

**JUNE 14, 2007**

The Town Board of the Town of Corinth held a meeting on June 14, 2007 at 7:00 PM at the Town Hall.

Present: Richard Lucia, Supervisor  
Charles Brown, Councilman  
Edward Byrnes, Councilman  
Mitchell Saunders, Councilman  
Robert Hafner, Town Counsel  
Rose E. Farr, Town Clerk  
Fred Mann, Code Enforcement Officer  
Shawn Eggleston, Deputy Highway Superintendent  
Excused: John Major, Councilman

Public: Mary Baugh, Sigrid Koch, Diana Jordan, Russ Melville, Joel Duguay, Joseph Duguay, Barbara Weatherwax, Jeff Sandwick, Adrienne Hull, Stanley Goldberg, Ted Jordan, Carroll Ogden, Ginny Ogden, Leif Sandwick, Charlie Weatherwax, Mary Murphy, John D'Alessandro, Edwin Eggleston, Patricia Goldberg, Tim Hanchett, Robert Forte, and Francine Forte

After Roll Call by the Town Clerk the following business was conducted.

**RESOLUTION #174**  
**APPROVAL OF MINUTES**

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

ADOPTED Ayes 4 Lucia, Brown, Byrnes, and Saunders  
Nays 0

Resolved that the minutes for May 3<sup>rd</sup>, 10<sup>th</sup>, 24<sup>th</sup>, 2007 be approved.

**RESOLUTION #175**  
**APPROVAL OF ABSTRACTS**

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

ADOPTED Ayes 4 Lucia, Brown, Byrnes and Saunders  
Nays 0

Resolved that the abstracts of May 3<sup>rd</sup> and 24<sup>th</sup>, 2007 be approved as follows:

**May 3<sup>rd</sup>, 2007**

A - \$ 30,592.67  
B - \$ 6,303.49  
DB - \$ 25,647.65  
H1(Landfill Upgrades)- \$ 158.40  
TA - \$ 1,915.96

**May 24<sup>th</sup>, 2007**

A - \$ 72,261.80  
B - \$ 18,707.37  
CD - \$31,834.19  
DB - \$ 38,005.37  
H1(Landfill Upgrades) - \$22,405.59  
SF - \$4,000.00  
TA - \$ 24,138.74  
Scenic Train - \$ 3,058.97

**PUBLIC HEARING ON PROPOSED LOCAL LAW #3 FOR 2007**

Public Hearing opened at 7:10 PM with the Town Clerk reading the Legal Ad regarding proposed Local Law #3 published on June 2<sup>nd</sup>, 2007 in the Post Star.

Town Attorney Robert Hafner said that this proposed Law is for an Extension of the Moratorium Dealing with Waste Disposal Facilities. It has been decided that since the Town Board wanted to add some more provisions and these issues can not be dealt with until the Town Boards workshop next week June 21<sup>st</sup>, 2007 and probably might not be completed until after July 31, 2007 he felt it was necessary to extend the moratorium to cover this.

**Public Input:**

Robert Forte: From Lake Luzerne stated some concerns he has, however they were concerning a different Local Law that is before the Town Board.

Ginny Ogden: Stated that she would like to see the Moratorium extended and requested a show of hands for those in favor.

Supervisor Lucia asked if there was anyone present who wanted to speak against extending the Moratorium. No one asked to speak against the moratorium.

On motion of Councilman Byrnes, and seconded by Councilman Brown, the public hearing was closed at 7:15 PM. Supervisor Lucia stated that the Town Board had received the letter from the Saratoga County Planning board with their blessings.

**RESOLUTION #176**

**APPROVING PASSING OF LOCAL LAW #3-2007 EXTENDING THE MORATORIUM ON WASTE DISPOSAL FACILITIES IN THE TOWN OF CORINTH**

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

ADOPTED    Ayes 4            Lucia, Brown, Byrnes and Saunders  
                 Nays 0

RESOLVED that Local Law #3 of 2007 entitled, A Local Law Extending a Moratorium on Waste Disposal Facilities in the Town of Corinth is hereby approved.

**SUPERVISOR**

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

Adirondack Architectural Heritage Newsletter  
American Red cross News letter  
Certificates of Training for Michael V. Woodcock and Rexford Moon Jr.  
Emergency Management committee minutes  
Family Self Sufficiency Report for June  
FERC Notices  
Flag Day Report  
Honor Deceased Veteran- June 19<sup>th</sup> at County Bldg Honoring Keith Mudge from Hadley  
Letter form Harold Jones that was sent to the Town of Greenfield  
Mortgage Tax for April- \$13,575.50  
NYSAC News  
Rural Features  
Saratoga County Fair: July 17<sup>th</sup> – July 22<sup>nd</sup>  
Saratoga County Fire Commission Minutes  
Saratoga County IDA  
Scenic Rail Committee Minutes  
School News letter  
Senior Sentinel  
Sundae on the Farm  
Thank you Card-From Dr. Richard Pitkin  
Veterans' Corner  
Sales Tax for May was \$50,436.00

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

Assessors  
Building  
Animal Control  
Fire Department  
Highway  
Justices  
Town Clerk

Zoning  
Senior Citizens  
Supervisor's Report

**RESOLUTION #177**

**APPROVAL OF SUPERVISORS REPORTS AS PRESENTED:**

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

ADOPTED    Ayes 4 Lucia, Brown, Byrnes and Saunders

              Nays 0

**PUBLIC HEARING ON PROPOSED LOCAL LAW #4 FOR 2007 REGARDING CONTROL OF CATS AND ANIMALS**

Public Hearing opened at 7:30 PM with the Town Clerk reading the Legal Ad regarding proposed Local Law #4 published on May 26<sup>th</sup>, 2007, in the Post Star.

There was no people in favor or against.

On motion of Councilman Saunders, and seconded by Councilman Brown the Public Hearing was closed at 7:35PM.

**RESOLUTION #178**

**APPROVING PASSING OF LOCAL LAW #4-2007 REGARDING CONTROL OF CATS AND ANIMALS**

On motion of Councilman Saunders, and seconded by Councilman Brown, the following resolution was

ADOPTED    Ayes 4            Lucia, Brown, Byrnes and Saunders

              Nays 0

RESOLVED that Local Law #4 of 2007 entitled, A Local Law Amending Chapter 55 of the Town Code Relating to Animals is hereby approved.

**CODE ENFORCEMENT**

Code Enforcement Officer Fred Mann said that he would like Attorney Hafner to speak in regards of the Scott Eagle. Attorney Hafner said that there was a decision by Judge Nolan in this matter. The decision gave the party that was not following the Towns Ordinances time to resolve and repairs the issues at hand. This party did not resolve these issues, a notice had been sent to the part involved. Attorney Hafner read what the Judge ordered because the

plaintiff had not resolved the issues regarding the mobile homes in a timely fashion. The judgment stated that the Town can order a removal of the mobile homes and send the applicant a bill and if the bill is not paid then the Town has the Legal right to assess it against his property taxes if he does not pay. Code Enforcement Officer Mann said he needed the Town Board's direction on what they wish his office to do. Code Enforcement Officer Mann said it was not going to be any cheap thing to move the trailers off the land. Attorney Hafner said it has gone on long enough and Mr. Eagle has been given enough time. Councilman Saunders said he felt that the Town had given Mr. Eagle enough time, the Town has gone to Court, the Town has given Mr. Eagle the time as the Judge ordered. He said he has no problem waiting another week so that the entire board can make the decision but he says it has been long enough. Councilman Byrnes suggested that the Town look at a salvage company if it could for the removal of the mobile homes. He said that he believes it costs at least \$1500.00 a piece to dispose of mobile homes. Attorney Hafner said the Town Board has the authority and right to order them removed. Attorney Hafner said that the Town should have the Code Enforcement Officer present when and if the mobile homes are removed. He also said that if there was concern about the owner's reaction the Town might want to ask the Sheriff to join the Code Enforcement Officer at the time the mobile homes are to be removed. Supervisor Lucia asked that the matter be tabled until next week when all the board is in attendance.

Motion made by Councilman Byrnes and seconded by Councilman Saunders to table this matter until next week, June 21, 2006.

## **PUBLIC COMMENT**

### **Bryan Harrison**

Bryan Harrison told the Town Board that he has worked in the Town of Corinth for over 15 years. He has had numerous discussions with the Supervisor and has been unable to enter into any kind of negotiations to discuss how his business may or may not be put together. He said to know see this deal made with another company and how the land use law will effect this company and reflects a deal made with the other company. He said Petruzzo has been here for along time and has worked with the Town on the sludge issue. He said that he doesn't understand why a company that has no ties with Corinth is being negotiated with and a company that has been here for many years is not allowed to negotiated anything. He said he feels that there are two sets of rules here. He said he supports the redevelopment of the form International Paper Company site He said he hopes that the Town and Petruzzo are able to resolve this and sit down and discuss the matter amiably.

### **Attorney Michael O'Connor**

Attorney Michael O'Connor, representing Bedminster, said he wanted to make a point on the record that he does not know where they are coming from or where they are going. He said he understands that the extension of the moratorium on waste disposal facilities in the Town means that there will be no permits in the near future. He said the Town Board also has had a discussion with Town Counsel regarding retaining an engineer to discuss composting. He said that those two things are positive acts and it looks like the Town Board is looking at composting from an intelligent point of view and trying to decide what to do. He said in the last Local Law proposed on solid waste eliminated composting from the Town before it was discussed with any

engineer or anyone else. He said he understood that the Local Law that the Town Board is having a public hearing on next week also eliminates composting before the Town Board has had any discussion with engineers or as he had recommended previously discussed composting with DEC. He said that he agreed with Mr. Harrison that the Town Board is treating composting differently than they are treating the other company. He said that he didn't think this was going to hole up in court and that a lot of the Town's money would go to defend that. He said he feels composting should be treated the same as the other company and have fair open discussions with the Town Board with the Town Board basing their decision on scientific proof. He said that one of the things that struck him most was the comment that they have never requested a Waiver from the moratorium. He said he set at the table with the Town Board and sent two letters to the Town Board regarding a waiver. He said that he wants to sit with the Town Board and want to have the board receive input and they want to give the board assistance so that they can make an intelligent decision based upon science not based upon theory. He said he thought they could justify the operation that is being proposed. He said that this could save the Town in the taxes that it has to raise.

### **Joel Duguay**

Joel Duguay asked when the Town was going to sign the agreements with Philmet. He said he feels the agreements have a lot of protection for the community.

### **Barbara Weatherwax**

Barbara Weatherwax wanted to make sure that the attorney for Petruzzo knew that it was not just the Town Board but thousands of people's signatures on numerous petitions that composting is not a desirable industry here.

### **Diana Jordan**

Diana Jordan told the Town Board that they just got a threat. She asked the board to not let that effect their decision as it did with Philmet.

### **Tim Hanchett**

Tim Hanchett spoke about an article in the Gazette in which Attorney Fuller discussed the composting proposal by Petruzzo and Bedminster. He said the article said that the Town has for sixteen months indicating to Petruzzo that they would be excluding him from any new laws. He asked if this was true. Mr. Hanchett said that if Petruzzo was going to operate a new facility it would require a DEC permit to do that. He said whatever Petruzzo is doing on the property right now does not require a DEC permit because he doesn't have one. He asked what the Town Board perception was of the industry right now on the Petruzzo site. He asked if it was a composting facility that requires a DEC permit? He said he sees construction debris when he looks at the property from the road.

Councilman Saunders said that it is his understanding that there is grandfather because of the practices Petruzzo has been doing out there prior to 2004 when the Zoning Law came into effect. He said that there are eleven active permits that are DEC certified for Petruzzo to do such things as paper sludge, Construction and Demolition, bark and others. He said that Petruzzo is grandfathered prior to 2004 when the zoning went into effect. Councilman Saunders said that this is the only things that he is grandfathered for and that is all the conversation the Town Board had. Attorney Hafner said that the moratorium stops any new projects dealing with waste disposal which includes not only burning and dumps but it includes

new composting projects. Attorney Hafner said he understands that there are permits for certain activities on the property and to date the Town Board have told counsel that they aren't intend to have their changes to effect the currently allowed uses. The moratorium is to stop any new ones while they have time to get input from the public and from the engineer that is going to be hired and to consider if there are any public health and safety issues about new composting facilities.

### **Leif Sandwick**

Leif Sandwick said he has a mining permit on his property on Health Road and it costs \$700.00 a year. He said that if he doesn't pay the \$700.00 a year it is not grandfathered it is done. He said if this man doesn't pay for his permit every year he is done. He said there is no grandfathered with the State if a permit is not paid for it is done.

### **Mary Baugh**

Mary Baugh said she had been to quite a few meetings and she remembered that Councilman Major asked Mr. Petruzzo to see his permits and to date no one has seen any active permits. She said the only thing Petruzzo has are the B.U.D.s.

Supervisor Lucia asked Attorney Hafner, regarding the threat of lawsuit by Mr. Petruzzo, if the Town has been served by Petruzzo. Attorney Hafner said that the Town has been served with litigation. Diana Jordan said she hoped the Town Board doesn't allow the lawsuit to force them into anything.

### **Jeff Sandwick**

Jeff Sandwick told the board that he had spent the last nine months in Indonesia. He said he had a real appreciation for the United States after being there. He said that the great thing about this country is everybody has rights to protection by law. He said that the issue that the board has in front of them now is international. He said that while he was in Indonesia a couple of times they had to close down the airports because the pollution was so high and the visibility was so poor they could not land the planes safely. He said that Japan is very control minded but they don't like to keep their bad stuff in their backyard they send it to the developing countries like Malaysia or the Philippines. He said he wanted to encourage the Town Board to endure litigation. He said there is a cost in doing things right but the taxpayers don't mind paying for the defense of a lawsuit. He encouraged the Town Board to defend the community and properties. He asked the Town Board to not allow outside forces to divide our community.

### **Town Board**

Councilman Saunders said that he had an opportunity to go to attend Governor Spitzer's New York State Commission on Local Government Efficiency Preparedness in the Saratoga Springs Library. He said that Saratoga County Planning was recognized as one of the only in New York State that has an effect view of planning.

Councilman Byrnes said he wanted to tell Deputy Highway Superintendent Eggleston that he visited the dam in South Corinth last week and he thought the Highway Department did a wonderful job.

Councilman Byrnes said that the LDC met last week and decided to meet this week with Attorney Bruce Carr who is involved with a couple other local development corporations. He spoke about the meeting with the Town, Village, LDC and attorney and how he will be attempting to schedule the meeting in the near future on a Monday, Wednesday or Thursday. Councilman Byrnes said he spoke to Dr. Daniel Starr and he expressed an interest in joining the LDC.

**Supervisor**

Supervisor said he wanted to answer Mr. Duguay's question. He said last Thursday the Town Board was given the final version of the agreement with Philmet and even though the Supervisor had already been given authority to sign the agreement he asked each of the board members to review the agreement and get back to him with their comments. He said that all board members have approved the agreement and he would now sign the agreement. Attorney Hafner said he had the original and would present them to Supervisor Lucia for signature after the meeting.

With no further business, on a motion of Councilman Saunders and seconded by Councilman Byrnes, the meeting was adjourned at 8:05 PM. Carried unanimously.

Respectfully submitted,

Rose E. Farr, RMC  
Town Clerk