

May 24, 2007

The Town Board of the Town of Corinth held a regular meeting on May 24, 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  
Michael Hill, Attorney  
Fred Mann, Code Enforcement Officer  
Rose E. Farr, Town Clerk  
Joan Smead, Deputy Town Clerk

Public Present: G. Philip Baugh, Mary Baugh, Joseph Duguay, Ginny and Carroll Ogden, Joyce Day, Russell Melville, Jim Murray, Sr., Mary Williams, Mary and Tim Murphy, Barbara and Charles Weatherwax, Herbert and Ruth Syrop, Ted and Diana Jordan, Sigrid Koch, John Mucha, James Woods, Jr., Tim Halliday, W. Russell Boggs, Dan Mills, Joel Duguay and Louise Reed.

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

#### **ATTORNEY**

Attorney Michael Hill spoke about the Draft Local Law regarding Waste disposal that was on agenda. He said the public hearing had been continued until today for further public input. He told the board that he thought it might be useful to go over the process that brought the Town to where it is and some aspects of the local law. Attorney Hill gave an overview of the proposed local law. He said that the draft local law would amend three different area of the Town of Corinth Code. He said that there are three different parts of the code that deal with waste or the disposal of waste or junk and it seemed that amendments dealing with waste disposal to look at all the existing areas of the code that deals with waste, the disposal of waste or junk so that any amendments would be consistent.

Attorney Hill said that the first area affected would be the Land Use/Zoning. He read Section 89-10(H), "Only those specifically identified as permitted principal uses, permitted accessory uses, permitted special use permit uses and permitted sire plan review uses 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." Attorney Hill told the board that under the Town's existing Zoning Law that unless a use is specifically permitted it is prohibited. He said that if it is not listed it is prohibited.

Attorney Hill said that the Draft Local Law deals also deals with Dumps and Dumping. He said that the current code says that with limited exceptions there shall be no private or commercial dumps in the Town. He said the Town itself has the right, if it wishes, to operate a landfill or a waste disposal site. Attorney Hill said that the Draft Local Law would amend Section 71-3 to read as follows: "The operation or maintenance of a dump other than by the Town of Corinth is hereby prohibited in the Town of Corinth."

He said that there are very limited exceptions. The exceptions are as follows: 1, Disposing of none commercial or nonindustrial or natural organic materials. Attorney Hill said the intent behind this is to allow private individuals, homeowners, farm owners the ability to have compost piles and other disposal piles on their own property for very limited purposes. He said the material would be solely of natural organic materials.

Attorney Hill said that there is another limited provision that would be provided for paper sludge or ashes from the burning of untreated wood where the paper sludge or ashes are produced on the property where they are to be disposed of. He said they are limited on where these items can be disposed of to a dump or landfill approved by the Department of Environmental Conservation and in accordance with a valid DEC permit.

He said that under this Draft Local Law the Town would have a general blanket prohibition on Dumps; limited exception to allow for disposal of natural organic materials on private property but no commercial or industrial facility and another limited exception to allow for disposal of paper sludge and wood ashes generated on site when they are disposed of in DEC a landfill.

Attorney Hill said that there is a further provision in the Draft Local Law that would allow someone to seek relief from the blanket prohibition and the limited exception by coming to the Town Board and applying for that relief. He said this is Section 71-5. Attorney Hill said that anyone making such an application would have to bear the any cost for the Town to hire an expert to review whatever proposed waste it is that the individual or corporation is applying to dispose of.

Attorney Hill said the Draft Local Law also deals with Section 87 of the Town Code that governs junkyards with respect to automobiles. He said the proposed revisions to that part of the code are very minor and are just to clarify the limited purpose for automobile junkyard disposal.

Attorney Hill said that the last provision of the Draft Local Law deals with Land Use/Zoning. He said that all uses that are not permitted are prohibited. He said that there is a proposed revision to the definition of "manufacturing industry" and other proposed revisions as well. Attorney Hill said that in the Dumps and Dumping part of the Draft Local Law the exceptions in Section 71-4, the second exception for the paper sludge and wood ash is in contemplation of the proposed agreement regarding the re-development of the former International Paper plant.

Attorney Hill said that several questions have been raised by Town Board members regarding this Draft Local Law and he said he thought this would be the proper time to discuss this. He said one question was regarding Section 71-5 regarding if an applicant comes to the Town Board for a Variance. Councilman Major told Attorney Hill that under Section 71-5 the way it reads he has a concern if something does come to the Board is there enough to handle the initial request. He asked if there was an application for the situation or any procedures that the attorneys would recommend. Attorney Hill said that he does not think there is an application in existence at the present time. Attorney Hill said this application would go before the Town Board as the governing body which is appropriate since this is not under the Zoning Law Section it is under the Dump and Dumping section. He said that this does not reside under zoning where it would be a Planning Board or Zoning Board of Appeals matter it resides under the Dumps and Dumping section where it is a Town Board matter. Attorney Hill said that the provision does not spell out any procedure to be taken or a time frame to be governed by. He said that if the Town Board wished his firm could help develop an application and a procedure to follow. He said the

Town Board could amend this Draft Local Law to lay out a procedure and procedural steps that can be done.

Councilman Saunders said that the Draft Local Law that is being discussed is a law under which Company ABC could come in and seek to establish itself. Attorney Hill said that this is a broad ranging law general application. Councilman Saunders asked the attorney if there is an application procedure at the present time. Attorney Hill said that there is no application procedure at this time. Councilman Major said that if a company applied to the Town Board they could be stuck for a long length of time since no time frame is stated. Attorney Hill said that he thought the Town Board would be in a position of testing about to handle this and it could be a process of undetermined length. He said it doesn't sent forth a time line or a procedure or a requirement for a Public Hearing or time by which a decision has to be made after a public hearing or anything else. He said it could be open ended. Supervisor Lucia asked if this meant the Town would have to re-advertise the Public Hearing. Attorney Hill said that he thought if the Town Board was contemplating a change to set forth procedural steps and make that amendment in his view that would rise to the level of a substantiate change in the Draft Local Law. Under that circumstances right now the Public Hearing on the Draft Local Law has been adjourned and if the Town Board directed the attorneys to draft changes to set up the procedure for the Town Board's consideration it would be his recommendation that the Town Board leave the Public Hearing adjourned, direct the attorney to develop a revision to this draft for the Town Board consideration, submit that to the Town Board to see if that is what they wish to include, and if it is then Attorney Hill would recommend that the Town Board refer the proposed revision of the Draft Local Law to the Town's Planning Board for its review and to the Saratoga County Planning Board for its review. Attorney Hill said once the Town Board has received recommendations from the Town Planning Board and Saratoga County Planning Board then the Town Board would be in a position to re-open the Public Hearing and get any further public comment on the proposed revision regarding the procedure and any other comments that the public might have on the proposed draft law.

Attorney Hill said that a question regarding a definition had been asked of his office. He suggested that any other changes to this Draft Local Law should be done at this time. Councilman Saunders said that the County Planning Board had comments on the word variance and they suggested Waiver. Councilman Saunders said he did not think he was comfortable with the would waiver. Councilman Byrnes said that Variance applies to Zoning and Waiver is just a wide open word and he is not comfortable with that. Councilman Saunders asked if there was any other word that the attorney could come up with. Attorney Hill said substantially the party would be requesting a change. He suggested change, modification or relief or something like that. Attorney Hill said he did not think the Saratoga County Planning Board is adamant on the use of waiver. He said he could speak to them and see what they say. Supervisor Lucia said he did talk to the Saratoga County Planning Board and was told that this was only a recommendation and that they approved the Draft Local Law. Attorney Hill said if the Town Board is not happy with the word waiver then the attorney could make an inquiry with the Saratoga County Planning Board for their thoughts on the use of change or modification or relief and see if they have any other suggestions. Attorney Hill asked the Town Board if they wanted his firm to come back to them with a list of possible other terms. Councilman Major said he suggested that the attorney come back to the Town Board with a list of possible words to be used in place of Variance and also with a procedure to be followed by the Town Board.

Councilman Byrnes asked if the last sentence in Section 71-5, "The applicant for such a variance shall pay any costs incurred by the Town in reviewing the application" should be expanded to include consultant fees so that the applicant is not blind sided. Attorney Hill said that his firm could draft some language to clarify that as well.

Supervisor Lucia asked about a time frame on when the revisions could be brought back to the Town Board. Attorney Hill said he could get the revisions back to the Town Board by their next workshop on June 7, 2007.

Supervisor Lucia said that if the revisions were okay then the Town Board could vote on the Local Law at their June 14, 2007 meeting. He said however Councilman Major has been excused from that meeting and he would like all members to vote on the law. Attorney Hill asked if the vote would be to refer the revisions to the Town Planning Board and Saratoga County Planning Board. Supervisor Lucia said that it was. Councilman Major said that if he agreed with the revisions he could notify Supervisor Lucia and if all way okay he would have no objection to referring to the Corinth Planning Board and the Saratoga County Planning Board.

Councilman Byrnes asked about language Section 89-56 and what the Village of Corinth did a couple weeks ago. Councilman Byrnes read the following from Village of Corinth Resolution #166 – "Whereas, there has been public notice of the Village's intent to enact a Local Law entitled Amendment To the Code of the Village of Corinth Adding a New Section 138-18A To Article V of Chapter 138 "Zoning" Entitled "Burning of Waste" Which Section Shall Prohibit The Burning And/Or Processing of Solid Waste, Industrial Waste, C & D Debris And/Or Municipal Solid Waste and Require A Special Use Permit For Use Of Any Fuel Source To Recover or Generate Electricity" He asked that our law include what the Village law does. Attorney Hill said that one observation to make about this is that technically speaking under the definition of Construction and Demolition debris the definition used is the Department of Environmental Conservation's definition and that definition includes wood chips. Attorney Hill said that as the Town Board knows from its discussions with Philmet they are contemplating burning of untreated wood chips to generate power at their facility. Attorney Hill said that if the Town Board is thinking about a change in the definition to prohibit construction and demolition and so forth the Board may want to consider making an exception to that blanket prohibition so that the burning of untreated wood and wood chips would still be allowed. He said that would be consistent with what the proposed agreement with Philmet is and he said he thought it would also be consistent with the way the Village has approached it. He said he believed that the village has also made an exception for the burning of wood chips. Councilman Byrnes said he would like to see the Town consistent with the Village's Local Law. Attorney Hill asked Councilman Byrnes if he was proposing to modify the proposed definition of manufacturing industry to make it consistent with what the Village is doing with its local law and have the Town Attorney develop some draft language to reflect that. Councilman Byrnes said he was if the other members of the Town Board went along with him.

Councilman Saunders asked that if Philmet came in tomorrow and wanted the Town to sign the agreement is the Town Board prepared to sign the agreement and move forward. Councilman Byrnes said that certain language had been changed in the agreement and he has not seen the changes. Councilman Byrnes said he would like to see the changes before the agreement is signed. Councilman Saunders asked about signing the agreement. Supervisor Lucia told the board that even though they have given him authority to sign the agreement he would not sign the agreement until each member has seen and reviewed the final agreement and it has been

discussed. Attorney Hill said he thinks the proposed agreement with Philmet specifies a period of time after the signing of the agreement within which the Town would enact a Waste Disposal Law. Attorney Hill said that the Town Board needs to make sure there is enough time in that agreement for the enactment of the Local Law after the agreement is signed. He said that the Town Board doesn't need to wait until the enactment of the Local Law to move forward with the signing of the agreement. Councilman Saunders asked if Philmet came in tomorrow would the Supervisor still feel that he owed due diligence to my Town Board to have them review the agreement before the Supervisor signed it. Supervisor Lucia told Councilman Saunders that he would not sign the agreement until all the Town Board members and attorney were okay with the agreement. Attorney Hill said he understood that the change has been made but his office has not received a proposed final version yet. Supervisor Lucia said he didn't think the Village had received the final version either. Supervisor Lucia asked that the Town Attorney be present when the Town Board went over the final agreement. Councilman Major asked if this could be brought to the Town Board workshop on the 7<sup>th</sup> of June. Attorney Hill said he would ask Philmet's attorneys to provide the Town with the version reflecting the changes as discussed. Councilman Saunders asked that the changes be shown in the margin so it would be easier to see anything that has been changed.

**RESOLUTION #165**

**ADJOURN PUBLIC HEARING AND INSTRUCT TOWN ATTORNEY**

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

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

RESOLVED that the Public Hearing on the Draft Local Law Amending the Corinth Town Code Relating to Disposal of Waste be adjourned to the 7<sup>th</sup> day of June, 2007, and being it further

RESOLVED that the Town Board hereby instructs the Town Attorney to prepare the draft revisions as discussed to be presented at the Town Board Workshop on June 7, 2007.

Councilman Byrnes asked if the proposed amendments would effect the moratorium. Attorney Hill said it would and as the Town counsel he would recommend to the Town Board that the moratorium be further extended because in view of the drafting of revisions to the Draft Local Law it is very possible that the Draft Local Law would not be enacted before the expiration of the moratorium.

Attorney Hill said he would recommend passing a resolution scheduling a public hearing on proposed local law extending the moratorium.

Supervisor Lucia asked that the recommendation of extending the moratorium be discussed later in the meeting.

**PUBLIC HEARING ON TIME WARNER CABLE FRANCHISE**

Public Hearing opened at 4:50 PM with the Town Clerk reading the Legal Ad published on May 14<sup>th</sup>, 2007, in the Post Star.

John Mucha from Time Warner spoke. He said the current agreement that we are still operating under expired in November, 2006 but the State Public Service Commission gives cable operators and municipalities temporary operating authority a six month extension to continue to discuss and come to an agreement. The agreement is updated with the new state rule changes. From a financial point of view which everyone is concerned about we continue to pay the Town 5%, which is the highest the federal law allows. Another thing available is digital phone service.

Russell Boggs asked if there is any chance of getting cable on Old Corinth Road. Mr. Mucha said He would check into it. The Cable Company will put cable in if there are 20 homes per mile or more where it is less than that, New York State public service commission has a formula that says the cable operator pays x and the customer pays a certain amount.

With no more comments a motion was made by Councilman Major, seconded by Councilman Byrnes to close the public hearing carried unanimously.

**RESOLUTION # 166**  
**APPROVING THE RENEWAL OF THE CABLE TELEVISION FRANCHISE AGREEMENT**

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

RESOLVED that the Town Board of the Town of Corinth does hereby authorize the Town Supervisor to sign the renewal Cable Television Franchise Agreement between Time Warner NY Cable LLC d/b/a/ Time Warner Cable and the Town of Corinth, New York.

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

Carried: 5 – 0

Attorney Hill spoke about extending the moratorium to allow the Town Board to consider amendments to the present Town Code provisions governing Waste Disposal Facilities. He said that the Town Board is in the process of developing a law addressing Waste Disposal Facilities that will amend various provisions of the code. He said the moratorium is set to expire the end of July. Attorney Hill said that with the potential revision to the Draft Local Law it is possible that the new law the Town Board is working on will not be completed or enacted on until after the expiration date of the moratorium. He said therefore he would suggest that the Town Board take steps to extend the moratorium.

**RESOLUTION #167**

**RESOLUTION SCHEDULING PUBLIC HEARING ON PROPOSED LOCAL LAW EXTENDING MORATORIUM ON WASTE DISPOSAL FACILITIES AND PROVIDING FOR REFERRAL TO THE COUNTY PLANNING BOARD**

A motion was made by Councilman Byrnes and seconded by Councilman Saunders, to pass the following resolution:

**WHEREAS**, the Town has significant concerns regarding the potential impacts of all types of waste disposal facilities, and the Town Board previously established a moratorium on the review of applications for waste disposal facilities and on the establishment of such facilities in order to allow the Town Board time to investigate the relevant issues and adopt a Local Law regulating waste disposal facilities consistent with the development objectives of the Town; and

**WHEREAS**, the Town Board is considering a draft of a Local Law which would amend several sections of the Town's Code relating to disposal of waste, and the Town Board has directed Town Counsel to review the draft law and prepare revisions to several sections of it for the Board's consideration and possible inclusion in the draft Local Law prior to its further review and enactment, and

**WHEREAS**, the process of drafting, reviewing and adopting a new Local Law and/or Code provisions regulating waste disposal facilities may not be complete before the expiration of the Moratorium, and the Town Board therefore believes it would be prudent to extend the Moratorium for a period of approximately six (6) months, until January 31, 2008;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board shall meet on Thursday, June 14, 2007 at 7:10 PM to hold a public hearing to hear all people who are interested in the proposed Local Law extending the moratorium on waste disposal facilities. The Town Clerk is hereby authorized and directed to publish a Notice of Public Hearing in the *Glens Falls Post Star* not less than ten (10) days before the date of the public hearing; and be it

**FURTHER RESOLVED**, that no review of the proposed extension of the moratorium under the State Environmental Quality Review Act is required as adoption of a moratorium on land development is a Type II action under 6 NYCRR 617.5(c)(30); and be it

**FURTHER RESOLVED**, that the Town Supervisor is hereby authorized and directed to forward a copy of the proposed Local Law to the Saratoga County Planning Board for its recommendation pursuant to General Municipal Law Section 239(m); and be it

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

Roll Call:	Councilman Byrnes	-	yes
	Councilman Major	-	yes
	Supervisor Lucia	-	yes
	Councilman Brown	-	yes
	Councilman Saunders-		yes

Carried: 5-0

**LOUISE REED**

Louise Reed, Planning Board Chairperson, and Frank Barbera, General Manager of Barbera Homes, the builder for Morgan Estates, showed the board maps of Morgan Estates and an estimate from Towne Construction & Paving Company for the cost of the roads in Morgan Estates. The estimate presented was as follows:

Fine Grading and Binder Paving	-	\$65,717.00
Budget for Top Course Paving	-	<u>\$35,840.00</u>
		\$101,557.00

Mr. Barbera said that the utilities are being put in at the present time. He said all utilities are underground. Mr. Barbera told the board that as soon as all the utilities were in the roads would be started. Councilman Saunders asked about the emergency access road and its location. Councilman Major said that there had been a discussion on that access road and whether it was to be paved or not. Councilman Saunders said he had a concern if the road were used as an emergency access road and was not paved what would happen in the winter with the weight of the fire trucks, etc. Mr. Barbera said they intend to put a gate on that emergency access road with a key to the fire and emergency personnel. He said the only question is whether it be paved or not. A discussion was had regarding the location of the emergency access road and the necessity of the access road. The board asked Fire Chief Andrew Kelley about the access road and his thoughts on same. Mr. Kelley said that if the access road was used it definitely needed to be paved since the fire trucks weigh 20 to 30 tons, Highway Superintendent Harry Plummer asked if the emergency access road would be a Town Road. Supervisor Lucia told him that the emergency access road would not be a town road. Highway Superintendent Plummer said that the Town would have no responsibility to plow the emergency access road or maintain it unless it was a Town Road. Mr. Barbera asked if the access road were brought up to specs would the Town want it for a Town Road. Highway Superintendent said that if the access is turned over to the Town it could not be gated. Councilman Byrnes asked about the access road being on the blind curve. Highway Superintendent Plummer asked why the emergency access road was needed. Mr. Barbera said it was part of the approval from the Planning Board. Highway Superintendent Plummer said it was a dangerous spot even for emergency access. Councilman Major said that originally the plan called for a road out there and there was some concern because of it being on a blind curve near Wells Road and the Town Board recommended no access to Route 9N. Highway Superintendent Plummer said he doesn't understand any reason for the emergency access road. Councilman Major asked if the roads in this development were sufficient for emergency access. Councilman Saunders asked Fire Chief Kelley if he could get his trucks around the cul de sac. Mr. Kelley said he would have to look at it. Highway Superintendent Plummer said that if the highway could get its trucks around the cul de sac so the fire trucks should be okay. Mr. Barbera said the cul de sac was 28 feet around. Supervisor Lucia asked if Fire Chief Kelley could look at the cul de sac and let the Town Board and Chairperson Reed know if his trucks could get around the cul de sac. Louise Reed said she did not know why the Planning Board wanted this emergency access. She said she believed one thing was for a way to get into the cemetery. Councilman Major said that he understood Fire Chief Kelley was going to get back to both boards with an answer regarding the fire trucks and the cul de sac.

Louise Reed said the letter of credit is for the road only. Mrs. Reed said she understood the Town Board had not done a letter of credit before. Supervisor Lucia said they have done letters

of credit before. Mrs. Reed said that the Town Board has two new members who have not been involved in doing a letter of credit before. Mrs. Reed said that there is no water line because they have wells and there is no sewer because they have individual septic systems. Mrs. Reed said the grading is pretty much done. Attorney Hill said he understood that Mr. Barbera stated his development is at a stage that the Board did not have to make a decision about the emergency access road regarding whether it has to be paved or not. Mr. Barbera said yes regarding the emergency access road and that is already cut in. Attorney Hill asked what effect the paving or not paving of the emergency access road had on the estimate presented. Mr. Barbera said it would have very, very little change and he would not ask for a reduction of the letter of credit. Attorney Hill asked Mr. Barbera if the board decided at future time that it wants the emergency access road paved then Mr. Barbera would agree to be bound that under the letter of credit.

Louise Reed told the Board that the engineers have done a great job on this. She said the one thing suggested by the Town's engineer is that the board may want to add a percentage to the final topping to cover if the price of materials goes up.

Louise Reed suggested that when the Town does the binder as time goes by and they ask for part of their letter of credit back the Town could add a percentage then and they would know how much the top coating had gone up.

Attorney Hill suggested that the Town Engineer look at this estimate. Louise Reed said that she has had Clough Harbour review it and all is okay. Councilman Major asked if Attorney Pozefsky had reviewed this and Mrs. Reed said she had discussed it with him.

Councilman Major asked Highway Superintendent Plummer if a letter of credit of \$101,557.00 would be adequate. Highway Superintendent Plummer said it would depend on the cost of blacktop. Highway Superintendent asked when Mr. Barbera planned on paving and Mr. Barbera said he planned to start in a couple of weeks. He said he would probably have three quarters done in approximately three weeks. Mr. Barbera asked about how the Town Board would release part of the letter of credit. Councilman Major said that we would rely on our Highway Superintendent's opinion. Highway Superintendent asked if the Town wanted to put a time limited on putting the top coat. Mr. Barbera said that he would have the top coat on within a year. Highway Superintendent Plummer said that was okay with him.

Attorney Hill told the Town Board that as a general proposition in most situations where letters of credit are used there is a provision for an extension of the letter of credit in the event that the project is not completed and as long as the applicant does not have any objection to that the letter of credit would be rolled over until the work is complete. Attorney Hill said this is the recommendation he would make.

Supervisor asked the Town Attorney if the Town Board needed to do a resolution regarding this letter of credit. Attorney Hill said the procedure is that the Town Board asked the applicant to submit a letter of credit in the amount of \$101,557.00 from a local bank, within a fifty mile radius, to be submitted to the Town and to be reviewed by Town Counsel. The Town Board affirmed that that is what they wanted to have done.

Councilman Major told Mr. Barbera thank you for the Cemetery situation and he said he knew that Mr. Barbera did not have to do that.

**Supervisor**

Supervisor Lucia reminded the board about the Memorial Day Parade on May 30, 2007.

Supervisor Lucia spoke about a proposed local law regarding the Animal Control that Attorney Hafner presented to the board for their review.

**RESOLUTION #168**

**RESOLUTION SCHEDULING PUBLIC HEARING ON PROPOSED LOCAL LAW AMENDING CHAPTER 55 OF THE TOWN CODE RELATING TO ANIMALS**

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

**WHEREAS**, Chapter 55 of the Town Code, entitled Animals, currently includes Article I, Dog Control; and

**WHEREAS**, the Town would like to adopt Article II adding additional provisions to address issues related to control of cats, other domestic animals and animals generally; and

**WHEREAS**, Municipal Home Rule Law §20 requires the Town Board to hold a Public Hearing prior to the adoption of the Local Law.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board shall meet on June 14, 2007 at 7:30 PM at the Corinth Town Hall, 600 Palmer Avenue, Corinth, New York, to hold a Public Hearing to hear all people who are interested in proposed Local Law No. 4 of 2007 – A Local Law Amending the Corinth Town Code Relating to Control of Cats and Animals. The Town Clerk is hereby authorized and directed to publish a Notice of Public Hearing in the *Glens Falls Post Star* not less than ten (10) days before the date of the Public Hearing; and be it

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

**Public Input**

Supervisor read the rules for public speaking.

**Tim Hanchett**

Mr. Hanchett asked if there was anything prohibiting a plastics factory because of the moratorium. Attorney Hill said he understands that the plastics manufacturing factory is proposed to be constructed in the Village outside the Town's jurisdiction so the moratorium would have no effect. Mr. Hanchett asked even if they wanted to build the plastic factory in the

Town the moratorium would have no effect. Attorney Hill said the moratorium deals with Waste Disposal Facilities and without looking at all the definition of waste disposal facilities he thought it was unlikely that a proposed plastic manufacturing plant would fall within the definition of a waste disposal facility. Mr. Hanchett asked if a existing power plant using wood chips for fuel would most likely not fall in that category. Attorney Hill stated that his understanding that that is outside the Town in the Village and the Town has no jurisdiction. Mr. Hanchett said he thought it was a good idea for the board to take the time and extend the moratorium. Mr. Hanchett said he thought the Town Board was moving in the right direction to take the time to develop procedures and time frame before they approved the Draft Local Law.

### **Herbert Syrop**

Mr. Syrop told the board why he thought it would be the wrong thing for the Town Board to sign the Philmet agreement. He said that signing the agreement required trust. He said that Phillip Pilivsky is not trustworthy. He said that Phillips International are facing fourteen foreclosures and twelve bankruptcies. He said it is strange to him why Phillip Pilivsky has not paid his taxes. He said it may be because there isn't enough in the bank because Philmet, which is a make believe company, shows up on Dun and Bradstreet as having \$200,000.00 in sales. He said he feels it is not wise to sign an agreement with a company like that. He said that the boards know nothing about the plastics company even the name of the plastic company. Mr. Syrop said he went to the Village Hall and obtained copies of renderings that they had on file. He said he asked if the buildings depicted on the renderings were the plastics plant or something else. He said he was told they did not know. Mr. Syrop said he contacted the gentlemen who made the renderings and he said that Mr. Detsch gave him the specifications on the buildings on the renderings. He spoke about what operational procedures would be used at the energy plant. He spoke about Philmet reserving the right of using coal. He said the agreement did not say coal for fuel or coal for gasification. He said that if Philmet burns coal that the average waste to energy facility requires a smoke stack approximately 200 feet high. Mr. Syrop had to stop since his five minute time limit for speaking had expired.

### **Barbara Weatherwax**

Mrs. Weatherwax said that they constantly asked the Board to prohibit waste and they have not done so. She said that her group knows that Philmet is within the Village jurisdiction but the Town should consider that perhaps another industry would come in here within the Town jurisdiction. She said the Town needs to think ahead. She said that Philmet has been negotiating with a landowner in the Town to buy land in the Town. She said they are trying to move their buildings to the Town jurisdiction because they know that the Town has not prohibited burning and processing of waste. She asked the Board to take this in consideration and to take the original intent of the moratorium in consideration. She said that her group agreed with Councilman Byrnes with prohibiting paper sludge, industrial waste and processing and burning of waste. She asked that the Board add to that sewage sludge and municipal solid waste. She said her group asked the Board to remove the exception from the landfill. She said they asked that the applications go to the Zoning Board of Appeals. She said all variances go to the Zoning Board of Appeals because they have a specific criteria that they have to go through and all the rules and regulations they have to do that. She said the Town Board has enough on their hands that they should have variances go to the Zoning Board of Appeals. She said the word product can not be associated with the word waste. She said she would like the lawyer to look at the Draft Local Law and take out this word. She said her group expected the board to respond to all their requests, She said thousand and thousands of people have asked the

board to stop waste to energy to be able to operate here and they would so appreciate it if the board would do as they have been asked,.

### **Bryan Harrison**

Bryan Harrison said on the concept of the process of waste it seems that the discussion has all been around the fact that the Town has go tot stop anything which relates to waste processing. He said that the flip side is that then money is being spent to send your waste hundreds or miles away. He said then it is buried in the landfill and becomes methane. He said that methane is 21 times pound for pound more polluting for the atmosphere than carbon dioxide. He said that we would be exporting our problem to be someone else's problem. He said that if this is what is done then we would be contributing to aire pollution and water pollution somewhere else. He said he is sympathetic to that and his company has proposed a system whereas they have existing projects that the public could go and see. Mr. Harrison said that the Town Board said they wanted to discuss composting with experts and they could have gotten a DEC representative that was offered to the board. He said the DEC representative is a world wide expert. Mr. Harrison said the board could have talked to another gentlemen who is US Composting Counsel another expert. He said his operation was accused of illegal dumping and Dec came in and found there was none. He said they were accused of polluting the stream and this was found to not be true. He said they were accused of polluting wells and that was proven wrong. He said they were accused of operating an illegal mining and DEC proved that to be wrong. Mr. Harrison said that he felt that despite the use of the word generic there was a great focus in his company's direction.

### **Diana Jordan**

Diana Jordan said up until a few years ago she thought politics at a small town level was different than in Washington, DC . She said after all the Town Board sees these people every day. She said that over 2000 people signed petitions, went to public hearing and begged the Town Board to prevent polluting industries from coming to Corinth. She said you don't pollute where you live. She said she apparently was wrong. She said she feels that the Town Board supports polluting industries. She said industrial waste is a polluting agent. She said that villages and Towns throughout the state are updating their zoning laws to prevent this type of pollution from coming to their communities. She said it seemed that this board was inviting them here. She again asked the Board not to do that, not to sign the Philmet Agreement, to put the word prohibit back in the regulations, put back the words use variance and Zoning Board of Appeals and try to protect us from these type of industries.

### **Ruth Syrop**

Mrs. Syrop asked that the Town Board let her husband finish his speech since they came from so far. After a discussion the Town Board decided that the rules read before public speaking stated a person could speak one time and not assign their time to anyone else. The Town Board said that Mrs. Syrop could read the statement of Mr. Syrop but Mr. Syrop couldn't speak again. Mrs. Syrop said that she wasnted Mr. Syrop to read his statement. The Board said he already spoke for five minutes and could not speak again.

### **Ginny Ogden**

Ginny Ogden said that the meeting seemed to be about Philmet and Petruzzo and not about the industry which is wanted it seems to be what kind of waste. She said she feels both Philmet and Petruzzo have two faces, one that tells you what you want to hear and one could tell the truth but they don't. She says this has gone on and on and she wonders how long it will go on.

She said she didn't think Philmet would have spent all the money they have spent to put in one little factory or put up such a stink to use industrial waste if they were not planning to do something that the public doesn't want. She said for some reason they feel that the Town and Village Boards are so green that they can come in and bowl them over. She said no one is against industry they just don't want burning of stuff that is going to go in the air. She said she doesn't want trucks bringing in sludge past her house. She said the Town Board should learn to say no. She said they knew when they came here what was allowed and not allowed. Mrs. Ogden said the Town could bring in something good. She asked the board to please not settle for Philmet or Petruzzo.

**Sarah Alford**

Sarah Alford asked again about the actual count on the petitions for no trash. Supervisor Lucia said they are on file but they have not actually counted. She asked if it is possible to have a vote to find out what people want. Attorney Hill said he thought she was referring to a public referendum. Councilman Major said that was a long process and he didn't exactly know what was necessary. She said the every meeting she has been to many people have told the board that they don't want this. Mrs. Alford asked about contamination of the Hudson River. She said she was wondering if when the plant was up and running and they were burning wood chips would they claim hardship and be allowed to burn something else. She spoke about Fort Edward and it being the highest town for cancer in the area. She said she asked that the board protect the citizens.

**Tim Murphy**

Tim Murphy said he wanted to apologize for the way he said what he said at the last meeting. He told the board that he was a member of the Village Zoning Board of Appeals and attended several training sessions. He said through the training and literature given to him he knows the terms used. He said that if another term was to be used it would confuse people. He said the word waiver would not be good it would be confusing. Mr. Murphy spoke about grandfathering and the definition of that. He said Harry Willis told him that the word grandfathering is not a legal term. He spoke about grandfathering and variances.

**John D'Alessandro**

John D'Alessandro told the board that he is the Public Relation Manager for Philmet and he does not sit on the board for General Electric or Glens Falls Hospital and has never done any work for either General Electric or Glens Falls Hospital.

**Town Board**

All board members said they appreciated the work that Attorney Hill and his firm has been doing for them.

Councilman Byrnes said he wanted to remind everyone about the Open House to be held at the Corinth Emergency Squad on Saturday, May 26, 2007 from 10:00 AM to 4:00 PM.

**RESOLUTION #169**

**MOTION TO PAY BILLS AS AUDITED WITH NO EXCEPTION**

On a 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 board pays bills as audited with any exceptions as follows:

Vouchers For 05/24/07

**General Fund/Town Wide – A:**

#20070650, 0655, 0661, 0669-0671, 0679-0680, 0682-0686, 0688-0689, 0691-0692, 0694-0696, 0699-0701, 0715-0722, 0736-0738, 0740-0748, 0764-0767

\$72,261.80

**General Fund/Outside Village – B:**

#20070651, 0656, 0667-0668, 0703-0706, 0708-0709, 0723-0724, 0726-0736, 0739, 0749-0753, 0768

\$18,707.37

**Community Development Grant – CD:**

#20070662-0666, 0672, 0772

\$31,834.19

**Highway/Town Wide – DA:**

**Highway/Part Town – DB:**

#20070648, 0657, 0678, 0710-0714, 0754-0755, 0769-0771

\$38,005.37

**Capital Project/Landfill Upgrades – H1:**

#20070673-0674, 0756-0759

\$22,405.59

**Fire Protection – SF:**

#20070654

\$4,000.00

**Street Lighting – SL:**

**Sewer/Water – SW:**

**Trust & Agency – TA:**

#20070652-0653, 0658-0660, 0760-0763

\$24,138.74

**Scenic Train –**

#166-#167

\$3,058.97

**Depot Restoration –**

\$0

**RESOLUTION #156**

**MOTION TO ADJOURN TO BILL PAYING**

On a 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 board adjourns to billing paying, and be it further

With no further business, on a motion of Councilman Major and seconded by Councilman Brown, the meeting was adjourned at 6:10 PM. Carried unanimously.

Respectfully submitted,

Rose E. Farr, RMC  
Town Clerk