

# **REGULAR MEETING - JUNE 9, 2008 - TOWN OF DAY**

A **REGULAR MEETING** of the Town Board of the Town of Day, New York was held in the Town Hall on June 9, 2008.

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

**Motion** made by Charlie Dreyer, seconded by Preston Allen to **approve the minutes** of the May 12, 2008 Regular Meeting

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

T & A	\$136.98	
#143-144	767.00	General Fund
#145-163	10,822.73	General Fund
#46-56	12,987.54	Highway Fund

Ayes: Charlie Dreyer, Suzanne Denn, Preston Allen, Supervisor Mary Ann Johnson (Except Vouchers 151 & 163 - abstained)

**Carried 4 - 0**

**Motion** made by Suzanne Denn, seconded by Charlie Dreyer, to **approve the monthly reports** for May from the Assessor, Justice Krom, Justice Johnsen, CEO, & Town Clerk. Supervisor's Report is not in. Ayes: Charlie Dreyer, Suzanne Denn, Preston Allen, Supervisor Mary Ann Johnson

**Carried 4 - 0**

**Special Presentation to Diane Borden - Salutatorian of Northville Central School**  
Supervisor Mary Ann Johnson presented a Proclamation to Diane Borden, resident of the Town of Day, citing her various achievements and interests, congratulating her on her honor status at Northville Central School and her acceptance in Bard College in the fall to pursue a degree in biological sciences.

## **COMMITTEE REPORTS -**

The Day Community Projects Committee will be sponsoring a Day in the Park on July 19, 2008 to include "Jukebox Jim" as musical entertainment. The Great Sacandaga Lake Businessmen's Association will be supplying the food and sponsoring a Flotilla. There will also be fireworks in the evening.

There will be two free concerts on Thursdays at the Gazebo: June 19, 2008 with music by Prolonged Exposure and August 21, 2008 with music by Bobby Dick and the Sundowners.

There will be a Rabies Clinic on June 17, 2008 at the Highway Garage for dogs and cats from 7 to 9 PM.

## **OLD BUSINESS -**

Kloss Turnaround - Supervisor Mary Ann Johnson stated she did receive information from Town Attorney Avigdor regarding the Resolution language. Attorney Avigdor stated assuming the map is acceptable to the Town Board, the Town will be giving some land to Kloss in exchange for land conveyed from Kloss to the Town. He further stated he does not know if the land from Kloss has good title or not and he would suggest the Town obtain title insurance to avoid any issues in the future. Supervisor Johnson verified through Highway Superintendent that he has visited the site and all seem to be in order and the map has been changed.

Review of Gift Lots by Planning Board - Planning Board Chairman David Cox stated at

the last Planning Board there was a Resolution passed recommending changes to the Town Board which the Board will be receiving soon. The Planning Board considered three main things: the Gift Lot Provisions in the Town of Day are only in the Subdivision portion and there are no Gift Lot Provisions in the Zoning portion so if an individual gifts a lot, it would still have to meet the minimum lot size if they wish to build on it. A substandard lot can be gifted but cannot be built on. The Planning Board also considered that APA has a Gift Lot Ordinance that has some applicability here also. And, if an individual were to gift a lot and it was sold, the purchaser may not be aware that they cannot build on it. The Planning Board recommended that the Town include some language that any deeds written involving gift lots contain language that warns future owners that it is a gift lot and may not be buildable.

Segment special Equalization Rate - Supervisor Mary Ann Johnson stated she wrote a letter to the State to determine the school rates based on the effects the hydrodams in Hadley have on the equalization rate. The hearing is scheduled for June 18, 2008. A Committee analyzes the requests and have determined they will be denying the request. Five schools have requested this rate and only two were granted based on percentages (less than 10% were result in a denial). At the hearing, the State Board can go against the Committee but it is not likely.

Public Hearing on Proposed Local Law for Building Code - Supervisor Mary Ann Johnson stated there were corrections in the draft which were noted and corrections will be made. It will be on the agenda for a Special Meeting to be determined at a later point on tonight's agenda.

#### **NEW BUSINESS -**

Establish Committee for Veterans Recognition - Korean War - Supervisor Mary Ann Johnson stated the Town wished to honor veterans of the Korean War and has appointed Ken Metzler to be Chairman of that Committee. It will honor both living and deceased veterans and there will be a monument similar to the World War II monument outside Town Hall but on a smaller scale. Next year, she will form a Committee to honor Viet Nam War veterans.

Resolution to set Date for Special Meeting for ZEO Interviews and Public Hearing for Proposed Local Law for Building Code - Supervisor Mary Ann Johnson has five applications for ZEO which she would like to schedule for interviews on June 23<sup>rd</sup>, 2008 at 5 PM. The Town Clerk also will have the revisions of the Proposed Local Law for Building Codes completed and in the Board Members folders in Town Hall tomorrow (Tuesday, June 10<sup>th</sup>) for their perusal.

Great Sacandaga Lake Advisory Committee - Access to Lake - Supervisor Mary Ann Johnson stated our representative on the committee is Jack Vaillancourt. She stated when the FERC Agreement was made, a fund of \$30,000 per year was aside for projects that benefit the lake. The Town has asked for plowing of the State boat launch so snowmobilers, cross country skiers, etc. can access the lake as it is the only public access to the lake. The GSLAC did not feel it should be considered under their auspices and directed us to contact DEC. Betsy Lowe, Regional 5 Director was contacted and she agreed a permit could be issued through DEC and Local Government. Supervisor Johnson stated she would like to first approach the County because the launch is located directly off a county road and then if she is unsuccessful, bring it to the Town and Highway Superintendent York would look into it. She stated many requests have been received for this service.

Recycling Grant Update - Supervisor Mary Ann Johnson stated in January 2006 a grant was filed with DEC for Municipal Waste Grant Projects. The total grant was \$356,000 which would be paid equally by the Town and the State. Supervisor Johnson explained how the grant process works and that after a two year wait, the Town was at the top of the list and while we have not been officially notified, she and Duane Nealon, who prepared the grant, are confident we will be awarded \$180,000 which must be used for recycling projects. She stated a chipper and a 3/4 ton truck will be purchased and \$115,000 has already been spent which included the recycling truck.

Change Carrier & Benefits for NYS DBL - Supervisor Mary Ann Johnson stated she has spoken to our insurance agent, Dave Meager, and we are considering changing our carrier from Hartford to First Rehabilitation Life Insurance of North America. This company has better benefits than Hartford who has a the maximum draw of \$170 per week. The other company offers a \$340 per week maximum benefit. Currently seven full time employees pay 60 cents per week into the plan. Most towns do not charge their employees. She stated because it is so minimal, she would recommend that the Town pay that 60 cents per week per employee. She is recommending both changes.

Resolution to approve signing of Northern Car Crushers agreement - Supervisor Mary Ann Johnson upon Highway Superintendent York's recommendations, would not change to Eastside because of current instability of their company and would continue with Northern Car Crushers.

Comprehensive Plan Update - Committee Appointments - Supervisor Mary Ann Johnson stated Professor Lamb of SUNY Plattsburgh made the changes to the Plan that we had requested. She stated she would like to form a Committee to reevaluate the current plan and how it the community will be affected over the next twenty years historically, environmentally, quality of life, housing and how we would like to see the Town develop. It was recommended that two Planning Board Members (David Cox and Ted Mirczak), two ZBA Members (Dave Davidson and Judy Traeger), and Town Board (Mary Ann Johnson) and two residents from the community. This project should be completed within 18-24 months. There will be numerous public sessions, a public questionnaire, public information meetings for public opinion and public hearings on the final draft. Supervisor Johnson stated public participation is very important and she has contacted two individuals who have not responded and requested that the other Board Members also search for individuals who may be interested in serving on the Committee. She would like to nominate the committee members stated. The Committee will meet on Monday, June 23<sup>rd</sup>, 2008 at 6 PM.

Assessor update with request for salary adjustment - Supervisor Mary Ann Johnson stated our assessor, Duane Nealon, has been employed since October of last year. Supervisor Johnson stated Duane reviewed 331 building permits and compared them to his property records and 33 properties' assessments increased. On private forests, there were recalculations done on five properties which were exempt and his review reduced the amount of eligible exemptions which increased the amount property taxes they would have to pay. He recalculated the Senior Aged All exemptions and increased the number of seniors eligible from 35 to 46, there were 11 seniors not receiving them who should have. Eligibility requirements resulted in an overall increase in the Town assessment roll of \$649,000 and \$993,000 to the school districts. He denied over 50 STAR exemptions because of residency requirements with only four which were reinstated which resulted in over \$1.5 million increase in property taxes. In changes of assessments, over 90 were issued this year and only two owners complained of excessive assessment and agreed to stipulations. The total amount of decrease in our assessment was only \$34,700 and tax base increased by over \$2.5 million. Supervisor Johnson stated Duane is a real asset to the Town. He has purchased a GPS unit for the Town and trained others on its use. Duane also installs all the software for the computers in Town Hall and troubleshoots all software products. He installed anti-virus at a very reduced rate for Town Hall employees. Supervisor Johnson analyzed 2007 assessor salary rates and found it was \$20,775. Currently, Duane is paid \$19,375 and he obtained his certification within three months of being employed while previously it has taken over a year to accomplish this. Supervisor Johnson stated she has researched Town law and because he is appointed this change can be made by the Board. She stated the request for this increase is hers and not being requested by Duane. Supervisor Johnson is recommending that the Board multiply the 2007 salary by 3½% which would be approximately \$21,775 and increase Duane's salary to that amount. This was an oversight when the budget was prepared. Private Road Policy - Supervisor Johnson stated Charlie Dreyer acted as Chair of the Committee, Highway Superintendent York, Councilmen Neil and Preston Allen and

Supervisor Johnson were present. Supervisor Johnson stated the Town has collected garbage and recyclables on certain private roads for years. She stated there have been some requests for this pick-up on what was represented as a private road but is actually a private driveway. She stated the Board needed to develop a policy on private roads which was distributed to all Board Members. She would like all Board Members to review it and it will be on the agenda for the Special Meeting on June 23<sup>rd</sup>. The proposed policy states that any roads where there is currently garbage and recyclables pick-up are grandfathered and no new roads will be added unless they are up to highway standards. This pick-up is done from May 1<sup>st</sup> to November 1<sup>st</sup> and the Town does not maintain these roads at all. It is the responsibility of the owners. Attorney Avigdor made two changes in paragraph two of the Private Roads Policy which will now read: "It is currently the policy of the Town of Day to collect household garbage..." and "These roads are: Abeling Lane,..."

Attorney Avigdor stated the Town should be prepared for a property owner who lives on a private road which meets all the conditions of being maintained and which does not appear on the list to request the same service. Supervisor Johnson stated how would a situation be handled if the Town stopped this service on private roads currently being serviced, would a precedent not have been set. Attorney Avigdor stated he did not think it legally set a precedent but the Town should be aware of the possibility of a new request for pick-up and how they may have to change their policy in the future but with the language changes he suggested, it should cover any circumstances.

Public input on the following resolutions: Kloss land swap, Change of carrier of disability, signing of the Car Crusher agreement, Comprehensive Plan update and Assessor Update -  
None

Highway Superintendent York inquired about an additional item under New Business (safety shoes) and Supervisor Johnson stated she was researching policy and it would be on the June 23<sup>rd</sup> agenda.

Supervisor Mary Ann Johnson stated she was in receipt of 21<sup>st</sup> Century Local Government Report on local government efficiency and competitiveness. A Committee was established a year ago by the Governor on ways to save on local property taxes through legislative and constitutional changes with some changes to be made within the towns. There is a recommendation that tax collection, assessing and vital records be moved to the County offices, to change some officials from elected to appointed, dissolving small justice courts and merging them into other towns and changes to fire departments and fire districts. Supervisor Johnson stated there are some very drastic changes but they must first be approved by the State Legislators and she will advise if it is posted on the internet for the public to access.

Motion to adopt resolutions -

**Motion** made by Suzanne Denn, seconded by Charlie Dreyer, to **adopt the following Resolutions:**  
**Resolution #2008-23 - Approving the Kloss Land Swap**  
**Resolution #2008-24 - Approving the change of Disability Insurance from Hartford to First Rehabilitation Life Insurance of North America**  
**Resolution #2008-25 - Approve signing agreement with Northern Car Crushers**  
**Resolution #2008-26 - Approve the nominations of the Comprehensive Plan Committee Members with two openings still remaining**

**Resolution #2008-27 - Approve increase in the Assessor's Salary**  
Ayes: Preston Allen, Suzanne Allen, Charlie Dreyer, Supervisor Mary Ann Johnson.  
**Carried 4 - 0**

**CORRESPONDENCE -**

From: The State of New York Department of Transportation, Wilson Moore, Local

Programs Coordinator, Region 1NYS DOT  
RE: Multi-Modal Agreement for PIN S4363, Replace Min Allen Bridge over Allentown Creek, Town of Day

From: Phoenix Environmental Laboratories, Phyllis Shiller, Laboratory Director  
RE: Quarterly Landfill Sampling

From: New York State Commission on Local Government Efficiency & Competitiveness  
RE: 21<sup>st</sup> Century Local Government Report

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

Highway Superintendent York stated the Highway Department due to budget constraints will only be paving 1½ mile of pavement instead of two miles in the town this year.

**Motion** by Charlie Dreyer, seconded by Preston Allen to reduce the road paving from the previous Highway Superintendent's Report from two miles to 1½ miles. Ayes: Charlie Dreyer, Preston Allen, Suzanne Denn, Supervisor Mary Ann Johnson.

**Carried 4 - 0**

Board Member Dreyer inquired about correspondence from Time Warner regarding changes. Supervisor Johnson stated it was an elimination of some channels.

Supervisor Johnson reviewed the Multi-Modal Grant from Senator Farley for \$150,000 to help offset the \$250,000 replacement of the Min Allen Bridge the form will be filed on a quarterly basis.

Mrs. Laney Quodomine inquired if the new Zoning Enforcement Officer will be instructed to enforce the Zoning Board denial of the sailboat business to Mr. Weaver. Mrs. Quodomine stated it was her opinion that Mr. Weaver was continuing to operate a sailboat business in a residential area. Supervisor Johnson stated there was no evidence that Mr. Weaver was operating a business, that were boats there and not visible from the road and Mrs. Quodomine would need to furnish this Board with proof that Mr. Weaver was operating a business. Attorney Avigdor stated it was not the position to tell the new Zoning Enforcement Officer what to pursue and what not to pursue. He further stated the Board could inform the new ZEO what they know and he would in his professional discretion investigate any alleged violations. He further stated that while no one has stated on Mrs. Quodomine's previous allegations were unimportant but that they were unprovable and it would be fruitless for the Town Board to bring a prosecution.

**Motion** made by Suzanne Denn, seconded by Preston Allen, to **adjourn this Regular Meeting** of the Day Town Board was made at 8 PM.

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

**Carried 4 - 0**