

May 31, 2018

The Town of Corinth Town Board held a meeting on May 31, 2018 at 4:30PM at the Town Hall.

Present: Richard Lucia, Town Supervisor
Edward Byrnes, Councilman
Joshua Halliday, Councilman
Jeffrey Collura, Councilman
C. Eric Butler, Councilman
Rose E. Farr, Town Clerk
Jacquelyn White, Town Attorney
Albert Brooks, Code Enforcement Officer

Excused: Shawn Eggleston, Highway Superintendent

Public: None

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

Board of Assessment Review

Town Clerk Farr distributed to the board a Memorandum from the Town Attorney. Town Attorney White explained to the board that a Board Member on the Board of Assessment Review (BAR) filed a grievance with the BAR. After hearing the grievance and after deliberating, before a determination was made, it was a consensus of the board members that they felt they believed this could give an appearance of impropriety.

Attorney White said that she does not believe that the BAR is prohibited from hearing a grievance for a property in which a BAR member holds an interest. She said State Law permits the Town to enter into an intermunicipal agreement with another municipality in the county allowing for the other municipality's BAR to hear grievances in situations such as this.

**RESOLUTION APPROVING INTERMUNICIPAL AGREEMENT
BETWEEN THE TOWN OF CORINTH AND THE TOWN OF HADLEY
FOR BOARD OF ASSESSMENT REVIEW MEMBERS
TO GREIVE REAL PROPERTY ASSESSMENTS**

RESOLUTION NO.: 186

INTRODUCED BY: Councilman Collura
WHO MOVED ITS ADOPTION

SECONDED BY: Councilman Halliday

WHEREAS, the Towns of Corinth and Hadley have both appointed a Board of Assessment Review (“BAR”) for the purposes of hearing complaints of persons grieving their real property assessment; and

WHEREAS, the members of each BAR are residents of their respective Towns and are often owners of real property in their respective Towns; and

WHEREAS, as owners of real property, BAR members also have the right to grieve their real property assessments; and

WHEREAS, Hadley and Corinth desire a means by which members of their respective BARs can grieve their real property assessments without having to grieve to and appeal before the BAR on which they serve; and

WHEREAS, currently, a member of the Corinth BAR has an grievance application pending for a property in the Town of Corinth in which he holds an interest; and

WHEREAS, the Town Board desires to enter into an Intermunicipal Agreement with the Town of Hadley pursuant to General Municipal Law Article 5G and Real Property Tax Law § 523(3) which would allow their respective BARs hear assessment grievances for the other Town on applications involving properties in which BAR members hold an interest; and

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Corinth Town Board hereby approves the proposed Intermunicipal Agreement with the Town of Hadley in a form substantially similar to the Agreement attached hereto.

2. The Town Supervisor is hereby authorized and directed to execute and deliver the Intermunicipal Agreement in a substantially similar form with such revisions as he deems to be in the best interests of the Town after consultation with Town Counsel; and to execute and deliver such other agreements, instruments and documents, and take such further actions as he, in his sole discretion after consultation with Town Counsel, deems necessary or desirable to carry out the intent of this Resolution and the Intermunicipal Agreement.

3. This Resolution shall take effect immediately.

Ayes: 5 Lucia Byrnes, Collura, Halliday and Butler

Nays 0

1 Skipper Lane

Attorney White gave the board an update on 1 Skipper Lane. Attorney White told the board that she had been contacted by Michael Hendy’s (brother of the deceased) attorney who indicated that Michael Hendy is Harold Hendy’s next of kin and that Michael would be applying for appointment to Harold Hendy’s estate.

Attorney White explained to the board the steps to be taken are as follows:

Steps Already Taken

1. The Town Health Officer and Code Enforcement Officer inspected the property on May 23, 2018 at the request of the Sheriff's Department.
2. The Health Officer and Code Enforcement Officer both provided written reports to the Town Board describing the condition of the property and stating that the building must be demolished.

Steps to be Taken Going Forward

1. The Health Officer and Code Enforcement Officer have both provided written reports to the Town Board describing the condition of the property and stating that the building should be demolished.
2. After reviewing the reports, the Town Board may direct that a Notice be served on the property owner describing the premises and how it is unsafe and dangerous, and ordering that it be secured or removed. The Notice must also set a hearing before the Town Board.
3. The Notice should also be filed in the County Clerk's Office

After a lengthy discussion the following business was conducted:

RESOLUTION NO.:187

INTRODUCED BY: Councilman Collura
WHO MOVED ITS ADOPTION

SECONDED BY: Councilman Butler

RESOLUTION NO. 187 OF THE TOWN OF CORINTH

WHEREAS it is believed that Mr. Harold Hendy owned the Property located at 1 Skipper Lane in the Town of Corinth (the "Property") and the single-family home located upon it (the "Structure"), and

WHEREAS, the Board understands that Harold Hendy recently died in the structure; and

WHEREAS, the Saratoga County Sheriff's Department requested that George C. Siniapkin, M.D., Town Health Officer, and Albert Brooks, Code Enforcement Officer, inspect the Structure and they have reported to the Town Board that the Property is in disrepair and that human feces and urine, trash, cat feces and urine and other garbage and debris are abundant throughout the Structure; and

WHEREAS, the Town Health Officer and Code Enforcement Officer have concluded the Structure is uninhabitable and must be demolished; and

WHEREAS, Mr. Brooks considers the status of the Property to pose an imminent danger to the public such that he has ordered that the Property not be occupied; and

WHEREAS, the Town does not believe that an executor/executrix or administrator/administratrix has been appointed in connection with Harold Hendy's passing and knows of no other individual who possesses a vested interest in the Property; and

WHEREAS, the Town has been contacted by Michael Hendy, believed to be the brother of Harold Hendy, as well as Michael Hendy's attorney; and

WHEREAS, Michael Hendy has indicated that he is Harold Hendy's closest next of kin and is in the process of seeking appointment as executor/administrator of Harold Hendy's Estate; and

WHEREAS, it is in the best interest of the Town and community to ensure that this Property is safe and to prevent humans and animals from entering the structure, and

NOW, THEREFORE, BE IT

RESOLVED, that the Corinth Town Board hereby authorizes the Town Board, Town Health Officer, Town Code Enforcement Officer, Town Clerk and Town Counsel to take any and all actions necessary to secure the Property; and

BE IT FURTHER RESOLVED, that Notice demanding cleanup and repair or removal of the structure, in a form substantially similar to that attached hereto, be served on the last known owner and Michael Hendy, and posted on the Structure; and

BE IT FURTHER RESOLVED, that a copy of such Notice shall be filed in the office of the Saratoga County Clerk, and

BE IT FURTHER RESOLVED, that that Town Board shall conduct a Hearing on this matter to determine whether there is reasonable cause to believe that the Property is now or shall hereafter become dangerous or unsafe to the public and whether the Town should secure or remove such building or structure in the event that any owner or interested party fails or refuses to repair or remove the same within the time provided, and

BE IT FURTHER RESOLVED, that such Hearing shall occur on June 21, 2018 at 4:30 p.m. at the Corinth Town Hall; and

BE IT FURTHER RESOLVED, that the Town Supervisor, Town Code Enforcement Officer and Town Clerk are hereby authorized to execute any documents and take any actions necessary to effectuate the terms of this Resolution.

Duly adopted this 31st day May, 2018, by the following vote:

AYES : 4 Lucia, Byrnes, Collura and Butler

NOES : 1 Halliday

ABSENT : 0

There was further discussion after Councilman Halliday's vote. Councilman Halliday said that he thought the board was rushing and should give Mr. Hendy more time. During discussion it was pointed out that neighbors are less than 50 feet away and they would have to tolerate the smell from said property until something is done. Councilman Collura said that the board was going to give them more time, there was no time limit.

Attorney White explained that the notice gave them until June 11th to start something and at the hearing on June 21st the board would be able to agree on a time when something must be completed.

Dog Control

Dog Control Officer Alicia Floud and Attorney White explained that the Dog Control cannot handle cats. Attorney White told the board that any complaints about cats, etc. must be referred to the SCPA. Ms. Floud explained that she goes above and beyond to assist citizens but has been informed by the attorney's office that she cannot legally handle these matters. Ms. Floud told the board that she has as a nuisance/wildlife certification and if the board wanted to discuss her doing other than enforcing Article 7 she would be willing to talk with them.

After Ms. Floud and Attorney White explained what legally were the DCO's duties the board thanked Ms. Floud for coming and explaining so that they could better answer any questions that the public had.

National Grid

Supervisor Lucia gave the board members a copy of a letter from National Grid regarding the work request for 9 Railroad Place being placed on hold. Supervisor Lucia told the board that he had spoken to Wayne LeMothe and was told that there is still \$5,500.00 left in the grant. Councilman Collura said he thought we had already paid for this and we should check it out. It was the consensus of the board that we continue to put the power in on this property.

Meter Issues

Supervisor Lucia told the board that the Town had five properties that were to have meters installed and none of them were able to have the meters installed for one reason or another.

Bookkeeper

Bookkeeper Halliday gave the board the following documents:

- Overtime Report
- Cash Report
- Operating Statement
- Multi Med Report

She said she thought the board made a great decision raising the rates.

Supervisor Lucia also said he thought it made a great difference in raising the Landfill Fees. Councilman Byrnes said maybe we could repair the recycling building. Supervisor Lucia told the board that he would look into this.

RESOLUTION #188

APPROVAL OF SUPERVISOR'S REPORT AS PRESENTED

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

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

RESOLVED that the Supervisor's Report for April 2018 be accepted as submitted.

Town Board

Councilman Byrnes

Nothing

Councilman Collura

Councilman Collura said that he thought the Memorial Day was great. He said he wanted to thank all the volunteers and everyone involved in the parade.

Town Clerk

Nothing

Councilman Butler

Councilman Butler said that the Memorial Day parade was the first one that he had been in and he was impressed with everything.

Councilman Halliday

Councilman Halliday said he thought the Memorial Day parade was great and that Councilman Byrnes' prayer at the cemetery was great.

Code Enforcement Officer

Code Enforcement Officer Brooks showed the board members a copy of the signed plans for the Little League.

Supervisor Lucia said that these plans were presented as a donation by Douglas W. Adams of Saratoga Engineering & Design.

Code enforcement Officer Brooks notified the board that he would be on vacation from June 9th through June 18, 2018 and that Greg Berg would be taking care of anything that is needed pertaining to his office during that time.

RESOLUTION #189

APPROVAL OF LITTLE LEAGUE PLANS

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

ADOPTED Ayes 4 Lucia, Collura, Halliday and Butler
 Abstained 1 Byrnes
 Nays 0

RESOLVED that the Town Board approve the plans submitted for the Little League.

Councilman Butler asked what the next step was. Supervisor Lucia told him that he thought Attorney Hafner had told him that since the property is owned by the Town Highway Superintendent Eggleston and his department could dig the footing on town time.

Supervisor Lucia told the board that a new Lease Agreement has to be signed before the building can commence and waivers have to be signed by all volunteers. He said he is waiting for the Town Attorney to complete both of these.

RESOLUTION #190

MOTION TO ADJOURN.

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

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

RESOLVED with there being no further business the meeting be adjourned at 5:38 PM

Respectfully submitted:

Rose E. Farr, RMC
Town Clerk