

**REGULAR MEETING- JANUARY 8, 2024 DAY TOWN BOARD  
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**A REGUALR 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 January 8, 2024.

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

**Motion** made by Councilwoman Cheryl Allen, 2<sup>nd</sup> by Councilman Harry Brennan to approve the Town Board regular meeting minutes for December 11, 2023, the special meeting minutes for December 11, 2023 and the special meeting minutes for December 28, 2023.

Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan and Deputy Supervisor Joseph Flacke

Nayes: Councilman George Lembo for December 11, 2023 regular meeting minutes and December 11, 2023 special meeting minutes due to being absent.

**Carried:** 4-0 (excluding Dec 11, 2023 regular meeting minutes and Dec 11, 2023 special meeting minutes for Councilman George Lembo)

**Motion**, made by Councilwoman Cheryl Allen, 2<sup>nd</sup> by Councilman Geroge Lembo to approve vouchers presented for payment. Going forward the vouchers must be signed in order to be approved with the exception of the pre-audit bills:

*Highway voucher #281-284 \$5,986.78 (2023 budget)*

*General voucher #319-323 \$1,662.06 (2023 budget)*

*Highway voucher #1-4 \$5,986.78*

*General voucher #5-24 \$11,950.69*

Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan and Deputy Supervisor Joseph Flacke

**Carried:** 4-0

**Motion**, made by Councilman Harry Brennan, 2<sup>nd</sup> by Councilman George Lembo to approve the reports from the Town Justice, Town Supervisor, Assessor, Code Enforcer and the Town Clerk.

Ayes: Councilman Geroge Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan and Deputy Supervisor Joseph Flacke

**Carried:** 4-0

**Reports of Committees:**

Liaison to the Hudson River Black River Regulating District Dave Cox reports that the district did not have a meeting in December. The next meeting is scheduled for January

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9<sup>th</sup>. The Executive Director will mention continuing coordination meetings between the district, the consultant and OGS about the Conklingville Dam rehabilitation. The Attorney General stated they would not appeal FERC's ruling. Instead, they recommended action directly against Erie Hydro in either state or federal courts which they will be willing to pursue. The lake level is 13 feet above target. Another meeting is scheduled for March 12th at a location to be determined.

Councilman George Lembo will make sure the Highway Superintendent Leonard Allen has phone numbers in case the county has to step in to help with big snowstorms coming up.

Councilwoman Cheryl Allen spoke about the roofing project and that the ad for the bid was scheduled to post in the Post Star, we were asked to pull the ad from being published. The Post Star did confirm with the Town Clerk that the roofing bid ad would be pulled, but still published it. The building was being looked at to add a foyer and put a hold on the roofing project at the moment. Councilwoman Cheryl Allen asked Deputy Supervisor Joseph Flacke if it would be alright if he stepped down from the buildings committee being he would be busy as the Chairman of the finance committee and as Deputy Supervisor. Joseph Flacke had no issue coming off the buildings committee and did agree to do so. Councilwoman Allen stated she would keep the board informed on any projects being done or thought of along the way. Councilwoman Allen asked the Board what their thoughts were on continuing the roofing bid or if they should wait a month and look into adding a foyer off the meeting room, which would eliminate the ice problem above the doorway. Councilwoman Allen also said a foyer would be place for a lot of the brochures and put up a bulletin board with information on it for the public to see. Councilwoman Allen did have a conversation previously with Curt Schreiner over the summer about adding a foyer. The Board all agreed to put a hold on the roofing bid for now and get a price on a foyer.

Deputy Supervisor Joseph Flacke recently received the reports for budget vs actual for the town, which will be analyzed. Joseph mentioned he wanted to look into a cash flow budget with Tina Siebert. Tina pointed out to Joseph how the way investments for the town were done differently for the year and it went from a little under \$5,000 to \$70,000 in interest earned. Joseph mentioned how they also want to look into a budget for the roof or the highway garage and invest it differently.

Councilman George Lembo mentioned that he will be contacting the volunteers for the museum to get something going on a Saturday morning from Memorial Day to Labor Day.

Highway Superintendent Leonard Allen said that on Horse Hill Rd a beaver is causing an issue, the pond is well over the road. Leonard looked into trappers and he may have

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found a trapper that will not charge the town, otherwise it will have to be taken care of and pay a trapper. Councilwoman Cheryl did give Leonard a couple people's names to contact that are trappers as well. Leonard said the new employee Tommy Russell is doing excellent, Tommy previously worked for the county for 8 years. Tommy has his Class A and drives a plow truck. Leonard mentioned how he knows its not in the budget this year but would like to look into a full-time laborer for next year. Currently the general department is helping out with snowstorms when needed in a pickup truck. Leonard said they are good at what they do for general but not working out for highway. The last snow storms a person helping from general left at 1am and had to call in another person. Councilwoman Allen asked what roads will be looked into being paved and what other projects may take place in 2024. Leonard stated he wants to do Horse Hill Rd, which will need some grinding and possibly the towns part of Sand Lake depending on what the cost of blacktop will be. Cheryl asked about the bumps on Hollow Rd and Kathan Rd if anything may be done about those. Leonard said they will need to be dug out and fixed from the bottom up. Some culverts will have to be replaced as well.

**Old Business:**

Deputy Supervisor Joseph Flacke spoke to Supervisor Diana Edwards a little on the Garbage Law. The latest version has not been worked out and changes have been made. Joseph saw the 1.1 version and there is more beyond that. Attorney Matt Fuller said he sent Supervisor Edwards a 1.4 version and additional changes may take place once presented to the board. Councilman George Lembo asked about the address being placed on the garbage cans and would like it if that didn't need to be done. Lembo suggested possibly confiscating the garbage cans that are always in the roadways. Attorney Matt Fuller said if a workshop is set up with the board, he would be more than happy to go through the law with them.

**New Business:**

Councilwoman Cheryl Allen would like something added to the Town of Day Directory so the residence and taxpayers can reach out to the board if need be. Cheryl would like a directory made up for just the board with phone numbers so the board member have them. Cheryl said the board did agree that there should be a way for the public to be able to reach out them. Cheryl said some other towns directories had the members work emails and a few did have personal email addresses. Joseph said the board does not have work emails for the town. Attorney Matt Fuller said he recommends the board to have an email for the town and they all should have one. Attorney Fuller said a personal email address and cell phone number can open up a FOIL request and he strongly stated town business should not be done with a personal cell phone or personal email address. Deputy Supervisor Joseph Flacke asked the boards thought on a town email and a town phone extension. Councilwoman Allen said she's not at the town hall enough to get messages if they had a phone extension for the public to call for the board members. Councilwoman Cheryl Allen suggested a workshop to discuss a

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way for the public to reach out to them and come to an agreement on what to add on the Town Directory for that.

Councilman Harry Brennan would like the recycling permit fee to decrease back down to \$10.00 again for the year. He does not see a reason why the fee needed to be increased to \$20.00 a year. Councilman George Lembo said he agrees as well, Councilwoman Cheryl Allen said she has visited a lot of taxpayers in the town and the recycling permit fee being increased was a huge complaint.

**Motion**, made by Councilman George Lembo, 2<sup>nd</sup> by Councilwoman Cheryl Allen to reduce the recycling permit fee back down to \$10.00 a year.

Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan and Deputy Supervisor Joseph Flacke

**Carried:** 4-0

**Resolution #2024-24** to refund \$10.00 back to anyone who purchased a recycling permit and paid the \$20.00 fee from January 1, 2024 through January 8, 2024.

Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan and Deputy Supervisor Joseph Flacke

**Carried:** 4-0

Councilwoman Cheryl Allen spoke about wanting a town car policy. Councilwoman Allen was unaware of a sign out sheet being used currently. It was shown to the board during the discussion and the board was okay with the way it was being done. The info on the sign out sheet for the town vehicle has the name of who is taking it, the date, time its taken, the time it returns, the mileage at return and where the driver of the town vehicle is going. There is also a calendar as well in the town vehicle folder to reserve the town car ahead of time. Councilwoman Allen mentioned how if she has a training to go to at 5:00am she will not want to drive out of her way to come get the town car and go to a meeting/training. Cheryl had asked about looking into signing the car out the night before and having it at her house to leave from there. Cheryl was wondering if that is allowed and the vehicle gets vandalized, would it be her insurance or the towns insurance that covers it. Cheryl suggested that these things need to be discussed. Councilman George Lembo suggested that a monthly report should be presented to the board on the town vehicle to see whose using it. The board did agree on making a policy for the town vehicle. Also, Councilwoman Cheryl Allen said the insurance company should be aware of the drivers of that vehicle. Deputy Supervisor Joseph Flacke said the drivers of the town vehicle should give a copy of their driver's license to the insurance company and this also should be added into a policy for the town vehicle. Councilwoman Cheryl Allen asked the Highway Superintendent Leonard Allen if it was possible to get a sign for the Day Meadows Cemetery. Leonard said he will look into getting a sign.

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**Other Business:**

Councilman George Lembo mentioned how he wanted to look into the fireworks, he feels it favors everyone on the south end of town. Councilman Lembo would like to look into a different location for the fireworks that will be more central for everyone. George said Northville had a very good display of fireworks and would like to look more into that company.

**Public Input:**

Mary Ann Johnson asked about the committees and where the information came from on just being able to have two people on a committee. Attorney Matt Fuller explained that you can have 3 board members on a committee but that would be a quorum, which would not be in compliance of the open meetings law. Attorney Matt Fuller explained how most towns do not have 3 members on a committee to avoid having an open meeting with the public. Town business cannot take place with 3 members present without an open meeting. Attorney Fuller said it's not advisable to direct the public to an area that creates liability. So the board can have 2 of the 3 committee members meet to discuss town business without having the public present. Mary Ann Johnson was wondering if someone from the public was on a committee with a board member if the board member has to be the chairman. Attorney Matt Fuller said the board member generally would be the chairman.

Vickie Walencik said her husband didn't understand the recycling permit fee's doubling and wanted to thank the board for decreasing the permit fee cost back down to \$10.00. Also, Vickie wanted to let the board know that the door on the meeting room is a fire door and to take into consideration if adding a foyer. Also an employee she would like an escape route if needed. Councilwoman Cheryl Allen explained how most town halls have a foyer and explained that the code enforcer wouldn't allow anything to be done if it wouldn't pass the building codes. Cheryl said the main reason on adding a foyer would be to take care of the snow and ice issue on the roof above that door and to place information for the public on a bulletin board in the foyer as well.

Steve Edwards was wondering why there are no names next to the committees on the agenda. Steve was wondering if the names would be on the agenda for February's meeting and if the committees are all full. Councilman Harry Brennan said the names will be on the next agenda and there were questions on how many members could be on a committee first before the names were listed. Steve said for the foyer, a budget would be needed first being the architect would want to know how to draw the blueprints accordingly. Steve pointed out that above the door on the meeting room there's an exit sign. He said the two main entrance doors are where the peak of the roof already is. Steve stated the door on the meeting room is an exit and not an entrance and that door

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should not be opened/unlocked. He said there is no handicap hardware on the two doors and someone in a wheelchair would not be able to get the door opened, he suggested panic buttons. Steve said money should be spent on panic buttons instead of a foyer and the two main doors should be used instead. Steve said the public can google people's names and phone numbers on the internet instead of adding that information to the town directory. Steve said the recycling permits should be on the vehicles and they are not, he said he can take his permit and hand it to anyone to go use. Steve said the recycling permits have to be looked into so the permit is somehow attached to a specific vehicle. Steve said he hasn't heard anyone complain about the cost increase on the recycling permits. Councilwoman Cheryl Allen said she has been at the recycling center and has heard the complaints. Steve said its not his job to stand over at the recycling center to hear if people complain on the cost or not. Steve said everyone is hear say and if there are complaints it should be in writing. Steve said the permits should be placed on the persons vehicle by the attendant. Steve said he has had his recycling permit in his glove box for the last three years and no one asks to see it. Steve said a designated spot on the vehicle for the attendant to look quick would be a good idea.

Carol Valliancourt said the recycling permit stickers the clerk always rights the license plate number on them, she is not sure if the attendant at the recycling center knows to do that. Carol said she recommends the stickers be placed on the backside of rearview mirror and the attendant can see it quickly. Carol said the attendant will be told to place the license plate numbers on the stickers this week to do so going forward. Carol said the ice buildup has been an issue for years and the door for the meeting room wasn't able to be used.

Tina Siebert said on Turner Rd there are 12 inch ruts near her driveway and it gets dusty in the summer. Tina would like some extra blacktop to be used on Turner Rd if possible. Highway Superintendent Leonard Allen said he was plowing Turner Rd and didn't notice the ruts. Tina said they are fixed every year, every spring there back.

**Resolution #2024-25** to go into an executive session to discuss employee concerns at 8:18pm.

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

**Carried:** 4-0

**Motion**, made by Deputy Supervisor Joseph Flacke, 2<sup>nd</sup> by Councilwoman Cheryl Allen to come out executive session and open the regular meeting at 8:41pm.

Ayes: Councilman George Lembo, Councilwoman Cheryl Allen, Councilman Harry Brennan and Deputy Supervisor Joseph Flacke

**Carried:** 4-0

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**Motion**, made by Deputy Supervisor Joseph Flacke to adjourn the regular town board meeting, 2<sup>nd</sup> by Councilman Harry Brennan at 8:42pm.

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

**Carried:** 4-0

Tracy Ladd  
Town Clerk