

REGULAR MEETING – OCTOBER 13, 2016 – DAY TOWN BOARD
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UNAPPROVED MINUTES

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 October 13, 2016.

The meeting was called to order at 7:04pm by Supervisor Preston Allen with the following answering roll call: Councilman Curt Schreiner, Councilwoman April Schmick, Councilwoman Judy Traeger, Councilman Jeff Gray, Highway Superintendent Ronnie Ladd, Attorney Jeffrey Meyer and liaison to the Hudson River – Black River Regulating District David Cox.

Motion, Councilwoman April Schmick, seconded by Councilwoman Judy Traeger, **to approve the minutes** from the September 12th Regular Meeting.

Ayes: Supervisor Preston Allen, Councilman Curt Schreiner, Councilwoman April Schmick, Councilwoman Judy Traeger and Councilman Jeff Gray.

Carried 5 – 0

Motion, made by Councilman Curt Schreiner, seconded by Councilwoman April Schmick, **to approve the audited abstracts** as follows:

#417, 419, 421, 424-426	Pre-Audit General Fund	\$ 4,578.72
#427-430	Pre-Audit General Fund	\$ 1,068.94
#431	Pre-Audit General Fund	\$ 253.24
#418-422	Pre-Audit Highway Fund	\$ 7,306.91
#420-423	Pre-Audit Trust & Agency	\$ 1,282.40
#432-445	General Fund	\$ 9,849.99
#446-453	Highway Fund	\$19,596.47

Ayes: Supervisor Preston Allen, Councilman Curt Schreiner, Councilwoman April Schmick, Councilwoman Judy Traeger and Councilman Jeff Gray.

Carried 5 – 0

Motion, made by Councilman Judy Traeger, seconded by Councilman Curt Schreiner, **to approve the September reports** as follows: Town Justice, CEO, Town Clerk, Assessor & Supervisor.

Bank Rec. for Genl., H/W, payroll/A/P and Town Clerk/Tax Collector

Ayes: Supervisor Preston Allen, Councilman Curt Schreiner, Councilwoman April Schmick, Councilwoman Judy Traeger and Councilman Jeff Gray.

Carried 5 – 0

COMMITTEE REPORTS –

Highway Superintendent Ronnie Ladd reports that his crew is getting ready to pave part of Walter Maxfield Road. Will do a piece of Turner Road also. Crew is also doing ditching work and drawing sand.

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Town of Day liaison to the Hudson River – Black River Regulating District David Cox reports that the HR-BR Reg. District Board did approve a request from the workers at the Conklingville Dam to buy a walk behind mower for \$5,205.24.

The consultant analysis for the Conklingville dam breach has been extended to the year 2019. The meeting scheduled for October 12th has been cancelled. If that meeting is not rescheduled the next meeting will be in Lowville at 10:00am on November 09, 2016.

Councilman Jeff Gray discussed with Highway Superintendent Ronnie Ladd a v-plow at the Highway Garage that was painted recently.

Councilwoman April Schmick asked Supervisor Preston Allen about the Assessors computer as there has been a problem concerning it recently. Supervisor Preston Allen informed those present that he has ordered a back-up for information on the Assessors computer.

OLD BUSINESS –

Supervisor Preston Allen recently had a conversation with Denise Palyo of Capital Financial Group regarding the insurance coverage for eligible Town retirees.

NEW BUSINESS –

Supervisor Preston Allen passed out sheets with the current schedule of fees for items like building permits, zoning variances, dock permits etc. prior to the meeting. The sheet included proposed changes to two of the current fees and the addition of a fee for a property line adjustment.

Supervisor Preston Allen reported that the Court Clerk will be leaving at the end of the year. An ad will be placed in the Pennysaver and information regarding the job opening will be placed on the Town of Day website.

Supervisor Preston Allen informed those present that Hadley-Luzerne Central School Superintendent Beecher Baker and School Business Administrator Stephanie Steinhart have asked to be included on the agenda for the November 14th Regular Town Board meeting. They would like to do a brief presentation regarding the School Capital Project which is scheduled for a Dec.13, 2016 vote.

Supervisor Preston Allen informed those present that there is a gentleman doing active shooter training who would like to get to each Town for training of employees.

Broadband update – still working on it.

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PUBLIC INPUT ON ANY RESOLUTIONS –

None

Motion, made by Councilwoman April Schmick, seconded by Councilman Jeff Gray, to **adopt the following resolution:**

#2016-31 Change two existing permit fees and the addition of one permit fee.

WHEREAS, the Town Board of the Town of Day having looked at and discussed the changes to the permit fee schedule, and

WHEREAS, there is a permit fee for a subdivision, zoning variance and site plan review there is no fee for a property line adjustment, and

WHEREAS, a raise of the fees for Septic and Mobile Home permits was recommended by the Code Enforcement Officer, therefore be it

RESOLVED, that the fees for a Septic permit and Mobile Home permit be raised to \$100.00 each and a fee of \$50.00 be established for a property line adjustment.

ROLL CALL VOTE:

Supervisor Preston Allen – Aye
Councilman Curt Schreiner – Aye
Councilwoman April Schmick – Aye
Councilwoman Judy Traeger – Aye
Councilman Jeff Gray – Aye

Ayes – 5 Nays - 0

Motion, made by Councilwoman Judy Traeger, seconded by Councilman Curt Schreiner, to **adopt of following resolution:**

#2016-32 Adopting a Local Law to Override the Tax Levy Limit Established in General Municipal Law Section 3 – C

WHEREAS, pursuant to Section 3-c(5) of the New York State General Municipal Law, the Town Board (the “Board”) of the Town of Day (the “Town”) has the authority to adopt a local law to override the real property tax levy limit as defined in General Municipal Law 3-c; and

WHEREAS, a budget has been prepared for the Town of Day for fiscal year beginning January 1, 2017 and ending December 31, 2017 that exceeds the tax levy limit as defined in General Municipal Law 3-c; and

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WHEREAS, a local law to override the tax levy limit in accordance with the provisions of General Municipal Law 3-c has been prepared; and

WHEREAS, the Board scheduled a public hearing to be held before the Town Board on October 13, 2016 at the Offices of the Town of Day, Town Hall, 1650 North Shore Road, Hadley, NY 12835, to hear all interested parties regarding the adoption of the proposed Local Law: and

WHEREAS, notice of said public hearing was duly posted and then published in *The Post Star*, the official newspaper of the Town of Day pursuant to and in conformance with Section 20 of the Municipal Home Rule Law, and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the proposed Local Law,

NOW, THEREFORE BE IT:

RESOLVED, that the Town Board finds that the proposed Local Law is required pursuant to General Municipal Law section 3-c and is in the best interest of the residents, inhabitants and guests of the people of the Town of Day; and be it further

RESOLVED, that the proposed Local Law, copies of which are attached hereto and made a part hereof, is hereby adopted; and be it further

RESOLVED, that the Law shall take effect immediately upon its filing in the Office of the Secretary of State; and be it further

RESOLVED, that this resolution shall take effect immediately.

ROLL CALL VOTE:

Supervisor Preston Allen – Aye
Councilman Curt Schreiner – Aye
Councilwoman April Schmick – Aye
Councilwoman Judy Traeger – Aye
Councilman Jeff Gray – Aye

Ayes – 5 Nays – 0

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**TOWN OF DAY
COUNTY OF SARATOGA, STATE OF NEW YORK
LOCAL LAW NO. 02 OF 2016**

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW SECTION 3-C**

Be it enacted by the Town Board of the Town of Day, as follows:

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Day pursuant to General Municipal Law 3-c, and to allow the Town of Day to adopt a budget for the fiscal year beginning January 1, 2017 and ending December 31, 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law 3-c.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the total voting power of the Town Board.

Section 3. Tax Levy Limit Override: The Town Board of the Town of Day, County of Saratoga, is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law 3-c.

Section 4. Severability: If any clauses, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.

CORRESPONDENCE –

None

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INPUT FROM THE PUBLIC –

None

Motion, made by Councilwoman April Schmick, seconded by Councilman Curt Schreiner, to **adjourn** this Regular Meeting of the Day Town Board was made at 7:21PM.

Ayes: Supervisor Preston Allen, Councilman Curt Schreiner, Councilwoman April Schmick, Councilwoman Judy Traeger and Councilman Jeff Gray.

Carried 5 – 0

Carol Vaillancourt
Town Clerk