

Supervisor DeZalia- Aye

Councilman Gero- excused

#### **E. ROOST**

Supervisor DeZalia has been attending several group web meetings based through ROOST such as "Linking communities together" and "ADK HUB" and "Explore More ADK" where the placing of banners was discussed. The Explore more ADK is to trying to promote people to explore other areas of the Adirondacks other than the high peaks. It also is promoting "Go before you Go", "Know before you go", "Leave no trace" initiatives. More information will be sent to Supervisor DeZalia on these.

#### **F. Brochure Boxes**

Supervisor addressed the Board about the ordering and installation of the covered brochure/flyer boxes needed for the visitor's board in front of Town Hall. She stated some brochures from the various initiatives she just discussed could be placed in it as well as other information for our visitors. The price for a pack of 12 is \$149.00. Some of the money from ROOST will be used for this.

#### **Resolution #51 of 2021**

Resolved for the Supervisor to order the needed brochure/flyer boxes for the outside visitor board not to exceed \$500.00.

So moved by Councilman Caza and seconded by Councilwoman Marsden.

Roll Call

Councilwoman Marsden-Aye

Councilman Dobie- Aye

Council man Caza-Aye

Supervisor DeZalia- Aye

Councilman Gero- excused

#### 7. General and Highway Fund

Motion to approve both the General and Highway Abstracts.

So moved by Councilwoman Marsden and seconded by Councilman Dobie

Roll Call

Councilwoman Marsden-Aye

Councilman Dobie- Aye

Council man Caza-Aye

Supervisor DeZalia- Aye

Councilman Gero- excused

#### 8. Judges Financial Report

Motion to approve the Judges report by Councilman Dobie and seconded by

Councilwoman Marsden.

Roll Call

Councilwoman Marsden-Aye

Councilman Dobie- Aye

Council man Caza-Aye

Supervisor DeZalia- Aye

Councilman Gero- excused

#### **Privilege of the Floor**

Brian DeZalia addressed the Board stating he was glad to hear that the Board is continuing with the County Contract. He asked how it would be decided whether to do Blue Ridge Road or Ensign Pond Road first. Highway Superintendent Foster addressed this question, stating Blue Ridge is first. Brian DeZalia also asked if the highway department was going to advertise for help. Ken said not at this time. He also asked if the Town was going to continue to use just one truck. Councilman Caza spoke to this stating yes at this time.

Tracee Parent asked the Board if Pepper Hollow is going to be repaired, she explained the road is torn up and sinking at the end stating it is dangerous and it was not part of the storm damage. It is past the storm damage area including the turn around.

Superintendent Foster said he didn't believe there was any base under it just sand. He will evaluate this situation and report back to the Board. Supervisor DeZalia stated that this will need to be looked at as the Town has been put on Public Notice of the problem. Brian DeZalia stated it has been a good meeting. Superintendent asked who a resident needs to see about placing a culvert in for a driveway on Wonderview. Councilman Caza replied it was his call.

Councilman Caza asked about the speed signs. Supervisor DeZalia will get the estimate information to the Board.



Councilman Caza questioned the C& D charges he saw on the vouchers. Apparently someone was putting C&D in the dumpsters due to the fact that there was signage wrong that it stated C& D. This has been corrected.

Councilman Caza asked about the 250 loader. He states it's now going to cost another \$2900 for the pump. He asked Superintendent Foster if he could call Anderson and speak to them about it. Also ask what a new pump would cost vs rebuilding it as it is averaging \$1,000 a month just in labor on this loader

He spoke to Clarks about a 5-ton International truck. He was told Jay and Minerva both have purchased them on State contract for \$94,000 delivered with plow and sander.

He was told that there are towns in Vermont plowing 40-50 miles of road with them without any problems. Superintendent Foster and Councilman Caza will go to Minerva or Jay to look at the trucks and speak to them. It would be a cheaper option than a 650 without a plow etc. Supervisor DeZalia stated the timing would be ideal as the last payment on the loader is in June. Councilman Caza asked Superintendent if he feels he can continue with current staffing numbers. Superintendent Foster believes it will work. Supervisor DeZalia suggested that something like a "Highway Gram" could be useful. It would put information out to the residents, such as the highway department is going through a transition and there may be changes implemented.

Councilman Caza also suggested Ken also get a price on putting a brush on the loader when he speaks to Anderson.

Motion to adjourn at 7:35 p.m. by Councilman Dobie seconded by Councilwoman Marsden

All in Favor

Ayes-4

Noes-0

Absent-1

Respectfully submitted

Martha M. King

Town Clerk