

July 20, 2006

The Town Board of Corinth held a workshop meeting on July 20, 2006 at 4:00PM at the Town Hall.

Present: Richard Lucia, Town Supervisor  
Charles Brown, Councilman  
John Major, Councilman  
Edward Byrnes, Councilman  
Mitchell Saunders, Councilman  
Harry Plummer, Highway Superintendent  
Rose E. Farr, Town Clerk  
Robert Hafner, Town Attorney  
Douglas Smead, Fill in Code Enforcement Officer

Public: Alvey Wood, Jay Emery, Mary Baugh, Gail McGuckin, Sigrid Koch, Arleen Springer, Robert and Eleanor Kelley, Carroll and Ginny Ogden, Barbara Weatherwax, Leif Sandwick, Garry Robinson and Mike LaMott.

After Roll Call by the Town Clerk the following business was transacted:

Supervisor Lucia explained where the board was in regard to the Passarelli Subdivision and Water District. He said that the Town is now ready to pass a final resolution on the Passarelli Water District.

**RESOLUTION #182 of 2006**  
**FINAL RESOLUTION AND ORDER**  
**ESTABLISHING PASSARELLI SUBDIVISION WATER DISTRICT**

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

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

**WHEREAS**, the Corinth Town Board has decided to form the Passarelli Subdivision Water District (the "District") in accordance with Article 12-A of New York Town Law for the purpose of delivering water

purchased from the Village of Corinth to the portion of the Town where the Passarelli Subdivision is located; and

**WHEREAS**, a Map, Plan and Report which included (a) the boundaries of the proposed district; (b) a general plan of the proposed water system; (c) a report of the proposed method of operation; (d) the source of water supply and description of any lands, streams, water to water rights to be acquired; and (e) the mode of constructing the proposed water works, water mains, distributing pipes and hydrants, was submitted to the Town Board and filed with the Town Clerk; and

**WHEREAS**, on March 9, 2006 the Board adopted an Order (the "Public Hearing Order") reciting (a) the boundaries of the proposed District; (b) the proposed improvements; (c) the maximum amount proposed to be expended for the improvement; (d) the estimated cost of hook-up fees (if any) and the estimated cost of the District to the typical property; (e) the proposed method of financing to be employed; (f) the fact that a map, plan and report describing the improvement is on file in the Town Clerk's office; and (g) the time and place of a public hearing on the proposed District; and

**WHEREAS**, copies of the Public Hearing Order were duly published and posted and were filed with the office of the State Comptroller, all as required by law; and

**WHEREAS**, prior to the publication of the Public Hearing Order, a detailed explanation of how the estimated cost of hook-up fees (if any) and the estimated cost of the District to the typical property were computed was filed with the Town Clerk for public inspection; and

**WHEREAS**, on March 23, 2006 a public hearing on the proposed District was duly held at which the Board entertained general discussion and questions about the proposed District; and

**WHEREAS** the Town Board considered the Report and the evidence given at the public hearing and other information; and

**WHEREAS**, on March 23, 2006, the Town Board adopted a Resolution determining that (a) the notice of public hearing was published and posted as required by law and was otherwise sufficient, (b) all of the property and property owners within the proposed District would be benefited thereby, (c) all of the property and property owners benefited are

included within the boundaries of the proposed District and (d) the establishment of the District as therein described is in the public interest, and approving the establishment of the District as the boundaries are set forth in the Plan subject to permissive referendum in the manner provided in Town Law Article 7; and

**WHEREAS**, the Town Clerk duly posted and published the notice required for resolutions subject to permissive referendum and no such petition was filed within 30 days after the date of the Resolution, and the Town Clerk caused a certificate to that effect to be filed in the office of the County Clerk and with the State Department of Audit and Control; and

**WHEREAS**, with regard to environmental review of the project under the State Environmental Quality Review Act ("SEQRA"), the proposed District was reviewed and considered and the Board, as the Lead Agency for such SEQRA review, determined that neither creation of the proposed District nor construction of the improvements would have a significant adverse effect on the environment, and the Board therefore authorized filing of a Negative Declaration on July 13, 2006;

**NOW, THEREFORE, IT IS HEREBY**

**ORDERED**, that Town of Corinth Passarelli Subdivision Water District be established and the improvements described in the Plan be constructed by the developer of the Subdivision and the service within the District be provided; and it is

**FURTHER ORDERED**, that the Town Clerk of the Town of Corinth is hereby authorized and directed to cause a certified copy of this Order to be duly recorded in the office of the Clerk of Saratoga County in the time and manner required by law; and it is

**FURTHER ORDERED**, that the Corinth Town Clerk is hereby authorized and directed to cause a certified copy of this Order to be filed in the office of the State Department of Audit and Control in the time and manner required by law.

Supervisor Lucia told the board that the following items regarding the Passarelli Subdivision needed to be discussed: Letter of Credit, road, drainage system and retention pond.

Highway Superintendent Plummer said that the road itself was completed to his standards but the side road drainage and culverts were not up to the Town Highway Superintendent's standards. Highway Superintendent Plummer questioned the retention pond. Garry Robinson, Engineer for Guido Passarelli, said that Attorney Krantz said the Planning Board required the retention pond. Highway Superintendent Plummer said he was not sure if the Town wanted to accept the retention pond at all; he doesn't think it meets the Town standards; and he wishes to go over it with the Town Engineer.

Attorney Hafner said that he spoke with Attorney Pozefsky, Planning Board Attorney, and they are still waiting for an "As Built Map" which would show the changes made in the property after the filing of the map. Attorney Hafner said that all other things mentioned in the letter his office sent to Attorney Krantz dated May 24, 2006 have been taken care of.

Engineer Garry Robinson explained that the retention pond is the new way subdivisions are going for detention and treatment of the sediment that accumulates in the pond. He said on the side of the property toward Eggleston Street the subdivision has approximately 13 dry wells and overflows for drainage.

Highway Superintendent Plummer said if he understood it right that meant the Town would have to clean out the sediment that built up at least once or twice a year and he said he does not have the money for that in his budget.

Garry Robinson told the board that most towns in Saratoga County take over the retention ponds and in fact want to control the ponds. He said the Town engineers Clough Harbour and Associates were at the site and talked about the storm water and the retention pond. He said the Town could call a William Lupo at DEC in Warrensburg to talk about the retention pond if they wished.

Highway Superintendent Plummer stated that he knew nothing about the Town taking over the retention pond it was all done through the Planning Board without the Town Board's involvement.

Attorney Hafner told the board that there are new regulations and more of these types of things are happening.

Garry Robinson told the board that Bob Lockwood of Clough Harbour was okay with the retention pond. He said that also Joe Grasso from Clough Harbour was involved when the whole project started.

Councilman Major said he looked at the retention pond and it looks like a good rainstorm could take it out.

Garry Robinson asked when he looked at the retention pond and Councilman Major told him that he look at it earlier today. Mr. Robinson said he had not looked at the retention pond recently.

Councilman Major said the decision comes from the Town Board and if the Town took it over that would have to be included in the tax the people pay. Councilman Major asked what the benefit to the Town as a whole.

Garry Robinson told the Town Board that all residents would benefit from using the road. He also explained how a retention pond works.

Highway Superintendent Plummer asked why the northwest end of the property did not have to have a retention pond. Garry Robinson told Mr. Plummer that it was because the ground water is higher where the retention pond is.

Councilman Major said he didn't see much of an elevation change and asked what keeps the sediment from going back into the homes. Garry Robinson told Councilman Major that nothing prevented that but it would have to fill all the wetlands before it got back to the homes. Councilman Major said that he was looking at seven or more years down the line when someone else was here and all the problems start to surface.

Supervisor Lucia asked Planning Board member Althea Rivette to comment on what the Planning Board has been told. She said it was shown to the board as a 3-tier drainage system. She said Passarelli's men volunteered to

take care of all the pipes for the Village and also agreed to take care of somebody else's problem due to the beaver dam. She said she thought that was great of them. She said she never heard of the system that is being discussed now of the Town taking over a retention pond only the roads. She did say that the Planning Board Chair went out to the site with the Town Engineer but she didn't know exactly what that was about.

Highway Superintendent Plummer said he felt the Town should not accept the retention pond.

Mrs. Rivette said she understood that the Town was given an additional acre for the Little League Fields due to the wetlands. She also understood that there was going to be a Housing Association to make decisions regarding playground equipment to be donated by Passarelli and other matters.

Attorney Hafner said that the map filed is slightly different than the actual subdivision and the "As Built Map" showing the differences must be okayed by the Planning Board. Mike LaMott gave a map to the Town Clerk to be given to the Planning Board. He said the map did not show the changes and Attorney Hafner said that an "As Built Map" showing the changes must be given to the Planning Board and okayed by them.

Highway Superintendent Plummer again told the board that the roadway and the culverts (as long as they were cleaned out before being taken over) were fine. He said the problem is with the drainage and the Retention Pond.

Attorney Hafner told the Town Board that the letter from the Town Engineers back in November of 2005 suggested that the Town might want to consider requiring the owner to maintain a maintenance bond for a period of one year.

Garry Robinson asked the Town Board if tonight the board would agree reduce the amount of the Letter of Credit.

Councilman Saunders suggested that the Passarelli Subdivision be discussed at the Planning Board meeting tonight and see how they feel.

Councilman Major told Mr. Robinson that he is sympathetic with Mr. Passarelli having so much money on the letter of credit but he doesn't think one more week will make much of a difference.

After a discussion it was decided that the beginning of next week Highway Superintendent Plummer, someone from Clough Harbour, Garry Robinson and Fill-in Code Enforcement Officer Douglas Smead would visit the Retention Pond and see what should be done. The matter will then be discussed at the next week's meeting with the amount (if any) of the letter of credit to be decided at that meeting.

With no further business, on a motion of Councilman Brown, seconded by Councilman Major, the meeting was adjourned at 5:10 PM. Carried unanimously.

Respectfully submitted,

Rose E. Farr, RMC  
Town Clerk