

# DRAFT

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November 12, 2009

The Town Board of the Town Of Corinth held a regular meeting on November 12, 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  
Robert Hafner, Town Attorney  
Rose E. Farr, Town Clerk

Excused: Fred Mann, Code Enforcement Officer

Public: Jim Murray, Stephanie Bitter, Michael Mott, Art Randall, Sigrid Koch, and Gary Robinson.

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

## **RESOLUTION #252**

### **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 October 1, 8, 22 and 27<sup>th</sup>, 2009 be approved.

## **RESOLUTION #253**

### **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 October 1<sup>st</sup> and 22<sup>nd</sup>, 2009 be approved as follows:

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## October 1, 2009

A	-	\$15,004.20
B	-	\$ 583.61
DB	-	\$33,341.29
T&A	-	\$72,556.55

## October 22, 2009

A	-	\$48,556.37
B	-	\$ 5,137.80
DB	-	\$10,831.14
SL	-	\$ 423.28
T &A	-	\$54,824.48

### **OLD BUSINESS**

Attorney Hafner spoke about the Passarelli Subdivision and the problems with the beaver dam located on someone else's property. He said the last time that a meeting was held the Town requested Mr. Passarelli's representative to provide the Town with permission of the owner of the property where the beaver pond is located to be able to go on the property to maintain the beaver pond. Attorney Hafner said that he recalled that there was a concern on the town's part that the town might not want to take on the responsibility of dealing with the water level of this dam or if the town even wanted to take on the hassles associated with the high water that is not on property owned by the town. He said the Town had asked Mr. Passarelli's representative to provide the right and then the Town would decide what they wanted to do. Attorney Hafner said at that time there was input from DEC regarding way to deal with the beaver pond and a possible by pass that could be done. He said DEC said this was an inexpensive way to take care of the beaver dam problem. Attorney Hafner said that Mr. Passarelli's attorneys have contacted the owner of the property Mr. Quartz or Greens at Corinth Ltd. Mr. Quartz did give Mr. Passarelli's attorneys consent but it does not provide a permanent easement for the town to put in this type control system and maintain it. He said it give consent to the removal or demolition of the beaver dams or the relocation of structures of the beavers. Attorney Hafner said that he thought the Town should be looking for a permanent easement. Attorney Hafner said that he had been contacted by Mr. Passarelli's attorney with a suggestion that the Town contact Mr. Quartz directly and seek a permanent easement for the Town. Attorney Hafner said that he did speak to the town's engineer who had spoke with Mr. Passarelli's engineer. Attorney Hafner said that Mike Bianchino of Clough Harbour told Attorney Hafner that he was the town's engineer at the time of Tranquility Estate subdivision and he remembers having issues with the drainage at thentime of that subdivision and he recommended that the Town get easements for drainage and he thought that area is where the beaver dam is. However, that phase of the development had been approved and therefore the easement was not looked into. He also said that at that time the beaver dam was not there. Attorney Hafner said that Mr. Bianchino said that there is an engineering solution and what has been described might work. Attorney Hafner said that Mike Bianchino said that he didn't see this having to be annual maintenance as is being done. Attorney Hafner said that he understands Mr. Bianchino's suggestion is to follows what DEC has suggested; the town to seek a permanent easement from the owners of the property on which the beaver dam is located; Mr. Passarelli to install the by pass; and the town to maintain the by pass.

Councilman Saunders asked what an easement was. Attorney Hafner said that an easement is a permanent right to be able to use someone else's property in a certain way.

Councilman Saunders asked if he understood that the high water table was caused by the beaver pond backing up into the dry wells. Attorney Hafner said he agreed with that today and he agreed with it on the record. Gary Robinson, Mr. Passarelli's engineer, said that the groundwater level was high any way and the beaver pond backed up into Passarelli's dry wells.

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Attorney Stephanie Bitter, Attorney for Mr. Passerelli, asked the Town Board to consider revisiting their prior recommendation that only five building permits be issued for this area. Attorney Hafner said that Mr. Passerelli is looking for closure on this at some point.

Attorney Hafner said that if the Town Board was in a place to do something now and if that is the case then the following steps should be followed:

- Town would try to obtain a permanent easement from the property owner;
- Next Mr. Passerelli should be contacted to see if he would install the by pass since it would benefit the people in his subdivision;
- Then the town would be take over the maintenance of the by pass; and
- Lastly the Town could consider allowing the issuance of more building permits in this area.

Councilman Major said he understood an easement and what we are looking at. He suggested that the Town Board see an engineering plan. He said relating to the costs of maintenance perhaps an escrow could be looked. Attorney Bitter said that this is the first time that she has heard anything about Mr. Passerelli installing the by pass and she would need to discuss this with Mr. Passerelli. Councilman Major said his concern is long term when it becomes a town responsibility perhaps an escrow account could be made with the properties involved. Attorney Hafner said that perhaps a Special District would work since there are more than on subdivisions that are involved. He said he could look into that if the board wished.

Supervisor Lucia said that he felt that there are questions on this and he suggested that a workshop be scheduled with the parties, their attorneys and their engineers. He said that it will have to be in December 2009 and he would set it up by contacting the attorneys and engineers. Attorney Hafner asked if DEC could be included.

## **NEW BUSINESS:**

- Town of Corinth closed on November 26 and 27<sup>th</sup>, 2009 in observance of Thanksgiving
- November 26<sup>th</sup> meeting has been changed to November 19<sup>th</sup>, 2009 at 4:30 PM

## **RESOLUTION #254** **AUTHORIZING THE ADOPTION GUIDELINES FOR APPOINTMENT OF** **PLANNING BOARD AND ZONING BOARD OF APPEALS MEMBERS.**

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 following be adopted as the guidelines for appointment of Planning Board and Zoning Board of Appeals Members:

Pursuant to New York Town Law and the Corinth Town Code, the Town Board is authorized to appoint the members of the Planning Board and the Zoning Board of Appeals. The Town Board wishes to establish general principles to assist the Board in making these appointments in a manner that is unbiased, fair and open to the public.

1. Term of Office; Notification of Expiration. The term of office of Planning Board and Zoning Board of Appeals members ("Board Member") shall be consistent with New York Town Law and as established by the Town Code. Not less than sixty (60) days prior to the expiration of a Board Member's term of office, the Town Board should notify the Board Member in writing of the date of expiration of his or her term and ask the Board Member to inform the Town Board of his or her desire to be considered for re-appointment to a subsequent term. If the Board Member fails to respond to this inquiry within three weeks of the date such notification is mailed, the Town Board should assume that he or she does not wish to be considered for re-appointment. Indication of a desire to be re-appointed does not guarantee that a Board Member will be re-appointed.

2. Review of Board Member's Performance. If a Board Member indicates that he or she wishes to be considered for re-appointment, the Town Board should undertake an assessment of the Board Member's performance. This evaluation should consider (a) attendance at meetings of the Board, (b) compliance with training requirements, (c) preparedness for and participation in discussions of matters before the Board, (d) recommendations from Members of the same Board, (e) any other factors suggested by the Town Code and (f) any other factors that the Town Board considers relevant. Even if a Board Member's performance has been satisfactory, the Town Board may wish to appoint a different person in order to provide an opportunity for more residents of the Town to participate, to seek a broader range of input or for any other reason.

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3. Notice of Vacancy; Consideration of Candidates. The Town Board should provide appropriate notice of a Board vacancy and the procedure for individuals wishing to be considered for the position to apply. Although the current Board Member and any alternate Member interested in the position may be considered first, the Town Board should consider every person who applies for the position.

4. Decision; Notice. The Town Board should make its decision on who will fill the vacancy in a timely manner so that the current Board Member, the successor (if different from the current Member) and the other candidates can be notified not less than ten (10) days before expiration of the term.

5. Modifications. These guidelines are suggestions rather than requirements and should be consulted, utilized and modified as the Town Board shall deem appropriate for each situation, including filling vacancies on a Board resulting from expiration of a term, resignation, removal or other cause.

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

- APA Minutes
- CCSD Early Dismissals
- CCSD Newsletter
- List of Fire Department Officers
- Image Committee Agenda – Hometown Christmas
- Judge Certificate of training – Judge Schermerhorn
- LA Contract - Attorney Hafner to review and get back to Town Board
- Mortgage Tax - \$7313.00
- NYS Open Burning Requirements
- NYSDEC/Lake Bonita Dam Letter
- Sales Tax - \$68,408.00
- Saratoga Arts Council Letter
- Saratoga County Fire Advisory Board report
- Saratoga County Prevention Council Brochure
- Senior Sentinel
- Thank you Card – Joseph Koval
- Time Warner Channel Changes
- Training for Planning/Zoning Hadley Town Hall-11/24/09

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## **ATTORNEY UPDATE**

Attorney Hafner gave the following update:

- Regarding Serial Bonds – He has talked to Attorney Toomey and has sent a letter to Saratoga County IDA . He is awaiting their response.
- Brignola – Judge ordered that Mr. Konacki continue to test water. Judge’s last order earlier today was that no new tenants could move in the park if someone moved out.

## **SUPERVISOR**

Supervisor Lucia told the public that Town Clerk Farr has been accepting coats to be given away to anyone that is in need of a coat. He said that the coat give-a-way will begin Monday. He thanked Town Clerk Farr for her efforts in this matter.

## **PUBLIC**

None

## **TOWN BOARD**

- Councilman Saunders reported on the meeting of the Land Use Revision Committee. He said that they did not choose a chair, vice chair or secretary due to the fact that three committee people were out ill. He said that Code Enforcement Officer Mann had attended and discussed a few points in the present Land Use Ordinance where he was having problems with. Councilman Saunders said that the next meeting is scheduled for November 23, 2009.
- Councilman Brown told Attorney Hafner that he would be sending him over a policy that the Emergency Management Committee is looking at for Pets during an emergency.
- Councilman Major said that he was going to introduce two students that were present tonight but he saw that they left. He also said that he understood that the proposed revisions of the Employee Handbook submitted by the Personnel Committee have been distributed to the Department Heads for their comments. Councilman Saunders asked that the hiring process be addressed in the employee handbook. Supervisor Lucia said he thought that would be a good idea.
- Councilman Byrnes told the Town Board that Captain Youth is again located in Corinth. He said that the Corinth Emergency Squad had generously given Captain the use of their building and kitchen area. Town Clerk Farr told the board that she had agreed to give any coats that were left at the end of the coat give-a-way to Captain Youth.

## **HIGHWAY**

Highway Superintendent Shawn Eggleston told the Town Board that the person who bid the lowest for fixing the highway garage roof withdrew his bid due to the fact that one half the materials needs were figured in. He resubmitted his bid and it was still the lowest.

Highway Superintendent Eggleston told the Town Board that the pad is completed in back of the Town Hall and the structure should be delivered Monday morning.

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The following reports are on file in the Supervisors Office:

Town Clerk  
Highway  
Building Department  
Zoning Department – July – October NO Meetings  
Justice Court  
Fire Department  
Senior Citizens  
Supervisors Report

## **RESOLUTION #255**

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

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 accepts as presented the Supervisor's monthly financial report for October 2009.

With no further business at 8:00 PM and on a motion by Councilman Byrnes and seconded by Councilman Major the Town Board meeting adjourned.

Respectfully Submitted,

Rose E. Farr, RMC  
Town Clerk