

## **REGULAR MEETING - July 09, 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 July 09, 2007.

The meeting was called to order by Supervisor Mary Ann Johnson at 7:02 PM and the following answered roll call - Town Council: Neil Allen, Percy Allen, Suzanne Denn, Preston Allen, Town Clerk Carol Vaillancourt, Highway Superintendent Scott York, Assessor George Madison, Attorney David Avigdor, Planning Board Chairman David Cox, Planning Board member Charlie Dreyer.

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

#168 - #191	General Fund	\$9,718.32
#76 - #89	Highway Fund	\$27,601.78
#189	T & A	\$110.92

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 the minutes** from the June 11, 2007 Regular Meeting.

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 the monthly reports** from the Town Justices, Town Clerk, Zoning Enforcement Officer, Code Enforcement Officer, Assessor and the Planning /Zoning Quarterly.

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

### **COMMITTEE REPORTS -**

Hudson Rive -Black River Regulating District Permit Rules - Advisory Committee member David Cox gave an update on this issue. Mr. Cox stated that the Regulating District has reviewed the recommended rules and has adopted many of them. Several major rules were not. The rule that the District can establish a foot path can use to access their permits was left in, against the recommendation of the Committee. The Advisory Committee will be meeting to discuss this and others rules that were not adopted. There will be public hearing on July 16<sup>th</sup>, 21<sup>st</sup> and August 01<sup>st</sup>.

Assessor - The rebate checks for Seniors will start being processed in July. Also, that the Final Assessment was filed with the Town Clerk.

Highway Superintendent Scott York reported that in June, he and his crew finished putting shoulders on Shippee Road and Walter Maxfield Road. The shoulders held up throughout the recent downpours. The crushed stone roads in the Town have all been graded and raked.

### **OLD BUSINESS -**

Adult Entertainment Proposed Law - Still being reviewed by the APA.

Kloss Property for turn-around - Mr. Kloss, who was in attendance, brought in maps which he gave to Attorney Avigdor, who then showed them to the Board and explained what was discussed at a meeting between Mr. Kloss, Highway Superintendent Scott York and himself. Attorney Avigdor pointed out that while the Town does own property for a turnaround for the highway trucks it is not big enough to use. A gravel and sand area near it is actually what is being used by the Town. The gravel and sand area is owned by Mr. Kloss who proposes a land exchange with the Town.

Superintendent York would like to expand the area slightly once the exchange is complete. Mr. Kloss has offered to donate a small extra piece of land to the Town for this purpose.

Attorney Avigdor suggests that the Town may want the surveyor to give the Town a new map showing specific portions to be exchanged including the extra section if the Town Board is going to go ahead and do this exchange. Attorney Avigdor pointed out the expenses of this project would be for the survey, title search and recording fee.

Attorney Avigdor suggested that the Town Board do a resolution stating who is paying for what. Mr. Kloss agrees to split the cost of the survey, title search and recording fee.

**Resolution #2007-25** made by Neil Allen, seconded by Preston Allen, to the effect that the Town Board has agreed to make the proposed land exchange with Mr. Kloss including the extra land that will be given to the Town by Mr. Kloss and the splitting of fees with Mr. Kloss for the survey, title search and recording fee.

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

**Carried 5 - 0**

Sale of vacant land to Dr. Bell - Supervisor Johnson will review the deed with Attorney Avigdor for the piece of land which Dr. Bell is purchasing from the Town.

Status on Fire/EMS study - Supervisor Johnson stated that no update for the Fire portion study has been received yet.

Update on bridge located on Min Allen Road - Supervisor Johnson stated that she sent letters to Assemblywoman Sayward and Senator Farley regarding funding for this repair. Hopefully Supervisor Johnson will hear within the coming week about this financing.

Selection of WWII Deceased Veteran - Supervisor Johnson has spoken to the family of Cleo Allen regarding this matter. The deceased veteran is honored at a ceremony in Ballston Spa along with other veterans from towns within the County and their family is presented with a plaque and a flag.

#### **NEW BUSINESS -**

Presentation of draft plans for Town Hall addition - Mr. Robinson, the engineer working on these plans was unable to attend tonight's meeting.

Discussion on possibility of having a noise ordinance - Supervisor Johnson stated that she has spoken to police on what can and cannot do concerning noise. After speaking to Officer Rooney of the Sheriff's Dept., Supervisor Johnson explained to the Board that Officer Rooney said noise is difficult to define, what is too loud or bothersome to one person may not bother others, and trying to define what is reasonable is not easy. Officer Rooney also pointed out that a decibel meter is necessary to measure noise levels and requires a person from the Town to do this.

Supervisor Johnson requested random patrols for a certain area of the Town where there have numerous complaints regarding the level of noise and also open burning that does not comply to the rules for burning as outlined by the DEC.

Supervisor Johnson also stated that she will contact either the Sheriff or the State Police to see if someone could come to speak at the next Regular Town Board meeting regarding this matter and explain what the procedures are and what the Town would need to do to have a noise ordinance.

Mr. Lee Hayes stated that he has called the police several times regarding a noise problem in his neighborhood and nothing was done. Mr. Hayes stated that the State Police told him nothing could be done because there was not a noise ordinance in force. Supervisor Johnson stated this is in conflict to what Chief Deputy Rooney told her.

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Supervisor Johnson requested that Mr. Hayes keep a log of each time he calls the

police listing date, time, etc.

Mr. Hayes stated that he has a meeting arranged with a DEC officer regarding the fires.

Mr. David Cox suggested that the Town Board contact a town that has a workable noise ordinance to see what it contains.

Supervisor Johnson stated that she will call Mr. Mike Valentine of Saratoga County Planning regarding existing noise ordinance.

**Resolution #2007-26** made by Percy Allen, seconded by Suzanne Denn, to **receive Town's share of 2007 Tax Revenues in cash.**

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

Request for Resolution on Property Tax Relief - Supervisor Johnson stated that she has received a letter from Assembly Minority Leader James Tedisco regarding property tax relief. Provisions include tax relief packages for localities and legislation that will cap annual school district property tax levy increases at 4% or the rate of inflation, whichever is less. It will also create an Office of State Inspector General for Education' to investigate financial abuse, corruption and misconduct in schools.

**Resolution #2007-27** made by Suzanne Denn, seconded by Neil Allen, to **support the New York State Property Taxpayer Protection Act.**

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

County registry to list those with special needs - Supervisor Johnson informed everyone in attendance of the sheets available to be filled out for anyone who might need assistance in the event of an emergency. The County would like to make a list of anyone who might be wheelchair bound, bedridden, on oxygen or in any other way may not be able to help themselves in the event of some time of emergency such as a natural disaster like a forest fire, earthquake etc. or any other type of disaster.

Set date for interviews: Assessor & Dog Control - Supervisor Johnson asked the other Board members what day they would like to re-interview Mr. Loheide for the Assessors job and also interview Mr. Francis Allen for the Dog Control Officer position. It was agreed that the Board would have Mr. Loheide return for another interview on a day when the current Assessor could be there to also ask Mr. Loheide questions. Supervisor Johnson said that she would call Mr. Loheide to find out when he would be available.

**CORRESPONDENCE - Letters can be found in the correspondence folder.**

From: United States Bankruptcy Court  
Re: Notice of BAR dates for filing of proofs claim

From: Dept. Of Agriculture and Markets  
Re: Requests for Proposals (RFP) to solicit State assistance payments for Farmland Protection Implementation Projects.

From: Capital District Data  
Re: 2006 residential building permits

From: HR - BR Regulating District - Permit system at Great Sacandaga Lake  
Re: Revised Draft Rules

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From: Darrin Fresh Water Institute  
Re: Proposed Lake Monitoring and Assessment Programs for the Great Sacandaga Lake for 2007

From: Watershed Assessment Associates  
Re: Report on Watershed Assessment in Saratoga County

From: New York League of Conservation Voters  
Re: 2007 Questionnaire for local candidates

From: NYLCVEF  
Re: Campaign 2007: "Climate Action Agenda" for Local Government

From: FEMA  
Re: FEMA is collecting information for the 2005-2006 NFIP Biennial Report

From: CDTA  
Re: On July 02 CDTA will introduce redesigned bus service in Saratoga, with twice as many routes and buses.

From: Village of Corinth  
Re: Resolution #152 petitioning the State of New York to adopt Property Tax Reform passed by the Corinth Village Board of Trustees

#### **INPUT FROM PUBLIC -**

Supervisor Johnson reminded everyone that the "Day in the Park" event will take place on July 21. The day will include food, music, bake sale, herbal lore, 18<sup>th</sup> & 19<sup>th</sup> century games for children, children crafts and fireworks.

**Motion** made by Percy Allen, seconded by Suzanne Denn, to **adjourn** this Regular Meeting of the Day Town Board was made at 7:56 PM.

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

**Carried 5 - 0**

Carol Vaillancourt  
Town Clerk