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August 26, 2010

The Town Board of the Town of Corinth held a regular meeting on August 26, 2010 at 4:30PM at the Town Hall.

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

Public: Sigrid Koch, Sam Bennett(Town Engineer), Ryan Talbot (Garry Robinson's office), Mike LaMott (Passerelli's representative) and Mark Lebowitz (Passerelli's attorney).

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

Passarelli Property(Highpointe Subdivision)-Beaver Problem

Attorney Hafner brought the group up to date and what had transpired so far. He said that after the last meeting on the beaver dam issues Sam Bennett (Town's engineer), Garry Robinson (Passerelli's engineer), Shawn Eggleston (Town Highway Superintendent), and DEC met at the beaver dam. Attorney Hafner said that DEC outlined two separate ways of attack:

- Remove the beaver dam and letting the wetlands drain. He said that prior discussion found that this was not likely to be allows but the engineers have discussed this with DEC and Mr. Bennett reported that Mr. Robinson told him on the telephone that DEC says the permit can be applied for. Ryan Talbot who works in Garry Robinson's office stated that he received an email from Jed at DEC on Tuesday saying that they could go ahead and apply for the permit. The permit would be for removal of the dam and removal of the beavers.
- Second option is to put in some sort of flow control device to keep the level in the water from the dam below a certain level.

Attorney Hafner stated that the easement that the Town received states that the Town installs a device on the beaver dam, lets us inspect, wander, alter, remove, move or maintain the beaver dam. He said that the Town has not yet recorded this easement until such time as they have an agreement on this matter.

Attorney Hafner said that he was to prepare a draft of an agreement and he has prepared a very rough draft of an agreement for the board's review. He said that the agreement also concerns

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when the board wishes to allow future building permits to be issued on the property of Highpointe Subdivision.

Ryan Talbot read the email that he received from Jed at DEC stating that they felt the best course of action would be removing the dam which could be done at any time and the access road could be installed. Attorney Hafner asked if there were estimate in cost.

Supervisor Lucia asked that for the record the people present at the meeting yesterday be named. They are as follows: Shawn Eggleston, Town Highway Superintendent; Sam Bennett, Town Engineer; Garry Robinson and Ryan Talbot, Passarelli's engineer; and Jed from DEC.

Attorney Hafner said that he remembered a meeting some time ago at which two DEC people were in attendance and they indicated that the Town would only have option 2 and there was an issue. He said they were not very positive about removing the beavers and removing the dam.

Highway Superintendent Eggleston said that Jed from DEC explained it that this if a person goes back in the records they would see that this is an artificial wetland that use to be a creek.

Highway Superintendent Eggleston said that this is now dry and they wouldn't even be draining it. He said that if the dam could be removed and maintained as a ditch then it would go back to the way it was. Town Highway Superintendent Eggleston said that now is an ideal time to do this. Town Highway Superintendent Eggleston said that he felt Option One would be a perfect solution. He said that way he could has a blanket nuisance permit and if that was the Town's easement he would not have to apply for a permit. He said he obtained a permit every year in December to maintain any beaver and that way he would be covered under his beaver permit.

Councilman Brown asked Town Highway Superintendent Eggleston if they still had to build a road. Town Highway Superintendent told the board that he would still have to build the road but it was pretty minimal.

Councilman Byrnes asked if they needed permission of the Army Corp Engineers. Town Highway Superintendent Eggleston told him that Jed from DEC said that artificial wetlands are not covered by Army Corp of Engineers.

Councilman Byrnes asked Town Highway Superintendent what the definition of an artificial wetland was. Highway Superintendent Eggleston said it was something that was built by the beaver and was not there before the beavers.

Councilman Major asked how much it would take for the Highway Department to remove the dam and install the access road. Highway Superintendent Eggleston said it would be minimal after he could get his equipment in there.

Attorney Hafner said that what was set up initially was that the cost of removing the beaver dam was going to be an expenses of Mr. Passarelli. Attorney Hafner said what he is hearing is that now the board is considering the Highway Department taking care of this since it is minimal.

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Councilman Major said that the Town Highway Superintendent is happier with getting the dam down and the water back down to a ditch. Highway Superintendent told the board that a ditch is very easy to maintain. He said that if the beaver control device and you let it build back up again it is high maintenance. He said he felt that if the beaver dam could be eliminated it would be better for all the property surrounding it.

Highway Superintendent Eggleston said that at the present time there was no water in the pond and he did not see any beaver. He said that a person could walk across the area.

Councilman Major asked about maintenance. Highway Superintendent Eggleston said that he would just have to keep a check on it. He said that he has several hot spots around town that he now checks on. He said that he knows of three people who don't charge that will come in and trap if there is a beaver problem. He said they would be working under his general permit.

Attorney Hafner asked if the gravel permit mentioned by Sam Bennett was include in the general permit. Highway Superintendent Eggleston said that he would have to submit a description of what he is doing and send it to DEC.

Councilman Byrnes said he had a concern. He said going back through the minutes in 2008 there was some concern that this was not the only thing contributing to the flooding on Dorset Drive. Councilman Byrnes said that he was aware that there was flooding on Eggleston Street prior to this but the residents on Dorset Drive did not have any flooding up until this point. Mike LaMott said that he had spoken with people on Dorset Drive that did have water in their basement before Highpointe Subdivision. Councilman Byrnes said he was referring to specific residents that he had directly spoken to. He asked Mr. LaMott if he had a problem taking some of the blame for these problems. Mr. LaMott said they would not take blame since the Town's engineer told the Town Board that he felt the beaver dam was the cause of the problem. Councilman Byrnes said he felt he had a responsibility to the residents on Dorset Drive to make sure this was taken care of properly.

Councilman Byrnes said that he spoke to a man that bought his house in 1974 and he had water problems and he did some landscaping and never had any more problems until 2007. Mr. LaMott said that that year was a year that the water table was extremely high. Attorney Hafner said that the Town did get evidence from our engineers (Mike Bianchino) said that the system was designed and installed properly and he did not think that was the cause of the flooding.

Councilman Byrnes said that in the June 23, 2008 minutes "Mr. Lupo from DEC Storm Water Management said that he felt there was not enough information available to determine why and he felt that there needed to be more investigating done to determine why. Mr. Lupo said that a hydro geologist needs to be contacted, more test wells need to be done away from the areas where the dry wells are, doing some soil morays to see if there is a confining layer under the sand." Councilman Byrnes said that seems to say there may be concerns other than the beaver dam. Attorney Hafner said that he wasn't saying that he was saying the question was if Highpointe Subdivision was the cause and the Town's engineer said that he felt the beaver dam was the cause. Attorney Hafner said that it was Bob Lockwood not Mike Bianchino. Attorney

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Hafner said that the Town Board could get a hydro geologist if they wanted. Councilman Byrnes said he was just trying to protect the residents on Dorset Drive.

Councilman Saunders asked if the easement was for ever and ever. Attorney Hafner told the Town Board that an easement is permanent.

Attorney Hafner told the Town Board that they had to decide if they were going to accept the easement. which option they were going to choose, who was going to remove the beaver pond or install the control device. He said there is also the issue of the temporary prohibition of building permits being issued in the Highpointe Subdivision.

RESOLUTION #196
TO ACCEPT EASEMENT AND INSTRUCT ATTORNEY TO RECORD

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

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

RESOLVED that the Town of Corinth accepts the easement from Wayne Corts and instructs the Town Attorney to record same.

Councilman Saunders asked about the cost. Highway Superintendent Eggleston said that his department has fill dirt from the Town pit and it would take minimal time.

RESOLUTION #197
REMOVE BEAVER DAM AND INSTRUCT HIGHWAY SUPERINTENDENT TO
APPLY FOR NECESSARY PERMITS

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

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

RESOLVED that the Town agree to Option One that is removal of the beaver dam, and be further

RESOLVED that the Town instruct the Town Highway Superintendent to complete and apply for the necessary permits and install the necessary access road.

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Attorney Mark Lebowitz spoke regarding the temporary prohibition of the issuance of building permits in the Highpointe Subdivision. He said that the existence of this temporary probation puts a chill over the entire subdivision.

Councilman Saunders asked if there was a chance that something might go wrong. Attorney Hafner said he thought that Mr. Lebowitz was asking that in a month after the beaver dam was removed, etc. then the temporary prohibition of building permits for the Highpointe Subdivision be removed.

Councilman Brown asked if they could pass a resolution that upon the beaver dam being removed then the temporary prohibition of building permits be terminated.

Mike LaMott said that he thought a time should be in the resolution. Councilman Major said that he was sure that the Town Highway Superintendent would get this done as soon as he could fit it in his busy schedule and he didn't think it was right to have a time that it had to be completed by

Attorney Lebowitz said he didn't see why a resolution couldn't be passed that said that as soon as the work is done then the temporary prohibition of issuing building permits be terminated.

RESOLUTION #198

REMOVING TEMPORARY PROHIBITION OF BUILDING PERMITS

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

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

RESOLVED that upon the removal of the beaver dam and the installation of the access road the temporary prohibition of building permits for Highpointe Subdivision be removed.

Supervisor Lucia said he wanted to speak to Councilman Byrnes' comments. Supervisor Lucia said he wanted him to be aware that if a problem arises after the beaver dam was removed the Town would not leave the citizens in the lurch. Councilman Byrnes said that all he wanted was a little cooperation if the beaver dam did not correct the water problem since there had been some concern that the beaver dam was not wholly to fault. Councilman Byrnes said he felt that the board owed it to the residents on Dorset Drive to protect them in any way we can. Mike LaMott said that the Town's engineer had told them that if they wanted to eliminate the problem forever he would get them a quote on an under drainage system down there. Attorney Hafner said he remembered the engineer talking about giving the Town a price on a Hydrology report of the area and he thought that was in the amount of \$25,000.00 to \$30,000.00.

Code Enforcement Officer Mann said that when he was out there water was in the dry wells and the when the beaver pond was up it was half way up the pipe. He said that the removal of the beaver dam would take care of that. Highway Superintendent Eggleston said that this will take care of the beaver dam running back in there.

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Councilman Major asked for a review of what they had agreed to so far. Attorney Hafner gave him a review of the resolutions that had been passed.

Councilman Saunders thanked all parties for their cooperation during this long process.

Joseph E. Mastrianni, Inc.

Supervisor Lucia told the Town Board that Joseph Mastrianni, Inc. had sent a letter asking if the board wanted them to come before the board at a Public Hearing to explain their Housing Choice Voucher Annual Plan or if they would like to have the report in writing. After a brief discussion it was decided that the board felt it to be beneficial if a Public Hearing were held where citizens could come and ask questions if they wanted to.

Sales Tax

Supervisor Lucia said that the Sales Tax collected for August was \$67,214.00 which is up approximately \$11,000.00 from last year.

Hazardous Waste Day

Supervisor Lucia told the Town Board that he had only heard good comments about the Hazardous Waste Day that the Town joined other towns to have. He said that the Town was charged \$216.00 for what their citizens brought in.

RESOLUTION #199

AUTHORIZE SUPERVISOR TO SIGN MEMORANDUM OF UNDERSTANDING

A motion by Councilman Saunders and seconded by Councilman Major the following resolution was

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

RESOLVED that Supervisor Lucia is authorized to sign the Memorandum of Understanding the Town and Village of Corinth access to the DDSO's facility at 200 Smith Drive for use as a temporary emergency shelter.

RESOLUTION #200

AUTHORIZE SUPERVISOR TO SIGN INTERMUNICIPAL AGREEMENT

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

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

RESOLVED that Supervisor is authorized to sign the Intermunicipal Agreement between Warren County and the Towns of Johnsbury, Chester, Lake Luzerne, Stony Creek, Thurman, Warrensburg, Hadley, Corinth and Village of Corinth Concerning Local Waterfront Revitalization Program 2008 EPA Fund Act.

Thank You Letter

Supervisor Lucia read the following letter he received from Kendra Schieber:

Corinth Youth Commission presents,

Summer 2010 Children's Theatre Workshop



A PRODUCTION OF THE PALMER FALLS PLAYERS

4 Overlook Drive, Corinth, NY 12822

518-744-7396

Producer
Kendra Schieber
Director
Tina Fuller
Musical Director
Kyle McKenzie
Choreographer &
Acting Coach
Lauren Ogden
Accompanist
Norm Mosher
Stage Manager
Ruth Bowers
Technical Director
Patrick Stacey

Mr. Richard Lucia
 Town of Corinth
 600 Palmer Avenue
 Corinth, NY 12822

August 20, 2010

Dear Dick,

Thank you so much for sponsoring the Summer 2010 Children's Theatre Workshop and helping to bring to the Corinth stage *Annie Jr.* this summer. A copy of the program is enclosed for you along with a picture of 33 of the kids that were in the program this summer. They all had an excellent time and learned a great deal about many varied aspects of theater productions.

As we look toward next summer's program, we are looking to increase the scope of local artist involvement in the program with a larger orchestra and a full-scale (not junior) production. I already have several people lined up for next year's project and we had 4 people attend the (mandatory) Grant Seminar in Saratoga on August 17th in order to write the grant application again for next year. We need to have a letter of intent to the Saratoga Arts Council by September 20th and then the SPAF Grant Application (one original and 7 copies) needs to be submitted by October 7th. Although this seems like a ton of work, when you look at the faces of these kids, you know just how worthwhile it is!

Thank you, again, for all your support for this great program in the arts for kids in the Corinth area!

Sincerely,

Kendra Schieber

Cc: Town Board Members

A summer theater
 camp for children
 and youth age 8-18.
 This program
 respects the abilities
 of all children,
 giving each a place
 to be valued for who
 they are and what
 they have to offer.

This program is funded in part by the Saratoga Program for Arts Funding (SPAF) part of the Decentralization Program, a regrant program of the New York State Council on the Arts, administered by Saratoga Arts.

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Letter

Supervisor Lucia gave the Town Board members a copy of a letter received from the Town of Barker in Broome County along with a resolution that they are requesting Town of Corinth pass. Supervisor Lucia told the board that they could look it over and if it was anything they wanted to do it could be done at their next meeting.

Emergency Squad Officers

Supervisor Lucia said that Corinth Emergency Squad President Janine Denton sent him a current list of the new emergency squad officers and contact numbers. Supervisor Lucia said he already sent a request to the webmaster to change the web site. Councilman Saunders asked if the board was going to have a joint meeting with the paramedics and the squad. Supervisor Lucia said that they were.

9/11 Celebration

Supervisor Lucia gave the members of the Town Board a copy of the invitation to participate in the 9/11 Celebration to be held at 6:30 pm on September 11th.

School Calendar

Supervisor Lucia gave each board member a copy of a letter from Elementary Principal Susan Kazilas with a copy of the 2010-2011 School Calendar.

Public Comment

None

Town Board

Councilman Saunders

Nothing

Councilman Brown

Councilman Brown told the board that he had four Certificates of Appreciation for people that helped at the HINI Clinics. They are as follows: Dave Roberts, Leslie Melville, Russell Melville and Charles Brown.

Councilman Major

Councilman Major also said he hoped that a joint meeting with the paramedics and Emergency Squad would be scheduled.

Councilman Byrnes

Nothing

Town Clerk

Nothing

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Code Enforcement Officer

Nothing

Highway Superintendent

Nothing

RESOLUTION #201

ADJOURN TO BILL PAYING

A motion by Councilman Saunders 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 bill paying

RESOLUTION #202

MOTION TO PAY BILLS AS AUDITED WITH NO EXCEPTIONS

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

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

Resolved that the board pay the bills as audited with any exceptions as follows:

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Abstracts For 8/26/2010

<u>General Fund/Town Wide – A:</u>	\$23,867.09
<u>General Fund/Outside Village – B:</u>	\$4,409.70
<u>Community Development Grant – CD:</u>	\$0
<u>Highway/Town Wide – DA:</u>	\$0
<u>Highway/Part Town – DB:</u>	\$50,161.40
<u>Capital Project/Landfill Upgrades – H1:</u>	\$0
<u>Fire Protection – SF:</u>	\$0
<u>Street Lighting – SL:</u>	\$0
<u>Sewer/Water – SW:</u>	\$0
<u>Trust & Agency – TA:</u>	\$70,388.38
<u>Scenic Train –</u>	\$0
<u>Town of Corinth Railroad –</u>	\$0

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RESOLUTION #203

MOTION TO ADJOURN

On a motion by Councilman Major and seconded by Councilman Byrnes, at 5:25 PM the meeting was adjourned.

Respectfully Submitted,

Rose E. Farr, RMC
Town Clerk