

**PUBLIC HEARING & REGULAR MEETING  
FEBRUARY 12, 2024- DAY TOWN BOARD  
UNAPPROVED MINUTES  
PAGE 1 OF 9**

**A PUBLIC HEARING** of the Town Board of the Town of Day, County of Saratoga, State of New York, was held in the Day Town Hall, 1650 North Shore Rd, Hadley, New York, on February 12, 2024.

A moment of silence took place in remembrance of Kenneth Metzler who passed away. Kenneth was the Town of Day Code Enforcer/Building Inspector for several years.

Councilwoman Cheryl Allen stated that Kenneth Metzler did a lot for the Town of Day, he did anything for the town and will be missed by many.

Supervisor Diana Edwards called the Public Hearing to order at 7:00pm with the following answering roll call: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan, Highway Superintendent Leonard Allen and Attorney Matt Fuller.

Supervisor Diana Edwards explained the purpose of the Public Hearing **Adopting Local Law Changing the date for Complaints by the Board of Assessment Review and adopting Local Law Providing Partial Real Property Tax Exemption for ages 65 years of age and older.**

Supervisor Edwards gave those present a chance to speak on either of the two Laws.  
All those desiring to speak for either of the two proposed Local Laws- None  
All those desiring to speak against either of the two proposed Local Laws- None

Supervisor Edwards closed the Public Hearing at 7:04pm

Councilwoman Cheryl Allen wanted to make sure the residents were aware that the Local Law Providing Partial Real Property Tax Exemption for ages 65 years of age and older, was just revised for the income level.

**Motion**, made by Councilwoman Cheryl Allen to move the Resolution **adopting a Local Law Changing the Date for Hearing Complaints by the Board of Assessment Review to the first Tuesday in June every year and on such other days as the Board of Assessment Review deems necessary**, 2<sup>nd</sup> by Councilman George Lembo.

Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan and Supervisor Diana Edwards.

**Carried:** 4-0

**PUBLIC HEARING & REGULAR MEETING  
FEBRUARY 12, 2024- DAY TOWN BOARD  
UNAPPROVED MINUTES  
PAGE 2 OF 9**

**Motion**, made by Councilman George Lembo to move the Resolution adopting "A Local Law Providing for Partial Real Property Tax Exemption for Persons 65 Years of Age or Older", 2<sup>nd</sup> by Councilman Harry Brennan.

Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan and Supervisor Diana Edwards.

**Carrie:** 4-0

**Motion**, made by Councilman George Lembo to **adjourn** the Public Hearing, 2<sup>nd</sup> by Councilwoman Cheryl Allen at 7:07pm

Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan and Supervisor Diana Edwards.

**Carried:** 4-0

**Motion**, made by Councilman Harry Brennan to approve the Town Board regular meeting minutes on January 8, 2024, and the special meeting minutes on January 26, 2023 (re. Local law BAR date change and partial senior exemption); January 31, 2024 (re. highway equipment purchase), 2<sup>nd</sup> by Councilman George Lembo.

Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan and Supervisor Diana Edwards.

**Carried:** 4-0

**Abstracts January 2024:**

Pre-Audits:	Highway #25-32	\$17,426.80
	General #33-49	\$11,675.95

Regular:	General #51-79	\$18,032.63
	Highway #80-96	\$28,802.45

2023 Budget:	Highway #281	\$1,142.32
	General #282-283	\$6,116.00

**Bank reconciliations** for General, Highway, Payroll, A/P, EMS and Town Clerk/Tax Collector

**Motion**, made by Councilwoman Cheryl Allen to approve the January 2024, abstracts and bank reconciliations above, 2<sup>nd</sup> by Councilman Harry Brennan.

Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan and Supervisor Diana Edwards.

**Carried:** 4-0

**PUBLIC HEARING & REGULAR MEETING  
FEBRUARY 12, 2024- DAY TOWN BOARD  
UNAPPROVED MINUTES  
PAGE 3 OF 9**

**Motion**, made by Councilman Harry Brennan to approve January 2024 reports from Town Justice, Town Supervisor, Assessor, Code Enforcer and Town Clerk, 2<sup>nd</sup> by Councilwoman Cheryl Allen.

Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan and Supervisor Diana Edwards.

**Carried:** 4-0

**Committee Reports:**

Hudson River Regulating District liaison, Dave Cox was absent from the Board meeting. Dave had nothing to report being no meeting was held.

Councilwoman Cheryl Allen said Chairwoman Mary Ann Johnson made a phone call to the Veterans and it took a couple weeks to hear back. Councilwoman Allen and Chairwoman Johnson are hoping to go to the next Veterans meeting.

Christina Siebert said some goals were set for the finance committee. A cash flow analysis will be put together to see the proceeds coming into the town and when the expenses would have to go out. Once that cash flow analysis is done, there will be a better understanding on going forward with the Highway garage and things like that. A discussion on the bridge project took place at the previous finance committee meeting. Also, the rules for setting up reserve accounts will be looked into.

Councilman George Lembo said he did call Northville in regards to the fireworks and haven't heard back yet.

Highway Superintendent Leonard Allen said Henderson has the new tandem truck is ready for the production line and should have the truck in the middle of May. The Day Meadows Cemetery sign was ordered and has arrived, will be up in the spring. The steel was delivered for the new loading ramp at the highway garage, its currently 75% built. A phone meeting took place on the FEMA Sand Lake bridge project, the okay was given to get the project done. Leonard spoke to Gary Robinson (Engineer), the landowners should have the easements by next Monday. The project should be ready to go out to bid the first week of March, bids will be out for 3 weeks and should be able to be voted on at the April board meeting. Leonard said it looks like in April the bridge project should be able to be started. Leonard said a lot of residents would like the town to accept tires at the recycling center. When Leonard looked into the cost for the town to dispose of the tires, it would cost \$200.00 a ton. A charge for residents to dispose of the tires, looks like it would be \$7.00 a tire up to 16 inches, \$10.00 each up to 20 inches and \$12.00 each for heavy equipment tires. So they cost would just pay for itself, and less tires being thrown on the side of the roads.



**PUBLIC HEARING & REGULAR MEETING  
FEBRUARY 12, 2024- DAY TOWN BOARD  
UNAPPROVED MINUTES  
PAGE 4 OF 9**

**Old Business:**

Supervisor Diana Edwards said the garbage law is still being worked on and still under review. Hopefully it will be ready for the following board meeting. Councilman George Lembo would like it so the residence doesn't have to put the address on the garbage cans. The investment policy is being reviewed by the finance committee and hopefully that can be finalized for the next board meeting.

**New Business:**

Supervisor Diana Edwards would like the town credit card to only be used for traveling purposes or emergencies. The Highway Superintendent Leonard Allen should have his own credit card for the highway fund to keep general and highway expenses separate. Councilwoman Cheryl Allen would like a credit card policy on the town credit card. Supervisor Edwards said workshops may need to take place to get some policies done and in place.

There is money set aside in a reserve fund for the new recycling/garbage sanitation truck. A bid process would need to take place.

Vickie Walencik has resigned from the General Office Clerk position. Supervisor Diana Edwards would like to increase the maximum hours from 5 hours to 10 hours weekly. The funds are in the budget and will be taken from the contingency fund. The General Office Clerk was posted, and applications have been turned in, the Board will be setting up interviews.

The Board of Assessment Review has two openings, Curt Schreiner is interested in taking a position on this board. Curt will be sending in a letter of interest.

Chairman Ted Mirczak and Chairman Dave Davidson are currently working on cleaning up some Zoning Laws. Chairman Mirczak and Chairman Davidson will be present to explain more at the board meeting set for March 11<sup>th</sup>.

**Other Business:**

February 27, 2024 at 10:00am will be the annual audit of the books for the Town Justice, Kenneth Johnsen.

Supervisor Edwards said the Highway Superintendent Leonard Allen would like a full time laborer and she would not like to rush into it. Supervisor Edwards would like to have the finance committee look into some things to make sure long term it would be okay.

Councilwoman Cheryl Allen asked if the interviews would be set up for the February 27<sup>th</sup> meeting as well. Supervisor Edwards didn't think that was a good idea. Attorney Matt Fuller said it would be up to the Town Board on how the interviews are done. The Board decided the interviews would be scheduled on February 27<sup>th</sup> as well.



**PUBLIC HEARING & REGULAR MEETING  
FEBRUARY 12, 2024- DAY TOWN BOARD  
UNAPPROVED MINUTES  
PAGE 5 OF 9**

Councilman George Lembo would like public comment at the beginning of a meeting and again at the end of a meeting. Councilman Lembo said a residence may state a concern that's not listed on the agenda that should be brought to the Boards attention. Supervisor Diana Edwards said before the Reports of Committees on the agenda would be alright to allow the public to speak as well and at the end of the meeting. Supervisor Edwards wanted to speak about the recycling permit fees being decreased being she was absent at the January Board meeting. The attendant at the recycling center hourly increased, bulk items are taken and she feels the recycling fee increase in 2023 was necessary. Some towns charge for taking bulk items like sofas and mattresses, Supervisor Edwards suggested for the Board to think about that and may revisit some options in the near future to make up for the loss by decreasing the permit fee. Councilwoman Cheryl Allen said the town is taking mattresses for free right now and she is afraid that residents will place even more bulk items on the sides of the roads if there's a fee charged. Cheryl is concerned that more garbage will be thrown on the sides of the roads if residents start to be charged for everything. Highway Supervisor Leonard Allen said there's a fee to dispose of anything. Superintendent Leonard feels that if costs keep increasing and the town decreases fees on things it's not evening out. Councilman George Lembo feels that if the town is financially okay, its not right for the taxpayers to have to pay. George did not see a need to increase the recycling permit fees in the first place. Councilman Lembo and Councilwoman Allen believes that charging for tire disposal makes since and everyone expects that. If you go get tires put on your vehicle you have to pay the disposal fee. If the town decides to accept tires for a disposal fee, sometime in May an area would be ready at the recycling center to do so.

Supervisor Diana Edwards read and explained all resolutions and will allow discussion if needed prior to voting.

**Public Input:**

Susan Devlin said if a person is going to throw garbage on the sides of the roads its going to happen no matter if a fee takes place or not. Steve Edwards said for two years the recycling permit fee was \$20.00 and no one called to complain, sent a letter in to the town or complained at the Highway garage. Now the recycling permit fee decreased to \$10.00 we are losing \$3,000-\$4,000 out of the budget. Steve said that money could have been used to repair things at the Highway garage or a hydraulic hose that went on one of the trucks. Steve said the \$20.00 fee was a fair price and the \$10.00 fee is just taking advantage of a few people. Christina Siebert asked for a copy of the Investment Policy.

**PUBLIC HEARING & REGULAR MEETING  
FEBRUARY 12, 2024- DAY TOWN BOARD  
UNAPPROVED MINUTES  
PAGE 6 OF 9**

Councilman George Lembo asked Christina how much money was saved for the town. Christina said she didn't have a real thorough analysis for 2022, but from what she could gather it was around \$5,000 a year. Christina spoke to Joseph Flacke about 2023 and being investments were done a little differently, the town made about \$70,000. Councilman George Lembo said being the town did well investing that he doesn't like the idea of raising fees when money was made by investing. Lembo said saving money investing is the better way to make money than raising fees.

Councilwoman Cheryl Allen mentioned to Christine Siebert that a finance class is coming up and it would be something she may be interested in going to. Christina said she has a good handle on finances and would like to attend being you can never learn enough.

Matt Devlin spoke about the recycling permit fee and asked about the \$10.00 decrease and was told that anyone who paid the \$20.00 fee at the beginning of January 2024 would be getting a refund because of the decrease. He also said he would expect a fee to dispose of a mattress and he would happily pay a fee to dispose of those.

Councilwoman Cheryl Allen said the town has a lot of low income families and seniors which can't afford to pay the \$20.00 recycling permit fee. If the price is low, more chance the residence would purchase them being it would be more affordable.

Danny Allen asked if the board members had to run for their position, they all said they did have to. Danny asked if anyone voiced their concern on raising the cost of the recycling permits. Councilman Harry Brennan and Councilwoman Cheryl Allen did say residents did complain about the fee increase. Danny said being they work for the people then the right thing on lowering the fee was the correct thing to do.

Christina Siebert said when she lived in Long Island the residents there were never charged to dispose of anything, mattresses, garbage etc. She knows a lot of people living here in the town that do not make any money at all, so it's a difference to them.

**Resolutions:**

**Resolution #2024-29 to approve** a Town Credit card be issued to Highway Superintendent Leonard Allen for business expenses when necessary.

**Resolution #2024-30** to increase General Office Clerk hours from 5 hours per week to 10 hours per week and to reallocate funds from A1990.4 Contingent in amount of \$4,500.00 to A1989.1 Clerk General Office to cover payroll for remainder of 2024.



**PUBLIC HEARING & REGULAR MEETING  
FEBRUARY 12, 2024- DAY TOWN BOARD  
UNAPPROVED MINUTES  
PAGE 7 OF 9**

**Resolution #2024-31 to amend** paid vacation time for Highway Department “new” employees. Upon hire they currently receive two weeks total of paid vacation effective at the end of the first year of hire date. The proposed amendment would be to offer one week upon 6 months of hire date, and the second week upon the end of their first year of hire date.

**Resolution #2024-32 to approve** going out to bid for a new Sanitation (recycling/garbage truck). This is for an expected delivery date in 2025. A Sanitation Reserve Fund has been established in 2023 by Resolution No. 66 for the sanitation truck purchase.

**Motion**, made by Councilman George Lembo to **adopt** the following **Resolutions #2024-29 through #2024-32**, 2<sup>nd</sup> by Councilwoman Cheryl Allen.

Ayes: Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan and Supervisor Diana Edwards.

**Carried:** 4-0

Councilwoman Cheryl Allen asked about the **Resolution to approve pre-audit payment** for minimum payment due for town credit card for town card holders (Diana Edwards, Leonard Allen, Kenneth Johnsen). Cheryl was wondering if Supervisor Edwards called the credit card company to see if the due date on the credit card could be moved. Supervisor explained the process of paying a bill and to avoid a late fee. Attorney Matt Fuller stated that there's only certain things that can be paid for prior to a Board meeting for approval, a credit card is not one of them.

Councilman George Lembo spoke about the **Resolution to approve a 2024 budget amendment** to transfer from General Fund balance to \$32,040.00 to A0599 Appropriated Fund Balance. This is to account for a miscalculation on excel spreadsheet total line on page 6 of the 2024 Budget whereas the Code Enforcement total did not carry down to Total of Home & Community Services. Lembo said he would like this to be reviewed by the finance committee beforehand. Supervisor Edwards said this was a honest mistake, the amount didn't get transferred on the budget. Christina said it was mentioned to her and Councilman Joseph Flacke, it was in the budget but didn't calculate and total out on a specific line. Christina Siebert is okay with the transfer. Councilman Lembo is comfortable and okay to move the resolution forward.



**PUBLIC HEARING & REGULAR MEETING  
FEBRUARY 12, 2024- DAY TOWN BOARD  
UNAPPROVED MINUTES  
PAGE 8 OF 9**

Councilwoman Cheryl Allen spoke on **Resolution to amend** the 2023 budget prior to Town of Day accountant filing of Audit Report to the NYS Comptroller. Reallocations are noted as follows and funds are available in the 2023 budget and need to be reappropriated, so line items are balanced to close out the year. Cheryl was wondering why so much money has to be moved around? Supervisor Edwards explained that the funds were short in certain accounts and the money would be just moved from one account to another. Usually this gets done in January but the accountant wasn't ready to close the books so this would need to be done now.

**Resolution #2024-33 to approve a 2024 budget amendment** to transfer from General Fund balance to \$32,040.00 to A0599 Appropriated Fund Balance. This is to account for a miscalculation on excel spreadsheet total line on page 6 of the 2024 Budget whereas the Code Enforcement total did not carry down to Total of Home & Community Services.

**Resolution #2024-34 to amend** the 2023 budget prior to Town of Day accountant filing of Audit Report to the NYS Comptroller. Reallocations are noted as follows and funds are available in the 2023 budget and need to be reappropriated, so line items are balanced to close out the year.

**2023 Budget reallocations for Highway Department and General Services:**

**HIGHWAY DEPT.**

Amount	Reallocate to	Reallocate from
\$5,073.64	DA5130.4 Highway parts & maint. Contr.	DA2680 insurance recovery revenue
\$7,111.92	DA5130.2 Machinery equipment	DA5142. snow removal
\$8,351.93	DA5130.4 Machinery equipment contr.	DA5142. snow removal

**GENERAL SERVICES**

Amount	Reallcoate to	Reallacote From
\$ 223.92	A1010.1 Legislative Board	A1110.1.1 Justice Clerk
\$284.99	A1410.1.1 Deputy Clerk	A1110.11 Justice Clerk
\$1,593.20	A1410.1 Clerk Pers.	A1990.4 Special Items
\$7,240.00	A1440.4 Engineer (FEMA proj.)	A1620.4 Ops of Plant
\$2,494.14	A1910.4 Unalloc. Insurance	A1620.4 Ops of Plant
\$62.94	A5132.2 Garage Equip.	A5132.4 Garage Contr.
\$6,135.01	A8160.1 Refuse & Gar. Pers.	A8160.4 Refuse & Gar.
\$1,833.37	A9060.8 Hospital Medical	A9089.8 other emp benefits

**PUBLIC HEARING & REGULAR MEETING  
FEBRUARY 12, 2024- DAY TOWN BOARD  
UNAPPROVED MINUTES  
PAGE 9 OF 9**

**Motion**, made by Councilman Harry Brennan to approve **Resolutions #2024-33** through **Resolution #2024-34**, 2<sup>nd</sup> by Councilman George Lembo.

Ayes: Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan and Supervisor Diana Edwards.

**Carried:** 4-0

The next regular Town Board meeting will be on March 11, 2024 at 7:00pm. A special meeting will be held on February 27, 2024 at 9:30am.

**Motion**, made by Councilman George Lembo to **adjourn** the regular board meeting, 2<sup>nd</sup> by Councilwoman Cheryl Allen at 8:19pm.

Ayes: Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan and Supervisor Diana Edwards.

**Carried:** 4-0