

MAY 10, 2007

The Town Board of the Town of Corinth held a regular meeting on May 10, 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
Fred Mann, Code Enforcement Officer
Robert Hafner, Attorney
Rose E. Farr, Town Clerk

Public: Joyce Day, Patricia Goldberg, Rena Bernstein, Ruth Syrop, Mary Williams, Herbert Syrop, Vivian Passino, Diana Jordan, Barbara and Charles Weatherwax, Mary Murphy, Ted Jordan, Bruce Carpenter, Lynn Walker, Francis Nicholas, William Denno, Kevin Harris, John D'Alessandro, Kenneth Carter, Yvonne and Russell Melville, Carroll and Ginny Ogden, Jim Murray, Sr., Attorney John McManus, Louise Kirkpatrick, Sigrid Koch, Attorney Matthew Fuller, Robert and Eleanor Kelley, Leif Sandwick, Arthur Randall, Joseph Duguay, Joel Duguay, W. Russell and Veda Boggs, Attorney Todd Morrow, Sarah Alford, Stanley Goldberg, James Woods, Jr., Edwin Eggleston, Adrienne Hull, Jackie Burnham, Karen Saunders, Tim Hanchett, Ralph DeCristofaro, Joyce LaComb, Tim Murphy, Mary Anne and John Woodard, James Hopkins, Renee and Bruce Baker.

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

RESOLUTION #157

APPROVAL OF MINUTES

A motion was made by Councilman Saunders, 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 April 5, 12, and 26th, 2007 be approved

RESOLUTION #158
APPROVAL OF ABSTRACTS

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 abstracts of March 1st and 22nd, 2007 be approved as follows:

April 5, 2007

A - \$ 36,664.08
B - \$ 8,370.17
DA - \$ 41.06
DB - \$ 29,828.56
SL - \$ 612.56
TA - \$ 18,476.05

April 26, 2007

A - \$ 78,262.68
B - \$ 11,030.41
DA - \$ 764.91
DB - \$ 35,753.63
H1(Landfill Upgrades) - \$5,034.72
TA - \$ 78,262.68
Scenic Train - \$ 3,160.00

SUPERVISOR

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

- AATV Booklet
- American Red Cross Report
- Capital District Transportation Commission Note
- Certification – Hon. Lane Schermerhorn
- Corinth Fire Department Report

Supervisor Lucia read the following Proclamation given to Dr. Richard W. Pitkin on May 6, 2007:

PROCLAMATION
HONORING Dr. Richard W. Pitkin
On the Occasion of 50 years of faithful practice in
Corinth
May 6, 2007

Whereas; Dr. Richard W. Pitkin Graduated from Corinth, Worked at International Paper Company in the summers while attending college, and Started his practice, buying a Home and along with his loving faithful wife Shelia, raised their Family in Corinth, N.Y.

And Whereas; Doctor Pitkin has practiced with, and shown exemplary dedication and commitment for 5 decades, in Our Community.

And Whereas; This Town Board gratefully acknowledges his contributions to our citizens, as the Doctor, and as the Town Health Officer for many years, again bringing loving concern, care, excellence, support, leadership, friendship, mentoring, and guidance to our Town.

Now therefore be it resolved; that The Corinth Town Board does hereby recognize Dr. Richard W. Pitkin, for his impact on this community and its citizens. He serves as an inspiration to us all, and we extend our sincerest Thanks and Appreciation for your years of dedication in service to the individuals and families of YOUR Community. God Bless You Doc!!!

RESOLUTION #159

APPOINTMENT TO THE BOARD OF REVIEW

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

ADOPTED Ayes 4 - Lucia, Brown, Major, and Saunders
 Abstained – 1 Byrnes
 Nays 0

Resolved that the Michael Woodcock be appointed to the Board of Assessment Review for a period of 5 years. (October 1, 2006-September 30, 2011).

SUPERVISOR

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

- Family Self Sufficiency Program Report
- NY Property Clearing House Report
- NYSAC News
- Parkland Committee Minutes

RESOLUTION #160

TRANSFERS

Supervisor Lucia told the Town Board that was a transfer that need to be done due to an error. On motion of Councilman Brown, and seconded by Councilman Saunders, the following resolution was

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

RESOLVED that the following transfers be made:

Five Hundred Fifty and 90/100 Dollars (\$550.90) from B8010.2 (Zoning Equipment) to B8020.2 (Planning Equipment) for purchase of tape recorder and accessories that were charged to the Planning Board in error.

PUBLIC HEARING ON PROPOSED LOCAL LAW 2 FOR 2007

Public Hearing opened with the Town Clerk reading the Legal Ad published on April 28, 2007. Supervisor Lucia read the rules for conduct during the meeting.

Ruth Syrop

Mrs. Ruth Syrop told the board that she was eighty and during those years she has heard many politicians speak of lowering taxes but has not seen property, state or federal taxes go down. She said as a parent, grandparent and teacher of young children She does not believe in placing us all in harms way of questionable garbage to energy schemes. She said she wants the board to go the way of Zoning Board of Appeals and Use Variance.

Mary Williams

Mrs. Williams said that she does not agree with the amendments as written wants Zoning Board of Appeals and Use Variance.

Attorney Hafner

Attorney Hafner told the Town Board that he wanted to bring up a couple of non substantive changes based on the comments of the board members to him at the last meeting. First he suggested to change the word "Variance" to "Waiver" so that there is no misunderstanding that it is a zoning variance . Second he said that in the Town's Dump and Dumping Law there are five sections, He said one of them in 71-3 is entitled "Restrictions" and following that is one that is entitled "Exceptions" and following that is one that is entitled "Variance" that the board may want to change it to "Waiver". He said it is clear that the way the chapter of the Town Code is written that the last two sections are exceptions to 71-3 and he recommended just to clarify that The Town may want to add a provision at the beginning of Section 71-3 that just says "Except as provided in Section 71-4 and 71-5 below". He said that would not change how it is interpreted but would make it a little bit clearer. He said that if the Board did not want to do that now they could move forward and in the future the board could start this process and send it to the County Planning Board and make those changes.

Herbert Syrop

Mr. Syrop said he would like to make a suggestion that the Town Board take a look at a book entitled “The Art of the Deal” by Robert Trump. He spoke about what this book talks about. He said that Mr. Deutch and Mr. Meth are not the owners of Philmet. He said that Phillip Pilivsky owns Philmet and Mr. Deutch and Mr. Meth are under his direction. He said the parent company is Phillips International whose annual sales are \$200,000.00. He said the net worth of Phillips International is unrevealed. Mr. Syrop said that as of April 1st Dun and Bradstreet had no listing for Philmet. He said Philmet is a make believe company and a front. He asked how an undercapitalized, limited liability company can buy the International Paper Company site. Mr. Syrop says after Local Laws are made favorable they sell the site at a profit. He said that according to the New York Times Mr. Pilivsky is know for flipping properties. Mr. Syrop said in this case it would be to unknown garbage operators. He said that Mr. Pilivsky does this as a way of life and business. Mr. Syrop said that Mr. Petruzzo or Bedmister may be in the wings waiting to buy some of this property brining sludge and garbage to the proposed burn site. He said the book says never give anything to your opposite number before you get what you want. Mr. Syrop said for the board not to give away Zoning Board of Appeals jurisdiction over landfill dumping.

Diana Jordan

Diana Jordan read the following to the Town Board:

Barbara Weatherwax

Barbara Weatherwax
Charles Weatherwax
PO Box 44
Corinth, NY 12822

May 8th, 2007

HAND DELIVERED to Rose Farr, Clerk
w/ 5 copies – one for each councilman

Supervisor Dick Lucia
Town Councilmen
Town Hall
Palmer Avenue
Corinth, NY 12822

Dear Supervisor Lucia & Town Board Members,

In the event that we can NOT attend the Town Board Meeting, we still WANT our COMMENTS to go on Record regarding the AMENDMENTS being considered. Charlie and I both have the following comments that we ASK to be MADE PART of the RECORD for the Public Hearing of May 10th, 2007:

Charlie: I am AGAINST adopting the AMENDMENTS as they are written.
Barbara: I am AGAINST adopting the AMENDMENTS as they are written.

COMMENTS for the RECORD:

- We DISAGREE with Article 1 – Purpose:
It Should read **PROHIBIT WASTE FACILITIES**
Since 2004 we have documented how a municipality can never successfully Regulate Trash Industry.
- We DISAGREE with Section 71-4, entitled " Exceptions" No Exception to Landfill –
REMOVE Paper Sludge from this section
Philmet is NOT a mill and will NOT be producing paper sludge.
- We DISAGREE with Section 71-5, entitled "Variance", as written
It Should be USE VARIANCE
Applications Should go to the ZBA
At the April 26th Meeting John Major read the part of the Agreement where it says that the Town would have to come up with a way to handle the decision making process concerning the landfill-dumping issues and he said that is exactly what he was going to do by asking for Use Variance and applications to the ZBA.

Ed said he asked the Supervisor and the Town Attorney if a situation where there was a Variance - has EVER gone to the TB before and they BOTH told him NO. He said he felt that this should be corrected to ZBA. He said that the TB could do whatever they wanted – where the ZBA had to follow rules that were very clear.

Both Councilmen gave VERY TRUE AND LOGICAL explanations and desired to put in process to the Amendments --- WHAT HAPPENED? Dick rushed to vote no matter how many times John asked to be clear on what they were voting on. No Fair – Not Ethical.

We Ask Both John & Ed to pursue their original intentions and MAKE THIS RIGHT.

- MISSING WASTE ITEMS in Chapter 89-56 (ii) Appendix A entitled "Definitions"
(b) INDUSTRY, MANUFACTURING. (f) **ADD** to Prohibit processing & burning; (g) **ADD** to Prohibit Processing & burning of waste, paper sludge, sewage sludge & industrial waste; (h) **ADD** to Prohibit - burning; (i) **ADD** to Prohibit burning + processing
Corinth is Facing two trash industries – Philmet said they want to import paper sludge & other Industrial Waste to Burn in their Gasification Plant --- Petruzzo said they want to import Sewage Sludge & MSW to Co-Compost --- it is imperative that these items are ADDED to PROTECT Corinth AGAINST Trash Industry. It is your duty to protect the environment and people's Health, Welfare & Safety.

If you do NOT Change the Amendments you will NOT have fulfilled the KEY issues of the Moratorium Law that was the guideline for what you set out to do to PROTECT this community FACING Two Trash Industries. The Amendments are leaving the Town wide open for trash to enter in. The 3,567 Signatures Against Trash Industry have been ignored and mocked.

Philmet Agreements – The terms of this sorry Agreement leave the Town and Village at a terrible disadvantage with rights severely limited. With or Without the UNKNOWN Plastics Company, the Gasification Plant and importing of Industrial Waste (that Philmet said will be Gasified) are Already negotiated AND FOREVER Running with the Land & Ongoing with ALL successors --- What good can come from this? Please – do NOT sign the Philmet Agreement.

Sincerely,

Ted Jordan

Ted Jordan told the Board that he was no in favor of the amendments as they are written. He asked that they go back to a Use Variance going to the Zoning Board of Appeals.

Joyce Day

Mrs. Joyce Day said she did not agree with the amendments as written. She asked the Board to go back to Zoning Board of Appeals and Use Variance.

Ginny Ogden

Mrs. Ginny Ogden said that both she and her husband are against the amendments as written and are against Section 71-5. She said this should read Zoning Board of

Appeals and Use Variance. She said the Town Board should not touch this with a ten foot board. She said the Town Board is a political board and could do just about anything they wish. She said that John and Ed did their homework. She said no one on the Town Board knows how the Zoning Board of Appeals works. She said the Zoning Board of Appeals has a strict procedure and laws to go by. She asked why the Town Board wants to take over the job that they are not trained for. She said she wondered why the Town Board is not fighting to protect the people who put them in office.

Jim Murray, Sr.

Jim Murray, Sr. said he strongly urged the Town Board to pass the amendment as written. He said that this has been discussed way too long and it is time to move forward. He said the amendments are good and they are strong. He told the Board that he strongly urges them to sign the agreement with Philmet. He said that if Philmet pulls out no other business will come to Corinth. He said not only would the Village go down but the Town would go down.

Louise Kirkpatrick

Louise Kirkpatrick read the following to the Town Board:

I have read the proposed waste disposal law and do NOT support the law as written, for the following reasons;

Article 1- Purpose states the Town understands "the disposal of waste material may present a hazard to both natural and man made resources in the community." And "The town seeks to REGULATE such facilities."

Under Article 2. Chapter 71-1(i) States," It is hereby determined by the town board that operation of dumps for disposal of 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 therefore the intent of this chapter to PROHIBIT the operation of dumps other than by the town of Corinth."

So in Article 1 the Purpose, it looks to me that the Town is REGULATING waste ~~material or dumps~~ ^{facilities}, and in the Article 2 the town is prohibiting dumping of waste materials, except by the town.

Because the town states, "waste material poses a health and public safety issue to the residents of Corinth," it would be prudent to prohibit waste material through out the document. And would give clarity to the law, so there would be no contradicting verbiage.

Section 71-5 (v)

States- "A person may apply to the Town Board for a" variance" to the provisions of this chapter."

I do not understand why this would NOT be a "use variance" under the zoning board of appeals.

The zoning board of appeals has the expertise to review such a request and the format has already been written by ~~the~~ New York State for them to follow.

One board member takes issue with the fact that all the legal minds time, and money, that have already been spent to draw up this document. Yet, with no laws on" variances" for this elected Town Board to follow, and enforce, we must spend more money on lawyers, and the Boards time, for guidance and standards on town board variances.

It seems cost effective to keep variances with the zoning board of appeals and have the Town Board get back to the business of Town government.

Thank you for the opportunity to voice my concerns,
Louise Kirkpatrick

Louise Kirkpatrick
May 10, 2007

Claude Sean

Yvonne Melville

Mrs. Yvonne told the board a story of double speaks. She said this is what is here in Town of Corinth the board speaks out of one side of its mouth and thinks out of the other. She told the board that the only place you don't find double speak is in the obituaries and they are full of people in Corinth dying of cancer.

Attorney Matt Fuller

Attorney Matt Fuller told the board that his firm represents Ralph Petruzzo and Petruzzo Products . Attorney Fuller said that this local law troubles even people who are opposed to his client's project. He said it should trouble people because quite frankly it is illegal. He said the Town Board has a law drafted and in that law the Town Board wants to review variances. He said then the Town Board wanted to change the law to have the Zoning Board of Appeals as a Use variance and sets a public hearing on that Local Law. He said then Town Counsel advised that he is not sure that this would meet with approval of a third party corporation. He said two weeks later Town Counsel advised that the third party corporation disapproves of the ZBA and Use variances and it doesn't meet with an agreement negotiated outside of public meetings. He said then the Town Board retracted that prior Local Law and reintroduces a new Local Law with the Town Board reviewing variances and that is why we are here tonight. Attorney Fuller said that at the April 12th meeting the Town Board re-affirmed a Master Plan dated 1992. He encouraged the Town Board to read that Master Plan because as a part of the Local Law the Town Board has a zoning change that deals with composting and other industrial manufacturing. He said the Town Board should read the Master Plan that they reaffirmed. He said that he felt they would be interested to see what this Master Plan says about industrial uses and how the actions the board intends to take with this law completely conflicts with the Master Plan. He said that adopting land use regulations that conflict with a comprehensive plan are routinely struck down.

Leif Sandwick

Leif Sandwick asked how much Philmet was in arrears in their taxes. Supervisor Lucia told him that all taxes went to the County. He asked why Philmet was being given so much consideration. He said they owe money and they are being given all this consideration while the constituents are being given none.

W. Russell Boggs

Mr. Boggs suggested the Town move forward and sign the agreement. He said that perhaps this would bring the citizens of the Village and Town back together as one. He said that as far as he can see Philmet is acting in good faith. He said if they leave here Corinth could have something considerably worse. He thanked the board and the people. He said he thought it was a good debate.

Sarah Alford

Mrs. Sarah Alford said she does not agree with the amendments as they are written. She said she would like to see the Use Variance reviewed by the Zoning Board of Appeals. She said all the people who signed petitions are waiting for the board to do the right thing. She told Ed and John to go back to the way they originally wanted it. She asked how many signatures are on the petitions. Supervisor Lucia told her that all the petitions are reviewed by the board and are on file in the Town Clerk's office. She said the board should adopt the amendments in a way to protect the people. She spoke about board members being threatened. Councilman Saunders asked where she got her information. She told him that she heard Councilman Brown say it at a Village Public Hearing. Councilman Saunders asked her if she knew that at the next Town Board meeting it was said that no board member had been threatened, She said she was just going by what was said that night.

Tim Hanchett

Tim Hanchett read the following to the Town Board:

Town Board of Corinth
Public Hearing – Town Code Proposed Revisions 5/10/07

Comments from Tim Hanchett 32 Fuller Drive (town)
Comments from Joni Hanchett 32 Fuller Drive (town)

Article 1. Purpose

This says “regulate” waste disposal facilities.

- We feel it should prohibit waste disposal facilities unless controlled and operated for the town by the town due to municipal necessity which is consistent with the proposed revision to Article 2 section 71-1 and section 71-3 that prohibits dumps unless run by and for the town (municipal necessity).
- It also does not address the changes to land use and other aspects of the code. (The changes to the code actually being made does more than just address “disposal” facilities.)

71-4, “Exceptions”

The only non-town controlled landfill is the existing **inactive** landfill on the former IP property. The DEC website doesn't list an active permit nor does it show up as an active landfill. Yet the proposed exception to the Dumping Section actually and specifically **adds** “stuff” (paper sludge and ash) as an exception.

- There is no rational reason to add stuff to an **inactive** landfill while the Moratorium Law is in effect.
- The Moratorium Law which is to prevent **any** forward motion on waste which would certainly include “adding stuff” to the landfill. Especially if it is being added as part of an “agreement” made with a single non-taxpaying, non-applicant company.
- “Agreement” = “Forward Motion”
- “Agreement” with one company over 3000+ petitions misrepresents the residents of this community.
- “Agreements” disrupts the proper **public** process for revising the town code.

71-5 “Variance” (Dumping Section)

Allows application for “variance” via the political “town board”. The word “variance” in this context is also **not defined** as it is defined in ARTICLE X Zoning Board of Appeals under C. “Variances” with clear definitions of “Use Variance” or “Area Variance.”

- This should without question be “Use Variance” via the ZBA and would also be in alignment with
89.10 H - Application of Regulations (Only those uses specifically identified as permitted principal uses, permitted accessory uses, permitted special use permit uses and permitted site plan review use shall be permissible in their respective land use districts. All other uses are expressly prohibited unless granted a variance by the Zoning Board of Appeals pursuant to Article X. (ZBA).

- There is no rational reason to have the definition of “variance” be so vague nor for it to go through the political town board. The zoning board of appeals is the most correct and proper process. There has never been a situation where “Variance” that goes through the town board. Why now?
- Due to an “agreement” with a non-taxpaying non-applicant company while the Moratorium Law is in effect? Why the recent vote reversal on this specific section?
- “Agreement” = “Forward Motion” “Agreement” with one company over 3000+ petitions misrepresents the residents of this community.

87-3 Junkyard/Automobiles “License required”

We understand the intent, to prevent making an intentional “business” out of it. There may be some that may interpret it as anyone that swaps out an engine and sells the old one in the want ad digest for example would need to get a license. We think that is stretching it, so we think it is good the way it is.

89 Land Use Appendix A (proposed revision of the definition of Industry/Manufacturing)

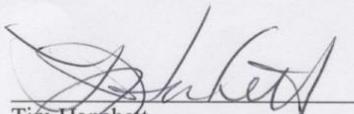
Definition lists several prohibited item descriptions but does not specifically address waste importation and processing.

- We feel it should specifically prohibit waste importation and processing where there is no municipal necessity. This should also specifically list paper sludge, sewage sludge & industrial waste.
- This would be in alignment with the desires expressed by 3000+ petitions from the community.
- This should be in alignment with the proposed Village zoning amendments.

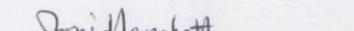
89-56 “Planned Unit Development District Standards”

Deletion of B.4 Landfills are an allowed use in Industrial PDD, only. Landfills are subject to NYS DEC regulations.

- Good call, since land use allowance or non-allowance is better addressed elsewhere in the code.



 Tim Hanchett



 Joni Hanchett

Ralph DeCristafaro

Ralph DeCristafaro said he is not in favor of the amendment.

Joyce LaComb

Joyce LaComb spoke about the people who have signed the petitions and letters not being listened to. She said that any variance should be the responsibility of the Zoning Board of Appeals and not the Town Board. She said she did want the board to sign an agreement with Philmet before doing what the moratorium was put in place for to prohibit not regulate trash industry.

Rena Bernstein

Rena Bernstein said that she has been a resident of Corinth for four years and is quite outraged that a majority of people have spoken and somehow agreements are signed in the face of all the opposition. She said Corinth is a beautiful Town and the people have spoken but the Town Board has not listened.

Timothy Murphy

Timothy Murphy asked Councilman Brown if he remembered that he said he had been threatened at the Village Public Hearing at the school. Councilman Brown said he did not say he had been threatened he said that he heard people had been threatened. Mr. Murphy asked Councilman Brown if he remembered that he told Mr. Murphy that it was one of his own board members that threatened him. Councilman Brown again said he did not say he was threatened. Mr. Murphy told Councilman Brown that he told Mr. Murphy it was Councilman Mitch Saunders that had threatened him. Mr. Murphy said that Councilman Saunders violated the Code of Ethics that the Town Board goes by.

Joseph Duguay

Joseph “Leo” Duguay stated that he signed the petitions. He said he signed it because he was told that it was to keep New York City garbage out of Corinth. He said he did not sign to keep all industry out of Corinth.

James Hopkins

Mr. James Hopkins said that for the last couple years a small group of people to hold the Village and Town hostage. He said it is time that the local folks took it back. He told the board to do what they said they were going to do.

Herbert Syrop

Mr. Syrop told the board that he is a litigant in New York City and the attorney that opposed him was our former Lieutenant Governor. He said that it is called a “SLAP SUIT” . He said it has to do with scaring off people and he said he learned that it is illegal and you cannot sue anybody, particular legislators, with a Slap Suit. He said nobody can be sued for standing up for their rights.

Robert Hafner

Attorney Hafner told the board that they had not gotten a response from Saratoga County Planning Board because their meeting is scheduled for May 17th. He said the board really could not act until after Saratoga County Planning Board has given their recommendations.

Rena Bernstein

Rena Bernstein told the board to please take courage and do the right thing. She said do the right thing even if some of your fellow legislators are not pleased with you. She said the Town would be very grateful and there will be other clean industries that want to be here. She told the board not to destroy this town do the right thing.

RESOLUTION #161

POST PONE DECISION ON LOCAL LAW #2-2007

On motion of Councilman Major, and seconded by Councilman Byrnes, the following resolution was

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

RESOLVED that the Public Hearing on proposed Local Law #2 Amending The Corinth Town Code Relating to Disposal of Waste remain open until April 14, 2007 at 4:00 PM pending recommendations from the Saratoga County Planning Board.

SUPERVISOR

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

Scenic Rail Minutes
School Parent Newsletter
Senior Sentinel
Thank you from Curtis Jones
Time Warner Community Activity Report Booklet
Time Warner Letter – Changes
Thank you from Town Clerk
Certificates of Training for Rose E. Farr and Cheri Sullivan
Women of Distinction Award Booklet – B Beverly Towers
Sales Tax – 4/15/07 - \$58,351.00
Saratoga County EMS Council minutes
Deceased Veterans Program – 5/15/2007 @ 2:30 PM – William Ernst,
US Army Air Force, WWII, Town of Wilton

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

Assessors
Building
Animal Control
Highway
Justice
Town Clerk
Planning
Zoning
Senior Citizens
Supervisor

RESOLUTION #162

APPROVAL OF MOTION TO ACCEPT SUPERVISORS MONTHLY REPORT

A motion was made by Councilman Saunders, 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 Town Board accepts as presented the Supervisor's monthly financial report for April, 2007.

PUBLIC INPUT

Sigrid Koch

Sigrid Koch told the board that the LDC had had their second meeting and she was instructed to make sure the money promised was still in the Town's budget. Supervisor Lucia told Mrs. Koch that the money was still there.

Ginny Ogden

Ginny Ogden asked why things got changed back and why the board would want to go this route. Supervisor Lucia told her his personal reason is because the local law had been worked on for over a year and it never changed from Town Board reviewing the variances at every workshop the board had. She asked if the Town Board thought they were qualified. Supervisor Lucia said that there are specific things that the Zoning Board can do and the Town's Zoning Board is fairly new. He said that this is not a zoning issue. Councilman Saunders said that this has been going on for a year with various discussions with the attorneys. He said that they have gone a long way to protect this community. He said they understood during discussions the workings of variance coming back before the Town Board and to change it would not be right because this did not fall within the Zoning. Ginny Ogden said that Philmet has not stepped forward to give us any details. Councilman Saunders said Attorney Levine for the Village stated that the Village and Town would not want the alternative. Councilman Saunders said that there is railroad going through there and the Town and Village have no rights to dictated that if on that railroad. Councilman Saunders said that you have to trust when you

go into the legal realm and they tell you what you can and cannot do. Councilman Saunders said that this is the best that we can get.

Herbert Syrop

Mr. Syrop said that Canadian Pacific has the right of way on the tracks. He said the Town owns it but the Canadian Pacific has the right to use it anyway they want. He said that is Canadian Pacific wants to transport trash to Philmet the Town cannot stop them. He said therefore the alternative is already there. Councilman Saunders said he agreed with Mr. Syrop 100%. Councilman Saunders encourages Mr. Syrop to get the Village board minutes and read them. Mr. Syrop said that he read the minutes on the web. Councilman Saunders said his point is that we are getting this company to sign covenants saying this is what we are going to do and then sign a Site Agreement that is very detailed and laid out and of no cost to any citizens in Corinth. He said he thought the attorneys did a great job with the direction from both the Village and Town Boards in what we are going to accept or not accept in this community. Councilman Saunders said that the Town and Village are going to accept any paper sludge coming into this community from any road by horse, buggy, trailer, plane anywhere. He said the only paper sludge used on that property is if it is generated on that property. Mr. Syrop said that they are talking about sewage sludge. Councilman Saunders said nothing can be used on that property unless it is generated on that property. Someone asked if construction demolition debris was included and Councilman Saunders answered yes.

Mr. Syrop said he agreed with Councilman Saunders that it is a bloody shame that 5000 or more people live under two separate governments. Mr. Syrop said that Councilman Saunders led him to believe that his mind was open but Mr. Syrop believes that Councilman Saunders' mind was not open and Councilman Saunders was in favor of garbage. Councilman Saunders said he ran on three issues: 1 – Reduce the taxes –The public became very loud and everyone was talking at once.

Attorney Hafner reminded the public that the Supervisor read the rules and it was not suppose to be a shouting match at the Town Board meeting. Attorney Hafner said one person was to speak at a time and if it got out of hand that person would be removed.

Diana Jordan

Diana Jordan asked if paper sludge has to be produced on the property is Philmet going to be allowed to use the paper sludge that is now stored on the property. Councilman Saunders said excellent question and does not have an answer for you. He said he encouraged her to go back to Article 1 and the process that Philmet has to go through to change their fuel source. After a discussion Councilman Saunders said that if they uncap that landfill then DEC would be on their back. He said according to Article 1 they would have to go to the Village and get their approval, complete a full SEQR and if the Village was not satisfied with that then the Village could have their own experts to look at it.

Leif Sandwick

Mr. Sandwick said why don't we just put the laws in effect and then forget all about it.

Jackie Burnham

Jackie Burnham said she thought that the agreement would prohibit trash forever and with the deed restrictions anybody that ever owned that property would also be prohibited from trash forever. She said that would mean we would never have trash or municipal waster forever. Councilman Saunders said that was how he interpreted it.

Joel Duguay

Joel Duguay said he read that if nothing goes into the International Paper property a taxpayers taxes will only be effected by \$54.00 per year. He said he thinks that does not include village tax or school tax. He asked if that did come from the assessor's office. Supervisor Lucia said he would talk to the assessor about that. Councilman Saunders said that with the school and the village increase the average person with a \$100,000 home would be paying an additional \$125.00 for this year.

Mr. Duguay said he wanted to comment on Councilman Byrnes' remark at the last board meeting where he called the group "The Philmet Support Group". He said that they are not Philmet's Support Group they are a Concerned Citizens Group. He said he has never met anybody from Philmet. He said he did care if Philmet went in there or if General Electric went in there. He said we need industry and we need a tax base. Councilman Byrnes said that if they are an industry then you

support them. Councilman Byrnes said that it wasn't meant to be snotty. All he meant was they were an industry (the current owner) and they supported them.

Tim Hanchett

Tim Hanchett said he heard that the parties have been negotiating for over a year. He asked what the date was that the moratorium first went into effect. Councilman Saunders said the date was January 23, 2006. Mr. Hanchett said that the negotiations were started as a direct result of the Village's starting the eminent domain. He said that time frame was not over a year ago. Councilman Saunders said the moratorium was started and the public has patiently wait to see what will and what will not be accepted. Mr. Hanchett said that the Empire Zone gives them all sorts of tax savings. Mr. Hanchett said Philmet said they needed the importation of paper sludge in the landfill to start the process. Councilman Saunders said according to the Agreement there is no way that they can import sludge. Mr. Hanchett said that there is nothing preventing Philmet from starting a project.

Rena Bernstein

Rena Bernstein said that they were worried about their health not how much time it was taking. She said the health of the citizens is more important that how long it is taking. She asked if industrial waste was prohibited from being burned at that site. Councilman Saunders said his understanding is that the agreement says that "Industrial Waste" is a vague terminology and the attorneys said we could not ban this in the future. Councilman Saunders says Philmet can burn natural resources, ie natural gas, fuel oil and wood ash. He said if they wish to burn something other than theses items then Article 1 kicks in and they must do six or seven things that must be satisfied before they can change their fuel source. Councilman Saunders said there is no way that they can import paper sludge to be burned as energy on the property. Councilman Saunders said Philmet would not agree to industrial waste since the definition of industrial waste is so vague. Ms. Bernstein said she thought this was opening a Pandora's box . Councilman Saunders suggested that she read Article 1 and she could see the layers of protection that are there before the fuel source can be changed.

Attorney Robert Hafner

Attorney Hafner told the public that the burning is controlled by the Village and the Town's focus is on the Landfill. He said the changes that are before the board at this time are to tighten up and make clear that nothing can be put in the landfill that is not created on site and the current things that are created on site that can be put in the landfill are paper sludge and wood ash. He said talking about what might be burned as industrial waste is a Village issue and comments regarding that should be brought up to the Village. Diana Jordan asked why is paper sludge written in for a company that is not producing paper sludge. Supervisor Lucia said because it was always allowed there and it would give the owners a chance if they secured another paper company for the property. Councilman Brown said the landfill was permitted to be used for paper sludge by DEC.

Jim Murray, Sr

Jim Murray, Sr. said that when the Town closed their landfill it was capped with paper sludge from the International Paper Company. He said paper sludge is in the definition for industrial waste. He said he doesn't know of anyone getting sick when the Town capped their landfill. He said he know it is has monitoring wells.

Tim Hanchett

Tim Hanchett said that what was not continued on was the waiver approval process by a political Town Board. Attorney Hafner told Mr. Hanchett that the Waiver is only for items created on site.

Joyce LaComb

Joyce LaComb asked if the agreement was set in stone. Supervisor Lucia said it had not been signed. Attorney Hafner told Mrs. LaComb that the board had authorized it sometime ago. Supervisor Lucia said the agreement was approved at a board meeting. Councilman Saunders said that the board did approve it and were waiting for a certain sequences of events to happen before we sign it.

Rena Bernstein

Rena Bernstein asked if that meant that the agreement with Philmet had not been signed yet and could be changed the amendment if they wanted to. Supervisor Lucia told her that tonight was a Public Hearing on the Local Law and now they

are talking about two other documents, Covenant and Site Plan Agreement, with Philmet.

Joyce LaComb

Mrs. LaComb told the board that she did not think that was communicated properly that this had been done.

Attorney Hafner

Attorney Hafner said that it should be made clear that the Town Board had authorized the agreement but the Town Board has not changed the law. He said the board cannot give up its rights to change the law. He said that is the Town Board's decision after public input . He said that is why the board is going through the process right now. He said this ia not the agreement this is the local law and that is where the public has been giving its input. Attorney Hafner said that is not a done deal the Town Board must get the recommendations from the Saratoga County Planning Board; they have to go through SEQR; they have to close the Public Hearing and they have to ultimately decide whether or not they are going to pass the Local Law and that is not a done deal.

Barbara Weatherwax

Barbara Weatherwax asked for the attorney to explain what he meant when he said this was not a zoning issue. Attorney Hafner said he thinks there has been a lot of confusion over the word "variance" . He said the local law that is before the board right now has several different provisions some of them apply to the zoning ordinance. He said those are the Chapter 89 regarding Zoning ordinance. He said the other changes are to other Town Codes or Town Ordinances. Attorney Hafner said as a whole this is a Local Law changing certain Town Codes Chapters and the Zoning Ordinance.

Joyce LaComb

Mrs. LaComb asked if board members can be sued. Attorney Hafner said anyone can be sued for anything it is whether or not they will be successful.

Sarah Alford

Mrs. Alford said she remembered a letter some time ago that mentioned "sludge product". She asked if this term was used could it get by. Attorney Hafner again stated that the Town has the landfill and only paper sludge created on site can be

placed in the landfill. Attorney Hafner said that is Mrs. Alford was referring to burning of sludge product that would have to be referred to the Village. He said that the Town changed it to make it clear that the only thing that can go in the landfill in the Town are things that are created on site. He said second we made specification exceptions for paper sludge or wood ash created on site.

Louise Kirkpatrick

Louise Kirkpatrick said that if in fact the variance is not a zoning issue it should be removed from that document altogether because any landowner that wants to change a use or something do that is not permitted on your property would have to go for a variance by the Zoning Board of Appeals whether it is use or area variance. She said it doesn't belong there because it is not something the Town Board should be handling because New York State has already drawn up the format that it to be followed. She said it is very strict and everyone follows the same format. She said that seems fair to her. She said that way when the board members had to run for election they would not have to worry about whose dealing on the side because the Town Board would not be handling them.

RESOLUTION #163

TRANSFER FOR FIRST RESPONDER FIRE VEHICLE

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 Town contribute Four Thousand Dollars (\$4,000.00) toward the purchase of a First Responder Vehicle for the Corinth Volunteer Fire Department, and be further

RESOLVED that said sum be taken from the Fire Protection (SF3410.4 part of the 2007 Budget.

Town Board

Councilman Saunders thanked everyone for coming.

Councilman Brown thanked everyone and said he knows the struggle has been long.

Town Clerk

Town Clerk Farr told the Town Board that they need to set up a public hearing on the Time Warner Cable Franchise Renewal Agreement.

RESOLUTION #164

SETTING PUBLIC HEARING ON PROPOSED TIME WARNER CABLE FRANCHISE RENEWAL AGREEMENT

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

WHEREAS, Time Warner Cable has presented the Town of Corinth with a draft Franchise Renewal Agreement dated 2007; and

WHEREAS, the draft Renewal Agreement has been reviewed by Town Counsel and Town Counsel has provided its legal analysis to the Town Board; and

WHEREAS, The Town is required to hold a Public Hearing before renewal of a franchise agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board shall meet on May 24, 2007 at 4:10 in the afternoon to hold a Public Hearing giving all interested persons an opportunity to be heard and to ask questions concerning the renewal; and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to post and publish a Notice of Public Hearing and provide notice of the

Public Hearing to the franchise applicant, and to make a copy of the franchise application available for public inspection during normal business hours.

Town Attorney

Attorney Hafner said that someone asked at the last meeting about litter along the road. He said that the Litterbug Law is a state law and the current penalties are fine of \$250.00 for a first violation and \$500.00 for a second violation. He said that the State is currently looking at changing that law with the new penalties being \$350.00 for a first offense and \$700.00 for a second offense. IF passed this would take effect in November. The board said they would ask the Town Highway Superintendent and get back to the attorney.

Attorney Hafner said that the Supervisor had asked him to provide language clarifying the duties of the Animal Control Officer and he gave a copy to the Town Clerk so that she can get a copy to the board members. He suggested for the board members review this because it does not apply only to dogs it applies to cats and other domestic animals. He said his firm put in a provision at the end to deal with nuisance wildlife but the Animal Control Officer should get the proper license from DEC.

Attorney Hafner said that the Supervisor had sent him the contract with the LA Group dealing with the updating comprehensive land use, He said he had some comments and would like to discuss the matter with the Supervisor and send a letter to LA Group. He said he thought some of the provisions were for dealing with contracts with particular projects rather than comprehensive land use.

Code Enforcement

Code Enforcement Officer told the board that they had another problem down at Marquis Manor (Brignola's). He said they got the water squared away but he received a call from the Department of Health for trailer 1 that the sewer had backed up. He said he went down and the tub was half full of sewer. He said he got in touch with Supervisor Lucia and they got the family in a motel. Code Enforcement Mann said Cook's came and pumped the tank but Cook would not do anything else unless Brignola told him to because he wouldn't get paid for it. Code Enforcement Officer

Mann said he would be in contact with Mike Shaw of the Department of Health tomorrow and will keep the Supervisor up to date. He said that the Department of Social Services is bringing the kids up to school tomorrow. Councilman Saunders asked about who paid for this. Supervisor Lucia said he wasn't sure.

Supervisor Lucia said he wanted to answer Mrs. Syrop regarding the taxes. He said that if she checked her Town and County tax bill for 2007 she would note that both the Town and the County went down.

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

Respectfully submitted,

Rose E. Farr, RMC
Town Clerk