

REGULAR MEETING - August 13, 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 August 13, 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, Highway Superintendent Scott York, Assessor George Madison, Attorney David Avigdor, Town Clerk Carol Vaillancourt, Planning Board Chairman David Cox, Planning Board Member Charlie Dreyer, Judge Charles Krom.

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

#192 - 217	General Fund	\$22,937.51
#90 - 103	Highway Fund	\$15,825.69
#189	T & A	\$ 110.92

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

Motion made by Neil Allen, seconded by Percy Allen, to **approve the minutes** from the July 09, 2007 Regular Meeting.

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

Motion made by Preston Allen, seconded by Percy Allen, to **approve monthly reports** for Justice Krom, Town Clerk, Zoning Enforcement Officer, Code Enforcement Officer, Assessor and Supervisor.

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

COMMITTEE REPORTS -

Hudson River-Black River Regulating District Permit Rules -

Planning Board Chairman David Cox, who is also a member of the Sacandaga Advisory Committee, stated that the Committee has sent in comments regarding rule changes. The HRBR Reg. Dist agreed with a lot but there were several they did not. The Committee has tried to make arrangements either for a meeting to establish some ongoing dialogue regarding these rules, but have not been successful. Mr. Cox asked the Board if they could issue a resolution urging the HRBR Reg. Dist. to open up the lines of communication once again.

Resolution #2007-29, made by Suzanne Denn, seconded by Neil Allen, **strongly recommending a meeting be scheduled** between the two parties to once again establish an ongoing dialogue regarding the rule changes or for the HRBR Reg. Dist. to inform the committee why they refuse to communicate with them on those changes which they have a difference of opinion on.

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

Assessor's Report -

Assessor George Madison informed the Board that the Senior Rebate checks would be mailed starting August 28, 2007. The remainder of the checks would be mailed starting the week of September 10, 2007.

Highway Superintendent's Report -

Highway Superintendent Scott York informed the Board that his crew has finished mowing the Town roads, and that the recycling center is once again accepting brush.

OLD BUSINESS -

Proposed Law on Adult Entertainment -

Supervisor Johnson stated that having received papers back from the Adirondack Park Agency with comments regarding this proposed law, Superintendent Johnson made copies of these papers and is handing them out to all the Board member, Attorney David Avigdor and Ken Metzler, who also helped work on this proposed law.

Attorney Avigdor stated the need to obtain a professional in the area of preparing these regulations and would be interested to know who other towns have used.

Councilwoman Suzanne Denn stated that yes, we should see who other towns have used, and find out who they were happy with.

Supervisor Johnson asked whether or not we need to get quotes or establish amount.

Attorney Avigdor said to find out what the professionals think it will cost before you set a limit. Supervisor Johnson said she will check with Saratoga County Planning to see if they could help.

Kloss Property Turn Around -

Attorney David Avigdor stated that he has ordered a survey, but it has not come back yet.

Sale of vacant land to Dr. Bell -

Supervisor Johnson stated that the sale is complete and the Town has received a check from Dr. Bell for the purchase price. Deducted \$60.00 fee for New York State Transfer Tax. The check will be deposited into the General Fund. Supervisor Johnson stated the Board would need to adjust the budget if the Town had a use for the money in 2007. Otherwise it goes into the unreserved fund balance.

Update on possible Noise Ordinance -

Supervisor Johnson stated that she has received some information from various towns regarding this. Some of the noise ordinances she has received are quite lengthy.

Supervisor Johnson stated that the city of Mechanicsville did not send a law, but they do have one. The City did have to go to court. The cost of a decibel reader is approx. \$4,000.00 - \$5,000.00 and needs to be re-calibrated periodically. The person using it needs to be trained and retrained periodically.

Councilwoman Suzanne Denn questioned who would be the person designated to receive training and answer the calls. Attorney Avigdor stated that the person who is designated (Kenny or Herb) could enforce the law if one was in place, however their current job description does not cover being on call 24 hours a day. Also, the law would have to specify how many decibels are allowable etc.

Joe Hayes stated that he had to call the law in on Sunday, August 12th. Mr. Hayes stated that he called them in the morning and that they did not arrive until around 5:00PM, but that when they did respond they were there 2 - 3 hours. Mr. Hayes stated that the officer told him that the Town would not have to buy their own machine, that the officers would respond to any noise complaint with a machine, but that they need an ordinance to uphold.

Supervisor Johnson stated that no one else has come forward with a noise complaint.

Councilman Preston Allen stated that enforcing a noise ordinance is not easy.

Supervisor Johnson stated that there is no police agency in Town to enforce a noise ordinance. Supervisor Johnson also stated that she has requested for a call log on Mr. Hayes call to 911, but has not received it yet from Sheriff Bowen.

Attorney Avigdor suggested that checking with the Sheriffs Dept. to find out if they do have the equipment and someone with training that they can use to enforce the ordinance if one is in place.

Supervisor Johnson stated that this would also have to go to a public hearing so that the public could comment as this would be a local law.

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Councilman Preston Allen asked what the 50 decibels was based on? Is it as loud as

a car horn? What is a comparison?

Selection of WWII deceased veteran -

Supervisor Johnson stated that Mr. Cleo Allen has been selected as the WWII deceased veteran from the Town of Day, that will be honored at the ceremony in Ballston Spa on Monday August 27th, at 9:30 AM. The family of Mr. Cleo Allen will be presented with a plaque during the ceremony honoring veterans from each town in Saratoga County.

NEW BUSINESS

Presentation of draft plans for the Town Hall addition -

Mr. Garry Robinson, Project Engineer on the Town Hall addition, presented revised plans to the Town Board at tonight's meeting. Some minor changes had been requested by the Town Board at a previous meeting which consisted of the elimination of one door, slight changes to the offices etc. The plans show a unisex/handicap bathroom, utility room & meeting room. Also, one office shared by the two judges and one office for the court clerk. The plans also show three windows in the basement. Upstairs the plans show a new supervisor/bookkeeper office and a new office for the planning/zoning clerk as the Town Clerk will be moving the computer, files etc. of the Tax Collector into the Town Clerk's office as that is now a Town Clerk responsibility. There will also be a lobby for visitors to wait in if the person they are there to see is not available at the moment, something which is lacking in the Town Hall at present. If the plans are approved, the project would then need to go out to bid once all specifications and drawings have been completed. The Town Board needs to know the cost of the project before they can consider putting it out to bid. Garry Robinson stated that he would do a detailed estimate.

Supervisor Johnson stated that she would not like to go out to Bond to build, but would like the Town to be able to pay for it before considering building it.

Garry Robinson will be back at the next meeting in September with figures for the Board to review.

Highway Department Plans -

The plans call for a small section of the Highway Superintendents office wall to be taken out to more easily access area inside garage. Also the changes being made should take care of water run off and freezing, could possibly install gutters.

Supervisor Johnson asked that Mr. Robinson get an estimated cost for the project as the Highway Superintendent does not have a workable office (inadequate heating, no storage space etc.).

Garry Robinson estimated the cost between \$20,000.00 - \$25,000.00 but he stated he would have some definite numbers ready for the next Board meeting in September so that the project can go out to bid.

Supervisor Johnson stated that the Board had decided to go ahead with the Town Garage remodel.

Distribution of 2007 est. Fund Balance refund from Saratoga County -

Supervisor Johnson stated that the Town will be receiving \$48,411.00. Supervisor Johnson suggest that since it will cost approx. \$260,000.00 to fix the Bridge on Min Allen Road that the money be put toward fixing the bridge.

Resolution #2007-30, made by Neil Allen, seconded by Suzanne Denn, to **authorize Distribution of 2007 est Fund Bal. Refund from Saratoga County** in the amount of \$48,441.00 to be used toward the repair of the bridge on Min Allen Road.

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

Carried 5 - 0

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Distribution of Fire Protection / Fire Department Report received from Mr. Paul Lent-OES -

Supervisor Johnson had received the report from Mr. Lent and copied and distributed it

to the other Board members so that they could read it and hopefully make a decision about it for the September 10, 2007 Board meeting.

Resolution #2007-31, made by Suzanne Denn, seconded by Preston Allen, to **accept the \$150,000.00 multi-modal grant from Senator Farley** for use in restoration of Min-Allen Road Bridge.

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

Supervisor Johnson stated that the Town Board needs to pass a resolution to accept policy and procedures by the Saratoga County Emergency Services Bureau to alert Towns people automatically by phone - either one road, sections, whole town - whatever is necessary in the event of an emergency.

Resolution #2007-32 made by Suzanne Denn, seconded by Preston Allen, to **approve a resolution to adopt Saratoga County's policy and procedures on reverse 911 System.**

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

Letter received from Mrs. Laney Quodomine concerning Zoning Issue -
Zoning Secretary Diane Byrne forwarded a letter to Town Attorney David Avigdor from Mrs. Quodomine in which there was an allegation that there is an illegal business at a South Shore address involving boats. Attorney Avigdor informed the Board of this allegation and the following action was taken:

Resolution #2007-33, made by Suzanne Denn, seconded by Neil Allen, to **assign** Zoning Enforcement Officer Herb Sjolund to **investigate a complaint** on a property located on South Shore Road.

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

Request for Part-Time members of NYSR accumulated hours for October -
Supervisor Johnson asked that part-time members of NYSR keep track of their hours in October to be sure the correct number is being reported to New York State Retirement. Attorney Avigdor stated that he would be away for two weeks in October, so would keep track of his hours in September instead.

Accepting resignation of Tax Collector effective August 01, 2007 -
The Board decided to use Deputy Tax Collector Diane Byrne to take care of anything that might come up and to return phone calls that come in through the rest of 2007. Mrs. Byrne will keep track of time spent on this and be paid by the hour.

Resolution #2007-34, made by Suzanne Denn, seconded by Preston Allen, to **accept the resignation** of Jean Knobloch as Tax Collector effective August 01, 2007.

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

Discussion of fill-in for Town Attorney during absences -
Supervisor Johnson and the rest Town Board expressed concern with not only absences of the Town Attorney from meetings, but also those times when Attorney Avigdor must recuse his self from participating a meeting for the Town Board, Planning Board and Zoning Board due to a conflict of interest.
Councilwoman Suzanne Denn feels that the Town should have someone available to step in when there is a conflict of interest.

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Councilmen Neil Allen and Preston Allen agree with this.
Supervisor Johnson stated that she would like to speak to the Chairmen of the Planning Board and the Zoning Board to find out how often these things happen at their meetings and what their feelings are on this subject.
Councilwoman Suzanne Denn felt that it would be a good idea to have a substitute,

especially in the case of a conflict of interest. The various Boards have worked around him not being there before due to vacation time, or whatever, but really need someone when there is a conflict of interest.

CORRESPONDENCE:

From: Town of Corinth
Re: Revised proposed local law #2 of 2007 Amending the Corinth Town Code relating to Waste Diposal and a resolution.

From: NYS Legislative Commission on Rural Resources
Re: Summary of New York's Timber Trespass Laws, 2007

From: Time Warner Cable
Re: Programming changes to the On Demand Lineup

From: Time Warner Cable
Re: Programming changes to the Music Choice digital lineup

From: Saratoga Center for the Family
Re; Requesting inclusion in the Town of Day's 2008 budget

From: State Board of Real Property Services
Re: Established final equalization rate of 67%

From: State of New York Dept. Of State
Re: Info on the availability of an additional funding opportunity

From: Ray Frankoskie
Re: Defensive Driving - Upcoming classes

From: Champlain Watershed Improvement Coalition of New York, Inc.
Re: Soil Analysis Installation & Inspection

From: American Red Cross
Re: Various disasters and how they would like to assist

From: Association of Towns
Re: Siting of power plants in various towns

From: Capital District 2006 Real Property Tax Rates
Re: Chart of Counties, Towns, Rates, etc.

INPUT FORM PUBLIC:

Mr. John Jordan attended the meeting and spoke to the Board regarding a Survey Pin that was accidently removed by a Town Highway employee while mowing.

Mr. Jordan is requesting that the Town pay for a survey to be done so that the pin may be replaced in the correct position.

Attorney Avigdor suggested Mr. Jordan write a letter explaining what he believed happened and what he would like done about it which he could then drop off at the Town Hall so that it could be forwarded to the Towns insurance agent for review.

Mr. Jordan agreed that he would do this.

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Motion, made by Suzanne Denn, seconded by Preston Allen, to **move to Executive Session** to discuss personnel employment. Motion was made at 8:55PM.
Ayes: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Supervisor Johnson
Carried 5 - 0

Motion, made by Suzanne Denn, seconded by Preston Allen, to **return to Regular Session** was made at 9:00 PM.

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

Resolution #2007-35, made by Neil Allen, seconded by Preston Allen, to **appoint Mr. Duane Nealon to a six year appointment** as Part-Time Assessor for the Town of Day, effective October 01, 2007.

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 Regular Town Board Meeting** was made by 9:04 PM.

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

Carol Vaillancourt
Town Clerk