

DECEMBER 31, 2008

The Town Board of the Town Of Corinth held a regular meeting on December 31, 2008 at 4:00 PM at the Town Hall.

Present: Richard Lucia, Supervisor
Charles Brown, Councilman
John Major, Councilman
Edward Byrnes, Councilman
Rose E. Farr, Town Clerk
Fred Mann, Code Enforcement Office

Absent: Mitchell Saunders, Councilman

Public: None

After roll call the following business was conducted:

RESOLUTION # 263

TRANSFER

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

ADOPTED Ayes 4 Lucia, Brown, Major, and Byrnes
Absent 1 Saunders
Nays 0

RESOLVED that the following transfer be made:

Transfer \$1,597.27 from 81604.01 Refuse/Garbage Contractual to 81601.01 Refuse/Garbage Personnel to cover payroll shortage due to unexpected long-term payment of temporary help while an employee was on disability sick pay; and

Open checking account for deposit of \$8,595.93 monies received for Just Court Assistance Program (JCAP) Grant, and

Transfer \$806.90 from 12204.01 Supervisor Contractual to 12201.01 Supervisor Personnel to cover payroll shortage due to unexpected long-term training for Bookkeeper/Secretary fill-in position.

RESOLUTION #264

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, and Byrnes
 Absent 1 Saunders
 Nays 0

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

Abstracts For 12/31/08

<u>General Fund/Town Wide – A:</u>	\$ <u>69,353.59</u>
<u>General Fund/Outside Village – B:</u>	\$ <u>6,894.12</u>
<u>Community Development Grant – CD:</u>	\$ <u>0</u>
<u>Highway/Town Wide – DA:</u>	\$ <u>0</u>
<u>Highway/Part Town – DB:</u>	\$ <u>43,523.34</u>
<u>Capital Project/Landfill Upgrades – H1:</u>	\$ <u>0</u>
<u>Fire Protection – SF:</u>	\$ <u>0</u>
<u>Street Lighting – SL:</u>	\$ <u>583.48</u>
<u>Sewer/Water – SW:</u>	\$ <u>0</u>
<u>Trust & Agency – TA:</u>	\$ <u>24,259.47</u>
<u>Scenic Train –</u>	\$ <u>0</u>
<u>Town of Corinth Railroad –</u>	\$ <u>300.00</u>

C. Eric Butler arrived at the meeting,

EMPLOYEES' HANDBOOK

Changes in the Employees Handbook made by the Personnel Committee given to the board members at the last meeting were discussed. Supervisor Lucia said that he had received recommendation of several changes from the Town Counsel's office and Lisa Kiselica-Rumpf was adding those recommended changes.

Councilman Major said that Councilman and Lisa Kiselica-Rumpf put in a lot of time on these changes. Councilman Major said the first changes were put in in red for the board members to review. He said that currently Lisa is redrafting the handbook with the attorneys' changes in blue. He said that the new draft will be in all town board members' boxes this week for their review. Councilman Major said the immediate goals of the Personnel Committee were work through the existing language and add and delete certain sections that the Personnel Committee felt necessary. He said most sections they left alone or were just clarifying.

Councilman Major said that there is a new section entitled Employee Disciplinary Procedure. He said they created a Family Medical Leave Form and the Performance Appraisal Form. Councilman Byrnes said that either the Supervisor or Employee if they want an additional evaluation they have the right to call for one. Councilman Major said that there was a Grievance Procedure.

Supervisor Lucia suggested that as the Personnel Committee got the sections done they should be added so that we could be using those and not wait for everything to be completed. Supervisor Lucia thanked the Personnel Committee for all they are doing. Supervisor Lucia asked if Councilman Byrnes and Councilman Major wanted to continue on this committee next year and they both said they had no problem.

Councilman Byrnes said he discussed with Lisa about appointed classes on the first page. He said the Planning Board and Zoning Board of Appeals Members should be added to this. Town Clerk Farr said that her First Deputy was an appointment by her under a new law. Councilman Major said he wondered if they should just say appointed positions and not try to list each one. Supervisor Lucia said that the First Deputy is only appointed by the Town Clerk and his Bookkeeper/Secretary was his appointment. Councilman Major said so they would have to be added. Councilman Major said that Councilman Byrnes has worked very hard on the classifications.

A discussion was had regarding the highway and whether they had to produce a doctor's slip if they could not work on a holiday. Also other employees and payment for the holidays was discussed. Supervisor Lucia said that certain things

were already being done but were not in writing. Councilman Byrnes said that this is what they were trying to get in writing.

Councilman Brown said that there are two items that he doesn't agree with. He said one is funeral leave. He said he thought one of those days they are off should be the day of the funeral otherwise they could take the middle of the summer. Councilman Byrnes said that it should be consecutive days.

Councilman Brown said the other thing he saw was it is illegal to use the cell phone when driving. Councilman Byrnes said that it was the law and we could not have the employee violate a law.

Supervisor Lucia asked that if the board members had something they thought should be changed that they should put it in writing to the Supervisor. C. Eric Butler said that he thought the Town was covered by law regarding the cell phone.

Supervisor Lucia said even if Lisa did not get the new manuals to the employees the very first week of January but even if it was done the next week and some of the changes were included and people would sign for their handbook all other changes were made they would have to sign an addendum sheet so they know of any changes.

Supervisor Lucia spoke about changes in the handbook about employees taking time off when the Town Hall was closed due to weather or no heat, etc. Supervisor Lucia said that people working that day will be paid but the person that is not working that day will not receive pay or any comp time. Supervisor Lucia said that this is the way the court is working now and things should be in writing so that this would not be happening.

Councilman Byrnes asked if he was right that the Town was paying a court clerk four days off or thirty hours for working approximately six hours a month. He said that didn't quite sound right. He said we need to look at this. He said we need to be fair to all employees.

Councilman Byrnes said that there is still two employees that have not handed in a job description. Supervisor Lucia said that the committee will deal that when they do job descriptions.

Councilman Major asked what the hours were in the court. He was told that Debbie works Monday through Thursday with Friday off and she works court

nights of approximately six hours per month. He was told Colette works Monday through Wednesday and Friday with Thursday off and she gets paid for those days only. Councilman Byrnes said this is the problem since they are both salaried.

Councilman Byrnes asked about the time clock. Supervisor Lucia said that one of the judges asked why the Town Hall couldn't have a time clock even if the highway department did not. Supervisor Lucia said that we have an employee who leaves fifteen to twenty minutes early every day and signs out at four o'clock to go to her second job. Councilman Byrnes said that if we were going to have people sign out then that information needs to be sent to their supervisor or department head so they know what is going on. Councilman Byrnes said his concern is that the department heads are aware of this. Supervisor Lucia suggested that the payroll person be doing a report like Cheri is doing now for the Planning Board. Councilman Byrnes said that he liked that report. Councilman Major said that the Personnel Committee changed it to hourly increments because one of the problems that was brought up to the committee was that these situations of an hour or two it was done as half days and when the committee tried to apply it to an hourly situation it became quite a discussion. He said they applied it to personal time, sick time and vacation time because those are the only three ways an employee could be deducted and use their time. He also said that if somebody is leaving their work station and its not personal, sick or vacation time then it is without pay. Supervisor Lucia said that whatever way the committee ends up with it it must be that whenever an employee leaves the building for personal matters they must punch out.

Councilman Major said that we must be able to track the hours off, etc. Supervisor Lucia said that Lisa will be recording hours for sick time, personal time and vacation time instead of days.

Councilman Major said that this is more fair to the taxpayers and more fair to the employee.

Councilman Byrnes said a time clock at the highway department would create a problem since they may be on the other end of the town and would have to come back to the garage to punch out, take a half hour for lunch, and then punch back in. Councilman Byrnes said that it isn't feasible for the highway department to have a time clock for this reason. He said they would be burning excess fuel. Supervisor Lucia said that Highway Superintendent Eggleston has a good handle on his guys and where they are at all times.

Councilman Major said that it sounds like a time clock in the Town Hall would solve a lot of issues. He said it would protect the employee as well. Supervisor Lucia said that the problem was with an employee signing in before they were scheduled to go to work. Supervisor Lucia said that now during tax time some employees start to work before the 8:00 AM beginning of the day. Councilman Byrnes said that as long as the department head has initialed the time that would be okay.

RESOLUTION #265

PLACE TIME CLOCK IN THE TOWN HALL

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

ADOPTED Ayes 4 Lucia, Brown, Major, and Byrnes
Absent 1 Saunders
Nays 0

RESOLVED that a time clock be placed at the Town Hall to be used by all Town Hall employees, and be it further

RESOLVED that due to the excess fuel used and the excess time used it would not be feasible for the Town Highway Department to have a time clock.

C. Eric Butler suggested to the Town Board that the Town purchase a time clock that automatically added up the hours worked.

C. ERIC BUTLER

Supervisor Lucia said he got a call from the Town Attorney regarding a person's term expiring and it is definitely in the realm of the Town Board to appoint or not appoint that member. He said that he was talking about a vacancy on the Planning Board. Councilman Byrnes said he did not feel comfortable with the re-appointment.

Supervisor Lucia asked Chairman Butler if Mr. Eggleston has had two full terms. Chairman Butler said that Mr. Eggleston has served a total of nine years on the Planning Board.

RESOLUTION #266

RE-APPOINTMENT TO PLANNING BOARD

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

ADOPTED Ayes 4 Lucia, Brown, Major, and Byrnes
 Absent 1 Saunders
 Nays 0

RESOLVED that Edwin Eggleston not be re-appointed to the Planning Board.

RESOLUTION #267

APPOINTMENT TO PLANNING BOARD

Chairman Butler said he would like to see Philip Giordano appointed to the Planning Board for two reasons. First he said liked Mr. Giordano personally. He said Mr. Giordano is very level headed, has a lot of common sense and isn't afraid to disagree with Chairman Butler or anyone else. Chairman Butler said what he really likes about Mr. Giordano is that he brings a couple years experience with the Zoning Board to the Planning Board. Chairman Butler said that during the two years that he has been on the board they have pushed people off and told them that they would have to go to the Zoning Board. Chairman Butler said he felt it would be very nice, helpful and informative if someone from Zoning could give this person a little input such as what they are going to need, what they are going to ask and why they are going to zoning. Supervisor Lucia told Chairman Butler that the Town Board would need a letter of resignation from Mr. Giordano for the Zoning Board. Supervisor Lucia said that if this letter does not appear by next Wednesday he could not be appointed. Chairman Butler said he would contact Mr. Giordano and see that his resignation letter is delivered to the Town Hall on Friday.

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

ADOPTED Ayes 4 Lucia, Brown, Major, and Byrnes
 Absent 1 Saunders
 Nays 0

RESOLVED that upon receipt of a letter of resignation from the Zoning Board, by the Town Board, Philip Giordano be appointed to a five year term on the Planning Board.

RESOLUTION #268

REAPPOINTMENT OF WILLIAM CLARKE TO ZONING BOARD OF APPEALS

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

ADOPTED Ayes 4 Lucia, Brown, Major, and Byrnes
Absent 1 Saunders
Nays 0

RESOLVED that William Clarke be re-appointed to a five year term on the Zoning Board of Appeals.

RESOLUTION #269

APPOINTMENT TO ZONING BOARD OF APPEALS AND ALTERNATE TO PLANNING BOARD

Supervisor Lucia told the board that he had four people interested in the appointment as follows: Timothy Sullivan, Mark Montanye, Lance Abare, Joel Duguay and Edward Decker. This was discussed at length. Councilman Byrnes said he would like to see Timothy Sullivan. Councilman Byrnes said that Mr. Sullivan, if it does cause a conflict, since he has expressed interest before. Supervisor Lucia said it would not cause a conflict only if the board appointed Mr. Sullivan to the Planning Board since his wife is the secretary to the Planning Board. Supervisor Lucia read the letters he had received from the five individuals. Chairman Butler said he would like Mark Montanye as Alternate for the Planning Board. He said he likes him because of the lawyer aspect. On a motion by Councilman Byrnes and seconded by Councilman Brown the following resolution was

ADOPTED Ayes 4 Lucia, Brown, Major, and Byrnes
Absent 1 Saunders
Nays 0

RESOLVED that Timothy Sullivan be appointed as a member of the Zoning Board of Appeals in place of Philip Giordano, and be it further

RESOLVED that Mark Montanye be appointed as alternate to the Planning Board.

TOWN CLERK

Town Clerk Farr told the Town Board that Supervisor Lucia signed a contract for a new postage meter with the Ed and Ed Team for a Hasler Postage Meter. Town Clerk Farr told the board that the Town is presently paying \$108.00 per month to Pitney Bowes and the new meter would be \$75.00 per month including maintenance.

Town Clerk Farr also told the Town Board that the taxes have been sent out and she is sure there will be numerous calls as the taxes went up considerably. She said that this is due to face that the re-valuation and the assessments went up even though the tax rate for both Town and County is down.

RESOLUTION #270

RESOLUTION REVISING FEE SCHEDULE

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

ADOPTED Ayes 4 Lucia, Brown, Major, and Byrnes
 Absent 1 Saunders
 Nays 0

WHEREAS, the Town Board has established a Fee Schedule which is referenced in the Town Code and posted in the Town Hall; and

WHEREAS, the Town Board wishes to make changes to the Fee Schedule to reflect increased costs to the Town for processing and review of certain applications;

NOW, THEREFORE, BE IT

RESOLVED, that the Corinth Town Board hereby amends the Town's Fee Schedule as follows:

(1) The fee for Site Plan Review application under Article VI of Town Code Chapter 89 shall be \$100 for a residential project and \$200 for a commercial project.

(2) The fees for Special Use Permit application under Article VII of Town Code Chapter 89 shall be \$50 for a residential project and \$100 for a commercial project

AND BE IT

FURTHER RESOLVED, that the Town's fee schedule posted in the Town Hall shall be revised to reflect the changes set forth above, which shall be effective immediately unless otherwise provide.

RESOLUTION #271

RESOLUTION OF ACCEPTABLE TRAINING FOR PLANNING BOARD AND ZONING BOARD OF APPEALS

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

ADOPTED Ayes 4 Lucia, Brown, Major, and Byrnes
 Absent 1 Saunders
 Nays 0

WHEREAS Town Law Sections 267 and 271, Village Law Sections 7-712 and 7-718, and General City Law Sections 27 and 81 provide that effective January 1, 2007, all planning board and zoning board of appeals members in New York State, as well as alternate members of those boards, must complete a minimum of four hours of training each year; and

WHEREAS the above sections of state law provide that a planning board or zoning board of appeals member shall not be eligible for reappointment to such board if they have not completed the training required by law; and

WHEREAS the above sections of state law provide that the legislative body of the town, village and city specifies which activities qualify as training to satisfy the state requirements; and

NOW, THEREFORE, be it

RESOLVED, that the following list of agencies, commissions, associations, universities, and other organizations are approved to provide training to meet the

state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

- 1) The NYS Department of State; Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental Conservation; Office of Parks, Recreation, and Historic Preservation; Hudson River Valley Greenway, and
- 2) The New York State Association of Towns, the New York Conference of Mayors, the New York State Association of Counties, the New York Planning Federation, the American Planning Association, the Upstate New York Chapter of the American Planning Association and its sections, and the Metro New York Chapter of the American Planning Association and its sections, and
- 3) The Capital District Regional Planning Commission, Central New York Regional Planning and Development Board, Herkimer-Oneida Counties Comprehensive Planning Program, Lake Champlain-Lake George Regional Planning Board, Long Island Regional Planning Board, Southern Tier Central Regional Planning and Development Board, Southern Tier East Regional Planning Development Board, Southern Tier West Regional Planning and Development Board, Genesee-Finger Lakes Regional Planning Council, Hudson Valley Regional Council, Tug Hill Commission, and Adirondack Park Agency; and
- 4) The Saratoga County Planning Federation, Saratoga County Planning department(s); and Saratoga County Soil and Water Conservation districts; and
- 5) the Albany Law School Governmental Law Center and Institute for Legal Studies, Pace Law School, Cornell University and its cooperative extension, and
- 6) on-line planning and zoning training programs offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, and the Lincoln Institute of Land Use Policy;

AND LET IT FURTHER be

RESOLVED, that other training activities may be approved on a case-by-case basis by the Town Board upon the request of a Planning Board or Zoning Board

of Appeals member; and be it further

RESOLVED, that any new member appointed to fill the last three months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein; and be it further

RESOLVED, that training received by a planning board member or zoning board of appeals member in excess of four hours in any one year may be carried over by the member into succeeding year; and be it further

RESOLVED, that the Town Clerk shall create and maintain a system of tracking the training individual members complete annually; and such information shall be presented to the appointing authority prior to considering a member for reappointment.

PROPOSED LOCAL LAWS

Members of the Town board asked Chairman Butler about the proposed local law and the language of Family subdivision. Chairman Butler said that this new law would help the Planning Board track the Family Subdivisions.

RESOLUTION #272

RESOLUTION SCHEDULING PUBLIC HEARING ON PROPOSED LOCAL LAW AMENDING CORINTH TOWN CODE PROVISIONS RELATING TO TRAINING REQUIREMENTS FOR ZONING BOARD OF APPEALS AND PLANNING BOARD MEMBERS

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

ADOPTED Ayes 4 Lucia, Brown, Major, and Byrnes
Absent 1 Saunders
Nays 0

WHEREAS, the Corinth Town Board (the "Town Board") is considering adopting a Local Law to amend certain provisions of the Town Code to provide that members of the Zoning Board of Appeals and Planning Board may be removed for non-compliance with minimum training requirements; and

WHEREAS, Municipal Home Rule Law §20 requires the Town Board to hold a public hearing prior to the adoption of a Local Law;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CORINTH, SARATOGA COUNTY, NEW YORK, AS FOLLOWS:

Section 1: Public Hearing; Notice - The Town Board shall meet on Thursday, February 12, 2009 at 7:10 PM to hold a public hearing to hear all people who are interested in proposed Local Law No.1 of 2009 amending certain Town Code provisions relating to training requirements for Zoning Board of Appeals and Planning Board members. The Town Clerk is hereby authorized and directed to publish a Notice of Public Hearing in the *Glens Falls Post Star* not less than ten (10) days before the date of the public hearing.

Section 2: Effective Date - This Resolution shall take effect immediately.

RESOLUTION #273

RESOLUTION SCHEDULING PUBLIC HEARING ON PROPOSED LOCAL LAW AMENDING CERTAIN CORINTH TOWN CODE LAND USE AND SUBDIVISION PROVISIONS

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

ADOPTED Ayes 4 Lucia, Brown, Major, and Byrnes
 Absent 1 Saunders
 Nays 0

WHEREAS, the Corinth Town Board (the "Town Board") is considering adopting a Local Law to amend certain provisions of the land use and subdivision provisions of the Town Code relating to fees, number of copies of application materials to be submitted, boundary line adjustments and family subdivisions; and

WHEREAS, Municipal Home Rule Law §20 requires the Town Board to hold a public hearing prior to the adoption of a Local Law;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CORINTH, SARATOGA COUNTY, NEW YORK, AS FOLLOWS:

Section 1: Public Hearing; Notice - The Town Board shall meet on Thursday, February 12, 2009 at 7:20 p.m. to hold a public hearing to hear all people who are interested in proposed Local Law No. 2 of 2009 amending certain Town Code provisions relating to land use and subdivision of land. The Town Clerk is hereby authorized and directed to publish a Notice of Public Hearing in the *Glens Falls Post Star* not less than ten (10) days before the date of the public hearing.

Section 2: Effective Date - This Resolution shall take effect immediately.

With no further business, on a motion of Councilman Major and seconded by Councilman Byrnes the meeting was adjourned at 5:20 PM.

Respectfully submitted,

Rose E. Farr, RMC
Town Clerk