

**REGULAR MEETING – APRIL 15, 2013 – 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 April 15, 2013.

The meeting was called to order by Supervisor Mary Ann Johnson at 5:30 PM and the Following answered roll call: Councilman Preston Allen, Councilman Jeff Gray, Highway Superintendent Scott York, Attorney David Avigdor and Planning Board Chairman David Cox.

Absent: Councilwoman Suzanne Denn and Councilman Charlie Dreyer

Motion, made by Councilman Jeff Gray, seconded by Councilman Preston Allen, to **approve** the minutes from the March 11, 2013 Regular Meeting.

Ayes: Supervisor Mary Ann Johnson, Councilman Preston Allen, Councilman Jeff Gray
Carried 3 – 0

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

#788 - #792	Pre-Audit General Fund	\$ 3,850.50
#799 - #807, #820 - #826	Regular Audit General Fund	\$ 3,803.96
#827 - #836	Regular Audit General Fund	\$12,172.99
#793 - #794	Pre-Audit Highway	\$ 6,333.73
#808 - #819	Regular Audit Highway	\$12,222.86

Ayes: Supervisor Mary Ann Johnson, Councilman Preston Allen, Councilman Jeff Gray
Carried 3 – 0

Motion, made by Councilman Jeff Gray, seconded by Councilman Preston Allen, to **Approve** the monthly reports for the following: Justice Johnsen, CEO, Town Clerk, Tax Collector, Supervisor – 4/15 Oper. Rpt. – Mortgage Tax & Sales Tax Report, Assessor, Planning Board / ZBA 1st Qtr. 2013

Ayes: Supervisor Mary Ann Johnson, Councilman Preston Allen, Councilman Jeff Gray
Carried 3 – 0

No reports were given by the Highway Superintendent, Planning Board Chairman David Cox in regards to the HR-BR Reg. Dist. Town Committees or on the GSLA.

OLD BUSINESS –

The new Town of Day website is still under construction. Some changes have been made to the site and still others need to be made and information added. Supervisor Mary Ann Johnson will try to arrange a meeting with the company building the site so that she and the Town Clerk can work with them at the Day Town Hall to attempt to get the site up and running.

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There has been no response to Attorney David Avigdor's letter to Eastside Metals regarding money owed to the Town of Day. This money is for scrap metal picked up from the Town of Day Recycling Center in 2012 by Eastside Metals. There is also the issue of the rollback which is still at the Recycling Center and is owned by Eastside Metals. It will have to be moved so that another company can place their container in that spot. Councilman Jeff Gray suggested sending them a letter telling them they must remove their container within 30 days or the Town of Day will start charging them a storage fee which would have to be paid along with other monies owed the Town.

The status of the Walter Maxfield Road / North Shore Road project has not moved forward at this point. The Town of Day needs to find an engineer who can draw up plans for the intersection before any work can be done on the project.

Supervisor Mary Ann Johnson has not received any response from Mr. Hertzell regarding information she requested from him. This request was in response to Mr. Hertzell's desire for the name change of a private road.

Supervisor Mary Ann Johnson informed those present that the All-in-One printer, fax, scanner, copier machine was delivered to the Day Town Hall the first week in April. This All-in-One machine was obtained by the Town of Day through a grant with NYSERDA with the grant covering 75% (\$3,732.75) of the cost and the Town of Day paying 25% ((\$1,244.25) as the total cost was \$4,977.00.

Regarding the Community Spotlight program the Town of Day participated in for the APA on March 15th, Supervisor Mary Ann Johnson explained that the APA would like the Town to send any concerns to them. Attorney David Avigdor will send a letter stressing our request that any changes the APA is considering making to their clear cutting rules that they exclude all towns that have established view protection areas.

NEW BUSINESS –

Town of Day Highway Crew member Doug Tenant will be retiring on April 18th after 35 years of service to the Town of Day.

Supervisor Mary Ann Johnson and Highway Superintendent Scott York have both been informed that there will be an increase in CHIPS funding. The exact amount has not been determined but it will be in the 21% - 28% range.

Highway Superintendent Scott York asked for and received approval, after discussion by the Town of Day Board members, to purchase a replacement dump body for one of

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the Town's plow trucks in the amount of \$35,540.00 from Arrowhead Equipment, Queensbury, NY. This is under state contract.

Highway Superintendent Scott York asked for and received approval, after discussion by the Day Town Board members, to repair a 2008 one ton 4x4 pickup truck in the amount of \$16,712.59 which includes a new engine and \$500.00 for diagnostics on the truck.

Highway Superintendent Scott York will begin interviews next week for the MEO position being created by Mr. Tenants retirement.

Regarding the issue of the pick-up of scrap metal at the Town of Day Recycling Center, Supervisor Mary Ann Johnson has been in contact with two companies. JGS and Earth, Waste & Metals have both expressed interest in the Town of Day's Scrap metal. Both companies have submitted information regarding what they would pay the Town of Day to remove the scrap metal from the Town of Day Recycling Center. Attorney David Avigdor had questions regarding the information Earth, Waste & Metals submitted. Supervisor Mary Ann Johnson stated that she will gather more information from Earth, Waste & Metals.

Highway Superintendent Scott York reports that he has spoken with the owner of the property the beaver dam is located on numerous times about the problem it is creating with flooding and washouts of the road. Highway Superintendent Scott York has met with Engineer Garry Robinson, who has visited the site, regarding this matter and has received his input. Supervisor Mary Ann Johnson asked Attorney David Avigdor if the Town could acquire the property through eminent domain in order to do what is necessary to alleviate the yearly problem with the road near the beaver dam. Attorney David Avigdor replied that the Town could take the property by eminent domain. Attorney David Avigdor suggested that CEO Ken Metzler and Engineer Garry Robinson go and talk to the owner of the property again. If it is their feeling after the discussion that nothing can be resolved with the property owner Attorney David Avigdor will draft a letter to the property owner advising him that the Town of Day will start eminent domain proceeding against him.

Highway Superintendent Scott York had a question regarding who is responsible for replacing town culverts. The Town Clerk will check the minutes for mention of this as Highway Superintendent Scott York thought it had been changed.

Supervisor Mary Ann Johnson reviewed the service agreement for the Xerox Work Centre 5325 which is the All-in-One printer, fax, scanner and copier the Town has

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recently purchased. Attorney David Avigdor stated that the contract should be more specific. Supervisor Mary Ann Johnson stated that she will contact Document Solution of the North Country for clarification on some points of the contract.

Supervisor Mary Ann Johnson has received a Municipal Electric & Gas Alliance (MEGA) Participation form which she explained to the Board is a request to get information and doesn't commit the Town to anything. There are twenty-nine counties participating at the moment. The Board is ok with Supervisor Mary Ann Johnson submitting the form. MEGA is an Aggregator that seeks and selects the lowest bidder in each utility territory and the pricing options from the bid are sent to the Town which the Town can agree or not to enter into an agreement with MEGA's selected supplier.

PUBLIC INPUT ON RESOLUTIONS – None

Motion, made by Councilman Jeff Gray, seconded by Councilman Preston Allen, to **approve** the following resolutions:

#2013 – 07 Approval to purchase replacement dump body for plow truck

#2013 – 08 Approval to repair 2008 – 1 ton – 4x4 pickup truck

Ayes: Supervisor Mary Ann Johnson, Councilman Preston Allen, Councilman Jeff Gray
Carried 3 – 0

CORRESPONDENCE –

*Supervisor Mary Ann Johnson has received an e-mail from the Luzerne – Hadley Fire Dept. citing an error in their last report and she will correct the report.

*The American Legion Post in Lake Luzerne will be hosting a Memorial Day parade again this year.

*Time Warner will be upgrading our high speed internet bandwidth up to 7mbps x 768 kbps service tier at no additional charge.

Supervisor Mary Ann Johnson asked Attorney David Avigdor if the procedure for the Planning Board and Zoning Board of Appeals meetings could be changed. This concerns both Boards meeting monthly even if there is nothing on the agenda. Edinburg's Planning and ZBA Boards only meet if there is something on the agenda for them. Attorney David Avigdor replied that it could be changed next year at the Day Town Board's Organizational Meeting because the schedule for 2013 has already been posted and advertised to the public.

Supervisor Mary Ann Johnson received notice from the Saratoga County Department of Public Works notifying her that the highway on County Rte. 7 where it crosses Stewarts Dam in Hadley will be closed starting April 22nd with the expected re-opening date of May 10th.

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PUBLIC INPUT – None

Motion, made by Councilman Preston Allen, seconded by Councilman Jeff Gray, to **adjourn** this Regular Meeting of the Day Town Board was made at 6:37PM.

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

Carried 3 – 0

Carol Vaillancourt – Town Clerk