

April 9, 2015

The Town Board of the Town of Corinth held a regular meeting on April 9, 2015 at 7:00 PM at the Town Hall.

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

Public: Louise Kirkpatrick and Tim Halliday

After roll call and Pledge of Allegiance, prayer the following business was conducted:

RESOLUTION #135

APPROVAL OF MINUTES

A motion was 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 minutes for March 26, 2015 be approved.

RESOLUTION #136

APPROVAL OF AMENDMENT TO BUDGET

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

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

RESOLVED that the following amendment to the budget be made:

RESOLVED to amend the 2015 Budget Appropriations A13204.01 Independent Auditing by an increase of \$8,000.00 to \$16,200.00 for 2015 by decreasing Appropriations A19904.01 Contingency Account Budget 2015 \$8,000.00 to \$49,000.00 to reduce overspending.

LITIGATION

Attorney Hafner gave the board a copy of a Memorandum regarding the matter of Hudson River Community Credit Union. After a brief discussion the following enacted the following resolution:

**RESOLUTION NO. 137
RESOLUTION AUTHORIZING SETTLEMENT OF PENDING
ARTICLE 7 REAL PROPERTY ASSESSMENT CASE
FILED BY HUDSON RIVER COMMUNITY CREDIT UNION
INTRODUCED BY: COUNCILMAN BROWN
WHO MOVED ITS ADOPTION
SECONDED BY: COUNCILMAN BYRNES**

WHEREAS, Hudson River Community Credit Union (“Petitioner”), filed an Article 7 Real Property Assessment Review case against the Town in 2014 concerning the assessment on its property located at 1 Third Street, more specifically identified by its Tax Map Number: 74.21-1-39, and
WHEREAS, the terms of a proposed settlement have been negotiated with Petitioner, 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 approval of the Corinth Central School District is not needed because it has chosen to not be a party to the litigation, and

WHEREAS, it appears to be in the best interests of the Town to avoid the significant costs that would result if the litigation continues and goes to trial,

NOW, THEREFORE, BE IT

RESOLVED, that the Corinth Town Board hereby approves the proposed settlement of the

tax assessment cases filed by Hudson River Community Credit Union for 2014 as follows:

- 1) 2014 assessment to be reduced from \$2,486,100 to \$1,800,000 and
- 2) The taxable value for 2014 shall be adjusted based on the partial exemption applicable to the improvements on the property, and
- 3) Refunds shall be paid based on the assessment reduction and adjustment in taxable value, and
- 4) Section 727 of the Real Property Tax Law will apply, fixing the assessment at \$1,800,000 for the 2015, 2016 and 2017 Assessment Rolls unless the property is further improved or is destroyed or the assessment is subject to some other exception under Section 727, and

BE IT FURTHER,

RESOLVED, that unless otherwise ordered by the Court, refunds shall be paid without interest provided they are paid within forty-five (45) days after Petitioner serves a copy of the filed Court Order approving the settlement, with Notice of Entry, on the Town and on the Saratoga County Treasurer, and

BE IT FURTHER,

RESOLVED, that the Town Board further authorizes and directs the Town Supervisor, Town Assessor, Town Clerk 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 April, 2015, by the following vote:

AYES : 5 Lucia, Brown, Byrnes, Collura and Halliday
NOES : 0
ABSENT: 0

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

- Warren County-Saratoga & North Creek Railway Revenue-\$867.54
- Tomahawk Newsletter
- Certification – Leon Hickok
- Assessor's Transaction Report
- Information from S&NC Meeting – Warren County
- Saratoga County Legislative Initiatives for 2015
- Mortgage Tax - \$4951.00

Supervisor Lucia gave the board members a copy of an estimate from Evolution Tech Services, Inc. for the installation of a new telephone system in the Town Hall in the amount of \$4,334.75.

RESOLUTION #138

APPROVAL OF INSTALLATION OF A NEW TELEPHONE SYSTEM

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

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

RESOLVED that Evolution Tech Service, Inc. be hired to install a new telephone system at the Town Hall.

Bookkeeper Halliday spoke about the Supervisor's Report that was filed. She said all is in balance. Supervisor Lucia told Bookkeeper Halliday that the board appreciated all her hard work.

The following reports are on file:

- Town Clerk
- Highway
- Animal Control
- Building Department
- Justice Court
- Senior Center
- Supervisor's Report

RESOLUTION #139

APPROVAL OF SUPERVISOR'S REPORT AS PRESENTED

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

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

Resolved that the Town of Corinth Town Board accepts as presented the Supervisor's monthly financial report for March 2015.

Public Speaking

Louise Kirkpatrick

Louise Kirkpatrick read into the record:

Supervisor Lucia
Town Board members,
C. Brown
J. Collura
J. Halliday
T. Byrnes

April 9, 2015

Gentlemen,

The voters in both the town and village have made it abundantly clear over the past few years, that we do not want any kind of waste business. That includes, trash, C&D debris, medical waste, human waste, chemical waste, or radioactive/nuclear waste. Voters do not want this imported, dumped, stored, or transported to another site from here.

Please take note you never hear of this type of proposal in Saratoga Springs, Lake George or Lake Luzerne. How do we avoid this trash industry?

We need to strengthen our land code, and zoning laws to finally put a complete stop to this kind of proposal and this dirty industry. If we allow these companies to submit proposals to our boards with no laws on the books prohibiting this industry, they will always think they have a good chance the proposal will be approved. They will never stop approaching Corinth until they succeed.

The lesson learned here is if we want to predict the future, look at our past. Corinth's trash history keeps repeating itself.

Think of the wasted money and time that has been associated in fighting this industry, lawyer's fees, office expensive, and research.

In my opinion watching other communities grow around us in Saratoga County. We need to hold our standards higher, in order to attract manufactures and businesses that want to work and live in Corinth.

Let's up our "Branding" to the life style we have chosen for our families. Let's show the outsiders that Corinth supports and respects the Adirondack Mountains, the Hudson River, clean air, clean water and most of all the health and well being of it's residents, visitors, and businesses. We must lead by example, only we as a community can earn the respect we seek from other communities, and investors, by setting the bar higher for our selves.

Change is difficult, but essential for Corinth we must show the rest of Saratoga County that we have the most to offer, Investors want to see land laws and zoning that protect their businesses and homes. They want peace of mind that if they build a home, housing development, restaurant, shop, or store, their investment is protected. Investors want their local government to have their backs. Corinth does not offer homeowners ~~and~~ investors peace of mind, at this time.

We as a community must look to the future and envision what our new "Branding" could do for our Town and Village.

I believe tighter land and zoning laws, regarding trash industry, will unlock some doors for growth.

This way when trash industry knocks again at the Corinth Town Hall, we can say our land laws and zoning do not allow that type of business. I urge all of you to consider this suggestion.

Thank you for this opportunity to voice my concerns,

Louie Kulepatish

Supervisor Lucia told Mrs. Kirkpatrick that the Vice President of the railroad and the local representative were at his office and told him that the railroad could not come to an agreement with the contractor so as of this point there will be no radioactive freight shipped over the rail lines. He said that he appreciated the letters and emails from the citizens. He also said that should the agreement be made it would have to have the Town Board's approval before anything could be done.

Town Board

Councilman Collura

Councilman Collura told her that the Town already has laws on the books. Mrs. Kirkpatrick said she thought the laws on the books need to be strengthened. Councilman Collura again stressed the fact that the matter still has to come before the board for their approval.

Councilman Collura thanked Highway Superintendent Eggleston for his Projected Report.

Councilman Collura said he has spoken to people that are interested on being on the committee for the Bi-Centennial but no one wants to chair the committee.

Councilman Collura said he wants to extend his sympathy to the Plummer and Bush families on their recent losses.

Councilman Brown

Councilman Brown told the board members that on April 20th there will be an Emergency Management meeting where two speakers from Brookfield Power are going to speak.

Councilman Brown asked if anyone knew how Bob Eggleston was doing. Supervisor Lucia told the board that he was home and they did a five-way bypass. Supervisor Lucia told the board that he contacted Lou Somma to see if he would like to fill in while Bob is gone. He said he is awaiting his reply.

Councilman Halliday

Councilman Halliday thanked the other board members for filling in for him while he has been gone out of state for training.

Councilman Halliday wanted to make it clear that the board is not considering any radioactive material being transported over the railroad since nothing has even been brought before the board. He said he hopes that the public trusts the board to make the right decision if it ever does.

Councilman Byrnes

Councilman Byrnes wanted to make it clear that in the March 19th minutes it says: "Councilman Byrnes said he thought this was a way for the railroad to keep

going.” He said that this could be construed to say he is in favor of the transportation of radioactive material and that is not so. He merely meant that he thought this was a way for the railroad to sustain itself.

Town Clerk

Town Clerk Farr told the board that she had settled up the tax collecting for the year with the County Treasurer.

Town Clerk Farr asked the board that she received a letter from the Village wherein it stated that effective June 1, 2015 water rents for outside users will be \$350.00 a year, an increase of \$15.00 from what the Town charges. She asked the board what they wished to charge for the water rent since they said they wanted to add extra to cover any necessary repairs.

RESOLUTION #140

SETTING WATER RENT

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

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

Resolved that the water rent to be charged from July 1, 2015 to June 30, 2016 be \$359.00 or \$89.75 a quarter.

Town Clerk Farr told the board that Deputy Town Clerk Smead had given her resignation effective June 1, 2015.

Attorney

Attorney Hafner said the Town Board asked him to look at the Work Place Violence Policy and the ACO. He said that he prepared a proposed policy and a proposed resolution which he gave to each board member. After a short discussion Councilman Byrnes asked that the board take time and review the policy before acting on it.

Bovee

Town Attorney Hafner told the board that he spoke with the Village Attorney who said the Village had agreed to enter into a one year contract for water and sewer but the Village wanted the Town to consider establishing a water district in the near future. He asked that board if he could send a letter to the Village Attorney telling her that if a suitable map, plan and report were filed then they would consider a Water District only. The board agreed to have Attorney Hafner send such letter.

Highway Financing

Attorney Hafner spoke to the board about the financing of the truck that the Highway Department had agreed to purchase.

TOWN OF CORINTH 2015 DODGE 5500 WITH DUMP BODY AND PLOW EVALUATION OF FINANCING ALTERNATIVES

WHEREAS, the Town Board determined that a need exists for acquisition of a new dump/plow truck which costs more than \$20,000; and

WHEREAS, the Town Board authorized the purchase of a 2015 Dodge 5500 with dump body and plow (the "Equipment"), for the amount of \$60,000, including a 3-year/ 3,000 hour Full Machine Warranty; and

WHEREAS, First Niagara Leasing, Inc. ("First Niagara") has offered to provide financing for the cost of the Equipment pursuant to a Lease Purchase Agreement;

NOW, THEREFORE,

Pursuant to the requirements of 6 NYCRR Part 39, the Town Board has prepared the following evaluation of financing of the Equipment:

(a) The estimated cost of the Equipment to be financed, exclusive of the cost of financing, is \$60,000.00.

(b) The Equipment may be financed with indebtedness issued under the Local Finance Law.

(c) The estimated total cost of the Equipment, inclusive of the cost of financing, if financed pursuant to the Local Finance Law would be \$65,506.37 based on a probable interest rate of 3.00% for a five (5) year statutory installment bond, not including additional costs related to the financing, such as bond counsel fees and publication costs.

(d) The estimated total cost of the Equipment, inclusive of the cost of financing, if financed pursuant to the Lease Purchase Agreement as proposed by First Niagara would be \$63,346.75 based on a fixed interest rate of 2.76%, an effective contract term of five (5) years and payments to be made in arrears.

(e) The estimated total costs described in subdivision (d) would be \$2,159.62 less than those described in subdivision (c) above, not taking into account bond counsel, publication and other costs related to financing pursuant to the Local Finance Law.

(f) It is in the best interests of the Town to finance the Equipment pursuant to the Lease Purchase Agreement as proposed by First Niagara. If bond counsel fees and other costs related to issuance of the Town's bonds or bond anticipation notes are taken into consideration, the total costs described in (d) above would be significantly less than those described in paragraph (c). In addition, under the Lease Purchase Agreement the Town will not be required to pledge its faith and credit and the Agreement will terminate if the Town cannot appropriate funds to pay the amounts due thereunder. The Agreement will specifically provide that it is not a general obligation of the Town, neither the full faith and credit nor the taxing power of the Town are pledged and the Agreement terminates in the event of non-appropriation of funds. In light of the uncertainty of appropriations for various Town purposes, this flexibility could be significant at some time over the next five years.

RESOLUTION No.:141

INTRODUCED BY: COUNCILMAN COLLURA

SECONDED BY: COUNCILMAN HALLIDAY

DATE: APRIL 9, 2015

**RESOLUTION AUTHORIZING LEASE PURCHASE AGREEMENT
WITH FIRST NIAGARA LEASING, INC. FOR
2015 DODGE 5500 WITH DUMP BODY AND PLOW**

WHEREAS, the Corinth Town Board determined that a need exists for acquisition of a new dump/plow truck which costs more than \$20,000; and

WHEREAS, the Town Board authorized the purchase of a 2015 Dodge 5500 with dump body and plow (the "Equipment"), for the amount of \$60,000, including a 3-year/ 3,000 hour Full Machine Warranty; and

WHEREAS, the Town Board determined that it is in the best interest of the Town to utilize a New York State Contract for the purchase of the equipment, exclusive of the cost of financing, and to obtain non-vendor financing pursuant to 2 NYCRR § 39.8; and

WHEREAS, the Town Board authorized the Town Highway Superintendent to obtain bids for financing the cost of the Equipment; and

WHEREAS, bids were obtained from First Niagara Leasing, Inc. ("First Niagara"), KS State Bank/Baystone Government Finance and Key Finance; and

WHEREAS, First Niagara submitted the bid with the lowest interest rate for a five-year term, which does not require payment in advance; and

WHEREAS, the Town is authorized to enter into lease purchase agreements for financing equipment, machinery or apparatus under General Municipal Law §109-b; and

WHEREAS, the Town Board prepared an evaluation of financing alternatives as required by 2 NYCRR Part 39; and

WHEREAS, if the Town Board authorized the purchased the Equipment under the Local Finance Law, it would not be subject to permissive referendum since the period of the financing authorized does not exceed five (5) years; and

WHEREAS, the five year term of the Lease Purchase Agreement does not exceed the period of probable usefulness prescribed by Local Finance Law §11.00 for the Equipment which is fifteen (15) years; and

NOW, THEREFORE, BE IT RESOLVED BY THE CORINTH TOWN BOARD AS FOLLOWS:

Section 1: After taking into account the evaluation of financing alternatives, the Town Board hereby determines that it is in the best interests of the Town to finance the Equipment pursuant to a Lease Purchase Agreement with First Niagara for the following specific reasons: The total cost to the Town under the Lease Purchase Agreement will be significantly less than the cost of financing the cost of the Equipment by issuing obligations pursuant to the Local Finance Law. In addition, in light of the uncertainty of appropriations for various Town purposes, the flexibility afforded by termination of the Lease Purchase Agreement if the Town cannot appropriate funds to pay the amounts due thereunder could be significant at some time over the next five years.

Section 2: The acquisition of the Equipment under the terms and conditions provided for in a Lease Purchase Agreement with this interest rate and payments is necessary, convenient, in furtherance of, and the Equipment will at all times be used in connection with, the Town's governmental and proprietary purposes and functions and is in the best interests of the Town, and no portion of the Equipment will be used, directly or indirectly, in any trade or business carried on by any person other than a governmental unit of the State on a basis different from the general public.

Section 3: The Town Board hereby authorizes financing the purchase of the Equipment pursuant to the provisions of a Lease Purchase Agreement provided by First Niagara and approved as to form by the Town Supervisor and Town Counsel.

Section 4: The Town Supervisor is hereby authorized and directed to execute and deliver a Lease Purchase Agreement with First Niagara in a form acceptable to the Town Supervisor and Town Counsel and to execute and deliver such other agreements, instruments and other writings, and to take such further actions as he, in his sole discretion, deems necessary or desirable to carry out the intent of this Resolution.

Section 5: Financing the cost of the Equipment pursuant to the terms and conditions of the Lease Purchase Agreement authorized by this Resolution will not cause the Town to exceed the limits prescribed by General Municipal Law 109-b(6)(c).

Section 6: The Town Board hereby certifies that the Town has not issued or effected the issuance of, and reasonably anticipates that it will not issue or effect the issuance of, more than \$10,000,000 of tax-exempt obligations during the 2015 calendar year and, to the extent that it is permitted to do so under the Internal Revenue Code of 1986, as amended to the date hereof (the "Code"), hereby designates the lease of the Equipment to which the Agreement pertains as a "qualified tax-exempt obligation" as defined by Section 265(b)(3) of the Code.

Section 7: The Town Board hereby covenants that, to the extent permitted under the Code in effect as of the date of execution of the Lease Purchase Agreement, it will perform all acts within its power which are or may be necessary to ensure the maintenance of the Town's legal status as being a duly organized and existing entity under the Laws of the State, which status is the basis for the interest portion of the rental payments coming due under the Agreement to at all times remain exempt from federal income taxation under the laws and regulations of the United States of America as presently enacted and construed or as hereafter amended.

Section 8: Effective Date - This Resolution shall take effect immediately.

The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

AYES: 5 Lucia, Brown, Byrnes, Collura and Halliday

NAYS: 0

ABSENT: 0

The Resolution was declared duly adopted by a vote of not less than two-thirds (2/3) of the full membership of the Town Board.

Papa Easement

Attorney Hafner gave the Town Board members an attorney/Client Memo to review regarding this matter. He asked that the board give him their input when they have had a chance to look the memo over.

Attorney Michael Hill

Attorney Hafner told the board that Attorney Michael Hill is leaving his practice and moving to North Carolina effective April 30th.

Councilman Halliday

Councilman Halliday asked about the letter regarding the movies being shown at the Senior Center. A resolution was passed and rescinded to pay the necessary fees. It was decided to table the matter until next week. Councilman Byrnes suggested that someone call the surrounding Senior Centers and see if they have received a similar.

RESOLUTION #142

MOTION TO PAY THE BILLS AS AUDITED WITH ANY EXCEPTIONS

On a motion by Councilman Byrnes and seconded by Councilman Halliday 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 04/09 /2015

Voucher A- #150229- #150275; B#151573-#151589; DB-#153086-153113(#153100 Voided);
SL Eastern-#154040; SL South Corinth-#154012; SL Eggleston-#154058

<u>General A/Town Wide - A</u>	\$ 33,580.76
<u>General Fund/Outside Village - B</u>	\$ 5,534.09
<u>Community Development Grant - CD</u>	\$
<u>Highway/Part Town - DB</u>	\$ 23,023.32
<u>Trust & Agency</u>	\$
<u>Fire - SF</u>	\$
<u>Sewer/Water</u>	
Eastern Avenue	\$
Tranquility	\$

Passarelli \$
Dorset \$

Lighting

Eastern Avenue \$ 270.25
Eggleston Street \$ 233.42
South Corinth \$ 140.44

RESOLUTION #143

ADJOURN

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

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

RESOLVED that with no further business at 8:25 PM the Board adjourn.

Respectfully submitted,

Rose E. Farr
Town Clerk