

REGULAR MEETING - December 11, 2006 - DAY TOWN BOARD

A REGULAR MEETING of the Town Board of the Town of Day, New York, was held in the Town Hall on December 11, 2006.

The meeting was called to order by Supervisor Mary Ann Johnson at 7:03 PM and the following answered roll call - Town Council: Neil Allen, Percy Allen, Preston Allen, Highway Superintendent Scott York, Assessor George Madison, Attorney David Avigdor, Planning Board Chairman David Cox, Planning Board members Ted Mirczak & Jack Vaillancourt, Judge Robert Dwyer.

Absent: Councilwoman Suzanne Denn

In regards to a continuing discussion on the matter of the Local Law regarding Tree Cutting, Attorney David Avigdor informed the Board that they can make a decision at anytime based on the wording of the law as it stands now. Committee members David Cox and Ted Mirczak discussed with the Board whether the proposal should be taken back to the committee and reworded again or just left as is. Councilman Neil Allen also had questions on wording also. The Board decided to let Mr. Cox and Mr. Mirczak look at the proposal again and decide whether any more changes would be made or the log cutting proposal would stand the way it is after Mr. Ted Mirczak explained the definition of lake front cutting for Councilman Neil Allen, and Councilman Neil Allen was satisfied with that explanation.

Councilman Preston Allen wondered if the log cutting proposal should be continued at all, stating that it seems to be a never ending battle.

Mr. Ted Mirczak pointed out that without the law the Town would have no way to stop what has happened on the South Shore of the Lake with an area of clear cutting which is clearly visible. Mr. Mirczak stated that the Town would have no recourse if such an incident should happen again.

Supervisor Johnson stated that at some point the Board will have to say that the proposed law is staying the way it is without anymore changes and vote on it. Or they will make changes and go to another public hearing before voting.

Mr. David Cox and Mr. Ted Mirczak will report to the Board at the January 08, 2007 meeting on whether or not they are making any more changes.

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

#307 - 340 General Fund	\$13,939.09
#95 - 110 Highway Fund	\$14,817.57
#313 T & A	\$291.78

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

Carried 4 - 0

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Motion made by Neil Allen, seconded by Percy Allen, to **approve the minutes** from the November 13th Regular Meeting.

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

Carried 4 - 0

Motion made by Percy Allen, seconded by Neil Allen, to **approve the November monthly reports** from the Town Clerk, Justice Krom, Justice Dwyer, Assessor, Zoning Enforcement Officer and Code Enforcement Officer and Supervisor.

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

Carried 4 - 0

Committee Reports:

Superintendent of Highways Scott York reported that after the windstorm the Town Highway crew had a lot of cleanup to do on Town Roads. Superintendent York also reported that he still has the crew doing ditching work.

Regarding the letter received last month from Mr. Lloyd on Kathan Road Superintendent York said he was still looking into the matter. Superintendent York said that there are metal markers up to warn people of a steep drop off on that side of the road.

A letter from Mr. Dormeyer - Turner Road regarding a plowing sign

at the second turnaround point and not the first and questioning how far the road was actually going to be plowed.

Superintendent York will respond to Mr. Dormeyer's inquiry.

Superintendent York stated that he also has his crew working on the Town garage to get it even more organized.

Mr. Bill Paterson who is a seasonal resident has some concerns and wrote to Superintendent York regarding the possibility of a washout on Turner Road in the spring. Superintendent York said that he was aware of the situation and that it would be looked into further.

Superintendent York stated in response to a question from the Supervisor that the winter hours at the Town garage are from 7:00 AM - 3:30 PM Monday through Friday.

Assessor George Madison reported that the Grant for the Town for the residents to be able to access information from their computers was denied because the County's computer program will provide the same information.

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Old Business:

NYSERDA - Supervisor Johnson stated that she had no new information regarding this matter.

Proposed sale of Senior Van - The Town Clerk, Carol Vaillancourt, informed the Board that no bids have been received for the van. Supervisor Johnson asked the Board if they still wanted to sell the van and if so would they want to lower the minimum bid? It was agreed by the Board to lower the minimum bid by \$1,000.00 to \$4,800.00 and directed the Town Clerk to change the ad accordingly and resubmit to the Pennysaver and the Post Star with a new bid opening date of January 08, 2007 which is the date of the next Regular Board meeting.

Adult Entertainment - The Board agreed that the jurisdiction for this would best fall under the Planning Board responsibilities as they are not elected officials. Supervisor Johnson requested that Attorney David Avigdor make a couple of minor corrections in the wording that looked to be typographical errors and e-mail the corrections back to the Town Clerk as soon as possible. Attorney Avigdor agreed and said he would send the corrected proposal back the next day so that it could be sent out to the Board members, APA and Saratoga County Planning. The Town Board would like to set a public hearing date at the January 08th meeting regarding the Adult Entertainment Proposal.

Kloss Property Turn Around - Supervisor Johnson has not spoken to them yet.

Resolution for Mandatory Training for the Planning Board and the Zoning Board of Appeals - A resolution will be needed from the Town Board on this matter. The Planning and Zoning Boards will come to Supervisor Johnson for the wording on this resolution.

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New Business:

Establish Committee to Review Fire/EMS Services - The following people will be on the aforementioned committee: Mr. Jimmy Johnston, Mr. George Gatt, Councilman Pres Allen, and Zoning Board member Hank Lang. Will try to find a fifth member for the

committee. The first step of the committee is to prepare a survey that will indicate how many volunteers are available and bring it to the Board to look over. When the survey is approved by the Town Board it will then be mailed. The committee also needs to set a time for the meetings to be held.

Set Date for EOY Meeting - The meeting to process the December vouchers will be held Thursday, December 28th at 6:00 PM.

Set Date for Public Hearing on Proposed Deputy Tax Collector Residency - The public hearing on this matter will be held Thursday, December 28th at 6:00 PM.

Set Date for the Organizational Meeting - The Town Board set the date for the 2007 Organizational Meeting for 6:00 PM, Tuesday, January 02nd, 2007.

Resolution 2006-39, made by Neil Allen, seconded by Preston Allen, to **appoint Charles Dreyer** to fill the unexpired term of Nancy Morris, who has resigned. This term will expire on January 31, 2009.

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

Carried 4 - 0

The Town Board also thinks it would be a good idea to have alternate members to both the Planning Board and the Zoning Board in case of the absence of one of the regular members. The alternate would need to listen to tapes of previous meetings or read the minutes before they could vote on a matter before either Board.

Resolution 2006-40, made by Supervisor Johnson, seconded by Neil Allen, was **approved** for **one alternate on the Planning Board and one alternate Zoning Board**.

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

Carried 4 - 0

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Resolution 2006-41, made by Supervisor Johnson, seconded by Preston Allen, to **appoint Kevin Knobloch** to a five year term as an alternate on the Planning Board.

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

Carried 4 -0

Motion, made by Supervisor Johnson, seconded by Preston Allen, to **withdraw previous resolution #2006-41**, Supervisor Johnson will be speaking to Mr. Knobloch on whether or not he might be interested in joining the Zoning Board if an opening occurs, versus the alternate Planning Board position.

Receipt of Grant from Senator Hugh Farley for Generator - Supervisor Johnson did announce that the Town received the grant which was applied for so that we can purchase a generator for use at the Town Hall during power outages. This would enable the Town offices to stay open, and during power outages the Town Hall could also function as a warming station for others in the Town without power.

Update on Town Historian Position - Lauren Doherty was interviewed and has been hired for 2007.

Closing Town Hall Offices 12/25/06 - 01/01/07 - Town offices will be open the last week of the year but the Supervisor and the Code Enforcement Officer will be on vacation at that time.

Presentation of Plaque to Nancy Morris, retiring Planning Board Member - Due to ill health Mrs. Morris was not able to attend, therefore the plaque in recognition of her 25 years of service on the Planning Board was presented to her daughter and grand-daughter Sally and Katie Allen.

Motion made by Neil Allen, seconded by Preston Allen, to **approve the** Hudson River - Black River Regulating District Special Advisory Committee use of the Town Hall on 01/03/2007 for a meeting from 6:30 PM - 8:30 PM.

Ayes: Neil Allen, Percy Allen, Preston Allen, Supervisor Johnson.
Carried 4 - 0

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Correspondence:

Thank you cards were received from the Ives family and from the American Cancer Society for donations made after the death of Mr. Ives father.

A thank you card was received from Robert Dwyer thanking the Town for a donation that was made after the death of his father and brother.

The Luzerne - Hadley Fire District has submitted its budget for 2007. Time Warner has notified the Town of a change in hours at the local office in Glens Falls, also an update on the bankruptcy proceedings with Adelphia.

Input From Public:

None

Motion made by Percy Allen, seconded by Neil Allen, to **adjourn** the Regular Town Board Meeting was made at 7:45 PM.

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

Carried 4 - 0

Town Clerk