

REGULAR MEETING - February 12, 2007 - DAY TOWN BOARD

A **REGULAR MEETING** of the Town Board of the Town of Day, New York, was held in the Town Hall on February 12, 2007.

The meeting was called to order by Supervisor Mary Ann Johnson at 7:05 PM and the following answered roll call - Town Council: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Town Clerk Carol Vaillancourt, Town Attorney David Avigdor, Highway Superintendent Scott York, Assessor George Madison, Judge Krom, Judge Dwyer, Planning Board Chairman David Cox.

Supervisor Johnson asked that the Board approve a petty cash fund for the Town Clerk that the Town Clerk may use to make change out of when the need arises, such as when a recycling permit or hunting/fishing license is purchased and the purchaser does not have the exact amount of money with them. A Reconciliation sheet will be provided by the Town Clerk each month along with the regular monthly report.

Resolution #2007-07, made by Suzanne Denn, seconded by Preston Allen, to **establish a petty cash fund** for the Town Clerk in the amount of \$100.00.
Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson.
Carried 5 - 0

Motion made by Percy Allen, seconded by Suzanne Denn, to **approve audited claims** as follows:

2006		
#379	General Fund	\$1,100.47
2007		
#4 - #22	Highway Fund	\$20,808.03
#43 - #63	General Fund	\$19,447.98

Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson
Carried 5 - 0

Motion, made by Neil Allen, seconded by Preston Allen, to **approve minutes** from the January 08th Regular Meeting and the January 29th Special Meeting.
Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson
Carried 5 - 0

Motion, made by Percy Allen, seconded by Neil Allen, to **approve monthly reports** from the Code Enforcement Officer, Town Justice Krom, Town Justice Dwyer, Town Clerk, and the December 2006 & January 2007 reports from the Zoning Enforcement Officer. None were submitted by the Assessor for the month of January.
Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson.
Carried 5 - 0

Committee Reports -

Fire/EMS Committee Chairman Jim Johnston stated that he understands that the Town Board members have just received copies of the survey and cover letter that the Committee had written up. Mr. Johnston requested that the Board members review these pages and make a decision at their earliest possible convenience. The Committee would like to get survey's out as soon as possible. Supervisor Johnson stated that the Town Board would write up and issue the cover letter and that the only thing the Committee needed to do was just the survey.

The survey passed out to the Board members before the meeting included one choice for residents - Fire Dept. - EMS Combination. Mr. Johnston urged the Board to consider offering just the one choice to residents instead of the three choices Fire Dept. - Fire Dept./EMS - EMS. He stated that the fire dept. could offer basic life support. EMS only would be costlier. Supervisor Johnson advised him that the committee would need to submit documentation to justify figures on what is costlier. Mr. Johnston said that the committee wants to send out the survey giving the residents only one choice - whether they want to *Establish Fire/EMS Dept.* - not ask whether they want to join or to choose between the three choices previously mentioned.

REPORTS:

Highway Superintendent Scott York reported that he and his crew are doing routine maintenance and cleaning up after the recent storms.

Assessor George Madison reports that he will have no clerk after Thursday, February 15, and requests that the Town Board fill the position as soon as possible to find someone to fill this position.

Motion, made by Preston Allen, seconded by Neil Allen, to **advertise** for a temporary clerk for the Assessor's office.

Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson.

Carried 5 - 0

OLD BUSINESS:

NYSERDA Update - Supervisor Johnson met with the NYSERDA representative last Thursday, February 08, to discuss with him any recommendations that his agency might have for the Town Hall, Town Garage & Museum. He had a lot of information for savings in different areas concerning heating in these buildings and on the hot water heaters.

Re-schedule date for NIMS meeting - This meeting has been rescheduled for 6:00 PM March 12, 2007.

Sale of Vacant Property - Supervisor Johnson approached the neighbor of this property on North Shore Road regarding his interest in purchasing this property. He has asked that the Town give him a definite price for the property as opposed to his "making an offer". The property has been appraised recently for the Town. Attorney David Avigdor said that the Town can give him a price and that it is then up to him whether he wants to pay what the Town has been given by the appraisers as full market value for the piece of property. The rest of the Board was agreeable to Supervisor Johnson contacting the interested party and seeing if he is satisfied with that amount. Attorney David Avigdor said that if the interested party agreed to purchase the property he would then draw up a contract. Attorney Avigdor also pointed out that the Board would need to pass a resolution authorizing the contract.

Opening of bids - The following sealed bids were received for the purchase of the 2000 Dodge Caravan:

Eliyahu Hamburger \$1,652.00

This bid was rejected by the Town Board as it was well below the required minimum bid of \$4800.00 that had been stipulated in the legal advertisements. Discussion on lowering the minimum bid resulted in the Board agreeing to leave the minimum bid at the same amount and to keep advertising the van for sale. The Town Clerk will place advertisements for the Van to be opened at the March 12, 2007 Regular Board Meeting.

REGULAR MEETING - February 12, 2007 - DAY TOWN BOARD **Page 3**

Motion made by Suzanne Denn, seconded by Preston Allen, to **reject the bid** as it

did not meet the minimum stated.

Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson.

Carried 5 - 0

Resolution #2007-08 made by Suzanne Denn, seconded by Neil Allen, to **Declare Town of Day Lead Agency under SEQR.**

Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson.

Carried 5 - 0

Resolution #2007-09 made by Supervisor Mary Ann Johnson, seconded by Suzanne Denn, **Adopting Negative Declaration on the Proposed Local Law Relating To Tree Cutting To The Adirondack Park Agency.**

Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson.

Carried 5 - 0

Resolution #2007-10 made by Preston Allen, seconded by Suzanne Denn, to **Petition the State of New York to Adopt Legislation to Provide For Property Tax Reform.**

Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson.

Carried 5 - 0

The Town Board decided to not take any action at this point to adopt the Local Law on Adult Entertainment. The Board has decided to have the committee that worked on this proposed law to take another look at the wording in one section to see if a change that was suggested during the public hearing should be made.

Update on Reconciliation of Year End Reports - Supervisor Johnson stated that the year end reports for the CEO, Town Clerk, Judges and Planning/Zoning Secretary have been reconciled.

CORRESPONDENCE:

February 22 at 10:30 AM there will be a program hosted by Andy LaBruzzo at the Corinth Town Hall on the Grant for Local Waterfront revitalization.

February 26 between 6:30PM - 8:00 PM at the Corinth Town Hall there is a Planning Board Workshop on Planning Board Basics. Staff from the Saratoga County Planning Department will be there.

March 21 - 22 in Ray Brook and Lake Placid the Adirondack Park Local Government Day Conference will be held.

Congresswoman Kirsten Gillibrand has offered assistance to any town that needs help with Federal Grants Etc. Request forms must be in by February 20th.

March 20 the Saratoga County Auction of three properties in the Town of Day will take place. Information on these properties can be obtained from the County website.

Comments regarding development in the Wilcox Lake area of the Town of Day must be submitted to the DEC by March 02nd.

REGULAR MEETING - February 12, 2007 - DAY TOWN BOARD **Page 4**

INPUT FROM PUBLIC:

Jimmy Johnston asked whether or not there could be a referendum on the Adult use proposed law. Attorney David Avigdor replied that it does not qualify for a referendum

and that the Town has to make space for this use somewhere.

Motion made by Preston Allen, seconded by Suzanne Denn, to **move to Executive Session** for Personnel Employment was made at 7:38 PM.

Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson
Carried 5 - 0

Motion made by Suzanne Denn, seconded by Preston Allen, to **move to Regular Session** was made at 7:51PM.

Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson
Carried 5 - 0

Resolution #2007-11 made by Preston Allen, seconded by Suzanne Denn, to **appoint the following to the Zoning Board of Appeals:**

Ken Johnson - term to expire 12 / 2011

Dave Davidson - term to expire 12 / 2009

Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson
Carried 5 - 0

Resolution #2007-12 made by Preston Allen, seconded by Suzanne Denn, to **appoint the following to the Board of Assessment Review:**

April Schmick - term to expire 09 / 2009

Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson
Carried 5 - 0

Resolution #2007-13 made by Preston Allen, seconded by Suzanne Denn, to **appoint the following as alternates to the Planning and Zoning Boards:**

Kevin Knobloch - Planning Board Alternate

Jim Johnston - Zoning Board Alternate

Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson
Carried 5 - 0

Attorney David Avigdor pointed out the Alternates can only vote if there is a conflict of interest which would make it necessary for one of the regular members to recuse themselves from voting or if there is an absence on the Board. The Alternates would only be allowed to vote if they have reviewed all the minutes pertaining to what they would be voting on.

Resolution #2007-14 made by Neil Allen, seconded by Percy Allen, to **allow alternates to vote** in the absence of a regular member or a conflict of interest.

Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson.
Carried 5 - 0

Motion made by Percy Allen, seconded by Preston Allen, to **adjourn** this meeting was made at 8:00 PM.

Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson.
Carried 5 - 0

Carol Vaillancourt
Town Clerk