

# Regular Town Board Meeting

Tuesday November 16, 2021

6:00 p.m.

Present were Supervisor Stephanie DeZalia, Councilman Marshall Gero, Councilman Robert Dobie, Councilwoman Maureen Marsden, Councilman Brian Caza, Town Clerk Martha (Candy) King.

Guests in attendance were Brian DeZalia, Highway Superintendent Ken Foster, Thelma Foster, Tracee and Jake Parent.

Supervisor DeZalia called the meeting to order at 6:00 pm and led in the pledge to the Flag. At this time Supervisor DeZalia acknowledged and thanked our Veterans and their families for their continued sacrifices for our freedoms.

## Approval of Minutes

-Approval of the September 28, 2021 Regular Town Board meeting minutes.

Moved by Supervisor DeZalia seconded by Councilman Caza.

All in Favor: Ayes-5 Noes -0

-Approval of the Special Board meeting minutes of October 5, 2021 2:00 pm

Moved Councilwoman Marsden second Councilman Gero

All favor: Ayes-5 Noes -0

-Approval of the minutes of the special Board meeting of October 5, 2021 at 2:15pm

Moved by Councilman Gero second by Councilman Dobie

All favor: Ayes-5 Noes -0

-Approval of the minutes of the October 19, 2021 special budget workshop.

Moved Councilwoman Marsden second Councilman Caza

All favor: Ayes-5 Noes -0

-Approval of the October 19, 2021 Regular Board meeting minutes.

Moved by Councilwoman Marsden second Councilman Caza

All favor: Ayes-5 Noes -0

-Approval of the minutes from the November 4, 2021 6:00pm Public Hearing for the review of the proposed Local Law #1-2021 to Override the Tax Cap.

Moved by Councilwoman Marsden second by Councilman Dobie

All favor: Ayes-5 Noes -0

-Approval of the minutes of the November 4, 2021 6:15 Public hearing for the review of the Town of North Hudson Preliminary 2022 Budget.

Moved by Councilman Gero second by Councilwoman Marsden

All favor: Ayes-5 Noes -0

## Supervisors Financial Report

As of October 31, 2021

Checking Accounts

Town of North Hudson Checking	0.10%	\$ 642,957.44
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General Fund		\$ 609,987.44
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Fire District		\$ 32,970.00
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Highway Fund Checking	0.10%	\$ 701,161.37
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<u>Total All Funds</u>		<u>\$ 1,344,118.81</u>
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## **Old Business**

### **A.- Broadband-**

Supervisor DeZalia reminded the Board to encourage residents to complete the broadband survey at NYS Broadband Assessment Project as soon as possible. Residents can complete this survey at ***www. empirestatebroadband.com***

### **B.- Employee Handbook –**

Supervisor DeZalia has received a first draft from Public Sector on the revisions of the employee handbook. A Workshop will need to be held to review discuss and amend it.

### **Resolution # 96 of 2021**

Resolution setting the date of the Employee Handbook workshop to take place on Tuesday December 14, 2021 at 2:00 pm at the North Hudson Town Hall.

Move by Supervisor DeZalia second Councilwoman Marsden

All favor: Ayes-5 Noes -0

**C.-** A reminder was given to all newly elected and current officials of the upcoming Training Schools and meetings scheduled beginning January.

The Newly Elected Officials 2022 Training is an online virtual training and will be held January 6<sup>th</sup> & 7<sup>th</sup>. The AOT Annual Training School will be held in NYC February 20<sup>th</sup>-23<sup>rd</sup>. All interested officials are asked to let Cassandra know prior to January 7 to register and get the early bird pricing.

### **Resolution# 97 of 2021**

Resolved that any member, officer, newly or previously elected official serving a term in 2022 be allowed to attend the upcoming Annual Association of Towns Training courses at the expense of the Town of North Hudson.

Moved by Councilman Dobie second by Councilwoman Marsden

Roll Call:

Councilman Caza-Aye

Councilman Gero- Aye

Councilman Dobie – Aye

Councilwoman Marsden –Aye

Supervisor DeZalia-Aye

## **New Business-**

### **A.-Department Reports**

#### **Supervisor-**

Supervisor DeZalia discussed the proposal placed in the Board packets regarding the possibility of creating a "Community Center" at either the old highway garage or the old fire department. She explained that once it was set up it would be virtually self-sufficient and could possibly provide a small source of revenue. The renovation, heating and handicap accessibility involved of either of these facilities was discussed. Supervisor DeZalia will look at various grants that could be applied for this purpose and will have Ken and Kevin look at the buildings. This information will be put together for further discussion in the near future.

#### **Highway Dept.**

Supervisor DeZalia moved to go into an Executive session at 6:25 pm to discuss personnel and asked Superintendent Foster to join the Board.

Second by Councilman Caza

All favor: Ayes-5 Noes -0

Councilman Dobie motioned to return from Executive Session at 7:14 pm.

Second by Councilwoman Marsden

All favor: Ayes-5 Noes -0

The decision was made to allow the Highway Superintendent to remove the HEO's from probation at 3, 6, 9 & 12 month increments effective January 2022. The removal from probation early will come in the form of a written request from the department head.

Discussion to allow the increase for HEO's to go to the current rate for the position plus any annual percent increases based on Budget increase of 4% at the time they are removed from probation.

**Resolution # 98 of 2021**

Resolution to set the 2022 HEO rate at \$19.91.

Motion by Councilman Dobie Second Councilman Caza

Roll Call:

Councilman Caza-Aye

Councilman Gero- Aye

Councilman Dobie – Aye

Councilwoman Marsden –Aye

Supervisor DeZalia-Aye

Discussion took place on needed repairs on both the '12 Tandem and the '03.

**Resolution # 99 of 2021**

Resolved to allow Superintendent Foster to contract with Chris Clark to repair the clutch brake on the '12 Tandem in the amount of \$3520.00

Moved by Councilman Caza

seconded by Councilman Dobie

Roll Call:

Councilman Caza-Aye

Councilman Gero- Aye

Councilman Dobie – Aye

Councilwoman Marsden –Aye

Supervisor DeZalia-Aye

Supervisor DeZalia informed the Board that the Turbo on the '03 blew last Friday.

Superintendent Foster has already ordered one from Allegiant Trucking, (formerly Clark Trucking) for \$4,300.00. The part is in and needs to be installed. Superintendent

Foster called two other locations but was unable to obtain a price without a serial number from the motor. At present the truck is not drivable. Superintendent Foster

indicated Chris Clark estimated it to be about 6 to 8 hours of labor to do this work however it could be more depending on what else he finds once he starts. Ken would like Chris Clark to do this work.

**Resolution # 100 of 2021**

Resolved for Ken Foster to purchase a turbo for the '03 Tandem from Allegiant Trucking at the cost of \$4,300.00. and have Chris Clark repair and install the turbo at an estimated 6-8 hours of labor charge plus.

Moved by Councilman Caza Seconded by Councilman Gero

Discussion:

Councilman Dobie inquired if Mr. Foster already had purchased the turbo. Mr. Foster answered him by saying yes, he ordered it and it is in. No further discussion.

Roll Call:

Councilman Caza-Aye

Councilman Gero- Aye  
Councilman Dobie – Aye  
Councilwoman Marsden –Aye  
Supervisor DeZalia-Aye

**Codes Department-**

Mr. Senecal has just completed the NYSERDA giving North Hudson 200 credit points towards becoming a NYSERDA Clean Energy Community. More information will be forthcoming on other possible actions our Town can take to move towards this distinction which opens up other possible grant monies.

**Transfer Station-**

**Courts-**

The Town is still awaiting the opening of the absentee ballots for the official results in the Justice election.

**Supervisors Clerk-**

**Town Clerk-**

**Assessors-**

**B. County Reports-**

1.- Chairman Gilliland, Jim Dougan, Supervisor DeZalia and Community resources have met and hired a firm to do the project proposal, plan and drawings for the proposed project on the County owned Frontier Town Property.

2.- Chairman Gilliland reported to the Board of Supervisors that all the glass recyclables from all of the Essex County transfer stations have been dumped by Sirkil at a sand pit for many years. The County attorney is going to write Sirkil to find out why as all believed it was being recycled. The landowner once had a contract for crushed glass to mix with sand but that had run out. This is not crushed glass being dumped but is glass recyclables mixed with cans etc being dumped. Supervisor DeZalia stated this is not acceptable and the County will get to the bottom of it. She indicated that now that this has been made public the DEC will be involved.

3.- CSEA negotiations have been completed and negotiations with the Sherrifs Department are taking place.

4.-The County is looking at a County supported daycare for County employees.

**C.- Local Law-**

Public hearings were held on Local Law #1 of 2021 to Override the Tax Levy Limit and from the presentation of the 2022 Town of North Hudson Preliminary Budget on November 4, 2021 for the Public to be heard. Supervisor DeZalia has received no correspondence regarding either matter except for matter spoken about with the Highway Department

**Resolution # 101 of 2021**

Resolved to adopt proposed Local Law #1 of 2021 entitled A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c

**LOCAL LAW NO. #1 of 2021**

“A Local Law to Override the Tax Levy Limit for Fiscal Year 2022” Be it enacted by the Town Board of the Town of North Hudson as follows:

**SECTION 1. AUTHORITY.** This Local Law is enacted pursuant to subdivision 5 of N.Y. General Municipal Law §3-c (the “Property Tax Cap Law”), which expressly

authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

**SECTION 2. PURPOSE.** The purpose of this local law is to permit the Town Board to override the tax levy limit on the amount of property taxes that may be levied by the Town of North Hudson pursuant to the Property Tax Cap Law, and to allow the Town to adopt a budget for Fiscal Year 2022 that requires a real property tax levy in excess of the “tax levy limit” as defined by the Property Tax Cap Law. Such override is necessary and in the best interests of the Town.

**SECTION 3. TAX LEVY LIMIT OVERRIDE.** The Town of North Hudson Town Board is hereby authorized to override the Tax Levy Limit established pursuant to N.Y. General Municipal Law §3-c, for Fiscal Year 2022, and to adopt a budget for Fiscal Year 2022 that requires a real property tax levy in excess of the amount otherwise prescribed in N.Y. General Municipal Law §3-c.

**SECTION 4. SEVERABILITY.** If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such order or judgment shall be rendered.

**SECTION 5. EFFECTIVE DATE.** This local law shall take effect immediately upon its filing with the Secretary of State as provided in §27 of the N.Y. Municipal Home Rule Moved by Councilman Dobie Second by Councilwoman Marsden

Roll Call:

Councilman Caza-Aye  
Councilman Gero- Aye  
Councilman Dobie – Aye  
Councilwoman Marsden –Aye  
Supervisor DeZalia-Aye

**D. Approval of Town of North Hudson 2022 Budget**

**Resolution # 102 of 2021**

Resolved to adopt the proposed and approved 2022 Annual Budget as written for the Town of North Hudson.

Moved by Councilman Gero second Councilman Caza

Roll Call:

Councilman Caza-Aye  
Councilman Gero- Aye  
Councilman Dobie – Aye  
Councilwoman Marsden –Aye  
Supervisor DeZalia-Aye

**E. Annual Resolutions**

**Resolution # 103 of 2021**

Resolved to allow the Supervisor to sign the agreement with Hudson Headwaters for our physical examinations as requested by the Town on as needed basis at the rate of \$135.00 per exam.

Moved by Councilman Caza second Councilman Gero

Roll Call:  
Councilman Caza-Aye  
Councilman Gero- Aye  
Councilman Dobie – Aye  
Councilwoman Marsden –Aye  
Supervisor DeZalia-Aye

**Resolution #104 of 2021**

Resolved to allow the Supervisor to attend the Annual Adirondack Associations of Towns & Villages membership meeting in Lake George on December 5<sup>th</sup> and 6<sup>th</sup> at a rate of \$125.00 for the meeting and \$99.00 for the room.

Moved by Councilwoman Marsden second by Councilman Dobie

Roll Call:  
Councilman Caza-Aye  
Councilman Gero- Aye  
Councilman Dobie – Aye  
Councilwoman Marsden –Aye  
Supervisor DeZalia-Aye

**Resolution # 105 of 2021**

Resolution to allow Councilwoman Marsden and Assessor Michael Marsden to attend the Annual Adirondack Association of Towns & Villages reception and dinner on December 5<sup>th</sup> at the cost of \$65.00 each.

Moved by Councilman Dobie second Councilman Gero

Roll Call:  
Councilman Caza-Aye  
Councilman Gero- Aye  
Councilman Dobie – Aye  
Councilwoman Marsden –Aye  
Supervisor DeZalia-Aye

**Resolution # 106 of 2021**

Resolved to allow the Supervisor to pay the 2022 dues to the Association of Towns of the State New York in the amount of \$700.00.

Moved by Councilman Caza second Councilwoman Marsden

Roll Call:  
Councilman Caza-Aye  
Councilman Gero- Aye  
Councilman Dobie – Aye  
Councilwoman Marsden –Aye  
Supervisor DeZalia-Aye

**Resolution # 107 of 2021**

Resolved for the Town Supervisor to sign the Contractual Agreement with Standard Medical Services for the use of the mandatory and optional drug and alcohol testing services.

Moved by Councilwoman Marsden second Councilman Caza

Roll Call:  
Councilman Caza-Aye  
Councilman Gero- Aye  
Councilman Dobie – Aye

Councilwoman Marsden –Aye  
Supervisor DeZalia-Aye

**Resolution # 108 of 2021**

Resolved for the Town supervisor to sign and execute the agreement for dogs deemed dangerous and all other dogs with the NCSPCA in Elizabethtown and also the \$250.00 retainer fee.

Moved by Councilman Dobie second Councilwoman Marsden

Roll Call:

Councilman Caza-Aye  
Councilman Gero- Aye  
Councilman Dobie – Aye  
Councilwoman Marsden –Aye  
Supervisor DeZalia-Aye

**Resolution # 109 of 2021**

Resolved to contract with Sprague Energy under NYS contract #PC68104 for the purposes of supplying heating fuel for the highway garage, town hall and court house effective immediately.

Discussion: Supervisor DeZalia explained to the Board that Sprague Energy out of New Hampshire had been awarded the state contract, however they will be subcontracting the deliveries to KTD (Mountain Petroleum)

Moved by Councilman Dobie seconded by Councilwoman Marsden

Roll Call:

Councilman Caza-Aye  
Councilman Gero- Aye  
Councilman Dobie – Aye  
Councilwoman Marsden –Aye  
Supervisor DeZalia-Aye

**Resolution # 110 of 2021**

Resolved for the Town Supervisor to pay the NYS Retirement System the amount of \$ 35,297 due by December 15<sup>th</sup> for the annual invoice of the Employee Pension Fund.

Moved by Councilwoman Marsden second by Councilman Dobie

Roll Call:

Councilman Caza-Aye  
Councilman Gero- Aye  
Councilman Dobie – Aye  
Councilwoman Marsden –Aye  
Supervisor DeZalia-Aye

Supervisor spoke about Small Business Saturday November 27<sup>th</sup>. The Town and Frontier Town Gateway are co-hosting their first annual Vendor Sow at the A Frame 10-3 November 27<sup>th</sup>. She stressed how important it is to support small local businesses stating that shopping small businesses keeps money in our communities, supports local families and encourages entrepreneurs to establish ties to the community.

**Resolution # 111 of 2021**

Resolution recognizing the importance of North Hudson area businesses and proclaiming Saturday November 27, 2021 as North Hudson Small Business Saturday. WHEREAS, small businesses are the backbone of North Hudson's economy and the glue that holds our community together; and

WHEREAS, according to the United States Small Business Administration, as of 2019 there were 31.7 million small businesses in the United States and 65% of new net jobs over the past two decades were created by small businesses, and Whereas, local small business support our community in the way of wages, taxes, donations to local schools and charities;

WHEREAS, studies have consistently shown that supporting the growth of economic growth in a community, and that entrepreneurs and small business stimulate job creation, develop crucial innovation and promote the diversification of local economies;

WHEREAS, the Town of North Hudson supports our local economy and preserve our community;

NOW THEREFORE, BE IT PROCLAIMED that Saturday November 27, 2021 is the Town of North Hudson Small Business Saturday, a day when all will be encouraged to thank our business community for their contributions to the way of life in North Hudson. I urge the residents and visitors of the Town of North Hudson to make special effort to support our small businesses and merchants on Small Business Saturday, and all year long.

Moved by Supervisor DeZalia Unanimous second

#### 7. Abstracts

Motion to approve the abstracts for General Fund and Highway Fund.

Moved by Councilman Caza second Councilman Gero

Roll Call:

Councilman Caza-Aye

Councilman Gero- Aye

Councilman Dobie – Aye

Councilwoman Marsden –Aye

Supervisor DeZalia-Aye

#### 8. Audit of Judges Report

Motion to approve by Councilman Gero second Councilman Dobie

Roll Call:

Councilman Caza-Aye

Councilman Gero- Aye

Councilman Dobie – Aye

Councilwoman Marsden –Aye

Supervisor DeZalia-Aye

9.Privelege of the Floor- Tracee Parent addressed the Board regarding the situation with the flooding from the Town road. She stated the building is now unsafe due to the water damage and that it had been a good building until the flooding.

Supervisor DeZalia reminded her that if she believes the Town is liable she needed to follow the proper procedures in making any claim to the Town with a written notice. An engineering study would probably be needed to determine if the damage was due to the water after the paving was done.

Supervisor DeZalia reminded all that there is a defensive driving course scheduled for Sunday November 28 at the Town Hall. Also that the applications are available at the Town Hall for the ACAP Holidays for Sharing program.

Motion to adjourn at 7:48 pm by Councilman Dobie second Councilwoman Marsden  
All in favor Ayes-5, Noes-0

Respectfully submitted  
Martha M. King  
Town Clerk