

REGULAR MEETING - DECEMBER 08, 2008 - 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 08, 2008.

The meeting was called to order by Supervisor Mary Ann Johnson at 7:00 PM and the following answered roll call: Town Council - Neil Allen, Charlie Dreyer, Suzanne Denn, Preston Allen, Highway Superintendent Scott York, Attorney David Avigdor, Planning Board Chairman David Cox.

Motion made by Charlie Dreyer, seconded by Suzanne Denn, **to approve the minutes** of the November 10, 2008 Regular Meeting.

Ayes: Neil Allen, Charlie Dreyer, Suzanne Denn, Preston Allen, Supervisor Mary Ann Johnson

Carried 5 - 0

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

T & A	\$ 160.69	
#320 - #334	\$14,996.03	General Fund
#109 - #117	\$15,048.63	Highway Fund

(Supervisor Johnson abstained on voucher #328)

Ayes: Neil Allen, Charlie Dreyer, Suzanne Denn, Preston Allen, Supervisor Mary Ann Johnson

Carried 5 - 0

Motion made by Preston Allen, seconded by Charlie Dreyer, **to approve the November Monthly reports** for the Assessor, Town Justice Krom, Justice Johnsen, CEO, Town Clerk, Supervisor

Ayes: Neil Allen, Charlie Dreyer, Suzanne Denn, Preston Allen, Supervisor Mary Ann Johnson

Carried 5 - 0

COMMITTEE REPORTS

DCPC - DCPC member Suzanne Denn reported on the Holiday Celebration taking place on December 13th at the Day Town Hall. There will be crafters and vendors, luncheon items, "Box of Cookies" sale, silent auction of gift baskets, etc.

Highway Superintendent - Highway Superintendent Scott York informed the Board that as of April 01st. the Town's current burning permit will expire and the Town will no longer be allowed to burn brush at the Town's recycling center.

OLD BUSINESS

Proposed NYS ban on open burning - Supervisor Mary Ann Johnson looked back at the September minutes to re-fresh her memory on what exactly the Board wanted to put in a letter to the DEC regarding this matter. The Board feels that no trash (garbage) should be allowed, but that paper and brush would be acceptable.

Highway Superintendent Scott York talked to Ed Bell of the DEC about re-issuing a burning permit, but was told it would not be reissued. Supervisor Johnson stated that since the Town did receive the MWRRP grant the Town will be buying a chipper to use for disposal of brush brought to the recycling center.

NEW BUSINESS

Set date for Public Hearing on proposed local law to amend Town of Day Subdivision Law for - A. Bona fide gift between natural persons & B. Property on one side of a dedicated public road - Attorney David Avigdor informed the Board that a Sense of the Board resolution must be sent to the APA letting them know we are interested in passing this local law and that the Town would adopt this local law if approved by the Board. The Town Clerk will send the resolution along with a copy of the proposed law to the APA. After a reply is received from the APA the Board can then set the date for the public hearing.

REGULAR MEETING - DECEMBER 08, 2008 - DAY TOWN BOARD

PAGE 2

Set date for Organizational meeting - The date for the 2009 Organizational meeting will be January 05, 2009 at Noon.

Town Hall Schedule for 12/24/08 - 01/05/09 - The Town hall will be closed December 24th through January 04th, re-opening on January 05th. CEO Ken Metzler will be using his vacation days, as well as Assessor Duane Nealon during this time period. Elected officials can be reached at their homes.

Participation in 2010 U. S. Census Complete Count Committee - Supervisor Mary Ann Johnson reported that she has received a letter from the Capital District Regional Planning Commission expressing the need for volunteers from the Town of Day to get to people who may be hard to reach. The CDRPC would provide the necessary information. An ad will be placed for volunteers.

Resolution to appoint Richard Traeger to the Planning Board - 5 yr. term - Planning Board member Richard Traeger's current term will expire on 12/31/08. The Town Clerk has contacted him, and he is agreeable to being re-appointed.

Resolution to appoint Pat Volpe to the Zoning Board - 5 yr. term - Zoning Board member Pat Volpe's current term will expire on 12/31/08. The Town Clerk has contacted him, and he is agreeable to being re-appointed.

Kloss/Town land swap of property - concerns of Assessor - Assessor believes that the swap was illegal, that it created land locked properties and does not achieve turn around. Attorney David Avigdor, who received a memo concerning this from the Assessor, does not agree with the Assessor's feelings on this matter. Attorney Avigdor states that it is legal, that the deeds have been filed, that the land is not land locked and the Town has achieved the goal of adequate space for a turn around for Town trucks. Highway Superintendent Scott York feels that the space is adequate, and all that is needed is for some fill to be brought in and the removal of a couple of trees.

Agreement for Joint Youth Program with Town of Northampton - Supervisor Mary Ann Johnson feels that the Town should sign the agreement, and the Board member agree with this. The Joint Youth Program is free to the Town.

Resolution to re-appoint Sue Denn to Sara. Co. Youth Bureau - Councilwoman Suzanne Denn is agreeable to being re-appointed to the Saratoga County Youth Bureau and the Town Board will re-appoint her.

Resolution to accept resignation of Marge Rauth from Sara. Co. Office of Aging Board - Supervisor Mary Ann Johnson has received the resignation from Marge Rauth and has asked the Board members to accept it. An ad will be placed for a replacement to serve on the Saratoga County Office of the Aging Board.

Resolutions for Recognition of volunteers - Supervisor Mary Ann Johnson has proposed to the Town Board that the Town recognize the volunteers that give their time to drive the Senior Van on trips for the Seniors or to take the Seniors for Doctor appointments, to pick up prescriptions, etc. Supervisor Johnson would like to recognize Marge Rauth and Linda Reineman at the next Regular Town Board meeting on January 12th. The Board agrees that this is a good idea.

Resolution to support the Adirondack Counties to litigate against the APA to reverse the recent adoption of regulations concerning shoreline prohibitions. Supervisor Johnson explained that owners would now need a variance from the APA to make changes to structures on the property. Previously changes were grand-fathered. Counties are contributing \$3,000.00 to the fund to fight this. Saratoga is contributing, along with other counties and organizations. The new rules are effective 12/31/08. Supervisor Johnson received the paperwork concerning this at a recent conference she attended.

REGULAR MEETING - DECEMBER 08, 2008 - DAY TOWN BOARD

PAGE 3

PUBLIC INPUT ON ANY OF ABOVE RESOLUTIONS BEING VOTED ON TONIGHT -
None

Motion made by Charlie Dreyer, seconded by Suzanne Denn, to **adopt the following resolutions:**

- #2008-46: Sense of the Board Resolution concerning adoption of local law on A. Bona fide gift between natural persons & B. Property on one side of dedicated public road**
- #2008-47: To re-appoint Planning Board member Richard Traeger to another 5 yr. term**
- #2008-48: To re-appoint Zoning Board member Pat Volpe to another 5 yr. term**
- #2008-49: To re-appoint Sue Denn to the Saratoga County Youth Bureau**
- #2008-50: To accept resolution of Marge Rauth from the Saratoga County Office of the Aging.**
- #2008-51: Recognizing Marge Rauth for volunteering her time to drive the Senior Van**
- #2008-52: Recognizing Linda Reineman for volunteering her time to drive the Senior Van**
- #2008-53: To support the Adirondack Counties to litigate against the APA to reverse the recent adoption of regulations concerning shoreline prohibitions.**

Ayes: Neil Allen, Charlie Dreyer, Suzanne Denn, Preston Allen, Supervisor Mary Ann Johnson

Carried 5 - 0

Supervisor Mary Ann Johnson requested that instead of having a special meeting on December 31st to clear up any vouchers that have been submitted after this meeting through the end of December, that she bring them to the January 05th Organizational meeting instead. Nothing would be paid until the vouchers were approved at the Jan. 05th meeting. The Board is agreeable to this.

Motion, made by Suzanne Denn, seconded by Preston Allen, to **allow** the Supervisor to bring any vouchers submitted after this meeting through the end of December to the January 05th Organizational meeting instead of having a meeting on December 31st.

Ayes: Neil Allen, Charlie Dreyer, Suzanne Denn, Preston Allen, Supervisor Mary Ann Johnson.

Carried 5 - 0

CORRESPONDENCE -

INPUT FROM PUBLIC -

John Kursak, Yates Hill Road, commended the Town Highway Department on doing a wonderful job on the roads.

Attorney David Avigdor reported that the Town Clerk had given him papers regarding a notice of claim concerning a motorcycle accident that took place in September in the Town of Day. Attorney Avigdor stated that he is giving them back to the Town Clerk to send to the Town's insurance carrier.

Motion, made by Neil Allen, seconded by Preston Allen, to **adjourn this Regular Town Board Meeting** was made at 7:39 PM.

Ayes: Neil Allen, Charlie Dreyer, Suzanne Denn, Preston Allen, Supervisor Mary Ann Johnson.

Carried 5 - 0

Carol Vaillancourt
Town Clerk