

November 13, 2008

The Town Board of the Town Of Corinth held a regular meeting on November 13, 2008 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  
Joan Smead, Deputy Town Clerk

Public: Ralph Federiconi, Wayne Litke, Lynn Walker, Linda Byrnes, Earl Guilder, Art Randall, Sigrid Koch, Arleen Springer, Jim Murray, Sr., Gladys Mann, Jim Hamm, Fred Dake, Renee and Bruce Baker.

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

**RESOLUTION # 234**  
**APPROVAL OF MINUTES**

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

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

Resolved that the minutes for October 2<sup>nd</sup>, 9<sup>th</sup>, 16<sup>th</sup> and 23<sup>rd</sup> be approved.

**RESOLUTION #235**  
**APPROVAL OF ABSTRACTS**

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

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

Resolved that the abstracts of October 2<sup>nd</sup> and October 23<sup>rd</sup> be approved as follows:

<u>October 2, 2008</u>		<u>October 23, 2008</u>	
A	\$42,575.78	A	\$120,768.24
B	\$10,539.55	B	\$ 14,365.59

DB	\$74,537.85	DB	\$ 66,183.96
SL	\$ 979.71		
T&A	\$ 1,175.93	T&A	\$ 5,675.22

**RESOLUTION # 236**

**ADOPT EMPLOYEE CLASSIFICATION DRAFT**

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

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

RESOLVED that as of January 1, 2009 the following will take effect:  
Employee Classes—Employees of the Town Of Corinth are classified in several categories. Permanent, Full Time employees are those that are scheduled to work a minimum of 30 hours per week. Part time employees are those that are scheduled to work less than 30 hours per week. Temporary employees are those that are hired for a specific time period only, regardless of the number of hours they are scheduled to work. Part time and/or temporary employees are not eligible for any full time benefits.

**SUPERVISOR**

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

- CCSD Elementary Newsletter
- FERC Notice
- HEAP applications are available in the Town Clerk’s Office
- Honor deceased veterans
- Mortgage Tax \$11,098.00
- NYS Public Service Commission
- October sales tax \$70,900.00
- Red Cross Minutes
- Registrations forms for Planning & Zoning Conference
- Saratoga County Planning Board Minutes
- Schooling Credits—Hon Lane Schermerhorn, Hon. Ambrose Clothier and  
Kate Halliday
- Senior Sentinel
- Thank you card from the Marcotte’s
- Upstate Solar
- Veterans Corner

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

Building  
Animal Control  
Highway  
Justices  
Town Clerk  
Planning  
Zoning  
Senior Citizens

**RESOLUTION # 237**

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

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

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

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

**RESOLUTION #238**

**SALES TAX**

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

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

Resolved that the Town Of Corinth requests the County of Saratoga to pay the Town's share of the 2009 Sales Tax Revenues by cash.

The Supervisor read the rules for public speaking.

Mr. Ralph Federiconi owns property near the beaver dam on Spier Falls Road. He stated that it was never a pond, but a creek. He owns property on both sides of the railroad tracks (20 acres on West side and 80 acres on East side) and he was the most affected. At one point he called CP Railway, they came and tried to punch holes in the dam and damaged the culvert. On the reverse 911, he was never notified and he was upset with that. Would like whoever is responsible to make it beaver proof. Over the years he has allowed a trapper to go in and he knows the land. He is open to suggestions to have the property restored to original condition.

Wayne Litke lives in the first house from the dam and would like to thank Corinth and Greenfield for a terrific job alleviating the problem. He had some information about

devises that have been used in other parts of the country that can be made to keep beavers out.

This situation didn't happen over night. The Upper Hudson River Railroad was inspecting the railroad and called Shawn and asked for help. He sent three men down and they called back and said you need to see this. This was on October 21<sup>st</sup>. There were about 29 agencies involved and 6 to 10 homes in actual danger. The town owns about 16.5 miles of track. The highway superintendent said there are three things needed to be done.

1. Water level needs to be lowered
2. Alleviate the beavers
3. Repair the culvert

The trapping will begin this weekend. Mr. Federiconi would like to know when the trapper is going to be there. For any serious modifications to be done a road will need to be built.

Arleen Springer—wanted to know what could be done about Egglestons'. They are building a shed on the back of a trailer with no permit. There has been no action on the order to clean up the property. The order is not transferable. Code Enforcement Officer Mann will stop and check out the property. If nothing is done because of Mrs. Eggleston's failing health, the Springer's feel that the Town is discriminating against them. The whole process must be started over since Mr. Eggleston has died and the order is not transferable. The order can be against the estate.

Councilman Saunders stated that the committee for the consolidation of the Town & Village has been formed and he is upset that only 1 volunteer from the town is on the committee.

He is also concerned about the cost of the Insurance for the retired employees, He agreed to it under protest because they were forced to make a decision at once, without time to discuss it and it went up 38%.

Attorney Hafner reported on the Eagle matter, the Insurance Co is handling the defense and is temporarily postponed until he gets another attorney. Mr. Eagles' attorney has been disbarred.

The Supervisor received a letter from Passerelli's attorney putting the Town on notice that the Town is not properly addressing the beaver dam. It said that they view it as a Town requirement to provide permanent maintenance to insure that the beaver dam does not flood the area. Saying this may require regular maintenance by the Town DPW or the removal of the beaver's altogether.

Attorney Hafner said that the Town was not responsible as the beaver dam was on private property and the property owner has been uncooperative. Attorney Hafner is preparing a letter in response and will send it to the Supervisor for review.

Attorney Hafner stated that the Town won 2 out of 5 claims by Petruzzo and that the Judge dismissed the action against the Board members.

EOC: nothing occurred since last meeting

Attorney Hafner has a copy of the agreement between the Town Of Corinth and Upper Hudson River Railroad, Inc. and will get back to the board with his findings.

**RESOLUTION #239**

**RESOLUTION SCHEDULING PUBLIC HEARING RE WATER DISTRICT FOR THE RIVERS EDGE SUBDIVISION**

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

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

**ORDER FOR PUBLIC HEARING  
ON ESTABLISHMENT OF WATER DISTRICT**

**WHEREAS**, Nace Engineering has prepared a map, plan and report for establishment of the River's Edge Subdivision Water District to serve the proposed 30-lot residential subdivision known as River's Edge Subdivision and properties along Eggleston Street, Eggleston Street Extension and Dayton Drive which are currently served by the Village of Corinth water system as out-of-District users; and

**WHEREAS**, a Map, Plan and Report dated February 13, 2008 and revised October 17, 2008 has been duly filed in the office of the Corinth Town Clerk by Nace Engineering;

**NOW, THEREFORE, IT IS HEREBY**

**ORDERED:**

1. The boundaries of the proposed water district are as shown on the map and as follows:

**Perimeter Description  
Village of Corinth  
Water District Expansion**

All that tract or parcel of land situate in the Town of Corinth, Saratoga County, NY, bounded and described as follows:

Beginning at a point on the southerly boundary of Eggleston Street Extension on the boundary between the Village of Corinth on the east and the Town of Corinth on the west. Thence southeasterly along said line between the Village of Corinth and the Town of Corinth a distance of 73 feet more or less to a point. Thence along the lands of Moyer as recorded in the Saratoga County Clerk's Office in Liber 1581 of Deeds, page 399 westerly a distance of 61 feet more or less to a point and southerly a distance of 50 feet more or less to a point and westerly a distance of 50 feet more or less to a point being the southwesterly corner of lands of said Moyer. Thence southerly a distance of 50 feet more or less to a point being the southeasterly corner of lands of Bussiere as recorded in Liber 1256 of Deeds, page 574. Thence westerly a distance of 1617 feet more or less to a point being the southwesterly corner of lands of Miner as recorded in Liber 993 of Deeds, page 1150. Thence northerly a distance of 38 feet more or less to a point being the southeasterly corner of lands of Sherrange as recorded in Instrument No. 2006016235. Thence westerly a distance of 150 feet more or less to a point on the east side of Dorset Drive. Thence southerly along the east side of Dorset Drive a distance of 39 feet more or less to a point. Thence westerly a distance of 351 feet more or less to a point and southerly 40 feet more or less to a point being the southeasterly corner of lands of Greens at Corinth LTD. Thence westerly a distance of 1065 feet more or less to a point being the southwesterly corner of lands of Harris. Thence northeasterly a distance of 462 feet more or less to a point being the northwesterly corner of lands of said Harris. Thence easterly along the northerly line of lands of said Harris a distance of 152 feet more or less to a point. Thence northerly a distance of 238 feet more or less to a point at the northwest corner of lands of Montena as recorded in Document # 200705347. Thence easterly a distance of 200 feet more or less to a point on the westerly boundary of Dayton Drive. Thence northerly along the west side of Dayton Drive 60 feet more or less to a point. Thence westerly a distance of 200 feet more or less to a point at the southwest corner of lands of McKernon as reced in Liber 1631 of Deeds, page 97. Thence northerly a distance of 351 feet more or less to a point being the northwesterly corner of lands of DeJoseph as recorded in Liber 912 of Deeds, page 78. Thence westerly a distance of 70 feet more or less to a point and westerly a distance of 206 feet more or less to a point being the southwesterly corner of lands of the Village of Corinth as recorded in Liber 716 of Deeds, page 287. Thence northerly a distance of 279 feet more or less to a point and northerly a distance of 206 feet more or less to a point being the northwesterly corner of lands of said Village of Corinth. Thence northeasterly a distance of 492 feet more or less to a point being the northeasterly corner of

lands of said Village of Corinth. Thence southeasterly a distance of 247 feet more or less and southeasterly a distance of 210 feet more or less to a point being the northwesterly corner of said Dayton Drive. Thence northeasterly a distance of 60 feet more or less to a point being the northeasterly corner of said Dayton Drive. Thence southerly a distance of 6 feet more or less to a point and northerly a distance of 125 feet more or less to a point being the northwesterly corner of land of Burl as recorded in Liber 1773 of Deeds, page 614. Thence northeasterly a distance of 862 feet more or less to a point being the northeasterly corner of lands of Pace Builders LLC as recorded in Liber 1773 of Deeds, page 514. Thence along the lands of said Pace Builders LLC southerly a distance of 660.60 feet more or less to a point and easterly a distance of 111 feet more or less to a point. Thence southerly a distance of 210 feet more or less to a point being the northwesterly corner of lands of Montena as recorded in Instrument No. 2007005345. Thence easterly 1515 feet more or less to a point on the Village of Corinth line. Thence southeasterly along the Village line a distance of 237 feet more or less to the point of beginning.

2. The improvements proposed are connection to the existing 8” diameter water main in Dayton Drive by a 6” diameter water main extending along the new subdivision road in a closed loop. No improvements are required or proposed for including in the new District the properties along Eggleston Street, Eggleston Street Extension and Dayton Drive which are currently served by the existing water system.

3. The maximum amount proposed to be expended for such improvements is Twenty-seven Thousand Five Hundred Dollars (\$27,500).

4. The estimated cost of the hook-up fee is \$2,000 for each property. The annual cost of the District to the typical one or two family home (which is the typical property) will be the fixed annual operation and maintenance fee which is currently \$224.

5. The developer of the River’s Edge Subdivision will pay for the entire capital cost of the proposed improvements, so no financing by the Town will be required.

6. The Map, Plan and Report describing such improvements and the calculation of the maximum amount proposed to be expended and containing a detailed explanation of how the estimated cost of hook-up fees and the cost of the District to the typical one or

two family home (which is the typical property) were computed is on file in the office of the Corinth Town Clerk for public inspection.

7. The Corinth Town Board shall meet at the Town Hall, 600 Palmer Avenue, Corinth, New York, on the 11th day of December, 2008, at 7:10 o'clock P.M. for the purpose of conducting a public hearing on the proposal to establish the River's Edge Subdivision Water District with the improvements specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same.

8. The Corinth Town Clerk is hereby authorized and directed to publish a copy of this Order in the Glens Falls Post Star and post a copy of the same on the sign board of the Town of Corinth in the time and manner required by law, and to file a certified copy of this Order with the State Comptroller on or about the date of publication.

Duly adopted this 13<sup>TH</sup> day of November, 2008, by the following vote:

Highway Superintendent Eggleston said he had the paper work back for the turn around at Hunt Lake and everything is all set.

The Board thanked Superintendent Eggleston and his crew for all the extra work at the beaver dam.

Code Enforcement Officer Mann said that Mr. Golden has his septic completed and inspected and has a wood stove.

With no further business, on a motion of Councilman Byrnes and seconded by Councilman Brown the meeting was adjourned at 8:55 PM.

Respectfully submitted,

Joan Smead  
Deputy Town Clerk