

**REGULAR MEETING- AUGUST 14, 2023 DAY TOWN BOARD  
UNAPPROVED MINUTES  
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**A REGULAR MEETING** of the Town Board of the Town of Day, County of Saratoga State of New York, was held in the Day Town Hall, 1650 North Shore Road Hadley NY 12835 on August 14, 2023.

The meeting was called to order by Supervisor Diana Edwards at 7:00pm with the following answering roll call: Councilman Curt Schreiner, Councilwoman Lorraine Newton, Councilman Joseph Flacke, Councilman George Lembo, Highway Superintendent Lehman Allen, Jr and Attorney Matt Fuller.

The meeting minutes from July 10, 2023 was tabled for September 11, 2023 Board meeting pending approval.

**Motion to approve abstracts July 2023:**

Highway Fund voucher #265-275 \$16,287.62

General Fund voucher #275-302 \$42,808.07

**Motion** made by Supervisor Diana Edwards to approve the above vouchers (#265-275 and #275-302), Councilman Joseph Flacke and 2<sup>nd</sup> by Councilwoman Lorraine Newton. Ayes: Supervisor Diana Edwards, Councilwoman Lorraine Newton, Councilman Joseph Flacke, Councilman Curt Schreiner and Councilman George Lembo.

**Carried:** 5-0

**Motion**, made by Councilwoman Lorraine Newton to approve the July 10, 2023 reports from Town Justice, Town Supervisor, Assessor, Code Enforcer, 2<sup>nd</sup> by Curt Schreiner (Town Clerk report not received-not approved).

Ayes: Supervisor Diana Edwards, Councilman Curt Schreiner, Councilman George Lembo, Councilwoman Lorraine Newton and Councilman Joseph Flacke.

**Carried:** 5-0

**COMMITTEE REPORTS:**

David Cox reported on Hudson River Regulating District liaison minutes from their August 1<sup>st</sup>, 2023 meeting. They said the Day Property Association, they can't force Erie to pay what they usually pay for the 56 feet. So they are filing a motion to appeal, if Fark doesn't respond within 30 days then there going to the U.S. District Court. Also the road that's being built near the Conklingville Dam is now complete. The water level is near target, it's about 1 foot above with all the rain we had gotten. Councilman George Lembo was wondering if more water level would be decreased for the Conklingville Dam project. David Cox did say the water level will not be decreased this year and the design is still being worked on.

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Highway Superintendent Lehman Allen, Jr reports he welcomes the newest member to the Highway team, Christopher Healy. Christopher started working Monday August 14<sup>th</sup>, he has a class A CDL, a positive attitude and a good work ethic. Lehman did thank Councilman Joseph Flacke, Supervisor Diana Edwards and Town Clerk Carol Vaillancourt for the assistance in posting to help fill the position. The Highway Department is now currently fully staffed. The concrete blocks are on site at the recycling center for the leaf dispose area. The project will be completed by the Highway Department and ready to take bagged leaves this fall. The grinding and reclaiming of Old Military Rd on August 29-30<sup>th</sup> and repaving Military Rd on September 12-13<sup>th</sup> weather permitting. For the paving project the crew will be using the Town of Corinth paver with shared services among towns. August 21-24<sup>th</sup> will be bulk trash pickup, the trash will be picked up once. Televisions and computer monitors will be accepted being the town is not charged a fee to dispose of those.

Councilwoman Lorraine Newton and Gary Newton who are on the Veterans Committee went on a tour that Saratoga County Veterans created on July 22<sup>nd</sup>, 2023. About 100 people attended, they were bussed to a historical park and to a therapeutic horse farm. In the afternoon there was great food and music. Everyone seemed to enjoy it, this was the first time the Saratoga County Veterans did this and they are hoping to receive great feedback to be able to continue this.

Councilman Joseph Flacke and Councilman George Lembo on the Building Committee spoke about the bidding process on the roof project which is on the agenda. Supervisor Diana Edwards said the date for opening the bids was September 6<sup>th</sup>, which should be moved to September 13<sup>th</sup> and awarding the bid should be moved to September 18<sup>th</sup> per the boards approval. Also the date for completion should be moved to October 30<sup>th</sup>, 2023. The deadline to receive sealed bids by will be on September 13<sup>th</sup>, 2023 at 3:00pm.

**Old Business:**

Supervisor Diana Edwards said the trees were trimmed in the Day Center Cemetery by Buddy's Tree Service. It looks great and it really opened it up, Buddy's crew did a great job. We currently have another big tree for removal near the new entryway which will be looked at for the following meeting.

**New Business:**

Our planning board member Gary Newton, resigned in July of 2023 and served more than 10 years. We currently have an open spot on the planning board to fill. Vickie Walencik applied for the Clerk to the Planning and Zoning Boards and the BAR. Vickie is a rehire and can be offered more work to help the Code Enforcer and the Tax Assessor as well, when they need help. We currently have money placed in the budget

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for the Assessor Clerk, so the money is there and would just be split between the Code Enforcer and the Assessor Clerk. George Lembo was concerned with the money being moved from one budget account to another. Supervisor Diana Edwards explained that the funds are in the budget already, just reallocating.

Rob Zeglen is interested in becoming a Zoning Board of Appeals member and appeared before the Board for an appointment.

Councilman George Lembo was wondering who Rob Zeglen would be replacing, and if there's a record of that member resigning. Supervisor Edwards stated Joseph Flacke resigned in 2022 from the Zoning Board of Appeals and a resignation letter was given to the Town Clerk.

**Motion**, made by Councilwoman Lorraine Newton to appoint Rob Zeglen as a member of the Zoning Board of Appeals, 2<sup>nd</sup> by Councilman Curt Schreiner.

Ayes: Councilman Curt Schreiner, Supervisor Diana Edwards, Councilman George Lembo, Councilwoman Lorraine Newton and Councilman Joseph Flacke.

**Carried:** 5-0

Currently the hours at the Town Hall for the Code Enforcer is Mon-Fri 1-5pm. The Assessor is Fridays 9-4pm. The Code Enforcer and Assessor are currently shared with other towns. The Town Clerks hours are currently Tues-Thurs 8-3pm. George Lembo feels that the hours haven't decreased to help save energy and would like the Town Hall to be closed Fri-Sun and have the Assessor work from home. Supervisor Edwards stated by law, a sole Assessor has to be in the office and is only available on Fridays being she covers other towns as well. Councilwoman Lorraine Newton said that the board was aware before the Assessor was hired that Fridays was the only day she was available for our town. Councilman Curt Schreiner explained that energy still is needed on the days the Town Hall is closed to heat the building and a couple lights on shouldn't cost a lot. Councilman Joseph Flacke stated he did help recruit for the Assessor position and its very difficult to find someone who has all the qualifications needed for that position. Also, the town needs to accommodate to get people to fill open positions.

Supervisor Diana Edwards stated the quarterly budget reports are not done for municipalities, it's more for corporations. The town currently does a yearly budget and it's reviewed monthly.

The employee handbook currently states that there is a 3 month waiting period for health, dental and vision insurance. Supervisor Diana Edwards reached out to Saratoga County and a lot of places now offer health care, dental and vision benefits the 1<sup>st</sup> of the month following a new employees start date.

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The Town of Day had an open house last month, over 40 people did attend. Sandy and Earl Sullivan did help set it up which was great and it went well.

**New Business:**

Councilman Curt Schreiner is trying to come up with some new classes for sexual harassment. Saratoga County offers a sexual harassment online that was quick and easy to do, which will be offered again. Superintendent Lehman Allen said its hard to get the whole crew together at the same time to do the sexual harassment webinar so something on a thumb drive would be perfect.

Supervisor Diana Edwards stated Vickie Walencik would be taking on more responsibilities helping the Code Enforcer and the Tax Assessor. Currently that position pays \$15.93 hourly with about 5 hours of work a week. Based on more responsibilities, Supervisor Edwards would like to increase the hourly rate an additional \$1.00 more. Councilman George Lembo feels that new hires agree upon a certain wage and doesn't agree to immediately give a raise.

**Other Business:**

Councilman George Lembo said there is more domestic animal activity in our town and some people have an issue finding pet waste in front of their homes. Right now, there is no law in place for pet owners to clean up the waste. He would like to see their model from Lake George and see what their ordinance reads. Councilman George Lembo would like for the law to make pet owners pick up their pets waste on the public roads and any public places and the Code Enforcer would issue a fine if need be. Councilman George Lembo would like something put into place for trash containers being brought in after garbage pickup. He would like 72 hours for the day before garbage pickup, the day of and the day after pickup. He understands that people go away on vacations, become sick etc. Councilman George Lembo would like the person to call Code Enforcement to let them know the trash cans will not be brought in and allow the person 3 waivers a year. Also the code Enforcer to give 3 warnings. This would be for chronic violators and cut back on garbage cans blowing out into the roadways.

Highway Superintendent Lehman Allen, Jr explained to Councilman George Lembo that he had a conversation about the garbage cans. The Town of Hadley does have an ordinance in place which is 72 hours for garbage pickup. Being the fact that the Code Enforcer would be receiving phone calls from people if they can't get their cans in within that time frame, it could be overwhelming. So the Code Enforcer is asking to keep the ordinance simple so he would be able to enforce it.

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**Public Input:**

Debbie Lloyd is a resident on Kathan Rd, which has a posted speed limit of 25mph. Debbie had a very unpleasant experience while out walking on Kathan Rd last month. A tree company truck was coming towards them driving over the speed limit, which she then motioned for the driver to slow down. Debbie would like the town to have Kathan Rd a no truck traffic road. It has a 4 ton weight limit during the winter and she would like the 4 ton weight limit to be year round. She feels posting the weight limit year round, it would cut down a lot on traffic on Kathan Rd. Debbie even suggested the digital signs may help slow drivers down.

Councilman George Lembo feels that the town should try to get the speed limit reduced and put the request in.

Superintendent Lehman Allen, Jr has looked into the digital speed signs previously and to get two of them it would cost \$7,000.00 which can't be done. Lehman did agree to try to get the speed limit reduced. Lehman also said he can put more signs up on Kathan Rd that read slow, watch for pedestrians and see if that helps. Some signs on Kathan Rd previously been in place which did help some.

Maureen Leade spoke about the paving of the recycling center and how it looks great, and she appreciated it.

Owen Shephard was a 40 year DOT employee, he thanked Superintendent Lehman Allen, Jr for the storm cleanup and patching some holes. Owen is also a resident of Kathan Rd and he walks every day. Owen feels the speed limit should be reduced and the state does have the funds to do so. Owen would like crosswalks in place as well. The locations of the crosswalks could be put in and a sign in place before the crosswalk to warn the drivers so they slow down. Owen stated the crosswalks should be put in at High Point Lane, Cameron Lane, Jeanie Lane and Overlook Terrace East and West. He feels the road should not be considered a rural road anymore. The site distance is limited on that road. A petition has circulated around Kathan Rd for the residents to sign who would like the speed limit to be reduced.

Superintendent Lehman Allen, Jr said that DOT will do an inspection when a speed reduction is requested. Which at that time, it can be asked about the crosswalks and see what they think. Lehman stated that usually the only time the state DOT would allow a crosswalk to be put in is if it's in front of a school, motel or something like that.

Jason Lang wanted to thank Councilman George Lembo for trying to do something about the garbage cans.

Cheryl Allen was concerned about switching the town hall hours and getting the word out so residents know. Cheryl feels that Monday is a busy day and the town hall should

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be opened. Supervisor Diana Edwards said the town hall is opened in the afternoon on Mondays and if anyone comes in Monday mornings there usually looking for the town clerk, whose off that day. Residents can call and set up an appointment if need be. Cheryl feels that a lot of residents do not look or have access to the internet to see information on the towns website. She would like either the Daily Gazette or the Times Union to be used being they print daily and avoid the Post Star. Cheryl feels that the time for bids and the work to be completed should be looked at again, being a lot of companies are booked. Also she was curious if the Code Enforcer and Assessor asked for clerks at the time of their interview. Supervisor Diana Edwards stated there was a clerk in place for the Assessor, but the town was short staffed and didn't have one.

Harry Brennan asked on appointing board members, if everyone gets interviewed. Supervisor Diana Edwards said it's up to the Board to interview, they can have the applicant come to the Town Board meeting, it can be individually, or by phone. Currently there is no set procedure.

**Motion**, made by Councilman Curt Schreiner to appoint Vickie Walencik as Clerk to Planning & Zoning Boards, and BAR Clerk. As well as helping the Code Enforcer and Assessor as needed, 2<sup>nd</sup> by Councilwoman Lorraine Newton.

Ayes: Councilman George Lembo, Councilman Joseph Flacke, Councilwoman Lorraine Newton, Councilman Curt Schreiner and Supervisor Diana Edwards.

**Carried:** 5-0

**Motion**, made by Councilman Curt Schreiner to increase the pay rate<sup>4</sup> of the Planning & Zoning Clerk, BAR Clerk, Code Enforcer and Assessor Clerk from \$15.93 hourly to \$1.00 more, 2<sup>nd</sup> by Councilwoman Lorraine Newton.

Ayes: Councilman Curt Schreiner, Councilwoman Lorraine Newton, Supervisor Diana Edwards and Councilman Joseph Flacke.

Nayes: Councilman George Lembo

**Carried:** 4-1

**Resolution #2023-45** To appoint Vickie Walencik as Clerk to Planning & Zoning Boards, and BAR Clerk, Clerk to Assessor & Code Enforcer and increase pay rate of \$15.93/hour by \$1.00/hour.

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**Motion**, made by Councilwoman Lorraine Newton to appoint Rob Zeglen to the Zoning Board of Appeals to fill the vacancy with the term expiration of December 31, 2026, 2<sup>nd</sup> by Councilman Curt Schreiner.

Ayes: Councilman Curt Schreiner, Councilman George Lembo, Councilwoman Lorraine Newton, Councilman Joseph Flacke and Supervisor Diana Edwards.

**Resolution #2023-46 To appoint Rob Zeglen as a member of the Zoning Board of Appeals to fill the vacancy with a term of December 31, 2026.**

**Motion**, made by Councilwoman Lorraine Newton to amend the hours that the Town Hall is open to the public from Resolution #2008-22 dated May 12, 2008 from Monday through Thursday 8:00am through 5:00pm closed on Fridays. Effective immediately new hours to be Monday 1pm-5pm, Tuesday through Thursday 9:00am-5:00pm and Friday 9:00am to 4:00pm, 2<sup>nd</sup> by Councilman Curt Schreiner.

Ayes: Councilman Joseph Flacke, Councilman Curt Schreiner, Supervisor Diana Edwards, Councilwoman Lorraine Newton.

Nays: Councilman George Lembo

**Carried:** 4-1

**Resolution #2023-47 To amend the hours that Town Hall is open to the public from Resolution #20018-22 dated May 12, 2008 from Monday through Thursday 8:00am through 5:00pm, Tuesday through Thursday 9:00am to 5:00pm and Friday 9:00am to 4:00pm.**

**Motion**, made by Councilwoman Lorraine Newton to cancel the remainder of the quarterly budget review meetings scheduled on October 9, 2023 and December 11, 2023, 2<sup>nd</sup> by Councilman Curt Schreiner.

Ayes: Councilman Joseph Flacke, Councilman George Lembo, Councilwoman Lorraine Newton, Supervisor Diana Edwards and Councilman Curt Schreiner.

**Carried:** 5-0

**Resolution #2023-48 To cancel the remainder of the quarterly budget review meetings scheduled on October 9, 2023 and December 11, 2023.**

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**Motion**, made by Councilwoman Lorraine Newton to transfer half of the \$1500.00 from the Assessor Clerk account to the Code Enforcer Clerk account, 2<sup>nd</sup> by Curt Schreiner.  
Ayes: Councilman Curt Schreiner, Councilwoman Lorraine Newton, Supervisor Diana Edwards and Councilman Joseph Flacke.  
Nays: Councilman George Lembo  
**Carried:** 4-1

**Resolution #2023-49 To reallocate \$750.00 from A1355.1.1 Assessment Clerk Assistant to A36201.1.1 Safety Inspection Personal Services Clerk.**

**Motion**, made by Councilman Curt Schreiner to update the employee handbook to change Section 805 when coverage begins “following a three-month waiting period” to the beginning of the next month from their hire date, 2<sup>nd</sup> by Councilman George Lembo.  
Ayes: Councilwoman Lorraine Newton, Councilman Joseph Flake, Councilman Curt Schreiner, Supervisor Diana Edwards and Councilman George Lembo.  
**Carried:** 5-0

**Resolution #2023-50 To update employee handbook to change Section 805 when coverage begins “following a three-month waiting period” to the beginning of the next month from their hire date.**

**Motion**, made by Councilman George Lembo to request a reduction of speed to 25mph from 35mph on Kathan Rd, 2<sup>nd</sup> by Councilman Curt Schreiner.  
Ayes: Councilman Joseph Flacke, Councilwoman Lorraine Newton, Supervisor Diana Edwards, Councilman George Lembo, Councilman Curt Schreiner.  
**Carried:** 5-0

**Resolution #2023-51 To request a reduction to speed to 25mph from 35mph on Kathan Road.**

**Motion**, made by Councilman George Lembo to put the roofing project forward for the Town Hall and the Museum, 2<sup>nd</sup> by Councilman Curt Schreiner.  
Ayes: Councilwoman Lorraine Newton, Supervisor Diana Edwards, Councilman Joseph Flacke, Councilman Curt Schreiner and Councilman George Lembo.  
**Carried:** 5-0

**Resolution #2023-52 To approve publish bid announcement in Post Star and to send out bid package for Town of Day Town Hall and Town Museum roof project.**

The next regular Town Board meeting is scheduled for September 11, 2023 at 7:00 pm



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**Motion**, to adjourn made by Councilwoman Lorraine Newton at 8:21pm, 2<sup>nd</sup> by Councilman Curt Schreiner.

Ayes: Supervisor Diana Edwards, Councilman Joseph Flacke, Councilman George Lembo, Councilwoman Lorraine Newton and Councilman Curt Schreiner.

Tracy Ladd  
Deputy Clerk