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March 12, 2009

The Town Board of the Town of Corinth held a regular meeting on March 12, 2009 at 7:00 PM at the Town Hall.

Present: Richard B. Lucia, Supervisor
Charles Brown, Councilman/Deputy Supervisor
John Major, Councilman
Edward Byrnes, Councilman
Mitchell Saunders, Councilman
Shawn Eggleston, Highway Superintendent
Fred Mann, Code Enforcement Officer
Cheri Sullivan, Deputy Town Clerk
Cathi Radner, Town Counsel

Public: Jim Murray, Sr., Sigrid Koch, Ray Bush, Linda Adams, Jim Hamm, Arleen Springer

After roll call, Pledge of Allegiance and Prayer the following business was conducted:

RESOLUTION # 110
APPROVAL OF MINUTES

A motion was made by Councilman Saunders 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 February 5th, 12th, 19th, 26th 2009 be approved.

RESOLUTION #111
APPROVAL OF ABSTRACTS

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

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

Resolved that the abstracts of February 5th and 26th be approved as follows:

February 5, 2009

A	\$ 60,722.36
B	\$ 6,313.35
DB	\$ 74,197.23
T&A	\$ 15,831.61

February 26, 2009

A	\$ 67,638.08
B	\$ 12,702.26
DB	\$ 32,121.98
T&A	\$ 18,513.16
SF (Fire Protection)	\$ 207,855.00

Old Business:

DRAFT

Supervisor Lucia said the Public hearing for the revised Local Law #2 of 2009 Amending the Corinth Town Code Zoning and Subdivision Provisions was still open. Supervisor Lucia said at the last meeting the Town had still not received the recommendations from the Saratoga County Planning Board. Supervisor Lucia read the Letter from Attorneys Miller, Mannix and Associates stating that they had attached the black line version for the Town Board to review along with the final copy so the Town Board could see all the changes. The Attorneys recommended reading into record the comments from the Saratoga County Planning Board. Supervisor Lucia asked if there were any comments from the public present in relation to the Proposed Local Law #2 of 2009 Amending the Corinth Town Code Zoning and Subdivision Provisions. There was no comment from the public present for or against this proposed Law. Supervisor Lucia asked all Town Board members if they had any comments on this proposed Law. No Board members in attendance had any comments on the proposed law. Supervisor Lucia asked Deputy Clerk Sullivan that as the secretary of the Planning Board if everything looked good. Deputy Clerk Sullivan said it looked good. Supervisor Lucia asked Attorney Radner if everything was fine with the Attorney. Attorney Radner said it was. Supervisor Lucia asked Deputy Clerk Sullivan to read into record the recommendations from Saratoga County Planning Board. The following letter was read into record:



SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

JASON KEMPER
DIRECTOR

February 19, 2009

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

RE: SCPB Referral Review #09-26 - Legislative Action
Local Law to amend Corinth Town Code in reference to family subdivisions, definition of subdivisions, administrative tasks and fees

Received from the town of Corinth Town Board on February 11, 2009.

Reviewed by the Saratoga County Planning Board on February 19, 2009.

Decision: Approve

Comment: In regard to the definition of a subdivision created by a public road dividing a parcel, we believe that it is warranted that the definition note that a building permit will not be issued for any substandard lot so created.

In a clerical matter, within the first sentence of the same definition it may be possible to strike through "residential commercial or industrial" in the first sentence and maintain the meaning.

Handwritten signature of Michael Valentine in cursive script.

Michael Valentine, Sr. Planner
Authorized Agent for Saratoga County

A LOCAL LAW
AMENDING THE CORINTH TOWN CODE
ZONING AND SUBDIVISION PROVISIONS

Be it enacted by the Corinth Town Board as follows:

ARTICLE 1. Chapter 89 of the Code of the Town of Corinth, entitled "Land Use", is amended as follows:

A. Section 89-49(B)(1) is amended by adding the following new sentence:

In addition, if the Planning Board determines that the application requires review by the Town Engineer the application shall include a signed agreement to pay the professional fees in accordance with the fee schedule established by the Town Board and posted in the Town Hall.

ARTICLE 2. Chapter 112 of the Code of the Town of Corinth, entitled "Subdivision of Land", is amended as follows:

A. Section 112-1(B) is amended as follows:

(i) The following new definition is added:

BOUNDARY LINE ADJUSTMENT – The legal adjustment of boundary lines between two legally created abutting lots, tracts or parcels, which creates no additional lot, tract, parcel or site and which results in no lot, tract, parcel or site that contains insufficient area and dimension to meet minimum development requirements for a building site.

(ii) The definition of FAMILY SUBDIVISION is amended to read as follows:

SUBDIVISION, FAMILY – The division of land by and from immediate members of a family, whether or not such conveyance is a bona fide gift, devise or inheritance. A family subdivision shall constitute a subdivision and shall be subject to review by the Planning Board, but the fee for subdivision application shall be waived. "Immediate members of a family" is defined to include grandparents, parents, sons, daughters, the spouse of a son or a daughter, grandsons and granddaughters.

(iii) The definition of MINOR SUBDIVISION is amended to read as follows:

SUBDIVISION, MINOR – Any subdivision containing not more than three lots fronting on an existing street, not involving any new street or road or the extension or construction of municipal utilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Official Map or applicable town law, if any, or this chapter. The division of land resulting from a bona fide gift, devise or inheritance by and from natural persons shall constitute a subdivision and shall be subject to review by the Planning Board.

(iv) The definition of SUBDIVISION is amended to read as follows:

SUBDIVISION – A division of any land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy by any person or by any other person controlled by or under common control with any such person or group of persons acting in concert as part of a common scheme or plan. The sale of a landowner's entire ownership on one side of a public road or highway will not be considered a subdivision requiring approval. Any lot created pursuant to the preceding sentence will be deemed created as of the date of the conveyance which divides the land along the road or highway. No building permit shall be issued for any such lot which is not in compliance with the area requirements for the zoning district in which it is located.

B. The first paragraph of **Section 112-3(A)** is amended to read as follows:

Submission of sketch plan. Any owner of land shall, prior to subdividing or resubdividing land, submit to the Secretary of the Planning board, at least 10 days prior to the regular meeting of the Board 8 copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of article III for the purpose of classification and preliminary discussion.

C. **Section 112-4(A)** is amended by adding the following new sentence:

In addition, if the Planning Board determines that the application requires review by the Town engineer, the application shall include a signed agreement to pay the professional fees as set forth in Appendix 1.

D. **Section 112-4(B)** is amended to read as follows:

Number of copies. Eight copies of the subdivision plat shall be presented to the Secretary of the Planning Board at least 10 days prior to a scheduled monthly meeting of the Planning Board.

E. **Section 112-5(B)** is amended to read as follows:

Number of copies. Eight copies of the preliminary plat shall be presented to the Secretary of the Planning Board at least 10 days prior to the regular monthly meeting of the Planning Board.

F. The first sentence of **Section 112-6(B)** is amended to read as follows:

Number of copies. A subdivider intending to submit a proposed subdivision plat for the approval of the Planning board shall provide the Secretary of the Board with eight copies of the application and eight copies of the plat.

G. The first sentence of **Section 112-10(A)(1)** is amended to read as follows:

Eight copies of a preliminary plat to a scale not smaller than 50 feet to the inch, drawn accurately to scale; in the case of large parcels of land, as appropriate for the lot size and approved by the Planning Board.

H. The first sentence of **Section 112-11(A)(1)** is amended to read as follows:

Preliminary plat. Eight copies shall be submitted to a scale not smaller than 50 feet to the inch, drawn accurately to scale, with approximate dimensions shown and including all the information required for a final plat, except monuments and iron pipes, and the certification of standards of accuracy.

I. The first sentence of **Section 112-11(B)(1)** is amended to read as follows:

The final plat, two reproducible copies on Mylar plus eight paper copies to a scale not smaller than 50 feet to the inch, showing the following:

J. **Appendix 1 – Subdivision Fee Schedules** is amended to read as follows:

**APPENDIX 1
SUBDIVISION FEE SCHEDULES**

<u>BOUNDARY LINE ADJUSTMENT</u>	\$50 application fee
<u>CONCEPTUAL SUBMISSION</u>	-0-
<u>PRELIMINARY SUBMISSION</u>	
A) MINOR SUBDIVISION	\$100 first lot plus \$50 each additional lot
B) MAJOR SUBDIVISION	\$500 first three (3) lots plus \$50 each lot after the third
<u>FINAL SUBMISSION</u>	Same as preliminary submission
<u>RECREATION FEE</u> (Major Subdivision only)	\$500 per dwelling unit or lot (whichever is greater) OR Town Board may accept land of at least equivalent value
<u>PROFESSIONAL FEES</u> (escrowed amount*)	
A) MINOR SUBDIVISION	Amount estimated by Town Engineer if engineering services are required
B) MAJOR SUBDIVISION	\$2,000

* Escrowed amount shall be paid with the application or, in the case of a minor subdivision, after notice of escrow requirement and before any Planning Board action. All professional fees in excess of the escrowed amount must be paid by the applicant prior to issuance of the final approval or permit.

ALL FEES ARE NON-REFUNDABLE!

ARTICLE 3. The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

DRAFT

ARTICLE 4. All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local law are hereby repealed.

ARTICLE 5. This Local Law shall take effect upon filing in the office of the New York State Secretary of State.

RESOLUTION #112

CLOSING OF THE PUBLIC HEARING ON PROPOSED LOCAL LAW AMENDING THE CORINTH TOWN CODE ZONING AND SUBDIVISION PROVISIONS

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 Public Hearing be closed for Local Law #2 amending the Corinth Town Code Zoning and Subdivision Provisions.

RESOLUTION #113

APPROVAL OF PROPOSED LOCAL LAW # 2, 2009 AMENDING THE CORINTH TOWN CODE ZONING AND SUBDIVISION PROVISIONS

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

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

Resolved that the Local Law #2 Amending the Corinth Town Code Zoning and Subdivision Provisions be approved.

SUPERVISOR

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

2009 AOT Resolutions Booklet-Supervisor Lucia said this booklet contained the Resolutions adopted by the Association of Towns at the 2009 annual meeting.

American Legion Letter- A letter from David Lockhart, Commander of the American Legion Post 533 thanking the Town Board for their generous and patriotic donations to their coffers'.

American Red Cross Updates-

Major grant award received for disaster preparedness programs

Upcoming Blood Drive Campaigns

DRAFT

APA Notice-

Regarding Gary Joseph Akrop and Debbie Akrop on Stewart Dam Road for proposed winery. Code Enforcement Officer Mann said he was good with this as the applicants meet zoning requirements.

CCSD Elementary Newsletter

Census Letter and Packet- Supervisor Lucia spoke about the important of the census of 2010.

County Treasurers Report- Supervisor Lucia said at the last meeting Councilman Saunders was requesting to see how much money has come in so far this year. Supervisor Lucia said this is the payment schedule received by the Towns from the County and it shows how much mortgage tax, sales tax and the animal shelter monies received with a year to date total. Supervisor Lucia said that the Towns get paid every 6 months, but receive a monthly report. Councilman Saunders asked how the previous years have been tracked. Councilman Saunders said the concern he has going into the end of the middle of the year, if the supervisor could put it on his calendar a time that the Town Board can get together to review where they are in their projections of Revenue in case there are concerns that the Town will have to tighten their revenue. Councilman Major said that Councilman Saunders could also find the running balances in the Supervisors monthly report. Councilman Saunders said he felt that the Town Board should look at those revenues and see if they are falling short so that if they are, the Town Board can find a way to remedy the situation.

Deceased Veterans- Honoring James Hovey, Vietnam, from the Town of Hadley on March 17th, 2009 @ 2:30pm.

Dollars for Scholars Letter- Inviting Leaders in the community to join students for the annual dance marathon on March 20th and 21st. This year's recipients will be Dollars for Scholars, Corinth Community Food Pantry and Darlene Hicka, a member of our school staff who has been diagnosed with cancer.

EOC Folder- Supervisor Lucia said that many people are not aware of the programs that Saratoga County Economic Opportunity Council support such as the weatherization program, Head Start, Wic, Summer Lunch Programs ect...

February Sales Tax

Ferc Project Information- Albany Engineering Corporation intends to file application for an original license for the Thomson Project that is located on the Hudson River in the Hamlet of Thomson, Town of Greenwich.

Indeck Permit Renewal- Supervisor Lucia said DEC sent the Town a copy of Indecks Permit Renewal for the Following Permits ID # 5-4126-00028/00009 & ID #5-4126-00028/00012. Councilman Saunders wanted to know how much longer this business would be on the PILOT Tax program. Supervisor Lucia said he believed that it would be for about eight more years.

January APA Permit List-

Letter- Supervisor Lucia said the Town Board received a letter from Michael Eggleston thanking the Town Board for a well planned budget and an excellent job of saving money for the Town Highway Department.

DRAFT

March 19th Workshop- Supervisor Lucia said this workshop has been canceled.

Mortgage Tax- Supervisor Lucia said the Mortgage Tax for February is \$ 9,311.68

NYS ORPS Letter-Discussed eligibility for Triennial Aid and congratulating the Assessor for maintaining a system of Real Property tax administration which meets the highest standards set by the state.

RSVP Volunteers- Offering assistance with income taxes and are looking for volunteers to drive

Saratoga County Council on Autism- Supervisor Lucia spoke about special presentations being sponsored by the Saratoga County Council on Autism and by Senator Roy McDonald on Wednesday March 25th 7-9pm and Thursday March 26th 9-3pm by Dennis Debbaudt a proud father of a young man who has autism. Mr. Debbaudt is an author, producer and law enforcement trainer who specializes in providing autism recognition response and risk management training to law enforcement, Emergency first responders, bus drivers, security staff and others. These special sessions are free and designed to educate and train individuals in the above mentioned fields to assist those with disabilities.

Saratoga Plan- Letter from Saratoga Plan regarding the turning over land where the tower is located to NYSDEC so as to turn this project into an asset for the Towns of Corinth, Greenfield and Saratoga County.

Senior Sentinel- Included tips on walking, Medicare, Heap and AARP Volunteer Tax preparation for the seniors.

Special Franchises- A letter from the NYS Executive Department of State Board of Real Property Service determining the tentative special franchise full value for the following special franchise companies:

Niagara Mohawk dba Nat'l Grid, Citizens Telecom Co of NY, Verizon New York inc. and Time Warner-Queensbury.

SUPERVISOR

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

Animal Control

Fire Department

Highway

Justices

Town Clerk

Senior Citizens- Supervisor Lucia said the senior center will host a special Saint Patrick's Day Lunch on March 17th at 12:00. Supervisor Lucia said the Senior Center has been transporting an individual to dialysis and it is costing them over \$400.00 per month and at this rate the transportation program will run out of money in three months. The Senior Center can continue to transport this individual for another month but are looking for funding or anyone that has any suggestions to please contact Laurie Crossman at the Senior Center.

DRAFT

Supervisors Report

RESOLUTION # 114

APPROVAL OF SUPERVISOR'S REPORT AS PRESENTED

A motion made by Councilman Saunders 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 Town Board accepts the Supervisor's monthly financial report for February 2009.

Public Speaking- Supervisor Lucia asked if any members of the public present would like to address the board.

Jim Hamm- Mr. Hamm wanted updates on what was happening with the Schuh property and the Eagle Property. Mr. Hamm felt that the Town Board was dragging their feet on both issues, zoning is in effect in this town and he does not feel that it is being enforced with either of these issues. Mr. Hamm said that action was taken against him and he will never forget that and he will be at every meeting to make sure that enforcement takes place with these two individuals. Mr. Hamm said the same type of issue took place with the Eggleston Property there was no time limit placed on it and looked what happened there.

Councilman Byrnes asked Mr. Hamm if he could refresh his memory on what action the Town of Corinth initiated against him. Mr. Hamm said it was the Adirondack Park Agency that initiated the action but it was because the Town of Corinth gave him all his permits and co's to live there which the Town should have never done. Councilman Byrnes said that they have had this discussion prior and unless Mr. Hamm can produce paperwork to verify what he is claiming then there was nothing the Town could do. Councilman Byrnes felt the Town did all they could do to help Mr. Hamm and he does not feel that it is right for Mr. Hamm to insinuate that the Town Board and the Town of Corinth took action against and that is not true because it was initiated by Adirondack Park Agency.

Attorney Radner said there has been no action taken, no movement, the order was final and there has been no appeal so it is up to the Town Board how they want to proceed. Attorney Radner said her recommendation to the Town Board would be that the Town Board be inclined to proceed and do the demolition on their own, and that the Town Board solicits bids and make Mr. Schuh aware that the board will be moving forward or Attorney Radner said the last she heard was that the taxes are not being paid so the Town Board has an option of least resistance. Attorney Radner said if the Town Board chooses to move forward with the demolition there is no legal impediment in doing so the Town Board has a legally enforceable court order.

Attorney Radner said in regards to the Eagle property his understanding was that the Code enforcement Officer Mann was trying to work with the new owner. Attorney Radner said that the new owner has stated that he would work with the Town in the clean up of the property and that he would start with the debris closest to the road and work towards the back of the property but she does not believe that this has happened yet. Code Enforcement Officer Mann said he

DRAFT

believes the only thing that Mr. Paquin needs from the town is a demolition permit and he was suppose to be checking with DEC. Mr. Mann said that Mr. Paquin told him he wanted to come to the meeting but he does not see him here. Councilman Major said he is sure that the weather is impeding the progress.

Councilman Saunders said the Town Board has to be cognizant of the rules and how to proceed. Councilman Saunders said he feels that the board has proceeded properly with the Schuh case and the board is again faced with the decision as to incur the costs of destroying an \$80,000.00 addition and the gentleman got into this situation over approximately \$150.00 in permit fees. And in regards to the Eagle property is was financially a better move to let the property go up for auction than to incur the costs associated with the removal of all the trailers. Councilman Saunders said that in regards to the Eggleston property the suit was against the owner and not the property.

Arlene Springer- Mrs. Springer wanted to know what was actually taking place with the Eggleston property and if the Town was paying for the survey of the Eggleston property. Code Enforcement Officer Mann said he has been to the property and the resident has until June 01st, 2009 to get the property cleaned up. Mr. Mann said the resident has already been working on cleaning the property up however it has been somewhat difficult with this winters activities. Supervisor Lucia said he is not aware nor does he believe the town is paying for a survey of that property.

There was brief discussion regarding "Brignola" and what was taking place. Attorney Radner said they are huge complicated files that they are currently working on.

There was no comment from any of the board members present. Superintendent Eggleston wanted to address the board on the following three issues:

1. A letter received from AG & Markets relating to Ray Baker and his weigh master License. Superintendent Eggleston said even though Mr. Baker is not employed by the Town currently he would like to renew his license at the cost of \$ 15.00 in case he needs him at the landfill.
2. Superintendent Eggleston said he has been reviewing options of using state contracts to purchase materials, the only issue is that the materials are sold in bulk quantity, so when the bills come in he wants people to be aware that they are bulk prices and with some of the materials he may not need to purchase again for years but that the saving are definitely there. Councilman Saunders asked if the Village would be going in on this with him. Superintendent Eggleston said that the Village has never done it before probably because of billing issues.
3. Superintendent Eggleston said he started doing inspections of the drains at the Highpoint Subdivision. Mr. Eggleston said there is approximately 30 inches of water in the first drain behind Sharon Whitcomb's house. Mr. Eggleston said he was concerned because there is a 2 1/2ft of snow pack and the water is not moving into the following drains the way it should. Mr. Eggleston said the following two drains do not have any water in them. Mr. Eggleston said the way that the engineer described the working system to him; it does not appear that it is functioning properly. Mr. Eggleston said the water is above the transfer pipe.
The Town Board thanked Superintendent Eggleston for taking the initiative to check on these drains. Supervisor Lucia said he would call the Engineers and Mike Lamont and make them aware of the situation.

DRAFT

Code Enforcement Officer Mann- Mr. Mann said he had spoke to the volunteers who came from Syracuse to work on the Victory Bible Church and the volunteers wanted to know if they could bring stuff from the church to the landfill as they do not live here. Supervisor Lucia said they have to go across the scale and they are doing work for a town resident that it was ok. Superintendent Eggleston said to give him a call when they go and he would make the guys at the landfill aware.

Supervisor Lucia said that Peter Wiley who had proposed the Riversedge water district had called and asked the supervisor if it would do him any good to come back and speak to the board. Supervisor Lucia said that it was a 5-0 vote and the board decision was impacted by the amount of homes in the proposed project.

RESOLUTION # 115

MOTION TO ADJURN TO EXECUTIVE SESSION ON LITIGATION WITH NO ACTION TO BE TAKEN.

A motion 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 Town Board Adjourns to Executive Session on Litigation with no action to be taken at 8:03 pm.

Respectfully submitted,

Cheri Sullivan
Deputy Town Clerk