

REGULAR MEETING-DAY TOWN BOARD
UNAPPROVED MINUTES
MARCH 11, 2024
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A REGULAR MEETING of the Town Board of the Town of Day, County of Saratoga State of New York, was held in Day Town Hall, 1650 North Shore Rd Hadley NY 12835 on March 11, 2024.

The meeting was called to order by Supervisor Diana Edwards at 7:00pm with the following roll call: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan, Councilman Joseph Flacke, Supervisor Diana Edwards, Highway Superintendent Leonard Allen, Attorney Matt Fuller and Liaison Hudson River Black River Regulating District Dave Cox.

Councilwoman Cheryl Allen spoke about the Towns former Supervisor Joyce Wheeler, who has recently passed away. Joyce was the Town Supervisor for about 15 years and was the one who saved the building. The addition to the building was done without having to borrow money. At the time the addition was complete, Mary Ann Johnson was the Town Supervisor. Joyce Wheeler received a special invite to come to the Town Hall to see the finished project, which she was pleased with. Joyce Wheeler had her eye on the building for years and was purchased for less than \$5,000 for back taxes.

Motion, made by Councilwoman Cheryl Allen, 2nd by Councilman Joseph Flacke to approve the Town Board regular and public hearing minutes for February 12, 2024, workshop meeting minutes for February 20, 2024 and the special meeting minutes for February 27, 2024

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

Carried: 5-0

Motion, made by Councilman Joesph Flacke, 2nd by Councilman Harry Brennan to approve the following February 2024 abstracts and the bank reconciliations for General, Highway, Payroll, A/P, EMS and Town Clerk/Tax Collector.

Pre-Audits: #97-102 \$12,604.66 Highway
 #103-120 \$11,419.29 General

General #121-143 \$82,933.25
Highway #144-154 \$13,529.47

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

Carried: 5-0

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Motion, made by Councilman Harry Brennan, 2nd by Councilman George Lembo to approve the following monthly reports from Town Justice, Town Supervisor, Code Enforcer and Town Clerk.

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

Carried: 5-0

Public Comment:

Ann Alexander mentioned that besides just voice recording the Board meetings we could also video record/stream them for residents who can't attend the meetings. That way they can also know what is going on and can comment as well if they would like to. Ann stated that is backed up by New York State Law relating to the meetings and the Freedom of Information Act. Ann was also wondering what the purpose of a Foyer would be. Supervisor Diana Edwards said that will be discussed by the building committee in the meeting tonight.

Reports of Committees:

Liaison to the Hudson River Black River Regulating District Dave Cox reports that the next meeting of the district will be March 12th at the Sacandaga Field Office. The staff will ask for \$50,000 for a new log boom at the dam. They will also ask for \$135,000 for rooftop solar panels and electric vehicle charging stations at the Sacandaga Field Office and approval for 6 temporary laborers for the Hudson River Area. The Office of the Attorney General has commenced action against Erie Blvd. Hydropower concerning the Conklingville Dam dispute. As of February 28th, the lake level was 11 feet above target. The next meeting of the board will be April 9th at a location to be determined.

Mary Ann Johnson said there has not been a meeting yet for the Veterans. The next scheduled meeting will be on March 22nd at the Day Town Hall, there will be a discussion on what projects they would like to do for 2024. Councilwoman Cheryl Allen said that there's \$500.00 in the budget for the Veterans and if more money is needed, she would hope that the Board will be open to that.

Councilman Harry Brennan spoke about the foyer, it was just being looked into and nothing was set in stone. Since the shingles would be removed for the roofing project, it would make sense to see if a foyer would even be possible to do. Councilwoman Cheryl Allen said she received a couple phone calls from builders. Both builders said the Town Hall has an insulation problem. Cheryl stated that she knows there's a photo album at the Town Hall with pictures in it as the addition was being done. Cheryl said the only thing that was asked to the Board was if it was okay to look into putting a foyer on the building off the main door to the meeting room, nothing more than that. Supervisor Diana Edwards said an addition was not in the 2024 budget and some things can be

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fixed like doors, A/C unit etc. Cheryl mentioned how the building does need things done and she suggested that the Board start looking into these things and make a list. Councilman Joseph Flacke agreed that a list of things to be done on the building would be easier to do and other Board members can also add or make a list as well on what they see.

Christina Seibert on the Finance Committee said a couple of meetings already took place and they have a rough start on the cash flow analysis. Currently the investment policy is being worked on for changes, it will be presented to the Board once it's ready for review. Councilman Joseph Flacke is hoping to have the investment policy done by August. The current investment policy is from August of 2022. Councilman Joseph Flacke also stated that in 2022 we ended up with about \$7,000 in interest. The policy was changed on how the Town can invest and in 2023 the Town made \$113,574 in interest. So far in 2024 we are at \$17,500.

Highway Superintendent Leonard Allen said the crew has been busy with storms, cleaning the roads from brush. Starting April 1st, the Highway Department will be doing 10 hour days four days a week working 6am-4:30pm. Leonard has received a handful of applications for the new full-time laborer position.

Garry Robinson, the Towns Engineer came in to update the new Board on the Sand Lake Bridge project. The plan was presented and explained, the plan and specs are done. Garry is looking to get a date for the project to go out to bid. Garry is expecting for the bridge project to be complete by Thanksgiving. The stream part of the project would have to be done by October, being its trout season. A temporary bypass road will be put in during this bridge project. Garry Robinson is saying this project looks to be about \$1.1 million. The plans and specs would go out electronically. Supervisor Diana Edwards did say the funds are available for this bridge project and there will not be a need to borrow the money. This is a FEMA project and will be reimbursed back to the town. Councilman Joseph Flacke asked how long we should expect FEMA to reimburse us back and it seems to take 6 months to a year.

Supervisor Diana Edwards mentioned that Curt Schreiner submitted a letter of interest to be placed on the Board of Assessment Review. Curt was on the Town Board for many years and his term expired in 2023.

Old Business:

Supervisor Diana Edwards said the broadband study was wrapped up about a month ago. Surveys were filled out and we did have a good response back. A printed report will be ready once it's done at the Day Town Hall and also on the town website.

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New Business:

Chairman Ted Mirczak on the Planning Board and Chairman Dave Davidson on the Zoning Board, spoke about the updates on the zoning laws. Attorney Matt Fuller suggested that some parts of the zoning law needed to be updated. The Town Board was given a copy of the zoning laws and what changes had been made so far. Attorney Matt Fuller explained that in the process of going through some zoning violations and things, it was discovered that in the chapter of administration and enforcement some things didn't line up with Town Law with New York State.

Supervisor Diana Edwards spoke about the Town Waste Disposal Law. Councilman Harry Brennan said it looks like "Campsite" was removed and replaced with "Commercial". Supervisor Diana Edwards said the Waters Edge campground has dumpsters and the town has been picking up the garbage and feels the taxpayers of the Town should not have to pay for it. Councilman Harry Brennan feels that the owners of the campground should be present at the Board meeting and be able to voice their opinion and made aware of this proposed Town Law before anything gets voted on, Councilman George Lembo agrees. Councilwoman Cheryl Allen said if the owners of the campground are unaware of a problem with the garbage and making up a rule will not fix it. Councilwoman Cheryl Allen suggested possibly picking up two dumpsters instead of three and not picking up any garbage placed on the ground. Highway Superintendent Leonard Allen said there has been garbage on the ground. Supervisor Diana Edwards said the Town does not have to pick their garbage up. Councilman Harry Brennan said if the campground owners aren't aware and able to come to the Board meeting, he is not in favor of this proposed Law. Councilwoman Cheryl Allen suggested a special meeting to work on policies and the Solid Waste Disposal Law. Councilman Joseph Flacke said the Majestic Marina also has a lot of garbage out as well in the summer. The Town Board agreed to contact the owners and invite them to the next Board meeting in April. Councilwoman Cheryl Allen said that it states that no solid waste can accumulate no longer than seven days and she wants to know who's going to enforce that. Attorney Matt Fuller said the Code Enforcer would have to enforce it. Also, there's sidewalks mentioned in the proposed law and the town does not have any sidewalks. Supervisor Diana Edwards said it's not right that the taxpayers pick up all the campgrounds garbage. Councilwoman Cheryl said they are also taxpayers. Councilwoman Cheryl Allen said she did speak to the neighbors about the garbage at Waters Edge Campground, the neighbors said they just see a lot of garbage but there's no smell in the summer.

Councilman George Lembo said the town vehicle has no log for the month of February and was wondering where it is. Councilman Harry Brennan said the town vehicle is signed out for the entire year on Fridays. So, if someone else needs it, it's not available.

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The last time the town vehicle was used it was left empty, the Town Clerks Deputy had to go put gas in it. Councilman Joseph Flacke suggested that any policies being worked on should be looked at prior and then come together to make changes that's needed. Councilwoman Cheryl Allen said according to the Association of Towns lawyers, a Facebook, travel and a camera policy are required as well. Councilwoman Cheryl Allen asked Supervisor Diana Edwards if there's a reason why she doesn't want to have a special meeting to go over policies. Supervisor Edwards said she is very busy and would like the Attorney to be present and when the public can attend. Councilman Joseph Flacke said he will start a policy that's needed and let the Board members add or make changes to it and go from there.

Other Business:

Supervisor Diana Edwards said currently she is the guarantor on the town credit card and shouldn't be. It should be a corporate or municipality should be the guarantor. Nothing more would change besides some back-end paperwork to change that.

Councilman George Lembo mentioned he would like a barrier of some sort to keep the public from the elected officials and the town board at meetings. The board suggested to look into on what something would cost for that.

Councilwoman Cheryl Allen said the previous sign outside the town hall was donated to the town and it was made by a man whose passed away. Councilwoman Cheryl asked the board if it would be okay to see if that sign could be refurbished. Cheryl said the new sign is way too small. Amanda Prescott, the General Office Clerk had mentioned that she would like to do something for the town in regard to a sign. Cheryl would like to see if Amanda could refurbish that sign that's stored in the shed. The Board said it was fine to inquire about the refurbishment of the town sign. Councilwoman Cheryl Allen said she would like the table back that used to be in the meeting room back from the museum. When the election workers are here, they have no place to sit and eat.

Motion, made by Councilwoman Cheryl Allen to have the round table from the museum moved back to the meeting room at the Town Hall, 2nd by Councilman George Lembo.

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

Carried: 5-0

Councilman Harry Brennan said that the judge's door should be locked, and the judge should be the only one who has the key. Also, Fran Allen asked Councilman Harry to mention about getting his name and number off the telephone message as the dog catcher. Councilman Harry also mentioned that maybe Albert Brookes could look into the building to be handicap accessible and bring it up to code.

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Councilman George Lembo asked about the two new monitors in the Clerks office and where the old ones went. The tax collector monitor was small so that was replaced with a bigger one, the Clerk monitor was replaced at the same time as well. Supervisor Diana Edwards said the Clerks monitor was broke and had white lines on the screen and you couldn't read anything. The Clerk did state nothing was wrong with he Clerks monitor.

Resolution #2024-39 to appoint Curtis Schreiner to the Town of Day Board of Assessment Review

Resolution #2024-40 to authorize a budget transfer from the Highway Fund in the amount of \$5,643.38 to DA5130.4 Machinery Contractual Expense. Funds were deposited into the Highway fund from New York Municipal Insurance Reciprocal to cover the cost of necessary vehicle repairs.

Resolution #2024-41 to approve changing the Town of Day First National Bank credit card account from Individual Guarantee to Corporate Liability Account.

Resolution #2024-42 to advertise the Sand Lake Bridge Road project to go out to bid and authorize the Supervisor to release the bids and accept and open the bids.

Resolution #2024-43 for the Town Board to refer to the Planning Board for review and recommendations on the Town of Day Zoning Law and approve Ted Mirczak to move forward with Zoning Board of Appeals to review should they desire.

Public Comment:

Mary Ann Johnson feels that the message on the Town Halls phone should be changed. Currently the message recorded is in Kenneth Metzler's voice, who has passed away.

Christina Seibert suggested that copies of policies the Board would be discussing should be handed out for the public to review and follow along.

Maury Hennessey commented on tires being thrown into the woods with other waste. He noticed it's worse now than previous years. Supervisor Diana Edwards mentioned that the Highway Superintended Leonard Allen suggested possibly accepting tires at the recycling center for a fee. Councilman George Lembo explained that the proposed garbage law does state that the property owner would be responsible to clean things like that up and will be enforced.

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Bob Alexander had a question on the Waters Edge Campground and the Majestic Marina. He mentioned how the number of campers in the campground has grown and is now halfway up the mountain. He said the owners are probably making more money and if it would be possible to increase the property taxes to cover the amount of garbage the town picks up. Bob mentioned that the Board should look into how many septic systems and wells the campground should have. Councilwoman Cheryl Allen said she believes the Waters Edge Campground is at full capacity now.

Addie said as a neighbor of the Waters Edge Campground, it's not a loud campground and it not bothered.

Donna McGraw said she loves the Highway Superintendent Leonard Allen and said hes a great guy. Donna said someone who comes up on weekends had a garage sale and left everything and it was a mess. At the time Kenneth Metzler was the Code Enforcer and did send a letter to the property owner with a deadline on when it had to be cleaned up by.

Kathy Mitchell is a year-round resident in the town, this was her first meeting she attended. Kathy suggested if there's several policies to be changed or created that one or two should be worked on at a time. She felt that a lot of work should be done through emails prior to a board meeting. Also, she asked if anyone from the public aggressively approached a board member before and if that's why a divider of some sort is necessary. Councilman George Lembo and Councilwoman Chery Allen did say that it happened twice. Councilman George Lembo suggested that a special meeting would allow policies and things to be worked on prior to a board meeting instead of doing it all at a town board meeting. Also, if more than three board members are present, the public would also be able to attend the open meeting if anyone wishes to do so. Kathy said she was on a board previously and no special meeting was never needed unless it was an emergency. Councilman George Lembo said emails don't always work for certain things that need to be worked on. Councilman Harry Brennan said that there's been four to five proposed garbage laws and he will not vote on something that the taxpayers are not aware of. Councilwoman Cheryl Allen said some members have issues getting an email or downloading something so doing certain things through email will not work for everyone on the board.

Councilman Harry Brennan thanked Attorney Marr Fuller, Chairman Dave Davidson and Chairman Ted Mirczak for all the hard work on updating the zoning law.

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Motion, made by Councilman Joseph Flacke, 2nd by Councilwoman Cheryl Allen to approve **Resolution #2024-39 through Resolution #2024-43**.

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

Carried: 5-0

Supervisor Diana Edwards feels that the foyer would be too big to do right now, and the funds aren't available for a foyer right now. Diana mentioned she would rather see other things be done to the building like the roof, handicap accessible doors and things like that first. Councilwoman Cheryl Allen said when the idea was suggested for the foyer it was just a suggestion and that was all and to see if it was even possible. Councilwoman Cheryl Allen said she would like the board to come together and start making a list of what needs to be done at the town hall for repairs.

Resolution #2024-44 to approve the Town Engineer, Garry Robinson, P.E. to provide the Town Board with options and an estimated cost of upgrades to the building as outlined by the Building Committee.

Motion, made by Councilwoman Cheryl Allen, 2nd by Councilman George Lembo to approve **Resolution #2024-44**.

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

Carried: 5-0

The next regular board meeting will be on April 8, 2024 at 7:00pm

Motion, made by Councilman Harry Brennan, 2nd by Councilman Joseph Flacke to adjourn the regular town board meeting at 9:09pm.

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

Carried: 5-0

Tracy Ladd
Town Clerk