

# Draft copy

---

July 09, 2009

The Town Board of the Town Of Corinth held a regular meeting on July 9, 2009 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  
Rose E. Farr, Town Clerk  
Cheri Sullivan, Deputy Town Clerk

Public: Jim Murray, Sigrid Koch, Arleen Springer, Dawn Hiney, Jim Hiney

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

## **RESOLUTION #181**

### **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 and Saunders  
                     Nays 0

Resolved that the minutes for June 4, 11, 25, 2009 be approved.

## **RESOLUTION #182**

### **APPROVAL OF ABSTRACTS**

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

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

Resolved that the abstracts of June 4<sup>th</sup> and June 25<sup>th</sup> 2009 be approved as follows:

#### June 04, 2009:

A Fund--\$14,485.68; B Fund--\$2,504.20; DB Fund--\$39,333.53; SL Fund--\$384.14;  
T&A Fund--\$14,391.94

## Draft copy

---

June 25<sup>th</sup>, 2009:

A Fund--\$30,295.21; B Fund--\$5,445.40; DB Fund--\$18,414.52; T&A Fund--\$102,602.66; SW Fund--\$5,803.50

**OLD BUSINESS:** None

**NEW BUSINESS:**

Supervisor Lucia spoke about the following items:

- Adirondack Explorer- great paper for those who enjoy the outdoors and hiking to look at.
- APA meeting minutes
- Budget Adjustments

**RESOLUTION #183**

**TO APPROVE THE FOLLOWING INCREASE OF FUNDS**

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

**July 9, 2009  
Resolution**

Increase Appropriation Account 67724.02 (Programs for Aging Contractual) and Revenue Account 2085.02 (Sr. Citizens Aid) in the amount of \$9,749.00 for Senior Center Grant Received from Saratoga County.

Increase Appropriation Account 86684.05 (Community Development Grant Rehab) in the amount of \$82.04 for AmeriGas Refund of Unused Propane at Lot #4, Rte. 9N.

Increase Appropriation Account 73104.02 (Youth Contractual) in the amount of \$325.00 for Babe Ruth Fees Received.

Increase Appropriation Account 16204.01 (Building Contractual) in the amount of \$461.65 for Frontier Refund of Closed Account.

Increase Appropriation Account 75504.01 (Celebrations) and 2770.01 (Unclassified Revenues) in the amount of \$250.00 for Explore NY Grant Received from Saratoga County.

BE IT FURTHER RESOLVED, that the above mentioned increases be approved.

## Draft copy

---

- Certificate- On continuing education for Judge Clothier
- Grant application Classes- [www.dos.state.ny.us](http://www.dos.state.ny.us) for dates and times.
- Lyme Disease- Instruction sheet on how to remove ticks
- Motor Cars- July 25 & 26
- Noise Ordinance- FYI Town of Wilton for review because complaints are starting to come in to the Town Hall and Wiltons' noise ordinance is enforced by the County Sheriffs because there are penalties for violations written into this ordinance.
- NYSID-Supervisor Lucia asked Town Attorney Hafner to look into the wording "taking Precedence" of the second paragraph of this document. Town Clerk Rose E. Farr said that she has used NYSID when she was doing the records room.
- Rural Feature-Articles on Shared highway service and partial property tax payment system
- Saratoga County Fair-July 14-19
- Saratoga County Veterans Events-
  - August 15, 2009 1-6pm Veterans Guardian House project for Homeless women.
  - October 26 Saratoga City Center WWII Veterans ceremony
  - September 26 Army Field Band concert at SPAC, Vendors will reduce their prices for this event.
  - Deceased Veteran being honored July 21 is Edward Pinklowski from the Town of Halfmoon.
  - For more information got to [www.vethome.org](http://www.vethome.org).
- Saratoga Hospital open House-Sunday July 12, 1-4pm and Monday July 13, 10:00-12:30pm & 5:30pm-8:00pm
- Senior Sentinel-Senior Citizens Day July 15<sup>th</sup>
  - BBQ on wheels July 22
  - Topic of Dehydration
- Thanks to image committee- Supervisor Lucia and Town Board requested a letter be sent to Image committee thanking this small committee for all their hard work.
- Mortgage Tax- Supervisor Lucia said it was up by \$11,782.00 from last month
- Upper Hudson River Railroad- Supervisor Lucia said he received a call from the Saratoga County Sheriffs rather early the other morning because the railroad guard was stuck in the down position on the railroad crossing on Greene Road in the Town of Greenfield. Supervisor Lucia said the Sheriff's department was told the Town of Corinth owns the

## Draft copy

---

tracks and were responsible. Supervisor Lucia said the letter before the town board that the Upper Hudson River Railroad is responsible for maintenance issues.

### **Supervisor:**

Supervisor Lucia spoke about the honor it was to attend the speech given at Shenendahowa School district by Vice-President Joe Biden along with Governor Patterson this afternoon. Supervisor Lucia also updated Attorney Hafner on the million dollar grant that the Town received for the railroad, that it was a “spend the monies first” type of grant. But John Lemery was going to speak with the town board on how to apply for a loan on this grant from the banks.

### **Attorney Update:**

Attorney Hafner updated the board on the following items:

- a.) EEOC Claim- Nothing new going on. Councilman Byrnes wanted to know if there was a time frame on this claim. Attorney Hafner said they wait so long then when nothing takes place they close the case.
- b.) Brignola- The lawsuit has been filed and is moving forward.  
A three week extension for other attorney is probable.
- c.) Mr. Egglestons’ property- Code Enforcement is still working with voluntary compliance.
- d.) Eagle- Should be removed from the “to do” list.
- e.) Mr. Schuh- Attempting to set a time to go in with the engineers with Sheriffs escort.  
Supervisor Lucia said he was suppose to hear back from the Sheriffs by today and will follow up with this tomorrow.
- f.) Petruzzo- Nothing new happening still trading interrogatories and will be setting up depositions at some point.
- g.) Article 7’s- Attorney Hill advised him that the town is in a position and waiting for response from petitioners.
- h.) Attorney Hafner said he had spoke with Councilman Saunders as he had asked him to review the pending changes in state law regarding consolidation and dissolution.  
Attorney Hafner said on June 24<sup>th</sup> Governor Patterson signed and adopted. Attorney Hafner said it will not become effective for 270 days, which is not until sometime in March 2010. Mr. Hafner said there would probably be parts of it that will need to be clarified as there are state agencies’ that do not agree. Attorney Hafner said before he spoke about the new law he wanted to clarify the current law and Article 19 that contends with the dissolution. Attorney Hafner said it was his understanding that a study committee had been created under Article 19, and if so, then that starts the process. Attorney Hafner said he does not believe that there was ever a resolution done by the Town Board or the Village board stating that they wanted to move forward with dissolution. Attorney Hafner said it was his understanding that they wanted the committee that was formed to come to them and talk about the feasibility. Attorney Hafner said the Village Attorney Confirmed that they did appoint a study committee and that the RFPs have been approved and been sent out to consultants, no consultant has yet to be selected. Attorney Hafner said the study sounds like it is not just about dissolution but also about shared services and consolidation. Attorney Hafner said under current law if the village decides to go forward it will be a mandatory referendum, if they don’t go

forward with the referendum then there is an option for people to come forward with a petition and under current law there would need to be 1/3 of the voters. Councilman Saunders said that they have also received the grant, and he wanted to know what the difference was between a proposition and a resolution. Attorney Hafner said before it gets to the village voters the Village Board of Trustees would have to pass a resolution, which would put forward a proposition. A proposition is what is voted on. Councilman Saunders expressed his concern over how long this process is taking and reiterated his frustration and felt that there should be a resolution from the Village board to get this process moving. Councilman Saunders said the new rules have changed dramatically and it addresses the Supervisors concern, in that, with the new law, the town will have input and be part of the process. Councilman Saunders said if it is a formal committee the village needs to have a resolution. Councilman Saunders spoke briefly about his conversation with Senator Farley.

Attorney Hafner said the following about the new statute:

Mr. Hafner said that if the current process is not finished when the new statute starts in March that they may have to start anew according to the wording in the statute as it is written. Mr. Hafner said it is not very clear in the new law what happens to the villages current process. Mr. Hafner said a major difference in this statute is that it includes consolidation. Attorney Hafner said upon reviewing this statute it is his understanding that the state wanted to make it easier for governmental agencies to either consolidate together or be dissolved. This statute allows the town to consolidate the town and village as it is written. Attorney Hafner said the process for consolidation of two entities is envisioned through two different approaches; one, being where the governmental entity, the ruling board, moves the action. The second way is for the petition of the people and under the new statutes the voters only need 10% of the voters, whereas under Article 19 of the current law the voters are required to have 1/3 of the voters to sign the petition. Attorney Hafner explained there are teeth in this provision in that if a government entity does not move forward in good faith, that a court will decide what should be done or help to mediate the situation. Attorney Hafner said in regard to consolidation with both entities; the town and the village would have to sign a petition and file with the Town Clerk and the Village Clerk. Attorney Hafner said ultimately there would be a proposition that would have to pass both boards, and if passed by both, then the boards would have to work together on a plan. If it's done by proposition then it has to pass by vote in both municipal entities, if it does not it cannot be addressed again for a period of four years. Currently it is two years. Councilman Major wanted to know if there was a time frame on the consolidation process. Councilman Saunders explained that a period of 60-90 days after being filed with the Town Clerk and a twenty-day period between the Village and Town. Councilman Saunders said the biggest benefit is that it gives the town citizens a vote also. Councilman Major asked who created the plan. Attorney Hafner said it is the two boards that must work together on it; it is referred to as a proposed joint consolidation agreement. It will be part of the political discussions between the boards. The board will have to be the ones to adopt; people can still be on a study committee that comes back to both boards. Councilman Saunders expressed that his intent here was to get this proposition out to the voters for a vote as soon as possible. Supervisor Lucia said he felt it was the intent of the Town Board to have this process go before the voters for a

## Draft copy

---

vote. Attorney Hafner clarified to the town board that any debt that the village may have, is not assumed by the town, but is treated as if it is a special district and the village residents continue paying on that debt. There was some further discussion about consultants and who gets to choose the consultant. Attorney Hafner recommended to Councilman Saunders that he follows through with that, at the village level. Councilman Saunders explained that he is pushing it at the town level because the Town of Corinth put in \$2,500.00 to meet it. Councilman Saunders said if it is a formal process and a formal committee, then there should be a resolution considering dissolution that triggers formal actions to take place.

### **Public Speaking:**

Jim Murray: Mr. Murray said he wanted to let the town board know all the questions that have been surrounding the Chief's Fly Car will be coming to an end. Mr. Murray explained at the village board meeting it was decided that the car is a first responder vehicle and that it cannot go 5 miles beyond the fire district. Mr. Murray felt this was a positive step made by the fire department. Mr. Murray said the village emailed him a copy of the contract, it is three pages long and he will get a copy to the town board members tomorrow. Mr. Murray said he has a few recommendations to the Village Board because it should not be referred to as a fire district, it is a fire department and there may be issues down the line. Councilman Major asked Mr. Murray if he had taken the time to let the Fire Department and the Village Board know that he was happy with this action. Mr. Murray said he had.

Dawn Hiney: Mrs. Hiney was before the board with complaints about her neighbor in regards to the following and was looking to receive some direction from the town board:

1. Dogs attacking people and barking
2. Dog feces and urine running into river
3. Marina- Does neighbor need a permit to operate
4. Why Road does not get plowed by the town
5. Neighbor blocking access to right of way
6. Telling campers from campground that he owns all the property and there is no private property down there.

The Town Board advised Mrs. Hiney to contact the following; Town Animal Control Officer, Department of Ag & Markets, Hudson River Black Water and the APA since that property was in Adirondack Park. Supervisor Lucia explained that the road was privately owned and the Town of Corinth has never owned it therefore they do not plow or maintain the road. Town Clerk Rose E. Farr confirmed that the individual did have a kennel permit. The Town Board advised the Hinneys' to make an appointment with the Towns Code Enforcement Officer to see what the Town code says and what avenues may be available to them.

### **Town Board:**

#### Councilman Saunders:

Councilman Saunders said he had three items to discuss –

1. He wanted to know if a committee could be setup to look at and review the Towns current land uses.

**RESOLUTION #184**

**TO PLACE AN AD IN THE NEWSPAPER FOR VOLUNTEERS FOR A COMMITTEE ON REVIEWING THE TOWN OF CORINTH LAND USE LAW AND ANOTHER AD LOOKING FOR ALTERNATES FOR THE ZONING BOARD OF APPEALS AND THE PLANNING BOARD**

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

BE IT FURTHER RESOLVED, that the ad is placed in the newspaper for volunteers for the Land Use Committee and a separate ad is placed for alternate members of the Zoning Board of Appeals and the Planning Board.

2. That he will continue to keep the board members updated as he works with state agencies.
3. Councilman Saunders touched on few points of interest from research that he had done
  - a. NYS has the highest local property burden in the country
  - b. The need for reform in that NYS has more than 10,521 overlapping governments.
  - c. Why the Attorney General is involved because of waste, fraud and abuses that are costing taxpayers millions of dollars.

Articles can be found at [www.oag.state.ny.us](http://www.oag.state.ny.us).

**Councilman Brown:**

Councilman Brown said in regards to the letter they received tonight from the Upper Hudson Railroad questioned if the cost for spraying the railroad would be paid for by the town. Supervisor Lucia said it would not, that cost is what it would be, if the town had the Upper Hudson Railroad do it.

**Councilman Major:**

Councilman Major said he had the following items to address:

1. The Land use Committee- Councilman Major said Councilman Saunders had already touched on this. But he wanted to say this time the process should move forward quicker because the Town already has a current comprehensive plan to guide this new committee.

## Draft copy

---

2. In regards to the Comprehensive Master plan- The Local Development Committee has been established and they are moving forward.
3. Liaison person for marketing the Community. Councilman Major said this was a line item on the comprehensive plan and as the board moves forward with the budget process, this is something that should be considered. Councilman Major said it is critical for the towns' success to have a liaison person in marketing to work with the SEDC, the State and the local LDC in creating economic development. Councilman Saunders wanted to know where the LDC, IDA and SEDC come into play about what he just mentioned. Councilman Major read from the section of the comprehensive plan that discusses economic development. Councilman Saunders wanted to know how the village gets included with this process. Councilman Major said the village is included because they are represented on the LDC committee. Councilman Saunders stated that the town would not be marketing for just the town, but the whole community. Councilman Major said if the Town of Corinth wants to be successful economically then the ball needs to get rolling; and if somewhere and at some point if the village wants to be marketed, then they could pay this marketing Liaison for the services they would like to see. Councilman Major said when you speak economics people want to know what the plan is. Now with the comprehensive plan in place the Town of Corinth has a current and up to date plan and is in a position to move forward.

### Councilman Byrnes:

Councilman Byrnes said he had the following items to address:

1. EOC- Councilman Byrnes asked Attorney Hafner if this issue could go on indefinitely and if it could be brought up again. Attorney Hafner said if no decision has been made they will close the case out and give notice of such, and typically it is not brought up again.
2. Eagle Property- Code Enforcement Officer Mann said there is still a trailer there and that he has not seen anyone working on that property lately.
4. Senior Concerns- Councilman Byrnes said some seniors have been complaining that it is getting increasingly difficult to get in and out of the senior van and that possibly the town should look into acquiring a new vehicle for the seniors. Supervisor Lucia said some seniors had spoke with him also; he has contacted the Senior Director Laurie Crossman. Mrs. Crossman told him that was the van the seniors wanted and there is no one at the senior center that is refusing to use the van. Councilman Byrnes felt the board should look into this more down the road.
4. Captain Youth program- Councilman Byrnes said he has been working with Joshua Kipstir who used to run the Captain Youth program here in Corinth Councilman Byrnes said currently Mr. Kipstir is running a Captain Youth Program in Clifton Park. Councilman Byrnes

said it is very difficult to find a building to run this youth program in, and wanted to know, if until the program could find a local building, if they could use the town hall. Councilman Byrnes would like to get Joshua back into Corinth because he feels there are serious youth issues in this community. Councilman Byrnes explained basically they just need a place to sit down and talk in a confidential atmosphere and see what they need or can do to help the youth that come to the program. Councilman Byrnes said this is a state funded program and now the grants are here again. Councilman Byrnes said that is why the Captain Youth program left Corinth before, because they did not get the grants. Supervisor Lucia asked if Councilman Byrnes knew what the length of time would be and they further discussed activities that would and would not be allowed. Supervisor Lucia suggested that Councilman Byrnes set up a schedule on the calendar in his secretary's office and let Councilman Byrnes know that there is no longer court on Tuesday nights.

**Department Heads:**

Town Clerk:

**RESOLUTION #185**

**TO APPROVE THE RESOLUTION REQUESTING THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK TO OFFER ITS "FIRST STREET" PROPERTY TO THE TOWN OF CORINTH**

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

**RESOLUTION**

**AUTHORIZING THE REQUEST TO THE DORMITORY AUTHORITY  
OF THE STATE OF NEW YORK TO OFFER ITS "FIRST STREET"  
PROPERTY TO THE TOWN OF CORINTH**

**WHEREAS** the Dormitory Authority of the State of New York (the "Dormitory Authority") owns certain real property located in the Town of Corinth which is a "paper street" and referred to as "First Street" (the "Real Property"); and

**WHEREAS** the Town has a Town road by use over a portion of the Real Property and does not want to extend the length of this Town road at this time; and

**WHEREAS** the Town would like to receive fee title ownership for highway purposes over the

## Draft copy

---

length of the Real Property until the end of the Town's road by use; and

**WHEREAS** the Town would like to receive the opportunity to consider obtaining fee title ownership over the remainder of the Real Property, but not for highway purposes or under any obligation or expectation that the Town will install and/or maintain a Town road over such portion of the Real Property; and

**WHEREAS**, if the Town takes title to such second portion of the Real Property, the Town may consider selling it at fair market value, subject to a non-exclusive right of way benefitting other adjacent real property of the Dormitory Authority.

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town requests that the Dormitory Authority offers to give ownership of the Real Property to the Town; and be it further

**RESOLVED**, that the Town requests that such an offer shall provide for two (2) separate deeds, one for Town highway purposes and one for Town general purposes consistent with the WHEREASes of this Resolution; and be it further

**RESOLVED**, that the Town Clerk is directed and authorized to send a copy of this Resolution to the Dormitory Authority; and be it further

**RESOLVED**, that the Town Supervisor, Town Clerk and Town Counsel are hereby authorized to take any and all actions necessary to effect this Resolution.

**RESOLVED**, that the Town Supervisor, Town Clerk and Town Counsel are hereby authorized to take any and all actions necessary to effect this Resolution.

Town Highway: No comment

Code Enforcement: No Comment

Councilman Saunders was looking for clarification of whether a time frame had been given to the Eggleston property resident or if he was still working with them voluntarily. Mr. Mann said the individuals were still moving forward in correcting their violations so a time frame has not been necessary. Councilman Saunders wanted a current list of the violations on that property. Code Enforcement Officer Mann said that dilapidated fence had been repaired, and at this time, until the survey by the Kochs' is complete the only violation is the shed on the property. Mrs.

## Draft copy

---

Springer said the survey would be done tomorrow and that the Eggleston would still need to have a survey done. Mrs. Springer also explained the difference between a survey line and a boundary line.

The following reports are on file in the Supervisors Office:

Assessors  
Building Department  
An animal Control- Requesting repair to trap that is currently used. The Town Board all agreed that the animal control officer should repair the trap.  
Fire Department  
Highway  
Justices  
Town Clerk- monies received from Town Clerk for the month of May is \$1,164.48  
Planning  
Zoning  
Senior Citizens- Garage Sale July 18, 10-2pm and are now accepting donations for clothes.  
Supervisors Report

Supervisor Lucia reminded all board member to bring their budget packet with them to the meeting on the 30<sup>th</sup>.

### **RESOLUTION #186**

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

A motion was 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 Town of Corinth Town Board accepts as presented the Supervisor's monthly financial report for June 2009.

With no further business on a motion by Councilman Saunders and seconded by Councilman Brown the Town Board meeting adjourned.

Respectfully Submitted,

Cheri Sullivan  
Deputy Town Clerk

