

DRAFT

---

**OCTOER 9, 2008**

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

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

Excused:       Fred Mann, Code Enforcement Officer

Public Present: Jim Murray, Sr., Art Randall, Sigrid Koch, Arleen Springer, James Mastrianni, Chris Schuh, Edwin Eggleston, David Riihimaul, Michael Vasquez and James Hamm.

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

**RESOLUTION# 210**  
**APPROVAL OF MINUTES**

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

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

Resolved that the minutes for September 4<sup>th</sup>, 11<sup>th</sup> and 25<sup>th</sup>, 2008 be approved.

**RESOLUTION # 211**  
**APPROVAL OF ABSTRACTS**

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

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

Resolved that the abstracts for September 4<sup>th</sup> and September 25<sup>th</sup>, 2008 be approved as follows:

**DRAFT**

---

September 4, 2008

A - \$ 11,494.54  
B - \$ 1,539.99  
DB - \$ 9,702.55  
SW - \$ 5,348.00  
T & A - \$ 1,875.66

September 25, 2008

A - \$ 65,124.37  
B - \$ 7,388.88  
DB - \$ 72,817.03  
SL - \$ 491.68  
T & A - \$ 17,825.08

**SUPERVISOR**

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

Albany Guardian Literature – Conference November 12<sup>th</sup> and 13<sup>th</sup>  
American Red Cross Report and Schedule  
Capital District Regional Planning Notice  
Deceased Veterans Program – October 21, 2008 at 2:30 PM – Stanley Arnold, US  
Army, WWII, Town of Stillwater  
Elementary School Newsletter  
National Grid letter  
Office of the Aging Public Hearing – 10/29/08 at Shenendehowa Senior Center from  
1PM to 2PM  
Saratoga County Fire Advisory Board Minutes  
Schedule of Saratoga County Flu Clinics – October 24<sup>th</sup> 9AM-Noon at Evergreen Health  
Center  
Saratoga County IDA minutes  
Senior Sentinel

**SECTION 8 HOUSING CHOICE VOUCHER PROGRAM**

At 7:10 PM the Public Hearing on the Annual Plan for 2009 Section 8 Housing Choice Voucher Program was opened with Town Clerk reading the Legal Notice published on August 9, 2008 in the Post Star. James Mastrianni. President of Joseph E. Mastrianni, Inc. gave report on the program. He said that the program has been in effect since 1978 and the program for the Town of Corinth includes the Town and Village of Corinth along with the Town of Hadley. There were no public comments or questions regarding the program. At 7:15 PM a motion was made by Councilman Byrnes and seconded by Councilman Major to close the public hearing.

**RESOLUTION #212**

**ADOPTING AN ANNUAL PLAN FOR 2009**

**FOR THE TOWN OF CORINTH SECTION 8 PROGRAM**

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

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

WHEREAS, the Town of Corinth operates a Section 8 Housing Assistance Payments Program funded by the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town of Corinth is required by the U.S. Department of Housing and Urban Development to prepare and adopt a written Annual Plan that establishes local policies

# DRAFT

---

for administration of the Section 8 Housing Assistance Payments Program in accordance with regulations of the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town Board of the Town of Corinth has caused a written Annual Plan for 2009 to be prepared establishing local policies for administration of the Section 8 Housing Assistance Program in accordance with regulations of the U.S. Department of Housing and Urban Development, and has reviewed such written plan,

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Corinth hereby adopts the Annual Plan for 2009 for operation of the Town of Corinth Section 8 Housing Assistance Payments Program.

## **ATTORNEY**

Attorney Hafner told the Board that after reviewing the Town's files regarding the LDC he found that even though the Town Board had some time ago discussed funding for the LDC no resolution had been passed. Therefore Attorney Hafner told the Board that a resolution should be passed.

## **RESOLUTION #213**

### **RESOLUTION AUTHORIZING AGREEMENT BETWEEN TOWN OF CORINTH AND CORINTH LOCAL DEVELOPMENT CORPORATION**

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

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

WHEREAS, the Town Board and the Local Development Corporation (LDC) recognize the need to attract high technology and other industries to the area in order to revitalize the local economy and increase job opportunities for Town residents; and

WHEREAS, in accordance with the Not-for-Profit Corporation Law §1411(a) and the LDC's Certificate of Incorporation, the purposes of the LDC are the exclusively charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, carrying on scientific research for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area, and lessening the burdens of government and acting in the public interest; and

WHEREAS, the Not-for-Profit Corporation Law specifically finds that corporations organized under §1411 perform an essential governmental function; and

WHEREAS, the Town Board strongly supports the LDC's important mission to improve employment opportunities and economic development in the Town; and

## DRAFT

---

WHEREAS, the Town wishes to enter into an agreement with the LDC and a proposed agreement has been presented at this meeting;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby approves and authorizes the Agreement with the Corinth Local Development Corporation presented at this meeting with funding for 2008 in the amount of \$5,000 to be paid for from the appropriate account; and be it

FURTHER RESOLVED, that the Town Board further authorizes and directs the Town Supervisor to execute the Agreement and to take such other and further action as may be necessary to effectuate the terms of this Resolution.

Attorney Hafner told the Town Board that Michael Ndolo from Camoin Associate on behalf of the Village presented a resolution that the Village wished the Town to sign. Attorney Hafner read the following resolution:

RESOLVED that Richard Lucia, as Supervisor of the Town of Corinth, is hereby authorized and directed to file an application for funds from the New York State Local Government Efficiency Grant program for the 2008-2009 Program Year. The Town of Corinth, as co-applicant, will support the Village of Corinth, lead applicant, in all grant administration matters pertaining to this application.

The purpose of the application is to secure funds to conduct a Village Dissolution Feasibility Study for the Village of Corinth. The Town of Corinth will be co-applicant for the application.

The maximum amount of funds applied for through this program shall not exceed \$50,000 and the Town of Corinth will contribute (amount) toward the required 10% cash match should an award be made.

Councilman Saunders said that he wanted to keep politics out of this. He said this was not what he thought was going to happen. He said he thought that the committee of people from the Town and the Village would be formed by the Village and then the committee would be deciding who was going to be used for the consultant. He said now the Village is going to pick the consultant and the committee is not going to be formed until after the Village receives the grant. Supervisor Lucia told Councilman Saunders that he submitted the Town's list of people and that was all the Town could do. Supervisor Lucia said that he would like the Town of Corinth to be co-applicant with the Village.

Attorney Hafner said that in the emails he just received there is mention of the Village being able to use their attorney fees as the match and the Town may not have to pay anything.

## DRAFT

---

Councilman Byrnes said he would like to discuss this matter with the Village before proceeding.

Councilman Major stated that he did not want to hold up the grant application.

Attorney Hafner said that he thought the State would look at the grant very favorably if the Town and Village were co-applicants.

Supervisor Lucia told the board that Trustee Denno would be present at next week's workshop on another matter and the board members could ask her questions at that time.

### **RESOLUTION #214**

### **TABLE RESOLUTION ON TOWN AND VILLAGE BEING JOINT APPLICANTS ON A GRANT AGREEMENT**

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

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

RESOLVED that the matter of the Town of Corinth joining the Village of Corinth as co-applicants for funds from the New York State Local Government Efficiency Grant Program for the 2008-2009 Year be tabled until October 16, 2008.

Supervisor Lucia told the Town Board that the Town of Corinth residents should be receiving their STAR rebates during the week of October 13, 2008.

### **SUPERVISOR**

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

Time Warner Cable Changes  
VA News  
Rural Features – September and October

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

## DRAFT

---

### **RESOLUTION # 215**

### **APPROVAL OF SUPERVISOR'S REPORT AS PRESENTED**

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

### **PUBLIC**

#### Chris Schuh

Chris Schuh stated that he was at the meeting to give the Town formal notice that he does not want to participate in the real property and that he is not interested in the real property benefits any more, the real property privileges or the real property obligations. He said his lands in Corinth are to be deemed Private Lands and if anybody is in opposition to that contact him by sending formal notice to him at PO Box 429, Lake Luzerne, NY. He said that if he does not receive certified written opposition within in ten (10) business days he will assume that his position is accepted.

He said he also placed a notice in the Pennysaver and he came before the Town Board to see if there is anybody that has any claim of damages or breach of peace or breach of a contract against him he is here to take their comments. He said he assumed that he was addressing the government part of the Town Board and not the corporation end.

He asked that the Town bring a proper flag to the government meeting and not the flag that is present because it is not the proper flag.

#### Michael Vasquez

Mr. Vasquez quoted and read the first few paragraphs of the Declaration of Independence. The Mr. Vasquez gave the board and Town Counsel a copy of the following:

Any person who shall fail to comply with a written order of the Building Inspector or Code Enforcement Officer within the time fixed for compliance and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of the law or any lawful order, notice, permit or certificate of the Building Inspector or Code Enforcement Officer shall be guilty of an offense punishable by a fine not exceeding one thousand dollars (\$1,000.) or imprisonment for a period not to exceed one (1) year, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each weeks' continued violation shall constitute a separate, additional violation. Except as otherwise provided by law, such violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment and shall not impose any disability upon or affect or impair the credibility, as a witness or otherwise, of any person found guilty of such an offense.

## DRAFT

---

Mr. Vasquez said that he asked the Board to rethink their actions against Chris Schuh and issue an Appearance Ticket and not distribute his constitutional rights or allow this code to stand. He said the same people that wrote the Constitution also wrote the Declaration of Independence. He quoted the following, “..... that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.....”

He told the Town Board to think if the people who wrote the Constitution wanted the Town Board to make a law and to give them rights they were not otherwise given. He said he didn't think that the people who wrote the constitution wanted Code to be taken as a misdemeanor to take away property. He said that that is a dangerous course of action to go there. He said he thought if the Town Board continued to go down this road our children will bear the cost of that.

He said he realized that the Town Board is not responsible for this country becoming sheep but he does expect the board to become good shepherds. He said that the first ten amendments are known as the Bill of Rights. He said the Fifth Amendment states that “No person shall be held to answer for capital or otherwise infamous crime.....” He said that the only two exceptions given were at time of war or for life, liberty and jeopardy of life or limb.

Mr. Vasquez said the seventh amendment is trial by jury in civil cases. He said that if the value exceeds \$20.00 the right to trial by jury shall be preserved. He said that if they include that in the original Bill of Rights he didn't think they would appreciate towns making codes a misdemeanor.

### **TOWN BOARD**

Councilman Brown told the Town Board that he has a meeting on October 30<sup>th</sup> with Public Health to discuss MRC which is Medical Repair Corp. He said Public Health is urging the Emergency Management to look into this and will assist them in obtaining grant money for this. Councilman Brown told the board that Public Health asked him to run it by the Town Board to see if they were in favor of looking into this. The Town Board unanimously told Councilman Brown to go ahead.

Councilman Major said he would like to thank David Riihimahl for coming tonight. Council man Major said he wished him luck with the LDC and he appreciated everything that Mr. Riihimahl has done and wished him good luck.

Michael Vasquez said that General Tolittle that is in Tory has a great deal of MREs that he is trying to give away to Food Pantries. Mr. Vasquez said he would get Supervisor Lucia his telephone number so he could contact him.

### **TOWN ATTORNEY**

Town Attorney Hafner gave the following report:

1. Proposed Water District – Town Board asked Town Attorney to up date Attorney Reilly about what the Town is looking for. Attorney Hafner told Attorney Reilly that the Town is looking for a contract with the Village to provide water, ownership interest that the town needs to get of the water system to include the new pipe from the Village border to

## DRAFT

---

- the district that needs to be included in the infrastructure that is given to the Town. Councilman Saunders asked if we were ready to set up a hearing. Attorney Hafner said he told Attorney Reilly that the board wanted to have a public hearing to let the public know and he expressed to Attorney Reilly the concern that the board raised about whether or not in this area the board might want less dense development because of drainage issues in the area. Attorney Hafner said that a public hearing could not be set before the plan, map and report are on file with the Town Clerk.
2. Claim with EOC by Louise Reed – Attorney Hafner said the claim has been assigned to an Administrative Law Judge for a hearing.
  3. Eagle Matter – Attorney Hafner said that this is a property owner that had a lot of old junk mobile homes that needed to be removed from his property pursuant to the Town Code. Attorney Hafner said the Town had a court order to remove the mobiles and at the same time the county sold the property at tax sale. Attorney Hafner said the new owner is a Mr. Pacquin. He said it first sounded like Mr. Pacquin was going to work on removing the mobile homes but something happened and Mr. Pacquin is now taking the position that all he got at the tax sale was the property and not the personal property that is on the property. Attorney Hafner said that if Mr. Pacquin takes this position the Town will have to go back to court to order the new property owner to clean it up. Attorney Hafner said it was too soon to know what the new property owner is planning on doing. Attorney Hafner said that Attorney Hill will have a letter next week to send to the new owner to try to find out more information.
  4. Assessment Litigation with MHC Alpine – Attorney Hafner said that the petitioner is suppose to be providing financial information for review for the town’s appraiser and then the town’s appraiser will discuss this with the town assessor to see what the next step should be. He said possibly settlement or go to court.
  5. Assessment Litigation with Corinth Commons – Attorney Hafner said they also are providing financial information and working with the town assessor and Attorney Hafner will let the board know when he knows more.
  6. Petruzzo litigation – Attorney Hafner said that the court still has not issued a decision on the Petruzzo’s appeal. He said the Town has issued Interrogatories about the claims that weren’t dismissed and no decision has been received.
  7. Marquis Manor Mobile Home Park – Attorney Hafner that the most pertinent issues to the Town regarding this mobile home park are that they have septic and water issues of a very serious nature. He said the Town Board asked Town Counsel to commence a lawsuit. Attorney Hafner said that they have been working on this but what they need as part of what the attorneys provide to the court is an affidavit by someone who has been involved in this matter throughout the time frame and one of the affidavits that the Town Counsel needs is from the Department of Health because they were the people that we enforcing this most of the time. Attorney Hafner said that he spoke to Supervisor Lucia about setting up a meeting with him and the Code Enforcement

## DRAFT

---

Officer to talk about some parts of this issue but if Town Counsel does not have response from the Department of Health by then counsel thought that the Supervisor may be able to get counsel heard by someone to get moving a little quicker.

Councilman Byrnes asked if the Reed matter was in litigation and if the Town Board should be talking about the matter. Counsel told the Town Board that they should only be discussing the matter with counsel and in counsel's updates.

### **HIGHWAY DEPARTMENT**

Highway Superintendent Eggleston told the board that he has spoke to Mr. Clothier regarding the Hollister Road bridge/culvert and he is agreeable to wait until next year after school is out to make the repairs since there is no definite time frame when the manufacturing company will have the parts completed and it is getting into cold weather.

Highway Superintendent Eggleston told the board that the Landfill Scales have been serviced and recalibrated at the end of the month, He said the County came and certified them so they are all set for another month.

Highway Superintendent Eggleston said that they have a problem with the turn around spot on Hunt Lake Road for the snowplow because where the Town has been turning around for years they installed a concrete driveway and it comes at such an angle there is no way the highway department can turn their trucks around there. Highway Superintendent Eggleston said he approached the people who own property adjacent that is Lyme Adirondack Timberlands, He said he spoke to Mike Gertzen and they are working to get an easement to use it as a turn around.

Edwin Eggleston discussed with Highway Superintendent Eggleston the length of the Town's portion of Hunt Lake Road. Highway Superintendent Eggleston said the Town owns 1.2 miles of Hunt Lake Road.

### **RESOLUTION #216**

#### **ADJOURN TO EXECUTIVE SESSION**

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

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

RESOLVED that the at 8:45 PM the Town Board adjourn to Executive Session on a particular persons with no decision being made

## DRAFT

---

With no further business, on a motion of Councilman Major and seconded by Councilman Saunders the meeting was adjourned at 8:47 PM.

Respectfully submitted,

Rose E. Farr, RMC  
Town Clerk