

**REGULAR MEETING-DAY TOWN BOARD
UNAPPROVED MINUTES
APRIL 8, 2024
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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 Day Town Hall, 1650 North Shore Rd Hadley, NY 12835 on April 8, 2024.

The meeting was called to order by Supervisor Diana Edwards at 7:00pm with the following roll call: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan, Councilman Joseph Flacke, Supervisor Diana Edwards and Highway Superintendent Leonard Allen.

Councilwoman Cheryl Allen just wanted to touch base on the addition that was done to the Town Hall, which was discussed during last month's board meeting. The current meeting room used to be the Woodsman dance hall. Councilwoman Cheryl was told that room has a problem with the insulation.

Motion, made by Councilwoman Cheryl Allen, 2nd by Councilman Harry Brennan to approve the Town Board March 11, 2024 regular minutes and March 26, 2024 special meeting minutes.

Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan, Councilman Joseph Flacke and Supervisor Diana Edwards.

Carried: 5-0

Motion, made by Councilman Harry Brennan, 2nd by Councilman George Lembo to approve the following abstracts for March 2024:

Pre-Audits: Highway voucher #155-162 \$12,973.36 General: voucher #163-187 \$138,389.90

Regular: Highway voucher #188-198 \$8,302.76 General: voucher #199-226 \$18,851.41

Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan, Councilman Joseph Flacke and Supervisor Diana Edwards.

Carried: 5-0

Motion, made by Councilman Harry Brennan, 2nd by Councilman Joseph Flacke to approve the bank reconciliations for General, Highway, Payroll, A/P, EMS, Town Clerk/Tax Collector and Dog Control.

Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan, Councilman Joseph Flacke and Supervisor Diana Edwards.

Carried: 5-0

Councilman Harry Brennan asked what the cell tower was for in the Code Enforcer report. Supervisor Diana Edwards said it was for the cell tower on Horse Hill Rd for a permit needed to do work on the tower.

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Councilwoman Cheryl Allen suggested a report on the ambulance for calls for the town to be handed out in the reports as well. Supervisor Diana Edwards said she does get a monthly report for the ambulance and she will share it with the board quarterly.

Motion, made by Cheryl Allen, 2nd by Councilman George Lembo to approve March 2024 reports from Town Justice, Town Supervisor, Assessor, Code Enforcer, Town Clerk and quarterly report Dog Control Officer.

Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan, Councilman Joseph Flacke and Supervisor Diana Edwards.

Carried: 5-0

Public Comment:

Debbie Lloyd is a resident on Kathan Road. Debbie said its 7 weeks until Memorial Day and there will be more traffic on that road. There were suggestions made last summer and they are off the table and would like to know what the Town Board has in mind to solve this issue. Supervisor Diana Edwards said she can reach out to the sheriff's department and see if we can get a digital speed sign to place on the road, Highway Superintendent Leonard Allen said it will cost the town. Debbie suggested putting a counter up to see how much traffic is on Kathan Rd. Debbie suggested stopping the trucks that don't need to go down Kathan Rd and not allowing people to drive on the road for a short cut. Cheryl said a study was done last year and nothing could be done at that time to reduce the speed limit, but we could try again for the busier time around June-July. Cheryl said people can drive the speed limit and are still being yelled at, including the residents who live on that road. Speed bumps aren't an option due to liability and accidents etc. Debbie wants the board to be proactive and get something done. Councilman George Lembo asked if we can put another request in to reduce the speed limit. Highway Superintendent Leonard said he will put another request in but its not up to the Town, its up to the State. Leonard said everyone is aware of the speed on Kathan Rd, but its what can be done and not done. Councilwoman Cheryl and Councilman George said its not just Kathan Rd with a speeding issue.

Reports of Committees:

Liaison to the Hudson River Black River Regulating District Dave Cox was not present but sent a report in. The lake level is still in record high territory due to the early snow melt and early rains, but the district is discharging 24 hours a day and the lake level is holding steady at 769.5 feet.

Councilman George Lembo said he is still looking into a vendor for the fireworks.

Councilman George Lembo said he has a list of volunteers and would like more if anyone's interested. He would like to have the museum open on Saturday mornings

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from 9am-11am and do a meet and greet. George said the town has a lot of history and it would be great to share that with everyone. On May 18, 2024 at 9:00am there will be a meeting for the volunteers to discuss scheduling and what their expectations are. Saturday mornings in July and August would probably work best being the kids would be out of school and more residents would be able to attend.

Mary Ann Johnson on the Veterans Committee said she spoke to Frank the director and a lot of projects are going on right now. Mary Ann thought there was more money than there was, so the original plan needed some adjusting and that was sent today to Frank to review. So once Frank is okay with the plan it will be brought to the Town Board for review and approval. Councilwoman Cheryl Allen said April 11, 2024 at 7:00pm Wilton Elks Club in Saratoga Springs has a 50th Vietnam War ceremony. The doors open at 6:00pm, check-in is no later than 6:50pm.

Councilman Joseph Flacke said some suggestions were made on the Town Hall and what needs to be done and the next step would have the town engineer review them and the committee can decide what they would like to do. Councilman Harry Brennan will set up a time with the engineer to come and look at the building to see what can be done. Councilwoman Cheryl Allen said she looked at the old Town Hall sign that used to be out front at the roadside, that's all that needs to be done is some paint refreshed in some spots. It was made and donated to the town over 30 years ago by Joe Ceiling and was still in good shape. Cheryl asked the board if it was okay to get a price on refurbishing the bottom of the sign and get that sign up back up. The sign that is currently up is smaller and hard to notice, that sign can still be used but placed elsewhere for the Town Hall. The Board agreed that it's okay to get a price on the sign. Cheryl would like that sign used again for historical reasons, and with things being thrown out she doesn't want something to happen with that sign.

Councilman Joseph Flacke said a major revision was just finished on the Finance Policy and its on track to be finished by August 15, 2024. This week the Finance Committee will meet to review the changes and get a draft together for the Attorney Matt Fuller to look at as well. Christina Siebert said she went through the policy and made sure she was following the Municipal Law and she added some suggestions. Christina looked into the roles and responsibilities of the ones involved in investments. April 11, 2024 a meeting is scheduled to discuss the changes. A list of bullet points on changes and suggestions will be gone over, if everyone is okay with the changes then she will take the time to write it all out. Councilman Joseph Flacke said they have also been working on a cash flow analysis for Highway and General and the preliminary is done and would have the CPA review it before the next board meeting.

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Superintendent Leonard Allen said the Highway Department has been going nonstop from the snowstorms and trees/limbs down. He is hoping to start the road construction for paving next week. The Highway Department lost a guy today, Nicholas Bourdeau. Nicholas left for another job. Leonard asked the Board about changing the sliding pay scale from 5 years back to 3 years. Leonard explained that it used to be a 3 year sliding pay scale and wasn't sure when or why it was changed to a 5 year sliding pay scale. Councilman George Lembo asked if Leonard would like it immediately or as of the 1st of the new year. Leonard said he would like it to be changed immediately. Leonard said he is losing good people and he lost a good guy today. Leonard explained that if an employee is still there in a year, they are doing the job. The Highway Department wanted to thank, Tracy Ladd, Carol Vaillancourt, Diana Edwards and anyone else who made food and dropped it off during the snowstorms for the crew. Highway is on 10 hour days now Mon-Thurs. 6am-4:30pm. Councilman Joseph Flacke asked Leonard if the pay scale would affect this years budget, Leonard said it will not. Leonard explained an anniversary raise is given and then a yearly percentage. Once the sliding pay scale is over, there is no more anniversary raise being they would be at the top of the pay scale at that time. So instead of being at the top of the scale in 5 years it would be 3 years instead. Councilwoman Cheryl Allen asked how many employees on Highway would it affect, Leonard said all but one employee being there all new besides Garrett Metzler. Leonard explained that it will not affect the budget this year, so it doesn't matter if its passed this year or next year. Leonard will put some numbers together on where the employees pay is now and what the top pay would be to show the Board. Councilman George Lembo said he would like to think about it a little bit before a decision is made. Councilwoman Cheryl Allen said its also other Highway departments as well that have people coming and going, so its everywhere. Cheryl thought it was a lot to advertise on indeed for the open positions for applications coming in from Georgia and other places that are far away. Leonard explained that the applications that were filled out all came from indeed, there were none from anywhere else. Councilman George Lembo said it should come to an end where the employee makes there own rules and shots on what they want. Leonard explained his current employees including the one that left today answers their phone no matter what time of day or night it is for storms and no one asked for a raise. He feels that it's a long time to wait to be at the top of the pay scale in 5 years, so he would like it changed to 3 years and do that for his crew. The Board agreed to look at the numbers and discuss it at the next meeting.

Correspondence:

Biketoga flyer is posted outside the Town Clerks office with a phone number incase anyone is interested.

Masters of the Air costs \$35.00 a ticket, this is also posted outside the Town Clerks office.

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Saratoga County is putting out a grant for Economic Development for the Town of Day, it was used in the past to remove some trees and things like that.

Old Business:

The Town car policy was updated with the requests by the Town Board. Councilman George Lembo asked if a dash cam would be used for the town car, Supervisor Diana Edwards told George to look into one and one can be ordered. Councilwoman Cheryl Allen said she would like to talk about the Town car policy once the Attorney Matt Fuller was present, being Matt can explain some things to the Board.

Supervisor Diana Edwards read the highest and lowest bid for the Sand Lake Bridge Project. Four sealed bids were received. Jablonski Excavating Inc. \$1,033,148.00 and ING Civil Inc \$942,840.00 The Town Engineer is reviewing the bids and we have a special meeting scheduled April 15, 2024 at 1:00pm to award the bid. Anyone can attend if they would like. This is covered by FEMA, it will be paid upfront but reimbursed back.

Supervisor Diana Edwards mentioned that the part-time employees can also get the AFLAC insurance and would pay 100% themselves.

The Town Clerk had her Deputy, Carol Vaillancourt come in to help a lot during tax time and she had asked if we can transfer more money in the budget for Deputy to help get through the remainder of the year. Councilman Harry Brennan asked if \$3,420.00 would be enough which would be about 5 hours a week for the remainder of the year. Tracy Ladd, the Town Clerk said she works 9am-3pm three days a week, which is 6 hours. Councilman Harry feels that wouldn't be enough money. Councilwoman Cheryl Allen said we can approve the transfer for the \$3,420.00 and if we need to do another transfer later on, we can do so then.

Other Business:

Saratoga County Senior Advisory Council was filled by Shelly May, she will attend the meeting on April 28, 2024. Shelly May will keep Supervisor Diana updated so the seniors in the town will know what's going on as well.

Resolutions:

- A. **Resolution #2024-45** authorizing the Deputy Town Clerk and the Deputy Town Supervisor to sign checks if the Town Clerk and Supervisor are not available to sign.
- B. **Resolution #2024-46** to offer insurance (vision, dental, life) to part-time employees of the Town at no cost to the Town, employees to pay 100% and payment collected as a bi-weekly payroll deduction.
- C. **Resolution to add #2024-47** 190 hours for the Deputy Town Clerk.

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- D. **Resolution #2024-48** authorizing the following budget transfers:
- | | | |
|-----------|-------------------------------------|--------------|
| A1990.4 | Contingency | (\$4,420.00) |
| A1410.1.1 | Deputy Town Clerk personal services | \$3,420.00 |
| A7450.4 | Museum contractual | \$1,000.00 |
- Fund underbudgeted General accounts from Contingency (balance after \$22,080.00)
- E. **Resolution** authorizing the following Inter-Fund Transfer:
- | | | |
|------------|----------------------------|--------------|
| DA9060.8.2 | Hospital & Medical-Retiree | (\$4,008.00) |
| A9060.8.2 | Hospital & Medical-Retiree | \$4,008.00 |
- Transfer to the correct expenditure line (coverage for one former employee/General Fund not HWY)
- F. **Resolution** to adopt the Town Car Policy

Motion, made by Councilman Harry Brennan, 2nd by Councilwoman Cheryl Allen to move forward and approve **Resolution 2024-45** through **Resolution #2024-48**.

Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan, Councilman Joseph Flacke and Supervisor Diana Edwards.

Carried: 5-0

Supervisor Diana Edwards explained that two signatures are needed for checks, if they are not available to sign them to get the bills mailed out the Deputies would be able to do so.

The car policy is not quite ready to be voted on just yet.

Councilwoman Cheryl Allen suggested to have National Grid come up to check out the buildings to lower the electric bill and its free to have them do that.

Supervisor Diana Edwards mentioned that when the 2024 budget was done, one of the General employee's spouses was budgeted under Highway. The Board agreed to leave it as is and just continue paying for the one spouse's insurance from Highway for the remainder of the year.

Councilman Harry Brennan mentioned that some little changes need to be made on the proposed solid waste disposal law. Harry would like two 6-yard dumpsters instead of two 2 yard dumpsters. The Board agreed that a maximum number of dumpsters should be in the law as well. Also, Harry would like the 40lb limit on garbage to 60lbs.

Councilman George Lembo said he has not heard of any complaints that the garbage cans are too heavy. Also, the Board agreed on removing yard debris. The town does not accept limbs, trees etc. The Board said the dumpster at the Waters Edge Campground that the town owns must be removed. If the campground would like to replace it on their own, they can.

Councilman Joseph Flacke asked about how many private roads we currently pickup garbage on. Highway Superintendent said he doesn't know the exact number off the top of his head, could be 3-4. Councilman George Lembo suggested to keep doing what the

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towns been doing for garbage pickup and it has been working for all these years. Councilwoman Cheryl Allen said the proposed law will be right before its passed.

Councilman George Lembo said he appreciates public comment and wanted to address the time its taking for the proposed solid waste disposal law to be passed. George said some things in the proposed law gets fixed and something else is addressed that then needs to be fixed as well. George said the board is working hard and will make sure it's the way it should be before its passed.

Attorney Matt Fuller arrived at the Board meeting at 8:05pm. The Board explained the changes needed that were discussed during this meeting. Councilman George Lembo asked if the private roads can just be addressed if an issue comes up and to leave it out of the law. Attorney Matt said it can be done that way. Councilwoman Cheryl Allen said the law should've been discussed on what the board felt like should be in the law and taken from there.

Public Comment:

Ron Ladd said when he was the Highway Superintendent for the town, on Lakeview Terr there was a turnaround spot for the truck. At some point there was an issue about the garbage and a box was built to keep animals out. One of the residents had an issue with the box so it was moved back to where the turnaround spot was. Ron said if something is working then leave it alone. Councilman George Lembo said he feels its getting too deep and if an issue arises then handle it and address it then.

Bill DeTorres from Waters Edge Campground said he feels three dumpsters is needed, especially for the holiday weekends. Councilman George said the towns dumpster will be picked up and it can be replaced by the campground with another 6 yard dumpster if they would like. Bill said he appreciated the board working with them like they have. Councilwoman Cheryl Allen said the recycling would cut down on the garbage as well. Bill said he currently has 18 yards between the three dumpsters. Councilman George Lembo said it is not his intentions to take away services that were already provided and continue to pick up 18 yards of garbage. Councilman Harry Brennan said that no recycling has been picked up from the campground in 3 years and they need to start recycling. Bill said he is more than willing to work with the town and do whats needed. The Board explained that the reason why the one dumpster that belongs to the town needs to be removed because of the liability. Bill was okay with that and understands. Harry said loose bags outside the dumpster will not be picked up either.

Shannon Gray asked who maintains Overlook Terr and who plows that road. She suggested looking at each road individually. Shannon said if the towns not plowing that road then the garbage shouldn't be pickup up either. Highway Superintendent Leonard

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Allen said that road is not plowed. Shannon said then that road should not have their garbage picked up. Attorney Matt suggested listing the private roads in the proposed law to continue services.

Ron Ladd said if people's garbage was being picked up and if that service stops for them, the garbage will be thrown on the sides of the roads. Councilman George Lembo said his intentions are to continue doing what the towns been doing, if an issue comes up it will be addressed then.

Highway Superintendent Leonard Allen will put a list together of roads that get services and what they are.

Attorney Matt Fuller explained to the board the use of the town car. Matt said the town car is used for town business only. So, if two people work for the town and they both have town business to do it would be okay. Highway Superintendent Leonard said it does say in the policy that if the head of the department can approve someone to be in the town vehicle as well. Attorney Matt said it must be for town business no matter what. Leonard feels the way it's written in the policy that it can be done with approval.

The Town Clerk said the town vehicle is taken out of town and the person stays overnight sometimes. So is it okay for the spouse to go with them if there not a town employee or for town business. Attorney Matt said it would be up to the board and the insurance would cover anyone in the town vehicle. Councilman George Lembo asked Attorney Matt was his opinion was on a dash cam for the town vehicle. Matt said it would be up to the board but would be helpful if debatable issues came up.

Councilman Harry Brennan said the camera in the meeting room should be covered or turned off for executive session meetings. Attorney Matt said it would be a board decision. Councilwoman Cheryl Allen said she asked for a camera policy. Cheryl said it needs to state when and what they are used for. Supervisor Diana said the cameras store up to 2 weeks incase the videos need to be played back. Diana said the cameras do not have sound, its video only. Cheryl said she feels like the cameras should not be on 24/7, during the day if someone is at the town hall the cameras should not be on. Diana said she feels the cameras should be on for security even when someone is in the building. Cheryl said she doesn't like the fact that the camera was used to get someone doing something to get them in trouble. Councilman Harry Brennan said there was an app on a phone that can be used. Harry said he feels the camera should be monitored by a private company and shouldn't be used for spying. Councilman George Lembo said it should go into a database where one person has access to the videos. George said no one should be accessing videos unless there's a complaint or someone

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requests too. A complaint should be brought to the board to investigate and not just one person. Highway Superintendent Leonard said the camera at the garage is not used to spy on people but if something happened, he would like to be able to watch and see what happened. Councilwoman Cheryl said the cameras shouldn't be used to get someone in trouble. Highway Superintendent Leonard said he would like to be excluded from the camera policy. Leonard has access on his phone and his crew comes and goes all hours of the day and night for storms. He also can see how much snow is at the garage during the winter as well.

On April 15, 2024 at 1:00pm the awarding of the bid will take place at the Town Hall. The next scheduled board meeting will be May 13, 2024 at 7:00pm.

Motion, made by Councilman Harry Brennan, 2nd by Councilman George Lembo to adjourn the regular town board meeting at 8:46pm.

Town Clerk,
Tracy Ladd