

SPECIAL TOWN BOARD MEETING - OCTOBER 18, 2004

A Special meeting of the Town Board of the Town of Day, New York was held on October 18, 2004 at 6:00 P.M.

The meeting was called to order by Supervisor Johnson, the following answered roll call Town Council: Neil Allen, Percy Allen, Cheryl Allen, Preston Allen, Attorney David Avigdor.

Proof of Notice having been furnished, the Public Hearing on Local Law #2004-04 was declared open at 6:00 P.M. by Supervisor Johnson.

Present were:

Supervisor Mary Ann Johnson
Councilwoman Cheryl Allen
Councilman Neil Allen
Councilman Preston Allen
Councilman Percy Allen
Zoning Review Board Chairman David Cox
Diane Cox

Rebecca D'Allaird
Kearney Mason
Kathy Prud'homme
Judy Traeger
Linda Reineman
Pat Volpe

All persons desiring to be heard, having been heard, the Hearing was declared closed by the Supervisor at 6:05 p.m.

Resolution #2004-33 introduced by Preston Allen, seconded by Cheryl Allen to **adopt Local Law 2004-04** Pertaining to a Moratorium on Certain Approvals of Land Use Applications - Critical Environmental Areas (CEA). with the option of extending the Moratorium for an additional six months for Adirondack Park Agency approval. Ayes Neil Allen, Cheryl Allen, Preston Allen, Percy Allen, Supervisor Johnson. **Carried 5-0**

Resolution #2004-34 offered by Cheryl Allen, seconded by Percy Allen authorizing Supervisor Johnson to sign the County Sales Tax Application to accept the town's share of County Taxes in cash. Neil Allen-aye, Percy Allen-aye, Cheryl Allen-aye, Preston Allen-aye, Supervisor Johnson-aye. **Carried 5-0**

Meeting with Duane Nealon - changed to October 27, 2004 at 10:00 A.M.

Old County Garage Property - is not a tax property, it is a Surplus property and must go to County auction or County bidding process.

The Zoning Board of Appeals, Supervisor Johnson and the Town Board discussed some criteria the Zoning Board must use to make their decisions. The Zoning Board has 62 days after accepting an Application as complete to hold a public hearing. The Board has 62 days after the Public Hearing to make a decision. If a decision is not made within these guidelines, the petitioner automatically receives the requested variance.

The Zoning Board or the Planning Board may ask the Code Enforcement Officer to visit a site and report back to them with information critical to their decision making.

Councilwoman Cheryl Allen asked Attorney David Avigdor if he discloses to the Boards if he has any conflict of interest. Attorney Avigdor stated that he does disclose any conflicts and would request another attorney to represent the Town if necessary.

Adjourned: 6:50 P.M.

Suzanne Denn - Town Clerk