

**NOVEMBER 3, 2011**

The Town Board of the Town Of Corinth held a workshop meeting on at November 3, 2011 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, Highway Superintendent  
Rose E. Farr, Town Clerk  
Leon Hickok, Code Enforcement Officer  
Robert Hafner, Town attorney

Public: Cecil Mosher, Gary Randall, Jim Murray, Sr., Sigrid Koch, Linda Hamm, David Canfield and Jeff Collura.

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

**PUBLIC HEARING**

The public Hearing was open at 4:32PM with Town Clerk Farr reading the Legal Ad that was published in the Post Star. Supervisor Lucia stated the following:

## **Budget 2012**

**Today we are wrapping up our preliminary budget for 2012.**

**This is probably the 5<sup>th</sup> or 6<sup>th</sup> version of the budget.**

**Particularly difficult for all budget preparers was the State Mandated 2% tax cap, new to every municipal and School in the State.**

**We started out with the 2% tax cap levy for 2012 was about \$38,000 dollars. Was this going to be fun, with a 21% raise in Health Insurance, and a 9.5 rise in State Retirement mandates.**

**The boards mandate to the Budget officer was we need to keep our tax rate flat this year, and within the 2% tax cap.**

**When I started we had a .21-cent increase in the A, General Fund. After trimming and cutting all over, it dropped to .11-cent raise in A, while the B. and DB were under, making us under the Tax cap.**

**The trick of the whole Tax cap progress with the Comptrollers Office was, you could not adopt a budget without doing it in their format, and getting their approval.**

**With the help of our accountant in moving things to reduce taxes. On the day I put the numbers I into the Comptrollers format, Mr. Hafner came and helped with this process.**

**When we finished our budget was flat all around, meaning the same tax rate levy as last year.**

The Board is giving a 2% raise across the Board, We trimmed at least 2% from most all the .2 and .4 accounts, We did away with the New York City Association of Towns Schooling for this year, no back yard concert this year, and are looking for the best Insurance for the Price.

We have built in a price for Insurance, and if it goes over what we have budgeted; it will have to be shared with the Applicants.

Like I said our budget is exactly flat with last year, and after the final numbers came back, we could have raised our 2% cap another \$88,000 dollars, but because we wanted to hold the line this year on tax increases, we are hoping for a better economy next year, so as not to have to raise taxes again.

While we do maintain the flat rate we are using fund balance every year to do it, and everyone knows in the future that will be gone also without more tax base in the community.

Jim Murray Sr. spoke in favor of the budget and thanked the supervisor and the Town Board for all they have done in keeping the tax rate down.

No one spoke in opposition to the Preliminary Budget.

On motion of Councilman Major and seconded by Councilman Brown the hearing was closed at 4:37 PM.

Councilman Major said he wanted to thank Supervisor Lucia for his hard work and the Town Board and Department Heads for their assistance in this budget process.

**RESOLUTION # 273**

**ADOPTION OF BUDGET**

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 preliminary budget as presented be adopted as the budget for 2012.

**RESOLUTION # 274**

**CHANGE IN BOARD MEETING DATES**

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

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

RESOLVED that the regular Town Board meeting scheduled for Thursday, November 24, 2011 to pay the bills be changed Thursday, November 17, 2011.

**Supervisor**

Supervisor Lucia reported that the Sales Tax for October was \$73,287.00.

Supervisor Lucia told the Town Board that he has tentatively scheduled a meeting with the insurance people and the town employees for Wednesday, November 9, 2011 at 4:30 PM. He said that he would firm that meeting up tomorrow morning.

Supervisor Lucia told the Town Board that he will be placing the following ad in the Pennysaver:

**TRESPASSING ON RAILROAD TRACKS PROHIBITED**

**NOTICE IS HEREBY GIVEN** that the railroad tracks located in the Town of Corinth are owned by the Town of Corinth and entering on the tracks or the area bordering the tracks for any reason whatsoever, including hunting, is prohibited except by authorized users. Whether there is a "No Trespassing" sign or not, this is illegal trespassing on private property and the Town will prosecute violators to the full extent of the law.

**BY ORDER OF THE CORINTH TOWN BOARD**

**DECISION ON 640 MAIN STREET**

Supervisor Lucia said that the board had to make a decision on the matter of 640 Main Street that was discussed at last week's meeting. Attorney Hafner explained what had happened at last week's meeting and why the Town needed to take action.

**RESOLUTION #275**

**RESOLUTION DEEMING PROPERTY AT 640 MAIN STREET UNSAFE**

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

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

**WHEREAS**, Alfred Winslow owns property located at 640 Main Street in the Town of Corinth, Tax Map No. 87.-1-3.2; and

**WHEREAS**, the property is only .09 acres and no permits have ever been obtained to build any structural residence at this property, and the property is zoned Residential 3 which requires home setbacks of 40 feet in the front and 15 feet to the side and rear, and the land is too small to meet these setbacks and also too small to locate safe water and sewage; and

**WHEREAS**, it has come to the attention of the Town Board that a camper has been placed upon the property and is being used as a four season home despite the fact that there is no permit for this structure, no Certificate of Occupancy, it is located in a flood zone area and there is every indication that the building is unsafe and does not meet current codes; and

**WHEREAS**, it has come to the attention of the Town that Alfred Winslow is living in the property along with a brother, without any Certificate of Occupancy and without any attempt to comply with New York State Housing Fire Prevention and Building Codes; and

**WHEREAS**, the Town's Code Enforcement Officer visited the property and determined that the structure was not in compliance with the New York State Fire Prevention and Building Code and could not be made safe. The Code Enforcement Officer has contacted the County and has attempted to facilitate securing emergency housing for Mr. Winslow and his brother; and

**WHEREAS**, the Town has an Unsafe Buildings Law found at Chapter 65 of the Town Code; and

**WHEREAS**, consistent with Section 65-1 the property was inspected by the Town's Code Enforcement Officer; and

**WHEREAS**, consistent with Section 65-3 the Inspector reported to the Town Board that the structure appears to be dangerous and unsafe to the public and accordingly the Town Board caused a Notice to be issued advising the property owner that the building on the property is unsafe and must be removed and scheduling a public hearing for the purpose of determining whether there is reasonable cause to believe that the building is unsafe and whether the Town should remove the building in the event that the owner fails or refuses to do so; and

**WHEREAS**, a duly scheduled public hearing was held on October 27, 2011 and Mr. Winslow appeared and spoke to the Town Board; and

**WHEREAS**, the Town Board reviewed the report of Code Enforcement Officer Leon Hickok, a letter of February 4, 2011 from the Corinth Hadley Section 8 Program to Don Winslow, heard from members of the public, the Code Enforcement Officer, and the property owner; and

**WHEREAS**, Mr. Winslow did not present any information or documentation to refute the conclusions of the Code Enforcement Officer that the property is unsafe and does not meet current Town or State Code requirements. Mr. Winslow indicated that he can get water from a property across the street and stated that in his mind this

is no different than a camper staying at a campground. No other information was presented to the Town Board regarding the safety or habitability of the property.

**NOW, THEREFORE, IT** is the determination of the Board that:

1. The Winslow property on Main Street is not Permitted as a campground or otherwise Permitted as a four season permanent residence.
2. The property does not have a Certificate of Occupancy and does not meet current Town and State Building Code requirements that are put in place to protect the health and safety of the public, including the residents of the property.
3. The property, due to its small size, cannot be brought into compliance with the Town Code and, Mr. Winslow has taken no action to attempt to bring the property into compliance with the Town Code.
4. Allowing two individuals to reside in a property that does not meet minimum Town and State Code requirements poses a risk to those residents and to the public.
5. No property should be inhabited in the Town unless there is a Certificate of Occupancy and the property is safe for human habitation.
6. The Board directs that the property be vacated within 30 days of the date of this Order and the camper removed from the property so that it cannot be used as a residential dwelling.
7. Should the property owner fail and refuse to remove the structure from the property within 30 days, then the Town Board empowers the Town Supervisor to direct Town Counsel to commence a Supreme Court action

seeking temporary and permanent injunctive relief to require that the property be vacated, the structure removed from the property, and all costs including attorney fees be charged to the property owner and made a lien against the real property and/or the Supervisor, in his discretion, may direct the Town Clerk to solicit bids to have the camper/structure removed from the property and the costs thereof assessed against the property owner and made a lien against the real property, and/or the Town Supervisor may, in his discretion, arrange for Town resources to remove the camper/structure from the property and assess the costs thereof against the property owner and made a lien against the real property.

Duly adopted this 3rd day of November, 2011

Councilman Saunders told the public that this was an unfortunate situation but the town had attempted to work with Mr. Winslow without success. He said that the Town did work with other residents and reached an amiable conclusion but this could not be done with Mr. Winslow. and the Town needs to protect the health, safety and welfare of its citizens.

Supervisor Lucia told the public that the Town Board does not like to have to do this but they must protect the health, safety and welfare of Mr. Winslow and his brother, as well as the other citizens of the community.

Town Clerk Farr asked how Mr. Winslow was going to be made aware of this resolution. Attorney Hafner said that the Code Enforcement Officer should be accompanied by a Deputy Sheriff ,based on the happenings at last week's meeting, and he should hand deliver a copy to Mr. Winslow. Attorney Hafner said that one should also be sent regular mail and one sent by certified Mail. Attorney Hafner also said that the Town Code directs that the Town Clerk file a copy of the Notice with the Saratoga County Clerk.

### **PUBLIC COMMENT**

None

## **TOWN BOARD**

### **Councilman Saunders**

Councilman Saunders asked the Town Board about the procedure to obtain quotes. He said that he wants to see if the Town can get an exact quote as to what the cost will be for the Town and Village as a whole for garbage pickup. Supervisor Lucia said that the Town did this some time ago and found that it would be very expensive. Attorney Hafner asked if the Town Board had made a decision that they wanted to look into garbage pickup. Supervisor Lucia told Attorney Hafner that the board had not made that decision. Councilman Saunders said he just needed to determine what it was going to cost because one of the issues that is coming to light in the consolidation is the cost of garbage pickup. Supervisor Lucia told Councilman Saunders that all he felt they could do was put an RFP for the town not the village. Councilman Saunders said that he needed it for both the Town and the Village as a whole. He said the committee failed to look into that. Councilman Byrnes said that people on the committee were not asked to get a quote on Town pickup. Attorney Hafner said that they could use the numbers that Greenfield has. Councilman Saunders said he was looking for the town to send out for RFPs in the Pennysaver for quotes for the Town and Village pickup as a whole and get three companies to give quotes. Councilman Major asked if this was to assist the consolidation of the Village Board or who. Councilman Saunders told the board that the Village Board made a decision not to place the matter to vote and a petition was submitted to force the vote and now they needed to get exact figures out to the citizens so they can make an educated decision. Councilman Byrnes said that this is not the Town Board's function. Councilman Major asked the Town Attorney if since this is a Village dissolution would the Village need to provide that information for the residents and not the Town Board. Attorney Hafner said that he has the feeling that the Town Board is not interested in garbage pickup.

Councilman Saunders said that he has a obligation to the citizens of the Town of Corinth and the citizens of the Village of Corinth that when he wants to see what the analysis is he has the right as a Town Councilman to find out the cost to pick up the garbage. He said he wants the information and it shouldn't matter whether the town board wants it or not. Attorney Hafner told Councilman Saunders that this is a town board decision and if they want to do RPF they can. Councilman Saunders said that if the Town Board did not want to do this then he requests that he go into the money allotted to the Town Councilman under 1010.4. He said that he has an obligation to do that. Town Attorney Hafner told the board that the matter was to go to RFP then it had to be a board decision of a majority of the board. Supervisor Lucia said he felt

everybody was in agreement that if that was done it should be just for the town. Councilman Brown said that when it was done before nothing was placed in the papers they just went to the companies face to face and asked for an estimate. Councilman Saunders said he didn't care how it was done but he just wanted to ask the companies if the governments were to consolidate how much would the cost be.

Councilman Byrnes said he did not have a problem with the RFP but he questions if it is looking at how much it is going to save the taxpayers in the village if it wasn't added in the special district. Councilman Saunders said that in his research he estimates 2 bags of garbage per household per week or approximately \$320.00 per year per household. He said that if the estimate comes in less than that then perhaps it should be looked at. He said that when people go into the election booth in January they need to have the facts. Councilman Major said he had no problem with the RFP but he couldn't see what difference it would make if the village was given the amount that the Town would be charged for garbage pickup. Councilman Saunders said that "if" this community decides to consolidate both governments they should have definite dollar costs before they vote. A discussion ensued between Councilman Saunders and Councilman Major. Supervisor Lucia stated that perhaps this should be the topic of discussion at one of the Town Board workshops. . Supervisor Lucia said that there are several local citizens that pick up garbage. Councilman Byrnes said that this might do away with some jobs of local residents. Councilman Saunders said he understood that. Councilman Saunders said that he wished the Village Board had made a decision to put this up for referendum a year from now but they chose not to do it. He said that a group of citizens got together and carried petitions and ended up forcing the referendum.

Attorney Hafner told Councilman Saunders that he would be asking the companies for an estimate. He said that the Town could not do RFPs for the Village as they have no control over what happens in the village. Attorney Hafner said that in order for the companies to come with the projections that Councilman Saunders wants perhaps a letter should be written to the companies outlining exactly what projections Councilman Saunders is asking for. Councilman Byrnes said he thought that it should be made very clear that the Town Board is not endorsing dissolution of the village.

Councilman Byrnes suggested that the letter be sent from Councilman Saunders. Supervisor Lucia suggested that instead of advertising for RFPs a letter from Councilman Saunders be sent stating that Councilman Saunders was sending the letter as Town Councilman and as a resident of the Village of Corinth. Councilman Saunders stated that it would be on town letterhead. Attorney Hafner

said that it should state it was on behalf of Councilman Saunders and not the Town Board and the Town Board should approve the letter before it is sent out

Councilman Major said he understood this was about garbage pickup and the figure that Councilman Saunders was trying to gather but is it just garbage or are there other points that will be asked about at a later date. Councilman Saunders said that there might be other issues that concern people that need to be addressed. He said he hopes that before this matter comes to vote people have a clear idea. He said he is very happy that they are going to vote and he said "our" next issue .....

Councilman Byrnes said that it needed to be clarified that when Councilman Saunders said "our" it meant his committee and not the Town Board. Councilman Byrnes said it could come across in the minutes that the Town Board is pushing the dissolution and this is not true. Attorney Hafner told Councilman Saunders that is because the Town Board is not involved in the dissolution. Attorney Hafner said it was a total Village issue.

Councilman Saunders said the information out there is very vague. Councilman Byrnes told Councilman Saunders that there was an agreement that all this dissolution stuff would not be discussed at the Town Board meeting and it was agreed that it not be discussed from the bench. Councilman Saunders said that he agreed when questions come up he will discuss them.. Councilman Byrnes said that Councilman Saunders agreed to only discuss matters that appeared in the newspaper that were inaccurate. Councilman Saunders disagreed and said that Councilman Byrnes had fought him all the way on this matter. Councilman Byrnes said, "If this is what you wanted you should have run for the Village Board and you did and they didn't elect you."

Councilman Saunders said questions came up in the Special Districts and that is another matter that will be discussed at a later date.

Councilman Major said that if the people are making a decision in their village they must have the correct information but they must understand that this is a very important decision that they are making and if they choose to make that decision there may be some unknowns. Councilman Major said he feels it belongs to the Village people and he does not want to influenced any decision they make.

Councilman Saunders said they needed the facts and the research needed to be done.

Supervisor Lucia asked if Councilman Saunders was going to take the lead on the letter and keep the board apprised. Councilman Saunders said he would.

Highway Superintendent Eggleston told Councilman Saunders that when he got his figures to keep in mind that 60% of the figure he has is not household garbage it is construction and demolition from contractors. Highway Superintendent Eggleston said that it would also have to be added, if the landfill remains open, the cost of taking in that construction and demolition debris or if you close the landfill what is going to be done with the construction and demolition debris. Highway Superintendent Eggleston said that a lot of the household garbage that is brought into the landfill is from private local contractors who also pick up in the village.

#### Councilman Brown

Councilman Brown stated that they are fixing the room up at the old Village DPW for the paramedics and squad. Supervisor Lucia thanked Councilman Brown for all the time he has put into this matter.

#### Councilman Byrnes

Councilman Byrnes said that he also wanted to thank Supervisor Lucia, the Town Board and the Department Heads for all they did on the budget.

#### Attorney Hafner

Attorney Hafner stated that he was going to leave a copy of the survey of the property that International Paper Company donated to the Town with the Supervisor for his review, Attorney Hafner told Supervisor Lucia that he needed to have his response to the survey as soon as possible,

Attorney Hafner stated that he was meeting with Supervisor Lucia and Town Clerk Farr after the meeting to sign paperwork on the purchase of the John Deere tractor.

#### Highway

Highway Superintendent Eggleston thanked Supervisor Lucia and the Town Board for the work done on the budget.

Highway Superintendent Eggleston asked about whether the International Paper Company building was winterized. Supervisor Lucia told him that he believed it was but he would check with Bruce Lemelin. Supervisor Lucia said that the

property had not officially been turned over to the Town so the Town couldn't do anything.

**RESOLUTION #276**

**MOTION TO ADJOURN TO BILL PAYING**

On the motion made by Councilman Major and seconded by Councilman Byrnes the following resolution was

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

Resolved that the Board adjourns to bill paying session.

**RESOLUTION #277**

**MOTION TO PAY BILLS AS AUDITED WITH ANY EXCEPTIONS**

On the motion made 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 the November 3, 2011 Abstract, Claims #20111261 through 20111274 be paid as audited, with any exceptions in the following amounts:

Abstracts For 11/03/2011

Voucher #20111261-20111274

General Fund/Town Wide – A:

\$1,413.17

General Fund/Outside Village – B:

\$423.19

Community Development Grant – CD:

\$30,052.00

Highway/Part Town – DB:

\$23,665.14

Capital Project/Landfill Upgrades – H1:

\$0

Fire Protection – SF:

\$0

Street Lighting – SL:

\$514.17

Sewer/Water – SW:

\$0

Trust & Agency – TA:

\$268.60

Scenic Train –

\$0

Town of Corinth Railroad –

**RESOLUTION #278**

**MOTION TO ADJOURN TO EXECUTIVE SESSION**

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

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

RESOLVED that at 5:19 PM the Town Board adjourn to an Executive Session on particular persons with no decisions made.

Respectfully submitted,

Rose E. Farr, RMC  
Town Clerk