

DECEMBER 8, 2011

The Town Board of the Town of Corinth held a regular meeting on December 8, 2011 at 7:00 PM at the Town Hall.

Present: Richard B. Lucia, Supervisor
Charles Brown, Councilman
Ed Byrnes, Councilman
Mitchell Saunders, Councilman
Shawn Eggleston, Highway Superintendent
Rose E. Farr, Town Clerk
Robert Hafner, Town Counsel
Leon Hickok, Code Enforcement Officer

Public: Joel Jenkins, Ray Bush, Jim Murray, Sr., Marc Rich, Renee Baker, Nicole Colson, Sigrid Koch, Fred Koch, Arleen Springer, Russell Springer, Jeff Collura and Louise Carney.

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

RESOLUTION #301

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 November 10th and 17th, 2011 be approved.

RESOLUTION #302

APPROVAL OF ABSTRACTS

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 abstracts of November 3rd and 17th, 2011 be approved as follows:

<u>November 3, 2011</u>			<u>November 17, 2011</u>		
A	-	\$ 1,413.17	A	-	\$ 30,370.07
B	-	\$ 423.19	B	-	\$ 2,654.43
DB	-	\$ 23,665.14	CD	-	\$ 36,881.60
SL	-	\$ 514.17	DB	-	\$ 8,552.10
T & A	-	\$ 268.60	T&A	-	\$ 53,438.12

INSURANCE PRESENTATION

Renee Baker from TD Insurance gave the Town Board a presentation outlining the insurance coverage that the Town has. Mrs. Baker told the Town Board that with all the additions to the insurance policy the premium was increased by under 5%. In her presentation she added options that could be added at any time. These options were as follows:

- Physical coverage for 13 Railroad Crossings;
- Add the International Paper Museum Building;
- Flood Coverage for Senior Citizen Building;
- Volunteer Ambulance Worker Accidental Policy-Excess Coverage;
- Cyber Liability - Computer Fraud & Wire Transfer

RESOLUTION #303
NAMING TD INSURANCE

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 Town award TD Insurance (Selective/CNA/Darwin) the Town of Corinth's insurance for the period of December 14, 2011 to December 13, 2012.

A discussion was had regarding placing the additional coverage on the Railroad Crossings.

RESOLUTION #304

ADDING INSURANCE FOR RAILROAD CROSSINGS

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

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

RESOLVED that the Town of Corinth add physical coverage for the 13 Railroad Crossings that are on the railroad owned by the Town of Corinth at a total limit of \$640,000.00 with \$1,000.00 deductible.

Old Business

Supervisor Lucia told the board members that since last week's meeting each of them had received a copy of the Town of Corinth EMS Three Year CME-Based Recertification Program.

RESOLUTION #305

RESOLUTION ADOPTING CONTINUING MEDICAL EDUCATION POLICY FOR TOWN OF CORINTH EMERGENCY SQUAD

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

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

WHEREAS, the Town of Corinth Emergency Squad ("Corinth EMS") was newly established this year; and

WHEREAS, pursuant to New York State Department of Health ("DOH") rules, the Town needs to adopt a Continuing Medical Education Policy (the "CME Policy"); and

WHEREAS, Richard Reuther, the Corinth EMS Director, has prepared the CME Policy and it has been reviewed by Town Counsel; and

WHEREAS, The Corinth Town Board wishes to adopt the CME Policy, as provided to the Town Clerk and included with the record of this meeting.

NOW, THEREFORE, BE IT

RESOLVED that the Corinth Town Board hereby adopts the CME Policy, a copy of which is to be filed with DOH; and be it

FURTHER RESOLVED, that the Town Supervisor, Town Clerk and Corinth EMS Director are authorized and directed to take all actions necessary to effect this Resolution.

Duly adopted this 8th day of December, 2011, by the following vote:

AYES : Lucia, Brown, Major, Byrnes and Saunders

NOES : None

ABSENT: None

New Business

Supervisor Lucia gave an update on the Administrative Building at the International Paper Company.

Supervisor Lucia announced the following Holiday Hours for the Town of Corinth:

- Closed December 26th in observance of Christmas
- Closed January 2nd in observance of New Year

Supervisor Lucia told the public that Saratoga County Honor a Deceased Veteran Program for December would be honoring Joseph Hughes. He said that the ceremony would be held on December 20, 2011 at 2:30 PM at 40 Mc Master Street, Ballston Spa and all of Joe's family and friends are invited to attend.

RESOLUTION #306

HONORING JOSEPH HAROLD HUGHES

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

WHEREAS; The Town Board of the Town of Corinth, County of Saratoga, State of New York, wishes to pass a resolution honoring Joseph Harold Hughes,

WHEREAS; Joseph Harold Hughes was born in Alaben, New York, on October 8th, 1914. Attended High School at Fleishmann's High School, Married his Sweetheart Mary Gabriel Hughes on November 4th, 1939, in Satchberry Vermont. Surviving Joseph are their Children Robert, Barbara and Howard.

WHEREAS; Joseph Harold Hughes Worked at the Corinth International Paper Company as a welder from 1941, for 35 years, until his retirement in 1976. Joe was very active in the Community besides his work place. He was Vice Chairman of the Saratoga County Democratic Party for a number of years, As well as Chairman of the Corinth Democratic Party;

WHEREAS; Joseph Harold Hughes was Town of Corinth Councilman from 1978-1981 and Town Supervisor from 1984-1987, 50 year member of AA, As well as an Advisor to the Present Supervisor, and Very Active in the Horace D. Washburn Post # 533.

WHEREAS; Joseph Harold Hughes entered the United States Army on April 15, 1943 until Late 1945. Joseph was a PFC in 66th Division, 17th Air Borne, as a Motor Mechanic. While serving our Country Joe was in Ardennes Forest-Basiogne, Belgium and was awarded the Purple Heart for wounds received in Bastogne. Joseph was also decorated with The European-African-Middle Eastern Service Medal, The American Service Medal, and the Good Conduct Medal.

WHERAS; After Joseph lost his beloved wife Mary, HE became a regular Patron at the Corinth Senior Center and became an advocate for providing History to the Seniors, as well as making sure they had whatever they needed.

BE IT FURTHER RESOLVED, That the Town Board of the Town of Corinth is proud to have Joseph Harold Hughes as One of its outstanding Citizens and,

BE IT FURTHER RESOLVED, that the Town Board of Corinth is also pleased to have the County of Saratoga recognize Joseph for his Service to his Country and his Community.

Supervisor Lucia told the Town Board that the Gateway Council (of which the Town of Corinth is a part) had received a \$750,000.00 HUD Rehabilitation Planning Grant.

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

- American Red Cross minutes
- Medicare Approval for Emergency Squad billing
- Senior Sentinel
- Energy Symposium - 12/12/2011 - TEC Smart Campus
- CCSD Elementary Newsletter
- Dept. of Agriculture & Markets letter - Animal Control Officer/Municipal shelters
- Public Service Commission Info
- Sales Tax - \$60,007
- Mortgage Tax - \$5,479.00

Supervisor Lucia reported to the Town Board that he had received notice today that the Town of Corinth received \$45,000.00 grant for a platform/station and landscaping. He showed the board and the public a picture what was constructed at Thousand Acres.

Attorney Update

Attorney Hafner told the Town Board that he had been asked by Councilman Saunders to be present at the meeting scheduled for December 15th regarding the Village Dissolution. He said that he will be attending but not as Town Attorney only to help answer questions placed by the public. Councilman Saunders said that at the meeting he will be announcing that the school has allowed them to use the school but that does not mean that the Town, Village or School is either for or against the dissolution.

Public Speaking

Sigrid Koch asked what the status of Alfred Winslow and Christopher Schuh was. Code Enforcement Officer Hickok and Supervisor Lucia both told her that the matters are proceeding. They said that the 30 days is up on Winslow and the next step is for the Town Attorney to take the matter to court. They told her that the Schuh matter is in the attorney and court hands since the Sheriff would not go on the property and said the judge's order had to be revised.

Supervisor Lucia told the board that the property adjacent to the Winslow property had been cleaned up.

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
- Animal Control
- Justice Court
- Assessor
- Senior Citizens

RESOLUTION #307

APPROVAL OF SUPERVISOR’S REPORT AS PRESENTED

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 Town of Corinth Town Board accepts as presented the Supervisor’s monthly financial report for November 2011.

Town Board

Councilman Major

Councilman Major told the Town Board that it had been an interesting eight years and he has seen many changes during that time. He thanked the other members of the board for all their assistance. He said that with the difference the board members have had they always sat down and came to a mutual agreement that was beneficial for the citizens of Corinth. Councilman Major said he wished Councilman Elect Collura all the luck. Councilman Major thanked everybody and wished everybody a Happy Holiday. Supervisor Lucia told Councilman Major that they have a very good board and a very unique board. He said what he is most proud of is that everybody that sits on the board is a specialist in something. He said Councilman Major has been excellent in his advice for Planning and Zoning.

Councilman Saunders

Councilman Saunders said he wanted to talk about the meeting that was held a few Thursdays ago at the High School Auditorium. He said he felt it was a very good meeting with a lot of questions being asked. Councilman Saunders said at that meeting they did not have expertise to answer the questions so they will be holding another meeting on December 15th, at which time he hopes to have expert people who can answer the questions of the citizens. Councilman Saunders said one question that came up was the question of why the Town residents do not get to vote. He said that dissolution was the pass concept. He said that Article 19, which was the past law that was used, it was dissolution and that was the only avenue that was available. Councilman Saunders said that then the Attorney General's office wrote Article 17a. He said that the biggest difference was that in Article 17a there was a choice between dissolution and consolidation. Attorney Hafner said that it also made it easier for residents to petition. Councilman Saunders told the public that his choice was always for consolidation. He said that there were Town people on the committee that was formed.

Councilman Saunders said that he is frustrated that \$50,000.00 was paid for a study done by CGR/Camoin Associates to come in and educate the committee and they failed to educate the committee on dissolution and consolidation but chose to educate them on dissolution. He said that Article 17A was enacted on March 26, 2011. Councilman Saunders said that Supervisor Lucia told him that it was important to have Town representation on this committee.

Councilman Saunders said that he was present at a Village Board meeting when Chairman Murphy stood up and announced how the committee had voted. He said at that very meeting several members of the committee stood up and said that they might not be in favor of dissolution but they felt the people should be allowed to vote on the matter. Councilman Saunders said that he was proud of the Village Board that night but later the Village Board said that they were not going to place the matter up to vote.

Councilman Saunders said that was when a group of citizens got together and petitioned for a vote on dissolution. He said perhaps they should have petitioned Town residents as well as Village residents but that was not what the Village Board handed to the community. Councilman Saunders said the Village Board handed this community a dissolution vote.

Councilman Saunders quoted and read from an article in the Pennysaver as follows:

"The citizens of Corinth have no doubt heard quite a bit about the upcoming referendum to dissolve the Village into the Town. Unfortunately, there has been a great deal of confusion about one aspect of this proposal that we would like to clarify for all citizens of the Town and Village, summed up by the question, 'Since this vote affects all Town residents, why do only Village residents get to vote on the matter?' The short answer to this question is that the Village received a 'dissolution petition'.....

The confusion centers around the technical terms of 'dissolution' versus 'consolidation' as set forth in Article 17a of the New York State law that governs municipal mergers. 'Dissolution' is a process by which an existing government entity is voted out of existence. In that case, the residents of that entity are asked whether they would like to dissolve the entity completely. 'Consolidation' is a process by which two government entities are joined into a single entity. For example, two school districts might consolidate into one large district. In that case, residents of both entities are separately asked whether they would like the two entities to be joined."

Councilman Saunders said this is exactly true. He said if CGR/Camoin Associates decided to do a consolidation rather than a dissolution. Attorney Hafner said that if two petitions had been for consolidation then the vote would have been on consolidation. Councilman Saunders said if the committee had decided to a consolidation then the town and village residents would have a right to vote. Attorney Hafner said his recollection was that this process started while Article 19 was still the law before Article 17A went in effect. He said if things that started before the new law took effect remained under Article 19 and therefore it wasn't dissolution vs. consolidation it was dissolution. Attorney Hafner said that the new Article 17A specifically says that if something is started under the old law then it should finish under the old law.

Councilman Saunders said that the new law took effect on March 26, 2011 and the committee did not make their report until August of 2011.

Nicole Colson said she hoped everyone would understand that the Village Board only had the authority to provoke a dissolution. She said they did not have the option to allow a consolidation because that would have been a joint Town Board and Village Board decision. She said however the fact that the Village Board decided not to pursue this did not limit the citizens who secured signatures on the petitions from only having the Village residents sign a petition. She said she felt

the statement that dissolution was what the committee was handed by the Village Board is incorrect because the Village Board did not hand anything to anyone. She said the fact that the study was done on dissolution it did not limit any citizen from provoking a consolidation instead of a dissolution. She said it was not within the power of the Village Board to move a consolidation without the Town Board agreeing.

Councilman Saunders said that the fault lies in the fact that the committee had both representation from the Town and Village and if they had sought the input from all the residents of this community how important it would have been for everybody to have the right to vote. Nicole Colson stated that at the public hearings the majority of Town residents stated that they did not want to pursue consolidation.

Councilman Saunders said they talked about all the different departments but failed to talk about the budgets. He said he spoke to the committee about the A Fund and how important that is to the Village residents. He said that village residents would be shocked at what they pay in that A Fund to the Town. He said the committee still came up at the end of their study with a savings of \$148.00 per year for a Village resident with \$100,000 home. Councilman Saunders said the study came up with an additional \$47.00 per year for a Town resident. He said that he would challenge the Town Board to find money in the budget so that the Town residents would not have to pay the \$47.00.

Councilman Saunders said that in State Finance Law, Article 4A, Section 54 (2-P) it states that when Article 17A went into effect the amount of money they are giving will be changed under the New York Power and Citizens Act. He said you take the Town Levy add the Village Levy and times it by 15%.

Councilman Saunders said that CGR said in its final statement that this is a one-time payment but he disagrees. He said if the State Finance Department is contacted they will confirm that it is an annual payment. He said that AIM money is separate and each community gets approximately \$22,000 each year and the other money is under State statute. Councilman Saunders said this meant that the money is in there every year. He said it could be taken out but it is not something that has to be added every year.

Councilman Saunders told the board and the public that the state has hurt us and if we do not change the way we do things we will lose. He said people are moving out of New York State.

Councilman Saunders said that he prefers consolidation because the Village has value and the Town has value and if consolidated it could be better. He said he would not say the Village hasn't done an outstanding job with what they are faced with such as the declining populations and the cost of infrastructure.

Councilman Saunders said that the state tells the Town what is in the A fund. Supervisor Lucia said he has no control over what is placed in the A Fund. Councilman Saunders said that both the Village residents and the Town residents need to study the A Fund.

Councilman Saunders said the Article in the Pennysaver is absolutely correct but it does not state it in the way that it should be stated.

Councilman Saunders said he wanted to thank all the board members and the Supervisor for their help during the last six years. He told Supervisor Lucia that he appreciated all the education he had given him over the past six years.

Supervisor Lucia said he appreciated Councilman Saunders insight in assessment and real property.

Jeff Collura stated that he was on the committee and they did not really have an option for consolidation or dissolution. Councilman Major said he understood the data was driven for comparison under dissolution . Mr. Collura said that when the committee started Article 19 was the law. Councilman Saunders said that everyone knew going into this that the law was going to change and he had hoped that CGR/Camoin Associates would have made the committee aware of the changes coming down the line. Attorney Hafner said that there was a period that if you started under Article 19 you had to continue under Article 19. He said people could have waited until the new law went in effect to start the process if they so chose.

Town Attorney

Attorney Hafner told Councilman Major and Councilman Saunders that it had been a pleasure working with both of them.

Supervisor Lucia told the board that he had a message from Councilman Elect Halliday who said he could not make the meeting tonight due to the fact that he was taking an online course about what it meant to be an elected official.

Councilman Saunders welcomed Councilman Elect Collura on board and told him he would find it a very educational investment.

Highway

Highway Superintendent Eggleston told Councilman Major and Councilman Saunders it has been a pleasure working with both of them.

Code Enforcement

Code Enforcement Hickok said he has two cases coming up that he will be pursuing. He said that he was in school this week and next week.

RESOLUTION #308

MOTION TO ADJOURN

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

Respectfully submitted,

Rose E. Farr, RMC
Town Clerk