

**REGULAR MEETING – DECEMBER 10, 2012 – DAY TOWN BOARD
UNAPPROVED MINUTES
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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 the Day Town Hall, 1650 North Shore Road, Hadley NY 12835 on December 10, 2012.

The meeting was called to order by Supervisor Mary Ann Johnson at 7:03 PM and the following answered roll call: Councilman Preston Allen, Councilman Charlie Dreyer, Councilman Jeff Gray, Attorney David Avigdor, Highway Superintendent Scott York and Planning Board Chairman David Cox.
Absent: Councilwoman Suzanne Denn

Motion, made by Jeff Gray, seconded by Charlie Dreyer, to **approve** the minutes from the November 15, 2012 Regular Town Board meeting.

Ayes: Supervisor Mary Ann Johnson, Councilman Preston Allen, Councilman Charlie Dreyer, Councilman Jeff Gray

Carried 4 – 0

Motion, made by Preston Allen, seconded by Jeff Gray, to **approve** the audited abstracts as follows:

#554 - #558	Pre-Audit	General Fund	\$ 2,539.21
#559	Pre-Audit	Highway Fund	\$ 761.70
#568 - #598	Audited	General Fund	\$ 7,964.99
#577 - #586, #599 - #600	Audited	Highway Fund	\$19,502.65
#604		General Fund	\$ 5,274.50
	Audited	T & A	\$ 758.86

Supervisor Mary Ann Johnson did ask to amend the General Fund abstract to include voucher #604 for Baldwin Excavation which is listed above.

Ayes: Supervisor Mary Ann Johnson, Councilman Preston Allen, Councilman Charlie Dreyer, Councilman Jeff Gray

Carried 4 – 0

Motion, made by Charlie Dreyer, seconded by Preston Allen, to **approve** the November monthly reports as follows: Justice Krom, Justice Johnsen, CEO, Town Clerk, Town Clerk Petty Cash, Supervisor

(Supervisor Mary Ann Johnson reports that the Assessor will be turning in his report tomorrow. Supervisor Mary Ann Johnson explained that she will be making budget adjustments to a few accounts.

Ayes: Supervisor Mary Ann Johnson, Councilman Preston Allen, Councilman Charlie Dreyer, Councilman Jeff Gray

Carried 4 – 0

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Highway Superintendent Scott York states that the issue with part-timers taking vacation time and not having anyone to work in their place needs to be worked out. Supervisor Mary Ann Johnson states that the Board needs to think about two things: Whether the Town of Day wants to pay part-timers for vacation days or not allow vacation days. Supervisor Mary Ann Johnson reminded the Town Board that there are revisions that will be made to the personnel manual in January and this is something that should be cleared up.

Highway Superintendent Scott York has gotten two replies to his ad for wingmen.

Planning Board Chairman David Cox, who is the Town of Day's liaison with the Hudson River – Black River Regulating District reports that there is a meeting tomorrow in Watertown which he will be attending. One of the agenda items will be apportionment modification.

Supervisor Mary Ann Johnson reports that the repairs and maintenance to the overheard doors was completed last week.

Buildings committee – No report

EMS committee – No report

Equipment committee – No report

Supervisor Mary Ann Johnson reports that efforts to have a fishing pier (with handicap accessibility) built at the Saratoga County Boat Launch and Park located in the Town of Day have been halted as the DEC has indicated they are not interested in placing one in that location.

OLD BUSINESS –

Supervisor Mary Ann Johnson reports that a meeting was held regarding the new Town of Day website with forms and information being gathered that will be placed on the new website.

A Planning Board and Zoning Board of Appeals Clerk has been hired.

Supervisor Mary Ann Johnson reports that the APA presentation which is being worked on by herself, David Cox, Ted Mirczak, Dave Davidson and Ken Metzler has been moved to March 2013 instead of January 2013. This presentation will take place in Raybrook, NY.

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NEW BUSINESS –

Supervisor Mary Ann Johnson reports with regret that a letter of resignation has been received from Justice Krom with an effective date of December 31, 2012.

Attorney David Avigdor states that State of New York law requires that a municipality have at least two justices unless a local law is passed. If there is only one justice, that person would need to be available 24/7 for arraignments. Also, if they needed to recuse themselves from a case, it would have to be re-assigned to a neighboring town.

Supervisor Mary Ann Johnson pointed out that if there is only one justice the Town Board would need to consider a salary increase for the justice as that person would be handling all of the cases. It would have to be understood by the remaining justice that if there is a salary increase it may only be temporary in the event that another justice is added. Attorney David Avigdor stated that the Town Board could decide not to appoint anyone to fill the job at present and see how things work out in the interim. Attorney David Avigdor pointed out that the Town could do a Local Law in 2014 as it should not be done to close to election time.

Highway Superintendent Scott York has brought to Supervisor Mary Ann Johnson's attention the fact that there is a problem with a beaver dam located on property on Horse Hill Road in the Town of Day. Highway Superintendent Scott York has asked that Attorney David Avigdor write a letter to the owner of the property to which Attorney David Avigdor replied that it would be better if Highway Superintendent Scott York first sent a letter to the property owner. Attorney David Avigdor stated that Highway Superintendent Scott York can send a letter explaining the potential problems that can occur and that the shoulder of the road is already being affected. Attorney David Avigdor recommended the Town of Day hire an engineer to assess the situation and depending on what the engineer's findings are, also hire a surveyor to make sure of exactly where the Town of Day right of way is.

Supervisor Mary Ann Johnson reports that the Day Town Hall will be closed the week of December 24, 2012 thru January 01, 2013. An announcement will be place in the Pennysaver.

PUBLIC INPUT ON RESOLUTIONS – None

Motion, made by Charlie Dreyer, seconded by Jeff Gray, to **adopt** the following resolutions:

#2012 – 48 Re-Appointing Jack Vaillancourt to the Planning Board

#2012 – 49 Re-Appointing Judy Traeger to the Zoning Board of Appeals

Ayes: Supervisor Mary Ann Johnson, Councilman Preston Allen, Councilman Charlie Dreyer, Councilman Jeff Gray

Carried 4 – 0

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Motion, made by Preston Allen, seconded by Jeff Gray, to **adopt** the following resolution:

**#2012 – 50 Adoption of Local Law #2012 – 03 Relating to Prior Notice of Defects
in Town Infrastructure**

Ayes: Supervisor Mary Ann Johnson, Councilman Preston Allen, Councilman Charlie Dreyer, Councilman Jeff Gray

Carried 4 – 0

The Day Town Board reviewed the potential meeting schedule for the Board for 2013 which was submitted for their consideration by the Town Clerk and made no changes.

CORRESPONDENCE – None

INPUT FROM PUBLIC – None

Motion, made by Jeff Gray, seconded by Charlie Dreyer, to **adjourn** this Regular Meeting of the Day Town Board was made at 8:01 PM.

Ayes: Supervisor Mary Ann Johnson, Councilman Preston Allen, Councilman Charlie Dreyer, Councilman Jeff Gray

Carried 4 – 0

Carol Vaillancourt
Town Clerk