

OCTOBER 10, 2013

The Town Board of the Town of Corinth held a regular meeting on October 10, 2013 at 7:00PM at the Corinth Town Hall.

Present: Richard Lucia, Supervisor  
Charles Brown, Councilman  
Edward Byrnes, Councilman  
Jeffrey Collura, Councilman  
Shawn Eggleston, Highway Superintendent  
Robert Hafner, Town Attorney  
Rose E. Farr, Town Clerk

Excused: Joshua Halliday, Councilman  
Leon Hickok, Code Enforcement Officer

Public: Louise Reed, Don Halliday, Kathy Halliday, Thomas Clothier, Jett Collura, Nancy Green, Mary Baugh, Joel Jenkins, Bruce Baker, Renee Baker, Theresa Marino, Keith Clothier, Gary Clothier, Kenneth R. Clothier, and Scott Hunt.

After roll call, the pledge of allegiance and prayer the following business was conducted:

**RESOLUTION #238**  
**APPROVAL OF MINUTES**

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

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

RESOLVED that the minutes for October 3<sup>rd</sup>, 2013 be approved.

Supervisor

Supervisor Lucia reminded the board of Phantom Night for Corinth on November 30<sup>th</sup>

Supervisor Lucia told the board that the RFPs for the Depot have been sent out and are due back to Warren County on October 31<sup>st</sup>. He also told the board that the railroad people would be here on the 16<sup>th</sup> at 10:00 AM to look over the Depot property.

Supervisor Lucia told the board that he had the Gateway Council Minutes.

**RESOLUTION #239**  
**APPOINTMENT OF ADULT RECREATIONAL DIRECTOR**

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

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

RESOLVED that Mary Beth Farmer be appointed Adult Recreational Director.

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

- Tomahawk News
- Red Cross Minutes
- Department of Health Letter – playground

Supervisor Lucia told the board that they will be meeting with Craig Falkenbury on Thursday, October 17<sup>th</sup> at 4:00 PM.

**Public Hearing**

The Public Hearing on proposed Local Law No. 2 of 2013- A Local Law Establishing Property Owner Liability Relating to Beaver Dams in the Town of Corinth opened on motion of Councilman Byrnes and seconded by Councilman Brown. Town Clerk Farr read the Legal Ad published in the Post Star on September 18, 2013.

The following people spoke about their concerns with the proposed Local Law:

- Kenneth R. Clothier – State Law supersedes Local Law
- Mary Baugh – owns property on Angel Road and is worried about her being responsible for a Beaver Dam on Angel Road. Highway Superintendent Eggleston assured her that she would not be responsible because the beaver dam was not on her property
- Scott Hunt – has beaver dam that he cannot get to on his property and asked about his responsibility. Attorney Hafner said that the proposed law says it is the property owners responsibility only after the Town has given the property owner a Notice of Violation in writing
- Louise Reed – thinks there are other ways to take care of this than to pass a local law; said she contacted DEC and was told that the municipal permit can only be used on Town land or for problems on Town land; She said seniors could not handle this expense. Councilman Collura told her that no one is going to have to pay anything unless the landowner is served with a Notice of Violation and they refuse to allow the town to take care of the beaver dam and the beaver

dam causes damage to Town property after that time. Mrs. Reed said she feels the proposed law is too strong for the people in the Town of Corinth.

- Keith Clothier – Mr. Clothier said that some times 20 days is not long enough to take care of the issue. Attorney Hafner told him that the Town wants the Local Law to control damage to their roadway, etc. and they only want to put the people on Notice of an eminent danger of the dams. Mr. Clothier told the board that the citizens usually took care of the dams on their property if they knew about them and they never needed a law shoved down their throats. Councilman Byrnes tried to explain that the proposed law was in case the landowner did not know about the eminent danger and to give them notice so that perhaps the Town could assist them in taking care of a beaver dam that perhaps the landowner did not know existed.
- Don Halliday – Said he thought the landowner and the town could partner together to take care of the beaver dams. He said he did not know how to take care of the dams but would be willing to partner with the Town to take care of any dams that might be located on his property.
- Thomas Clothier – Mr. Clothier asked who carried the liability for the Town’s people to come on the landowner’s property? He said the County gives the landowner a Certificate of Insurance before they go on an individual’s property. Attorney Hafner said that the Town would be going on the property as a favor to the landowner and they are all covered under the Town’s insurance. He said the landowner could ask for a Certificate of Insurance if they so desired. Mr. Clothier asked if the Army Corp. of Engineers had been contacted. Highway Superintendent Eggleston explained that when the problem arose they would contact DEC and the Army Corp of Engineers.
- Mary Baugh asked if it was possible to get a copy of the minutes of this meeting. Supervisor Lucia told her that as soon as the minutes are approved they will appear on the Town of Corinth website.
- Louise Reed- Mrs. Reed said that if the Local Law is passed it will remain on the books until it is repealed.

A motion was made by Councilman Collura and seconded by Councilman Brown at 7:50 PM to close the public hearing.

**RESOLUTION #240**  
**RESOLUTION ADOPTING LOCAL LAW NO. 2 OF 2013**  
**RELATING TO BEAVER DAMS IN THE TOWN OF CORINTH**

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

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

RESOLVED that the proposed Local Law No. 2 of 2013 Establishing Property Owner Liability Relating to Beaver Dams in the Town of Corinth be passed with the following amends:

- No. 4(B) be changed to reflect 30 days instead of 20 days ;
- No. 4(B) be changed to add the words “at the Town’s cost” at the end of the sentence and remove the last sentence that reads as follows” The cost of implementing and maintaining such measures shall be the sole responsibility of the property owner.

Attorney Hafner told the board that they needed to do a Short Form Environmental Assessment Form before they could pass the proposed Local Law. He also told the board that he believed the new law regarding Environment Assessment went into effect today and he did not have the new forms.

**RESOLUTION #241**

**RESCIND RESOLUTION #**

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

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

RESOLVED that Resolution #240 be rescinded.

**RESOLUTION #242**

**TABLE ENVIRONMENTAL ASSESSMENT**

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

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

RESOLVED that the Environment Assessment on the proposed Local Law 2 of 2013 be tabled until October 17, 2013.

**Letters**

The following letter was received from the US Army Corps of Engineers



## AVAILABILITY OF PUBLIC NOTICE

US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

**In replying refer to:**

Public Notice Number: NAN-2009-01089-EYA  
Issue Date: October 2, 2013  
Expiration Date: November 15, 2013

**To Whom It May Concern:**

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

**APPLICANT:** Champlain Hudson Power Express, Inc.  
Pieter Schulyer Building, 600 Broadway  
Albany, New York 12207-2283

**ACTIVITY:** Construction of a high voltage direct current electric transmission system, extending approximately 332.8-miles from the international border between Canada and the United States to Queens, New York City, New York.

**WATERWAY:** Lake Champlain, Narrows of Lake Champlain, Hudson River, Harlem River, and East River

**LOCATION:** The project is located in the following counties of New York State: Clinton, Essex, Washington, Saratoga, Schenectady, Green, Columbia, Ulster, Dutchess, Orange, Putnam, Rockland, and Westchester; as well as Bronx, New York and Queens Counties within the City of New York.

The detailed Public Notice has been published on the New York District, USACE website at:

<http://www.nan.usace.army.mil/Missions/Regulatory/RegulatoryPublicNotices/tabid/4166/Article/18814/nan-2009-01089-eya.aspx>

A copy of this public notice may also be obtained by calling Mr. Jun Yan, Project Manager, at 917-790-8092, Email: [jun.yan@usace.army.mil](mailto:jun.yan@usace.army.mil) or by writing to: U.S. Army Corps of Engineers, New York District, Attn: Regulatory Branch, Jacob K. Javits Federal Building, New York, NY 10278-0090.

Interested parties are requested to express their views, in writing, by following instructions provided in the public notice.

Jodi M. McDonald  
Chief, Regulatory Branch

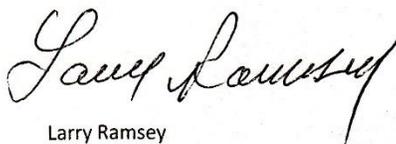
The following letter was received from a Corinth resident:

October 2, 2013

TO WHOM IT MAY CONCERN:

We are tenants in a mobile home located at 691 Main Street. We are asking that the Town look at lowering the speed limit on Main Street south of Fuller Road. The cars going north come too fast for people pulling in or out of their driveway and an accident occurred just the other day. Also if a car pulls out of some of the driveways it seems like as soon as they get on Main Street another car is right on their tail.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Larry Ramsey".

Larry Ramsey

Lina S. Ramsey

A handwritten signature in cursive script that reads "Lina S. Ramsey".

The board instructed Town Clerk Farr to send a copy of this letter to the County Department of Public Works and to also give a copy to the local police agency.

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

- Senior Sentinel
- Recreate NY (Smart Home Program) letter
- Rail News

#### Attorney Update

Attorney Hafner told the board that he is working on the new operating certificate for the combination of the Town and Village.

Attorney Hafner told the board that as far as the abandonment of Lillibridge Road the deed has been filed and all is completed.

Attorney Hafner said that he has not received any communication back from the property owner on Farr Road so that is still pending.

Supervisor Lucia stated that the following reports were on file in his office:

- Town Clerk
- Highway
- Animal Control
- Building Department
- Justices
- Planning Department – No meeting
- Zoning Department- No Meeting
- Senior Center
- Supervisor's Report

#### **RESOLUTION #243**

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

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

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

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

SERVICE AWARD PROGRAM

Supervisor Lucia told the board that there will be a public informational meeting on the proposed service award program on October 30<sup>th</sup> at 4:30 PM here at the Town Hall.

TOWN BOARD

Councilman Collura

Councilman Collura said he thought the joint meeting with the Village and the School was very productive.

Councilman Collura thanked the public for their comments tonight on the proposed local law. He said it was very helpful.

Supervisor Lucia thanked Councilmen Byrnes and Collura, as well as Highway Superintendent Eggleston for their comments during the Public Hearing.

Councilman Byrnes

Councilman Byrnes said he thought the Public Hearing was great. He said when the public gives their input the board can see things that perhaps were overlooked. He also said he thought the joint meeting was very productive.

Town Clerk

Town Clerk Farr told the Town Board that she is beginning the Sixth Annual Coats for Corinth. She said that this year the Rotary Club has asked if they could join the Town and collect mittens, gloves and scarfs.

**RESOLUTION #244**

**MOTION TO ADJOURN**

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

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

RESOLVED that with no further business the Board adjourn at 8:10PM.

Respectfully submitted,

Rose E. Farr, RMC  
Town Clerk