

JUNE 5, 2014

The Town Board of the Town of Corinth held a regular meeting on June 5, 2014 at 4:30 PM at the Town Hall.

Present: Richard Lucia, Supervisor
Charles Brown, Councilman
Edward Byrnes, Councilman
Jeffrey Collura, Councilman
Shawn Eggleston, Highway Superintendent
Joan Smead, Deputy Town Clerk

Joshus Halliday, Councilman, arrived at 5:10
Leon Hickok, Code Enforcement Officer—excused

Public: Ray Bush, Shane Weaver, Christopher Bailey

After roll call and Pledge of Allegiance the following business was conducted.

RESOLUTION # 155

APPROVAL OF MINUTES

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

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

RESOLVED that the minutes from May 8th and May 15th 2014 be approved.

The minutes from May 1st, 2014 were tabled.

Shane Weaver from Evolution Tech Services, Inc. gave a presentation on security cameras for the Town Hall.

Christopher Bailey from Sound Solutions of Saratoga gave a presentation on security cameras.

RESOLUTION # 156

APPROVAL OF BUDGET ADJUSTMENT

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

ADOPTED Ayes 5 Lucia, Brown, Byrnes, Collura and Halliday
 Nays 0

RESOLVED that the following budget adjustment be made
Budget Adjustment to increase Appropriation DB51122.04 by \$11,016.00 to \$108,212.00.

Increase Revenue DB3501.04 by \$11,016.00 to \$108,212.00 due to NYSDOT extreme winter recovery one time allocation.

Supervisor Lucia stated that the following were on file in His office

- Thank you card
- Red Cross minutes
- Tomahawk news
- EMS open house flier
- Time Warner letter
- Fireworks safety

RESOLUTION# 157
RESOLUTION OF THE CORINTH TOWN BOARD
AUTHORIZING EXECUTION OF CONTRACT TO
DISPOSE OF TREE STUMPS AND EXCESS FILL
AND TO IMPROVE ACCESS ROAD TO STUMP DUMP
SITE IF DEEMED NECESSARY

Whereas, the Town of Corinth Highway Department has acquired tree stumps that must be properly disposed of; and

WHEREAS, costs associated with disposal of tree stumps are substantial; and

WHEREAS, the Town Highway Department, through the normal course of official duties, has acquired a significant amount of dirt fill; and

WHEREAS, while the Highway Department uses fill, it has acquired for no cost, far more fill than is presently useful or desirable: and

WHEREAS, the fill has become burdensome to store and interferes with operations of the Highway Department; and

WHEREAS, Ira Jay Emery owns and operates a lawful “stump dump” which has received all necessary permits and approvals including a permit from the New York State Department of Environmental Conservation; and

WHEREAS, Mr. Emery has agreed to accept the stumps from the Town for no charge, saving the Town a significant amount of money; and

WHEREAS, in return, Mr. Emery requests that the Town provide dirt fill in an amount approximately equal in yards to the amount of stumps Mr. Emery will accept.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes and directs the Town Supervisor to enter into a contract with Ira Jay Emery for the disposal of stumps and excess fill; and be it further

RESOLVED, that the contract shall be in a form substantially similar to that which has been provided to the Town Board and shall be in a form acceptable to the Town Supervisor, the Town Highway Superintendent and Town Counsel; and be it further

RESOLVED, that the Town Supervisor and Town Highway Superintendent are further authorized to undertake such action as is necessary to further the purpose of this Resolution: and be it further

RESOLVED, that if, in his sole discretion, the Town Highway Superintendent determines that the access road is in a condition that may damage Town vehicles, the Town Highway Superintendent shall have the right, but not the obligation, to improve such access road.

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

ADOPTED Ayes 5 Lucia, Brown, Byrnes, Collura and Halliday
 Nays 0

**AGREEMENT BETWEEN THE TOWN OF CORINTH AND
IRA JAY EMERY FOR DISPOSAL OF TREE STUMPS IN RETURN
FOR THE DELIVERY OF FILL DIRT**

1. PARTIES:

This agreement is entered into by and between the Town of Corinth (Town) and Ira Jay Emery (Emery).

2. PURPOSE:

Emery is the owner of certain lands on Emery Lane in the Town of Corinth lawfully operated as a disposal site for tree stumps (stump dump). In its regular course of operations, the Town of Corinth Highway Department acquires and inordinate amount of tree stumps which it must dispose of in

an appropriate and lawful manner. The purpose of this Agreement is to provide the Town with a lawful and economically feasible means of stump disposal in return for the delivery of appropriate dirt fill.

3. TERMS

Emery agrees to accept all tree stumps which the Town of Corinth is in need of disposing without monetary compensation. In return, the Town Highway Department will deliver to Emery, clean dirt fill, approximately equal in volume to the stumps accepted by Emery. The Town Highway Department will stockpile the dirt fill in a location at the stump dump agreed upon by the parties. The Town shall have the right, but not the obligation, to improve the access road if, in the sole discretion of the Town Highway Superintendent, such improvements are deemed necessary to protect Town vehicles from damage.

4. DATE OF DELIVERY:

The parties to this Agreement understand and agree that the stumps to be transported by the Town to the lands of Emery are numerous and it may take several trips by Town vehicles over the course of several months to deliver all of the stumps. Therefore, Emery will accept all stumps from the Town in accordance with the above terms, provided such stumps are delivered no later than December 31, 2014. The dirt fill will also be delivered no later than December 31, 2014.

5. COVENANT:

Emery hereby expressly promises and agrees that the stump dump is within his ownership and control and that he has sought and obtained all necessary approvals to lawfully operate the stump dump at issue including, but not limited to, all approval and permits deemed necessary by the New York State Department of Environmental Conservation. Emery understands and acknowledges that the Town of Corinth is relying upon this assertion.

6. HOLD HARMLESS:

In the event that the lawful operation of the stump dump is called into question and the Town is alleged to have violated any law or regulation by delivering tree stumps to Emery. Emery will defend and indemnify the Town from any liability arising therefrom.

7. SEVERABILITY:

In the event that any part or portion of this Agreement is deemed unenforceable or void, all remaining terms shall remain in full force and effect.

8. NEW YORK LAW:

The parties agree that New York law governs all controversies arising out of this agreement and that venue shall lie with the Supreme Court of the State of New York, County of Saratoga.

Supervisor Lucia presented Highway Superintendent Eggleston with a letter and plaque of Appreciation from BOCES.

Councilman Collura thanked Superintendent Eggleston and his crew for the work at Hunt Lake.

RESOLUTION # 158

MOTION TO PAY THE BILLS AS AUDITED WITH ANY EXCEPTIONS

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

ADOPTED Ayes 5 Lucia, Brown, Byrnes, Collura and Halliday
 Nays 0

RESOLVED to pay all bills as shown below:

Abstracts for 06/05/2014

Voucher #3963-4011, #4687-4698, #5749-5762, #3166, #6155, #6233, #6224, #6064, #6218, #6212

General A/Town Wide-A	\$ 28,012.29
General Fund/Outside Village-B	\$ 4,197.06
Highway/Part Town-DB	\$ 19,408.24

Sewer/Water

Eastern Avenue	\$ 4,137.00
Tranquility	\$ 1,632.00
Passarelli	\$ 931.50
Dorset Drive	\$ 861.00

Lighting

Eastern Avenue	\$ 198.13
Eggleston Street	\$ 102.97
South Corinth	\$ 169.49

RESOLUTION # 159

ADJOURN

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

ADOPTED Ayes 5 Lucia, Brown, Byrnes, Collura and Halliday
 Nays 0

RESOLVED that with no further business the board adjourned at 6:00 PM.

Respectfully submitted,

Joan Smead
Deputy Town Clerk