

December 28, 2017

The Town of Corinth Town Board held a meeting on December 28, 2017 at 4:30PM at the Town Hall.

Present: Richard Lucia, Town Supervisor  
Charles Brown, Councilman  
Edward Byrnes, Councilman  
Jeffrey Collura, Councilman  
Joshua Halliday, Councilman-Excused  
Rose E. Farr, Town Clerk  
Shawn Eggleston, Highway Superintendent  
Albert Brooks, Code Enforcement  
Cheri Sullivan, Deputy Town Clerk

Public: C. Eric Butler, Don Rhodes, Dennis Morreale, Maureen Kelly, Kate Halliday, Tina Demetrious

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

**RESOLUTION #305**

**MOTION TO APPROVE MEETING MINUTES FROM DECEMBER 14, 2017.**

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

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

RESOLVED that meeting minutes from December 14 be approved.

**Water District -**

Supervisor Lucia introduced Don Rhodes of LaBerge Group, and he spoke about the following:

Mr. Rhodes brought an example of what the house meters looked like. He said the meters were of horizontal installation. The standard installation of a meter lasts about 20 years. At this point they lose efficiency and will need to be replaced. Mr. Rhodes explained that non-standard installations are in finished basements. Mr. Rhodes said there is potentially a cost savings to the town here, as the Village has already went through the bidding process for the installation of their meters and will be finished in July of 2018. Mr. Rhodes said Lake Luzerne is joining in with the Village as it is going to be a cost savings and the Town of Corinth should consider it at this point. Councilman Collura questioned how the costs were going to be divvied up because some of the residents will require outdoor meter pits. These pits will cost approximately \$3,200.00

and these pits will be required at some homes of our lower income residents, and he wanted to know if this is where the town can use the grant monies. Councilman Collura also asked about the towns' legal fees relating to the grant, because the town has already accrued approximately \$10-15,000.00 in legal fees and this would need to be deducted from the grant monies which will leave us with less than the \$200,000.00. Don Rhodes said any legal fees that have already been paid can be submitted with invoices and a refund would be issued. Councilman Collura said the board has a lot to do to make this equitable with the grant. Don Rhodes spoke about the town taking the opportunity to leverage grant funding for the members of the community that may have issues with the fees associated with this proposed project.

Highway Superintendent Eggleston asked if the meter reading software, the meter reading equipment and test equipment were already purchased by the Village and if so does the town have to buy the meter software also? Don Rhodes said yes. Mr. Rhodes said when the original application was submitted the estimate was %50 of non-construction items and that is considered a non construction item. Don Rhodes said the Village will end up operating it, maintaining it, replacing it and perpetually forever. Don Rhodes said this is all part of the consolidation agreement. Highway Superintendent Eggleston said that every house he knows of has the ¾ inch residential; so is the 5/8 commercial the same? Don Rhodes said that is correct. Don Rhodes said if it is more than one inch the cost is transferred to the residents; but he only knows of one place in the town where this would be an issue and that is at the state home, which would be addressed by the state.

Don Rhodes said the next steps for the town to decide which way it wants to go. If it piggy backed onto the contract with the village as the Town of Lake Luzerne has then there would be a cost savings. However the town would need to hire another company other than LABerge because they are not able to work both sides of the contract.

#### Hudson River Credit Union -

Supervisor Lucia said Town Assessor Tina Dimitriadis was present in case there were any questions pertaining to the agreement with Hudson River Community Credit Union. Supervisor Lucia said he believes that everyone has agreed to the settlement amount discussed. Town Clerk Farr said the Village was looking at approving it at the January 9<sup>th</sup> meeting and the schools meeting had been adjourned due to the snow storm so approval is uncertain at this time. Mrs. Dimitriadis briefly reviewed the case. Councilman Collura said this will avert a court case and the cost of legal fees. Town Clerk Farr reminded the board that every time they settle the town loses some of its tax base and they have done a few of them this year. Town Assessor Dimitriadis said the positive about this is there are no refunds and the exemption will come off. Councilman Byrnes asked the Assessor how she felt about it. Town Assessor Dimitriadis said she still stands behind the value she placed on it but does not want to financially burden the town. Supervisor Lucia said that these settlements are some of the reason that the tax base is down. Councilman Byrnes said this was the best they could get done without incurring legal fees.

**RESOLUTION #306**

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

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

**RESOLUTION AUTHORIZING SETTLEMENT OF  
PROPERTY ASSESSMENT CASE  
FILED BY HUDSON RIVER COMMUNITY CREDIT UNION**

WHEREAS, Hudson River Community Credit Union (“Petitioner”), filed Article 7 Real Property Assessment Review cases against the Town in 2016 and 2017 challenging the assessments on real property located at 312 Palmer Avenue, Town of Corinth, New York (Tax Map Number 74.29-1-55); 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; and

WHEREAS, the Town Assessor recommends proposed settlement terms which have been negotiated with Petitioner; and

WHEREAS, it is anticipated that the Village of Corinth and the Corinth Central School District will approve the proposed settlement terms; and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby approves the proposed settlement of the assessment case filed by Hudson River Community Credit Union for assessment years 2016 and 2017, as it relates to the property identified as Tax Map Parcel Number 74.29-1-55 as follows:

1. The 2016 assessment challenge will be discontinued without reduction or refunds;
2. The 2017 assessed value will be reduced to \$540,000 and the exemption under Real Property Tax Law §485-b shall be waived; and
3. Real Property Tax Law §727 shall apply fixing the assessed value at \$540,000, with waiver of the §485-b exemption, for assessment years 2018, 2019 and 2020, unless the property is further improved or is destroyed or the assessment is subject to some other exception under Real Property Tax Law §727; and

BE IT FURTHER, RESOLVED, that if the assessment is increased during what would have been the original term of the Real Property Tax Law §485-b exemption, the property may be entitled to reinstatement of the exemption; and

BE IT FURTHER, RESOLVED, that approval of this Settlement Agreement is contingent upon Town Counsel's review and approval of the Stipulation of Settlement and Order to be submitted to the Court; 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.

#### Calendars for newly elected officials-

Supervisor Lucia said any newly appointed officials must start the process of recording any time spent doing Town Business. It must then be turned into the Town Clerk at the end of the first three months for retirement purposes.

#### Supervisor Lucia spoke about the Fire Contract:

Supervisor Lucia said he received a reply letter from the Villages Attorney relating to the Fire Contract, in response to the letter Attorney Hafner had sent to them. Supervisor Lucia summarized the letter and said the Village was willing to reduce the \$15,000.00 from the total amount but refused to reduce any further and stated that as of January 01, 2018 the Town residents would be without Fire Protection. Supervisor Lucia said the Town did not know in March/April what their budget was going to be nor what would need to be cut from the budget at that time. Supervisor Lucia said at the Joint meeting in November Mayor Morreale said to the Fire Chief that the Village would be able to cover the \$50,000.00 the Town said that it would not be able to come up with due to budget cuts.

Councilman Brynes said at the Joint meeting, when talking about the fire truck, he remembers specifically asking the Chief whether that truck was going to be used solely for the purpose of the town. Chief Kelley's response was "No, that it would be used for all fires during the day in the town and village." Councilman Brynes said Chief Kelley also said it was very possible that it would be used for mutual aid situations. Councilman Brynes said, so in this letter from their Attorney it is not accurate where it states, "especially equipment used solely or mainly to protect Town residents."

Supervisor Lucia addressed Mayor Morreale who was sitting in the audience and asked "if after 12/31/2017, if the Village was going to respond to fires outside of the Village. Mayor Morreale said he could not respond to that question, that one would have to come to a Village Board meeting and ask the Village Board.

Councilman Byrnes asked if within the contract with the Village for Fire Protection it says anything about the fire truck. Supervisor Lucia said the contract for 2017 does not, however the contract for 2018 refers to the \$50,000.00 reserves which is for the fire truck. Councilman Byrnes asked when the new contract was drawn up. Supervisor Lucia said April/May/June. Supervisor Lucia said the Town would not know during these months if they would have sufficient funds for the budget. Supervisor Lucia said he finds it hard to believe that the fire company is not going to respond to fires outside the village since many members of their own families reside within the town.

Councilman Collura said during the day the town will most likely be covered by mutual aid. Councilman Collura said the letter also states "that the Town board has not adopted a budget that is in the best interest of the village taxpayers." Councilman Collura said the Town taxpayers pay 2/3 of the fire budget, the Village taxpayers pay 1/3 and the Town taxpayers have no say in it.

Mayor Morreale said that was incorrect, the Town and the Village split the cost of the boats and fire truck 50/50. Councilman Collura asked if there was an accountant for the fire department budget because explanation was needed for what, where, and how funds were accounted for within the fire department budget, because he does not understand what the town is paying 2/3 of.

Councilman Byrnes said at the meeting that was held in April/ May is when the town found out that they were paying 64% of the fire budget. Mayor Morreale said the town had been paying that for years. Councilman Byrnes said that is part of the problem. Councilman Byrnes said he has been on the board since that change occurred and it was never brought to the Town Boards' attention. Councilman Byrnes said they use to be invited to the fire department discussions even though the Towns' opinion never mattered. The fire budget was what it was and the Town has always had to take it or leave it. We never have a vote in the process. Councilman Byrnes said this is why this budget needs to be renegotiated because we just found out and it is not fair to the Town Taxpayers. Councilman Byrnes said everyone present at that meeting knew the town was not happy with that percentage; and as far as he is concerned at that point the board knew they would have to renegotiate the budget because they were not aware of the 64%. Councilman Byrnes said the same thing happened with the last tanker truck that was purchased; the town was told that it was exclusively for the town residents.

Councilman Collura said the last truck that was purchased goes out to every fire because it has all the equipment on it. Councilman Collura suggested that Chief Kelley come to the board again and discuss this further and in greater detail. Mayor Morreale said the board would need to speak with the Chief about the budget. Supervisor Lucia asked Mayor Morreale if the Fire Chief has the last say on the budget or does the Village board. Mayor Morreale said the Village Board does. Supervisor Lucia said so the Fire Chief just suggests a budget just as a budget officer would do. Mayor Morreale said that is what he did. Supervisor Lucia said he was just clarifying because the Mayor had made it sound as if it was all up to the fire chief. Mayor Morreale said he deflected the questions because the Chief is better able to answer them.

Mayor Morreale said they use the tankers first because it gives them a few extra minutes allowing them to potentially make a rescue instead of recovery.

Councilman Collura said so this is a village board decision not to provide fire service to the town residents after December 31<sup>st</sup>, because this is what the letter from the Village Attorney states. Mayor Morreale said that was not true; that it was the town refusing to sign the contract. Councilman Collura wanted to know how the fire company was going to make out with some \$400,000.00 less in their budget. Mayor Morreale said that was a question for lawyers to work out. Mayor Morreale said the Village trusted the town to be honorable with their decision after having all of the information. Mayor Morreale said the village did not make the decision about the Sheriff's department behind closed doors; there was a big difference there. Supervisor Lucia said that the town has not done anything behind closed doors. Councilman Collura said there were hundreds of village residents that were unaware about the decision to eliminate the sheriff's department. Supervisor Lucia said when the Town Attorney gets back next week he will continue working with the Attorneys to resolve this issue.

Supervisor Lucia said in the meantime all we can do is hope that if there is a fire in the town that we get coverage. Mayor Morreale said what the town might also want to keep in mind is that once the insurance companies find out that the town is not covered by the Corinth Fire Department, that their home insurance rates are going to be increasing.

Councilman Collura said the letter from the Village states "that the town did not present any notice that it was refusing the contract until the November 16<sup>th</sup> meeting". Councilman Collura said that the Town is not refusing the contract; we are just refusing to pay the \$50,000.00 reserve for a new tanker at this time as our budget does not allow it. Supervisor Lucia said Attorney Hafner has relayed this information to Carla; that we have no problems with the operating expense or retirement fund but we just can't do the reserve at this time.

Councilman Byrnes said the letter before them tonight written on December 21<sup>st</sup> does not say anything about the letter that Councilman Collura read into record at the joint meeting stating that we had a concern about the rates not being split in half; and it is never mentioned in this letter either.

Multi-Med Contract:

Supervisor Lucia said this is pretty much the same contract that we have had in the past and the biggest change is the 8% rate for a three year contract and minimal language change.

**RESOLUTION #307**

**MOTION TO APPROVE Multi-Med Contract.**

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

ADOPTED	Ayes	4	Lucia, Byrnes, Brown, and Collura
	Nays	0	

Absent 1      Halliday

RESOLVED that the Supervisor be given the authority to sign any and all documents necessary for the 2018 Multi-Med contract.

Supervisor Lucia the following are on file in his office:

County Property Sales tax report  
December Sales Tax  
Pre-Payment of taxes  
County Weather Warning  
Gov. Cuomo Executive order-  
Sales Tax  
Thank you Card- from Martha Brownell  
Saratoga County IDA Report  
Custodian Worksheets

Bookkeepers' report-

Kate Halliday spoke briefly to the Board and said Tom was coming next week to help with the year end and it is going to be much tighter than last year.

Supervisor Lucia said they did get unencumbered bills establish with Tom today so that the bills from Shawn can come out of the year they are allotted. This will alleviate issues for Shawn and his budget.

**RESOLUTION #308**

**MOTION TO APPROVE BILLS AS AUDITED WITH EXCEPTIONS**

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

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

RESOLVED that the bills be approved as audited with exceptions as follows:

**2017 ABSTRACT**

**Abstracts for 12/28/2017**

Voucher A - #170796- #170830 and #999999, B - #172418- #172442; DB #173383-#173373; EF #177319 - #1772333

<u>General Fund A</u>	\$ 44,618.00
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<u>General Fund/Outside Village - B</u>	\$ 11,535.93
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<u>Community Development Grant - CD</u>	\$
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<u>Highway/Part Town - DB</u>	\$ 70,336.16
<u>Medical – EF</u>	\$ 15,074.38
<u>Home Improvement</u>	\$
<u>CDBG</u>	\$
<u>Fire - SF</u>	\$
<u>Sewer/Water</u>	
Eastern Avenue	\$
Tranquility	\$
Passarelli	\$
Dorset	\$
<u>Lighting</u>	
Eastern Avenue	\$
Eggleston Street	\$
South Corinth	\$

**Town Board:**

**Councilman Byrnes-**

Councilman Byrnes said he wanted to thank Rose and Cheri for bringing up the information about the pistol permits and for putting it in the Pennysaver. Councilman Byrnes wanted to thank Councilman Charlie Brown for his years of service to the Town and said it was a pleasure working with him for the last 12 years. He has always maintained a professional approach to anything that has been presented to this board. Congratulations on your retirement and enjoy your family.

**Councilman Brown-**

Councilman Brown said he wanted to thank the Town for his parties and all the well wishing. Councilman Brown said he has thoroughly enjoyed his last twenty years.

**Councilman Collura-**

Councilman Collura said Happy New year. Councilman Collura also wanted to thank Councilman Brown and said that he also has learned a lot from him. Councilman Collura also thanked Highway Superintendent Eggleston for the great job they did during the Christmas storm.

**Highway Superintendent-**

Highway Superintendent Eggleston asked if the fire contract went up over 2%. Supervisor Lucia said yes it was an increase of more than 2%. Highway Superintendent Eggleston asked how the fire department can raise their budget more than 2% and nobody else can. Mr. Eggleston said all departments within the town have to lower their budgets by 10-15% so how is it that they can raise it whatever they want. Councilman Byrnes said they still shouldn't be allowed to go over the 2%. Councilman Byrnes wanted to know how they could charge the town residents \$1.34 and the village residents .57 cents. Supervisor Lucia said even with removing the reserve amount of \$50,000.00 the fire budget had still increased 3-4 cents per thousand over the last year. Highway Superintendent Eggleston asked if it was separate from the Town Budget.

Supervisor Lucia said it is added to the Town Budget, it is part of the total tax. Councilman Collura said we either sign the contract with them or we don't. Highway Superintendent Eggleston said he didn't think it was right that they just raise the amount to whatever they want, and then just send a letter like this to the town, and furthermore what kind of a board allows this to happen. Town Clerk Farr said this is about the safety of the citizens, first they did away with the Sheriff and now they are refusing to provide fire protection. Councilman Brynes said we can approve the fire contract without the reserve, but under duress, because we have an issue and want the rates equalized the next time they do their budget; but we feel we have to sign it in the best interest and safety of the people.

**RESOLUTION #309**

**MOTION TO AUTHORIZE THE SUPERVISOR TO DIRECT THE TOWN ATTORNEY TO WRITE UP UNDER PROTEST THAT THE TOWN BOARD APPROVES THE FIRE CONTRACT WITHOUT THE \$50,000.00 RESERVE.**

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

ADOPTED	AYES	4	Lucia, Brown, Brynes, and Collura
	NAYS	0	
	ABSENT	1	Halliday

RESOLVED THAT the Fire contract with the Village be signed under protest without the \$50,000.00 reserve.

**Code Enforcement-**

Code Enforcement Officer Brooks said in his problem subdivision there are two issues with issuing C/O's. He has a meeting scheduled for January 10<sup>th</sup> @1:00pm with the builder and DOH, Attorney Jackie White. He is inviting the Supervisor and board members and if they cannot make it to please submit a list of questions. Councilman Brynes wanted to know what the purpose of the meeting was. Code Enforcement Officer Brooks said to find out if DOH and the builder can come to some kind of conclusion to issue the permit to keep building in there. Supervisor Lucia said they won't let them issue any more permits until the water issue is resolved. Councilman Brynes said that is fine, because basically they have issued permits when the water isn't safe. The issue is that the water tests have been failing with the existing wells, their permit expired in 2011 and Albert caught it in June. He contacted the builder and said that the permit has expired and they needed take care of it. DOH wanted several different things a month and a half ago and Mr. Brooks said he did not have that information.

Town Clerk Farr asked Code Enforcement Officer Brooks to bring to the boards' attention the issue she received the phone call about on Eggleston Street. Code Enforcement Officer Brooks said there is one resident on Eggleston Street that has a dumpster, fills it, and then for whatever reason doesn't get it emptied. Code Enforcement Officer Brooks said he has sent him letters every three months or so, sometimes these letter come back refused. Code Enforcement Officer Brooks said he has gone to the door, they don't answer, and he knows they were home because he could hear them. Code Enforcement Officer Brooks said he has just sent another

letter out saying that he was going to take them to court. Councilman Collura said that maybe it is time that we make a law where if the town has to come and clean up a property for the safety and health of others then we add that charge to their town and county taxes. Supervisor Lucia said that the Town has done this before.

**Town Clerk-**

Town Clerk Farr wanted to thank Charlie for his years of service. Town Clerk Farr said she also needed a motion to rescind resolution #301 because Highway Superintendent Eggleston received his new truck today.

**RESOLUTION #310**

**MOTION TO RESCIND RESOLUTION #301 TRANSFERRING FUNDS FROM THE HIGHWAY DB ACCOUNT TO A RESERVE ACCOUNT**

A motion was made by 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 resolution #301 be rescinded.

**Supervisor Lucia-**

Supervisor Lucia said he wanted to thank Charlie for all his years of service and to say that Charlie had never missed a week in which he wasn't down to the Town Hall at least once a day if not twice a day.

Supervisor Lucia said he had a gentleman in his office today that lives at 9 Wedgewood Way and Miner Road informing him there is trash being thrown out down there. Highway Superintendent Eggleston said at first it looked like it was just stuffed left over from a garage sale however, the pile has been growing. Highway Eggleston said the Highway department would go down and pick it up. Supervisor Lucia said this gentleman had told him they bought a house here and that he would be interested in giving back to the community and was interested in being on the Planning Board.

Code Enforcement officer Brooks said the lady that called him about this issue asked if "No Dumping Signs" could be put up because they are also dumping at Trout Pond road also. Highway Superintendent Eggleston said no because people will only tear them down.

Councilman Byrnes said maybe it is time for the Town Board to revisit the littering fines in the Town because currently we only charge \$50. Highway Superintendent Eggleston said that is part of the problem the fine is cheaper than the dump, it should be like Greenfield and set at \$100, but how do you enforce it.

Supervisor Lucia said that the new trash rates have to be posted as of January 1, 2018. Supervisor Lucia said that they are going up a penny a pound residential is increasing to .07 cents and Commercial/non-residential is increasing to .08 cents. Bags are going to be increased by .50 cents a bag. Town Clerk Farr said that means the bags for resident will be \$3.50 and non-residents are going to \$4.50.

**RESOLUTION #311**

**MOTION TO INCREASE THE LANFILL RATES AS FOLLOWS EFFECTIVE JANUARY 1, 2018.**

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

ADOPTED	AYES	4	Lucia, Brown, Byrnes, and Collura
	NAYS	0	
	ABSENT	1	Halliday

RESOLVED THAT rates for residents are increasing from .06 cents to .07 cents and for commercial and non-residential from .07 cents to .08 cents AND BE IT FURTHER RESOLVED that the cost of bags be increased by .50 cents with residential increasing from \$3.00 to \$3.50 and for non-residents from \$3.50 to \$4.00.

**Deputy Town Clerk-**

Deputy Clerk Sullivan asked if the board was aware that the master meters could cost the town because they measure the flow. Deputy Clerk Sullivan said the town is going to get a bill from the Village for the water flow usage, and it will most likely be more than what the current bill of \$117.00 covers. This would leave a deficit for the town to cover.

Town Clerk Farr said that the Village bills us for what is used and we don't know what is being used until the next quarter, and we have already sent out the bills for the next quarter. Supervisor Lucia said they are forcing us to use individuals meters the way it was explained to him by Rose and Cheri. Councilman Byrnes said he feels that the town should go with individual meters. Town Clerk Farr said that usually people end up paying less with meters.

Highway Superintendent Eggleston asked if the town knew what the village was going to charge per gallon. Supervisor Lucia said the town did not know yet. Town Clerk Farr said the village never sent letters out or informed the town residents they had been providing water to that they would now be charged by the Town and these residents were not very happy. Deputy Clerk Sullivan said there is going to be an issue with the billing because the meters are going to be in place by June and we mail out our bills for July/August/September. Town Clerk Farr said that when the Town was suppose to take over the water in December, she had called Nicole to inform her that the Town would be sending out the Bills and the Village sent them out anyways. Town clerk Farr said that she did send out a letter explaining to residents about the 1 month charge. Councilman Byrnes suggested that the Town should possibly send a letter out to all the town residents about why and what we are doing so that there is less confusion and

point out why we are making this change because the NYSDOH said that it is illegal to have the village supply water to town residents.

There was further discussion about meters and master meters and finding out what the deadlines are so that the town can piggyback onto the village for the cost savings pertaining to the installation of meters.

**RESOLUTION #312**

**MOTION TO ADJOURN TO EXECUTIVE SESSION ON PERSONNEL WITH NO DECISION.**

A motion was made by 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 with there being no further business the meeting be adjourned at 6:30 PM

Respectfully submitted,

Cheri Sullivan  
Deputy Town Clerk