

SPECIAL MEETING - March 12, 2007 - DAY TOWN BOARD

A SPECIAL MEETING of the Town Board of the Town of Day, New York, and the Fire/EMS Committee was held in the Town Hall on March 12, 2007.

The meeting was called to order by Deputy Supervisor Suzanne Denn at 5:47 PM who then turned the meeting over to Supervisor Mary Ann Johnson. The following Board members were present - Councilman Neil Allen, Councilman Percy Allen, Councilman Preston Allen, and also Town Clerk Carol Vaillancourt and Town Attorney David Avigdor.

Fire/EMS Committee members present: Jim Johnston, Hank Lang, George Gatt.

Supervisor Johnson started the meeting by stating that Mr. Jim Johnston and Mr. Gary Newton were the two people who first approached the Town Board regarding the starting of a Fire/EMS Dept. It was then decided that a committee would be formed, with the Town Board appointing members to this committee. Supervisor Johnson also stated that only 4 people were appointed to the committee by the Town Board and one of the committee members is Councilman Preston Allen. The committee's purpose was to develop a survey which could be sent out to residents to determine the residents level of interest for Fire/EMS Services in the Town of Day. The committee met after a Regular Town Board meeting and drew up the survey form. Supervisor Johnson stated that since then the Board has looked into the prior studies that took place on this matter and also discussed the issue at the February 27, 2007 Special Town Board Meeting. Supervisor Johnson stated that none of the Board members or, herself as Supervisor, have been approached by any of the residents of the Town of Day expressing an interest in this matter since the last survey was done in 1997. Supervisor Johnson also cited the cost of sending out the survey without knowing if people are really interested in this project.

Committee member Mr. Hank Lang asked Supervisor Johnson about the amount of money that would have to be spent to mail out the survey and she cited the fact that there are approx. 2200 parcels in the Town of Day. To mail out the survey to the people listed as owning the parcels would cost approx. \$800.00 - \$1,000.00 for one mailing and that there might have to be more than one mailing. Supervisor Johnson stated that there could be a need for a meeting (s) with the public and this would also involve advertising costs.

Mr. Jim Johnston asked the Board if they are cancelling because of costs.

Attorney David Avigdor pointed out that money was not budgeted for this project this year. Attorney Avigdor stated that a line item for the study of the feasibility of this project could be put into the budget for next year. Then there would be money to draw upon to do mailings, advertising, etc. Emergency transfers can be done but the Town Board must justify expenses.

Mr. Hank Lang asked why can't the emergency funds be made available?

Supervisor Johnson said that they are used at the end of the year for transfers to cover cost overruns in various areas of the budget if they come up and currently the Town Board is waiting to hear the outcome of the Insurance Adjusters findings regarding the accident with one of the Town's plow trucks during the big snowstorm on February 14, 2007. Money would be needed from the contingency fund in addition to whatever is paid by the insurance company to cover the cost of a new truck if the one involved in the accident is considered totaled by the insurance company.

Mr. Lang was concerned that there may be a fire in the Hadley-Luzerne District and a fire in the Edinburg District at the same time and therefore there would not be any equipment available to fight a fire in the town of Day if this Town should have one at the same time. Supervisor Johnson stated that if our truck was out on a mutual aid call we would also not have coverage.

Supervisor Johnson stated that it is the Board's job to look out for the best interest of the people of the Town of Day and that if the majority of the people want a fire department then they will come forward and tell them so, but so far no one has approached any member of the Board to express their concerns regarding fire coverage in the Town of Day except for the committee members.

Mr. Lang stated that the things this is a concern to a great number of people.

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Mr. Jim Johnston feels that the Committee could get hundreds of signatures if given the chance. Mr. Johnston also feels that insurance to property owners is high because there is no fire department.

Supervisor Johnson stated that taxes would go up if the Town was to have its own fire department and that nothing has really changed in the Town of Day since the last inquiries were done.

Mr. Hank Lang stated that this was a chance for the Board to show it is pro-active and that they are concerned for the citizens, both year round and seasonal.

Mr. Lang stated that the Board should consider that before the Board tables the issue. Supervisor Johnson asked for comments from the other Town Board members.

Councilwoman Suzanne Denn said that she is the one who expressed concern that down the road the department would fold and that she is concerned about what will happen then regarding coverage for the Town.

Mr. Johnston stated that at the first meeting the committee discussed soliciting equipment and that basically that is what the committee is about and what they are looking into.

Supervisor Johnson pointed out once again that there was not any money budgeted for this project this year and if the Board approves the expenditures from the contingency fund for sending out one or more surveys at the cost of approximately \$800.00 to \$1,000.00 at a time it could come up short at the end of the year.

Mr. Jim Johnston and Mr. Hank Lang both said that they felt it would be well worth it to spend the money sending out the survey letters.

Mr. Johnston stated that the Town is at the extreme limits of fire protection.

Supervisor Johnson pointed out that proximity is relative.

Mr. Johnson also stated that there would be over protection if we had a fire department to join forces with Edinburg and Hadley - Luzerne.

Supervisor Johnson asked the Board if they wanted to table this issue for a month.

Attorney David Avigdor, referring to a question raised by Councilwoman Denn at a previous meeting, said she was correct regarding an issue about the legislation involved in establishing a fire district, and that it had been a lengthy process, but that was because the Town's previous attorney did not do it correctly. Attorney Avigdor stated that usually the State Legislature is not involved in the process. Attorney Avigdor also stated that the Town of Day could become a fire district and that the Town Board feels that in order for a study to happen it needs to be properly budgeted, and that the Town Board would like to take a step back and decide about putting it in the budget for next year. Also, that the Board feels that it needs to be more planned with more inter-action between the Town Board and the Committee regarding how this is going to be carried out. Attorney Avigdor also stated that use of contingency funds this early in the year makes him nervous as there is a lot of the year left and anything could happen.

Supervisor Johnson asked the Board members again for their feeling on this matter.

Councilwoman Denn said that she would vote yes if everybody wants to table it.

Councilman Neil Allen feels that it is well worth looking into, but the Board needs more information and needs a survey to show interest. Councilman Neil Allen stated that he would also like to table it for now.

Councilman Percy Allen stated that the public needs to be made aware that taxes will go up.

Councilman Preston Allen stated that he feels it should be tabled for now.

Supervisor Johnson stated that he feels it should be tabled for now.

Supervisor Johnson stated that the Committee will become inactive for now until more information can be obtained for the Town Board's review.

Attorney Avigdor asked whether Supervisor Johnson means inactive until further notice or for one month or whatever.

Supervisor Johnson said that it will be inactive until the Board decides what they want to do.

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Councilman Preston Allen said that he feels he should abstain from expressing an opinion.

Supervisor Johnson stated that she feels that it is not a good idea to have a Board member on the Committee although it is not illegal.

Attorney David Avigdor stated that when the Committee starts again, membership would be under the discretion of the Supervisor. Supervisor Johnson could appoint a new committee or re-appoint members of the previous one. The composition of the committee would be hers to pick.

No opposition from Board members to this.

Councilman Neil Allen feels that the Board should keep communication lines open.

Attorney David Avigdor stated that there are very specific steps including mapping and a survey of taxpayers. Attorney Avigdor feels that the Town could keep our present 2 fire districts inactive until we see if our fire department succeeds, but that would be up to the Edinburg and Hadley-Luzerne Fire Departments.

Motion made by Percy Allen, seconded by Preston Allen, to **adjourn** the Special Town Board Meeting was made at 6:21 PM.

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

Carried 5 - 0

Carol Vaillancourt
Town Clerk