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May 8, 2008

The Town Board of the Town Of Corinth held a regular meeting on May 8, 2008 at 7:00 PM at the Town Hall.

Present: Richard Lucia, Supervisor
Charles Brown, Councilman
John Major, Councilman, Excused
Edward Byrnes, Councilman
Mitchell Saunders, Councilman
Robert Hafner, Attorney
Shawn Eggleston, Highway Superintendent
Fred Mann, Code Enforcement Officer
Joan Smead, Deputy Town Clerk

Public: Edwin J. Eggleston, Jim Murray, Sr., Lynn Walker, Richard Feulner, Michelle Wyman, Jim Hamm, Sigrid Koch, Sher Millis, Linda Byrnes, Gene Perry, Tony Lubus, Ron LeClair, Karen Duell, Sharron Whitcomb, Peter Gunning, Lisa Kiselcia-Rumpf. Bradford and Marsha Towers.

After roll call, pledge of allegiance, and prayer the following business was conducted:

RESOLUTION # 140

APPROVAL OF MINUTES

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

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

Resolved that the minutes for April 3rd, 10th, 17th and 24th. 2008 are approved.

RESOLUTION # 141

APPROVAL OF ABSTRACTS

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

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

Resolved that the abstracts of April 3rd and April 24th, 2008 be approved as follows:

April 3, 2008

A Fund=\$5,725.71; B Fund=\$4,637.00; DB Fund=\$6,822.39; CD Fund=\$5,543.35;

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H Fund=\$1,695.00

April 24, 2008

A Fund=\$46,856.54; B Fund=\$6,984.07; DB Fund=\$18,227.03; T&A Fund=\$20,273.58

HISTORIC PRESENTATION

Supervisor Lucia had Cheri Sullivan and Bradford Towers unveil a historic plaque showing people who have served the Town of Corinth since 1818. Supervisor Lucia said that he had Cheri Sullivan research this. He said she had David Barrass make a template of all the name tags to go on the plaque. Supervisor said that Cheri Sullivan then met with Sher Millis and Anthony Lubus of the Studio Store on Main Street who help with the stain and finishing the scene on the plaque. Cheri then went to Bradford Towers and he put everything together. Supervisor Lucia presented Certificates of Appreciation to the following: David Barrass, Studio Store, Anthony Lubus, Sher Millis, Bradford Towers, and Cheri Sullivan.

Supervisor Lucia spoke to the Town Board about a resolution that Explore New York 400 would like passed for the year 2009 whereby each community establishes a committee or committees that will sanction local governing entity. The Committees can include sub-committees and/or working groups and should identify and develop new or existing events and/or programs in the community for 2009; and identify and commit to at least one legacy project.

RESOLUTION # 141

EXPLORE NY 400 COMMUNITY RESOLUTION

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

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

WHEREAS, the New York State Hudson-Fulton Champlain, Quadricentennial Commission was established under Chapter 590 of the Laws of 2002, to plan, develop and coordinate the 400th Anniversary, in 2009, of the voyages of exploration made by Henry Hudson and Samuel de Champlain as well as the 200th anniversary of Robert Fulton's steamship voyage up the Hudson River; and

WHEREAS, these historic voyages of exploration in 1609 would change the world forever and lead to the European settlement of the New World and the innovation of steam travel and commerce in 1807, establishing the Hudson River and Lake Champlain as a corridor of trade, communication, politics and ideas, and that further, this vital north-south corridor of water created other water links such as the Champlain and Erie Canal, which provided opportunities inland and encourage the westward movement through these water routes; and

WHEREAS, the State and the Federal governments recognize the voyages of exploration and invention to be the historical importance and significance to New York State and the nation and recognize the tradition to observe these contributions made by Hudson, Fulton and Champlain by commemorating these events in 2009; and

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WHEREAS, as an Explore NY 400 Community, the community may use the Explore NY logo, link to the Explore NY 400 website, and may be eligible for either state or federal grant money to assist in Quadricentennial planning, events and legacy projects; and

BE IT FURTHER RESOLVED that the Town of Corinth supports the mission of the Hudson-Fulton-Champlain Quadricentennial Commission, and requests designation as an Explore NY 400 Community, and will be an active partner by establishing an Explore NY 400 Committee, and will cooperate to its fullest with the Commission in making the 400th anniversary a successful historic New York State event.

GARRY ROBINSON

Garry Robinson, consulting engineer representing Guido Passerelli, told the board that he had been working a lot on the groundwater issue that apparently was brought up at the Town Board's last meeting. He said that he went out to the site and took a look at the storm water facilities and the beaver pond. He also said he spoke to Bob Lockwood from Clough Harbour, the Town's engineer. Garry said that he and Bob Lockwood both agree what is going on and why it is going on. Mr. Robinson said that in talking to Guido and Mike LeMoth, who also represents Guido, he understands that there is a moratorium on building in their subdivision at this point in time and he doesn't understand this. He said he spoke with Bob Lockwood and there are a couple of things happening. He said that there is a general high amount of groundwater this year. He said the same thing is going on in Moreau, Town of Wilton and Town of Queensbury. He said the groundwater all over is high this year. Mr. Robinson said people who have not had water in their basements before have water this year and people who had water before in their basements have a higher level of water than usual this year. He said that is one issue the second issue is the beaver pond. He said the beaver pond extends on Guido's property but the dam is not on Guido's property. Mr. Robinson said that awhile ago they actually had a permit and shot some beavers on the site but they came back. He said they don't own the property where the dam is so they don't have the ability to take part in that. He said he thinks the Town is finding out how hard it is to keep the dam out. Mr. Robinson said that when he talked to Bob Lockwood he agreed with him. He said he was out on the site today and somebody did open the dam up today. He said it was draining like crazy and it is down probably a foot or foot and half from where it was when he was last out to the site. He said it is looking great. He also said that if the dam did have an impact on the groundwater in the area it would take a while before it showed up because it is extended down through the sand. He said that up on the other part there is seasonal high ground water that is higher than he has seen there before. He said that the beaver dam is part of the problem. Mr. Robinson said that another thing that Bob Lockwood agreed with him on is that he is not sure what preventing any building on the site would have to do with the level of the groundwater. He said in putting in a foundation they are not taking away a lot of space where groundwater could go and they are not preventing water from moving. He said he doesn't see what the idea was on having a moratorium on building. He said he spoke with Bob Lockwood and he agrees with him. Supervisor Lucia told Mr. Robinson that he thought the idea was to be sure that the drainage system was working correctly in the development. Mr. Robinson said the drainage in the development is circa streams and it has roadside ditches next to the roads that come down into a series of dry wells that are located on the Eggleston Street side of the property. He said it runs down hill to a series of dry wells, each one is a little lower and each one has an overflow. He said that if they get full then the overflow takes over. Mr. Robinson said when he

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first came up here the overflow line that actually runs all the way down to the beaver pond was flooded. He said when he saw it; it was about 5/8 full of water. He said what was happening was the beaver pond water was actually running back into that pipe and it was going back into the dry wells. He said the dry wells in the upper level were overflowing due to the high groundwater. He said last year the dry wells were dry at this point in time. He said it was unexpected. Mr. Robinson said it is because the ground water is high this year. He said the drainage is working it goes down to the dry wells and when the dry wells flood it goes down into the beaver pond. Mr. Robinson said he understands that the Town owns the roads and the ditches now anyway. He said that this is a big impact on the business with the housing market being so tough right now. Mr. Robinson said when you get a couple bites you try to jump on them and this stops that. He said if there was a reason he wouldn't have a problem with it. He said by not putting a house in its not going to change anything.

Attorney Hafner said that at the last town board meeting the board heard about the failure of the storm water system that was put in for the subdivision. He said that we heard that water was running backwards in the drainage pipes that Mr. Robinson is talking about. Mr. Hafner said what he understands that Mr. Robinson is trying to place part of the blame on is the beaver pond but the Town has its own engineer and they will be getting his opinion. Mr. Hafner said that as he understands it the beaver pond is where Mr. Robinson designed the water to flow into. He said so the fact that the water cannot flow into the beaver pond seems that that is a design problem that Mr. Robinson and the Town did not envision but it is a problem and the subdivision had a system that was not working. Mr. Hafner said the Town's engineer thought that maybe lowering the beaver pond would make the problem go away so the system that Mr. Robinson designed would work again but at that meeting it was not working. Mr. Hafner said that when Supervisor Lucia spoke to the Town engineer he said it would take one to two weeks for the water in the pond to go down and filter out of the sand to tell if this will solve the problem. Attorney Hafner said that if at the end the Town engineer and Mr. Robinson can agree and can give the Town Board some proof that the system Mr. Robinson designed for this development will work again, and this will solve the problem then he thinks the Town Board will let Mr. Robinson go back to doing what his original plans were. Attorney Hafner said that right now the system that was designed that was thought to work did not work. Attorney Hafner said that until the Town is sure that it is going to work the Town Board has instructed the Code Enforcement Office/Building Inspector not to issue more building permits until it is proved that the Passaerilli subdivision will not have this problem again. Attorney Hafner said that he understood that the Town wants the development to succeed and that Town will be issuing COs for the two lots that already had foundations in place because finishing that is not going to change the drainage or storm water problem. He said that seemed to be a reasonable thing. He said that before more building permits are issued the Town will have to see whether the storm water drainage system that Mr. Robinson designed will actually work.

Mr. Robinson said that when he spoke with Bob Lockwood he was not saying what Attorney Hafner was saying at all. Attorney Hafner said that Mr. Lockwood spoke at the last board meeting. Mr. Robinson said that Bob Lockwood wrote a letter and Mr. Robinson does not believe the letter says that either. Mr. Robinson said when he designed the system the beaver dam was there but it was much smaller and the level of the water was probably two feet lower than it is right now. Mr. Robinson said that right now there is only a small amount of water

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coming out of that pipe line that is an overflow for the dry wells that coming from the water up above and down into the beaver pond. Mr. Robinson said he did not know what isn't working at this time. He said the building of a house is not going to impact the storm water. Attorney Hafner said that if Mr. Robinson and Mr. Lockwood can certify to the Town Board after the water is lowered enough and it has been long enough then his understanding is that the Town Board will let Mr. Passaerilli go back to what he was doing. Mr. Hafner said right now what the Town Board heard last month was a storm water design did not work. He said blaming it on the height of the beaver pond is not acceptable. He said when Mr. Robinson did the plan he assumed that the height of the beaver pond would stay low but that is not what happened and its not the reality. Attorney Hafner said if the drainage is not working properly the Town has to figure out how Mr. Passaerilli is going to deal with the drainage for his development when there is no place for the water to flow to. He said the Town is trying to work with Mr. Robinson. Attorney Hafner said he thought the Town had done a lot with trying to get the beaver pond down and he thinks it is going down. Attorney Hafner said the Town was going to need a recertification that this system will work for the development and the Town engineer must sign off on this.

Councilman Saunders said he is concerned with the leeching of the septic systems in that area. He said that citizens on Dorset Drive are stating that for 34 years they have never had any water and for the last two years they have had water coming into their basements. He said he is very concerned with the leeching of the septic systems if they are being compromised by this. Mr. Robinson said seasonal high ground water comes up and seeps into the septic system. He said seasonal high ground water is something that neither he nor the Town can control.

Councilman Byrnes said that Mr. Robinson said that several years ago they had shot some beaver. Mr. Robinson said that that was a long time ago. Councilman Byrnes said that there must have been a reason for shooting the beaver back then. He asked Mr. Robinson if he saw a problem with that beaver dam down the road and that is why they shot the beaver. Mr. Robinson said the beaver dam was there the whole time they worked on the project. He said when they started the beaver dam was small and they could take the plates off and it would open. Councilman Byrnes told Mr. Robinson that the Town Board trying to protect its residents on Dorset Drive and Eggleston Street. Attorney Hafner said also protect this development. He said they have to make sure there are septic systems that work. Supervisor Lucia spoke about a lady that turned in pictures showing her damage. Councilman Saunders said that last year the insurance company paid for her damage but this year they refused. Councilman Byrnes said that had the lady had a problem before she would not have placed the nice furniture in her basement. Councilman Byrnes said that he had not had a report from anybody. Supervisor Lucia said that he spoke to Bob Lockwood about attending this meeting and Mr. Lockwood said that there was no sense in him coming until the water has been down for a week or ten days. Supervisor Lucia asked Highway Superintendent Eggleston if he had heard anything from the man about trapping the beavers. Highway Superintendent Eggleston said that the man has not gotten back to him yet and he said he cannot call the man because the only way DEC will issue a permit to trap beaver, since it is not trapping season, is the landowner has to request it and the landowner has not been real cooperative about. Highway Superintendent Eggleston said that he has personally maintained the level of the water where he has had a person there every day during the day for almost a month. He said he has never seen any water come out of that pipe and he has been there most every day. He said the water level right now is lower than it is usually during the summer.

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Mr. Robinson asked Highway Superintendent Eggleston what pipe he was talking about and he said that it was the pipe from the development. Highway Superintendent Eggleston said that he has never witnessed any water coming out of that pipe. Supervisor Lucia asked if the Town received a copy of the permit that was issued to the landowner. Highway Superintendent Eggleston said that the Town did not. Supervisor Lucia said that he had been told that on the permit it states the process of how to get rid of the beaver. Highway Superintendent Eggleston told the Town Board that he has not touched the hut and that it is way out in the pond. Mr. Robinson asked if Mr. Lockwood recommended that a moratorium stay in place. Supervisor Lucia said that he told him that it would be foolish for him to come to tonight's meeting and he would come back for another inspection and apprise the Town Board. Councilman Byrnes asked Mr. Robinson if he understood that the Town Board was representing the taxpayers that have dealt with this all winter long. Mr. Robinson said that putting the houses in is not going to make any difference at all in the ground water. Councilman Byrnes said that he isn't an engineer but if the system isn't working properly..... Mr. Robinson said the system is working properly. Councilman Byrnes said that something is different up there because since Mr. Passaerilli started building houses up there a citizen said that they never have had flooding prior to that and they have been there for 31 years. Mr. Robinson told the Town Board that when he came before the Planning Board there were people that told them that they had water in their basement. Mike LeMoth asked Highway Superintendent Eggleston if he checked the dry wells last year down in back. Before Highway Superintendent Eggleston could answer Mike LeMoth asked Code Enforcement Officer Mann if he looked at the dry wells. Code Enforcement Mann said he hadn't seen anything until this year. Mike LeMoth said that if anyone said there was a problem last year those were bone dry last year.

Peter Gunning said that he was affected but not as much as his other two neighbors. He said he was still affected and he had not been in 34 years. He said that if there is a lot of water that goes down through the drain. It can not go up the hill and over that incline. He said that it is not gravity fed into that beaver pond. He said that perforated pipe and all the drainage pipes that come from up above coming down through right in back of his property is where it is draining down on his land. He said that is a design problem. Mr. Robinson said that where the water comes into the dry wells it is coming from when the beaver pond is. He said the water comes from up above, it comes into the dry wells, typically if the ground water is low it goes into the ground. He said that if the ground water is high the ground water backs up in the dry wells then there is an overflow on them. He said the line that goes from the dry well in the back corner and runs parallel to Dorset and over to the pond is a little greater slope than flat. He said it does slope down it doesn't go down hill it doesn't go up high. Mike LeMoth asked Code Enforcement Officer Mann if when they looked at the dry wells he could you see the water flowing. Code Enforcement Mann said that he could in all but the last one behind Pete's house where he couldn't see anything. Mr. Robinson said that the fact that there are dry wells here the only thing it is doing is providing little cans for water to go into. He said that if the dry wells weren't there the ground water would still be at the same elevation. Peter Gunning said the only thing that is different in the 34 years he lived there is new houses and more houses. He said at first there were only the two houses up by the Little League field. He said both those houses had water in their basement. Mr. Gunning said once the other houses were put in this last year he is now getting flooded. He said there is something different there that has transpired. Mr. Robinson said that he thinks what is different is the high ground water level. Mr. Gunning said

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he didn't believe that. He said he has seen puddles out in back of his house before in prior year and has never been flooded. Mr. Robinson said that the ground water is something that cannot be controlled. He said that people in Moreau who don't usually have water in their basements have three to four feet of water in their basements this year due to the high ground water. He said that they have done studies and the ground water has just been high for the last two years.

Karen Duell said that she agreed the water has gotten worse. She said she lives on the lowest point on Eggleston Street. She said water is just pouring into her basement and her sump pump never shuts off. Mrs. Duell said that all along across the road from her in back of Milt York's and Sharron Whitcomb's it is all just a swimming pool. She said that the water has actually spilled over on Eggleston Street. Sharron Whitcomb said she now has ducks at her house in the water and she said that she has a certified day care. Councilman Byrnes said that if the ground is that wet down there then these people's septic tank and leech field cannot be working properly.

Councilman Major said that until they know what is exactly happening here he is not interested in having any more building permits issued. Councilman Major said that it had been mentioned a couple of times about houses being built with water in the basement. He asked if this is true. Mr. Robinson said that they have a pumping system in every home. Mike LeMoth said that before the dry wells were put in and before the roads were put in there was in fact two houses with water in their basement. Councilman Major asked if every house that is built in there has water in them. Mike LeMoth said not every house but several since the ground water is so high and they have installed pumping stations in every house.

Mr. Robinson asked if this is something the Town Board could have a workshop or something with Bob Lockwood here. Supervisor Lucia said they could do that but the town needs to wait until he lets us know. Attorney Hafner said that Mr. Lockwood said it would be a week to ten days until; he would know if the problem is resolved.. Supervisor Lucia said that after that time and if the water stays down Mr. Lockwood would come back and revisits the property and report to the Town Board. Councilman Major said that it was his understanding from their last meeting that as this goes down the situation would be re-evaluated to see where we are at. He said that everybody here wants to find a solution but Councilman Major said he would not feel comfortable knowing that there are serious issues. Councilman Major said that this is a serious situation and it affects numerous people. Councilman Major said what if the water does disappear and in five or six years do we have to live this all over again? Mr. Robinson said that this is what happens with groundwater it goes up and it goes down.

Councilman Byrnes asked if as a person is building these foundations they know that they are going to be pumping water out of those foundations because they know there is water there. He said if there wasn't going to be a foundation there then there would be no problem of getting rid of the water. Mr. Robinson said that it was the same water whether it was pumped out of the foundation or left in the ground. Councilman Byrnes said that was true but it would not have to be pumped.

Edwin Eggleston told the board that these layers of sand there are places that you get ground drainage and other places that there is not such good drainage. He asked if geological samples were taken before building started. Mr. Robinson said that they took several samples with the

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Health Department and with a geologist to see where to put the dry wells. Mr. Eggleston said the beaver dam is something that has been there. He said Norm LeClerc complained several years ago about spongy backyard and that was before you guys even began the subdivision. Mr. Eggleston spoke about his land.

Councilman Byrnes said he was open to a workshop or whatever it takes and let's move on with this. He said he understood where Pascrell was but he hoped they could understand where the board is. Supervisor Lucia said as soon as Bob Lockwood says everything is status quo we could have a workshop and he could attend as well as Mr. Robinson and everything could be discussed at that time. Attorney Hafner said there were a lot of comments about the water being so high that it would make the septic system fail and if in the Passarelli development the water level is high how will that effect the septic systems for new houses, much less those are already there? Attorney Hafner said that this is a matter for Mr. Robinson and Mr. Lockwood to discuss so that there wouldn't be a health issue. Councilman Saunders said he thought that this is the greatest concern. Attorney Hafner said that this is a Public Health issue. Councilman Saunders said he thought these were the answers that are needed.

A lady in the audience asked if it was possible to get a copy of the moratorium that was issued last month so the landowner understood what is going on. She asked if the minutes were available. Supervisor Lucia said the minutes are available, but explained that it just states in there that the board directed the Code Enforcement Officer/Building Inspector not to issue any more building permits until the engineers are satisfied with tests. There was no resolution or moratorium. Attorney Hafner said that copies of the minutes could be obtain from the Town Clerk and also on line.

SUPERVISOR

Supervisor Lucia reported that the \$1M requested in a grant application submitted in August 2006, from a 5-year NYS Rail grant program designed to economically assist restoring/upgrading NYS Rail lines has been awarded. He said this money will be added to the original \$2M full rail line usage grant, for which the unexpected Beaver Dam line repairs were obtained in the interim.

Supervisor Lucia told Highway Superintendent Eggleston that he had a request from a homeowner at 3 Wiley Way to have more signs saying Slow Children Playing installed. Highway Superintendent Eggleston said he would take care of this but the whole development is posted at 20 mph.

SUPERVISOR

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

American Red Cross memo
Family Self Sufficiency Program

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RESOLUTION # 142

TRANSFER

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

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

RESOLVED that appropriations 51304.04 Highway Machinery be increased by Five Thousand Three Hundred Fifty Dollars (\$5,350.00) and 2691.04 Compensation for Loss Highway DB Revenue be increase in the amount of Five Thousand Three Hundred Fifty Dollars (\$5,350.00). This being monies received from State Farm Insurance to cover damage to sweeper on April 7, 2008.

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

 Honor Our Deceased Veterans – 05/20/08 @ 2:30 PM – Benedetto J. Patrignani, Jr., US
Army, Korea – Town of Waterford
 Joseph Mastrianni Annual Report
 James Mastrianni Letter – “40 under 40”

Supervisor read the following letter into the record from Joseph Doherty:

April 20, 2008

Richard B. Lucia, Corinth Supervisor
Saratoga County Board of Supervisors
Saratoga County Municipal Center
40 McMaster Street
Ballston Spa, New York 12020

Dear Dick:

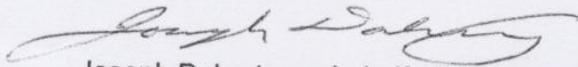
We are writing on behalf of the entire Doherty Family to thank you and the Board of Supervisors for honoring the five Doherty brothers—Jim, Ike, Duffy, Bill and George—for their service during World War II at the April 15 ceremony.

We were touched by the kind words of praise that you and all of the other speakers had for them, but were not surprised that the way they lived their lives made them role models for many people. They were our heroes every day and we all try our best to emulate their strength, their honesty, their modesty and their sense of responsibility to family, friends and community.

They were quiet, reticent men who could “step up to the plate” when leaders were needed. However, they knew that the challenges of raising families and participating in our communities should be every citizen’s first priority. Although we know that they would have been uncomfortable receiving your compliments, we are grateful for the recognition. They would certainly have preferred that all those who served could be equally honored.

We especially want to thank the Saratoga County Veterans’ Service Agency for making the “Veterans of the Month” ceremony possible and the representatives of the three military branches for their heartfelt tributes. Thank you also to the Board of Supervisors’ Administrative Staff for providing the wonderful reception. It was a day none of us will ever forget.

Sincerely,



Joseph Doherty, on behalf of the entire Doherty Family

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

Laws Governing Dissolution of Village – for Town Board members to review
Local Government Planning & Zoning Workshop – 5/28/08 at Hudson Valley
Community College from 8AM to 3:15 PM
Reminder of May 15th bids on removal of mobile home – Howe Road
Mortgage Tax Receipts for April - \$14,643.00
Package of forms to be used for Petition to Change Zone from Jim Martin
Rural Features
Saratoga County Department of Employment and Training – Youths Summer
Employment
Saratoga County Planning Board applications for 2008 Saratoga County Farmland
Protection and Open space Preservation Grant
Saratoga County Planning Board minutes
Scenic Rail Minutes
School Parent Newsletter

Supervisor Lucia announced that the Town Hall Summer Hours will commence on May 19th until Labor Day. He said the hours will be Monday through Thursday 8AM straight through to 4PM and Friday from 8AM straight through to 1PM. He said the Town Hall will be closed at 1PM on Fridays.

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

Thank You card from Brown Family
The Senior Senteniel
Training Certificates for Rose E. Farr, Joan Smead and Cheri Sullivan
Veterans Corner
Yes! Saratoga County

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

Assessors
Building
Animal Control
Highway
Justices
Town Clerk
Zoning
Senior Citizens

Supervisor Lucia told the board that there was no Supervisor's Report for this month due to a problem with the new bookkeeping software. He said that there would be one next week.

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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

PUBLIC INPUT

EDWIN EGGLESTON

Edwin Eggleston reminded the Town Board about the Memorial Day parade scheduled for May 30th at 6:30 PM. He said that he hoped to see all the people stand when the flag passes by.

JAMES HAMM

James Hamm told the Town Board that he is going back to the zoning and get Chairman Clarke to sign the paper. He asked the board if he had to go back and spend the money even though he can't meet the requirements he still has to pay to have it advertised, etc. Councilman Byrnes said that Mr. Hamm would have to pay the \$40.00 and get it put back in the newspaper. Supervisor Lucia told Mr. Hamm that he would have to complete the new forms requesting a change in zoning and bring it back to Fred. Mr. Hamm said this is still taking time. He asked what he could do with the mobile home and where his daughter is going to live. Supervisor Lucia told Mr. Hamm to just take the matter one step at a time. Councilman Major asked Mr. Hamm why he changed his mind. He said last month Mr. Hamm said he was not going to the Zoning Board of Appeals. Councilman Saunders said that the Board had a workshop and discussed this and decided that going to Zoning Board of Appeals is the only way Mr. Hamm could go.

Councilman Saunders said that in order for the Town Board to take this matter up their had to be a denial from the Zoning Board of Appeals. Mr. Hamm asked if then he had to go to the Planning Board again. Mr. Hamm said he would still have to get the property surveyed and he wasn't spending any money until he got his okay. Councilman Saunders said they way he remembers it is that Mr. Hamm was going to contact all the neighbors in the area and see if they had any objections. Councilman Saunders said that was suggested because there is no sense going to the Zoning Board of Appeals if there is an opposition for the change. Councilman Saunders said he agreed that time is of the essence. Mr. Hamm said he could not make it. It is impossible when dealing with the Adirondack Park. Councilman Saunders said that he believed the town was able to get an extension last November for six months. Councilman Brown said that Mr. Hamm should contact the Attorney General's Office and apply for another extension. He said he called the Attorney General's office and he was told that he was the wrong person to call that the person's lawyer should be contacting the Attorney General. Mr. Hamm told the board that was more money out of his pocket because all he is getting is a run around. Mr. Hamm asked why he was not given the application for a change of zoning before. He said it was

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because it didn't exist until he asked about it. Mr. Hamm said that the Attorney said that when a person goes to their building department they are suppose to have all the forms you need. Mr. Attorney Hafner asked what Mr. Hamm was referring to. Mr. Hamm said that when he told the board to the building department and he said that he was never told about being in the Adirondack Park the attorney said that it wasn't up to them to tell me. Attorney Hafner said it was not up to the Town to tell you what Adirondack Park Agency's rules are. Mr. Hamm said they do it now. He said when a person goes in for a permit that is one of the first things that is asked if the property is within the APA. Code Enforcement Officer Mann said that has been true since he became Building Inspector and it probably started because of what happened to Mr. Hamm. Michelle Wyman asked what happens to the other people who have the same problem with the APA. She said that there was an article in the Post Star saying that APA was going to start cracking down. She asked what the Town was going to do when they have 30 or more families with the same problem. Attorney Hafner told her that the Town does not have any liability. He said the Town now tries to help the people and make sure they know now. Mrs. Wyman said the first time the Town realized there was a problem with APA was when the Hamm issue came up. She asked what the Town expected her to do. She said nobody cares. She said July 15th she has to have her mobile off the property. Mr. Hamm said he knows where she is coming from. Councilman Saunders asked what the Town Board hasn't done that they have asked them to do. Mr. Hamm said he wants to be put through immediately so that he can start the project. Councilman Byrnes said that Mr. Hamm could not skip the process. He said that if Mr. Hamm had stayed with eh process originally when he went to the Zoning Board and get a denial Mr. Hamm would already had a piece of paper stating they denied him then this matter could move forward. Councilman Byrnes said that Mr. Hamm felt it wasn't going to work for him and that is what Mr. Hamm was told so he came to the Town Board without a formal denial. Mr. Hamm said that he could not meet the requirements. Councilman Byrnes told Mr. Hamm that he was asking that the Town Board changed the laws or do something against the law. Councilman Major said that the last time they met Mr. Hamm told the Town Board that he was not going for a zoning change. Mr. Hamm said that he is running out of time.

THOMAS CLOTHIER

Thomas Clothier asked the Town Board if they contacted the Town of Greenfield as they said they would at the last meeting and if had any response regarding Greenfield sharing in the expense for removal of the mobile homes on Howe Road. Supervisor Lucia said that the place the trailers are on is in the Town of Corinth. Mr. Clothier says so Greenfield has no right to the taxes. Supervisor Lucia told Mr. Clothier that Greenfield did not have any rights on the part where the mobiles are located. Mr. Clothier asked what the reason was for cleaning the property up. Supervisor Lucia said it was a health reasons and a violation of Town Law. Mr. Clothier asked what part of the Town Law. Supervisor Lucia said the junkyard law. Attorney Hafner told Mr. Clothier if he wanted a copy of the judge's decision he could ask the clerk and she can give you a copy. Attorney Hafner said it is from Saratoga County Court and he could obtain a copy from the Town Clerk. Mr. Clothier asked if the expense for removal of the mobiles was going to be added to the tax bill for next year and if the taxes are unpaid you can take the property and not wait three years. Attorney Hafner told Mr. Clothier that they would have to wait the same length of time as any other taxes.

TOWN BOARD

Councilman Saunders spoke about the committee to look into consolidation of the Town and Village and how Councilman Major had mentioned some law. Councilman Major told him that the law is included in the packet the Supervisor handed out. Councilman Saunders quoted Village Law Section 19-1901 as follows: “Prior to the approval of a proposition for dissolution, the village board of trustees shall appoint a study committee on the dissolution of the village. The study committee shall include at least two representatives of each town or towns in which the village is situated” He said when the Village did their organizational meeting they appointed three village board members to serve on this committee. Councilman Saunders said he would like to have himself on that committee and five members from the Town. He said he would like to get this going as soon as possible. Attorney Hafner said the size of the committee and who is on the committee is a decision of the Village Board to make. He said that the Town Board could make suggestions to the Village Board. Attorney Hafner said the only limitations that there is that at least two members of this committee must be from the Town outside the village. He said other than that the number and who they are is up to the Village Board. He said the Town Board could make a request of the Village Board but it was there decision. Councilman Saunders told the attorney that the Town and Village had a meeting and that wss discussed. Councilman Saunders spoke about a letter that the New York State Commission on Local Government Efficiency and Competitiveness submitted to Governor Patterson. The letter is as follows:

To the Citizens of New York State

People are demanding change at all levels of government. They are frustrated by a local tax burden that is the highest in the nation. They value their communities, but want modern, efficient services at an affordable price.

Our Commission was launched with the conviction that New Yorkers are living under a very outdated local government structure. The vast majority of our municipalities were established and their boundaries set during the horse-and-buggy era. There are also outdated laws and offices for which no modern rationale exists. Over the years we have added to this outdated system, but rarely simplified, and today we have nearly 5,000 local government entities.

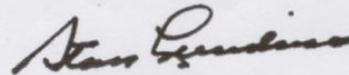
Substantial savings are available if we choose to modernize. Over the past year, this basic truth has been confirmed again and again in testimony, and in the 200 initiatives for change brought forward by local leaders. Because we believe that top-down reform seldom works, we sought from the beginning to learn from a process of assisting local initiatives and addressing barriers encountered. This must be an ongoing effort at the state level, because we need to better enable, assist, and promote successful practices.

Shared services are one way to bring efficiencies to local governments, including school districts, and we have recommended enhancements in state assistance, support and funding for these activities. However, consolidation of services or even governmental entities may be needed in some areas. Both shared services and consolidation face many hurdles. It is always harder to change than to hold to the status quo. But with the economic challenges New York faces, doing nothing is no longer an acceptable answer. We need to find ways to tip the balance in favor of efficiency.

This Commission was charged with examining *local* government, and our report focuses on ways to make counties, municipalities, schools and other local entities more affordable, accountable, democratic, and competitive. That does not imply, however, that the problems are solely or even primarily caused by local leaders. Our proposals address mandates and other cost-drivers. State government creates the rules under which local governments and schools operate – rules which can stand in the way of efficient and effective operations.

Our suggestions for change are presented with a mix of optimism and concern, because past local government reform commissions have issued reports that were not implemented. However, we are hopeful that with the emphasis on locally generated ideas, this effort will achieve significant success. Most of our recommendations are designed to encourage or enable change, rather than to mandate it. Few would argue with the proposition that we cannot continue on the path we are on.

We want to encourage local leaders to be bold. It is our view that big changes are necessary, although many will be difficult to achieve. With these recommendations, and a lot of hard work at all levels of government, we can adapt our best tradition – local democracy – to a 21st century model.



Stan Lundine, Chair

Councilman Saunders said that there is money available. He said that the first thing needed is our objectives. He spoke of other communities that we should check with. Supervisor said he

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thought the participation in the committee is important. Councilman Saunders said he really wanted this to move along. Supervisor Lucia said he would like to move this along. Attorney Hafner said that this committee before they can go ahead they must come up with a plan for dissolution. Attorney Hafner said the plan has to deal with the following:

1. Disposition of property of the village;
2. Payment of outstanding obligations - how they are going to collect the taxes.
Attorney Hafner said that in general the debts of a village that dissolves sticks with the Village. He said it becomes like a special district.
3. The transfer or elimination of public employees;
4. Any agreements entered into with the Town or Towns in which the village is situated in order to carry out the plan for dissolution;
5. Whether any local laws, ordinances, rules or regulations of the village in effect on the date of dissolution of the village shall remain in effect for a period of time other than provided by Section 19-1910;
6. The continuation of village functions or services by the town;
7. A fiscal analysis of the effect of dissolution on the village and the area of the town outside the village; and
8. Any other matters desirable or necessary to carry out the dissolution.

Councilman Brown said he had the lost that the Supervisor gave him from the County and would add then to the RUOK register.

Councilman Major thanked Attorney Hafner for explaining the dissolution process. He again went over with the attorney how the people are appointed to the committee. Councilman Major thanked the attorney for the information his office has given the Town Board to review. Councilman Saunders said that some of the recommendations made by the Commission may change before they are passed. Attorney Hafner said that he would check the internet and see what bills were in front of the Assembly and Senate that have to deal with Towns and Villages. Councilman Major asked if the Village has a copy of these requirements. Attorney Hafner told the board that the attorney that the Village now has will be able to guide the Village through this. He said his firm has spoken with the Village attorney and he reports that at this time there is no formal committee established which one way to start the process is. Attorney Hafner told the board that there are two ways to start the process. One is by the Village Board on their own motion saying what they want to do. He said the second way is enough voters put a petition together in the right form and file it with them. He said if the petition is filed the Village Board's only options are to put it before the voters. Attorney Hafner said that he understands at the present time there is no petitions.

Councilman Major asked if the Code Enforcement Officer was happy with the Application for Zoning Changes presented. Code Enforcement Officer Mann said that he was satisfied with the new forms.

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Councilman Major told Supervisor Lucia that he wanted to keep the Wilton Mountain concept on the front burner. He said the wonderful job the Supervisor has done on the railroad he surely could work on Wilton Mountain.

HIGHWAY DEPARTMENT

Highway Superintendent Eggleston told the Town Board that the Highway Department started Summer Hours this week. He said they are working 6Am to 4PM. Highway Superintendent Eggleston told the board that his department would be replacing a culvert on Clothier Road on May 19th and the road will be closed except to local traffic. He said he has notified all necessary departments.

CODE ENFORCEMENT

Code Enforcement Officer Mann told the Town Board that he had received a telephone call from Alfred Allison, New York State Department of Housing Mobile Home Division, pertaining to Marquis Manor. He said that he had just got off the telephone with New York State Department of Health and they were no longer involved since there were only four trailers there. Code Enforcement Officer Mann explain that there are five trailers there but one is inhabitable. Code Enforcement Officer Mann said that he then referred Mr. Allison to Attorney Cathi Radner. He said Cathi Radner called him back and said that the letter that was sent out to Mr. Brignola on April 8th we have heard nothing form. He said that Attorney Radner said she would send another letter and she suggested to the board that they pass a resolution where if no response to the second letter the attorney could go ahead with the process in County Court. Attorney Hafner said that they could give Mr. Brignola two weeks to reply and if no reply then the matter would go to County Court. Attorney Hafner told the Town Board that the matter goes to County Court and not Town Court since Town Court can only award money and the Town needs to get this park into compliance and not end up with people living in unsafe or unhealthy conditions.

RESOLUTION # 142

AUTHORIZING ATTORNEY TO SEND LETTER TO BRIGNOLAS

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

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

RESOLVED that the Town Board authorizes Miller, Mannix, Schachner & Hafner, LLC to forward a second letter to Mr. and Mrs. Robert Brignola regarding the licensing of their mobile home park. Said letter will give them two weeks to secure a mobile home park license or legal action will be taken in County Court.

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With no further business, on a motion of Councilman Brown and seconded by Councilman Major the meeting was adjourned at 8:45 PM.

Respectfully submitted,

Rose E. Farr, RMC
Town Clerk