

DRAFT

AUGUST 11, 2011

The Town Board of the Town of Corinth held a regular meeting on August 11, 2011 at 7:00 PM at the Town Hall.

Present: Richard B. Lucia, Supervisor
Charles Brown, Councilman
John Major, Councilman
Ed Byrnes, Councilman
Mitchell Saunders, Councilman
Shawn Eggleston, Highway Superintendent
Joan Smead, Deputy Town Clerk
Robert Hafner, Town Counsel

Excused: Leon Hickok, Code Enforcement Officer

Public: Raymond Bush, Jim Murray, Sr., Sigrid Koch, Jeff Collura, Josh Halliday, Dara Halliday, Marc Rich and Linda Byrnes.

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

RESOLUTION #

APPROVAL OF MINUTES

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

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

Resolved that the minutes for July 7th, 14th and 28th, 2011 be approved.

RESOLUTION #

APPROVAL OF ABSTRACTS

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

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

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Resolved that the abstracts of July 27th and 28th be approved as follows:

July 7, 2011

A	-	\$ 16,070.12
B	-	\$ 2,459.10
CD	-	\$ 23,886.00
DB	-	\$ 67,795.84
SL	-	\$ 453.18
T & A	-	\$ 36,749.08

July 28, 2011

A	-	\$ 69,534.08
B	-	\$ 16,266.47
CD	-	\$ 28,269.00
DB	-	\$ 14,312.26
T & A	-	\$ 89,576.64

9/11 Ceremonies

Supervisor Lucia read the following regarding Saratoga County's Remembers September 11, 2001 Event:

SARATOGA COUNTY REMEMBERS SEPTEMBER 11, 2001

Saratoga County Community & Religious Organizations,
Residents, Visitors & Businesses
are invited to participate in a

County-Wide Moment of Silence and Memorial Bell Ringing

On the 10th Anniversary of the Tragic Events of 9/11/01

Sunday, September 11, 2011

8:46am

How to Participate

Community & Religious Organizations are invited and encouraged to:

- Independently mark a moment of silence followed by a bell ringing at 8:46am on the 11th
- Invite members of your organization and the surrounding community to join you for these memorial activities
- Suggested Memorial:
 - Silence: 30 Seconds

Bell Ringing: 5 Phrases of 5 Rings each (*Multiplied together, this number closely represents the number of lives lost as a result of 9/11/01*)

County Residents, Visitors & Businesses are invited and encouraged to:

- Encourage your local organizations to participate by either suggesting the above or simply attending on 9/11
- Proudly display the United States Flag, yellow ribbons and other patriotic items in support of our great nation and the men and women of our Armed Forces

Sponsored By

Saratoga County Board of Supervisors

Chairman Thomas N. Wood, III



Questions? 518/885-2212

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Supervisor Lucia told the board that the Catholic Church is handling the ceremony this year. There will be a service at the Catholic Church at 4:00 PM; parade at 5:00 PM with ceremony at the monument after that.

International Paper

Supervisor Lucia said that the International Paper Company is very close to giving the Time Office property to the Town of Corinth. Supervisor Lucia said that the Town Attorney and the mill's attorneys are working on this. He said that there needed to be a boundary line adjustment since a few more feet were needed in the back of the time office to allow for exit. Supervisor Lucia said that the mill owns 2.84 acres in back of the depot and he has requested that the mill also convey that to the Town.

Supervisor

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

- American Red Cross Report
- Annual Senior Citizens Picnic – 8/30/11 at Saratoga Fairgrounds
- Certificate of Schooling – Leon Hickok

Supervisor Lucia spoke about the CON for Corinth EMS. He read the following email he received from Richard Reuther:

Richard Lucia

From: rich reuther [dc2resq@hotmail.com]
Sent: Tuesday, August 09, 2011 11:55 AM
To: rlucia@townofcorinthny.com; mcevoymike@aol.com
Subject: from the squads facebook

Corinth Emergency-Squad Since we are longer able to provide this service our certificate of need which covered both village and town of Corinth-New York along with other areas has been signed over to Empire ambulance Service. Again Thank you for all your past support. 12 minutes ago · 1

Supervisor Lucia told the public that the Town Attorney sent the following letter in response to this matter.

MILLER, MANNIX, SCHACHNER & HAFNER, LLC

ATTORNEYS AT LAW
451 GLEN STREET
P.O. BOX 765
GLENS FALLS, NEW YORK 12801
(518)793-6611

Mark Schachner✧
Robert H. Hafner
Cathi L. Radner✧
Michael J. Hill
Leah Everhart
Jacquelyn E. Poulos

✧Also Admitted in Massachusetts
✧Also Admitted in Maryland and Pennsylvania

John W. Miller (1908-1968)
John C. Mannix (1931-2006)

Facsimile: (518)793-6690
Toll Free: 1-800-421-6166

E-Mail: mail@mmshlaw.com
Web Site: millermannix.com

August 11, 2011

Office of the Attorney General
The Capitol
Albany, NY 12224-0341

Regional Emergency Medical Organization
1653 Central Avenue
Albany, NY 12205

New York State EMS Council
c/o Bureau of Emergency Medical Services - Operations Unit
New York State Department of Health
Hedley Park Place - 433 River Street
Troy, NY 12180

Re: Transfer of Corinth Emergency Squad Certificate of Need

Ladies and/or Gentlemen:

We represent the Town of Corinth, which has contracted with the Corinth Emergency Squad, Inc. ("CES") for many years to provide emergency medical services to residents of the Town. Unfortunately, this relationship deteriorated in late 2010 and the Town Board felt that it needed to provide these services on its own to ensure the health and safety of the residents of the Town. Accordingly, the Town applied for and received a temporary Certificate of Need for the Town of Corinth EMS on February 16, 2011.

It now appears that, after not providing services for several months, CES is seeking to transfer its Certificate of Need ("CON") to Empire Ambulance Service ("Empire"). We attach a copy of CES's Facebook page stating that they were making this transfer. This attempted transfer is being pursued in spite of the fact that CES was requested by Lee Burns, Acting Director of the New York State Department of Health Bureau of EMS, to turn its CON over to the Town or relinquish it to the Department of Health ("DOH"). We object to this transfer on three counts.

First, such a transfer directly contradicts the directive of DOH's Acting Director.

Office of the Attorney General
Regional Emergency Medical Organization
New York State EMS Council
Re: Transfer of Corinth Emergency Squad Certificate of Need
August 11, 2011
Page 2

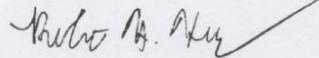
Second, as CES has not operated as an emergency services provider for several months, we believe that it may be dissolving the corporation. New York Not-for Profit Corporation Law Section 1001 requires that upon dissolution the assets of a not-for-profit corporation must be transferred to a charitable organization or organization exempt from taxation pursuant to federal and state laws and engaged in activities substantially similar to those of the dissolved corporation. Although Empire Ambulance Service is engaged in providing emergency medical services, we believe that it does so on a for-profit basis rather than a not-for-profit basis. If so, transfer of the CES CON to Empire is likely to be inappropriate and we ask the Attorney General to investigate the details of this transfer.

Third, we are concerned that renewal of the Town's CON may be adversely affected by the existence of another CON for an entity operating in the same territory. It is important to the Town that it continue to provide emergency medical services under its own CON to ensure that the welfare of the residents of the Town is the primary concern rather than profitability of a for-profit service provider. Although there is a presumption in favor of approving municipal applications, it would seem to be more appropriate to simply transfer the CES CON to the Town as requested by the DOH Bureau of EMS.

The Corinth Town Board has made every effort to provide high quality, reliable emergency medical services to its residents. To the extent that transfer of the CES CON to Empire could pose an impediment to continuing to provide this level of service, we ask that you carefully review and deny the proposed transfer. Thank you for your consideration.

Very truly yours,

MILLER, MANNIX, SCHACHNER & HAFNER, LLC



Robert H. Hafner

RHH/wp
Enclosure
cc: Corinth Town Board

PUBLIC HEARING PROPOSED LOCAL LAW #2-2011

Public Hearing was opened by Deputy Town Clerk reading the legal ad published on July 20, 2011. There being no one in favor or in opposition to the proposed Local Law #2-2011 a motion was made by Councilman Major and seconded Councilman Byrnes the public hearing was closed.

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Attorney Hafner went through the SEQR process with the Town Board. The following resolution was acted upon:

RESOLUTION #
RESOLUTION SCHEDULING PUBLIC HEARING ON
PROPOSED LOCAL LAW AMENDING TOWN OF CORINTH
LAND SUBDIVISION REGULATIONS

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

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

WHEREAS, the Corinth Town Board (the "Town Board") is considering adopting a Local Law to amend the provisions of the Land Subdivision Regulations to require notice to nearby landowners; and

WHEREAS, Municipal Home Rule Law §20 requires the Town Board to hold a public hearing prior to the adoption of a Local Law;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CORINTH, SARATOGA COUNTY, NEW YORK, AS FOLLOWS:

Section 1: Public Hearing; Notice - The Town Board shall meet on August 11, 2011 at 7:00 PM to hold a public hearing to hear all people who are interested in proposed Local Law No. 2 of 2011 which would amend Chapter 112 of the Town Code, entitled "Subdivision of Land", to require that notice of any Public Hearings on an application for Subdivision Approval be mailed by certified mail, return receipt request to owners of all parcels located within 500 feet of any part of the property proposed to be subdivided. The Town Clerk is hereby authorized and directed to publish a Notice of Public Hearing in the *Glens Falls Post Star* not less than ten (10) days before the date of the public hearing.

DRAFT

Section 2: County Planning Board Referral – The Town Clerk is hereby further authorized and directed to send a copy of the proposed Local Law to the Saratoga County Planning Board for its review and advisory recommendation.

Section 3: Effective Date - This Resolution shall take effect immediately.

The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

AYES: Lucia, Brown, Major, Byrnes and Saunders

NAYS: None

ABSENT: None

ROLL CALL

AYES: 5

NAYS: 0

ABSENT: 0

The Resolution was declared duly adopted by the Town Board.

FACE BOOK

Supervisor Lucia told the public that there was a site on Face book entitled Corinth-New York. He said that this site is not a town or village functioning site. He told the public that it was run by a private person. Supervisor Lucia said he spoke to the Town Attorney and was told that the proper thing to do was ask that something be placed on this site stating that it is not a Town government run site.

Supervisor

Supervisor Lucia also discussed the following that are on file in his office:

- Minutes from Gateway Council (Warren, Washington and Saratoga Counties)
- Governor's Economic Development Funding

The following letter was sent from Supervisor to Chairman of this committee:

TOWN OF CORINTH



600 Palmer Avenue Corinth,
New York 12822 Phone:
518-654-9232 FAX: 518-
654-7751
www.townofcorinthny.com

SUPERVISOR
Richard B. Lucia
518-654-9232 ext 2
Email: RLucia@townofcorinthny.com

TOWN BOARD MEMBERS
Charles Brown
John Major
Edward Byrnes
Mitchell Saunders

TOWN COUNSEL
Robert Hafner
518-793-6611

TOWNCLERK Rose
E. Farr 518-654-
9232 ext 1

HIGHWAY SUPERINTENDENT
Shawn Eggleston 518-654-6962

ASSESSOR
Mary Ellen Hill-Pierce
518-654-9232 ext 3

BUILDING INSPECTOR /
CODE ENFORCEMENT OFFICER /
ZONING ADMINISTRATOR
Leon Hickok 518-
654-9232 ext 5

TOWN JUSTICES
Ambrose Clothier
Lane Schermerhorn
518-654-9232 ext 4

PLANNING BOARD
C. Eric Butler 518-
654-9232 ext 6

ANIMAL CONTROL OFFICER
Delbert Clothier 518-748-2616

ZONING BOARD OF APPEALS
William Clarke
518-654-9232 ext 5

Dear Chairman Wood,

As discussed yesterday, here is a list of Economic Development goals for the Town Of Corinth.

I believe they fit into several of the categories you presented.

- **Jobs and Industry at former International Paper Site**
- **Work on an easier connection from Corinth to the Exit 16 area**
- **Build a Depot at the former Depot site to enhance the development of the Tourism and Freight north of Saratoga Springs.**
- **As a result of the failure of our former Emergency Squad, The Town formed a municipal Emergency Core. It is up and running with excellent Patient care with its abundance of paramedics and volunteer EMTS>. We need to look at building new Housing for the Emergency Squad as they are now in a short term leased space at the old Village DPW Garage.**
- **Bringing the Natural Gas line that is on the site of International Paper Company further in the community for more business development.**

Thank you for this opportunity

Sincerely,

Richard B. Lucia

Supervisor

DRAFT

- Mortgage Tax - \$10,885.00 July 2011
- Pro Act Report – people that are using their card at Walgreen
- Rail Safety
- Saratoga County Advisory Report
- Senior Sentinel

Supervisor Lucia said that back when we had the personnel committee it was stated that the time cards should be signed by the Department Heads approving the hours worked.

RESOLUTION #

RESOLUTION INSTRUCTING EMPLOYEES THAT TIME CARDS MUST BE SIGNED BY DEPARTMENT HEADS

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

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

RESOLVED that the following notice be placed in the Town of Corinth employee's next paycheck:

DRAFT

Effective with this pay period **TIME CARDS MUST BE SIGNED BY DEPARTMENT HEADS** prior to being turned in **by 9:30 a.m. the Monday** following the close of the two week pay period on Sunday.

Full-time Court employees' hours are 30 hours each week per two week pay period as described in the Organizational Minutes for a total hours to be read on the time card as 60 hours. Any time over 60 hours the **Department Head** needs to approve additional hours to be paid and if the time card does not equal a total of 60 hours seven minutes prior to the set time in or out then the back of the time card completed by the **Department Head** will explain the following: time requested by the **Department Head** to come in early or to stay later or to leave early and how this time is to be accounted for or not accounted for, sick time, personal time, vacation time, any absences from the building.

Front of the Building employees hours are 37.5 hours each week per two week pay period as described in the Organizational Minutes for a total hours to be read on the time card of 75 hours. Any time over 75 hours the **Department Head** needs to approve additional hours to be paid and if the time card does not equal a total of 75 hours seven minutes prior to the set time in or out then the back of the time card completed by the **Department Head** will explain the following : time requested by the **Department Head** to come in early or to stay later or to leave early and how this time is to be accounted for or not accounted for, sick time, personal time, vacation time, any absences from the building.

Hourly Employees need to have their time cards signed by the **Department Head** prior to cards being turned in with hours worked.

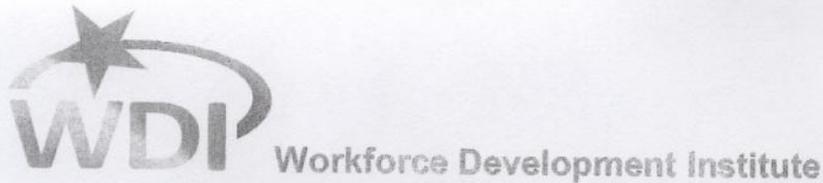
Should an employee be ill or on vacation it is the responsibility of the employee to be in contact with the **Department Head** to make arrangements for time card and attached slip to be turned in for payroll.

Time Off Request Sheets still need to be turned in ahead of time off and the usual procedure followed.

Supervisor

Supervisor Lucia also discussed the following that are on file in his office:

- Time Warner letter stating that the Glens Falls Office has moved
- Updated FAVOR List for Veterans
- United States Coast Guard Band Concert – 09/17/2011 – 2PM (Supervisor has free tickets)
- Letter from Workforce Development Institute



96 South Swan Street
Albany, NY 12210

Tel: 518.463.2141
Fax: 518.432.5609
www.wdiny.org

July 25, 2011

Dear Colleagues:

As racing season begins in Saratoga Springs, WDI brings you "*A View from the Backstretch*", the photography of workers who make it all possible. WDI invited the men and women who care for the horses to share what they see, their lives and the dignity of their work in pictures. In partnership with the National Museum of Racing and Hall of Fame, WDI's Art of Labor Program has created an exhibit you will want to see.

The leader of this project was Dona Ann Mc Adams, an award winning photographer, who has worked alongside these men and women. Dona led weekly workshops with the workers helping each one celebrate what they see. Together they created 80 color photographs which give voice to their vision, creativity and hard work. Additional funding for this project came from the Charles Lawrence Keith and Clara Miller Foundation. Together we produced a wonderful catalogue. The catalogue is available to you for free at the Museum.

I invite you to visit the "*A View from the Backstretch*" exhibit at the National Museum of Racing and Hall of Fame, 191 Union Avenue, Saratoga Springs, across from the race track. The exhibit runs through December 31, 2011.

Very truly yours,

A handwritten signature in cursive script that reads 'Ed Murphy'.

Ed Murphy
Executive Director

Supervisor Lucia said that he now has some information on the New York State Property Tax Cap. Councilman Saunders asked if this was covering this next year. Supervisor Lucia said for municipalities it

DRAFT

takes effect for the 2012 tax year and for schools it takes effect for the 2012-2013 year. Attorney Hafner said that he could come to a workshop and discuss this if the Town Board wanted.

ATTORNEY

Attorney Hafner said that the Town had received its annual assessment grievance from Curtis Palmer. He told the board that there is nothing that needs to be done because this is a part of the Settlement Stipulation that the Town, Village and County have with Curtis Palmer.

Attorney Hafner told the Town Board that the Town had been served with papers under Article 7 Assessment cases and they will be working on them.

Attorney Hafner said that his office has court papers on the Paquin property that have been sent over. He said that when Leon gets back and has a chance to sign them, as well as the Supervisor, then his office will proceed with the court.

Attorney Hafner spoke about the donation of property from the International Paper Company. He said that there were two problems with the paperwork and they were as follows:

1. The property line is right at the back door so no one can go out that door and therefore his office asked for a boundary line adjustment.
2. The provision included in the agreement of the condition that the Town indemnify International Paper Company if there was an environmental damage. Attorney Hafner said that way Environmental Law works the person that caused the damage, which would be IP, would be liable. The Town attorneys do not recommend that the Town does this.

Attorney Hafner said that there are certain things that the town can do such as a Phase One Environmental Assessment or ask them to warrant that there have been no actions by DEC or APA. Ray Bush said that Phase One has been done. Attorney Hafner said that the town does not know what it said. Attorney Hafner said he felt the Town should be put on notice of this potential problem and that it depends how bad the Town wants this property.

TRAIN

Supervisor Lucia told the board that he has been working on seeing if the train will stop in Corinth. He told the Town Board and the public that the train comes through Corinth at 8:32AM and if there are people at the former depot site they will stop and pick them up; he said it then arrives in Saratoga at 9:15AM; leaves Saratoga at 10:00AM; returns to Corinth at 10:44AM and people can be picked up in Corinth at that time to ride to North Creek arriving at 12:20PM. He said they have two and one-half hours at North Creek and it arrives back in Corinth at 5:17PM. Supervisor Lucia said people can be picked up in Corinth at 5:17PM and arrive back at 7:44PM. Supervisor Lucia told the public that people could buy tickets online, from the North Creek number or directly from the conductor.

DRAFT

Supervisor Lucia told the board and the public that next year there will be another train going only from Corinth to Thurman and back three times a day.

Supervisor Lucia said Iowa Pacific has offered to clean and repair the three mile spur into the mill at a cost of \$12,000.00 so that the demolition debris could be remove by rail. Supervisor Lucia said that the construction company not the mill has put a stop on this at the moment.

COMPREHENSIVE PLAN

Supervisor Lucia said that he wanted to continue moving ahead on the Comprehensive Plan. He told the board that Planning Board Chairman C. Eric Butler has scheduled a full workshop with his Planning Board for Thursday, August 18th. Supervisor Lucia said that he wanted a full meeting with the Planning Board and Zoning Board of Appeals on the third Thursday in September. Attorney Hafner said he would tell Attorney Hill about that meeting so he could be present.

ATTORNEY

Attorney Hafner spoke about the lawsuit of the Morgan Estate against the Town of Corinth and said that the Insurance Company counsel will be handling that.

Attorney Hafner again discussed papers served by Curtis Palmer pursuant to the Stipulation and Settlement. He also spoke about various other Article 7 Proceedings that the Town has been served papers on and said his office will be working on them.

Attorney Hafner again went over the donation of the International Paper Company property and the two problems with this transfer. Attorney Hafner went into detail about the problem with the International Paper Company. He said that the Town Board could have a Phase One Environmental Assessment done. Attorney Hafner said he understood that International Paper Company has already had a Phase One Environmental Assessment done and perhaps the Town could ask to see a copy of the findings. He said the Town Board could also ask the International Paper Company to warrant that they are not aware of any environmental issues or action by the DEC or the EPA on the property to be donated.

Councilman Saunders asked what it would take for our insurance company to insure this. Attorney Hafner told him that no insurance company would insure environmental issues and what International Paper Company is asking the Town to do.

Supervisor Lucia told Attorney Hafner that the Town is instructing him to ask International Paper Company if they had a Phase One done and if so to provide us with a copy. Attorney Hafner was also instructed to ask International Paper Company to inform the Town if they are aware of any environmental issues or action by the DEC or EPA on the subject property.

DRAFT

Councilman Major asked if Attorney Hafner had any idea how much a Phase One Environmental Assessment would cost. Attorney Hafner said that the town engineer would be the one to tell him.

PUBLIC

Ray Bush told the board that he thought that they were not going to be having the train run on Monday due to the low number of passengers.

SUPERVISOR

Supervisor Lucia stated that the following reports are on file in the Supervisor's office:

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

RESOLUTION

APPROVAL OF SUPERVISOR'S REPORT AS PRESENTED

A motion was made by Councilman Saunders, seconded by Councilman Brown, 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 2011.

Supervisor said that the new auditor, Tom Boddin, is doing a great job and is keeping both the girls up to date on the things that need to be done.

TOWN BOARD

Councilman Saunders

DRAFT

Councilman Saunders said that he was going to speak at length about the letter that was sent out by the Village Board regarding dissolution but he understand the letter has not been sent out yet so he will wait until the letter has been received by the Village residents.

Councilman Major

Councilman Major said that he wanted to thank the Supervisor for all that he has been doing with economic development and the railroad.

Attorney

Attorney Hafner told Councilman Saunders that there are special provisions in the Tax Cap Law dealing with municipalities that consolidate and if Councilman Saunders wants to discuss this call Attorney Hafner and he will go over it with him.

RESOLUTION #

MOTION TO ADJOURN

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

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

RESOLVED that with no further business the board adjourn at 8:20PM.

Respectfully submitted,

Joan Smead
Deputy Town Clerk