

July 18, 2019

The Town of Corinth Town Board held a meeting on July 18, 2019 at 4:30 PM at the Town Hall.

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

Public:

There was public present

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

Supervisor Lucia spoke on the following:

- Financial Transfers-

Supervisor Lucia said he had the following transfer from the Bookkeeper:

RESOLUTION # 207

RESOLUTION TRANSFERS AND BUDGET ADJUSTMENTS

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

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

RESOLVED to transfer from General A fund \$400.00 to Appropriation A1410.4 Town Clerk CE with a Budget Adjustment to \$10,555.00.

- EMS Reports-

Matt Fogarty presented the monthly report to the board for the month of June and discussed the following:

1. New Dispatch (CAD) procedure, No improvement
2. Replacement of 2071-waiting on specs
3. Replace 2051- 8 months from order

- Meter Installation Letter-

Supervisor Lucia said he received an email from Don Rhodes requesting the Town Board authorize the Village DPW to install six additional water shutoff valves on a time and material basis. Supervisor Lucia said the email states that 9 out of 10 of the pre-authorized shutoff valves have been installed and they know there is going to be a need for more. Town Clerk Farr said he is also asking the Board to authorize the Village to install the meter pits, where they are required, for a total cost not to exceed ENW's meter pit installation cost of \$3,200.00. This would allow the Village DPW to install the pit while the hole is

being dug for the shutoff valve. In instances where the DPW can complete the work simultaneously there will be less impact on the homeowner. This will also allow the Village DPW to complete any installations ENW is unable or unwilling to complete.

RESOLUTION # 208

RESOLUTION AUTHORIZING THE VILLAGE DPW TO INSTALL UP TO SIX ADDITIONAL WATER METER SHUT-OFF VALVES AND AUTHORIZING THE VILLAGE DPW TO INSTALL METER PITS WHERE REQUIRED FOR A TOTAL COST NOT TO EXCEED THE ENW'S METER PIT INSTALLATION COST OF \$3,200.00.

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

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

RESOLVED authorize the Village DPW to install up to six additional water meter shut off -valves and authorizing the Village DPW to install meter pits where necessary for a total cost not to exceed ENW's meter pit installation cost of \$3,200.

- No meeting July 25, 2019
- Saratoga County Fair- July 23, 2019- July 28th, 2019.
- List of County deeds.
- Bike Run-

Supervisor Lucia said he had received the annual letter from JDRF. Requesting permission to approve the Corinth Grange Hall as a rest stop on September 14, 2019.

RESOLUTION #209

RESOLUTION TO APPROVE THE CORINTH GRANGE HALL AS A REST STOP DURING THE ANNUAL JDRF RIDE TO CURE.

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

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

RESOLVED to approve the rest stop during the annual LDRF ride to cure.

- Bill Pay-

RESOLUTION # 210

MOTION TO PAY BILLS AS AUDITED WITH EXCEPTIONS

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

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

RESOLVED that the bills be approved as audited with exceptions.

2019 ABSTRACT

Abstracts For 07/18/2019

Voucher A - #190354-190396; B #19236-192290; DB #193258-#193284; CM #197154- #197170; SL SO Corinth #194005; SL Eastern Ave - #194042; SL Eggleston ST- #194060 and SW Consolidated #199911 - #199912

<u>General Fund A</u>	\$ 61,372.21
<u>General Fund/Outside Village - B</u>	\$ 8,930.15
<u>Community Development Grant - CDBG</u>	\$
<u>Highway/Part Town - DB</u>	\$205,863.88
<u>Medical – CM</u>	\$ 8,586.25
<u>Home Improvement</u>	\$
<u>Fire - SF</u>	\$
<u>SW Consolidated Water</u>	\$ 9,547.67
<u>Sewer/Water</u>	
Eastern Avenue	\$
Tranquility	\$
Passarelli	\$
Dorset	\$
Corinth #5	\$
<u>Lighting</u>	
Eastern Avenue	\$ 185.70
Eggleston Street	\$ 96.67
South Corinth	\$ 159.98

- **United Rail Presentation-**

Supervisor Lucia said Jack Kelley, Danielle Mitchell (Executive Vice-President & Lead person in charge of restoring the Rail from Saratoga to Tahawus) and Steve Fisk (Rail Consultant) were present on behalf of United Rail. They discussed the following:

Mr. Kelley discussed the meetings that both sides have had and most importantly that they agreed to meet again. Mr. Kelley said he was before the board to hopefully answer any questions the board may have and to address any concerns. Mr. Kelley said he would like to explain that it is United Rails position to purchase the rail line from the Town of Corinth, specifically the portion from Saratoga North to Antone Mtn. Mr. Kelley said he has had side bar communications with some of the board members and he would like to address some of those concerns:

1. That the purchase of the rail line from the Town of Corinth would be contingent on United Rail successfully negotiating and purchasing the International Paper Company. An industrial park is what they are hoping to start with companies that have a need for water, power or rail.
2. They would make contingencies that if the purchase went through, they would continue working with Warren County to enter into a lease to purchase agreement. Mr. Kelley said they have further interest in buying the line from North Creek to Tahawus.

Mr. Kelley said they met with many Supervisors yesterday and many are looking forward to getting together again and discussing further. Mr. Kelley said they met with about 25 businesses up North. They also met with four NYS Attorney 's, one from DEC and the others were from the Attorney General's Office. They have taken and filed an adverse abandonment petition with the Service Transportation Board in Washington who controls the nation's railroads, basically eliminating the tearing up of the rails into Tahawus, which would eliminate good economic opportunities. Mr. Kelley felt the discussion was encouraging. Mr. Kelley said they are not in the business of staging third party cars on the lines for storage purposes. Mr. Kelley said they would put in a revert a clause into the contract, so if for some reason it didn't go through, the rail line would revert back to the Town of Corinth.

Councilman Byrnes asked if the intent was to purchase all three lines? Mr. Kelley said it was their intent to purchase all three lines. Mr. Kelley said that assurances can be made in the contract relating to this. It would be to their benefit to own the whole line.

Councilman Collura stated he is not opposed to the storage of clean rail cars on the line. Mr. Kelley said there could be a situation where there is a need for rail car repair services. In this case, there would be cars stored on the tracks. Councilman Collura said there are some zoning restrictions in the town regarding certain materials and he knows that Mr. Kelley is aware of this. Mr. Fisk said it would all be how you defined storage of cars.

Mr. Kelley said this is kind of separate from United Rail but, a problem that exists is, that a document was filed putting an umbrella district over the property and that doesn't look good to prospective buyers. Mr. Kelley said he believes that any company coming in would work within the provisions of the local Zoning Laws and SEQRA. Mr. Kelley said the Village is working on a PDD for the property the Village owns. Mr. Fisk said they are looking to use waste materials but materials such as resins and plastics and turning them into ties and other construction materials. Mr. Fisk said it does limit the potential for development if you can't bring in these types of approved materials.

Mr. Kelley said they are looking into creating a citizens advisory committee so the community has an opportunity to have a voice should an issue arise. Councilman Collura said the recycling of the plastic would be an issue. Councilman Byrnes stated he thought IP had a stipulation saying that no other companies in there could be using wood products. Mr. Kelley said he believed that was a rumor that was circling.

Mr. Kelley asked Mr. Byrnes' opinion on selling with the caveats attached that have been discussed. Councilman Byrnes said he would like to make sure they protect the Town's interest and would like to lease the rail. The purpose of the Town buying it was to ensure that we could guarantee what comes over it. Mr. Byrnes said everyone in the community wants to see something done with the IP property without question. Councilman Byrnes said he would like to see some type of performance on that railroad before the Town just sells it, and the best way to do that is through a lease. Councilman Byrnes said United Rail must understand what the town went through with the predecessors before them and therefore the Town needs to be cautious. Mr. Fisk said he believes that any purchase agreement could have caveats to it that would protect the Towns' interest.

Supervisor Lucia said his biggest concern was the repayment to the Federal Government because of original grants. Supervisor Lucia said that according to the Town Attorney it is not likely. Mr. Kelley said he spoke with Bob Hansen who is now retired, and he said that from a practical standpoint those funds

went through the Federal Highway Administration and the 10-year requirement had been met. Mr. Kelley said that they must have the equity interest in the property.

Mr. Fisk said there is a way to control what goes over the rail as far as commodities are concerned. It can be done by identifying them with a standard transportation commodities code. Mr. Fisk said the commodities that the town is worried about travel under a specific code and before these could travel on the tracks they would have to come and ask for specific permissions. Councilman Collura asked if there was any way that the Town could get a copy of any of those contracts for a starting point. Councilman Collura said it would help them protect the community and still try to work with United Rail.

Councilman Byrnes said they all want to see the rail be successful and have the IP property utilized and, in the meantime, protect our community. Mr. Kelley said what he is presenting to the board is the best that he can do right now. He said it doesn't make any business sense to purchase the IP property and still work under a lease with the rail.

Councilman Collura asked if there was any interest in buying the rest of the IP land. Mr. Kelley said he would like to see it all purchased apart from the Landfills and the parcel located near where the Towns' rail station is. Mr. Kelley said there are many potentials for how things could work out.

Councilman Butler said he agrees with what Councilman Byrnes has already expressed. Councilman Butler said on the surface this plan is fantastic, you want to buy the IP property, but you need the rail, and just as Councilman Collura was saying you can't have one without the other. Councilman Butler feels that we must hammer out all the small details and cover all our bases.

Mr. Fisk said respectable people working in this industry work with the communities. Councilman Collura asked when they would be able to see the contract. Supervisor Lucia said there is one more meeting scheduled for the 23rd and after that they will bring it back to the committee.

Supervisor Lucia said his thoughts have been on the table all along. The Town purchased the rail line to protect the IP spur. Mr. Fisk said there is the cost of pulling the rail up, the cost of disposing of the ties and that IOWA Rail has done some bad stuff to the rail. It should have been heat conditioned and it was never done and as a result during the operations of Iowa Pacific the rail warped. They incorrectly addressed the problem, they just plugged it.

Mr. Kelley spoke about price. Mr. Kelley said he would like to lay out the order of magnitude for the board. Mr. Kelley said Warren County has set the benchmark for the price and their 40 miles of track are going for 2 million dollars, but they have a full complete bundle of rights. Mr. Kelley said when CP sold the line to Corinth, they reserved out the Freight rights, so the Town does have the operating agreement, but for excursions only, not the complete bundle of rights. Mr. Kelley elaborated further on the pluses and minuses of coming up with a figure suitable to both parties. Mr. Kelley said the Corinth Line was not abandoned and there could be issues with this in Warren County. There was brief discussion about the pros and cons and differences between the two rail lines relating to cost.

Reports on File:

Fire Report

Public Comment:

(1)Mr. Leuci asked to speak to the board regarding his Passerelli development. Mr. Leuci said he was informed he would be charged for water on all his vacant lots. He said he is developing houses in this community that are nice and adding to the character of the community and adding to the tax base. Mr. Leuci said so the Town is about to charge him \$14,000.00 a year for water on properties that don't even have homes existing on them yet. He feels that he is being treated unfairly and being penalized.

He stated he put up 6-7 houses last year and has three currently being built. Code Enforcement Officer Brooks said Mr. Leuci is considering putting up a second phase of this development and he will go with wells and septic. Town Clerk Farr said he is here because the Village will not talk to him because he is a Town Water user and they only deal with the Town Water District. Deputy Town Clerk Sullivan said at last week's meeting with the Village Clerk and Don Rhodes they were informed the Village was going to start charging the Town on the vacant lots in Passerelli Water District.

The Board explained they must follow what the Village does. Councilman Butler asked if the lots had service on them, and stated that no service, no building, no water, no bill. Town Clerk Farr said the IMA states there will be a charge whether there is a building or not.

Mr. Leuci said there were taps put in and the agreement with Mr. Passerelli (the previous owner)was that he'd pay for the water line, the town would put the taps in and as they service the houses they would put the taps in which is what he has been doing. Mr. Leuci said as he is building the houses, he still pays the Town \$2,000.00 even when the tap is there. Councilman Butler said so the taps are there. Mr. Leuci said the taps are there, the lots are empty, and there is 21 lots left to build on.

Town Clerk Farr said she feels something could be done for Mr. Leuci as this development was started years ago before he was the owner. Councilman Butler said he feels in this situation the Board would have to officially appeal to the Village. Councilman Byrnes asked if the Town changes this, would the Town still be billed by the Village and the answer was yes. Councilman Collura said we need to find out if the Village would waive the fee, he didn't feel the Town Board would have an issue waiving the fee. Mr. Leuci said the Town Board would have more influence with the Village than he does. He knows that he is trying to promote development and he feels this is anti-development. Mr. Leuci said he will be back at the next meeting. Councilman Butler said these things take time.

Highway Superintendent Eggleston asked how the Village can bill, and justify it being a service before they make it a service. Deputy Clerk Sullivan stated the Town signed the IMA with the Village and it is considered an asset to the property. Councilman Butler said they are going to bill them when they hook up to the service for the service. Mr. Leuci said that when the Town put the taps in, they said they weren't going to charge for it at that time, but when the developer put the service in. Town Clerk Farr said this all goes back to the original agreement that was made and Mr. Leuci should be grandfathered in.

Mr. Leuci said he had a similar issue a couple months ago when the Village was going to charge him \$3,500.00 for the service because the cost went up. Mr. Leuci said they changed their minds on the amount and went back to the original \$2,000.00 but he should have been grand fathered then also. Councilman Collura said if Mr. Leuci could get the Village to waive the fees so would the Town Board. It was explained that the Village will not converse with him, that the Town Board would have to act on his behalf and address the Village. Councilman Collura said the Town could have their attorney draft a letter to the Village.

(2) There was another member of the public present to address the following concerns relating to 7 Fuller Drive:

1. The property is atrocious she feels the people there are squatting.
2. Cats are breeding, kittens are having kittens. She has made many calls, but no one calls her back.
3. The garbage from the front was just moved to the back
4. They don't believe there is running water or working septic and there are children there.
5. There is a horrible mold smell coming from the structure.

Code Enforcement Officer Brooks said he is not able to enter the property without the owner's permission. The only way to get in there is for Child Protective Services to be called and at that point he can enter the premises with them. Mr. Brooks explained that CPS must be notified, and he cannot be the one who does it. Mr. Brooks clarified that the owner of the property is unable to remove these occupants. He told the owner he is unable help her to remove the occupants, that would require civil action on her part. Mr. Brooks said he would contact the owner tomorrow.

Town Board & Town Offices:

Councilman Collura- No comment

Councilman Byrnes-

Discussed the following:

1.Coach Craig Falkenbury- Councilman Byrnes wanted to take the opportunity to recognize one of the Corinth Coaches, he is a great coach and great with all the kids. Councilman Byrnes said that was in the paper and on the school's website, but he wanted to share it at the Town Level also:

CORINTH — Corinth coach Craig Falkenbury was named Most Positive Boys Coach in New York state by the Positive Athletes organization recently. Falkenbury has coached for 26 years at Corinth, leading teams in softball, football, baseball and basketball. He will be honored along with other state award winners during a ceremony at a New York Mets game on July 26. Positive Athletes is a state-wide organization that focuses on highlighting athletes and coaches who make positive contributions to their communities.

Councilman Halliday-Excused

Councilman Butler -

Discussed the following:

1. Councilman Butler stated he attended the Village board meeting and wanted to share that the Fireman's coin drop would be the last weekend in July on Friday, Saturday and Sunday.
2. Councilman Butler also believes that the water project at the end of Hamilton is complete.

Town Clerk Farr-

Discussed the following:

1. Town Clerk Farr said the last two days have been spent on water in her office with individuals who needed access to WI-FI. Town Clerk Farr said about a year ago the board decided to have boosters put in the building and they are still not in. Supervisor Lucia said they are waiting on a number. Town Clerk Farr said it should not take a year. Town Clerk Farr thinks it should be available to all offices with a password. Deputy Sullivan said she did get it from Kate but did not think it worked. Councilman Collura wanted to know why it hasn't been done. Town Clerk Farr said over a year ago her tax program was supposed to be moved to the server and it still hasn't been done and she just spoke to Steve regarding this and he said he had to do something to the server first. Deputy Sullivan said she believes it is just like when she had the Wi-Fi password and Councilman Halliday informed her that you could not use it unless you were invited to use it. Councilman Collura asked if the Town had a guest access, because every business does. Councilman Collura said if the job is not getting done the board needs to move to the next bidder or rebid the project. Supervisor Lucia said he would email him and get some answers.

Deputy Town Clerk Sullivan –

1. Email from Nicole- was looking for definitions of Add-ons- Deputy Sullivan wanted clarification from the board. The Board said anything purchased above and beyond the basics that are required by law for all emergency vehicles.
2. Requesting permission to email Steve Smead information from Landfill regarding fees and what is accepted at Landfill. Permission was granted by Board. Highway Superintendent said it is posted on the wall when you drive into the landfill.
3. Wanted to clarify that the Bend of the River was the Drive for Hope Benefit. It was decided that it applied to location not event.

Highway Superintendent Eggleston – No comment

Building/Code Enforcement Officer Brooks –

Discussed the following:

1. Mr. Brooks said he has been dealing with 7 Fuller Drive (Woodland Lake) for many years and it was addressed for many years prior to him. It was brought to his attention today that the cats from 1 Skipper lane were not all collected and have been multiplying. They are living in the junk behind 7 Fuller Drive. He has sent remedy of violation orders. He said he has heard from the owner and she is not able to clean it up. Mr. Brooks said the owner stated that she has hired contractors, but they have just taken the money and ran. Mr. Brooks said he has spoke with Town Attorney Peterson and the letter before them is what Mr. Peterson suggests. Mr. Brooks said the problem is when CPS gets involved it will let him on the property, but it will not help in cleaning the property. Councilman Collura said at that point the Town can clean it up and bill her for it.

2. Mr. Brooks said his office has been busy. They have issued 10 permits in the last week, two of which were issued to Mr. Leuci. Deputy Clerk Sullivan said those are the first two lots the Town is charging for because a building permit was issued. Town Clerk Farr said they are looking at the planning maps and intend to have Artie come in and clarify. Deputy Clerk Sullivan said she believes she has located them; she just needs to confirm with Mr. Brooks. She believes that WSO is where the water service is located. Councilman Butler said WSO is water shut off. Deputy Clerk Sullivan said that means there is service correct. Councilman Butler said yes. Highway Superintendent Eggleston asked how they can charge \$2,000.00 to install a service when the service is already there. Councilman Butler said that is the bill for hooking to the main. Mr. Eggleston said no, the line is there the only thing that must be added is the line from the road to the house which is the homeowner's responsibility. Mr. Eggleston said it is wrong, that the Village is saying the service is already there, but yet they are charging him for it and he feels this is wrong. Councilman Byrnes said so all that they are doing is turning the valve because the builder only installs from the road in. Town Clerk Farr said part of the \$2,000.00 charge for Mr. Leuci includes the meter being put in. Councilman Collura asked Supervisor Lucia if the Town was going to have their Attorney draft a letter explaining this situation. Supervisor Lucia said yes. Councilman Collura said the Town will do what they can on his behalf but if the Villages refuses then the Town will have to bill him. Councilman Collura said the Town did decide not to charge for vacant lots that do not have service. It was explained to Councilman Collura the rates being charged are the same whether you use water or not. Councilman Byrnes said they knew there would be some bumps and bruises along the way but who would have known that it was going to cost a developer \$14,000.00 a year for water he is not yet receiving.

3. Mr. Brooks said he had two court cases yesterday. One on 9N has been cleaning up and he extended their time because of this. The other case was a trial and they did not show up. The judge is putting a warrant out for them to show at the next court hearing date.

RESOLUTION # 211

MOTION TO ADJOURN @ 6:23 pm.

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

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

RESOLVED to adjourn at 6:23 p.m.

Respectfully submitted



Cheri Sullivan, RMC
Deputy Town Clerk
Town of Corinth