

**SPECIAL MEETING-DAY TOWN BOARD
UNAPPROVED MINUTES
MARCH 26, 2024
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A SPECIAL 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 26, 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 Flake, Supervisor Diana Edwards, Highway Superintendent Leonard Allen and Attorney Matt Fuller.

Public Comment:

Ron Ladd stated he worked on the Town of Day Highway Department and drove the garbage truck for years. His father also drove the garbage truck for years as well back in the 80's. Ron was wondering what was going on with the new proposed law on not wanting to pickup the garbage any longer for Waters Edge Campground. Ron asked who was the one that brought this up as an issue and wants to stop picking up the garbage for them. Supervisor Diana Edwards said it was brought up from the prior Town Board and the Attorney. Supervisor Diana said it's a proposed law that is not set in stone yet. Ron said he doesn't see an issue on continuing to pick up the Campgrounds garbage. Councilman George Lembo said some changes will be made to the proposed law before its passed.

A copy of the proposed law for regulating solid waste disposal was given to the residents present for the special meeting to follow along. It is also posted on the towns website with the agenda for review.

Section 1 (Purpose) Councilman George Lembo thanked everyone at the meeting and let them all know that a lot of work and time has gone into the proposed law. Councilman George Lembo spoke about a law passed in 1978 for garbage collection. Councilman George read the law as follows:

Local Law #02-1978 Regulating Garbage Placed Outside For Collection In The Town of Day.

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

Section 1: All garbage placed outside for collection shall be put into a metal or plastic container.

Section 2: The capacity of metal or plastic container described in Section 1 of this local law should not exceed twenty gallons or sixty pounds.

Section 3: Any garbage outside in plastic bags must also be placed inside a metal or plastic container.

Section 4: A violation of this local law shall be punished by a fine not to exceed \$25.00 for the first offense and \$50.00 for each offense committed thereafter.

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Councilman George Lembo was wondering if Solid Waste covers everything like recyclables. George was wondering if property maintenance should be added into section 1. Attorney Matt Fuller said property maintenance wasn't in the proposed local law. Councilman Harry Brennan said property maintenance is in section 4. Attorney Matt Fuller said the local law only regulates solid waste. Attorney Matt said he is not telling the Town Board or not telling the Town Board to do anything with the local law. Matt said last year, the Town Board had issues with the local law and what the Town Board wants to keep in it is up them. The issue previously was driving on private roads and where the garbage would be placed for pickup. Also, an issue was tires piling up on one property and garbage on another property. The original law did not address those issues. Attorney Matt said anything can be taken out or added to the proposed law. If there is an issue with a property, the Code Enforcer would have to enforce it. Councilwoman Cheryl asked if the Code Enforcer was aware of this. Supervisor Diana Edwards said he is aware. Diana said he works part-time and if a garbage can is blowing down the road he can't go chasing after it. Changes to section 1 were all okay by the Town Board.

Councilman Harry Brennan asked about a weight limit to be added for garbage and to add and define a dumpster for size and described by DOT in Section 2 (Definitions). Councilwoman Cheryl Allen asked about taking animal parts, she didn't understand why the town would take something like that. Highway Superintendent Leonard Allen said animal parts can only be picked up by Saratoga County and proper training is needed. The Town Board agreed to remove animal matter from the proposed law.

Section 2 (Definitions) the board agreed was okay.

Section 3 (Residential Collection) the Board agreed to change that to Solid Waste and Recycling Collection. Also, the word residence will be changed to property. Attorney Matt Fuller said he will rework Section A and B to combine them. Section 3C will add except as may be designated by the Town Board. Section D will add can bring leaves in biodegradable bags to the recycling center.

Section 4 (Maintenance of Premises) Cheryl Allen wants to know who's going to enforce someone having garbage everywhere etc. So the Code Enforcement could take action. The Attorney said he could strengthen this section up if the board wants him to. Councilman George Lembo said if someone has a few tires its not an issue but a huge pile of tires would be. Attorney Matt said the law could always be amended if need be.

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Section 5 (Duty of owners and occupiers of property) the board all agreed to remove A. Letter B will be reworded by the Attorney and reviewed at the next meeting. Letter C will be removed being its covered by Section 4. Letter D will be removed. Supervisor Diana Edwards said the dumpster at the campground should be brought back to the town.

Councilman Harry Brennan said it doesn't matter who owns the dumpster, it all comes down to the town is still picking up the garbage. Councilwoman Cheryl Allen said there was a problem over on Sacandaga Ave and on Park Ave and human waste was being thrown out in a garbage bag and trash cans being left out for a period of time and now a simple garbage law that was working has now become this. Cheryl said there's 10 commercial properties in the town and the town has been picking up the garbage at Waters Edge. Highway Superintendent Leonard Allen asked if it was okay to pick up someone's personal dumpster if it wasn't provided by the town. Attorney Matt said it would be up to the Town Board. Supervisor Diana Edwards said a lot of people throw construction debris and couches in dumpsters. Councilwoman said there wasn't an issue with picking up the dumpster and what's not broken shouldn't be fixed. Letter D will be removed, Supervisor Edwards feels that won't protect from overflow of the garbage and worry about construction debris in the dumpsters.

Doug Dingman who drives the garbage truck for the town spoke. Doug said he picks up what is allowed. Doug said when they pick up the campground's dumpsters, they do it slow to make sure nothing is in them that shouldn't be. If there's trash on the ground, the property owner is responsible to pick that up. Doug asked to take into consideration that 2 old people pick up the trash to keep the weight limit for the garbage.

he would like the residents to take into consideration during the winter that they will not climb over snowbanks to get garbage. Snow should be cleaned up to have access for garbage cans and to have them by the road by 7:00am. Councilman Harry Brennan asked Doug if he has issues getting to the dumpsters at the campground. Doug said they are easy to get to and occasionally a boat, car or dock may be in the way. He said usually someone is there at the campground and they understand if the dumpster isn't picked up there's a reason why. Councilman George Lembo asked if its easy to work with he Waters Edge Campground owner. Doug said they are very good to work with and have been great. Doug said if he finds anything in the dumpster that shouldn't be he places it on the ground and leaves it for the owner. Doug said he believes the owner of the Majestic Marina is the same as the campground and there's no problem there either.

Dave is the owner of Waters Edge Campground; Bill is the manager. Dave said he has 3 dumpsters and said he got 2 of his own dumpsters and made sure that the garbage truck would be compatible with the garbage truck. Dave said before the new dumpsters there was a lot of garbage overflow there during the season and 55 gallon barrels were being used then. It would take the garbage crew awhile to empty all of them. Dave said

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if the dumpsters needed to be moved he had no problem doing so. Dave said if the law gets passed and the garbage can no longer be picked up at the campground it would put a huge hardship on his business. Bill said he called 3 companies to get a price, no one will come up this far to pick up the garbage from the campground. Dave said he has no problem working with Doug. Bill said he is trying to get Wi-Fi out where the dumpsters are placed to place a camera to watch and make sure nothings going in them that shouldn't.

Councilman George Lembo said it sounds like Doug and the campground owners work together if there's an issue and he doesn't see a problem on continuing to pick up the garbage there. Councilman George was wondering why this all came about anyway. Councilwoman Cheryl Allen said she spoke to the neighbor by Waters Edge Campground and they said they can't smell the garbage and that there is a lot of garbage in the summer at the campground but that was it.

Letter E will be added into section 4. Letter F the last sentence will be taken out and adding that the town will not be responsible for lids will be added in. The word workers will be replaced town.

Section 6 (Disposal Regulations) Councilwoman Cheryl Allen said its not right for the town to tell a property owner on where they keep their garbage cans. Highway Superintendent said the crew was out plowing on the 23rd from the big snowstorm which was a Saturday and there were garbage cans left by the road from Mondays garbage pickup day. Letter A will be removed. Letter D was removed. Letter E will be Town Board or Superintendent of Highways. Letter F will be cleaned up some on the next draft.

Section 7 (Dumpsters and waste containers) Councilwoman Cheryl Allen said the sidewalks need to be removed from Letter A. Rewording of A will be done in the new draft. Letter B 1 & 2 will be removed. Councilwoman Cheryl asked if there's a law about having dumpsters covered with lids. No one is aware of a law.

Section 8 (Restrictions) the board agreed was okay.

Section 9 (Penalties for offenses) letter A, the Board agreed to remove the word imprisonment. Councilman George Lembo wants to have the town confiscate garbage cans that are kept out for over the allowed time. Attorney Matt said it can be added somewhere in the proposed law. This all came about because of Saratoga Ave and Park Ave. Councilwoman Cheryl Allen said the town of Corinth takes the garbage cans after 12 hours of garbage pickup.

Section 10 (Severability) the Board agreed was okay.

Section 11 (Repealer) the Board agreed was okay.

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Section 12 (When effective) the Board agreed was okay.

Public Comment:

Colleen Sheffel said Park Ave is a private road and there was a dumpster there awhile ago and people would throw all kinds of stuff in it, like mattresses, TV's etc. She said the dumpster was removed. She had a camp for 19 years there and recently sold it. The trash cans have always been a problem on Park Ave. She would plant flowers there, tidy up some and place lids back onto the trash cans. She said after the town did the large pickup day some people would put stuff out by the road and neighbors would end up taking it to the recycling center and even had to pay for someone's TVs to be taken in. Colleen said it's a very hard place to control. It's a lot more crowded over there and some may not have garbage cans and just use others that are placed out by the road. She feels its not a Town problem that it's a neighborhood problem and they should come together to fix it. She said as a Board it shouldn't be their problem being it's a private road. Councilman George Lembo agreed that it should be something the neighbors work out, but then there's people who don't care about the rules.

Danny Allen said he wants the board who were voted in to work for the public and do their job.

Bob Alexander would like to thank the garbage truck crew. He was wondering how much it costs the town to get rid one garbage truck of trash. Supervisor Diana said it costs the town \$77.00 a ton. So, he said if one property has 100 garbage cans who pays the same amount of taxes as someone with 3 garbage cans it should be looked into. He said if the Waters Edge Campground has 100 residents who aren't paying taxes the town should look into how much there paying in taxes and all the services we provide them. Bob asked about the town picking up garbage on private roads if the trucks are insured if something would happen to them. Councilwoman Cheryl Allen said the trucks would be covered no matter where the trucks are. He asked if the town should have a policy on where you can't go with a plow truck you can't go with a garbage truck. He said the private roads are taking advantage of the town.

Steve Edwards had a question about the Waters Edge Campground don't recycle, it all goes into the dumpster. He said the dumpsters don't have lids on them so when it rains, all the water goes through the dumpster, out the bottom and into the ground and possibly even into the lake. He said a sealed container would be great. Supervisor Diana said the Campground has to start recycling and it will be addressed.

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Ann Alexander said she looks at the Board to make decisions and what the laws should be. She recommended not to get rid of things in the proposed law that they may need later on. She said it's very important to make a distinction between commercial and residential property, for several reasons. She feels commercial properties should have to pay more in taxes and zoned commercial as well. She feels that the Waters Edge Campground should have to pay for their own trash and it's a burden to the town. Ann said when making policies the Attorney Matt is doing a great job on giving advice on what should stay in and clarity and not to take something out that would help the town.

Supervisor Diana Edwards asked the board based on the public comments if they should continue picking up the campgrounds garbage cans when there could be 100 garbage cans versus 3 cans at a residents. Councilman George Lembo asked if at some point it was approved to pickup all that garbage from Waters Edge, Supervisor Diana said it was but before her time. George said that the campground is in good standings, and they pay taxes.

Eilleen Brennan said she sees the hard work the Board has been doing and appreciates it. She said the board is not doing a terrible job and there all trying to do what's the best that they can. She said we are in a rural town and try to keep that here. Eilleen said the board may want to look at possibly charging for the campground's garbage. Then if the campground charges their renters to cover the cost of the garbage that would be up to the owner.

Councilwoman Cheryl Allen said the proposed solid waste disposal law was worked on for weeks and weeks with tons of phone calls. Cheryl said if you start limiting it can be a problem. The law can be amended, if need be, as things may come up. Councilman George Lembo said the campground owner and Doug work together and he likes to see that rather than having a law for everything. Councilman George said he has no idea where the complaint even came from in the first place for the Waters Edge Campground and they are willing to work with the town and they follow the rules and not sure what the problem is.

Steve Edwards said all the board members have telephones and can google how many pounds per household costs per day, per week and multiply how many campers. Said it can be figured out and is simple.

Councilwoman Cheryl Allen said in 2005 it cost about \$32,000-\$33,000 for garbage, last year it cost about \$43,000 almost 20 years later. Going by the growth of the town, that's not bad.

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Councilman Harry Brennan said he was given the proposed solid waste disposal law at the last board meeting. He was asked to go over it and look for any changes needed. He said he did go through the 9 pages and made side notes and highlights of changes he would like.

Councilman George Lembo said he wanted the public comment at the beginning of the meetings and at the end because he does want to hear what the public has to say and will also take their comments into consideration.

Supervisor Diana Edwards said an updated draft will be done by Attorney Matt Fuller on changes and presented again. A public hearing would have to be held as well before the law is even passed. So, more discussion and public comment can be given again as well.

Supervisor Diana Edwards said the board had a copy of a town car policy and asked the board if they had a chance to review it and if anything needs to be changed. Councilwoman Cheryl Allen said she didn't see a problem with the policy, and she would like to have it added to if the gas is less than $\frac{1}{4}$ tank when returned it needs to be filled up. Cheryl would like it added to where the town car cannot leave New York State unless authorized by the town board. Councilwoman Cheryl would like the policy signed by the town employees that can use the vehicle.

The next regular Town Board meeting will be held on Monday April 8, 2024 at 7:00pm

Motion, made by Cheryl Allen to **adjourn** the special meeting, 2nd by Councilwoman George Lembo at 8:58pm.

Tracy Ladd
Town Clerk