

REGULAR MEETING - September 10, 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 September 10, 2007.

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, Percy Allen, Suzanne Denn, Preston Allen, Assessor George Madison, Attorney David Avigdor, Town Clerk Carol Vaillancourt, Planning Board Chairman David Cox & Planning Board member Charlie Dreyer. Supervisor Johnson informed those present that Highway Superintendent Scott York had asked to be excused from attending.

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

#218		\$336.00
#219 - #235	General Fund	\$9,389.40
#90 - #103	Highway Fund	\$11,178.17
#189	T & A	\$110.92

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

Motion made by Percy Allen, seconded by Preston Allen, to **approve the minutes** from the July 12 Special meeting & the August 13 Regular meeting.

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

Motion made by Preston Allen, seconded by Suzanne Denn, to **approve monthly reports** from Justice Krom, Town Clerk, Zoning Enforcement Officer, Code Enforcement Officer, Assessor, Supervisor.

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

COMMITTEE REPORTS -

Hudson River - Black River Regulating District Permit Rules -

Planning Board Chairman David Cox, who is also a member of the Sacandaga Advisory Committee, stated that the Committee has not heard a word from the HRBR Regulating District regarding proposed rule changes.

Supervisor Johnson stated that she attended a meeting on September 06 in Edinburg with Assemblywoman Theresa Sayward, Supervisors from around the Great Sacandaga Lake, and a representative from Assemblyman Mark Butler's office.

The Supervisors recommended strongly to Assemblywoman Sayward that the HRBR Regulating District be urged to get together with the Great Sacandaga Advisory Committee to discuss the proposed rule changes.

Supervisor Johnson also stated that it was suggested that an oversight board be assembled to oversee the HRBR Regulating District, similar to the one overseeing the APA.

Supervisor Johnson also talked about the large hole at the New York State Boat Launch in the Town of Day.

Assessor's Report -

Assessor George Madison stated that regarding the STAR Rebate, Senior STAR residents should have their checks by now. Basic STAR residents should be getting informational postcards on how to apply for theirs.

OLD BUSINESS -

Adult Entertainment Proposed Law -

Supervisor Johnson informed the Board that she is still waiting for information to be sent back to her from Saratoga County Planning.

Kloss Property Turnaround -

Attorney David Avigdor reports that he is still waiting for the survey to be completed.

REGULAR MEETING - September 10, 2007 - DAY TOWN BOARD

Update on possible Noise Ordinance -

Supervisor Johnson reported that the Saratoga County Sheriffs Department has only one decibel meter which is being repaired right now. The decibel meter is used a lot in the summer months for boat traffic. It would be available for calls but the response time would vary depending on where the decibel meter was located when the call came in.

Supervisor Johnson asked the Board members what they would like to do regarding the noise ordinance issue. Councilwoman Suzanne Denn suggested tabling the issue. She questioned how it would be able to be enforced. Councilman Preston Allen agreed. Supervisor Johnson stated that it would be hard to enforce a noise ordinance and that there had only been one person to approach the Board.

Mr. Dick Quodomine - South Shore Road, addressed the Board after the Supervisor asked for any comments or questions from the audience. Mr. Quodomine stated that there are a number of loud boats on the lake, and he would like the Town Board to look into an ordinance. Mr. Bernosky of South Shore Road, agreed with Mr. Quodomine stating that the Town did pass a speed limit ordinance a number of years ago to take care of the problem, but it has not.

Mr. Bernosky stated that he does not believe the speed limit is being enforced. Supervisor Johnson stated that she would like to speak to the Judge regarding the number of tickets that are issued for speeding.

Attorney Avigdor stated that the question therefore is to enforce the law already on the books or create a new law. Attorney Avigdor suggested a talk with the Sheriff to see how this works. Supervisor Johnson asked if the Board agrees that she should research this with the Sheriffs Department, and they agreed that she should.

Review of Draft Plans for the Highway Superintendents Office and the Town Hall-

Mr. Garry Robinson, Project Engineer has not arrived at this point, so will postpone the discussion until later in the meeting.

Discussion of ZEO report on South Shore Property, no. of sailboats -

Zoning Enforcement Officer Herb Sjolund submitted a report along with pictures to the Town Board prior to tonights meeting regarding the number of sailboats on the property and whether or not there is an illegal business being run from that property.

Mr. Sjolund determined that there was no evidence of a business being run from the property and that only two boats are visible from the road.

Mrs. Laney Quodomine stated that she does not agree with Mr. Sjolunds findings. Supervisor Johnson pointed out that you cannot just assume an illegal business is being run, the Zoning Enforcement Officer would need proof beyond a reasonable doubt. Attorney Avigdor stated that in order to prosecute you would indeed need some proof that the gentleman who owns the property is in fact breaking the law.

At this point Mrs. Quodomine stated that she would look into contacting the County Prosecuting Attorney.

Attorney Avigdor then immediately called a halt to all discussion on this matter, as there had been a suggestion of litigation. Attorney Avigdor stated that any further discussion on this matter would have to take place in an executive session.

Discussion in fill-in for Town Attorney for absences / conflicts -

Supervisor Johnson stated she spoke with both the Chairman for the Planning Board and the Chairman for the Zoning Board of Appeals and they do not feel that there are enough instances where this is a problem to justify hiring a fill-in Attorney. The Town Board agrees.

NEW BUSINESS -

2010 Census Update -

Supervisor Johnson stated that there is information coming in regarding this and that there will be a need for volunteers in the Town of Day to conduct the update.

October Meeting on Thursday 10/11 -

Supervisor Johnson stated that the next Regular Town Board Meeting will be held on Thursday, October 11 due to the Columbus Day Holiday.

Review of Fire Protection / Fire District report received from Paul Lent-OES -

Supervisor Johnson handed out copies of the Fire Protection Report at the August Town Board meeting for the Town Board members to review prior to tonight's meeting. Supervisor Johnson asked the Board members if they had any questions or comments on the report. Councilwoman Suzanne Denn and Councilman Preston Allen felt the report was very complete.

Councilman Neil Allen felt that the report covered everything, was very thorough. Supervisor Johnson stated that she was going to send both the Fire Protection/ Fire District report along with the EMS Report that was received previously and a cover letter to each member of the Fire Committee for their review.

Supervisor Johnson asked the Board members if they wished to pursue this matter further.

Councilman Preston Allen felt that the numbers spoke for themselves.

Saratoga County Veterans Field Band Concert Fri. 09/21 at SPAC -

Supervisor Johnson informed everyone present that the Saratoga County Veterans Field Band Concert would be held once again at the Saratoga Performing Arts Center on September 21, 2007. Free tickets to this concert would be available at the Town Clerks office for anyone interested in attending.

Sign contract with M. J. Engineering for Min Allen Bridge Work -

Supervisor Johnson stated that Town Attorney David Avigdor and Highway Superintendent Scott York have both reviewed the contract for the engineering portion of the Min Allen Bridge repair project. The cost of the engineering work is \$23,500.00.

Resolution #2007-36 made by Percy Allen, seconded by Suzanne Denn, to **authorize Supervisor Johnson to sign the contract** with M. J. Engineering concerning their work on the Min Allen Road Bridge Project.

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

Carried 5 - 0

Update on new Assessor schedule & training -

Supervisor Johnson stated that ORPS has notified her that Mr. Nealon does meet the minimum qualifications for a sole appointed assessor. Mr. Nealon has requested his hours at the Town Hall each week to be on Wednesday's and Thursday's. The Board agrees with the days suggested.

Resolution #2007-37 made by Preston Allen, seconded by Neil Allen, to **authorize Supervisor Johnson to sign a contract** with Mr. Duane Nealon to become the Town of Day's Part - time Sole Assessor, including in the contract that Mr. Nealon's hours at the Town Hall will be Wednesday's and Thursday's from 9:00 AM - 4:00 PM.

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

Carried 5 - 0

REGULAR MEETING - September 10, 2007 - DAY TOWN BOARD ***Page 4***

Letter from J. Johnston requesting response times from ambulance calls -

Supervisor Johnson distributed a letter to the Board from resident Mr. Jim Johnston

concerning response time on 911 calls. Supervisor Johnson will look into providing answers on this matter.

CORRESPONDENCE -

From: Office of State Comptroller
Re: Retirement date reduced

From: Deanne Rhem
Re: Asking School Board to adopt different way of taxing Hadley using equalization rate or a proportional rate.

From: Plattsburgh - State University of New York
Re: Arranging land use planning, zoning, and/or mapping projects to work on in 2008

From: Capital Financial Group, Inc. News
Re: Various updates regarding their company

From: New York Property Rights Clearinghouse
Re: Announcing various conferences, issues etc.

From: State of New York - Dept. Of State
Re: Info on the availability of funding for the 2007-2008 Shared Municipal Services Incentive Grant Program also a list of statewide workshops /conferences

From: Saratoga County Arts Council
Re: Various programs and upcoming events

From: American Red Cross - Adirondack Saratoga Chapter
Re: Disaster Action Team Meeting Minutes - Meeting of June 09, 2007

From: State of New York
Re: Invitation to a special Executive briefing for executive management.

From: National Grid
Re: Announcing that KeySpan is now part of National Grid.

From: NYS Housing Trust Fund Corp.
Re: Inv. to attend a meet and greet with the Comm. Of NYS Division of Housing And Community Renewal & Chairperson of the Housing Trust Fund Corp. And the Director of NYS Office for Small Cities

From: NYS Dept, of Taxation and Finance
Re: Fuel purchased with government credit cards on or after Sept. 01, 2007

INPUT FROM PUBLIC -

Attorney David Avigdor informed the Board that he would be on vacation from Thursday October 04th through Friday October 19th .

Garbage will be picked up according to regular schedule as summer pick-up schedule will end on September 25th.

Mr. Jim Johnston wanted to know if the 2008 budget meeting would be held before or after the Oct. 11th Regular Meeting as he wished to recommend a line item.

REGULAR MEETING - September 10, 2007 - DAY TOWN BOARD
Page 5

Review of draft plans for H/W Supt. Office and Town Hall -

Mr. Robinson brought in revised plans for the Town Board to look at. Very minor changes have been made since the last meeting. Bids for this project will be returned by Oct. 09th. Bids could be accepted subject to the Town Attorney's approval as he will be on vacation. The Non-Collusive Agreement must accompany each bid along with proof of insurance.

There is no bid bond required nor a POA or performance bond. There will be two pay requests, the Contractor shall submit a payment request 30 days after the notice to proceed is issued to the Engineer for

review. Following a site visit by the Engineer to confirm that the applicable work is completed the pay request will be submitted to the Town Board and within 10 days of their next scheduled Board meeting payment will be made.

Mr. Robinson's company will place the advertisement for the bid on this project in the Post Star, the Town of Day's legal paper. Mr. Robinson will plan a meeting with Highway Superintendent Scott York for later this week or early next week.

Supervisor Johnson asked for the cost estimate for the Town Hall addition. Mr. Robinson did not have exact figures at this time but is estimating \$225.00 per square foot. for the 3000 square foot addition.

Supervisor Johnson stated that the Board would need to have the exact details of the estimate and also that the Town Board would need to review the plans again.

Supervisor Johnson reminded Mr. Robinson that he has not submitted a bill for his Company's work thus far and needs to do so as soon as possible.

Motion made by Percy Allen, seconded by Neil Allen, to **adjourn this Regular Meeting** of the Day Town Board was made at 8:23 PM.

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

Carried 5 - 0

Carol Vaillancourt
Town Clerk