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**OCTOBER 14, 2010**

The Town Board of the Town of Corinth held a regular meeting on October 14, 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

Public: Jim Murray, Kevin Cleveland and Lynda Byrnes.

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

**RESOLUTION#221**

**APPROVAL OF MINUTES**

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

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

Resolved that the minutes for September 2nd, 9th, 16th, and 23<sup>rd</sup>, 2010 be approved.

**RESOLUTION #222**

**APPROVAL OF ABSTRACTS**

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

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

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Resolved that the abstracts for September 2nd and September 23rd, 2010 be approved as follows:

September 2, 2010

A - \$ 17,077.71  
B - \$ 1,864.74  
DB - \$ 19,198.35  
T & A - \$ 56,293.26

September 23, 2010

A - \$ 28,334.99  
B - \$ 2,490.68  
DB - \$ 45,128.89  
T & A - \$ 67,657.87  
Railroad  
Fund - \$101,101.38

Kevin Cleveland

Kevin Cleveland presented the following letter to the Town Board:

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Cleveland Enterprises LLC  
215 Maple Street  
Corinth, NY 12822

October 14, 2010  
To: Town of Corinth, Town Board

Re: Alford J. Winslow

This letter is to inform you that the lot next to that of Cleveland Enterprises, located on Main Street (87.-1-3.2) in the Town of Corinth has failed to comply with local building codes. I have spoken to Mr. Mann, Town of Corinth Building Inspector, on several occasions to rectify the status of such building and living conditions since June of 2009.

Mr. Mann, being acting Building Inspector, and Mr. Lucia, being acting Supervisor, have both been advised of such illegal building codes since fall of 2009 when Mr. Winslow erected a so called mobile home. During the past year both gentleman have delinquently tried to find Mr. Winslow a home to rent or reside at. At this time, to my knowledge, no actions have been taken to move Mr. Winslow to a home in the local area.

I, myself, have been patient in working with Mr. Mann to correct the issues involving building codes with Mr. Winslow's home/property. To my knowledge, it is required to have 200' of frontage, wells 100' from septic, set-backs from other property lines adjacent to this said parcel. All of which do not comply with local ordinances.

This said property has become a concern to me as a bordering property owner. I need to be advised in writing as to when this situation will be rectified. If I do not receive immediate action I will file a lawsuit against the Town of Corinth for failure to comply with town building codes or ordinances.

Sincerely,

Kevin Cleveland

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Mr. Cleveland said he purchased the property in March of 2009. He said that after he purchased the property Mr. Winslow moved to a lot next to of the Cleveland property. Mr. Cleveland said that the lot does not meet any the standards that are on the Town zoning law or for building permits. Mr. Cleveland stated that he has worked with Code Enforcement Officer Mann in an attempt to either have Mr. Winslow removed from the lot or at least have him abide by all the other guidelines that citizens have to do when applying for a building permit. Mr. Cleveland said that it is now sixteen months later and he is no farther ahead that when he purchased the property. He said Mr. Winslow is infringing on Mr. Cleveland's boundary line, his lot is not big enough to have his well 100 feet from his septic and he does not have 200 feet of frontage. Mr. Cleveland said that he allowed Mr. Winslow to live in the trailer for the whole winter and now Mr. Winslow has moved out of the trailer and is living on his own property without a building permit or anything that would be necessary for a person to be allowed to live in a residence. Mr. Cleveland said that he did not feel it was fair to make some people abide by the Town rules and not make others abide by those same rules. Mr. Cleveland said that he has not further choice that if the board cannot give him something in writing stating when this will be rectified with the removal of Mr. Winslow he will have to commence a lawsuit against the Town of Corinth.

Mr. Cleveland said that he has spoke to Supervisor Lucia and to Code Enforcement Officer Mann regarding this matter. Supervisor Lucia said that he and Code Enforcement Officer Mann have been working unsuccessfully with Saratoga County Department of Social Services in an attempt to find Mr. Winslow and his disabled brother a place to reside. Mr. Cleveland said that it was not Mr. Lucia's responsibility as Supervisor to find them a place for people to live. Supervisor Lucia said that sometimes it is. Supervisor Lucia stated that because the brother is disabled they are looking for a ground floor apartment and this is the reason it is taking so long.

Attorney Hafner told the Town Board that there has been a threat of the Town being sued and this is the time where he would instruct the board to listen but not do something only because of the threat. Attorney Hafner said that the board has Mr. Cleveland's comments and should thank him for his comment and move on with their meeting. Attorney Hafner said it seemed that the Town acted with compassion. He said if the board wished to discuss the matter with Code Enforcement Office Mann it should be done at Executive Session.

Councilman Saunders said he understood this was all one parcel and did not know that Mr. Winslow owned a separate parcel. Councilman Saunders asked Code Enforcement Officer Mann what parcel Mr. Winslow was now living on. Code Enforcement Officer Mann said that the parcel is a small triangular parcel owned by Mr. Winslow. Code Enforcement Officer Mann said he believes that the water is coming off a well on the Cleveland property. Councilman Byrnes asked if this was the trailer to the left. Code Enforcement Officer Mann said that it is not the trailer, it is a building toward Randall Corners.

Councilman Major asked what the lot size was. Code Enforcement Mann said he didn't know the exact size right off the top of his head but it is a small parcel. Councilman Byrnes asked questions about the location of the Winslow lot. Mr. Cleveland said that the plywood structure is basically on his property line. He said that the front of the Winslow property is 27 feet, the back is 54 feet, one side is 95 feet and the other is 100 feet.

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Mr. Cleveland said he wants to go in and clean up his property but you can't move junk from one property to another and expect him to support cleaning up the Cleveland lot. Mr. Cleveland said that you can't allow a person to live on an unbuildable lot and have no building permit.

Councilman Major asked Code Enforcement Mann what the property was zoned. Code Enforcement Officer Mann said that he was not sure but he thought it is R3. Councilman Major asked what the health issues Mr. Cleveland was speaking about. Mr. Cleveland said that the Town's code said that the Well must be at least 100 feet away from the septic. Mr. Cleveland said ht lot itself is only 100 feet deep so you can't put a well on the property and be 100 feet away from the septic. He said that there also needed to be set backs and Mr. Winslow could not be met. Attorney Hafner asked if this was a new built building. Mr. Cleveland said it was. Code Enforcement Officer Mann told the town board that the structure is on wheels. Councilman Major asked Code Enforcement Mann if there were variance violations here. Code Enforcement Mann said that there were variance violations.

Mr. Cleveland told the Town Board that he has shut off the power but he says there is a big black power cord going across the ground to somewhere. He said it is very dangerous.

Mr. Cleveland said that if he got Dr. Pitkin to come down there he was sure he would find major health issues with the property. He said he tried to work with the Supervisor and with Code Enforcement Mann but nothing happened. He said that he doesn't want to go to litigation but if the board forces him to he will. Mr. Cleveland said he was willing to work with the board but 16 months is too long something has to be done.

Supervisor Lucia told Mr. Cleveland that they heard what he was saying. Mr. Cleveland thanked the Town Board for their time.

### **RESOLUTION # 223**

#### **TRANSFER**

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

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

RESOLVED that the following transfer be made:

Increase Appropriations 73104.02 (Youth Contractual) and Revenue 3820.02 (Youth Programs) in the amount of \$355.00 for September Soccer Registrations.

### **RESOLUTION # 224**

#### **RE-SCHEDULE NOVEMBER TOWN BOARD MEETINGS**

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

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

RESOLVED that the Town Board Workshop scheduled for November 11, 2010 be re-scheduled to November 10, 2010 at 4:30 PM, and be it further

RESOLVED that the Town Board Bill Paying Meeting scheduled for November 25, 2010 be re-scheduled to November 18, 2010 at 4:30 PM.

### **RESOLUTION # 225**

#### **SETTING PUBLIC HEARING ON LOCAL LAW 1-2010**

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

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

RESOLVED that the Public Hearing on Local Law 1-2010 be held on November 18, 2010 at 4:30 PM.

### **RESOLUTION #226**

#### **SET DATE FOR PRELIMINARY BUDGET HEARING**

Supervisor Lucia stated that the Town Board that it necessary to set the Public Hearing date for the Preliminary Budget. A motion was made by Councilman Brown, seconded by Councilman Major, and the following resolution was

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

RESOLVED that the Public Hearing for the 2011 Preliminary Budget of the Town of Corinth be scheduled for November 3, 2009 at 4:30 PM, and be it further

RESOLVED that the Town Clerk publish a Legal Notice in the Post Star advising the public of this meeting.

### **SUPERVISOR**

#### **New Business:**

Supervisor Lucia stated that the following papers are on file in his office:

- APA Project Permit – County towers
- Beaver Pond – Angel Road – Highway Superintendent Eggleston said that he maintains this so that it stays away from the Town Road. Supervisor Lucia told Highway Superintendent Eggleston that a citizen was trying to maintain this and ENCON stopped

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and told him he would have to be on the permit and that the permit had expired. Highway Superintendent Eggleston said that he has a new permit but just has not had time to post the new one on the Angel Road site. A discussion was had about the citizen being added to the Town's permit and it was decided that for insurance reasons the Town Highway Department would continue to maintain the site.

- Coats for Corinth – accepting clean, good conditioned coats through October 22<sup>nd</sup> and on October 25<sup>th</sup> anyone wishing to take a coat can just come in the Town Hall and take what they needed
- County IDA Minutes
- Flu Clinic Schedule
- Miner Road Cleanup – to be done by Mulleyville Snowmobile Club – new sign to be erected
- Mortgage Tax - \$8589.08
- NY Public Service Commission Notice – 10/27 from 4PM - 6:30 PM – Colonie
- Planning/Zoning Conference – 01/26/2011
- Public Hearing for Office of Aging – 10/27/10 at 3PM – Sr. Center in Saratoga Springs
- Red Cross Minutes – September
- Sales Tax - \$65,557.00
- School Newsletter
- Schooling Certificate – Kate Halliday – NCIC Certification
- Senior Sentinel
- Time Warner monthly changes
- Veterans Corner
- Veterans Day Ceremony – 11/11/10 National Cemetery

### ATTORNEY

- Emergency Squad and Paramedic contracts – working on up dating
- Agreement with National Grid for lighting in the Town – working on
- Met with Councilman Brown – working on Memorandums of Understanding for various shelters – should have completed by next week

### International Paper

Supervisor Lucia told the Town Board that due to corporate issues the transfer of the International Paper Company 's time office to the Town will not happened until Spring of 2011.

### PUBLIC

Nothing

### DEPARTMENT REPORTS

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

Assessors  
Animal Control  
Highway

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Justices  
Town Clerk  
Planning- Quarterly Fees – Meeting Attendance  
Senior Citizens  
Supervisor's Report

## **RESOLUTION # 227**

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

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

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

Resolved that the Town Of Corinth Board accepts as presented the Supervisor's monthly financial report for September 2010.

### Town Board/Standing Committee Report

#### Town Board

##### Councilman Saunders

Councilman Saunders said he had a problem with setting the Public Hearing on the budget when the board had questions with a certain department. Attorney Hafner explained that the budget is to allocate the amount of money not who it is paid to or how much is paid to the entity.

Councilman Saunders told the Town Board that he has looked into the amount of money spent on the new Revision Committee this year and the total is over \$30,000.00. he said that averages out to approximately \$2200.00 a month. He said he would suggest that the Town Board meet with this committee before they go any further. Supervisor Lucia suggested November 4, 2010 at 4:30PM. Councilman Saunders said he would speak to Glenn Tearno about the meeting. Attorney Hafner asked if the board wanted legal representation at that meeting. Supervisor Lucia said that he would. Attorney Hafner said he would ask Attorney Michael Hill to come to that meeting.

##### Councilman Brown

Nothing

##### Councilman Major

Councilman Major said he would suggest that the Winslow problem be discussed in Executive Session as the Town Attorney said. Councilman Saunders said that he agrees the matter should be discussed in an Executive Session with the Code Enforcement Officer and attorney present.

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### Councilman Byrnes

Councilman Byrnes said that he had attended the Open House at the Elementary School before coming to the board meeting. He said that the turn out at the Open House was great.

Councilman Byrnes told the Town Board that on Saturday, November 6, 2010 at the Corinth Fire House 4PM – 7PM a spaghetti dinner benefit for Brooke Krywy will be put on by the Krywy family and friends, The Corinth Merchants Association are one of the sponsors. Councilman Byrnes explained that all money received will go toward securing a van for Brooke Krywy who was born with no arms and wants to become a lawyer.

Supervisor Lucia told Councilman Byrnes that the Sr. Housing date would have to be on the 25<sup>th</sup>.

### Town Clerk

Town Clerk Farr said she just wanted to wish Code Enforcement Officer Mann a Happy Birthday this Saturday.

### Highway Department

Highway Superintendent Eggleston told the Town Board that the Landfill is in need of a new Weighing Terminal and the cost will be \$2,197.00. Supervisor Lucia told Highway Superintendent Eggleston that there is enough money in the Landfill Upgrades to just about cover that. Highway Superintendent Eggleston said that he would order same.

### Building Department

Code Enforcement Officer Mann told the Town Board that an officer from the Saratoga County Sheriff's Department, a Town Engineer and Code Enforcement Officer Mann would be going to the property on Old River Road on October 20<sup>th</sup>, 25<sup>th</sup> or 29<sup>th</sup>.

### **RESOLUTION #228**

### **MOTION TO ADJOURN TO EXECUTIVE SESSION**

On a motion 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 7:55 PM the board adjourns to Executive Session on potential litigation with no decisions made.

Respectfully submitted,

Rose E. Farr, RMC  
Town Clerk