

June 8, 2017

The Town Board of the Town of Corinth held a meeting on June 8, 2017 at 7:00PM at the Town Hall.

Present: Richard B. Lucia-Supervisor
Charles Brown-Councilman
Edward Byrnes-Councilman
Jeffrey Collura, Councilman
Joshua Halliday-Councilman
Shawn Eggleston-Highway Superintendent
Albert Brooks, Code Enforcement
Robert Hafner, Town Counsel
Rose E. Farr, Town Clerk
Anne Bourdeau, Account Clerk

Public C. Eric Butler, Louise Carney, Charles Pasquarell. Diana Marcotte, Thomas Ketchum, Graham Cox, Warren Rosenthal, and Mary Murphy

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

Supervisor Lucia asked the board to approve the minutes of June 1, 2017. Councilman Byrnes asked that the approval be tabled.

RESOLUTION #182

TABLE APPROVAL OF MEETING MINUTES FOR JUNE 1, 2017

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

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

RESOLVED that the approval of the meeting minutes for June 1, 2017 be tabled until June 15, 2017.

Supervisor Lucia told the Town Board that they had approved sending the letter to the Governor regarding NYS Route 9N and he asked the board members to sign same.

Councilman Collura asked that a copy of the letter be placed in the minutes. The letter is as follows:

TOWN OF CORINTH



600 Palmer Avenue
Corinth, New York 12822
Phone: 518-654-9232
FAX: 518-654-7751
www.townofcorinthny.com

June 2, 2017

SUPERVISOR

Richard B. Lucia
518-654-9232 ext 3
Email: RLucia@townofcorinthny.com

TOWN BOARD MEMBERS

Charles Brown
Edward Byrnes
Jeffrey Collura
Joshua Halliday

TOWN COUNSEL

Robert Hafner
518-793-6611

TOWN CLERK

Rose E. Farr
518-654-9232 ext 4

HIGHWAY SUPERINTENDENT

Shawn Eggleston
518-654-6962

ASSESSOR

Tina Dimitriadis
518-654-9232 ext 5

**BUILDING INSPECTOR /
CODE ENFORCEMENT OFFICER**

Albert Brooks Jr.
518-654-9232 ext 6

TOWN JUSTICES

Ambrose Clothier
Lane Schermerhorn
518-654-9232 ext 2

PLANNING BOARD

C. Eric Butler
518-654-9232 ext 6

ANIMAL CONTROL OFFICER

Alicia Floud
518-748-2616

ZONING BOARD OF APPEALS

William Clark
518-654-9232 ext 6

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, N Y 12224

Re: NYS Route 9N

Dear Sir:

We are writing today to request to know the status of completing the repairs to State Highway Route 9N from Saratoga Springs to Lake George.

This is a very heavily traveled highway and it's continuing uneven, pot holed and frankly deplorable condition invites accidents to occur. It also does little to promote tourism in this area.

We, the undersigned, would appreciate some action with regard to up-grading this highway to standards in alignment with a stated referred to as the Empire State.



Thank you for your consideration.

Very truly yours,

Richard B. Lucia, Supervisor

Charles Brown, Councilman

Edward Byrnes, Councilman

Jeffrey Collura, Councilman

Joshua Halliday, Councilman



RESOLVED that Resolution #157 of April 27, 2017 be rescinded, and be it further

RESOLVED that the following transfers be made:

\$158,000.00 from bonding

\$50,979.00 from Fund balance (EF5700)

Increase appropriations by \$208,979.00 with EF4540.2 (Ambulance Equipment) increased by \$207,979.00 to cover the cost of the ambulance purchase plus items associated with the ambulance purchase; Set up account EF9055.8 (EMS Disability) in the amount of \$1,000.00; and be it further

RESOLVED that the Town increase appropriations for A6989.4 (Economic Development) by \$30,000.00 to cover the cost of Depot work and Trail system. The money will be allocated from the Town Depot Reserve fund #6341

RESOLUTION #185

TO ALLOW MATTHEW FOGARTY TO ADD ON EMPLOYEES TO THE CENTERLEARN TRAINING

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

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

RESOLVED that EMS Coordinator Matthew Fogarty increase the Centerlearn Training to include all employees (Part-time and Full-time) for a total cost of \$2,406.00.

Councilman Byrnes said he thought this was well worthwhile education for the EMS.

Warren Rosenthal

Warren Rosenthal gave a presentation to the Town Board regarding the Hemlock Wolly Adelgid that are killing the hemlock trees. He gave the board copies of paperwork regarding this matter and a pamphlet issued by NYS DEC regarding this matter. He asked the board to contact their State representatives and DEC to request them to allocate money for the prevention of this. Graham Cox also spoke about the Hemlock Wolly Adelgid and its effect on the hemlocks.

Kendra Schieber

Supervisor Lucia told the board that Kendra Schieber was supposed to have a presentation at this meeting but she had to go to election class. Supervisor Lucia showed the board members the logo for the 2018 Celebration that Kendra had made.

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

- James Martin – Monthly Zoning Report
- Tomahawk News
- Sundae on the Farm -= June 18th Noon to 4PM
- Saratoga County Farmland Protection and Open Space Grant Papers
- Senior Sentinel
- Saratoga County Open Space Grant Application Period Papers
- Mortgage Tax - \$8,122.50
- County Property Sales

Supervisor Lucia told the board that he had contacted Stephen Cernek and asked for a list of members of the Museum Advisory Committee. He said that the list presented did not include anyone from the Town government but did include two from the Village government.

Supervisor Lucia told the board that the Town has mosquito dunks if anyone is interested.

Wheels for Wishes

Supervisor Lucia told the board that he was contacted by Wheels for Wishes which is a car donation and recycling program that benefits Make-A-Wish Northeast New York. They asked that they be linked to the Town website so more people know they are out there.

The following reports are on file:

- Town Clerk
- Highway
- Building Department
- Justices
- Senior Center
- Custodial

RESOLUTION #186

MOTION TO APPROVE BILLS AS AUDITED WITH EXCEPTIONS

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

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

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

2017 ABSTRACT

Abstracts For 06/08/2017

Voucher A - #170318- #170356; B - #172150- #172168; DB #173165-#173179; EF #177144 - #177155:
SW Eastern Ave - #174054; SW Tranquility - #174073; SW Passarelli - #174080; SW Dorset - #174026; SL
Eastern - #174041; SL Eggleston - #174059; and SL So Corinth - #174011

| | |
|---|--------------|
| <u>General Fund A</u> | \$ 29,860.77 |
| <u>General Fund/Outside Village - B</u> | \$ 10,176.02 |
| <u>Community Development Grant - CD</u> | \$ |
| <u>Highway/Part Town - DB</u> | \$ 16,647.76 |
| <u>Medical – EF</u> | \$ 6,021.84 |
| | |
| <u>Fire - SF</u> | \$ |
| <u>Sewer/Water</u> | |
| Eastern Avenue | \$ 5,368.00 |
| Tranquility | \$ 2,371.25 |
| Passarelli | \$ 1,895.75 |
| Dorset | \$ 1,133.60 |
| | |
| <u>Lighting</u> | |
| Eastern Avenue | \$ 202.80 |
| Eggleston Street | \$ 105.41 |
| South Corinth | \$ 174.75 |

PUBLIC

LOUISE CARNEY

Louise Carney read the following statement into record:

Thank you and I hope you will bear with me as I have a few things that have bothered me for awhile. I will try to be quick.

#1 I realize the very important point of interest is the loss of the Sheriff's Dept. in the village. Living just outside the village limit, I have taken comfort in being told the village sheriff could assist us in a dire emergency. In the past, not life threatening situations, accidents, noise disruption, etc., we have waited from 30 to 45 minutes for a sheriff. I would have no problem with the town paying for a share for police protection in Corinth if the deputy would be available in the complete area of the Town of Corinth 24/7. I would NOT be willing to pay for village only protection.

#2 I am very frustrated because I do not see the Town of Corinth as "progressive", seems as we have been stagnant for a few years. We are one of the largest towns in Saratoga County, the most progressive and popular county in New York, yet we are losing opportunities and services. We have IP property with water, tracks, energy sitting vacant. We drive through other communities and see how they are growing. We read in the paper how industrial parks are established and are filling rapidly, and small companies are being enticed into their communities. Still we have nothing. Why is this?

#3 No nice apartment complexes for the middle, upper middle class, and retirees. We have lost many couples to Queensbury, Moreau, Wilton because there is no nice place to move when they sell their homes. This separates them from families, churches, and organizations. Our LOSS. Other communities have nice buildings being constructed, look at Wilton, Greenfield, Moreau. You never see it publicized that we are only 15 minutes from the Northway, 20 minutes from Saratoga, one of the most popular cities in the State, ½ hour from Malta and Global Foundaries. Why?

#4 We always hear Corinth is a low income community. Why is that? I think we all know the answer – people are allowed to take old buildings, make dumpy apartments, and the county helps fill them with “not so nice” people. So frustrating. We need to worry about the needs of all in the community not just low income. This community takes very good care of our low income people. We are helpful, sympathetic and willing to help out. We have food pantry, Share the Warmth, Crisis Committee, churches and organizations, very supportive of those in who need. The STAR program is in place toward school taxes. Veterans exemptions are given. Grants for home improvements.

#5 Corinth owns the train lines to the North. Why is it that we have not capitalized on activities involved with the train? I was on the train committee for many years. Maybe it’s because we were told for three years to “wrap” our depot, the last year told that it must be done or it would collapse. Well, that wasn’t done, depot was burned, and the committee wasn’t even told that decision was made. We are one of the few towns on the line that doesn’t have our restored depot. Hugh Loss. Discussing the rail lines, received a call last summer telling me that the town was approached by the rail line to get a contract to store 25 oil tankers on the line by the depot. I was appalled. Contractor came to board on Thursday and wanted immediate signatures. The board did hold back and said there would be a decision by Monday, BUT, why weren’t they immediately told “NO”. To me that was a no brainer, it would be a huge safety issue for neighbors and community. Board members were contacted as well as people within the community and the Post Star. The Board did not sign but always wondered what would have happened if we didn’t get the phone calls. Also, communities up north were fighting against oil tankers being parked in their communities, why didn’t the Town of Corinth tell them they couldn’t go across their lines, would have helped out everyone.

#6 Then the youth commission. After being chairperson for 20 years I'm so disappointed where we are now. We have lost our full time playground, lost activities. Do we have a Commission? When did they last meet? What is the budget for our Youth? It was slight when I did the job and I feel it should be increased to provide many Youth activities. You read, and I know, what other towns in Saratoga County are doing for their youth, we don't compare.

#7 Why aren't laws and codes enforced? My favorite one is Junk car ordinance. Was advised at the Building Office that the Town enforces State Law 302.8 Motor Vehicles " no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.....

Yet, I have a picture of what we look at in our neighbor's front yard every day. This vehicle has been there for over 15 years and the Town has been notified at least twice. Why is it still there? So many of these vehicles throughout the town, such eyesores. Our town needs clean up. Shouldn't there be a "sweep" of the community, maybe every 6 months, so they could be moved? Eyesores, not just cars, but junk. I am always amazed that on 9N the Gateway to the Adirondacks sign is next to one of the worse junkyards in town.

The Town Board prides itself on a 0% budget every year. Nice but what do we have, not much. I rather pay more in taxes and have some services and businesses in our Town. A clean, safe town.

We elect our representatives to make decisions in our best interests. It would be nice to see these concerns, and concerns of others addressed. Wouldn't it be nice to have Corinth the best place to live in the county? A town where everyone would like to live.

Thomas Ketchum

Thomas Ketchum appeared before the board to ask for assistance to set up a Neighborhood Watch. He said he spoke to the Village Board and they instructed him to come to the Town Board since one of the Town Board members had done this a while ago.

Councilman Byrnes said that they had a Neighborhood Watch in 2003-2004. He said it is very easy to set up but hard to find dedicated people. He said he was the coordinator for the Neighborhood Watch at that time. He said a Neighborhood Watch is the eyes and ears for the local community.

Councilman Byrnes told Mr. Ketchum that he would be willing to help him get this set up but could not commit to be coordinator. He said it is not hard to set up but needs commitment.

Councilman Byrnes said he thought the Neighborhood Watch was a great idea.

Charles Pasquarell

Charles Pasquarell thanked the Town Board for the open door policy regarding the Sheriff's Contract. He also thanked Councilman Collura and Halliday for attending the Village Board meetings.

Town Board

Councilman Byrnes

Councilman Byrnes told the board that he had driven on NYS Route 9N recently and the drivers were driving over the double lines to avoid the pot holed. He said he contacted DOT and received a call from Warren County NYS DOT. He said he was very disappointed in the way they handled the call. Councilman Byrnes said he then contacted Saratoga county NYS DOT and spoke to a woman who said she would take his complaint. Councilman Byrnes said that they had already started to patch NYS Route 9N in Saratoga County.

Councilman Collura told the board that NYS Route 9N from Lake Luzerne to Lake George is really bad.

Councilman Halliday

Councilman Halliday said he would like to see the Town Board and Village Board discussing the Sheriff's Contract.

Councilman Halliday spoke to the Town Board about the new scams that are being put in place and said the public should not give out any personal information.

Councilman Brown

Councilman Brown told the board that he received a scam call recently.

Councilman Collura

Councilman Collura asked Supervisor Lucia if he had hired a Youth Commissioner yet. Supervisor Lucia said he had spoken to a young lady and she was going to get back to him. Supervisor Lucia said that he had spoken to the County and if the board could find someone to manage and assist with the playground we could be open three days one week and two days the next week. He said it would be a nice summer job for someone.

Councilman Collura also wanted to know why the minutes were not up to date on the web page. Town Clerk Farr said she sent them to the Web Master and she would send them again telling him the board was questioning it.

Councilman Collura told the board that he spoke to Don Rhodes from Labarge about the attorney fees for the water district and was told that the fees could come from the grant that the Village and Town are receiving.

Councilman Collura spoke about the attorney's monthly bill. Attorney Hafner said that the charge above the monthly retainer was figured at \$200 per hour. Councilman Collura asked the Town Attorney if he would arrange to have his bill reflect the number of hours spent on each matter after the monthly retainer.

Councilman Collura asked that the ATV matter be discussed at next week's meeting.

Councilman Collura read the following into record:

June 2017

To Whom It May Concern:

The Town of Corinth organizational provisions contain an resolution that I believe is unconstitutional and misguided in its intent.

The resolution states "It is the town's policy to prohibit the possession of all weapons , including handguns, on property owned, operated or under the control of the town. Weapons of any kind are prohibited in the workplace."

In essence, this policy addresses the offensive capability of a weapon; as it concurrently ignores its defensive utility. Under the provision, town employees are left defenseless and at the mercy of one that would choose to disregard the resolution. Individuals intent on mayhem, logically would be concerned with a policy prohibiting weapons on government property.

Disturbed or irate members of the public could also enter any town building and meet with no opposition as a result of the resolution. Employees unable to possess the means to defend themselves are being denied their 2nd Amendment civil rights. As a result of this situation, elected officials that deny such rights may be subjecting themselves to personal liability.

"42 U.S.C. sec. 1983 creates a civil cause of action enforceable in federal courts, against any person, acting "under ^{color} control" of state authority, who deprives another of any rights, privileges or immunities secured by the Constitution or laws of the United States; sec. 1983 has become in modern times, a widely utilized mechanism for recovering damages against public officials for constitutional misbehavior to recover damages under sec. 1983 the aggrieved party must establish that 1) the defendant acted "under color" of state and local law in perpetrating the acts complained of and that 2) some right, privilege or immunity guaranteed the claimant under federal constitutional or statutory law was denied. A section of 1983 claimant need not prove that the defendant acted in bad faith or specific intent to deprive him of his rights.

18 U.S.C. sec. 242 and its companion statute 18 U.S.C. sec. 241 make it a federal offense, punishable by fines up to \$5,000, imprisonment up to as much as 10 years, or both, to conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured him by the Constitution or laws of the United States. (Quoted from: *Constitutional Law, Klotter and Kanovity*)

Those left unable to defend themselves are left to rely on statistical improbability and hope as their line of defense. The hope is of the most negative type: amounting to hoping that when a felonious assault occurs, it will take place in another town hall or district and not their own; this the hope of the misguided.

N.Y.S. Penal Code 35.15, Justification, makes provision for individuals to defend themselves and others to include the use of deadly physical force, if necessary. Implied in this statute is the right to possess the means to do so. We all hope this would never be necessary in civil society; yet history continues to prove us all wrong. Soft targets will continue to be favored by deranged cowards. They will continue to favor them so long as society and governments continue to disadvantage the innocent. We have become a nation paralyzed by political correctness; event to the extent of jeopardizing our own safety and that of our loved ones.

Columbine, Virginia Tech, Fort Hood, and Newtown-type events will continue on a regular basis until such time the people assert their right to possess the means to defend themselves, co-workers, students, and loved ones at all times. This begs the question: Does a school board act as "public officials", under color of law? Could school board members also be held personally liable for violations of civil rights?

Every parent, spouse, or employee traumatized in these unfortunate, yet seemingly predictable events, may well have grounds for suit under these aforementioned U.S. codes. Elected board members and administrators should review these U.S. codes to determine if liability may exist.

When I took office, I swore to uphold the U.S. Constitution: to that end, I have refused to sign the portion of our towns organizational provisions that contain the unconstitutional clauses, and will continue to do so as long as the provisions remain.

Respectfully,



Jeffrey Collura
Town Councilman
Corinth, New York

Councilman Collura asked that this matter be voted on. Supervisor Lucia said he wished to turn the matter over to the Town Attorney for his opinion. Attorney Hafner told the board that he had already given them his opinion on this matter but would be glad to give it to them again.

Town Clerk

Town Clerk Farr gave a report on how Fun Day is coming together.

Town Attorney

Attorney Hafner said he has been working on the Water District:

- He said he has the proposed Map, Plan and report for the proposed Water District that includes all property in the Town that is serviced by the village and not included in a district. He said he went over it with the Supervisor and is now ready to have an attorney/client conference to go over the legal issues with the board.
- He said the second thing is the Grant that the Town Board already approved. He said the State has proposed a work plan and this also should be discussed with the Board members at an attorney/client meeting.
- The third thing that he mentioned was an Intermunicipal Agreement between the Town and Village for the water for a length of time more than one year. Attorney Hafner said that he was meeting with the Village attorney and hopes to have a proposed agreement for the Attorney/Client meeting.

Attorney Hafner told the board that there was a Tax Assessment Memorandum that he left at his office but would get it to the Supervisor tomorrow for review by the board. He said this might also need to be discussed in an attorney/client meeting.

Highway Superintendent

Nothing

Code Enforcement

Code Enforcement Officer Brooks told the board that his office is very busy and is working with the attorney to clean up the problems.

RESOLUTION #187

MOTION TO ADJOURN

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

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

RESOLVED that at 8:25PM the Town Board adjourned.

Respectfully submitted,

Rose E. Farr, RMC
Town Clerk