

**REGULAR MEETING – AUGUST 13, 2012 – DAY TOWN BOARD
UNAPPROVED MINUTES
Page 1 of 9**

A REGULAR MEETING of the Town Board of the Town of Day, County of Saratoga, State of New York, was held at the Day Town Hall, 1650 North Shore Road, Hadley NY on August 13, 2012.

The meeting was called to order at 7:00 PM by Supervisor Mary Ann Johnson and the following answered roll call: Councilman Preston Allen, Councilwoman Suzanne Denn, Councilman Charlie Dreyer, Councilman Jeff Gray, Attorney David Avigdor, Highway Superintendent Scott York and Planning Board Chairman David Cox.

Motion, made by Councilman Jeff Gray, seconded by Councilman Charlie Dreyer, to **accept** the minutes from the July 09th Regular Meeting and August 06th Special Meeting.

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

Carried 5 – 0

Motion, made by Councilman Charlie Dreyer, made by Councilman Suzanne Denn, to **approve** the audited vouchers as follows:

#365 - #368	General Fund	Pre-Audit	\$ 2,920.21
#370 - #371	General Fund	Pre-Audit	\$ 686.68
#373 - #375, #378 - #402, #417	General Fund	Reg. Audit	\$ 16,337.82
#363 - #364	Highway Fund	Pre-Audit	\$ 4,760.48
#372, #430 - #416	Highway Fund	Reg. Audit	\$197,158.08

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

Carried 5 – 0

Motion, made by Councilwoman Suzanne Denn, seconded by Preston Allen, to **approve** the July reports for Justice Krom, Justice Johnsen, CEO, Town Clerk, Assessor and Supervisor.

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

Carried 5 – 0

Assessor Peter Dziedzic reported to Supervisor Mary Ann Johnson that he no longer needs the clerk who was hired to work with him one day a week as he no does not have any work for her to do at present. Supervisor Mary Ann Johnson has had the clerk taken out of the payroll system.

REPORTS OF COMMITTEES –

REGULAR MEETING – AUGUST 13, 2012 – DAY TOWN BOARD
UNAPPROVED MINUTES
Page 2 of 9

Highway Superintendent Scott York reports that work on the gas and diesel tanks are finished at the Town of Day Highway Garage.

Highway Superintendent Scott York explained to the Board that he had contacted G. A. Bove & Sons regarding the cost for a second Roth 275 gallon oil tank. The cost for the additional new tank including installation would be \$1,400.00. Highway Superintendent Scott York asked G. A. Bove and Sons whether or not they carried 500 gallon tanks, which he was informed they do not.

Highway Superintendent Scott York stated that he was concerned about the number of deliveries which would be necessary with just one 275 gallon oil tank. Attorney David Avigdor asked Highway Superintendent Scott York whether G. A. Bove and Sons had indicated that the more frequent deliveries would be a problem or whether there would be an additional delivery cost. Highway Superintendent Scott York replied there would not be a problem with the more frequent deliveries nor would there be an additional delivery charge. Attorney David Avigdor replied stating that it was Highway Superintendent Scott York's job to save the taxpayers money, not spend more, when the company in question has already indicated that there would not be a problem with the deliveries. There will not be a second tank installed.

Highway Superintendent Scott York informed the Day Town Board that the paving project scheduled for this summer on Hadley Hill Road had been completed.

Planning Board Chairman David Cox, who is also a member of the Local Law Review Committee, reminded everyone that the Public Hearing on Proposed Local Law – Subdivision Control and Proposed Local Law – Zoning, will be held on Saturday, August 18th, 2012 at 9:00AM. Supervisor Mary Ann Johnson will open the public hearing and then turn the meeting over to LLRC member and Planning Board Chairman David Cox. Planning Board Chairman David Cox reports that there is no Hudson River – Black River Regulating District meeting in August.

Councilwoman Suzanne Denn, who is also a Day Community Projects Committee member reports that "Day" in the Park was held last Saturday. The weather was hot but there were no storms. The VFW ladies and gentlemen selling food had a lot of fun and the people present seemed to enjoy the entertainment provided by "Betsy and the Byegones" and "The Boothills Band". Fireworks were at dusk.

Highway Superintendent Scott York mentioned to the Day Town Board that on the previous Thursday local business man Rick Carbone of the Rick Carbone Excavation Company, came into the Town Hall inquiring about the reason he had not been informed of the tank removal being done at the Town of Day Highway Garage. Highway Superintendent Scott York informed Mr. Carbone that he had not been asked to submit a quote for the project as he was not on a list provided to Highway Superintendent Scott York by the DEC.

REGULAR MEETING – AUGUST 13, 2012 – DAY TOWN BOARD
UNAPPROVED MINUTES
Page 3 of 9

Councilman Charlie Dreyer has received prices for doors needed by the Town as follows:

\$174.00 per door – Curtis Lumber, price includes brick mold, metal threshold and adjustable sills

\$119.00 per door - Lowes, does not come with brick mold or adjustable sills and each door would have a wood threshold

\$116.00 per door - Home Depot, does not come with brick mold or adjustable sills and each door wood have a wood threshold

These doors would be for the side door at the Town Hall garage and to replace a side door at the Day Highway Garage. The Town of Day's maintenance man will be able to complete the work.

The price received for two doors at the Day Town Hall is \$1200.00. This is for the replacement of the main front and back doors of the Town Hall. This price was received from Grimm of Troy, as these are commercial doors and are not carried by Curtis, Lowes or Home Depot. The doors will have divided glass as the doors currently installed have and the current hardware will be reused. An attempt to get three quotes was made but due to the fact that these are commercial doors the Town was not able to obtain them.

The price to fix an overhead door at the recycling center is \$795.00. This door is on one of the older buildings where the garbage truck is stored. This price includes the part, installation and adjustments.

Motion, made by Suzanne Denn, seconded by Charlie Dreyer, to **approve the purchase** of two side doors from Curtis Lumber at the price of \$174.00 each, one for use at the Day Town Hall Garage and one for use at the Day Highway Garage.

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

Carried 5 – 0

Motion, made by Preston Allen, seconded by Jeff Gray to **approve the purchase** of two commercial doors from Grimm of Troy at the price of \$1200.00 for both. These two doors will be used at the Day Town Hall.

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

Carried 5 – 0

The Day Town Board discussed the terms of a maintenance agreement with Overhead door that would include yearly maintenance on overhead doors at the Town Hall garage, highway garage and recycling center. No action was taken on the maintenance agreement at this time. No motion was necessary regarding the repair of the one

REGULAR MEETING – AUGUST 13, 2012 – DAY TOWN BOARD
UNAPPROVED MINUTES
Page 4 of 9

overhead door at the Town of Day Recycling Center as the money is already in the budget for repairs.

Councilman Jeff Gray contacted the Edinburg EMS to find out how many calls they responded to January 2012 – March 2012. Councilman Jeff Gray was given a very high number considering the length of the time period he asked about. Supervisor Mary Ann Johnson asked Councilman Jeff Gray if he could obtain exact times and dates as the number given to him seemed quite high for that short of a period of time.

Supervisor Mary Ann Johnson has received a report from Jessups Landing EMS listing calls responded to in the Town of Day from March 31, 2012 through July 30, 2012.

Councilman Preston Allen presented his report regarding highway equipment review. Councilman Preston Allen reports that he observed Town of Day highway worker Ronnie Ladd pushing sand with the crawler. Councilman Preston Allen believes the Town should look into either the rental or purchase of a crawler.

Supervisor Mary Ann Johnson reminded those present about the Public Hearing on Saturday, August 18th at 9:00 AM which is for the purpose of allowing the public to comment on the two proposed local laws regarding zoning and subdivision control.

Supervisor Mary Ann Johnson informed those present that there would be a town wide trash pick-up starting Monday, August 27th, 2012 at 7:00 AM on the North side of the Lake. Each road will be picked up only once and the pick-up this year will include TV's and computer monitors.

OLD BUSINESS –

Supervisor Mary Ann Johnson informed those present that there are no updates on either the personnel manual or on the Walter Maxfield Road situation.

Supervisor Mary Ann Johnson reports that the wiring for the emergency services tower on Horse Hill Road had been completed by National Grid and that the tower should be up by Labor Day. Supervisor Mary Ann Johnson has not had any response as of yet from Verizon or ATT on whether they are interested in space on the tower. Saratoga County Emergency Services Director Paul Lent has told Supervisor Mary Ann Johnson when she mentioned the lack of response to him that they are developing new systems and may not be interested in using the tower.

Councilwoman Suzanne Denn reports that she, along with Supervisor Mary Ann Johnson and Town Clerk Carol Vaillancourt participated in a conference call on August 09th with North Shore Solutions, which is the company that has been selected to provide the Town of Day with a new website. Supervisor Mary Ann Johnson states that there

REGULAR MEETING – AUGUST 13, 2012 – DAY TOWN BOARD
UNAPPROVED MINUTES
Page 5 of 9

will be a committee of three people who will work with North Shore Solutions, who are located in Clayton NY, to get the website designed. North Shore Solutions will help train everyone who will be posting information to the website. Various options for backing up the information on the website were discussed, with North Shore Solutions making some suggestions as to how this could be accomplished.

Supervisor Mary Ann Johnson reviewed items on the public risk assessment received by the Town of Day from the Town of Day's insurance company. Supervisor Mary Ann Johnson has completed setting up access to a system which will allow her to access the driving records of both present Town of Day employees if necessary and potential Town of Day employees before they are hired.

The item regarding sidewalks has been removed from the list, but the Town Board has requested that Attorney David Avigdor draft a local law regarding notification to the Town of Day regarding problems that may arise with roads, walkways, etc. Supervisor Mary Ann Johnson will supply Attorney David Avigdor with information regarding this.

Supervisor Mary Ann Johnson reviewed the possibility of closing the playground as some issues regarding this area was raised by the Town of Day's insurance company. Supervisor Mary Ann Johnson and the Day Town Board will look into this issue further before any decision is made.

Supervisor Mary Ann Johnson explained that she has filled out the report and will send it to the Town of Day's insurance company. Supervisor Mary Ann Johnson did express concern over the area which regards criminal background checks. Supervisor Mary Ann Johnson does not know who should do this for new hires. Attorney David Avigdor expressed concern over asking the Town of Day Judges to do this. Attorney David Avigdor recommended talking to the District Attorney on who can or should do the background checks.

The Edinburg Fire Department will come to the Day Town Hall and Town of Day Highway Garage to demonstrate the proper use of the fire extinguishers which is training required by the Town of Day's insurance company.

NEW BUSINESS –

Supervisor Mary Ann Johnson will be handing out the 2013 budget sheets on September 04th, 2012 with a return date of September 17th 2012.

REGULAR MEETING – AUGUST 13, 2012 – DAY TOWN BOARD
UNAPPROVED MINUTES
Page 6 of 9

Supervisor Mary Ann Johnson has been in contact with JGS Recycling, who is the company that Lake Luzerne uses, to pick-up TV's, computer monitors, appliances, tires, etc. They are fully insured, DEC and APA certified. Supervisor Mary Ann Johnson is waiting for more information from JGS Recycling regarding cost for pick-up of certain items. JGS Recycling will be picking up the TV's and computer monitors collected during the town wide trash pick-up and those brought to the recycling center by Town of Day residents.

Supervisor Mary Ann Johnson reviewed the pay scale for new hires at the Town of Day Highway Department. It is a step scale which would have new hires start at the bottom of the scale. This is how it has been done previously. Within three years new hires would climb to the top of the pay scale.

Supervisor Mary Ann Johnson has asked that an exception to the meal break policy be made for the recycling laborer at the recycling center. Supervisor Mary Ann Johnson explained that since the Town of Day Recycling Center only has one attendant when open and the hours are continuous on the days it is open, on some days the attendant must eat his lunch in between visitors. Attorney David Avigdor said the labor law will need to be researched to see if the exception requested could be allowed. Supervisor Mary Ann Johnson said that she would ask Personnel Officer Jack Kalinkewicz about the meal break policy next week when she is at the Saratoga County buildings for a meeting. Supervisor Mary Ann Johnson will also ask when she is at the Saratoga County office buildings about changes being made to job descriptions and for copies of Saratoga Counties policies regarding this matter.

Supervisor Mary Ann Johnson reports that the Town of Day has received a quote from Greenscape Landscaping of Saratoga, NY regarding the planting of trees at the recycling center. Greenscape Landscaping gave the Town of Day prices by size of tree. Francis Allen, who lives in the Town of Day and has a landscaping business, submitted a quote but did not indicate the size of the trees or varying prices depending on size of trees chosen. Supervisor Mary Ann Johnson has left a message for Mr. Allen asking for more information.

Regarding payment for unused sick days upon retirement from the Town of Day Highway Department, Supervisor Mary Ann Johnson has recommended the following. Current full-time Town of Day highway department employees should not be penalized for loss of their accumulated sick time since the date of their hire. Supervisor Mary Ann Johnson recommends the Town of Day pay these employees in August of 2012 for one-half of their accumulated sick days up to a maximum of thirty days. Expected cost would be approx. \$20,000.00. Employees will not be entitled to be paid for unused sick days upon their retirement from the Town of Day Highway Department. Each person

REGULAR MEETING – AUGUST 13, 2012 – DAY TOWN BOARD
UNAPPROVED MINUTES
Page 7 of 9

will accumulate 30 days of sick pay to use if they need them due to sickness or injury while working for the Town of Day Highway Department. Nothing will be paid out when they retire from the Town of Day Highway Department. Highway Superintendent Scott York suggested not paying new hires but still do a payout for those who are working for the Town of Day at present with a limit of thirty days payout. After discussion by the Day Town Board it was decided that a new policy will be in effect as of August 13, 2012. This policy will state that new hires to the Town of Day Highway Department will not be entitled to a payout of unused sick days upon retirement and that those working for the Town of Day Highway Department at present will be entitled to a payout of accumulated sick days not to exceed thirty days upon retirement from the Town of Day.

Motion, made by Suzanne Denn, seconded by Jeff Gray, to **approve** the following **resolution**.

#2012-33 Title: Policy regarding payment of unused sick days upon retirement for employees of the Town of Day Highway Department

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

Carried 5 – 0

Supervisor Mary Ann Johnson informed those in attendance that the Saratoga County Veterans Fund will be organizing a **3.5 mile Revolutionary Run for Veterans**. Supervisor Mary Ann Johnson point out that although this run will benefit the Saratoga County Veterans Trust and Agency Fund, Saratoga County is not contributing any moneys toward it. All moneys raised by the run go directly to the Saratoga County Veterans Trust and Agency Fund. This run will take place on Saturday, November 10, 2012 starting at 9:00 AM. The run will take place in Schuylerville NY starting at Fort Hardy Park and will take runners past many historical sites of the Revolutionary War, ending back at Fort Hardy Park. To register on line visit www.active.com and search for "Revolutionary Run for Veterans". Copies of the application are available at the Day Town Hall. Supervisor Mary Ann Johnson informs us that the goal is to have at least one thousand participants. There is also a need for volunteers the day of the race to cover various duties. Information for volunteers can be found at the website listed above.

The Town of Day Town Board has decided to postpone a review of the estimates received regarding the purchase of trees for the recycling center. The review will be conducted when more information is received from one of the vendors regarding size of trees and prices for varying sizes.

PUBLIC INPUT ON RESOLUTIONS –

REGULAR MEETING – AUGUST 13, 2012 – DAY TOWN BOARD
UNAPPROVED MINUTES
Page 8 of 9

None

Motion, made by Charlie Dreyer, seconded by Suzanne Denn, to **approve** the following **resolution**.

#2012-34 Title: Pay scale for new hires at the Town of Day Highway Department

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

Carried 5 – 0

CORRESPONDENCE –

Supervisor Mary Ann Johnson had forwarded an e-mail she received regarding the hiring of relatives to the Day Town Board members. Supervisor Mary Ann Johnson asked if they would care to comment on the e-mail, the Day Town Board members declined.

Supervisor Mary Ann Johnson informed those present that paving will commence On August 20th, 2012 to repair the paving project done by the Saratoga County Highway Department last year. Repair will take place on both North Shore Road and South Shore Road.

Supervisor Mary Ann Johnson reports that SVAN organization is selling raffle tickets for a quilt. More information regarding this can be obtained by going to the SVAN website at www.SVANarts.org or sending an inquiry to Sacandaga Valley Arts Network, P. O. Box 660, Northville NY 12134.

From: Sacandaga Valley Arts Network – SVAN – www.SVANarts.org

Re: Annual reception and meeting

From: Saratoga Economic Development Corporation – SEDC – www.saratogaedc.com

Re: Jul SEDC activity report

From: American Red Cross – Adirondack Chapter – www.recrossneny.org

Re: Minutes – July 14, 2012 meeting

From: Saratoga County Chamber – www.saratoga.org

Re: 2nd Quarter Tourism 2012 report

From: Andrew Hugos

Re: The archived work of Dr. Ernest Boyer, former Chancellor of the State University of New York – http://www.messiah.edu/boyer_center/archives

INPUT FROM PUBLIC –

Regina York, York Road, Day – Read a prepared statement.

REGULAR MEETING – AUGUST 13, 2012 – DAY TOWN BOARD
UNAPPROVED MINUTES
Page 9 of 9

The statement was given to the Town Clerk who copied and distributed the statement to the Town of Day Town Board members and Town of Day Attorney David Avigdor. As The statement was given to the Town Clerk who copied and distributed the statement to the Town of Day Town Board members and Town of Day Attorney David Avigdor. As the statement did refer to possible legal action, no part of it has been entered into the minutes.

Mr. John Korusek, Yates Hill Road, Day – Had advice to offer regarding the planting of trees in this area and a question relating to the employment status of a current Town of Day employee.

Motion, made by Jeff Gray, seconded by Preston Allen, to **adjourn** the Regular Meeting of the Day Town Board was made at 8:35 PM.

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

Carried 5 – 0

Carol Vaillancourt
Town Clerk