

**REGULAR MEETING – FEBRUARY 11, 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 February 11, 2013.

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

**Motion**, made by Councilman Charlie Dreyer, seconded by Councilman Preston Allen, to **approve** the minutes from the January 14, 2013 Regular Meeting and the January 24, 2013 Special Meeting. Supervisor Mary Ann Johnson requested a change of one word at the bottom of page 1 of the January 14, 2013 minutes. Change - has been moved – to has been promoted.

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

**Carried 4 – 0**

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

#691 - #693	Pre-Audit General Fund	\$ 3,695.41
#703	Pre-Audit General Fund	\$ 720.00
#694	Pre-Audit Highway Fund	\$ 5,809.85
FD1	Pre-Audit General Fund	\$30,000.00
FD2	Pre-Audit General Fund	\$22,582.00
#721 - #738	General Fund	\$ 8,531.54
#706 - #720	Highway Fund	\$32,753.02

Ayes: Supervisor Mary Ann Johnson, Councilman Preston Allen, Councilman Charlie Dreyer, Councilman Jeff Gray (Supervisor Mary Ann Johnson abstains on #727)

**Carried 4 – 0**

**Motion**, made by Councilman Preston Allen, seconded by Councilman Charlie Dreyer to **approve** the January reports for Justice Johnsen, CEO, Town Clerk, Tax Collector, Supervisor, Assessor and Office of the Aging.

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

**Carried 4 – 0**

Highway Superintendent Scott York reports that the DEC inspected the Town of Day mining pits and found one violation. The trees need to be pruned back from banks at least 15'. Highway Superintendent Scott York stated that his crew would get the trees trimmed as soon as possible.

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Highway Superintendent Scott York would like to purchase stickers like those used by Saratoga County for the Town's signs. Can check with Greenbush Tape and Label, which is where the Town of Day purchases their recycling stickers, to see if the labels can be purchased from them and pricing for the labels.

Highway Superintendent Scott York has nothing new to report on the beaver dam situation on Horse Hill Road. Engineer Garry Robinson is still working with Highway Superintendent Scott York on this matter and has informed Highway Superintendent Scott York that depending on what is decided regarding how to fix this problem the Town may have to work with the APA due to wet lands being involved. Highway Superintendent Scott York did mention that he could buy three more sections of culvert to move water farther from road.

Town Committees – No reports

Councilman Jeff Gray reports that the Edinburg Fire Department has a new fire (pumper) truck.

**OLD BUSINESS - .**

Supervisor Mary Ann Johnson states that she would like to meet with North Shore Solutions, the company designing the Town of Day's new website, to discuss the progress of the website, review any corrections which need to be done, and discuss new ideas.

Regarding the NYS DEC violations which require four new test wells at the Highway Garage location, two new bids have been received of the three requested. The bid specs changed after the first set of quotes was received and had to be re-done. Northeastern Environmental has not returned their quote yet, but the two quotes which have been returned are for \$5,254.00 & \$5,615.00. The Board has decided to accept the lowest quote received thus far if Northeastern Environmental does not reply within the next few days. If the Northeastern Environmental bid is received then the lowest quote of the three would be accepted.

Supervisor Mary Ann Johnson has not had any response from Eastside Metals. Eastside Metals was supposed to drop off a check for payment of metals collected from the Town of Day but has not done so. This was supposed to have been done a few weeks ago but there has been no response from the company. Supervisor Mary Ann Johnson feels the Town should not allow them to pick up any more scrap metal. Highway Superintendent Scott York pointed out that the containers the scrap metal is in belong to Eastside Metals so if they want their containers back we will have to let them empty the containers and remove them.

Attorney Avigdor will send them a letter state how many tons they picked up and not paid for and the estimated amount due to the Town of Day.

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Supervisor Mary Ann Johnson will check with JBS, the company that picks up the tv's, computer monitors etc. that are brought to the recycling center, to see if they would be interested in our scrap metal and what they will pay per ton.

The Day Town Board has set the date to resume the audit of the 2012 Town books for Thursday, February 14<sup>th</sup> at 5:00 PM.

Regarding the change to the personnel manual for Part-time workers receiving pay for Holidays and vacation days, Supervisor Mary Ann Johnson informed those present that a letter has been drawn up and some employees have already received them. The monthly employees will receive the letter by April 19, 2013.

Concerning the ADP Wage Theft Prevention Act, Supervisor Mary Ann Johnson has been informed that no action is required by the Town of Day.

**NEW BUSINESS –**

The Day Town Board has been informed that the Planning Board is passing on a request from a property owner regarding a name change for a road. As the Planning Board did not provide the Town Board with enough information to discuss this matter a letter will be sent to Mr. Hertzell asking him which road and what name he is requesting.

Regarding the EMS contact with the Town of Corinth and the paying of \$7,000.00 directly to REMO for applying for a Certificate of Need. The Corinth Town Board has submitted an addendum to the EMS Contract requesting that if the \$7,000.00 does not have to be paid to REMO then that money should be paid to the Town of Corinth. The addendum will be signed by the Supervisor and returned to the Town of Corinth.

The Town of Day has had a request by a land owner in the Town of Day to donate property to the Town. The property is on Rosebloom Ave. Highway Superintendent Scott York is familiar with the area where the parcel is located and explained to the Town Board what he knew about the property. Attorney David Avigdor said a title search should be done, which the Town will pay for and title insurance. The property owner did ask if she could be exempt from paying the taxes on the parcel this year since the property owner wants to donate the land to the Town but Attorney David Avigdor explained the owner can't be exempt since the taxes are due currently while the owner is still in possession of the property. If the Town does agree to accept the property, the Town of Day could pay the amount of the taxes owed for the 2012 -2013 school year and the 2013 Town and County taxes to the property owner as payment for the property, provided these taxes were paid by the property owner prior to the transfer taking place.

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Attorney David Avigdor suggested the Day Town Board members visit the property before a decision is made and that perhaps a land survey could be done with David Barass. The matter was tabled until the next meeting.

Attorney David Avigdor has been contacted by Mr. David Weiss concerning the issue with his property on the corner of North Shore Road and Walter Maxfield Road. Mr. Weiss would like to move ahead with the proposal that was made previously concerning the re-configuration of the intersection. Attorney David Avigdor feels the Town needs to submit map to Saratoga County and see what Saratoga County Commissioner of Public Works Keith Manz has to say regarding the map showing the new intersection, as this will involve a Saratoga County road. Attorney David Avigdor stated that he will draw up two letters, one to Commissioner Manz and one to Mr. Dan Jones who is the pastor of the Conklingville Church which is on the other corner of the intersection so they are also aware of what is happening.

Regarding applicants for the part-time CDL driver for recycling and refuse position which is currently open, no one has been hired at this point. Jay Aldrich and Jason DuBois, are temporary employees hired to help with snow removal will likely be terminated on March 31, 2013 unless we continue to get snow, in which case they will continue to be called in as needed.

Highway Superintendent Scott York has asked to terminate his other temporary employee as the employee has not been available to work when he has been called to report for work.

**PUBLIC INPUT ON RESOLUTION – None**

**Motion**, made Preston Allen, seconded by Charlie Dreyer, to **approve** the following resolution:

**#2013 – 05: Acceptance of the lowest bid for four test wells at the Day Town Highway Garage**

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

**Carried 4 – 0**

**CORRESPONDENCE:**

From: Time Warner Cable

Re: Rate increase

From: American Red Cross

Re: Minutes

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**INPUT FROM PUBLIC –**

Mr. Bill Berg had a question regarding the new policy concerning vacation and Holiday pay for part-time employees.

**Motion**, made by Jeff Gray, seconded by Charlie Dreyer, to **adjourn** this Regular Meeting of the Day Town Board was made at 8:00 PM.

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

**Carried 4 – 0**

Carol Vaillancourt  
Town Clerk