

DRAFT

June 26, 2008

The Town Board of the Town Of Corinth held a regular meeting on June 26, 2008 at 4:00 PM at the Town Hall.

Present: Richard Lucia, Supervisor
Charles Brown, Councilman
John Major, Councilman
Edward Byrnes, Councilman
Mitchell Saunders, Councilman
Michael Hill, Town Attorney
Joan Smead, Deputy Town Clerk

Fred Mann, Code Enforcement Officer, excused
Shawn Eggleston, Highway Superintendent, excused

Public: Ray Bush, Gene Ellis, Chester Schultz, Dennis Fitzpatrick, Bruce Baker, Edwin Eggleston, Ann Marie French, Louise Reed, Althea Rivette, Scott Eagle, Casey Eagle, Jim Hamm, Michelle Wyman, Sigrid Koch.

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

BID OPENING

Bid opening was started with Attorney Hill saying there was a scheduled bid opening today for the removal of the mobile homes from the Eagle property. We had a phone call from the DEC because one of the prospective bidders had inquired of DEC about what permits would be needed from DEC and that prompted the representative to call about the bid process and in the course of that conversation came to light that there are department labor requirements that are set out in the NYS Fire and Building code that govern projects where there is going to be salvage and demolition involved under those provisions of the code the property owner or the project sponsor is required to conduct a test and investigation of the structures to be demolished and salvage in order to determine whether there is hazardous substance present. I think the main concern seems to be asbestos. Under the circumstances older mobile homes are assumed to contain asbestos nonetheless this test has to be done. We had thought and prepared the RFP to make the contractors responsible for all pre removal and pre demolition testing, but under these particular requirements the contractors are prohibited from assuming that responsibility, it has to be shouldered by the property owner or in this case the project sponsor. So under the circumstances, our recommendation as your council would be, because that investigation and testing hasn't been done that the bids not be opened, that the bids be returned unopened to the contractors with a transmittal letter advising them of the circumstances and letting them know that at some point you decide to rebid the project, you will be in touch with them to let them know that. We have some further information to convey on this and I would be happy to do that if you want to, regarding the manner on

DRAFT

which you could proceed from this point with regard to this testing. Where there is going to be salvage preformed and demolition of the structures, you can elect to proceed with the testing and have a testing investigation done and retain an expert firm of qualified consultants to do that. However, there is also an alternative procedure through the Department of Labor where a variance permit can be applied for, in that circumstance a fee is negotiated with the Department of Labor. Usually the fee would be less than the cost of doing all the testing and investigating work, the fee is paid and the permit is issued for the salvage and demolition work. The contractors that bid the work would be made aware of the fact that the town has obtained the necessary permits and the bidding process could go forward. There are basically two avenues under the department of labor, either do the investigation and testing and comply with the necessary requirements as a result or alternatively go for the variance permit and pay the necessary fee and the contractors will then bid the job in accordance with the requirements of the permit that is issued by the Department of Labor following the necessary air monitoring requirements and whatever other specialized requirements there might be. There is a further alternative if the town is not interested in getting salvage value from these mobile homes. We can look into the possibility of having the mobile homes removed without demolition in their entirety, just taken off whole and carted away, but in part it is going to depend on the condition of the mobile homes whether or not they can be removed whole and simply carted away if that's the case then they have to be taken to a facility that is permitted by DEC to accept potentially hazardous waste. The salvage value for commodities being what it is these days you may find the salvage value of the mobile homes of the various metals the total may exceed your permit costs from the Department of Labor so it may still be worth while economically speaking to pursue the variance permit rather than going down the road trying to have these things removed whole. But in short there is more information and there is firms out there that specialize in assisting municipalities with obtaining these permits from the Department of Labor so we can get some assistance in that regard from folks who have gone through this process before. I think our recommendation, under the circumstances, that you not open the bids, that you simply return the bids and give some consideration about how you want to proceed from here.

Councilman Major thanked Attorney Hill for the options and asked if he knew what the time limit for obtaining the variance was? Attorney Hill wasn't sure what the time limit would be.

Supervisor Lucia stated that at this time the Board would take the Councils recommendation and table the opening of the bids and return the bids unopened with an explanatory letter. Supervisor Lucia asked if the bids have return addresses on the envelope. The bids were checked and there was only 1 bid that did not have a return address. The Attorney was requested to open the bid and get the address without disclosing the bid amount and then reseal the bid to be returned.

RESOLUTION #167

RETURN THE UNOPENED BIDS WITH AN EXPLANATORY LETTER

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

DRAFT

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

RESOLVED that the bids for the removal of mobile homes from 165 Howe Road be returned to the bidders unopened with an explanatory letter.

SUPERVISOR

Rural futures booklet available in supervisor's office

Sales tax figures \$53,984.

Saratoga County Fair book in supervisor's office date of fair July 15-20, 2008

Adirondack Association of Towns & Villages

Tax exemptions—The cold war veterans exemption—the county would opt for the highest 15% exemption—the town would have to adopt it; they will look at the whole picture at budget time.

Supervisor Lucia sent Mayor Winslow a list of people who have applied to be on the committee for Town/Village Study Group.

PUBLIC HEARING ON PROPOSED LOCAL LAW TO CHANGE ZONING CLASSIFICATION AND ZONING MAP

The public hearing opened with Deputy Town Clerk Smead reading the Legal Ad that was published in the Post Star on June 16th, 2008.

Supervisor Lucia asked if there were anyone who wanted to speak for or against this change.

Gene Ellis asked what the purpose for changing it was.

Supervisor Lucia said that the area was originally zoned R3. There are already mobile homes in the area and when originally done the area was overlooked.

Mr. Ellis said there was already 2 mobiles on property and more than 2 mobiles on the same parcel constitutes a park.

The Saratoga County Planning Board and the Town Planning Board approved the change.

DRAFT



SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

JASON KEMPER
DIRECTOR

June 19, 2008

Rose E. Farr, Town Clerk
Town of Corinth Planning Board
600 Palmer Avenue
Corinth, NY 12822

RE: SCPB Referral Review #08-106 - Legislative Action - Zoning Amendment (Text & Map) - Change designation of 9 parcels from R-3 to R-2 to allow existing mobile homes as permitted use - Rt 9N and Hamm Rd.

Received from the town of Corinth Planning Board on June 16, 2008.

Reviewed by the Saratoga County Planning Board on June 19, 2008.

Decision: Approve

A handwritten signature in cursive script, appearing to read "Michael Valentine".

Michael Valentine, Sr. Planner
Authorized Agent for Saratoga County

DRAFT

Town of Corinth
Planning Department
600 Palmer Ave
Corinth, N.Y. 12822

06/20/2008

Town of Corinth
Supervisors and Town Board Members
600 Palmer Avenue
Corinth, N.Y. 12822

RE: ZONING CHANGE REGARDING HAMM ROAD

Dear Supervisor Lucia and Town Board Members,

This letter is to inform you that the Town of Corinth Planning Board has reviewed the Zoning change on Hamm Road for the Nine (9) parcels indicated. The planning Board recommends the Zoning be changed from R3 to R2 to allow mobile homes with no further recommendations.

Yours truly,

Town of Corinth Planning Board

A motion made by Councilman Brown and seconded by Councilman Byrnes that the public hearing be closed.

Attorney Hill recommended a change from 9 to 8 parcels on Hamm Road, by removing the parcel on Route 9N Map # 86.-1-45 from the proposed law.

DRAFT

Supervisor Lucia vacated his chair for the State Environmental Quality Review, because of a conflict of interest. Deputy Supervisor Brown took over the meeting and with the assistance of Attorney Hill they completed the Full Environmental Assessment form parts 1 and 2.

Councilman Saunders had to leave and was excused from the rest of the meeting.

RESOLUTION #168
NEGATIVE DECLARATION

On a motion of Councilman Brown and seconded by Councilman Major regarding the proposed Local Law #2 of 2008, changing the zoning of 26 acres on Hamm Road from R-3 to R-2 to permit mobile homes.

RESOLVED that the Town Board finds that the proposed action will not result in any significant adverse environmental impact.

Roll Call: Councilman Brown—Yes
Councilman Major----Yes
Councilman Byrnes---Yes

Carried: 3-0

RESOLUTION #169
RESOLUTION ADOPTING LOCAL LAW AMENDING THE TOWN LAND USE MAP

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

ADOPTED Ayes 4 Lucia, Brown, Major, Byrnes
Nays 0

RESOLUTION
ADOPTING LOCAL LAW AMENDING THE TOWN LAND USE
MAP

WHEREAS, within the Town’s Moderate Density Residential (R-3) Zoning District there is an area of approximately 26 acres along Hamm Road which includes lots which have historically had mobile homes on them and/or which are currently occupied by mobile homes, and

WHEREAS, mobile homes are not a permitted use within the R-3 Zoning District, and

DRAFT

WHEREAS, this area is located in close proximity to the Town’s Mixed Residential (R-2) Zoning District, which permits mobile homes, and

WHEREAS, the Town Board has been asked to re-zone this 26-acre area to the R-2 Zoning District, and

WHEREAS, a proposed Local Law has been prepared which would amend the “Land Use Map of the Town of Corinth” to change the zoning of eight lots along Hamm Road from Moderate Density Residential (R-3) to Mixed Residential (R-2), and

WHEREAS, the area to be re-zoned is separated from Route 9N by a parcel of land which will remain within the Moderate Density Residential (R-3) Zoning District in order to avoid compromising the visual integrity of Route 9N while providing for a variety of housing options, as envisioned by the Master Plan for the Town of Corinth; and

WHEREAS, a copy of the proposed Local Law was forwarded to the Town Planning Board for its review and advisory recommendation pursuant to Section 89-60 of the Town Code [and the Planning Board has recommended approval], and

WHEREAS, a copy of the proposed Local Law was forwarded to the Saratoga County Planning Board for its review and advisory recommendation pursuant to General Municipal Law Section 239-m, and the Town Board has received a favorable recommendation; and

WHEREAS, the Town forwarded a copy of the proposed Local Law to the Clerks of all municipalities within 500’ of the boundary of the Town pursuant to Section 89-61 of the Town Code; and

WHEREAS, the Town Board duly conducted a public hearing on the proposed Local Law pursuant to Section 89-61 of the Town Code and Municipal Home Rule Law §20 on June 26, 2008; and

WHEREAS, the Town Board prepared Part 1 of a long form Environmental Assessment Form (“EAF”) relating to the proposed Local Law and completed Part 2 of the EAF pursuant to the State Environmental Quality Review Act (“SEQRA”) and

DRAFT

determined that adoption of the proposed Local Law will have no significant adverse environmental impacts;

NOW, THEREFORE, BE IT

RESOLVED, that adoption of proposed Local Law No.2 of 2008 will not result in any significant adverse environmental impacts and issuance of a SEQRA Negative Declaration is authorized; and be it

FURTHER RESOLVED, that Local Law No 2 of 2008 is hereby adopted, and the Town Clerk is authorized and directed to file Local Law No. 2 of 2008 with the New York State Secretary of State in accordance with the provisions of the Municipal Home Rule Law; and be it

FURTHER RESOLVED, that the Town Supervisor, Town Clerk and Town Counsel are authorized and directed to take any and all further actions necessary to effectuate the provisions of this Resolution; and be it

FURTHER RESOLVED, that this Resolution shall take effect as provided for by law.

The following is a Proclamation from David A. Patterson, the Governor of the State of New York:



Proclamation

Whereas, each year in May, Americans pause to observe Memorial Day – or Decoration Day as it was originally known – a special day set aside to remember with dignity and reverence those patriots who made the ultimate sacrifice in service to our Nation; and

Whereas, New York is proud of the men and women who have stepped forth to serve our country with selfless devotion to preserve the liberties and freedoms enjoyed today by Americans and people worldwide; and

Whereas, the history of our Nation's military is truly one of great sacrifice – from the revolution that gave birth to our Nation, to a devastating and divisive Civil War, two World Wars, as well as conflicts in Korea, Southeast Asia, the Persian Gulf, and now, Iraq and Afghanistan, brave men and women in the prime of their lives have willingly placed themselves in harm's way for our country and our principles of liberty and justice; and

Whereas, on Memorial Day 2008 we have new names added to the honor roll of fallen heroes, and additional graves to mark, and while our military success in fighting an enemy who is blindly committed to destroying our cherished way of life and the freedom of others has not been without sacrifice, tragically, more than 4,000 Americans and 300 New Yorkers have died on the battlefield or in support of our military missions in Iraq and Afghanistan; and

Whereas, on this Memorial Day as we mourn the many brave souls who have made the ultimate sacrifice by serving America, we give thanks for those who were spared and able to return home to their families and loved ones, and we pray for the safety of those who stand vigilant as peacekeepers against the threat of terrorism and tyranny, protecting people in distant lands throughout the world; and

Whereas, in honoring our fallen heroes, we find inspiration in those men and women who gave their lives for us, and for the noble causes of liberty and peace., as it is their sacrifices that have preserved our country and precious way of life that shines brightly as a beacon of hope for all freedom-loving people around the world, and

Now, Therefore, I, David A. Paterson, Governor of the State of New York, do hereby proclaim May 26, 2008 as

MEMORIAL DAY

in the Empire State and encourage all citizens to preserve the tradition of remembering those who died in service to our Nation and of honoring those veterans who, by the grace of God, are still with us.



G i v e n under my hand and the Privy Seal of the State
at the Capitol in the City of Albany this nineteenth
day of May in the year two thousand eight.

David A. Paterson
Governor

[Signature]
Secretary to the Governor

DRAFT

RESOLUTION #170
TRANSFER

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

ADOPTED Ayes 4 Lucia, Brown, Major, Byrnes
Nays 0

Resolved to transfer \$1,231.20 payment to Lane Enterprises paid from 51304.04 (Highway DB-Machinery Contractual) to 51104.04 (Highway DB-General Repairs Contractual).

Resolved that the Appropriation Fund 51304.04 (Highway DB-General Repairs Contractual) be increased by \$5,350 for State Farm payment received to repair sweeper. The Revenue fund 2691.04 (Highway DB-Compensation for loss) was increased on 4/28/08.

Supervisor Lucia said there would be no meeting on July 3rd at 4:00.

Councilman Byrnes said a packet was available from Pen flex re the benefits for the Squad.

RESOLUTION #171
MOTION TO PAY BILLS AS AUDITED WITH NO EXCEPTION

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

ADOPTED Ayes 4 Lucia, Brown, Major, Byrnes
Nays 0

RESOLVED that the board pays bills as audited with any exceptions as follows:

General Fund/Town Wide – A	\$87,847.60
General Fund/Outside Village – B	\$11,797.86
Community Development Grant – CD	\$0
Highway/Town Wide – DA	\$0
Highway/Part Town – DB	\$72,735.69
Capital Project/Landfill Upgrades – H1	\$3,425.78
Fire Protection – SF	\$0
Street Lighting – SL	\$0

DRAFT

Sewer/Water – SW	\$5,348.00
Trust & Agency – TA	\$12,805.11
Scenic Train -	\$0
Depot Restoration -	\$0

RESOLUTION #172

MOTION TO ADJOURN TO BILL PAYING

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

ADOPTED Ayes 4 Lucia, Brown, Major, Byrnes
Nays 0

RESOLVED that the board adjourns to bill paying.

Respectfully submitted,

Joan Smead
Deputy Town Clerk