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August 13, 2009

The Town Board of the Town of Corinth held a regular meeting on August 13, 2009 at 7:00PM at the Town Hall.

Present: Richard Lucia, Supervisor
Charles Brown, Councilman
John Major, Councilman
Edward Byrnes, Councilman
Mitchell Saunders, Councilman
Shawn Eggleston, Highway Superintendent
Fred Mann, Code Enforcement Officer- Excused
Robert Hafner, Attorney
Rose E. Farr, Town Clerk
Cheri Sullivan, Deputy Town Clerk

Public: Jim Murray, Sr., Sigrid Koch, Linda Byrnes, James & Dawn Hiney, John Fitzner, Anna Kennedy, Sheryl Roberts, Edward Roberts, Richard Kennedy, Joanie Harvey, Douglas Harvey

After Roll Call, Pledge of Allegiance and Prayer the following business was conducted:

RESOLUTION #195

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 and Saunders
Nays 0

Resolved that the minutes for July 02, 09, 2009 be approved.

RESOLUTION #196

APPROVAL OF ABSTRACTS

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

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

Resolved that the abstracts of July 02nd and July 23rd 2009 be approved as follows:

July 02, 2009:

A Fund--\$8,145.04; B Fund--\$2,094.75; DB Fund--\$51,540.70; SL Fund--\$400.53; SW Fund--\$26.00; T&A Fund--\$15,539.28

July 23, 2009:

A Fund--\$44,978.64; B Fund--\$4,195.85; DB Fund--\$6,975.54; T&A Fund--\$57,916.22

OLD BUSINESS: None

NEW BUSINESS: Supervisor Lucia spoke about the following:

- Albany Engineering Report: Supervisor Lucia said this is just notification of the FERC Project in the Town of Thompson.
- APA Meetings: July Update on Agency activities
- Celebrate 400 Agenda:

EMS Building	9:00 – 11:00	Breakfast by Corinth Emergency Squad
Beach	11:00 – 11:45	John Kirk & Trish Miller (music & dance)
Beach	11:00 – 4:00	Food Booth (hot dogs) by FUMC
Docks	12:00	Boat Tours
Library	12:00 – 1:00	Roger Fulton 1750's Presentation
Beach	12:00 – 12:30	McQuire Dance Centre
Library	12:00	Paper Industry Display
Beach	12:00 – 2:00	Ernie McHale - Balloonist
Beach	12:00	Sher Millis – Face Painting
Beach	12:00 – 4:00	Fried Dough by CFD Ladies Aux.
Beach	12:30 – 1:30	Jim Bruchac - Story Teller
Beach	1:30 – 2:00	Indian Dancers
TD Parking Lot	2:00	Riverside History Wagon Rides
JLCP*	2:00 – 6:00	The Barn Crafts
JLCP* Entrance	2:00 – 6:00	Adirondack Artists Art Walk
JLCP*	2:00 – 6:00	Gateway Face Painting & Balloonists
JLCP*	2:00 – 6:00	Gateway Popcorn / Sno-cones
JLCP*	2:30 – 4:00	The Zucchini Brothers Concert
JLCP*	4:30 – 6:00	Jessup's Landing Music Makers Concert
JLCP*	4:00 – 6:00	BBQ by Bill Lynch
Beach	6:00 – 6:30	Gateway Live
Beach	6:30	Flotilla – Boat Parade
Beach	6:30 – 7:15	John Kirk & Trish Miller Music
Beach	7:30	Closing Remarks

Bob Marcotte to be the wandering fiddler at beach and parks
*JLCP – Jessup's Landing Community Park

- DEC Reservoir Report:

Supervisor Lucia said in the letter to the Mayor it states the conditions appear to be relatively the same since the last inspections in 2006. If there are questions regarding Dam safety the number to call is 518-402-8145.

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Councilman Byrnes said there were grants available to the village to repair the dam but it was a matching grant of \$700,000.00 and the village was not able to match. Councilman Saunders wanted to know if this was addressed in the Town and Village Comprehensive plans and if the town could speak to the village regarding the repair of the dam because it is a safety issue. Supervisor Lucia said the village may be interested in selling the property.

- Fireman Letter:

Supervisor Lucia said the Corinth Fire Department sent a letter to the Town Supervisor and the Town Board thanking them for their support on the Fire departments recent budget. The Fire Department said they have received the new equipment, and they spent the majority of Saturday being trained on this equipment at no cost to the tax payers.

- Guardian House Project:

Supervisor Lucia said the Guardian house project is to support homeless woman Veterans. This benefit will be held on Saturday August 15, 2009 from 1:00pm – 6:00pm @ 373 Crescent Avenue in Saratoga.

- Main Street Property:

Supervisor Lucia said the property on Main Street that has been covered with debris has been purchased at the County Tax auction by the Cleveland Brothers. Supervisor Lucia said the Cleveland Brothers have been in to see the Code Enforcement Officer and they are intending to let the previous owner stay on the property.

- Mortgage Tax:

Supervisor Lucia said the mortgage tax received for the month was \$11,748.50.

- NYS Public Service Comm.:

Supervisor Lucia said this paperwork is available at the Town Hall and was distributed by the NYS Energy Commission with tips on how to save energy and go green.

- Resolution for Transfer of Funds:

RESOLUTION #197

TO APPROVE THE FOLLOWING TRANSFERS OF FUNDS

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

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BE IT RESOLVED, that the Town Board authorizes the transfer of the following funds:

**August 13, 2009
Resolution**

Increase Appropriation Account 75504.01 (Celebrations) and Revenue Account 2770.01 (Unclassified Revenues) in the amount of \$1,800.00 for Quadricentennial Sponsorships received from Hudson River Community Credit Union (\$800) and Indeck (\$1,000).

Transfer \$750.00 from Appropriation Account 72704.01 (Band Concerts) to Appropriation Account 75504.01 (Celebrations) to be used for community Quadricentennial events.

Increase Appropriation Account 73104.02 (Youth Contractual) and Revenue Account 3820.02 (Youth Program) in the amount of \$2,113.85 for July Youth Soccer Registrations/Petty Cash Balance (\$891.85) and Bronx Zoo Fees (\$1,222.00).

- Sales Tax:

Supervisor Lucia said the Sales Tax is still down 6.6%- 8%. It is still projected to be down by 11% at the end of the year.

- Saratoga County Day at the Races:

Supervisor Lucia said this day will be hosted on Sunday August 30th. Saratoga County residents are invited to enjoy free admission. The Saratoga County Board of Supervisor is asking for municipalities help in creating displays that represent the Towns and communities of Saratoga County.

- Saratoga County Emergency Service:

Supervisor Lucia said the Office of Emergency Services strongly recommends that municipalities sign this DPW Mutual Aid Agreement as it will greatly streamline the process of obtaining FEMA approval for reimbursement in the event of another disaster declaration. This agreement will provide for a framework for emergency response by municipalities to another municipality within guidelines as recommended by FEMA and it will set forth a method for billing for emergency DPW service rendered to a municipality by another jurisdiction in order to collect reimbursement from FEMA. Attorney Hafner said he would review this agreement and get back to the Town Board, Supervisor Lucia said the board needed to act on this at the 4:00pm meeting on the 27th.

- Saratoga County Fire Advisory Board : Supervisor Lucia he had received their reports for June & July

- Saratoga County 2008 Annual Report:

Supervisor Lucia said that Bill Clarke represents the town on this committee and they have created lot of trails in Saratoga County. They are currently working on a way to connect a trail to the Town Fire Tower.

- Senior Sentinel:

Supervisor Lucia spoke about the annual senior picnic at the Saratoga County fairgrounds on August 25th, 2009. Supervisor Lucia said will be served at 12 noon.

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- Time Warner Changes:

Supervisor Lucia said he received a letter informing the town of possible changes to take place in the near future.

- Triennial:

Supervisor Lucia said he received a letter from the Town Assessor letting the town board know what need to be done for the triennial update in 2011. Councilman Saunders wanted to know if the town was locked into doing a triennial assessment. Supervisor Lucia said they could still do one or the other.

- Veterans News:

Supervisor Lucia spoke of the Small Business help that is available to Veterans .Supervisor Lucia said the Honor a Deceased Veteran this month is Donald Veitch, WWII, from the city of Saratoga Springs.

Supervisor Lucia said the following reports are on file in his office:

Assessors
Building
Animal Control
Fire Department
Highway
Justice Court
Town Clerk
Planning
Zoning
Senior Citizens

Supervisor Lucia:

Supervisor Lucia said he wanted to touch on two things:

1. The Fire Budget- Supervisor Lucia said the Towns Fire Budget comes from four different areas and it is broken down as such

½ operating costs-\$126,340.00

½ Debts Service- \$69,681.00

½ Service Award- \$15,000.00

½ Reserves- \$50,000.00

Councilman Saunders wanted to know what the reserves could be used for. Councilman Saunders said the reserves are what were increased this year. Councilman Saunders said the town Board had been told it was specifically for the truck. Councilman Saunders said if that is so, then the budget should drop back

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this year because those extra funds requested were suppose to be just a one time deal so the Towns Fire Budget should decrease and return to \$252,000.00.

Supervisor Lucia said that he found in the village budget that the cost is .57¢ a thousand for fire but you also have to add their reserve and debt service; which brings the cost to \$1.02 per thousand for village residents. Councilman Saunders said the village residents' rate per thousand is \$1.02 and the town residents rate is .68¢ per thousand. Supervisor Lucia said last year it was .85¢ and it went down for the town residents because the towns' assessment went up. Supervisor Lucia said there is more value in the town. Councilman Saunders said this is where he is talking about the fairness issue in that the Village residents are paying more. Councilman Major said that is only true if the assessments are the same and they are not they are higher in the town. Councilman Saunders said for him to support the Fire Department they should not be concerned where they get their revenue from, they should just be concerned that they are getting the revenue. Councilman Saunders said and he supports every dollar they get to keep their men safe and to have the safest equipment. Councilman Saunders said this is why there are only three fire departments left in Saratoga County. Everyone has moved to a fire district because of the concern of the dividing. Councilman Saunders said if you went back 20 years ago the villages had greater wealth than the towns. Councilman Saunders said if we went to a fire district the cost of the fire budget would be spread evenly among town and village residents' and everyone would be paying the same for the same service. Councilman Saunders said if there were 240 new homes built in the Town of Corinth and the average cost of these homes is in the vicinity of \$200,000, the greater value is there. Councilman Saunders said the biggest reason the Fire Chief wants to buy this new pumper is not for the village it is because the town needs it. Councilman Byrnes asked what happens if there is failure with the infrastructure of the village, you would need a tanker. Councilman Saunders said that he could read letters from State representatives that have said what we are currently doing is archaic and that the town needs to move forward.

Invitation from Churches:

Supervisor Lucia said the Board received an invitation from the Town churches to attend the memorial parade in remembrance of September 11 with a reception at the Presbyterian Church afterwards. Supervisor Lucia said they need to know how many people will be attending.

RESOLUTION #198

APPROVAL OF SUPERVISOR'S REPORT AS PRESENTED

A motion was made by Councilman Byrnes and seconded by Councilman Major, 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 July, 2009 as presented.

Attorney Update: Town Attorney Hafner addressed the following three topics:

1. Town Updates-

Petruzzo-

Attorney Hafner said the insurance counsel the retains to handle their lawsuits have informed him that upon having spoken with Mr. Petruzzo's Attorney that someone at the town was speaking with Mr. Petruzzo and informed Mr. Petruzzo that there was some sort of settlement. Attorney Hafner said that until this situation is clarified that Attorney Breedlove will put a hold on this litigation.

Curtis-Palmer Agreement:

Attorney Hafner explained read the following to help explain the settlement agreement

EPCOR is obligated, after paying its regular tax bill, to pay any additional amount necessary to reach the full amount due under the settlement agreement. On the other hand, if EPCOR's regular property tax bill exceeds the amount due under the settlement agreement, the Town is obligated to issue a refund after EPCOR has paid its regular property tax bill.

In order to protect its interests in case a refund may be due the following year from the Town, EPCOR files a Petition each July, during the period allowed by law. The Town is not required to answer these Petitions, nor does the Court hold any proceedings on them. They are simply held by the Court, awaiting compliance with the terms of the settlement agreement. EPCOR would not have any basis to ask the Court to hold proceedings on such a Petition unless, in the following year, after the related tax bill is issued, the Town fails to make a refund if one is owed to EPCOR. As long as the terms of the settlement agreement are complied with, the Petition will be discontinued without any proceedings or action by the Court and without any costs to the Town.

Attorney Hafner requested that his office be notified when the Town of Corinth receives this payment.

EOC- Attorney Hafner said that he still has not heard anything new on this matter.

2. Councilman Saunders Questions:

Attorney Hafner said he would be answering the questions Councilman Saunders had for him at the end of the evening and apologized for not getting back to him before tonight.

3. Rail Road Contract:

Attorney Hafner reviewed the following items of interest regarding the Rail road contract:

- a. Town must agree to have finished the project by 2012
- b. The Town can not start work on the project until the stat signs of on the contract
- c. The Town must maintain for ten years after the completion of the project

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- d. The State agrees to reimburse for funds spent if they are satisfied with the work
- e. Prior to the construction the Town has to show that they have the monies available to complete the project if the b cost goes over the million dollars.
- f. The Towns insurance company needs to be made aware of the agreement as there are certain types of coverage necessary.
- g. The rail service after completion must meet all Federal, State and local laws.
- h. The Town must retain the records for six years after the final bills have been submitted.
- i. The Town is responsible for monthly accounting activities and a statement of cost after 180 days.
- j. All materials installed at the states expense are the property of the states. Attorney Hafner said this provision does not make any sense because the state does not pay the town anything, the town purchase and the state is reimbursing.
- k. The state has the right to inspect the work being done at any time; if the cost of an engineer is required the costs will be passed onto the town.
- l. The Towns contractors are suppose to carry different types of insurance that are unique to the Rail Road.

Supervisor Lucia said that he wanted to clarify that there are engineers involved and the Regal Brothers are formulating a contract now to do the work, foot the bill, and then the town will reimburse them the monies spent. Supervisor Lucia said the work intended is not going to go over the million dollar estimate and if it were to then there are other grants available for the Rail Road. Councilman Saunders wanted to know the scope of the project if the state was going to come in and say you have 16 miles of track, is the state going to make us do the whole 16 miles of track. Councilman Byrnes said the scope of the project is to upgrade the tracks to a class II standard. Attorney Hafner said he felt this part of the contract should be clarified. Attorney Hafner said the board may want to propose something in the contract that states that the board does not want to move forward with the project unless the bids come in at one million or less. Councilman Major said that all the players that went on the rail track inspection, including the State, Engineers and the Regal Brothers were aware of what is necessary to get the tracks to class II standards and they are all willing to make sure that it gets done. All players involved are fully aware that the price for the upgrade can not come in above the one million. Supervisor Lucia said he wanted to know how the board felt about storing Rail Road cars on the tracks for the winter because he has been contacted twice this week regarding the storage of railroad cars. Councilman Byrnes said that if the town allows the storage of railroad cars it should be at their own risk.

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Public Speaking:

There were several residents of Old River Road in the audience requesting to speak to the Town Board about the following issues and concerns on their road:

- Pot holes are serious issue on this road to the extent that the Post office may stop delivering.
- Concerns about dog kennel license and that fact that the license moved from one of his parcels of land to the other and according to the New York State Assembly that before issuance of a kennel permit that the Board of Health must inspect the premises and questioned if the board of health had inspected the new parcel of land that the kennel permit was issued for. Town Clerk Rose Farr said that she called the department of Ag & Markets when Mr. Falk asked her how to move his kennel permit from property to the other for instructions. Town Clerk Farr said that Ag & Markets directed on how to make the change.
- Concerns now that the dog kennel is in such close proximity to the river that there could be health concerns involving the urine and feces of the animals as the new kennel area is located only 10 feet from the water line.
- Want to address the Planning Board and request that they limit the number of dogs that an individual can have.
- Concerned with the amount of boats that are being docked on Mr. Falk's property.
- Concerned that because it is a private Right of Way and when Mr. Falk blocks the road, there is a safety concern if the Fire Department can't get down there.
- The residents also wanted to know if the campground permit was current
- The residents were also concerned with septic issues on Mr. Falk's property because they did believe that his septic was far enough away from the water.
- The residents also wanted to know who to contact in regards to dead animals being buried across the street.

The Town explained to the residents that there was a process to follow. The process starts with the Code Enforcement Officer and the Towns Animal Control Officer with the issues of the dogs and dead animals. The Town Board told the residents that vehicles being parked in a private right of way and

limiting emergency access needs to be brought to either the Fire Chiefs attention or to call the Sheriffs Department. It was explained to the residents by the Town Board that the Town Board does not get involved with issues such as this until individuals are found to be in violation and do nothing to correct said violation. The Town Board asked if any of the residents had been in contact with either the Code Enforcement Officer or the Animal Control Officer because , if not, then they needed to start creating a paper trail with their complaints. In regards to the residents concern over the private right of way the Town Attorney explained that it is illegal for the town to maintain a private right of way regardless of whether it had been graded for them 20 years ago or not. Attorney Hafner said that with a private right of way these issues should be settled amongst the people that share this right of way.

Town Board:

Councilman Saunders addressed the following:

1. Wanted to know if the information on the Planning and Zoning Boards had been sent to the Town Attorney yet for his review.
2. Had the town received any more applications for the Town land use review committee?

Supervisor Lucia said asked Deputy Town Clerk Sullivan if it had been sent to the Attorneys yet. It had not. Supervisor Lucia said he has received only three letters of interest for the land use committee. It was decided by all board members present it was in the best interest of the town to run both the ad for the land use committee and the ad for alternates for the Zoning and Planning Boards again.

Councilman Brown addressed the following:

Councilman Brown said the Child ID program that was scheduled for the 12th of September was cancelled due to restraints on the budget. There has not been another date scheduled as of this time.

Councilman Major: No Comment

Councilman Byrnes addressed the following:

Councilman Byrnes spoke about the Senior Housing Committee meeting that was held at the senior center. Councilman Byrne's said they met with the senior policy analyst from the Office of the Aging. Councilman Byrnes said they discussed all the different types of senior housing and also when the right time is to place your loved ones into senior housing. Councilman Saunders wanted to know if senior housing was viable for a community of our size. Councilman Byrnes said one thing they learned was that if other communities have waiting lists for senior housing then there will be people to fill the housing project. Councilman Byrne's said what they did look at that, is after the baby-boomers pass through this senior housing you need to be thinking ahead when you build it so that you can make use of the infrastructure when the demand for senior housing is no longer. Councilman Byrnes said the seniors had

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a lot of great input at this meeting. Councilman Byrnes said he felt that fairly soon they would be looking at consultants to help them move forward.

Department Heads:

Town Clerk: Town Clerk Farr said that Hunting Licenses go on sale next Monday.

Highway Superintendent Eggleston:

Mr. Eggleston said that he did research the prices of new and used vans as requested by the Town Board. Mr. Eggleston said that the town could purchase an 8 passenger van for \$16,000.00 brand new or a caravan that seats 7 passengers for \$12,000.00 or a brand new 12 passenger van ¾ ton through the state contract for \$16,900.00. Highway Superintendent Eggleston said there are not a lot of extra with these vans they have vinyl seats, a small V8 and air conditioning Mr. Eggleston said that you can not use trade-ins with the state contract. Highway Superintendent Eggleston said a CDL is not required to drive this van. Mr. Eggleston said that he looked into this and you do not need a CDL to drive a passenger van that holds fourteen or less. Mr. Eggleston said that he needed to know what color and if it should be ½ or ¾ ton. The board decided to order the van in black.

RESOLUTION #199

APPROVAL FOR HIGHWAY SUPERINTENDENT EGGLESTON TO PURCHASE A NEW YOUTH VAN FROM THE STATE CONTRACT.

A motion was made by Councilman Brown 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 approves the purchase a 12 passenger 3/4 ton black van by state contract for the youth.

RESOLUTION #200

MOTION TO ADJOURN

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

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

RESOLVED that the board adjourns.

Respectfully submitted,

Cheri Sullivan,
Deputy Town Clerk

