

April 26, 2007

The Town Board of the Town of Corinth held a regular meeting on April 26, 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
Shawn Eggleston, Deputy Highway Superintendent
Robert Hafner, Attorney
Fred Mann, Code Enforcement Officer
Rose E. Farr, Town Clerk
Joan Smead, Deputy Town Clerk

Public Present: Ray Bush, Kate Halliday, S. Adrienne Hull, Sigrid Koch, Jim Murray, Sr., Dennis Morreale, Mary Williams, Mary Murphy, Vivian Passino, Jim Hopkins, Karen Saunders, Carroll and Ginny Ogden, Tom Normile, Joyce Day, Barbara and Charles Weatherwax, Dan Mills, Patricia Goldberg, Joel Duguay, Bill Denno, Lindy Walker, James Woods, Attorney Matthew Fuller, Russ Boggs, Louise Kirkpatrick, Bryan Harrison, Jeff Fedor, Ralph Petruzzo, and Bruce and Renee Baker.

Supervisor Lucia apologized to the public for the Town Board being late for the meeting due to the fact that they were in an attorney/client meeting.

After Roll Call, Pledge of Allegiance and a short prayer with a moment of Silence in memory of Arthur Eggleston. The following business was conducted:

SUPERVISOR

Supervisor Lucia told the Town Attorney that he had received a Cable Franchise Agreement from Time Warner. The Town Attorney told the board that he also received a copy of the agreement but had not yet had time to review the agreement. Attorney Hafner told the board that he would review the agreement and get back to them as soon as he could.

ATTORNEY

Attorney Hafner stated that he and the Town Clerk need some clarification regarding the resolution passed at the April 12, 2007 meeting regarding the proposed Local Law Amending the Town Code Relating to Disposal of Waste. Town Attorney said that he understands that there has been some mix up on what the board actually wanted.

RESOLUTION #149

RESOLUTION TO DISCUSS RESCINDING RESOLUTION #142

A motion was made by Councilman Saunders, seconded by Councilman Brown, to open for discussion of Resolution #142 of April and the following vote to open the matter up was had:

Supervisor Lucia	-	Yes
Councilman Brown	-	Yes
Councilman Major	-	No
Councilman Byrnes	-	No
Councilman Saunders	-	Yes

Carried: 3-0

Attorney Hafner said that the Town Board had just, today, received a letter from Philmet regarding the changes that were proposed in Resolution #142 of April 12, 2007. He said that the Town Board might need time to review the letter since they only received it at about 3:00 PM.

Councilman Byrnes said he thought that the Board needed more time to look over the letter from Philmet. Councilman Byrnes said he thought that if a variance was in fact to go before the Town Board the process needed specific standards on approving or disapproving a variance.

Attorney Hafner told the board that if the provision was left as a variance to come before the Town Board then the Town Board was given great discretion. However if there are specific standards then he needs to know before the local law is put to Public Hearing.

Councilman Saunders said that he feels substantial time and money has gone into the negotiations and that Philmet has done nothing illegal during this whole time. He said that seven or more attorneys have met and discussed this. He said that he does not agree to a use variance and is concerned with the variance going to the Zoning Board of Appeals. He said he would like to see the Local Law back in its original state.

Supervisor Lucia said that he agreed with Councilman Byrnes that specific standards for variances should be agreed to if the variance is going to be handled by the Town Board. He suggested working on the standards and coming back at the May 10th meeting with a list of specific standards.

Councilman Saunders said he felt that it had taken over a year to get this far and therefore he could not see the board making specific standards within two weeks. He said he thought it would just be a delay. He said that Philmet came in good faith. He said that he thought Article 1 of Philmet's proposed Site Development Agreement says it all.

Attorney Hafner told the board that Article 1 did not make any specific standards. He said the Town's current Dump and Dumping Law says the Town Board has a reasonable and rational process to follow. He said the Town Board needs take time to make the law in the form that the Town Board is comfortable with.

Supervisor Lucia said that he felt the amendments to Section 75-1 “Variance” needs list included by not limited to. He said the attorneys will draft this in as much detail as the Town Board wants all they have to do is tell the attorneys what the Town Board wants. He said the list needs to be part of the Local Law and is a substantial change.

Councilman Saunders asked the board if they thought they could come up with a list in two weeks when it has taken over a year to get this far.

RESOLUTION #150

RESOLUTION RESCINDING RESOLUTION #142 OF APRIL 12, 2007

A motion was made by Councilman Saunders, seconded by Councilman Brown, and the following resolution was read and the following action was taken:

RESOLVED that the proposed Local Law #2 of 2007 be presented as follows at the Public Hearing on May 10, 2007, at 7:10 PM:

**A LOCAL LAW
AMENDING THE CORINTH TOWN CODE
RELATING TO DISPOSAL OF WASTE**

Be it enacted by the Corinth Town Board as follows:

ARTICLE 1. PURPOSE - The Town recognizes that any facility utilized for the disposal of waste material may present a hazard to both the natural and man-made resources of the community. Accordingly, the Town seeks to regulate such facilities consistent with the development objectives of the Town to mitigate these impacts to the maximum extent possible.

ARTICLE 2. AMENDMENT OF TOWN CODE – The Code of the Town of Corinth (“Town Code”) is hereby amended as follows:

A. Chapter 71 of the Town Code, entitled “**DUMPS AND DUMPING**” is amended as follows:

(i) **Section 71-1**, entitled “Declaration of policy”, is amended to read as follows:

It is hereby determined by the Town Board that the operation of dumps for the disposal of ~~garbage and rubbish~~ garbage, rubbish and waste materials of any nature are likely to constitute a hazard and menace to health and safety of the residents of the Town of Corinth, and it is therefore the intent of this chapter to

prohibit the operation of dumps other than by the Town of Corinth ~~for the disposal of garbage and rubbish in the Town of Corinth~~ pursuant to §130, Subdivisions 6 and 15 of the Town Law of the State of New York.

- (ii) The definition of PERSON contained in **Section 71-2**, entitled “Definitions”, is amended to read as follows:

PERSON -- Includes an individual, firm, partnership, corporation, limited liability company, municipality or association of persons.

NATURAL – “Natural” shall mean naturally found or created and not created through manmade processes.

ORGANIC – “Organic” shall mean composed solely of animal or plant matter.

- (iii) **Section 71-3**, entitled “Restrictions”, is amended to read as follows:

The operation or maintenance of a dump other than by the Town of Corinth ~~for the disposal of garbage and rubbish~~ is hereby prohibited in the Town of Corinth.

- (iv) **Section 71-4**, entitled “Exceptions”, is amended to read as follows:

Nothing herein contained shall be deemed to prohibit any person from (a) disposing of noncommercial or nonindustrial rubbish composed solely of natural organic materials, ~~waste materials and garbage~~ on the property upon which such rubbish, waste material and garbage is produced or (b) disposing of paper sludge, or ashes produced by burning untreated wood, on the property upon which such paper sludge or ashes are produced, provided such sludge and/or ashes are deposited only in dump or landfill approved by the Department of Environmental Conservation and in accordance with a valid Department of Environmental Conservation permit.

- (v) **Section 71-5**, entitled “Variance”, is amended to read as follows:

A person may apply to the Town Board for a variance to the provisions of this Chapter, except that no variance may be granted that would allow deposit or disposal of any waste material on property other than that where it is created, generated or produced. *The applicant for such a variance shall pay any costs incurred by the Town in reviewing the application.*

B. Chapter 87 of the Town Code, entitled “**JUNKYARDS, AUTOMOBILE**” is amended as follows:

(i) The first sentence of **Section 87-1**, entitled “Legislative intent” is amended to read as follows:

By the adoption of this chapter, the Town Board of the Town of Corinth declares its intent in so doing to be to regulate, control and license the activities or businesses known as "auto graveyards," "junkyards," and "secondhand parts collection areas" and the processing of used metals for resale and the storage and/or disposal of other used or secondhand property intended for resale ~~dumping, storage and disposal of waste, secondhand or used materials of whatever composition.~~

(ii) **Section 87-3**, entitled “License required”, is amended to read as follows:

No person shall engage in or conduct on real property within the Town of Corinth, either for himself or for and on behalf of any other person, directly or indirectly as agent, employee or otherwise, any activity or business, either for profit or otherwise, at wholesale or retail, which involves the collection, storage, ~~dumping~~, disassembling, dismantling, salvaging, sorting or otherwise handling or arranging for sale, resale, storing or disposal or otherwise of bodies, engines, or other parts of autos or of any other secondhand or used property, of whatever material it is composed, or any waste material, whether composed of wood, paper, cloth, cardboard, plastics, metals, stone, cement or otherwise, without first obtaining a license therefore as hereinafter provided.

C. **Chapter 89** of the Town Code, entitled "**LAND USE**", is amended as follows:

(i) **Section 89-56**, entitled "Planned Unit Development District Standards", is amended by deleting subparagraph (4) of paragraph B, entitled "Industrial PDD standards".

(ii) **Appendix A** entitled "DEFINITIONS" is amended as follows:

(a) the definition of WASTE DISPOSAL AREA is deleted in its entirety;

(b) the definition of INDUSTRY/MANUFACTURING is amended to read as follows:

INDUSTRY, MANUFACTURING - Any industrial process whereby the nature, size or shape of article is changed into a product that generally shall be a finished product for the manufacturing, processing, cleaning or assembly of any product, commodity or article which is not considered Light Industry; but not including (a) refineries, (b) cement manufacturing, (c) slaughterhouses, (d) explosives manufacturing, (e) nuclear weapons or components of nuclear weapons, (f) storage or transfer of toxic or hazardous wastes, including medical wastes, (g) manufacture or storage of extremely toxic chemicals, (h) manufacture, processing, generation or storage of corrosive, highly toxic, oxidizing, pyrophoric, water-reactive, highly combustible, flammable or explosive materials that constitute a high fire, explosion or health hazard, including loose, combustible fibers, dust and unstable material, or (j) 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.

(iii) **SCHEDULE 1** is amended as follows:

(a) "Compost Facility" is deleted as a Special Permit Use in the Industrial (I) District;

(b) “Manufacturing Industry” and “Industry, Light” are deleted as Permitted Uses in the Industrial (I) District and added, with their respective area and bulk regulations, as Special Permit Uses in the Industrial (I) District.

ARTICLE 3. The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

ARTICLE 4. *Neither all nor any part of this Local Law shall have the effect of terminating or preventing the extension of the Local Law entitled “A Local Law Establishing a Moratorium on Waste Disposal Facilities in the Town of Corinth,” which was approved by the Corinth Town Board on January 26, 2006 and filed in the New York Secretary of State’s Office on February 2, 2006 as such Moratorium applies to composting facilities and as such law has been extended and may be further extended. During such Moratorium and its extensions, the Town Board has been and is continuing to study composting and the potential effects of composting on the health, safety and welfare of Town residents. The Town Board plans to adopt a separate Local Law in the future to address composting.* All *other* Local Laws or ordinances or parts of *other* Local Laws or ordinances in conflict with Articles of this Local law are hereby repealed.

ARTICLE 5. This Local Law shall take effect upon filing in the office of the New York State Secretary of State.

ROLL CALL: Councilman Byrnes - yes
 Councilman Major - yes
 Supervisor Lucia - yes
 Councilman Brown - yes
 Councilman Saunders- yes

Carried: 5-0

SUPERVISOR

Supervisor Lucia read the rules set by the Town Board for the Public speaking at a Town Board meeting.

PUBLIC COMMENT:

MATTHEW FULLER:

Attorney for Ralph Petruzzo and presented a letter to the Board and it addresses one point of the Law that you are considering right now. My letter tells you that when you remove the composting out of that district it is gone. Once you pull an approved use out of a Zoning District, it is hard to put it back in.

RALPH PETRUZZO:

Commented on removal of composting from Zoning and his not being able to get information concerning the meetings that have been held and the moratorium. This is about the future of the Town and what the Town wants to be.

JEFF FEDOR:

Two weeks ago at the Town Board meeting, I wasn't expecting what I heard about the change of the use variance. I was impressed with the resolve that the Board came to on that point. Today, I felt disappointment in the decision to rescind the resolution. I don't understand the necessity for speed.

JAMES HOPKINS:

A few weeks ago I was here and saw a 5-0 vote, I want to know what happened in those two or three weeks, how did it happen and how did we get here? Philmet in my mind has shown no disrespect to this community.

LOUISE KIRKPATRICK:

I agree with Jeff Fedor. You work for the people of this community.

ADRIENNE HALL:

I agree with Jim Hopkins, I would also like to know what happened. I want to know why there were problems. There are tough decisions to be made and nobody likes to be in that position to have to make tough choices and I know you all are. I would like to see everyone move forward in the best possible way that we can as a community.

TIM HALLIDAY:

I listened to Mr. Fedor and I understand his concern about doing things right, but we have been doing this for 12 months and I don't think anyone here who has bought property wants to wait for over 12 months to build a house and I understand that this is a bigger project but we can't drive bigger business out of the community either. We have a high school budget and it is a burden on the tax payers of this community and we don't want to drive people out. People who have lived here for generations are the ones who are going to get hurt the worst. I would like to see it start moving forward.

DENNIS MORREALE:

I would like to thank the Board for coming back because it is not easy to change something once you have done it. Thank you for doing a good job.

BARBARA WEATHERWAX:

Did Philmet ever apply for an application? I am very disappointed that a vote that goes through can be turned around.

Town Clerk Rose Farr told the Board that she would be attending the Town Clerk's conference, Monday April 30th, through Wednesday May 2nd.

Highway Superintendent Plummer gave the Board a copy of a letter from DEC restricting burning permits, which means we will have to do something else about the brush at landfill. Supervisor Lucia said He would refer it to the Landfill committee and they would work with Superintendent Plummer.

RESOLUTION # 151
SUMMER HOURS FOR HIGHWAY DEPARTMENT

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

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

Resolved that the Highway Department will begin summer hours on Monday April 30th through Labor Day.

Superintendent Plummer said that Butler Drive needs paving.

Supervisor Lucia stated that the new building at the landfill looks really good. Superintendent Plummer says it saved the Town a lot of money by doing the work ourselves.

General Fund---B

#20070500,0505,0524-0537,0572-0575,0577-0579,0599,0600 \$11,030.41

Highway---DA

#20070508 \$764.91

Highway---DB

#20070503,0509-0523,0538,0580,0582,0583,0601,0602 \$35,753.63

Capital Project/Landfill Upgrades---H1

#20070584-0586,0596 \$5,034.72

Trust & Agency—TA

#20070501,0502,0506,0507,0587-0590 \$78,262.68

Scenic Train—

#165 \$3,160.00

RESOLUTION #153

MOTION TO ADJOURN TO BILL PAYING

On a motion of Councilman Brown, seconded by Councilman Major, the following resolution was

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

RESOLVED that the board adjourns to bill paying.

With no further business, on a motion of Councilman Brown, seconded by Councilman Major, the meeting was adjourned at 5:30PM. Carried unanimously.

Respectfully Submitted,

Joan Smead
Deputy Town Clerk