

**PUBLIC HEARING & REGULAR MEETING
MARCH 10, 2014 – DAY TOWN BOARD
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UNAPPROVED MINUTES**

A PUBLIC HEARING & 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 March 10, 2014.

The public hearing and meeting were called to order by Supervisor Preston Allen at 7:00PM and the following answered roll call: Councilwoman April Schmick, Councilman Charlie Dreyer, Councilman Jeff Gray, Highway Superintendent Scott York, Attorney David Avigdor, Hudson River – Black River Regulating District David Cox and Zoning Board of Appeals member Donald Poe.

With proof of notice having been furnished, Supervisor Preston Allen opened the Public Hearing by asking if anyone present had any comment either for or against the proposed local law in regards to beaver dams.

No one spoke for the proposed local law regarding beaver dams.
No one spoke against the proposed local law regarding beaver dams.

With anyone who wished to speak being given the opportunity to do so, the public hearing was closed at 7:03PM.

Motion, made by Councilman Charlie Dreyer, seconded by Councilwoman April Schmick, to **approve** the minutes from the February 10, 2014 Regular meeting.
Ayes: Supervisor Preston Allen, Councilwoman April Schmick, Councilman Charlie Dreyer, Councilman Jeff Gray.

Carried 4 – 0

Motion, made by Councilman Charlie Dreyer, seconded by Councilwoman April Schmick, to **approve** the minutes from the February 10, 2014 Regular Meeting.
Ayes: Supervisor Preston Allen, Councilwoman April Schmick, Councilman Charlie Dreyer and Councilman Jeff Gray

Carried 4 – 0

Motion, made by Councilman Jeff Gray, seconded by Councilman Charlie Dreyer, to **approve the audited abstracts** as follows:

#1387 - #1413	General Fund	\$36,583.90
#1396 (Fire Dist. #1)	General Fund	\$30,000.00
#1392 (Fire Dist. #2)	General Fund	\$22,957.00
#1371 - #1409	Highway Fund	\$31,163.33

Ayes: Supervisor Preston Allen, Councilwoman April Schmick, Councilman Charlie Dreyer and Councilman Jeff Gray

Carried 4 – 0

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Motion, made by Councilwoman April Schmick, seconded by Councilman Jeff Gray, to **approve** the monthly reports for the following: Town Justice, CEO, Town Clerk, Assessor, Supervisor, Bank Reconciliations for Gen., H/W, Payroll/A/P and Town Clerk/Tax Collector

Ayes: Supervisor Preston Allen, Councilwoman April Schmick, Councilman Charlie Dreyer and Councilman Jeff Gray

Carried 4 – 0

COMMITTEE REPORTS –

Highway Superintendent Scott York reports that when the crew has a break from snowstorms the highway crew has been dealing with frozen culvert pipes.

Hudson River – Black River liaison David Cox had nothing to report at this meeting except that the next meeting of the Hudson River – Black River Regulating District is tomorrow, Tuesday, March 11, 2014. A report written by Mr. Cox was given to each Board member prior to the meeting concerning what had transpired at the previous Hudson River – Black River Regulating District meeting.

Town Committees – Nothing to report.

OLD BUSINESS –

Supervisor Preston Allen reports that the new Town of Day website is up and running. It can be found at www.townofday.com. There is still some work being done to the site with various items being added.

Supervisor Preston Allen reports that the Town of Day Certificate of Need (CON) has been approved. The Town is still waiting for a refund of fees which were paid by the Town when applying for a permanent CON.

The personnel policy on volunteer firefighters still needs to be updated in the personnel manual.

NEW BUSINESS-

Supervisor Preston Allen states that Mr. Curt Schreiner has applied for the position of Town Board member. An appointment to the Town Board at this time would be for the remainder of 2014. Someone would need to run for election for the final year of Supervisor Preston Allen's term as a Town Board member which would have ended December 31, 2015.

Supervisor Preston Allen asked the Town Board if they were ready to make a decision on the proposed local law regarding Beaver Dams later in the meeting and they indicated that they were.

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The bids for a pre-owned garbage truck were opened at 3:00PM on February 27, 2014. Two bids were received - one for a pre-owned 2008 garbage truck and the other for a new garbage truck. The amount of the bid for the pre-owned garbage truck is \$79,850.00 from Hackers Packer, Inc. with a 30 day warranty on the truck and a 90 day warranty on the packer.

The Day Town Board has received the resignation of Highway Superintendent Scott York whose last day of work for the Town of Day will be March 31, 2014. Highway Superintendent Scott York has recommended to the Day Town Board that Deputy Highway Superintendent Ronnie Ladd take over as interim Highway Superintendent until December 31, 2014. Someone will need to run on the November ballot to complete Highway Superintendent Scott York's term of office which would have ended December 31, 2015. This is a 4 year term.

Supervisor Preston Allen reports that Maintenance person Chester (Skip) Johnson has informed him that he will be leaving the position of Maintenance person at the beginning of April, 2014. A recycling collection position may not need to be filled as the person filling in temporarily may remain with the Town. Due to a member of the highway crews possible retirement there could be a position open within the next couple of months.

PUBLIC INPUT ON RESOLUTIONS –

As there were people in the audience who had an interest in the Proposed Local Law regarding Beaver Dams but who missed the Public Hearing held tonight, Attorney David Avigdor explained in part what the Proposed Local Law regarding Beaver Dams was about.

Attorney David Avigdor explained that if the law is passed, the Town can give notice to property owners that if Town property is damaged due to a problem with beaver dams on land adjacent to the Town's property the Town of Day can notify the owner of that land that they would like the problem fixed. After 30 days the Town can ask to go on property to fix it at owners expense. If the problem is not addressed at that point the Town can take it to a judge for him to decide if the Town of Day can go on the land owners property to fix issue. This would be decided by a judge at the County level.

Attorney David Avigdor explained that the methods used to fix issue would have to be approved by the DEC. DEC and APA laws have to be complied with. Highway Superintendent Scott York stated that there are beaver dams on Horse Hill Road, Min Allen Road, Green Acres Road to name a few.

Kathy Kramer, Horse Hill Road, stated that Horse Hill Road near their house has increased more than three feet in height due to paving projects since they have lived there and that the Town of Day has effectively created the situation of a pond on their property by raising the height of the road.

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Highway Superintendent Scott York pointed out that the highway crew put a larger culvert in across Horse Hill Road with screens on the ends near their house.

Frank Kramer, Horse Hill Road, stated that the road near his house has had water across it every year since they moved there 30+ years ago. Mr. Kramer asked if a determination on correct size of culvert could be made.

Attorney David Avigdor pointed out that the question tonight is whether or not the law should be passed, does not say any particular parcel is a problem.

Attorney David Avigdor also pointed out that if the Town was going to go to court we need to have an engineer to evaluate problem. Attorney David Avigdor stated that he hopes the property owner would allow an engineer with the proper expertise in these matters on the property to do evaluation.

Attorney David Avigdor explained that the Town Board would need to hear the opinion of the Highway Superintendent regarding the situation to get the ball rolling.

Mr. Kramer asked whether or not he and his wife would have been responsible for the recent culvert replacement. Attorney David Avigdor replied that would depend on whether the road was damaged due to the beaver dam on their property.

Attorney David Avigdor explained that if someone sees a dam with water build up and is afraid that if the beaver dam bursts it would damage their home – they should report it and get the ball rolling. Someone has to contact DEC. If there's a potential issue it will have to be addressed. Attorney David Avigdor explained that the law states that homeowner would have to take care of it.

Mr. Kramer stated that occasionally Turner Road floods. Attorney David Avigdor replied that an engineer would have to be consulted to determine the cause and what would be need to be done to correct the problem.

Mr. Herbert Springer asked if there is a string of dams and one farther back goes out and causes the rest to go, would all property owners with a dam in that string of dams be responsible?

Attorney David Avigdor replied that yes, all owners would be responsible.

Attorney David Avigdor pointed out that tonight the question is, is it fair to pass law.

Mr. Frank Kramer does not think the beaver dam on his property is a threat.

MOTION TO PASS RESOLUTIONS –

Motion made by Councilman Jeff Gray, seconded by Councilman Charlie Dreyer to **approve** the following resolutions:

**#2014 – 03 Appointment of Curt Schriener to the Day Town Board
(Interim appointment – expiring Dec. 31, 2014)**

#2014 – 04 Approval to pass local law #2014-01 – Beaver Dams

#2014 – 05 To accept bid from Hackers Packers for a pre-owned garbage truck

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- #2014 – 06 Accept resignation of Highway Superintendant C. Scott York**
#2014 – 07 Appointment of Deputy Highway Superintendent Ronnie Ladd
To interim Highway Superintendent– effective April 01, 2014 thru Dec.
31, 2014

Ayes: Supervisor Preston Allen, Councilwoman April Schmick, Councilman Charlie Dreyer and Councilman Jeff Gray

Carried 4 – 0

CORRESPONDENCE – AVAILABLE FOR REVIEW

INPUT FROM PUBLIC –

Mr. Donald Poe spoke regarding some of the American flags and decorative flags the Town of Day maintains. Mr. Poe cited a few of the flags such as the one near Hollow Road, one close to Walter Maxfield Road intersection etc. that Mr. Poe feels need to be replaced immediately. Mr. Poe states that he would like the American flags displayed May thru November. Mr. Poe said he would be glad to help.

Town Clerk Carol Vaillancourt reported that the local rabies clinic will be held in Edinburg this year on June 24th. It is Edinburg's turn this year and the rabies clinic will be held at the recycling center located at 55 Military Road. Town Clerk Carol Vaillancourt also reports that the rabies clinics sponsored by the Saratoga County Animal Shelter and held at the 4H Training Center, 555 Middle Line Road, Ballston Spa NY will be starting on March 18th and held thru November. A copy of the schedule is available at the Town Clerks office or online thru the Saratoga County Animal Shelter website.

Motion, made by Councilwoman April Schmick, seconded by Councilman Jeff Gray, to **adjourn** this Regular Meeting of the Day Town Board was made at 7:43PM.

Ayes: Supervisor Preston Allen, Councilwoman April Schmick, Councilman Charlie Dreyer and Councilman Jeff Gray

Carried 4 – 0

Carol Vaillancourt
Town Clerk

