

May 28, 2009

The Town Board of the Town Of Corinth held a regular meeting on May 28, 2009 at 4:00PM 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
Rose E. Farr, Town Clerk
Cheri Sullivan, Deputy Town Clerk

Public: Jim Murray, Sigrid Koch, and Arleen Springer.

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

SUPERVISOR

Supervisor Lucia told the board that there is an invitation in their packets for anyone interested in being in the Saratoga County Fair Talent Show to be held from July 14-July 19, 2008.

Supervisor Lucia told the board that the Town Attorney had reviewed the Billing Service Agreement prepared by Attorney Todd Morrow, Attorney for the Corinth Emergency Squad, Inc. Supervisor Lucia said that Attorney Hafner is now satisfied with the agreement. Councilman Saunders asked that this matter be tabled until next Thursday, June 4, 2009, so that the board members could review the agreement before voting on it.

Supervisor Lucia said the Town had advertised for a member for the Corinth Youth Commission board and they received no new letters of interest.

RESOLUTION #150

APPOINT NEW MEMBER OF YOUTH COMMISSION BOARD

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

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

RESOLVED that Vanessa Rosenbrock be appointed to the Corinth Youth Commission Board of Directors.

EQUALIZATION RATE

Supervisor Lucia reported to the Town Board that he had just received the Notice of Tentative State Equalization Rate for 2009 Assessment Roll. He said the rate is now 97%. Councilman Saunders suggested that the Town Board meet with the Assessor, as well as some local real estate people to discuss the values of real estate in the Town of Corinth. Supervisor Lucia said that the meeting could be held at the board's meeting on June 25th, 2009 if the Assessor is available.

SALES TAX

Supervisor Lucia told the board that he had the report of sales tax for May of 2009 of \$50,615.00. He said this figure is down approximately 9 ½% from last year. He said that this is something that must be looked at and taken into consideration when the budget process for next year is started. He suggested waiting until next month's figures are in because then it would be the end of six months of 2009.

Supervisor Lucia told the board that he had received a telephone call from John Yannaci of the Corinth Merchants Association. Mr. Yannaci reported that he thought all the businesses in Corinth had a good holiday weekend.

Supervisor Lucia reported that Margaret Foote from the school also had some concerns regarding next year. Councilman Saunders said that he wanted to commend the School Board for the budget process they just went through. He felt that they kept the amounts as low as they could without cutting the necessary items.

CERTIFICATES

Supervisor Lucia said he had a Certificate of Completion for Frederick C. Mann for the course "Protecting New York's Natural Resources with Better Construction Site Management". Supervisor Lucia said that Highway Superintendent Shawn Eggleston also attended the class but had not turned in his certificate.

Supervisor Lucia read a State of New York Legislative Resolution by Governor David A. Paterson, the Senate and the Assembly Proclaiming May 3-9, 2009, as Municipal Clerks Week in the State of New York.

RAILROAD GRANTS

Supervisor Lucia said he received notification that the Town of Corinth received \$1 million to complete emergency repairs of the Adirondack Branch between Saratoga and Corinth from the State Transportation Commission. Supervisor Lucia said this money is reimbursement for the repairs made on Daniels Road washout. Supervisor Lucia told the board that there has been some discussion regarding CP Rail giving up their freight rights to the Town of Corinth because they don't think they need them now. Councilman Major asked about the status of an operator. Councilman Saunders told the board members that he had attended a meeting in Warren County and he said they said that RFPs were going out for a new operator. Councilman Saunders also said that it was discussed that it was very important that Town of Corinth support and work with their endeavors.

A lengthy discussion pertaining to the railroad followed.

HOUSING

Supervisor Lucia gave the board members a newspaper article entitled. “Cold Spring for Housing Sales”. He said that new construction, resale of residences and wholesale of homes have declined.

BRIGNOLA

Supervisor Lucia told the board that he just received a Complaint from the Town’s attorney regarding Brignola the matter. After a discussion the following questions were asked. Councilman Byrnes questioned why trailer #1 was not included in the action. He said that even though the trailer is unoccupied it still is in the park. Councilman Byrnes said this was a problem because if there in fact is five mobile homes in the park, the Department of Health has jurisdiction not the Town of Corinth. Town Clerk Farr said that the park has not had a license since 1992 not 2002 as mentioned in number 13. Defendant did not ever obtain a permit from the Town that was subsequently revoked. In 2002 Doug Smead, then Building Inspector, did inspect the park and it is believe that this matter was first in court. However there was no mobile home park license since 1992.

RESOLUTION #151
TABLE UNTIL JUNE 4, 2009

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

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

RESOLVED that the signing of the Complaint in the matter of the Town of Corinth against Robert Brignola. Viola Brignols, Michael Kornacki, Thomas Burke, Jim Rivette, Althea Rivette, Kathy Callahand, Jason Baker, John Doe and Jane Doe, be tabled until Thursday, June 04, 2009, so that the matter changes can be discussed with the Town Attorney.

Town Clerk Farr told the Town Board that the Attorney’s office had requested an additional resolution be passed regarding the clarification to commence a Supreme Court action against the Brignolas.

RESOLUTION #152
RESOLUTION CLARIFYING TOWN COUNSEL’S AUTHORITY TO COMMENCE
SUPREME COURT LITIGATION ACTION AGAINST ROBERT AND VIOLA
BRIGNOLA AND/OR MARQUIS MANOR

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

RESOLVED, that Miller, Mannix, Schachner & Hafner, LLC is instructed to commence a Supreme Court Action to enjoin, restrain and otherwise prevent ongoing Town Code violations by Robert Brignola, Viola Brignola and/or Marquis Manor.

RESOLUTION #153

TRANSFERS

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

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

RESOLVED that the following transfers be made:

Increase Appropriations 49892.01 (Paramedic Equipment) in the amount of \$1,356.44 for Refund of CDW-G Invoice. Invoice paid twice in error.

Increase Appropriations 16204.01 (Buildings Contractual) in the amount of \$30.03 for Refund of Adirondack Technical Services Invoice. Sales Tax billed in error.

PUBLIC COMMENT

None

TOWN BOARD

Councilman Saunders: Councilman Saunders said that the Village Board is looking into a grant through FEMA for the additional monies for the new Fire truck and equipment and wanted to know how this process worked and what happens to the monies if the Village does get approved for the grants and whether the Town could pursue the same opportunities for these funds. There was further discussion relating to the Fire Contract and supervisor Lucia said if the Town does not sign the Fire Contract with the Village the only option left is to start looking for other fire safety. Supervisor Lucia said the Village has adopted this budget for the Fire department. Councilman Saunders wanted to know why the Budget that was presented to the Town Board had changed from 238,000 to 262,000. Councilman Saunders said he wanted to have a better breakdown on mileage and the change from Janitorial to Officers maintenance compensation training and this has not been changed as of yet as requested. Councilman Major said Chief Kelley presented the 238,000 and then made the presentation on the equipment that needed to be replaced and that potentially would be the difference. Councilman Saunders expressed that he wanted a better break down of the budget than what has been previously presented so that he can adequately answer his constituent's questions.

Councilman Byrnes: Councilman Byrnes said he wanted to make it public that he had reimbursed the Town for the half months lot rent and the propane tanks had been removed. Councilman Byrnes said he did do research in regards to the tire situation and if highway superintendent Eggleston wanted to collect tire at the Landfill for two months this summer it can be done. Councilman Byrnes said the cost is \$3.00 per tire for passenger tires up to 19" and \$8.00 per tire for any other tires. Highway Superintendent Eggleston said that would work for

July and August but they could **not** take tires on Saturdays, it would have to be Tuesday through Friday only.

RESOLUTION #154

Highway Superintendent Eggleston shall charge a fee of \$4.00 per tire up to 19” and any tire over 19” inches will be accepted at the cost of \$9.00 per tire for the months of July and August, Tuesday through Friday only.

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

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

RESOLVED, that Highway Superintendent Eggleston shall charge a fee of \$4.00 per tire up to 19” and any tire over 19” inches will be accepted at the cost of \$9.00 per tire for the months of July and August, Tuesday through Friday only.

Councilman Major: Councilman Major wished the Supervisor a Happy Birthday. Councilman Major said the personnel committee has not met, but Monday night is the LDC meeting and they are interested to see the new comprehensive plan and he has requested a copy of the Villages’ comprehensive plan as well.

Councilman Brown: Councilman Brown did not have any comments other than to wish the Supervisor well on his vacation.

Town Clerk: Town Clerk Rose E. Farr did not have any comments at this time.

Code Enforcement Officer: Code Enforcement Officer Mann said he wanted to let all know that the trailer had been removed from Byrnes Mobile Home Park and was moved to another park and is in and all work is finished.

Highway Superintendent: Highway Superintendent Eggleston said he had finished paving Antone Mountain Road and had saved \$14,200.00 with the reduction of black top prices and he has one road left to pave

RESOLUTION #155

MOTION TO PAY BILLS AS AUDITED WITH NO EXCEPTION

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

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

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

Abstracts For 5/28/09

General Fund/Town Wide – A:

\$35,107.58

General Fund/Outside Village – B:

\$2,751.79

Community Development Grant – CD:

\$57.60

Highway/Town Wide – DA:

\$0

Highway/Part Town – DB:

\$44,989.08

Capital Project/Landfill Upgrades – H1:

\$1,922.00

Fire Protection – SF:

\$0

Street Lighting – SL:

\$0

Sewer/Water – SW:

\$0

Trust & Agency – TA:

\$108,963.29

Scenic Train –

\$0

Town of Corinth Railroad –

\$0

RESOLUTION #156
MOTION TO ADJOURN TO BILL PAYING

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

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

RESOLVED that the board adjourns to bill paying.

RESOLUTION #157
MOTION TO ADJOURN TO EXECUTIVE SESSION

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

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

RESOLVED that the board adjourns to Executive Session on pending litigation with no decision to be made.

Respectfully submitted,

Cheri Sullivan
Deputy Town Clerk