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SEPTEMBER 11, 2008

The Town Board of the Town Of Corinth held a regular meeting on September 11, at 7:00PM at the Town Hall.

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

Public: Jim Murray, Sr., Les Jenkins, III, Les Jenkins, Jr., Michelle Wyman, Jim Hamm, Sigrid Koch, Fred Golden, Delores Golden, Sher Millis, Tony Lubus, Gail Opaka, Lori Sanders, Linda Byrnes and Michael Vesqual.

After Roll Call, Pledge of Allegiance and Prayer the following business was conducted.

RESOLUTION# 197
APPROVAL OF MINUTES

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

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

Resolved that the minutes for August 6, 7, 14 and 28th, 2008 be approved.

RESOLUTION # 198
APPROVAL OF ABSTRACTS

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

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

Resolved that the abstracts for August 7th and August 28th, 2008 be approved as follows:

DRAFT

August 7, 2008

A	-	\$ 53,265.45
B	-	\$ 8,758.33
DB	-	\$ 46,555.96
T & A	-	\$ 20,908.21

August 28, 2008

A	-	\$ 97,791.37
B	-	\$ 4,928.07
CBDG	-	\$ 1,570.00
DB	-	\$ 53,187.94
T & A	-	\$ 22,284.71

SHER MILLIS

Sher Millis came before the board and presented a beautiful hand painted picture of downtown Corinth painted by Tony Lubus. Ms. Millis said that she had purchased the painting some time ago from Mr. Lubus and felt that the Town should be the owner of the painting. The Town Board thanked Ms. Millis for her generous donation.

ASSESSMENT

Supervisor Lucia told the Assessor said that she needed to know by September 30th whether the Town wanted her to do an annual or tri-annual assessment. Councilman Saunders asked the Supervisor if he had contacted anyone from the County to come and discuss this matter with the Town Board. Supervisor Lucia said that he spoke to Carol Holley but she was going on vacation. He said that he could speak to her again. Councilman Saunders suggested that she be contacted and asked to come to the Town Board meeting on September 25, 2008.

Councilman Major said he spoke to Bev and he said he gets the sales lists each month. He said he hears about the housing crisis but does not see it effecting Corinth. Councilman Major said that he felt that is the Town did another revaluation they would not be doing the people any favor. Councilman Major said he thought a tri-annual revaluation was a good idea.

Councilman Byrnes said that he agreed that a tri-annual revaluation was the way to go.

Councilman Major told the board that if he saw a substantial drop then he would agree on a yearly revaluation but the sales in Corinth are still above the assessment.

Councilman Saunders asked the public if they understood what the board was saying. He again explained what was being said.

Jim Murray, Sr. said he agrees with Councilman Major that an annual revaluation is not necessary and feels that a tri-annual is the way to go.

Supervisor Lucia said that the tri-annual assessment was what the board had previously decided on.

RESOLUTION # 195

CONDUCT TRI-ANNUAL REVALUATION

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

DRAFT

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

RESOLVED that the Town of Corinth conduct a tri-annual revaluation.

SUPERVISOR

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

- Senior Sentinel
- US Army Field Band Concert – 9/20/08 at 7:00 PM at SPAC - Two Corinth students: Shamus Cutler and Garrett Jenkins will be playing with the band
- RSVP
- Letters sent to Senator Farley regarding complaint on Route 9N - Supervisor notified Senator Farley that property in questions may be sold
- Sales Tax - \$61,935.00 for August 2008

FIRE CONTRACT

Supervisor Lucia told the Town Board that he needed their authority to sign the 2009 Fire Contract. He said that the Town Attorney had looked over the contract and found everything to be in order. Councilman Saunders said he had concerns with the contract that is now \$207,855.00. He said that the board has asked each department in the Town to cut their budget requests for 2009 by 5% and now this contract is really high. Councilman Byrnes said that Fire Chief Kelley came before the board sometime ago and explained the whole contract including the Fire Departments budget to the Town Board. Supervisor Lucia said that if the amount was to be disputed it had to be done before the Village budget was passed which was passed in June of 2008. Supervisor Lucia told Councilman Saunders that Councilman Byrnes and Councilman Brown are on the Fire Committee and attended the meetings on the fire budget. Councilman Saunders said he just wanted to voice his concern over the increase.

RESOLUTION # 200

AUTHORIZATION TO SIGN 2009 FIRE CONTRACT

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

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

RESOLVED that the Supervisor is authorized to sign the 2009 Fire Contract in the amount of \$207,855.00.

PLANNING BOARD

Supervisor Lucia told Attorney Hafner that the Planning Board wished to have the changes that were discussed done as soon as possible. He said that they had first thought that the amendments for the Planning Board and the Zoning Board would be done together. Supervisor Lucia said that since the Zoning Board wants to wait until after the Comprehensive Plan is completed to

DRAFT

amend their rules the amendments for the Planning Board should ne done right away, He instructed Attorney Hafner to proceed with the amendments regarding the Planning Board.

SEQR

Supervisor Lucia told the board that he had received the SEQR regarding Pallette’s mining and had given that to the Town attorney for review. Supervisor Lucia also told the Town Board that Cheri Sullivan said she felt the Planning Board should have also gotten notified. Attorney Hafner said that this was only a request for Lead Agency and if no response was made within 30 days they would become lead agency. Attorney Hafner said he would look into if the Planning Board should have also gotten notification.

INSTALLMENT TAXES

Supervisor Lucia said he spoke to Carol Holley regarding the Town accepting the Town and County taxes in installments after he received an email from someone that had moved to New York . Supervisor Lucia told the board that Carol Holley told him we could not do this. He said she told him that St Lawrence County does it only because it is done through the County itself.

RESOLUTION # 201

TRANSFER

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

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

RESOLVED that the following transfer be made:

Increase Appropriations Fund 73104.02 (General Outside B – Youth Programs Contractual) and Revenue Fund 3820.02 (General Outside B – Youth Programs) by \$350.00 for July 2008 Youth Soccer, Babe Ruth and Playground Registrations.

Transfer \$85.00 to 11101.01 (General Fund – Justice Personal Service) from 11104.01 (General Fund – Justice Contractual) for payment made to PS Technical Services from the incorrect account.

SUPERVISOR (Continued)

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

Invitation to attend Planning Board Conference on January 28, 2009
Letter from Time Warner regarding program changes
Deceased Veterans Program – 9/16/08 Winston W, Laird, US Army, WWII – Town of Charlton

DRAFT

LA Group letter regarding Morgan Estates-Supervisor Lucia told the board that Mr. Barbera was supposed to be at this meeting but canceled until October 2, 2008

Family Self Sufficiency Report for August

Association of Town – Seminar on Personnel Management and Labor Relations

CHA – given to Highway Superintendent – monitoring of the landfill

American Red Cross report

Letter from Blake Basmajian – Thank you for allowing him to set up table at Family Fun Night

Rural Features

Supervisor Lucia told the board that he will be meeting with Time Warner on Monday in effort to save money he will be asking about also having the telephone lines with them. He said this might take care of the long distance charges.

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

Assessors

Building

Animal Control

Fire Department

Highway

Justices

Town Clerk

Planning

Zoning

Senior Citizens

Supervisor's Report

RESOLUTION # 202

APPROVAL OF SUPERVISOR'S REPORT AS PRESENTED

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

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

Resolved that the Town Of Corinth Board accepts as presented the Supervisor's monthly financial report for August 2008.

PUBLIC

MICHAEL VASQUEL

Michael Vasquel told the board that he had two concerns:

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1. His first concern has to do with cash on hand and the interest rate the Village is receiving, as well as the total debts of the village. He suggests that after the Consolidation Committee is formed this should be studied. Supervisor Lucia told

DRAFT

Mr. Vasquel that the law is very strict on what the Consolidation Committee should take into consideration. Supervisor Lucia said he is almost sure the assets and debts are on that list.

2. His second concern has to do with Christopher Schuh. Supervisor Lucia said that he could not discuss this matter since it is in litigation. Attorney Hafner said that he would be discussing this matter when it is his turn. Mr. Vasquel said that he knew what happened because he was at the court hearing. He said that the Town won the case and that Mr. Schuh has to knock down and start all over. Mr. Vasquel said that he was concerned with the man who went on Mr. Schuh's property without a Warrant. He said that he won't agree that a Warrant is not needed.

LORI SANDERS

Lori Sanders told the Town Board that the assessor divided her property into two buildings and taxed both when in fact it is one building. She told the board that in May of 2007 she built an apartment attached to the building and sent a letter to the assessor asking that she be assessed as residential. She said her new assessment is at \$213,000.00 and the building cannot generate enough money to pay the taxes on an assessment like that.

Supervisor Lucia said that he cannot say what the assessor did. He said he would have to discuss the matter with the assessor and get back to Ms. Sanders.

Attorney Hafner said that he understands that the Small Claims Action ended in favor of the assessor. Ms. Sanders said that that was because it was thrown out since the hearing officer said that she fabricated her address. She said her address on the front of her license is Lake Luzerne and the hearing officer failed to turn it over to see her new address.

Councilman Major said that he understands Ms. Sanders is upset with the decision of the court and also with the property not being one building.

TOWN BOARD

Councilman Saunders asked Supervisor Lucia if going to the Mohawk Hudson Association of Village Officials Fall Meeting on Sunday, September 28th would be a Town expense. Supervisor Lucia assured Councilman Saunders that this was a legitimate town expense. Councilman Saunders said that he would like to go. Councilman Brown said that he would also like to go.

Councilman Brown told the board that there is an Emergency Management Committee meeting scheduled for Monday, September 15th. He said that they would be having a guest speaker who will speak about Child ID.

Councilman Major told the Board that the LDC recently passed their By Laws. Councilman Major said that he is working with Attorney Hafner on minor language changes for the contract between the LDC and the Town. Supervisor Lucia asked if the same language would be in the contract between the LDC and the Village. Councilman Major assured him that it would.

DRAFT

ATTORNEY

Attorney Hafner gave the Town Board the following up date on items that his office is working on:

1. Christopher Schuh - Attorney Hafner said it was true that the Judge did find in favor of the Town in this matter. He said that no order has been issued yet and his office will follow up to get an enforceable court order.
2. Louise Reed- He said his office has had no news from EOC on this matter. Councilman Byrnes asked if the Town could ask that the matter be dismissed. Attorney Hafner explained that the hearing officer will notify Mrs. Reed, after he has reviewed the paperwork presented to him, and let her know if there is enough evidence for her to proceed with a lawsuit or if she should forget it.
3. Barking Dog – Attorney Hafner said that his office recently appeared in Town Court regarding a complaint about a barking dog. The defendant was found guilty and a fine was assessed.
4. Scott Eagle – Attorney Hafner said that he understands that the property is going to tax foreclosure proceeding. Supervisor Lucia said that he had a call from Mr. Eagle asking that he take the property off the tax sale for a second time. Supervisor Lucia said he told Mr. Eagle that he would have to go before the County E & A Committee to get his property taken off the tax sale. Supervisor Lucia asked Attorney Hafner about the suit Mr. Eagle filed against the Town. Attorney Hafner explained that the Town has only received a Notice of Intent to File a Claim and was not a lawsuit against the Town. Attorney Hafner said that more papers would have to be served on the Town Clerk and then she would in turn forward a copy to the attorneys.
5. Petruzzo – Attorney Hafner said that there is no news on this matter.
6. Brignola – Attorney Hafner said that his office is working with the Code Enforcement Officer to get this matter in court. Supervisor Lucia asked if the Town could force the removal of the uninhabitable mobile that is on this property. Attorney Hafner told the board that that would have to part of the court matter.
7. Water District – Attorney Hafner told the board that several months ago he reviewed the map, plan and report on this matter and the Town Board was hesitant to go ahead because the Village wanted the Town to take over Eggleston Street and Dayton Drive in the new water district. Attorney Hafner said that since then Highway Superintendent Eggleston and the Town Highway Department have worked with the Village in replacing the lines on Eggleston Street and Attorney Hafner has been told that the Town has no hesitation at this time. Attorney Hafner said that he understands that he should contact Attorney Reilly and ask that he submitted a revised map, plan and report including all the property to be part of the Water District.

Highway Superintendent Eggleston told the board that he thought a loop should be made with the Water District getting its source of water from Eggleston Street and LeMont Avenue.

Code Enforcement Officer Mann told the board that he had received the results of the perk tests. He said the perks were as quick at 1 minute 27 seconds.

DRAFT

Councilman Saunders said he is concerned that this Water District not have problems like the Passerelli Water District has. He said he is also very concerned about putting 35 homes in that small area.

Councilman Byrnes said that he is also concerned and wouldn't want to see the same thing that happened to the Passerelli Water District happen again.

Attorney Hafner told the board that it was up to them whether or not to approve the Water District.

Supervisor Lucia stated that if the Water District is denied the developer will have to revise the plans and have fewer lots.

Councilman Saunders asked if the board had to have the Public Hearing and then decide. Attorney Hafner said that the board could wait until after the Public Hearing or could decide right now.

Supervisor Lucia instructed Attorney Hafner to request that Attorney Reilly file a revised map, plan and report showing the whole proposed Water District and file same with the Town Clerk. HE said then the Town Board will set a Public Hearing and proceed.

Councilman Saunders again said that he was very concerned. He said he would prefer to see 16 homes if that would save time and money.

Councilman Brown asked Code Enforcement Officer Mann what the normal perk tests were. Code Enforcement Officer Mann said the normal perk was between 2 minutes and 20 minutes.

8. LDC – Attorney Hafner said that he has been assisting with the LDC
9. Village Dissolution – Attorney Hafner said that he has done nothing since the last joint meeting of the Town and Village. Supervisor Lucia said that he had sent a letter to the Village with names for the Committee and stating that the Town is ready and waiting. Councilman Saunders said that he thanked the Supervisor for sending that letter.
10. Article 7 Proceedings – Attorney Hafner said that he had nothing further to report.

CODE ENFORCEMENT

FRED GOLDEN:

Code Enforcement Officer Mann said that Frederick Golden wished to speak to the board and then Code Enforcement Officer Mann would speak to the board.

Fred Golden told the board that he purchased the property in 1997 and in his deed there is a restriction that states “no permanent mobile home on property”. He said they have been living on the property in a camper for some time. They have running water, a generator for electricity

DRAFT

and an outhouse for septic. He said he understands the restriction on the property to mean a person can leave in a mobile home temporarily but not permanently. He told the board that he plans on building a house as soon as he is financially able. He said he has paid taxes on the property for eleven years and has a financial hardship. He says he has no place to go. He said his camper is 31 feet long and he and his wife are living in it only temporarily. Mr. Golden said he applied for a building permit and this is where we are now.

Councilman Major asked if he had running water. Code Enforcement Officer Mann told the board that there is running water on the property.

Mr. Golden told the board that they looked into electricity and they have an estimate of \$10,000.00 to have power to their camper. He said they have a generator with battery back up for power.

Councilman Major asked what the red building was on the property. Code Enforcement Mann told him that it was a camper used for storage.

Councilman Byrnes asked how long Goldens had been living there. Code Enforcement Officer Mann told him that the camper was placed on the property approximately 2 years ago.

Mrs. Golden told the board that they had an estimate from Bradley Septic to install a septic in the amount of \$3,000.00. She said they just don't have that money at the present time.

Mr. Golden said that the Code Enforcement Officer had a complaint on the Goldens living in the camper and he contact Mr. Golden. Mr. Golden then in turn came in to obtain a building permit and this is where we are.

Code Enforcement Officer Mann stated that the property must have a septic system. He said that if he did not have the complaint he would now have known about Mr. and Mrs. Golden living in the camper due to the fact that it cannot be seen from the roadway.

Councilman Major said that not having a septic system is a violation to the Town and State Codes.

Code Enforcement Office Mann said that Mr. Golden has applied for a building permit. He also said that Mr. William Bradley was in his office today and said that he was contacted by the Goldens for an estimate on a septic system.

Councilman Major said that it is the law that a habitable resident must have a septic system and also there is a restriction in the deed.

Councilman Saunders asked about a portable septic system. Code Enforcement Officer Mann told Councilman Saunders that the State says a person must have a minimum 1000 gallon sealed system where you can pump them out.

DRAFT

Supervisor Lucia suggested that Code Enforcement Officer Mann complete a punch list of things that Mr. and Mrs. Golden need to do.

Councilman Byrnes asked if it was against the live in a Recreational Vehicle. Code Enforcement Mann said he understood it was. Code Enforcement Mann said that Mr. Golden has built a room on the camper that could be slide in.

Mr. Golden said that in Louisiana after Katrina the government sent numerous campers for people to live in and they are still living in some of them.

Councilman Saunders told Mr. and Mrs. Golden that the major thing right now is the septic system. Mr. Golden said that Mr. Bradley gave them an estimate of \$3,000.00 and they just don't have that money at the present time.

Councilman Major asked if there were other violations. Code Enforcement Officer Mann said that Mr. Golden had agreed to remove the other old campers located on the property.

Councilman Byrnes said that the board still has to uphold the laws even if they do feel sorry for Mr. and Mrs. Golden. Councilman Byrnes said that there needs to be some sort of time table.

Code Enforcement Officer Mann told the board that he went to the camper last Friday and Mr. Golden brought in the building permit right away. He said he had not looked at the application yet awaiting the response of the Town Board meeting.

Attorney Hafner said he thought the Town Board should be given time to look over this and get back to Mr. and Mrs. Golden in a couple weeks.

Councilman Major said he would like Mr. and Mrs. Golden to move forward with the Building Department; work out a time line with the Building Department and perhaps the Code Enforcement Officer could then be given some latitude.

Attorney Hafner again stressed that the Town could not give anyone permission to live in a residence without a septic system. Councilman Saunders said that no building permits could be issued without a septic system. Councilman Saunders said that Mr. and Mrs. Golden must find some way to get the septic system in. Code Enforcement Officer Mann suggested Mr. and Mrs. Golden contact Mr. Bradley again and perhaps he could work with them.

Michael Vasquel asked about a port-a-pottie. Code Enforcement Officer Mann said that that would be the same as an outhouse.

Mr. Golden told the board that they were trying to do this in a legal way but they do not have the funds so they are asking the Town Board to have mercy on them and assist them.

Supervisor Lucia suggested that Mr. Golden work with Code Enforcement Officer Mann to see what has to be done and come back to the next town board meeting.

DRAFT

Attorney Hafner suggested that a time frame for the installation of a septic system be done since State Law requires one. He said the septic system is the most important and must be done right away.

Councilman Major told Mr. and Mrs. Golden that the Town Board had no control over this.

Mr. Golden said then the Town would have to hire an attorney to go through proceedings to put him off the land because he just does not have the money at this time.

Councilman Saunders said that the board needed time to look over this matter but the Town could not issue a building permit without a septic system in place.

Supervisor Lucia asked Mrs. Golden what EOC had told her. Mrs. Golden told the board that EOC wouldn't say anything until she got back to them with the results of this Board meeting. Supervisor Lucia told Mr. and Mrs. Golden to contact the Town Hall and they would give them telephone numbers of various agencies that might help them.

Councilman Byrnes said that the board would help in any way they could but they could not give permission to violate the law.

Mrs. Golden asked the board that if she did come up with the money for the septic could the board guarantee that they could live in the camper or would she just be throwing away \$3,000.00 that she just doesn't have.

Councilman Byrnes said that he felt it would be beneficial if Mr. and Mrs. Golden worked with Code Enforcement Officer Mann. Mr. Golden said that he is willing to work with Code Enforcement Officer Mann.

Supervisor Lucia told Mr. and Mrs. Golden to let the Town Board digest this and someone will contact in the next week.

LESTER JENKINS:

Code Enforcement Officer Mann told the Town Board that he received a complaint that Lester Jenkins, Jr. had moved a trailer on his property without a permit. Code Enforcement Officer Mann said that the Jenkins had done a boundary line adjustment and then a subdivision through the Planning Board but his office does not have any paperwork showing ownership. He asked the Town Board how they wished him to proceed. He said he cannot issue a building permit until such time as ownership is proven.

Attorney Hafner said that the County can give a person a copy of their recorded deed on the next day.

Town Clerk Farr said that if it was only obtaining a copy of the recorded deed and one had been recorded then she could secure a copy Friday morning. Mr. Jenkins was told to see Town Clerk Farr Friday morning to see what could be done.

DRAFT

James Hamm asked why he wasn't granted the same privilege. He also asked how the Town Board could treat people different.

Councilman Major said he believed the Hamm case was different because there needed to be a zoning change and the board worked hard to see the Hamm matter taken care of. Michelle Wyman told the board that it wasn't their fault that there had been a zoning error made when zoning was approved.

Supervisor Lucia asked if there should have been a permit to move the trailer on the Jenkins property. Code Enforcement Office Mann said that there should have been a permit before placing the trailer on the land.

Attorney Hafner said it sounded like to him that this matter would be resolved in the next one or two days.

Michelle Wyman asked about another trailer being stored on property owned by Roger Sitts on Main Street. Code Enforcement Officer Mann said that he was just notified about this matter and would check into and again speak to Mr. Sitts tomorrow.

Jim Murray, Sr. told the board that there is at least four pieces of a modular being stored on the Sitts property on Main Street. He said that in the last year five or six times there have been trailers stored on this property.

Code Enforcement Mann said he would again speak to Mr. Sitts and tell him he could not be doing this.

With no further business on a motion of Councilman Brown and seconded by Councilman Major the meeting was adjourned at 9:25 PM. Carried Unanimously.

Respectfully submitted,

Rose E. Farr
Town Clerk