

September 07, 2017

The Town Board of the Town of Corinth held a meeting on September 07, 2017 at 7:00PM at the Town Hall.

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

Absent: Albert Brooks, Code Enforcement

Public: C. Eric Butler, Warren Brownell, Peggy Ricci, Lorelee VanHorne, Dawn Marcotte, Phillip Marcotte, Jane Kribbs, Vincent Bunzey, Linda Bunzey, Kate Halliday, Tim Halliday, Don Rhodes

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

The Town of Corinth held an informational meeting for residents in regards to the proposed Corinth Water District #5. Don Rhodes from LaBerge Group was present to explain and answer any questions pertaining to the proposed new district.

Attorney Hafner gave the following update:

The town currently operates four water districts which purchase water from the village. There are several areas within the town that are outside the village boundaries that are receiving village water, but are not located within the Towns' water districts. The proposed water district would operate the same as the 4 other districts the town currently handles. An engineer informed the Town Board that under New York Village Law these "out of District" users must either be located within a town water district or a permissive service area which would have to be created by the Village. There has to be a map, plan and report on file delineating the boundaries of the proposed water district and there must be an intermunicipal agreement. The Town is also required to hold a public hearing which is currently scheduled for September 14th @ 7pm. In the Intermunicipal Agreement between the Corinth Town Board and the Village of Corinth, regarding the Town of Corinth water district, it states that the village will provide water for the next 20 years.

The meeting was turned over to Don Rhodes of LaBerge Group for his presentation. Mr. Rhodes stated the following:

That in the spring of 2014 a resident complained about their water pressure they were receiving from the village. The village looked into it and the Department of Health said that the village could not correct it. The Department of Health said before anything could be corrected the village would have to create a permissive service area or the Town would have to create a new water district before the issue could be corrected.

There were four options available to resolve the situation; fundamentally it comes down to cost. A permissive service area within the village or creating a town water district would be the most cost effective solutions. There are 166 users that are currently town residents receiving village water and are not in a town district.

He presented a map with a general plan of the proposed Corinth Water District 5 highlighting the properties that would be included, noting that all 166 properties are not contiguous. He explained the cost differences between the Town Board creating a new water district and the village establishing and operating a permissive service area. The graph presented reflected that the cost of the village creating a permissive service would add over \$9000.00 per use over the first 5 years. He further explained the overall cost of a permissive service area over the next 5 years and stated it would be about 1.5 million dollars. These costs could be avoided by creating Corinth Water District #5. He reviewed the separate areas and explained how they came to fruition. It was explained that New York State law explicitly states that the village can only supply water to residents outside of the village if it is done by contract.

The cost of creating a water district for the residents is going to be similar to what the towns' current water districts are paying which is \$443.00 for a base residential unit plus an additional charge of \$5.00 for all the towns' water districts. He said that LaBerge group recommends increasing the cost by \$40.00 to create a reserve fund for maintenance until the Town gets to a point where they have saved approximately \$15,000. This should take 2-3 years. This is just so the Town will not have to bond the costs of any future line breaks. The operation of maintenance cost will be equivalent either way.

LaBerge group was successful in acquiring a grant for the Town and Village to overcome some of the cost for a total amount of \$200,000.00 going to each the village and the town.

Discussion was opened to the town board members.

Councilman Collura and Councilman Byrnes requested that while in the process of creating this district there be some mechanism in place for residents and developers so as not to hinder construction. Attorney Hafner explained that the village should not have been supplying water to residents outside of the village and not in a town water district. In the future we have to get village permission before adding anyone to an out of district water area. Attorney Hafner said that a provision needs to be put into the out of district contract and that he would speak with the board on this in an attorney client meeting.

Don Rhodes said an out of village resident can only connect to a town district main and currently the only one is in Dorset. Mr. Rhodes said currently the village can't allow that and further explained the process that an applicant would have to take to get water. Attorney Hafner said that if this specific person asked the town they could start the application process now. But Attorney Hafner said the board will have to have attorney client discussions about the out of district agreement. He referred to an agreement he drew up in Warrensburg where the applicant is required to pay a year in advance because the Village is not able to add delinquent water rent to the taxes. The developer's are also required to pay the cost of the map, plan and report and other expenses related to the hook up of village water.

Attorney Hafner said that he felt that this process was going to move forward rather quickly. He stated that the village did not address this at last night's meeting but had it on their agenda for the October 4th. Councilman Collura reiterated that there was a process in place. Don Rhodes said that there was, just not in writing. Attorney Hafner said the application had to be made out to the town first.

Councilman Byrnes was interested in getting clarification on Article II - Term of Agreement, of the Intermunicipal Agreement between Sections 1 and 2, and asked if it was not contradictory. Attorney Hafner said he thinks this provision is in there only if the Town does a substantial breach, like if the Town quit paying or the Town didn't do it. These would be the only things that would allow for it to end earlier. Councilman Collura asked if this type of breach could be specified. Attorney Hafner said that it would have to be reasons provided hereunder and he does not think there is any provision listed here. Attorney Hafner said he interpreted it to be a significant breach that this is detailed in the agreement.

Councilman Byrnes said in Article 5 Section 4 Repairs and Improvements this may be a typo asking if it should read the word district and not town. Attorney Hafner explained that the district is a sub part of the town; the district cannot enter into contracts. The people that owe duties to each other are the village and the town. The town is going to pay but it is going to be using district funds. Councilman Collura asked if the board could have that placed in the contract, the wording "it is on behalf of the district" because the current board members may not be here in 18 years.

The discussion was opened to residents. Supervisor Lucia asked that residents please state their name when they speak.

Councilman Collura asked the current district users if they currently have any problems with their water. A resident asked if the town was going fix it if they are having issues. Councilman Collura said if there are issues the town needs to be aware of them before they enter into a contract.

Loralee VanHorne asked the Town Board who the person was who originally complained. She also wanted to know why they couldn't just be grandfathered in to whatever system is already

working and just charge the new people that add on. Mr. Rhodes explained that he could not share who the original person was. Mr. Rhodes said the nice part of doing this as a new water district is that the village is already paying for the bulk of the work, but in the end this work will be done and it's done correctly and we will never have to revisit it again. Attorney Hafner said that there are three choices; 1) people will pay the cost to have a permissive service area, 2) the minimal cost incurred by creating a town water district or 3) the option of having no water. The town wants to move forward with the least costly and create a new water district; all costs will probably increase because as the engineer has informed us we need to raise funds for our capitol reserve fund. Attorney Hafner said that there are benefits to the town and the village with going with a water district. It is a functional consolidation.

Andre Marcotte said after the village put new lines in that they now have black rings around their tubs and toilets. The chlorine is so overwhelming that they don't even drink their water. Councilman Collura said there are state requirements that must be met regarding the Chlorine. Mr. Marcotte also said since they put the new line in water pressure is about half of what it used to be. Don Rhodes said the area Mr. Marcotte lives in, is the area that has been identified as having a low pressure problem. This effects about 6 people and there are booster pumps that have to be put in to correct this problem. The way the village handles this is the costs are bore by the owners. Mr. Rhodes said the problem is that there is not enough elevation between these homes and the water tank. There should have been a pressure boosting station put in below but that is not how it was done. Don Rhodes said that the pressure is within the allowable range according to the Department of Health.

Attorney Hafner said part of the Intermunicipal Agreement requires us to adopt the same rules as the village. The people in the town will be treated the same as the village residents with one exception, that the town resident will pay a little more. Because they are outside the village and the village is providing us with services and we don't want to have to hire people to have a water department.

Councilman Byrnes asked Town Clerk Farr if it would be possible to have this Intermunicipal Agreement between the Town and Village relating to the proposed water district posted on the web for residents to see. Attorney Hafner said this was a draft agreement not approved by either municipality and that it would be fine as long as it was in draft form. Councilman Collura asked if the town could really have the public hearing on this prior to the village approving the contract. Attorney Hafner said the Town could because the resolution approving the new water district would be contingent upon the Intermunicipal Agreement between the town and village being approved. Attorney Hafner said there is still some work to do such as deciding what parts of these lines will be dedicated to the town, so there may be some contingencies that will have to be worked out.

Councilman Collura said he thought this is going to be going on for some time... Attorney Hafner replied that it is subject to Permissive Referendum, which means there will be 30 days before it takes effect whenever it is approved and October 4th falls within that time period. Attorney Hafner said after the thirty days the board can pass a Resolution of a Final Order stating the

board is satisfied with the agreement. Attorney Hafner said if this doesn't happen until November it is fine; if we are still working out some of these details. Don Rhodes said the village has to have a water supply application submitted to DEC also.

Peggy Ricci said she is having problems with her water. It is slimy, she can't drink it, and it's yellow. Mrs. Ricci said when she first moved there 33 years ago she was going to put in a well. The village told her if she put in a well that she would still get charged for water because it was available. Now 33 years later they tell her they are going to put in a water line, and she is still waiting for the line. Mrs. Ricci said she was still hooked into the fire hydrant. Supervisor Lucia asked if Freight House Road was part of the new water line. Don Rhodes said it was but he was unaware that they are connected to a fire hydrant but he will look into it. Mr. Rhodes said the water shouldn't be slimy and he would contact Art Lozier and they will be up to look at it. Mrs. Ricci said the water is all brown. Mr. Rhodes said with the iron deposits this is typical of the water the way it is being treated. Mrs. Ricci said bleach does not even touch it. Mr. Rhodes said that it may have something to do with being at the end of the line and he will be up there with Mr. Lozier to see what is going on. Mrs. Ricci wanted to know what they keep raising the prices for.

Mr. Rhodes said connections were made and shouldn't have been made the way they were. The village was trying to be a good neighbor, and allowed people to connect, but unfortunately it wasn't connected right and it wasn't designed right and therefore you get these types of complaints. Mr. Rhodes said as it is currently set up the town does not charge people that are not actively getting water. Mr. Rhodes said the village will be going to a different model but currently they are not sure of what the cost may or may not be. Mr. Rhodes explained the cost is going up because the village is in the process of completing a \$20 million improvement project which has gone into the water treatment and replacing a lot of deteriorating things within the system. Councilman Collura asked Mr. Rhodes to keep the board updated on this situation. Mr. Rhodes said it is most likely going to be that improvement needs to be made on the property owners system, it is unlikely that it is the village system.

Supervisor Lucia called the informational meeting to end and asked Don Rhodes if the town could have someone else from Laberge to work on the grant. Supervisor Lucia said Kate has been having difficulties with the current individual because documents keep getting lost and it is taking a long time to get things done. Don Rhodes said he would address this issue.

A discussion was had regarding the minutes of August 24th. Councilman Collura said he had issue regarding what he said about the person now working as Youth Commission Director. He said he did not mean to say a higher rate of pay, he meant salary which is a flat rate of pay. Town Clerk Farr said she was not changing the minutes since that is not what was said. Councilman Collura said it was just a formality it doesn't need to be changed, he just wanted to clarify. There was brief discussion amongst board members about the youth director and hours. Councilman Byrnes said this should be discussed further at budget time.

RESOLUTION #239

MOTION TO APPROVE MINUTES FROM AUGUST 24, 2017

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

ADOPTED	AYES	5	Lucia, Brown, Collura, Halliday, Byrnes
	NAYS	0	
	ABSENT	0	

RESOLVED that the minutes from August 24, 2017 be approved.

Highway

Highway Superintendent Eggleston said that regarding the fill in person for Jim Yattaw all back ground checks were done today and he would be starting tomorrow upon board approval.

RESOLUTION #240

MOTION TO APPOINT TENTATIVE LANDFILL ATTENDANT

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

ADOPTED	AYES	5	Lucia, Brown, Collura, Halliday, Byrnes
	NAYS	0	
	ABSENT	0	

RESOLVED to appoint Thomas Willett as Tentative Landfill Attendant.

Supervisor Lucia said that currently the town has an issue with the Zoning Board because they do not have enough members present to have a quorum. Supervisor Lucia said there are some issues currently that they have to meet on. Supervisor Lucia said he has discussed it with Attorney Pozefsky, the Association of Towns and Trisha Santiago. Supervisor Lucia said they would like to appoint the new secretary as a Temporary Alternate Member. Supervisor Lucia said that the Zoning Board had a meeting tonight because they were supposed to have a public hearing tonight.

Town Clerk Farr said she had a question regarding stipends, because the secretary would be entitled to a stipend if she acted as a board member, however, she would also be getting paid as a secretary which is double dipping and the town needs to watch out regarding this. Attorney Hafner said if the secretary is entitled to both because of how the board does it then they would have to watch out. The board has rules on how they pay people and he thinks that the board would come up with a way where the secretary would be paid for one or the other, not both. Attorney Hafner said the board may have to revise the section of the organizational minutes at the same time you appoint her. Attorney Hafner asked if Attorney Pozefsky submitted a proposed resolution.

Supervisor Lucia said this was only a temporary alternate, so when the Zoning Board has a meeting and they don't have a quorum, they can still conduct business. He said they needed someone appointed this evening so that they could put out the notice on a public hearing tomorrow. Supervisor Lucia said it has all been checked through with everyone and there is nothing illegal about it. Attorney Hafner said if the board passes it, it should be subject to the fact that she can only be paid for one.

There was disagreement between Town Clerk Farr and Supervisor Lucia as to whether or not she would be getting paid twice for the same job. Supervisor Lucia said according to Attorney Pozefsky it is because it's an emergency situation. Town Clerk Farr said the issue was not the appointment but how the town was intending to pay her secretary salary and a stipend for being an alternate member to the Zoning Board at the same time.

Attorney Hafner said to clarify; the town board if they want, they can pay people the amount they feel is appropriate. As long as it is being done specifically and it is the boards' policy decision to pay her hourly and an extra stipend to fulfill the role. Attorney Hafner said that it is within the boards' authority if they choose to do so. Councilman Halliday asked why depending on the role that is being filled the secretary can't either be paid as secretary or by stipend. Councilman Collura said at that point she would have to stop being secretary. Councilman Byrnes asked if the stipend was required. Attorney Hafner said it was. Attorney Hafner said that she would be doing two jobs and it is a policy decision.

Supervisor Lucia said the only reason they are doing this is because one member is out of state until October, another member just had surgery and will be out and there is a case pending before the Zoning board. Councilman Collura said what we need to do is approve the secretary getting a double salary while she is an alternate. Councilman Byrnes said the board owes it to the community to move forward with what is pending on the Zoning Board. Attorney Hafner said it is a policy decision. After some further discussion it was decided as follows:

RESOLUTION #241

MOTION TO APPOINT TEMPORARY ALTERNATE ZONING MEMBER

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

ADOPTED	AYES	5	Lucia, Brown, Collura, Halliday, Byrnes
	NAYS	0	
	ABSENT	0	

RESOLVED TO APPOINT Trisha Santiago as a Temporary Alternate Zoning Board member in an emergency situation with her receiving pay for secretary and a stipend for Alternate Zoning Board member whenever there is not a quorum.

There was a brief discussion by the board on rates with energy suppliers and the following was decided.

RESOLUTION #242

MOTION TO ENTER INTO ANOTHER 2 YEAR CONTRACT WITH DIRECT ENERGY

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

ADOPTED	AYES	5	Lucia, Brown, Collura, Halliday, Byrnes
	NAYS	0	
	ABSENT	0	

RESOLVED to approve renewing the contract with Direct Energy for two more years.

RESOLUTION #243

MOTION TO CHANGE BILL PAY FROM SEPTEMBER 28TH TO SEPTEMBER 21ST

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

ADOPTED	AYES	5	Lucia, Brown, Collura, Halliday, Byrnes
	NAYS	0	
ABSENT		0	

RESOLVED to change the date of bill pay from September 28th to September 21st due to a conflict, and be it further

RESOLVED that there be no Town Board meeting on September 28th due to a conflict.

Supervisor Lucia turned the meeting over to Highway Superintendent Shawn Eggleston to discuss the Morgan's Way gate. Mr. Eggleston said the second entrance to Morgan's Way is the emergency entrance and they had to put a gate across it according to the State of New York so that it can't be used every day. Mr. Eggleston said that this is gated property and it is an emergency exit and asked if this was going to have to be plowed every storm. He said if so, that means that his drivers would have to stop unlock the gate and re-lock the gate. He said they would need people out on Route 9N to stop traffic to get either a fire truck or a plow truck out of there of that emergency entrance since it is on a blind corner. Mr. Eggleston said he did not require the gate and he was looking for clarification from the board as to why it was required. Mr. Eggleston said this decision would have come from the Planning Board. Mr. Eggleston said it is at the end of a development.

There was much discussion about who and where this requirement came from. Mr. Eggleston said the reason they are discussing it is because it is on the plan for building the road and the builder is ready to black top the road. Mr. Eggleston said he does not know who approved this

plan. He said if it is an emergency entrance then it will have to be plowed which would require a truck to stop on Route 9N getting in and out opening a gate and this will not work. Supervisor Lucia said entrance was originally supposed to be the entrance. Mr. Eggleston said yes and the State of New York shut it down because it does not meet the 100ft line of site distance. Mr. Eggleston said no other cul de sac in the town has an emergency exit. Mr. Eggleston said he would not have a problem approving the black top part of the road. The issue is the stone gravel emergency exit gate. Deputy Town Clerk Sullivan said she believed the requirement came from the state and it could be found in the Planning Board minutes. Planning Board Chairman Butler said it was before his time, but he did not believe that would be a requirement that the Planning Board would require which leads him to believe it would have come from a higher authority. Attorney Hafner advised to hold off on any action on approving the road. He advised Highway Superintendent Eggleston to return to the Planning Board and find where this requirement originated from.

Supervisor Lucia told the board that he received his annual letter from Jim Mastrianni and wanted to know if the board was interested in having him return. Councilman Collura said he would like to hear from Mr. Mastrianni again.

Supervisor Lucia gave a quick update about New Choices program. He also said that the new county property sales were in.

Supervisor Lucia said he had a letter from Matthew Fogarty requesting to create 6 EMT positions via Saratoga County Civil Service. Supervisor Lucia said the Town currently has 14 EMT Positions available through Saratoga County Civil Service which are filled. Supervisor Lucia said that Mr. Fogarty has 2 EMT positions ready for appointment. Supervisor Lucia said that Mr. Fogarty needs to create 6 positions in order to hire the 2 EMT'S. The 4 extra positions will be for potential, not immediate filling. Supervisor Lucia said that the board can not appoint the two 2 new EMT'S until they have a resolution that fulfills Saratoga County Civil Service requirements.

RESOLUTION #244

MOTION TO APPROVE THE CREATION OF SIX ADDITIONAL EMT POSITIONS TO FULFILL SARATOGA COUNTY CIVIL SERVICE REQUIREMENTS

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

ADOPTED	AYES	5	Lucia, Brown, Collura, Halliday, Byrnes
	NAYS	0	
	ABSENT	0	

RESOLVED to create six additional EMT positions fulfilling Saratoga County Civil Service Requirements.

Town Board

Supervisor Lucia asked the Town Board members if there was anything they wanted to update. Councilman Byrnes and Halliday had no input at this time. Councilman Collura wanted to thank the public for coming and their input on the water issues. Councilman Collura said he saw the Captain Youth paperwork at the post office with phone numbers on the bottom and he noticed that there were only two tabs of the numbers left on the post. Councilman Collura said it was a good thing that this information got out there.

Councilman Brown told the board that he received a call from New York State requesting emergency management plan information on Woodland Lake Dam. Councilman Brown said that they would be looking into this and put a plan into place. Attorney Hafner said this was a private dam.

There was no comment from Town Clerk Farr and Attorney Hafner.

Highway Superintendent Eggleston said he met with the EPA in regards to the solar panels and they will be getting back to him with a report. Mr. Eggleston said the solar panels get 98% sun and it is a very good location.

RESOLUTION #245

MOTION TO ADJOURN TO MEETING

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

ADOPTED	AYES	5	Lucia, Brown, Byrnes, Halliday, Collura
	NAYS	0	
	ABSENT	0	

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

Respectfully submitted,

Cheri Sullivan
Deputy Town Clerk