

MAY 9, 2013

The Town Board of the Town of Corinth held a regular meeting on May 9, 2013 at 7:00 PM at the Town Hall.

Present: Richard Lucia, Supervisor
Charles Brown, Councilman
Jeffrey Collura, Councilman
Joshua Halliday, Councilman
Shawn Eggleston, Highway Superintendent
Rose E. Farr, Town Clerk
Robert Hafner, Town Attorney
Leon Hickok, Code Enforcement Officer

Excused: Edward Byrnes, Councilman

Public Present: Ray Bush, Rich Reuther, Joel Jenkins, Marc Rich, Cecil Mosher, and Derek Briner.

After roll call, Pledge of Allegiance Supervisor Lucia said it was National Nurses Week and the Town had several nurses in its employ. He said they were Donna Briner, Travis Flint, Joan Beckwith, Kate Halliday and Donna Balcom. He said he wanted to thanked them for what they do.

Supervisor Lucia read a short story about the origination of Mother's Day.

BOXING TEAM

Brad Winslow, Thomas Guilder and Stephen Guilder introduced the Boxing Team to the board. Stephen Guilder and two of the boxers gave a short demonstration. The Boxing Team thanked the Town Board for the assistance they have been given.

RESOLUTION #162

APPROVAL OF MINUTES

A motion was made by Councilman Halliday, seconded by Councilman Collura and the following resolution was

ADOPTED Ayes 4 Lucia, Brown, Collura and Halliday
Nays 0
Absent 1 Byrnes

RESOLVED that the minutes for May 2, 2013 be approved

TOWN HALL ROOF

Supervisor Lucia asked the board if they were prepared to make a decision on the type of roof that they want to put out to bid. Councilman Collura asked that they table the decision until next week so that the board had time to look over the quotes that they have from the architects, etc.

RESOLUTION #163

TABLE ROOF UNTIL MAY 16, 2013

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

ADOPTED Ayes 4 Lucia, Brown, Collura and Halliday
 Nays 0
 Absent 1 Byrnes

RESOLVED that the matter of the Town Hall roof be tabled until May 16, 2013.

RICH REUTHER

Rich Reuther told the Town Board that he had accepted a federal grant in the amount of \$83,363.00 for the Town of Corinth through the office of US Senator Kirsten Gillibrand. He told the board that this money must be used to purchase a cardiac monitor. He said that the three that they presently have are not equipped to send EKGs to the hospital and this is the New York State protocol that the monitors send EKGs to the hospital wirelessly. He said that he has checked with Zoll, Phillips and Physio and Zoll is the company that has what is needed. He said their quote is \$97,568.64 and they have agreed to take the grant money and have the balance due within one year.

Rich Reuther spoke about the monitor they are now leasing. He said that he has three bids for the monitor that the Town is presently leasing. He said the Town owes \$17,000 and the highest bid is for \$17,000.00.

Town Attorney Hafner asked if the bids he was getting were on state contract and Mr. Reuther said they were.

Rich Reuther told the Town Board that the maintenance fee on the new monitor would be approximately \$500.00 and the maintenance fee on the other one if we kept it would be \$1600.00 per year.

RESOLUTION #164

RESOLUTION AUTHORIZING ACTIONS RELATED TO PURCHASE OF NEW DEFIBRILLATORS

A motion was made by Councilman Halliday, seconded by Councilman Collura and the following resolution was

ADOPTED Ayes 4 Lucia, Brown, Collura and Halliday
Nays 0
Absent 1 Byrnes

WHEREAS, emergency defibrillators and ancillary equipment have changed in recent years to utilize new technology; and

WHEREAS, the Town applied for a grant from the Federal Emergency Management Agency (FEMA) in order to upgrade the defibrillators currently used by the Corinth Emergency Squad, and has been awarded a grant of \$83,363; and

WHEREAS, the Town wishes to sell the current equipment;

NOW, THEREFORE, BE IT

RESOLVED, that the Town's Paramedic Coordinator is authorized to purchase three (3) new defibrillators for a total cost of \$92,446.20, as described in the quote provided by ZOLL Medical Corporation, under State Contract; and be it

FURTHER RESOLVED, that the total cost shall be paid using the FEMA Grant funds and available Town funds and, if necessary, additional amounts that may be borrowed in the future; and be it

FURTHER RESOLVED, that the current EMS defibrillator and ancillary equipment are declared to be surplus and not needed for Town purposes as they do not utilize current technology; and be it

FURTHER RESOLVED, that the Town's Paramedic Coordinator is authorized to sell the current equipment to Foremost Equipment for \$17,000 which was the highest bid offered for such purchase; and be it

FURTHER RESOLVED, that the Town Supervisor, Town Paramedic Coordinator, Town Clerk and Town Counsel are authorized and directed to take such actions as they deem necessary to effectuate the intent of this Resolution; and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

CON

Supervisor Lucia told the board that the Town and Village have received their CON that is good through February 28, 2015. He said that the State has now given the criteria for the Town and Village CON to come under one.

RESOLUTION #165

RESOLUTION AUTHORIZING SETTLEMENT OF PENDING ARTICLE 7 REAL PROPERTY ASSESSMENT CASE FILED BY CURTIS-PALMER HYDROELECTRIC COMPANY

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

ADOPTED	Ayes 4	Lucia, Brown, Collura and Halliday
	Nays 0	
	Absent 1	Byrnes

WHEREAS, Curtis-Palmer Hydroelectric Company, L.P., (“Petitioner”), filed an Article 7 Real Property Assessment Review case against the Town in 2012 concerning the assessments on its electrical generating properties located on Pine Street and River Street, more specifically identified by their Tax Map Numbers, which are 74.21-1-32 and 73.27-2-26.2 respectively, and

WHEREAS, the terms of a proposed settlement have been negotiated with Petitioner, which has approved the proposed settlement, and

WHEREAS, the Town Assessor has reviewed the proposed settlement terms and finds them acceptable, and

WHEREAS, the Village of Corinth has approved the proposed settlement and Counsel for the Corinth Central School District anticipates the School Board will approve the proposed settlement at a meeting of the School Board later this month, and

WHEREAS, it appears to be in the best interests of the Town to avoid the significant costs and delay that would otherwise be incurred if litigation continues and goes to trial, as well as avoid the uncertain outcome that could result from going to trial,

NOW, THEREFORE, BE IT

RESOLVED, that the Corinth Town Board hereby approves the proposed settlement of the tax assessment case filed by Curtis-Palmer Hydroelectric Company, L.P., for 2012 upon the terms negotiated with Petitioner, and

BE IT FURTHER,

RESOLVED, that the Town Board affirms that pursuant to the terms negotiated, no refunds shall be paid to Petitioner in the settlement of these matters, and Petitioner shall pay to the Town the following amounts as property taxes:

<i>Tax Year</i>	<i>Payment</i>
2014	\$443,826.89
2015	\$437,326.89
2016	\$437,326.89
2017	\$437,326.89
2018	\$437,326.89
2019	\$437,326.89

and

BE IT FURTHER,

RESOLVED, that the terms of settlement hereby approved shall remain unchanged in the event of any Town-wide revaluation or update, and

BE IT FURTHER,

RESOLVED, that the Town Board further authorizes and directs the Town Supervisor, Town Assessor, Budget Officer and/or Town Counsel to execute settlement documents and take any additional steps necessary to effectuate the proposed settlement in accordance with the terms of this Resolution.

Duly adopted this 9th day of May, 2013, by the following vote:

AYES : Lucia, Brown, Collura and Halliday

NOES : None

ABSENT: Byrnes

Supervisor Lucia said the following documents are on file in his office:

- Board of Assessment Certificate for Steven Smead and David Woodcock
- Time Warner letter - changes to be made
- DEC letter as follows:

New York State Department of Environmental Conservation

Office of Environmental Quality, Region 5

1115 NYS Route 86 – PO Box 296, Ray Brook, NY 12977

Phone: (518) 897-1241/1242 • Fax: (518) 897-1245

Website: www.dec.ny.gov



Joe Martens
Commissioner

April 18, 2013

Honorable Richard Lucia
Supervisor, Town of Corinth
600 Palmer Avenue
Corinth, NY 12822

Re: Solar Energy Development at Closed Landfills

Dear Supervisor Lucia:

The U.S. Environmental Protection Agency (EPA) has a program called Re-Powering Americas Contaminated Lands. The concept of this program is that there are large properties of land that are or once were contaminated that have the potential to be sites for large scale renewable energy generation. Landfills, hazardous waste, and superfund sites all fall under this category. The EPA has developed a significant online screening system to assist in finding potential sites for this program.

Recently, the EPA has begun offering free feasibility studies to municipalities who have landfill sites that have the potential to support renewable energy systems. These preliminary studies would determine the optimal location of the renewable energy technology on the site, potential energy generating capacity, the return on the investment, and the economic feasibility of the renewable energy projects. If determined to be a worthwhile site, a further, more extensive feasibility study will be completed that will lay out the ground work for the possible implementation of the renewable energy system.

The DEC is creating a list of municipalities in New York State that have landfills and would be interested in having a feasibility study performed of their site for a solar energy system. If your municipality would like to be considered, or you have any questions about this, please contact me at pmkane@gw.dec.state.ny.us or (518) 897-1299.

Sincerely,

Patrick M. Kane
Environmental Engineer

PMK:slq

- Planning Board Notice - Subdivision Albert Vance - Howe Road
- Senior Sentinel

Supervisor Lucia said that the Animal Control Officer wanted to add something to our amendment to the Town Code. Town Clerk Farr told the board that they already passed the amendment and the Local Law has been filed with the Secretary of State. Attorney Hafner said that if the board wanted to amend the new law they could pass another one.

Supervisor Lucia asked the board members since the Boxing Club has become so big this year should the mileage that they are incurring be charged to their account or just wait until next year so it may be added into the budget. It was the consensus of the board that it be figures into next year's budget and they not be charged this year.

PROCUREMENT POLICY

Supervisor Lucia told the board members that it was necessary to pass a new Procurement Policy due to the administrators of the Community Development Block Grant(CDBG) asking that it be amended.

RESOLUTION #166

PROCUREMENT POLICY

A motion was made by Councilman Collura, seconded by Councilman Halliday and the following resolution was

ADOPTED Ayes 4 Lucia, Brown, Collura and Halliday
 Nays 0
 Absent 1 Byrnes

RESOLVED that the following Procurement Policy be adopted by the Town of Corinth:

PURCHASE AND RECEIPT OF GOODS, MATERIALS AND SERVICES

This resolution sets forth the policies and procedures of the Town of Corinth to meet the requirements of General Municipal Law, Section 104-b.

Purpose

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys, in the best interest of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the governing board is adopting internal policies and procedures governing all procurements of goods and services which are

not required to be made pursuant to the competitive bidding requirements of General Municipal law, Section 103 or of any other general, special or local law.

- **Procedures for Determining Whether Procurements are Subject to Bidding**

The procedures for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

Procedure:

1. MAJOR PURCHASES AND CONTRACTING

Except where waived by the General Municipal Law all contracts for the purchase of materials, supplies and equipment involving expenditures of ten thousand dollars (\$10,000.00) or more, or contracts for the accomplishment of public works for more than twenty thousand dollars (\$20,000.00) shall be let through advertised sealed bids in accordance with the General Municipal Law.

- **Awards to Other than the Lowest Responsible Dollar Offeror**

Whenever any contract is awarded to other than the lowest responsible dollar offeror, the reasons such an award furthers the purpose of General Municipal Law, Section 104-b as set forth herein above shall be documented as follows:

- * Written documentation by the Town Supervisor listing reasons why the lowest bid was not accepted

- **Items Exempted from Policies and Procedures by Board**

The board sets forth the following circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the Town of Corinth:

- * Emergency situations in which the health or well-being or the citizens of the Town is in question

- * Emergency situations in which property belonging to the Town is endangered

- **Input from Officers**

Comments concerning the policies and procedures shall be solicited from officers of the political subdivision or district therein involved in the procurement process prior to the enactment of the policies and procedures, and will be solicited from time to time hereafter.

2. PURCHASE OF OTHER MATERIALS, GOODS, EQUIPMENT AND SERVICES

A. Purchase of goods, materials and services involving expenditures of less than \$1,000.00 which are proper Town charges and covered by appropriations, may be authorized by the heads of Departments, Agencies, Boards and Commissions having budget appropriations assigned to them. Purchase of goods, materials and services between the amount of \$1,001.00 and \$5,000.00 require at least two quotes which may be written or obtained by phone. Purchases between the amount of \$5,001.00 and \$10,000.00 will require at least three written quotes and purchases in excess of \$10,000.00 are required to be bid.

The Highway Superintendent will be allowed to spend up to \$2,500.00 for tires only, and other purchases amounting to up to \$2,000.00. Any purchases of more than \$2,000.00 must be approved by the Board in advance. In the case of an emergency situation the Highway Superintendent may obtain approval from the Town Supervisor or any single Board Member. Exceptions are purchases of bulk operating material routinely delivered such as fuel and heating fuel, or materials for approved highway projects. Claims will be processed through normal channels and audited by the Town Board.

B. For any and all Public Works Contracts entered into by the Town amounting to \$2,000.00 to \$10,000.00 will require at least three verbal quotes, and any amounts between \$10,000.00 and \$20,000.00 require at least three written quotes.

C. All quotes obtained in reference to the above purchases and services will be kept in a logbook listing the following information:

- * Date of Quote
- * Items Quoted
- * Vendor name, address, phone number
- * Prices Quoted

Written quotes will be kept on file and the Quotation Log will be available for audit by the Town Board.

- **Statutory Exceptions from These Policies and Procedures**

Except for procurements made pursuant to General Municipal Law, Section 103(3) (through county contracts) or Section 104 (through state contract), State Finance Law Section 175-b (from agencies for the blind or other severely handicapped, special employment programs for the mentally ill or veteran's workshops), Correction Law, Section 186 (articles manufactured in correctional institutions), or the items excepted herein, alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of General Municipal Law, Section 104-b.

- **Annual Review**

The governing board shall annually review these policies and procedures. The Town Board shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

- **Unintentional Failure to Comply**

The unintentional failure to fully comply with the provisions of General Municipal Law, Section 104-b shall not be grounds to void action taken or give rise to a cause of action against the Town of Corinth or any officer or employee thereof.

Regarding Contract Provisions: The Town of Corinth acknowledges and understands the discrepancies in its contracts for administration, program deliver, lead based paint testing, and energy audit services. Should the Town of Corinth receive CDBG funds in the future, the Town will ensure the following are included in all contracts. The Town will ensure that any of the applicable provisions included in Exhibit 4-1 of the CDBG Grant Administration Manual are included in all contract documents; including, but not limited to, the three provisions, (which were missing from the above-mentioned contracts):

- Provisions indemnifying the NYS Housing Trust Fund Corporation, its agents and employees from and against any and all claims, actions, damages, losses, expenses, and costs of every nature;
- Provisions that state that the Recipient or subrecipient, the OCR, the Comptroller General of the United States, or any of their duly authorized representatives shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions;
- Provisions acknowledging that all parties shall be bound by, and comply with all applicable Federal, State, and local laws and regulating including, but not limited to 24 CFG Part 85 and 570.

The Town's procurement policy regarding contractors who may be paid with CDBG or other Federal or State funds will be amended to reflect the above guidelines.

Regarding Accounts Management: The Town of Corinth has determined the total interest accrued for program years 2011 and 2012 (report enclosed). Should the Town of Corinth receive CDBG funds in the future, the Town will establish and maintain a separate non-interest bearing account for the deposit and disbursement of NYS CDBG funds.

Regarding General Financial Management: : The Town of Corinth will, for any future CDBG funds, comply with OCR guidelines requiring grant recipients to maintain separate financial records for all funding sources identified in the OCR Grant Agreement. The Town will not transfer NYS CDBG funds from the designated non-interest bearing account to any other account for the purpose of making direct payments to vendors. All payments to vendors for NYS CDBG funded activities will be disbursed from the designated NYS CDBG account.

Regarding Accounts Management: The Town of Corinth, for any future CDBG funds, will implement policies and procedures to minimize the time elapsing between the transfer of funds into the Town's designated CDBG account and the disbursement of funds from the account. Funds will be disbursed within 5 business days. The Town Board shall review and approve CDBG expenditures prior to submitting a disbursement request, and will ensure that checks are ready to be distributed to vendors within 5 business days of the transfer of CDBG funds into the designated account.

Regarding File Maintenance: The Town of Corinth, if awarded future CDBG funds, will maintain copies of all documents submitted to the OCR. An employee of the Town shall be designated to review all Town files, to ensure all required original signature documents are maintained and available for reviews and audits.

Attorney Hafner told the Town Board that State maximum amounts have changed to \$35,000.00 and \$20,000.00 so next year they should amend the policy accordingly.

Supervisor Lucia reminded the board of the push for the Guardian House for women veterans in Saratoga County. He said a person can vote once a day through the month of May at www.apronsinaction.

Supervisor Lucia said that he had spoken with Mr. Denton and it was agreed that the matter involving the Little League property would be put on hold until Mr. Briner was out of the hospital.

Supervisor Lucia asked the Town Board what they wanted to do about meetings during the summer.

RESOLUTION#167
TOWN BOARD MEETINGS

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

ADOPTED Ayes 4 Lucia, Brown, Collura and Halliday
Nays 0
Absent 1 Byrnes

RESOLVED that there will be no Town Board meeting on the fourth Thursday of the month during June, July and August.

Supervisor Lucia said the following reports are on file in his office:

- Town Clerk
- Highway
- Animal Control
- Building Department
- Justices
- Zoning Board - no meeting
- Planning Board
- Senior Center
- Supervisor's Report - April

RESOLUTION#168

APPROVAL OF SUPERVISOR'S REPORT AS PRESENTED

A motion was made by Councilman Collura and seconded by Councilman Halliday and the following resolution was

ADOPTED Ayes 4 Lucia, Brown, Collura and Halliday
Nays 0
Absent 1 Byrnes

Resolved that the Town of Corinth Town Board accepts as presented the Supervisor's monthly financial report for April 2013.

PUBLIC INPUT

Ray Bush asked if the Town knew anything about the Railroad and a run involving steam engines. He said he understood it is going to stop in Corinth and will be before Labor Day.

TOWN BOARD

Councilman Collura

Councilman Collura said he wanted to thank Rich Reuther for all he does for the Town of Corinth.

Councilman Brown

Nothing

Councilman Halliday

Councilman Halliday said he wanted to thank the Boxing Club for the short demonstration.

Town Clerk

Town Clerk Farr told the board that she thought a new Employees' Manual should be done since there have been changes and a new one was not completed last year.

Highway Department

Nothing

Code Enforcement Officer

Code Enforcement Officer Hickok told the board that Attorney Radner is working on the matter dealing with garbage and Surrey Road.

RESOLUTION #169

MOTION TO ADJOURN

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

ADOPTED	Ayes 4	Lucia, Brown, Collura and Halliday
	Nays 0	
	Absent 1	Byrnes

RESOLVED that with no further business the board adjourned at 8:10PM.

Respectfully submitted,

Rose E Farr, RMC
Town Clerk