

MARCH 8, 2007

The Town Board of the Town of Corinth held a regular meeting on March 8, 2007 at 7:00 PM at the Town Hall.

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

Public Present: Barbara and Charles Weatherwax, Russell and Yvonne Melville, Kevin Harris, Bruce Carpenter, David B and Mary Williams, Ray Bush, Karen Saunders, Gail and Richard Robbins, Patricia Goldberg, Mary and Timothy Murphy, Leigh Lescault, Tim and Kate Halliday, Mark Montayne, Dennis and Chris Morreale, Lisa and Joe Rumpf, Joel Duguay, Joseph Duguay, Louise Kirkpatrick, S. Adrienne Hull, Jim Murray, Sr., Fran Nichols, Ted and Diana Jordan, Sigrid Koch, Arleen Springer, Edwin Eggleston, Todd W. Morrow, Jeff Fedor, Carol Lucia, Christopher Ross, Brenda Schermerhorn, Bruce and Renee Baker, Jacqueline Burnham, Kendra Schreiber, John D' Alessandro, Jeff Collura, Sarah Alford and several other citizens that did not sign in.

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

**RESOLUTION #117**

**APPROVAL OF MINUTES**

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 minutes for February 1<sup>st</sup>, 8<sup>th</sup>, and 22<sup>nd</sup>, 2007 be approved.

**RESOLUTION #118**  
**APPROVAL OF ABSTRACTS**

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

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

Resolved that the abstracts of February 1st and 22nd, 2007 be approved as follows:

<u>February 1, 2007</u>	<u>February 22. 2007</u>
A - \$33,027.69	A - \$ 87,445.91
B - \$ 9,031.78	B - \$ 7,440.73
DA - \$ 636.74	DA - \$ 2,178.00
DB - \$18,465.47	DB - \$ 60,249.39
TA - \$17,728.85	SF - \$148,868.00
	SL - \$ 729.45
	TA - \$ 6,042.03
	Scenic
	Train- \$ 10,245.17

TOWN OF CORINTH  
RESOLUTION NO. 119

**WHEREAS**, in New York State, municipal revenues which support local spending for schools, public safety, and other public services are raised through the property tax levy, state aid, and other sources, and

**WHEREAS**, despite the increase of over 70% in New York State aid to school districts in the past 10 years, most New York school districts budgets have continued to skyrocket out of control, causing local school tax levy increase of between 5% and 15% annually, and

**WHEREAS**, many residents of the Town of Corinth located in Saratoga County and other municipalities across New York State are unable to pay these excessive school tax rates which are forcing many families into debt and causing some to sell their property and relocate their families outside of their communities and, in some instances, outside the State of New York, and

**WHEREAS**, over half of all U.S. states have passed some form of property tax limitation statute which attempts to reasonable manage excessive property taxation, now, therefore, be it

**RESOLVED**, that the Town of Corinth requests its New York State Legislators to review and conduct a comprehensive study and evaluation of all existing state property tax limitation statutes in effect, and be it further

**RESOLVED**, that New York State Legislators and the New York State Governor, based upon the above study and evaluation, enact appropriate legislation which will provide necessary property tax reform for the benefit and relief of all New York State residents, and be it further

**RESOLVED**, that a copy of this resolution be forwarded to the Honorable Eliot Spitzer, Governor of New York State; all NYS Legislators representing the County of Saratoga; the Chair of the NYS Assembly Ways and Means Committee; the Chair of the NYS Senate Finance Committee; the Chairs of the Assembly and Senate Education Committees; all municipalities within the County of Saratoga; the Saratoga County Board of Supervisors; the NYS Association of Towns; and the NYS Associations of Counties.

Motion by Councilman Saunders and seconded by Councilman Byrnes to adopt Resolution No. 119

A roll call vote was taken on Resolution No.119 as follows:

Supervisor Lucia	-	yes
Councilman Brown	-	yes
Councilman Major	-	yes
Councilman Byrnes	-	yes
Councilman Saunders	-	yes

### **RESOLUTION #120**

#### **LITTLE LEAGUE LICENSE**

Attorney Hafner stated that he had prepared a Little League License Agreement for a period of ten years. After a short discussion a motion was made by Councilman Major, seconded by Councilman Brown, and the following resolution was

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

**RESOLVED** that the Supervisor sign the Little League License with Ground Rules attached for ten (10) years prepared by the Town attorney.

#### **TOWN ATTORNEY**

The Town Attorney told the board that he had prepared the language regarding the prevailing wage that is needed to be added the bids for the Depot project, as well as the

wage schedule the town received from the Labor Department Bureau of Public Works, when the project is rebided.

**SUPERVISOR**

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

American Red Cross Training Newsletters and minutes of February 10<sup>th</sup>  
Capital District Regional Planning Committee on Wind Planning

**RESOLUTION #121**

**APPOINTMENT OF NEW TOWN JUSTICE**

Supervisor Lucia told the Board that the Corinth Republican Committee wants to recommend Lane Schermerhorn for the Town Justice position. A motion was made by Councilman Saunders, seconded by Councilman Brown, and the following resolution was

ADOPTED	Abstained	2	Byrnes and Major
	Ayes	3	Lucia, Brown, and Saunders
	Nays	0	

RESOLVED that Lane Schermerhorn be appointed as Town Justice to fill the remaining term open by the death of Ronald B. Straight.

**SUPERVISOR**

Supervisor Lucia stated that the following papers are on file in his office: (cont'd)

Community Preservation Corp. 2006 Annual Report  
Corinth Elementary Newsletter  
Letter from Corinth Central School – machine custodian for school budget

**RESOLUTION #122**

**APPOINTMENT TO CORINTH IDA**

Supervisor Lucia stated that there was a need to fill the vacancy on the Corinth IDA since Matthew Breitenbach had left. 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 Karyl MacDonald be appointed to fill the vacancy of Matthew Breitenbach on the Corinth IDA.

**SUPERVISOR**

Supervisor Lucia stated that the following papers are on file in his office: (cont'd)

New York State Office of Real Property Assessment Ratio for Corinth - 70.61

Letter – Renewal of Liquor License for The New Star Bar

Sales Tax for February 2007 - \$49,046.00

Sayward Memo on CHIPS

Self Sufficiency Program

Thank You cards from Straight Family

Letters from Time Warner – Federal Commission and new rates effective April

2007

Veterans Corner

Women of Distinction

**RESOLUTION #123**

**GIRL SCOUTS OF THE ADIRONDACK COUNCIL**

**2007 WOMEN OF DISTINCTION AWARD**

Supervisor Lucia told the board that one of the women to be honored by the Girl Scouts of the Adirondack Council 2007 Women of Distinction Award is Beverly Towers. 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 of Corinth places a one-half page ad in the amount of Eighty Dollars (\$80.00) in the Girl Scouts of the Adirondack Council 2007 Women of Distinction Award Program.

**Councilman Byrnes**

Councilman Byrnes asked about the HUD distribution for one of the rentals in the amount of \$1,150.00 of which they pay \$663.00 to the same person as rent subsidy.

Supervisor Lucia said he would make a telephone call on this and get back to Councilman Byrnes as soon as he hears back.

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

- Assessors
- Building
- Animal Control
- Fire Department
- Highway
- Justice
- Town Clerk
- Zoning
- Senior Citizens
- Supervisor

**Councilman Brown**

Councilman Brown told Highway Superintendent Plummer that the door at the Senior Citizens Center they don't think is right. He said they think it was installed right but there are gaps you can see right through to the outside. Councilman Brown said he would call Curtis if Mr. Plummer didn't want to. Highway Superintendent Plummer said that his department would look at it tomorrow and if needed they would contact Curtis since they ordered the door.

**RESOLUTION #124**

**APPROVAL OF MOTION TO ACCEPT SUPERVISORS MONTHLY REPORT**

A motion was made by Councilman Major, seconded by Councilman Brown, 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 February, 2007.

**PUBLIC**

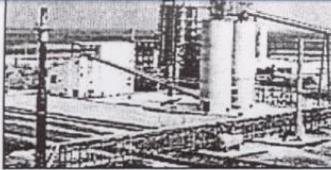
**BARBARA WEATHERWAX**

Barbara Weatherwax read the following to the board:

- ♥ The Village Board Meeting last night put a new level of urgency on the village and town boards to RISE to the occasion in this trash industry crisis.
- ♥ Philmet has stipulated some serious demands of the VILLAGE BOARD and in turn they offered two points that Philmet agreed to put into the deed covenant.
- ♥ No MSW and No C&D will be used in connection with their property.
- ♥ Atty. Levine said that 2 out of 3 wins are good. HOWEVER, the village won NOTHING in reality --- Philmet has repeatedly stated that they have NO INTENTION of using EITHER in their operations.
- ♥ The third item asked for by the village was INDUSTRIAL WASTE – That PHILMET REFUSED TO AGREE TO. We all know that is their TARGET.
- ♥ PAPER SLUDGE is the industrial waste that Philmet has been pushing the TOWN to be able to IMPORT to the LANDFILL.
- ♥ Philmet intends to IMPORT paper sludge to FUND the conversion of the existing energy plant on their land into a Gasification Plant as part of their 3 yr. plan.
- ♥ Philmet is DISTRACTING the general public with their PLASTICS Plant as a promise for jobs and tax base expansion – smoke screens and mirrors.
- ♥ The Gasification Plant is the energy component that Philmet has made abundantly clear IS THEIR GOAL since the very first meeting with local officials 2 years ago. We get it and we see clearly what is being done to get it.
- ♥ We can NOT afford noxious Pollution from trash burning that will be devastating this community – Philmet has said that industry is nothing new for this community – and that we **should be used to the many conditions associated with it.** Oh yes we are & that is why we won't lay down and let trash industry operate.
- ♥ Trash industry will destroy any chance to attract Clean & desirable business, housing development & tourist trains... Do you realize that
- ♥ the town of Corinth **holds the KEYS to the KINGDOM** – the LANDFILL is the KEY Item that will determine whether PHILMET operates TRASH INDUSTRY OR NOT – never mind their plastics plant --- look at the GASIFICATION PLANT HIDING right behind it.
- ♥ The town of Corinth has the REMEDY already secure in the LANDFILL LAW --- we must make sure no EXCEPTION weakens our position.
- ♥ Last summer after a 4 o'clock workshop Dick told Mary and I that that a man called him a week before and did not tell him who he was – dick said, the man told him that Philmet was going to force the town to allow them to open the landfill for their use and they can't do anything about it.
- ♥ I responded by saying: no way dick – that is NOT what will happen, no one can make you change a Law already on the books. The ONLY way that landfill will be opened up to Philmet is if YOU let it happen – ALL THIS TIME I asked myself what was that all about? and NOW ---
- ♥ We had a glimpse at the last town workshop of an EXCEPTION to the LANDFILL LAW --- **WHAT** could have brought this to the table? YOU ARE SUPPOSED TO BE STRENGTHENING THE LAWS NOT WEAKENING THEM.
- ♥ The people need to see the ZONING DRAFT and be able to know what that Exception could possibly do to the existing law. Any one of you can ask for this on our behalf. We need to know.

**ADRIENNE HULL**

Adrienne Hull read the following to the board:



**Program Performance Goal:**

By 2010, complete research and developer advanced power systems capable of achievin and 50 percent electrical efficiency at a capit \$1000 per kilowatt or less for a coal-based p

**MORE INFO**

- How Gasification Power Plants Work
- Pioneering Gasification Power Plants
- DOE's Current Gasification Research

Coal gasification offers one of the most versatile and clean ways to convert coal into electricity, hydrogen, and other valuable energy products.

The first coal gasification electric power plants are now operating commercially in the United States and in other nations, and many

experts predict that coal gasification will be at the heart of the future generations of clean coal technology plants for several decades into the future. For example, at the core of the U.S. Department of Energy's *FutureGen* prototype power plant will be an advanced coal gasifier. [[> Read more about FutureGen](#)]

Rather than burning coal directly, gasification breaks down coal - or virtually any carbon-based feedstock - into its basic chemical constituents. In a modern gasifier, coal is typically exposed to hot steam and carefully controlled amounts of air or oxygen under high temperatures and pressures. Under these conditions, carbon molecules in coal break apart, setting off chemical reactions that typically produce a mixture of carbon monoxide, hydrogen and other gaseous compounds.

Gasification, in fact, may be one of the best ways to produce clean-burning hydrogen for tomorrow's automobiles and power-generating fuel cells. Hydrogen and other coal gases can also be used to fuel power-generating turbines or as the chemical "building blocks" for a wide range of commercial products. [[> Read more about hydrogen production.](#)]

The Energy Department's Office of Fossil Energy is working on coal gasifier advances that enhance efficiency, environmental performance, and reliability as well as expand the gasifier's flexibility to process a variety of coals and other feedstocks (including biomass and

municipal/industrial wastes).

The capability to produce electricity, hydrogen, chemicals, or various combinations while eliminating nearly all air pollutants and potentially greenhouse gas emissions makes coal gasification one of the most promising technologies for the energy plants of tomorrow.

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### **DENNIS MORREALE**

Dennis Morreale told the board that he was encouraged by the Village meeting. He said it was a very positive meeting. He said he has done quite a bit of research on gasification and he finds that gasification is the most environmentally positive way to generate electricity and there is virtually no pollution from it. He said that when you gasify coal it doesn't make it any worse to put it back in the ground than when you took it out of the ground. He said that the Village board is about ready to come to a conclusion. He asked the board if in their work with Philmet and the Village if they were comfortable with what was going on. Supervisor Lucia told Mr. Morreale that his board had not seen the latest revision. Councilman Major said he understood that there had been a change in the agreement and it came out late yesterday afternoon so none of the board has had a chance to review the latest changes. Mr. Morreale asked that in the negotiations does the Town Board feel that Philmet is working in good faith and it is coming to a conclusion. He said Philmet has invested a lot of money and has been unable to do anything on their property for over a year. He said that if Philmet brings in a Plastics Company then that is going to add to the tax base. He said he is concerned that this has been going on for so long. He also said that Philmet, whether the board likes them or not, is a member of our community. He said he hopes that the board will take immediate action to help Philmet along in securing those jobs. Councilman Saunders told Mr. Morreale that he was only at one meeting with Philmet's attorneys and all other meetings have been between all the attorneys.

### **Diana Jordan**

Diana Jordan read the following to the Town Board:

Two weeks ago I attended a town board meeting. We were told not to worry, the town board was working on the zoning laws. And then we were told that the Philmet attorneys were "assisting" with the writing of these laws. Why would our town board invite this dirty industry business to help write zoning laws that are suppose to protect us from dirty industry??? I didn't get it!

The following week there was to be a work shop that would discuss these zoning laws. And the board did discuss it. Behind closed doors, with no record of what was said. While the people who came to hear the discussion of the zoning laws sat for well over an hour for them to come back. When they came back it was very apparent that they did not intend to discuss anything about the new additions to the previously written zoning laws. Then John Major asked the lawyer to explain a few things and it was only then that we got a glimpse of what 3 of these new and most definately not improved zoning laws were. Dirty composting was once again up for grabs and Philmet was now to be allowed to deposit paper sludge and ash on the IP site. Now I do get why Philemet was allowed to assist with writting the new zoning laws. Naming it the Corinth Mills does NOT make it a mill. Where would they be getting paper sludge and why. To burn maybe!?! If you allow this company to open the "burning dirty door" even an inch - they will keep you in litigation until they can do whatever they want. And what they want to do is make lots of money and that is their right but it is not their right to make it at the expense of our health and welfare. Two members of the board have sold out the thousands of people who begged to have zoning laws to protect us from dirty industry. And it is sad to see that the other 3 members either can't or won't stop them. Do you know why Philmet is pushing so hard to get in here? It is because other areas have written their zoning laws to protect them from this kind of industry and dirty industry is running out of places to go. You let 1 dirty industry in this town and that is all we will ever have. No clean industry would want to be here. No one else is going to want to be here either - just see what that does to your tax base

then. You can not even get Philmet to pay its taxes.

You have invested in the railroad station in Corinth. Do you honestly think that people are going to ride the scenic railroad and get off at the Corinth station so they can smell what is burning and watch pollution spewing into the air?

Please remove these new exceptions that you have written into the previous zoning law draft. The very, very large majority of the residents of the town of Corinth have made it clear. No dirty composting, No dirty gasification.

I wrote this before I attended last night's village meeting. I believe all the town board was there with the exception of Supervisor Lucia but I assume he has been filled in on the details of the negotiations. You do realize that there was no negotiation. There needs to be a give and take with negotiations. Philmet never wanted anything but industrial waste. They did not give up anything. It is Petruzzo who wants municipal waste and sludge. And it appears that he will be getting that too. ~~So, the town~~ <sup>CORINTH</sup> may or may not be getting a plastics plant ( it has been offered to other towns before by Philmet). So there may be a minimal number of jobs for a minimal wage. We will also be getting noxious orders from burning of industrial waste, noxious orders from the burning of municipal waste and pollution spewing into the air. Philmet will be making lots of money from importing industrial waste and Petruzzo will be making lots of money by importing municipal waste. Do you really think that Corinth has negotiated a good deal?

### **JACQUELINE BURNHAM**

Jacqueline Burnham said she appealed to the Town Board to end the civil war that is going on. She said she feels that the Town has an opportunity to pull itself back up and develop our community. She said she is concerned about the elderly who cannot afford more taxes.

**Supervisor**

Supervisor Lucia said he felt compelled to tell Mrs. Jordan that the reason that he did not go to the Village Board meeting was because he was under advisement from one of the Town's attorneys not to go.

**Tim Halliday**

Tim Halliday told the board that he wanted to take an opportunity to thank the board for passing the earlier resolution pertaining to school taxes. He said that school taxes are something everybody struggles with especially those of us involved in it so closely every year. He said to educate a child in this community costs about \$12,000.00 to \$13,000.00. He said if you take an \$18,000,000.00 budget divided by 1340 or 1350 students you are looking at \$12,000.00 to \$13,000.00. He said the state reimburses the school 50% to 60% that leaves between \$5,000.00 to \$6,000.00 per student as a burden to the taxpayers of this community. He said that even if you bring in even the planned \$250,000.00 homes the school taxes on that home would not even equal the cost of one student. He said if those people have two or three students somebody is going to bear the burden of the rest of those taxes. He said the people in this community could go just so far. He said we need more of a tax base in this community. He said he doesn't think anyone in Corinth wants trash and that is pretty much a dead issue because everybody has come out against it. He said that he is hoping that the board comes up with some solution to increase our tax base.

**Louise Kirkpatrick**

Louise Kirkpatrick read the following to the board:

Last town board workshop was a disgrace. The discussion announced by the town attorney after the executive session, was the "consensus" of the board at this time was to hire an expert on sewer sludge and trash composting. The Town attorney drew up the first two clean composting drafts on the "consensus" of this very same board. After 13 months of a moratorium, prohibiting waste industries, and two good clean composting laws drafted by our town attorney, this is what this board tells their constituents, us, the people they work for.

The board has been handed numerous articles on the health hazards, even a reported death, the SMELL, pollution and environmental issues associated with sewer sludge and trash composting. The time for research is long gone, it's time to finish the clean composting law and prohibit waste processing and burning in the Town.

It does not take an expert to tell any one with common sense that you can not compost sewer sludge and trash, which are full of heavy metals, <sup>and toxins</sup> like Mercury, Lead, pesticides, embalming fluids, radioactive material, paint, cleaning and industrial chemicals, bleach, human and animal feces, full of bacteria, I could go on and on with the list. It does not take an expert to tell you that this LOW nutrient fertilizer has no market. Because, NO one in their right mind would spread LOW nutrient fertilizer on their fields to grow food for animals, or human consumption. Because farmers with conscience want clean HIGH nutrient compost to enhance they're feed for their livestock, and for quality nutritious food products, they produce.

What bothers me the most is this was NOT the boards idea, In fact it was Mr Petruzzo's and Mr Mike O Connell's, Petruzzo's attorney's suggestion to the board at a November workshop that both of them and two Bedministers attorney's sat in on, while this community was in a moratorium. Mr O Connell even offered to supply a name of an expert he knew. The applicant, the very reason we are in a moratorium giving our elected officials his sales pitch on the taxpayer's dime. Petruzzo also came armed to this meeting with a list of bribes, or as the Trash Industry refers to as HOST BENEFITS. As a member of the board pointed out that it was not right for Mr Petruzzo to do so, he called it dangled a carrot in front of them. Yet Mr Lucia allowed this to go on for the entire workshop.

The intent of Philmet clearly shines through after last nights Village board meeting. Philmet has asked the Town board to lift the dumping code to allow them to import paper sludge. The untruth, so they would have income to repair their buildings. The truth, they refused to prohibit Industrial waste from the deed declaration with the Village, because paper sludge is industrial waste and they intend to burn it in their gasification plant. Not to mention other hazardous materials, which fall under industrial waste according to the DEC list read last night.

Philmet knew about the Dumping code when they purchased the property, there is NO reason for the Town to alter this law.

The community has told you through many avenues that they DO NOT want ANY TRASH INDUSTRY in Corinth. We have asked you to write a clean composting law and prohibit waste processing and burning in Corinth. We have asked you NOT to alter the dumping code currently on the books.

As many remember the American Ref-Fuel public hearing when Laura Green the toxicologist hired by American Ref-Fuel was asked the question, "can you guarantee this industry will not hurt us?"

Her answer was "NO, of CORSE NOT, THIS IS THE TRADE OFF YOU MAKE having this type of industry."

What price can any one in this room put on your health, your children's health, clean air, clean water, and a food source that is not contaminated with pollutants?

Gentlemen, how many HOST BENEFITS, and amount of tax revenue will YOU TRADE for the above?

*Dr. Connett*

I would like to hear comments from every board member how this new "consciencess" to hire an expert came in to play at this late stage.

*Thank you*

Louise said that Dr. Connett told her that gasification has the same problems that go right along with incineration. She said he would be glad to come down and debate Philmet's proposal.

### **Kate Halliday**

Kate Halliday thanked the board for appoint a justice. She also asked if the Town Board was going to have a plaque made in memory of Judge Straight. Supervisor Lucia told her that they were definitely going to put up a plaque in Judge Straight's memory.

### **Attorney Hafner**

Attorney Hafner explained what the attorneys have been discussing. He said that they see there are three major issues: 1. The attorneys have drafted a Local Law dealing with Disposal of Waste for the Town Board consistent with the directions that the various board members have given them; 2. They have been negotiating with the attorneys for Philmet and the Village; 3. The composting law.

Attorney Hafner said it is not true that Philmet helped write the zoning laws. He said that his firm has received requests from the public, as well as Philmet, for copies of the draft

laws. He said that they have told everyone that it is a matter of drafting that they have been doing and that until the Town Board is ready to move forward with the proposed language the Town attorneys could not make their drafts available because they had nothing to provide. Attorney Hafner said that at the same time that it is made available to everyone in the public it would be made available to Philmet's attorneys.

Attorney Hafner said that his firm has broken down the waste disposal issues that the board has been concerned about into two. He said that they are working on the composting local law but this proposed local law is not dealing with that. He said this is dealing with all the other issues the Board has asked the Town attorneys to do. Attorney Hafner said that in their review of the Town of Corinth Dumping Law was not as restrictive as the Town Board indicated it should be and did not clearly have all the restrictions that the Town Board wanted. He said that the draft proposal the board has in front of them tightened up some things. Attorney Hafner said that in negotiations with Philmet their attorneys have said time and again what they are interested in is building a plastics plant and a power generation plant that will create power for the plastics plant and which they will sell any excess. Attorney Hafner said the sources of energy that they have discussed using in that power plant are either normal energy like natural gas or coal or wood burning. Attorney Hafner said that there have been a lot of discussions regarding the landfill. He said Philmet's attorneys have asked to have the ability to bring in paper sludge and deposit it in the landfill. Attorney Hafner said the Town Board's consensus is that they did not want the importation of paper sludge to come in and to be used in the Town or be deposited in the landfill. He said however, the Board realized that the landfill is a major expense and part of this property and if the items being deposited in it were created on site The Board would consider allowing such items to be deposited in the landfill. Attorney Hafner said that they would have to go through the things necessary to develop the property and also obtain DEC approval. He said that the landfill has historically been used for paper sludge created on site. Attorney Hafner said that was one of the intents of the dumping law and it had to be drafted clearer. Attorney Hafner said that his firm kept that in as an exception that if paper sludge is created on site it can be deposited in the landfill. The second thing that the Town's attorneys drafts as an exception to the Town's Dumping Law was to add that wood ash created on site from this power plant, if it was only natural wood burned on site, it could be deposited in the landfill.

Attorney Hafner said the other changes that were made in the Dumps and Dumping Law were the variance procedure. He said the variance procedure that the Town currently has says the Town could grant any variance it deems appropriate. He said that that could be read that the Town Board could grant a variance to allow industrial waste to come from out of town to be buried there. Attorney Hafner said they tightened up the language to be

consistent with what they understood the town board wanted to say, the Town Board could grant a variance but it would have to be a variance for waste material property created on site. He said that this Local Law stops other landfills from being created.

Attorney Hafner said that his firm has also tightened up the Junkyard Language to make it clearer so that someone would not make a dump and call it a junkyard.

Attorney Hafner said the last thing that his firm did at the Town Board's direction for this proposed Local Law is make changes to the Town Zoning Ordinance. He said the proposed Local Law has changed the definition of Industry/Manufacturing. He said it was changed to prevent a whole list of items that might be called ultra hazardous type of processes. He gave a list of some of the items that would not be allowed in the town as follows: refineries; cement manufacturing; slaughterhouses; explosives manufacturing; nuclear weapons or components of nuclear weapons; storage or transfer of toxic or hazardous wastes, including medical wastes; manufacture or storage of extremely toxic chemicals; manufacture, process, generation or storage of corrosive, highly toxic, oxidizing, pyrophoric, water-reactive, highly combustible, flammable or explosive or health hazard, including loose, combustible fibers, dust and unstable material; or manufacture, storage transportation or use of any substance potentially dangerous to the public health, safety and welfare, including generation of any such material as a by-product or waste product. He said those were things that his firm has made clear in the proposed Local Law not allowed in the Town.

Attorney Hafner said that this Local Law does deal with composting to only one small extent. He said it was his understanding after talking to the Town Board that one of the things before the Town Board acts on the composting local law is that the Town Board wishes to have some scientific support for the different reasons that it might constitute a health or safety hazard. He said his firm's advice was that the Town Board should make sure that they have scientific advice to support whatever decision they make. Attorney Hafner said that therefore his firm feels that composting should be dealt with separately from waste disposal. He said that under the current zoning Composting is listed as a Special Permit Use in the Industrial (1) District. Attorney Hafner said in this draft Local Law now presented deletes Composting from Special Permit Use. He said that the way the zoning is written that if it does not appear it is not allowed.

Attorney Hafner said the proposed Local Law also deleted Manufacturing Industry and Industry, Light, as Permitted Uses in the Industrial (1) District and added them as Special Permit Uses in the Industrial (1) District. He said that this will allow the Town Planning Board more ability to scrutinize and review and decide whether or not they are appropriate in the places that they are requested.

Attorney Hafner said that his firm did prepare a resolution that would start the process to moving it forward. He said that because it involved the Town Zoning Law the first place the local law will have to go is to the Planning Board for their recommendations.

Attorney Hafner said that after the Planning Board makes its recommendations and their recommendations are reviewed, the board would move forward with a resolution that would set a public hearing, send the local law to the County Planning Board, give notice to all the municipalities within 500 feet of the town and it would require the Town to post and publish. He said that cannot happen until the Town Board gets the recommendation of the Planning Board or 35 days have passed.

### **Highway Superintendent**

Highway Superintendent Plummer asked if the Town could take the items from their burn pile and have them burnt at the Philmet site. Attorney Hafner said that it was okay as long as it was natural wood.

### **Councilman Saunders**

Councilman Saunders said that regarding the Executive Session last week it just seemed like that every time the board gets to a point something pops up that is legal or contentious and then the board has to stop and get legal advice and that takes time. He said it has been long and it has been hard. He said he appreciates the time that Mr. Hafner has taken this week to discuss this matter with him. Councilman Saunders said the only concern he has is that taking this out of Industrial – Special Permit. Attorney Hafner said that the board does not have in front of them is the resolution, if they do decide to pass this, that would make it clear that the moratorium about composting continues until the board has had a chance to have some expert guidance and can move forward regarding that. Attorney Hafner said that this will end the moratorium for some things other than composting.

### **Councilman Brown**

Councilman Brown asked if this said they could deposit paper sludge in the landfill. Attorney Hafner said only if it is created on site. Attorney Hafner said that this local law made it tighter. Councilman Brown asked about the protection of no other sludge. Attorney Hafner told Councilman Brown that the Local Law protects the Town from anyone bringing in outside sludge.

### **Councilman Byrnes**

Councilman Byrnes asked about Section 71-4 exceptions wherein in states as follows, “disposing of noncommercial or nonindustrial rubbish, waste material and rubbish on the property upon which such rubbish, waste material and garbage is produced”. He said he

understood that this was placed there for agricultural purposes in case a farmer had a carcass or such to dispose of. Attorney Hafner said he interpreted it to be things like people might want their own leaf piles, composting pile, or brush pile to be disposed of on their own property. A discussion of this matter between the board members and the attorney was had. Councilman Byrnes asked if we could change this so that the future boards that are handling this would have an easier time. Councilman Byrnes suggested that we omit the words “waste material and garbage” in both spots and add the words “composed solely of natural organic materials”. It was the consensus of the board that this be changed so as not to hold up the process and not delay it. Attorney Hafner said he would make the change and email it to the Town Clerk so as not to hold the process up.

**RESOLUTION #125**

**RESOLUTION TO FORWARD PROPOSED**

**LOCAL LAW AMENDING THE CORINTH LAND USE LAW RELATING TO DISPOSAL OF WASTE TO THE TOWN PLANNING BOARD**

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

**WHEREAS**, the Town Board has prepared a proposed Local Law which would amend the Town Land Use Law and other sections of the Corinth Town Code consistent with the development objectives of the Town to mitigate potential impacts relating to the disposal of waste to the maximum extent possible; and

**WHEREAS**, Town Code Section 89-60 provides that all proposed revisions to the Town Land Use Law shall be referred to the Planning Board for a report and recommendation thereon prior to adoption of any such Local Law;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Supervisor is hereby authorized and directed to forward a copy of the proposed Local Law to the Town Planning Board for a report and recommendation thereon pursuant to Town Code Section 89-60; and be it

**FURTHER RESOLVED**, that this Resolution shall take effect immediately.

## **ATTORNEY HAFNER**

Attorney Hafner said that he knows there was hope that the Town Board could act on the Site Development Agreement and the Declaration of Covenants but a revised version was received yesterday. Attorney Hafner said their firm had reviewed it and has proposed a few more small changes and they have sent it back to Philmet's and the Village's attorneys. Attorney Hafner said he did not think it was ripe for the Town Board to consider it. Attorney Hafner said he did want to explain a little bit. He said that the Declaration is not something that Philmet had to give. He said it was not something that was usually obtained from someone buying a piece of land in the town. Attorney Hafner said that his firm explained how concerned the Town Board and the town residents that there was a concern about bringing in municipal solid waste and C & D. He said this Declaration will prohibit that. He also said that there are provisions in the Declaration that if the deal falls apart the Declaration and Site Development Agreement terminates and we are in the same place we are now. Attorney Hafner said that if things go smoothly they will sign the Declaration and then the Village will rescind their condemnation proceedings. He said the Declaration is a permanent thing preventing certain uses on the property forever. Attorney Hafner said that from the Town Board's point of view this was a big item to get. He said that there have been comments about Industrial Waste. He said the fact that it is not prohibited in the Declaration, that is not normally used to regulate uses of property they regulate uses of the property by Zoning process. He said the Local Law that was started tonight is to deal with those issues. Attorney Hafner said that his firm told Philmet's attorney that if it wasn't in the Declaration that it would be made part of the Local Law. He said Philmet's attorneys understood that. Attorney Hafner said that the thing Philmet's Attorneys did not want was as technologies change over time there may come a time when it may come to be a good idea then they can at that time seek to use those materials.

Attorney Hafner said the Site Development Agreement is a very elaborate agreement where it describes what their project is. He said they are hoping to have the plastic plant and the wood burning energy plant. Attorney Hafner said the Town and Village Board would be agreeing to act in good faith and cooperate. He said that since the Town Board wants tax base and jobs so they want to talk. He said the Village agrees that if all is done correctly to rescind their condemnation proceedings. Attorney Hafner said that it looks like they want to have things moving and perhaps built in three years.

Attorney Hafner said that there is still one section that needs to be finished and that is the section on payment of taxes. He said that they propose to add school taxes but they don't have the language as of yet. Attorney Hafner said he hopes to have the tax matter finalized in the next week or two.

**Councilman Saunders**

Councilman Saunders asked when the public can get their hands on a copy of this to read. Attorney Hafner said he will deliver the documents once all changes have been agreed to between Philmet’s attorneys, the Village’s attorneys and the Town attorneys.

Councilman Saunders asked about securing a expert regarding the composting. Supervisor Lucia said that Jim Martin and Attorney Hill will be meeting with the person and give him the area of discussion. He said that at next week’s meeting a date when the expert will be before the board will be announced.

**Councilman Byrnes**

Councilman Byrnes spoke about the Executive Session last week behind closed doors with the Town Attorney. Councilman Byrnes said it was done legally and was client/attorney informational meeting. He said Attorney Hill is keeping the board on track.

Councilman Byrnes told the board that he and Councilman Brown attended a meeting last week on the Fire Budget. He said he would report to the board at next week’s meeting.

Councilman Byrnes asked if he could attend the APA Local Government Day school in Lake Placid. He said the cost is \$45.00. Supervisor Lucia said the Town always likes to see their people attend school. Councilman Brown said he may go to this school too.

With no further business, on a motion of Councilman Byrnes and seconded by Councilman Brown, the meeting was adjourned at 9:05 PM. Carried unanimously.

Respectfully submitted,

Rose E. Farr, RMC  
Town Clerk