

July 13, 2006

The Town Board of the Town of Corinth held a regular meeting on July 13, 2006 at 7:00 PM at the Town Hall.

Present: Richard Lucia, Supervisor
Charles Brown, Councilman
John Major, Councilman
Edward Byrnes, Councilman
Mitchell Saunders, Councilman
Michael Hill, Attorney
Rose E. Farr, Town Clerk
Fred Mann, Jr., Code Enforcement Officer
Douglas Smead, Fill-in Code Enforcement Officer
Louise Reed, Planning Board Chairman

Public Present: Stanley Goldberg, Patricia Goldberg, Mary Baugh, Leif Sandwick, Keith Wells, Jay Emery, Alvey Wood, Barbara Weatherwax, Charles Weatherwax, Ted Jordan, Diana Jordan, Richard Feulner, L. Mark Eggleston, Carroll Ogden, Ginny Ogden, Wendy Arenson, MD, Gayle Swinburne, Renee Baker, Bruce Baker, Alex Pellizzi, Mike LaMott, Joyce Day, Leigh Hornbeck (Times Union), Marie Pletenck, James Gartim, Herbert Syrop, Ruth Syrop, Arleen Springer, Sigrid Koch, George Melville, Gail McGuckin, Ralph DeCristofaro, Susan Carson, Doris Chamberlain, Merrilea Trawin, Bill Chamberlain, Donald Trawin, Edwin Eggleston, Tim Hanchett, Joanie Hanchett, Yvonne Melville and Scott Sprague.

After Roll Call, Pledge of Allegiance and prayer the following business was conducted:

RESOLUTION #172

APPROVAL OF MINUTES

A motion was made by Councilman Saunders, seconded by Councilman Brown, and the following resolution was

ADOPTED Ayes 5 Lucia, Brown, Major, Byrnes, and Saunders
Nays 0

Resolved that the minutes for June 1st, 7th, and 21st, 2006 be approved

RESOLUTION #173
APPROVAL OF ABSTRACTS

A motion was made by Councilman Byrnes, seconded by Councilman Major, and the following resolution was

ADOPTED Ayes 5 Lucia, Brown, Major, Byrnes and Saunders
Nays 0

Resolved that the abstracts of June 1st and 21st be approved as follows:

<u>June 1, 2006</u>	<u>June 21, 2006</u>
A - \$38,141.16	A - \$102,777.59
B - \$ 4,980.14	B - \$ 9,285.59
DA - \$ 488.18	DB - \$ 79,577.42
DB - \$42,411.08	SW - \$ 4,106.25
SL - \$ 467.53	TA - \$ 2,571.67
TA - \$ 1,852.43	
Scenic Train - \$10,259.08	

ELDER COTTAGES

Attorney Michael Hill went over the Short Environmental Assessment Form with the Town Board and the board answered the necessary questions.

RESOLUTION #174
DETERMINATION OF DELETING ELDERLY COTTAGES

A motion was made by Councilman Major, seconded by Councilman Saunders, and the following resolution was

ADOPTED Ayes 5 Lucia, Brown, Major, Byrnes and Saunders
Nays 0

RESOLVED that based on the information and analysis of any supporting documentation the proposed action of deleting the Elderly Cottage provision from the Corinth Town Code will not result in any significant adverse environmental impacts.

RESOLUTION #175
ENACTING LOCAL LAW #2 OF 2006 TO AMEND
THE TOWN OF CORINTH CODE BY ADDING A
LOCAL LAW ENTITLED “A LOCAL LAW DELETING ELDER
COTTAGE PROVISION OF THE CORINTH TOWN CODE

A motion was made by Councilman Major, seconded by Councilman Brown, to pass the following resolution:

WHEREAS the Town Board wishes to consider the adoption of Local Law #2 of 2006 entitled A Local Law deleting Elder Cottage Provision from the Corinth Town Code as presented at this meeting, and

BE IT FURTHER RESOLVED that the Town Board hereby authorizes and directs the Corinth Town Clerk to file the local law with the New York State Secretary of State in accordance with the provisions of the Municipal Home Rule Law and acknowledges that the local law will take effective immediately upon filing with the Secretary of State.

Duly adopted by the following vote:

Richard Lucia	-	yes
Charles Brown	-	yes
John Major	-	yes
Edward Byrnes	-	yes
Mitchell Saunders	-	yes

Carried: 5 – 0

PUBLIC HEARING
LOCAL LAW #3 2006
TO EXTEND MORATORIUM ON SITING AND
ESTABLISHMENT OF WASTE DISPOSAL FACILITIES

The Public Hearing opened at 7:12 PM with Town Clerk Farr reading the Legal Ad published in The Post Star on June 29, 2006.

Stanley Goldberg

Mr. Goldberg of Lake Luzerne told the board that he wanted the moratorium extended for six (6) months.

Patricia Goldberg

Mrs. Goldberg also of Lake Luzerne told the board that she wanted the moratorium extended for six (6) months. She said she has concerns with the truck traffic among other things. She said that Corinth is now known as the Gateway of the Adirondacks and if Corinth allows waste disposal facilities they will not be known as that for long.

Mary Baugh

Mrs. Baugh said she wanted the board to extend the moratorium for six (6) months so that waste disposal facilities could be prohibited from being in the Town of Corinth.

Leif Sandwick

Mr. Sandwick said he wanted the moratorium extended.

Barbara Weatherwax

Mrs. Weatherwax told the board she wanted them to extend the moratorium and keep going with prohibiting waste disposal facilities in Corinth.

Charles Weatherwax

Mr. Weatherwax also told the board that he wanted the moratorium extended so that the Town could prohibit waste disposal facilities.

Ted Jordan

Mr. Jordan asked the Town Board to please extend the moratorium and prohibit waste disposal facilities in Corinth.

Wendy Arenson, MD

Dr. Arenson is from Lake Luzerne and she told the board that she wanted them to extend the moratorium and to keep waste disposal facilities out of Corinth.

Diana Jordan

Mrs. Jordan told the board that she wanted them to extend the moratorium and prohibit waste disposal facilities in Corinth.

Renee Baker

Mrs. Baker told the board that she wanted them to extend the moratorium.

Bruce Baker

Mr. Baker also told the board that he wanted the moratorium extended.

Marie Pletenck

Ms. Pletenck of 563 County Route 10 told the board that she wanted the moratorium extended.

Herbert Syrop

Mr. Syrop told the board that he had reviewed the application that Mr. Petruzzo submitted and he suggests the Town Board go to Google on the computer and check out NYSDEC Putnam Valley. He said DEC took lead agency in the matter with the Town of Putnam Valley. He said that according to Mr. Petruzzo's application the school is located 1.05 miles away from the proposed plant site. He said that bio filters could remove some of the toxins but not all of the pathogens. He gave the Town Board copies of some of the research he had done.

Ruth Syrop

Mrs. Syrop told the Town Board that if Mr. Petruzzo is allowed to subdivide then he could sell the property to another composting processor.

George Melville

Mr. Melville told the board that he encouraged them to take another six (6) months to work on revising the laws.

Ralph DeCristofaro

Mr. DeCristofaro told the board that he encouraged them to pass the extension of the moratorium and work on prohibiting waste disposal facilities in Corinth.

Tim Hanchett

Mr. Hanchett told the board that he wanted them to extend the moratorium. He said he felt there was a lot more work to be done and the Town Board should be looking into prohibiting these industries and not regulating them.

Joanie Hanchett

Mrs. Hanchett told the board that she wanted the board to extend the moratorium.

Gail McGuckin

Ms. McGuckin told the board that she wanted the moratorium extended.

Ginny Ogden

Mrs. Ogden told the board that she wanted them to extend the moratorium. She felt that there was more work to be done.

Edwin Eggleston

Mr. Eggleston told the board that he wanted them to extend the moratorium.

There was no opposition,

Town Clerk Farr read the following letter from Saratoga County Planning Board regarding Local Law #3 2006:



SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

JASON KEMPER
DIRECTOR

July 13, 2006

Rose E. Farr, Town Clerk
Town of Corinth Town Hall
600 Palmer Avenue
Corinth, NY 12822

**RE: SCPB Referral Review #06-10 – Legislative Action Local Law
Extending Moratorium on Waste Disposal Systems**

Received from the town of Corinth Town Board on July 13, 2006.

Reviewed by the Saratoga County Planning Board on July 7, 2006.

Decision: No Significant Countywide or Inter-Community Impact

Comment: In accordance with the Memorandum of Understanding (MOU) between the town of Corinth Town Board and the Saratoga County Planning Board the above-noted action has been reviewed and deemed to present no countywide impact. As such, the referral is being returned for local action.

A handwritten signature in cursive script, appearing to read "Michael Valentine".

Michael Valentine, Sr. Planner
Authorized Agent for Saratoga County

At 7:30 PM a motion was made by Councilman Brown, seconded by Councilman Major to close the public hearing carried unanimously.

RESOLUTION #176
REAFFIRM SEQR FOR LOCAL LAW #3 2006

A motion was made by Councilman Major, seconded by Councilman Byrnes, and the following resolution was

ADOPTED Ayes 5 Lucia, Brown, Major, Byrnes and Saunders
Nays 0

RESOLVED that the Town Board of the Town of Corinth hereby reaffirms the SEQR and Negative Declaration regarding Local Law #3 2006 Local Law to Extend Moratorium on Siting and Establishment of Waste Disposal Facilities.

RESOLUTION #177
ENACTING LOCAL LAW #3 OF 2006 TO EXTEND MORATORIUM ON SITING AND ESTABLISHMENT OF WASTE DISPOSAL FACILITIES

A motion was made by Councilman Brown, seconded by Councilman Major, to pass the following resolution:

WHEREAS the Town Board wishes to consider the adoption of Local Law #3 of 2006 entitled A Local Law to Extend Moratorium on Siting and Establishment of Waste Disposal Facilities as presented at this meeting, and

BE IT FURTHER RESOLVED that the Town Board hereby authorizes and directs the Corinth Town Clerk to file the local law with the New York State Secretary of State in accordance with the provisions of the Municipal Home Rule Law and acknowledges that the local law will take effective immediately upon filing with the Secretary of State.

Duly adopted by the following vote:

Richard Lucia	-	yes
Charles Brown	-	yes
John Major	-	yes
Edward Byrnes	-	yes
Mitchell Saunders	-	yes

Carried: 5 – 0

PASSARELLI

A discussion was had regarding the Retention Basin in the Passarelli Subdivision. Supervisor Lucia told Mike LaMott that he spoke to the Town Attorney and was told that the decision of the Planning Board does not bind the Town Board. Jay Emery told the Town board that one side of the pond needs something done to it otherwise all is okay. Attorney Hill said he spoke with Mr. Passarelli's attorney and found out that there is not going to be a Homeowners Association that would exercise upkeep issues. Mike LaMott said he was at the meeting only to see if the money held by the Letter of Credit could be released.

Supervisor Lucia suggested to Mike LaMott that everything regarding the Passarelli Subdivision and Water District be discussed at next Thursday's workshop, July 20th at 4:00 PM) with all parties present including Town Highway Superintendent Plummer.

SUPERVISOR

Supervisor Lucia stated that the following are on file in his office:

Adelphia letter
Annual Report from EOC

AWARD PRESENTATION

Supervisor Lucia presented Town Clerk Farr with a Certificate as Municipal Clerks Honor Roll 2006 Honoree. The nomination for this honor was made by Supervisor Lucia to General Code.

Supervisor Lucia stated that the following are on file in his office:
(continued)

CPR Class July 15th
DEC letter – Dam Safety
Department of State Letter – Conference for Code Enforcement and Fire Officials
Family Self Sufficient Report
Independence Day Celebration – Supervisor Lucia said he was very proud of his board's attendance and assistance at this celebration
Mortgage Tax - \$13,391.50
NYSAC Weekly Wire
Parklands Committee Minutes – The McKrells will be in the park on Thursday, July 20th, at 7PM

RESOLUTION #178

PROCLAMATION IN HONOR OF JOHN HIGGINS

A motion was made by Councilman Saunders, seconded by Councilman Major, and the following proclamation was passed:

Proclamation

Whereas; The Town Board, Town of Corinth, County of Saratoga, State of New York, wishes to honor the memory of John J. Higgins, for being honored as the Saratoga County Deceased Veteran of the Month, at its July 18, 2006 Monthly meeting.

And Whereas; John J. Higgins was born January 7, 1912, the son of Samuel and Bertha Higgins, in Lake George, New York. Attending schools in Lake George, Glens Falls, and Plattsburg. Working for Oil Companies and Higgins Friendly Service in Lake George from 1937 – 1943, and owned several Car Dealerships until 1973.

And Whereas; John Married Suzanne Bryant in 1939, and became parents of two sons, Deceased, and a daughter, Susan Gornall, in Charlotte, N.C.

And Whereas; Mr. Higgins was inducted in the United States Army, on February 3, 1944 and was Discharged February 8, 1946, from Fort Dix, New Jersey.

And Whereas; John saw duty in the North of France, and the Rhineland, in 1946, John marched with the American Troops to celebrate the Liberation of Paris and along with other Corinthians received a "certificate of Thank You from the French Embassy in 2001.

And Whereas: He was Very Active in his Community, as a Charter member of the Corinth Rotary Club, Life member of the DAV, American Legion Post # 533 and the Knights of Columbus. John and Sue also enjoyed traveling to France and cruises to Bermuda.

And Be it Resolved; That the whole Town Of Corinth remembers with pride, our special Citizen, John J. Higgins Affixed with the Official Seal Of Corinth, This 13, Day of July 2006.

*Supervisor
Councilman
Councilman
Councilman
Councilman
Town Clerk*

RESOLUTION #179

PURCHASE OF PUBLIC ADDRESS SYSTEM

Supervisor Lucia told the board that the Town has contacted several companies for a price on a public address system for the town meetings. He told the board that three different people had come to the Town Hall and said that they would send us an estimate. This was several months ago and only one estimate has been received from KB-24 Communications in the amount of \$3,000.00. A motion was made by Councilman Brown, seconded by Councilman Major, and the following resolution was

ADOPTED Ayes 5 Lucia, Brown, Major, Byrnes and Saunders
Nays 0

RESOLVED that the Town of Corinth enter into a contract with KB-24 Communications for the purchase of a Public Address System for a price of not more than Three Thousand Dollars (\$3,000.00).

Supervisor Lucia stated that the following are on file in his office:
(continued)

- Saratoga County Fair Packets
- Saratoga County Fire Advisory Board Minutes
- Saratoga County IDA minutes
- Senate Letter
- Senior Sentinel

RESOLUTION #180

FRED MANN'S VACATION

A motion was made by Councilman Byrnes and seconded by Councilman Major and the following resolution was

ADOPTED Ayes 5 Lucia, Brown, Major, Byrnes and Saunders
Nays 0

Resolved to allow Fred Mann to take vacation July 20th through July 28th. 2006.

Supervisor Lucia stated that the following are on file in his office:
(continued)

Veterans Corner
Zoning and Land Use Meeting – Albany – August 23rd

The following reports are on file in the Supervisor's office:

Assessor
Building
Animal Control
Fire Department
Highway
Justices
Town Clerk
Zoning
Senior Citizens
Supervisor

RESOLUTION #181
APPROVAL OF MOTION TO ACCEPT SUPERVISORS MONTHLY
REPORT

A motion was made by Councilman Major, seconded by Councilman Saunders, and the following resolution was

ADOPTED Ayes 5 Lucia, Brown, Major, Byrnes and Saunders
Nays 0

Resolved that the Town Of Corinth Town Board accepts as presented the Supervisor's monthly financial report for June 2006.

SUPERVISOR

Supervisor Lucia read the following letter thanking the Corinth Highway Department for their assistance:



TOWN OF DAY

COUNTY OF SARATOGA

1650 NORTH SHORE ROAD, HADLEY, NY 12835

PHONE: (518) 696-3789

FAX: (518) 696-5391

E-MAIL: townofday@adelphia.net

July 11, 2006

Mary Ann Johnson
Supervisor ~ Ext 1

Carol Vaillancourt
Town Clerk ~ Ext 2

Kenneth J. Metzler
Code Enforcement
~ Ext 3 ~

George Madison
Assessor ~ Ext 4

Diane Byrne
Planning/Zoning Boards
~ Ext 5 ~

Frances E. Allen
Tax Collector ~ Ext 7

Ruby Marcotte
Historian

Justice Robert Dwyer
Justice Charles Krom
~ Ext 6 ~

C. Scott York
Highway Superintendent
696-3019

Connie Eno
Dog Control Officer
~ Ext 8 ~

Herb Sjolund
Zoning Enforcement
Ext. 7

www.townofday.com

Supervisor Richard B. Lucia
Town of Corinth
297 Pine Street
Corinth NY 12822

RE: Highway Department Assistance

Dear Supervisor Lucia,

The Town of Day would like to thank the Town of Corinth Highway Department for their assistance with Yates Hill Road. Your Highway Department went above and beyond to help the Town of Day Highway Department in every way they could. We could not have done it without your help. Again thank you.

Sincerely,

C. Scott York
Highway Superintendent

TOWN BOARD

Councilman Major told Attorney Hill that his response to the workshop on the new draft land use were sent to him and if he has any questions Councilman Major would be happy to answer them.

Councilman Major also said that he wanted to state publicly that he was very proud of our Fire Department in their response and the way they handled the structure fire on July 12th.

Councilman Byrnes questioned with the moratorium on whether Ralph Petruzzo could subdivide his land. Louise Reed said that Mr. Petruzzo wanted to add more land to his five-acre parcel to make it bigger taking the land away from the bigger parcel. Attorney Hill asked if the 77-acre lot that the waste disposal facility is on is being subdivided. Mrs. Reed said he was only going to take land from the larger lot and add it to the five-acre parcel. Attorney Hill asked if the new parcel was going to have anything to do with the waste disposal. Councilman Byrnes said that Mr. Petruzzo said the smaller parcel would have nothing to do with the larger parcel. Attorney Hill said that right now we don't have all the facts. He said that if the parcel that is having the land added to it and what is going on in that building is not a waste disposal facility or part of one then under those circumstances probably going ahead with the subdivision would be okay. Attorney Hill said that as long as the five-acre parcel is not having anything to do with waste disposal it is okay. However, if Mr. Petruzzo is taking land away from his larger parcel and if that in any way jeopardizes his ability to do something on that larger parcel in the future that could be a problem for him.

Councilman Saunders said the Town Board has nothing in front of us at this time. Councilman Major said that Mr. Petruzzo has come to the Planning Board for a subdivision. Louise Reed told the board that Marty Pozefsky called Bob Hafner the next day and they decided this is just a simple one lot subdivision with no waste disposal in this building. She said if he chooses to enlarge it then he has to go to Fred Mann but if he choose to leave it the way it is then that is okay. She said there could be a restriction on the mylar stating that there is to be no waste disposal/compost facility on this property. Councilman Major asked if this was just a simple subdivision of land and it spoke nothing of buildings. Mrs. Reed told the board not to her knowledge. Councilman Major said the only reason he said that was because if Mr. Petruzzo talks about an addition then the question arising about what he is going to do, etc. Councilman Major told the board that it goes back to how

it is submitted to the Planning Board. Councilman Saunders asked the board if Mr. Petruzzo was restricted from doing anything on that property since he submitted a variance application to the moratorium. Supervisor Lucia said he understood that the subdivided property is intended to be sublet.

Alex Pellizzi told the Town Board that Mr. Petruzzo appeared before the Planning Board for conceptual in May. Then in June he was on the agenda and never showed up. Mr. Pellizzi said all of a sudden we see Mr. Petruzzo is on for Public hearing next week. Mr. Pellizzi said they don't have all the facts. He said the Public Hearing was set up by the Chair without discussion with the board. Mr. Pellizzi said he didn't understand this.

Councilman Major asked Louise Reed if Mr. Petruzzo submitted a preliminary application. Mrs. Reed told the board yes. Councilman Major asked if there was conceptual and preliminary application. Louise Reed told the Town Board that there was a conceptual first and it was discussed. Mrs. Reed told the board that the next day Marty Pozefsky called Bob Hafner and found out that this was not under the moratorium. She said that Thursday night there is going to be a public hearing. Alex Pellizzi asked why there was a public hearing when at the June meeting it was suppose to be discussed whether or not it was under the moratorium. Mr. Pellizzi said that there is so much more information that the Planning Board needs.

Supervisor Lucia said that there had to be a motion made and seconded for the Public Hearing to be scheduled. Mr. Pellizzi said there was no motion made. Mrs. Reed said that you don't need a motion to schedule a hearing. Mr. Pellizzi said he contacted Saratoga County Planning Board and was told there should be a motion to schedule a Public Hearing. Councilman Major asked Mrs. Reed what stage they were at. Mrs. Reed said that there is a Preliminary on Thursday. Mr. Pellizzi said it was published in the Post Star for a Public Hearing. Mrs. Reed said it is advertised in the Post Star for the public hearing. Councilman Byrnes asked if it is set by a motion of one of the board members correct. Mrs. Reed a public hearing is never set by motion she also said she spoke with Attorney Pozefsky and he said that he has worked for twenty-two years on Planning Board and Public Hearing are not set on motions. She said it is set in three stages: conceptual, preliminary and final. Attorney Hill said it would be necessary for him to discuss the way the Planning Board handles things with Attorney Pozefsky before he could make any comments. Mr. Pellizzi said that there is nothing in the Town Laws that says how Public Hearings should be scheduled.

Councilman Major told the board that when he was on the Planning Board

they made motions. Councilman Major said there is a difference between minor and major subdivisions. Councilman Major told Mrs. Reed that he still was not clear what stage the Petruzzo matter is at. Mrs. Reed said that the Petruzzo is heading for Preliminary on Thursday. Councilman Byrnes asked if that was the same as a Public Hearing. Mrs. Reed told the board that they hold a preliminary Hearing and a public hearing is held within that preliminary hearing. Councilman Major asked Mrs. Reed if they were doing two things in one night and she said they were. Mrs. Reed said that because of the zoning it is now necessary to have more public hearings so that they can get public input. Councilman Major said that the idea behind the preliminary is so that all the board members can see the completed application and completed maps. Councilman Major told Mr. Pellizzi that it sounded like the Planning Board members were going to hear the Preliminary. Mr. Pellizzi told Councilman Major that that was not what the Post Star said. Councilman Major said that the way he understood Mrs. Reed was that the Planning Board would first have the Preliminary and then have the Public Hearing. Supervisor Lucia said he would contact Marty Pozefsky and see what he said regarding the scheduling of the Public Hearing.

Code Enforcement

Code Enforcement Officer Mann told the board that Douglas Smead would be filling in for him while he was on vacation.

With no further business, on a motion of Councilman Byrnes, seconded by Councilman Major, the meeting was adjourned at 8:35 PM. Carried unanimously.

Respectfully submitted,

Rose E. Farr, RMC
Town Clerk