

**REGULAR MEETING – JULY 08, 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 July 08, 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, Attorney David Avigdor, Planning Board Chairman David Cox

**Motion**, made by Councilman Charlie Dreyer, seconded by Councilman Preston Allen, to approve the minutes from the June 10, 2013 Regular Meeting as amended. (In the first paragraph of the first page the date was put in as June 25<sup>th</sup> instead of June 10<sup>th</sup>.)  
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 Charlie Dreyer, to **approve** the audited vouchers as follows:

#928, #930, #934 - #936	Pre-Audit General Fund	\$3,309.74
#950 - #972	Regular Audit General Fund	\$8,650.32
#929, #931, #933	Pre-Audit Highway Fund	\$6,549.73
#943 - #949	Regular Audit Highway Fund	\$7,279.91

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

**Carried 4 – 0**

**Motion**, made by Councilman Preston Allen, seconded by Councilman Jeff Gray, to **approve** the June reports for Justice Johnsen, CEO, Town Clerk, Assessor, Supervisor (June Oper. Rpt., Mortgage sales tax, sales tax rpt., bank statement reconciliations for June), PB/ZBA 2<sup>nd</sup> qtr. Report.

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

**Carried 4 – 0**

**REPORTS –**

Highway Superintendent Scott York reports that 3/10 of a mile of Snow Road washed out during a recent storm. They have gotten the culverts unplugged and as of today should have enough recycled rubble down to make it safe. They have put in some larger culverts. Highway Superintendent Scott York would like to give credit to Keith Kathan, Dick LaPort and Kirk Hayes for the work they did right after the washout. Credit to Mary Ann Johnson for the calls she made to Edinburg to try to obtain help with equipment (Grade All). Wayne, Dickie and Norm worked with our crew along with Derrick Vandenburg. Fred Arno from Saratoga County Highway used a Grade All

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to help with the clean up. Skip Johnson went to the Town Highway Garage and retrieved hot dogs which he cooked for those working on the clean up. Joe Monica let the Town of Day crew use a loader. Highway Superintendent Scott York would especially like to thank his highway crew for all their hard work. Highway Superintendent Scott York and Supervisor Mary Ann Johnson talked today about getting some stone into some of the ditches. A resident of Snow Road did ask Highway Superintendent Scott York about receiving some money for help to repair damage done to his home when his roadside culvert became plugged. Highway Superintendent Scott York informed him that no, the Town would not be able to reimburse him for any damages. Highway Superintendent Scott York informed the Day Town Board that he did not as yet have any figures on what it will cost to repair the damage to the road.

Planning Board Chairman David Cox, who is also the Town of Day liaison with the Hudson River – Black River Regulating District, reports that the meeting of the HR-BR Reg. Dist. Board which was supposed to take place tomorrow, July 09<sup>th</sup>, has been postponed due to lack of quorum. Planning Board Chairman David Cox reports that Albany has paid its allotment and the HR-BR Reg. District has paid towards their taxes on two parcels.

Councilman Preston Allen reminded the Town Board that having an additional fuel barrel added at the Highway Garage was discussed in the spring. He pointed out that the Highway Garage could use another barrel as they only have the one and fuel was being delivered every Monday in winter.

**OLD BUSINESS –**

Some progress has been made on the completion of the new Town of Day website. Paperwork is being sent to the website designer to add to what has already been done. Supervisor Mary Ann Johnson is hopeful that the new website will be up and running by the August 12<sup>th</sup> Day Town Board meeting.

A discussion regarding the number of judges to have in the Town of Day took place with Judge Johnsen and Court Clerk Tobia and the Town of Day Town Board members. Judge Johnsen spoke citing case load, conflicts of interest, etc. Attorney David Avigdor pointed out that New York State passed a law saying Towns have two judges. Both Judge Johnson and Court Clerk Tobia pointed out that the Judicial Court would assign a Judge to preside over our court if Judge Johnsen, or whomever is in office at the time, couldn't serve until another Judge can be put in place. Attorney David Avigdor stated that if the Town Board desires he can draft a local law to reduce the number of judges for the Town of Day from two to one. The Town Board would need a copy of the Local Law 10 days before they could set a date for a public hearing regarding the new Local Law. Judge Johnsen pointed out that Edinburg has one Judge. Councilman Charlie Dreyer stated that he would like the Town to have an alternate judge or an assistant

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judge. Judge Johnsen pointed out that they would still need to have training unless the person was an attorney or already had current training.

**Public input on resolution - None**

**Motion**, made by Councilman Preston Allen, seconded by Supervisor Mary Ann Johnson, to **approve** the following resolution:

**Resolution #2013 – 15: Approval to reduce the number of judges in the Town of Day from two to one.**

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

Nays: Councilman Jeff Gray

**Carried 3 – 1**

Highway Superintendent Scott York has obtained the permits needed from the DEC for a new culvert on Horse Hill Road. This should rectify the problems caused by the beaver dam which is near the road. Highway Superintendent Scott York noted that Town of Day Engineer Garry Robinson helped get the permit from the DEC.

Supervisor Mary Ann Johnson has nothing to report regarding the Certificate of Need for EMS service which is being prepared by Jessups Landing personnel.

Regarding the Walter Maxfield Road/North Shore Road intersection project, Attorney David Avigdor has been in contact with the engineering firm selected by the Town of Day. Attorney David Avigdor will be sending Nadine Medina of Barton & Loguidice a packet of information concerning this project.

**NEW BUSINESS –**

Supervisor Mary Ann Johnson reports that she has received an application and one e-mail regarding the part-time laborer position. Supervisor Mary Ann Johnson would like to place an ad in the Post-Star regarding this position.

Supervisor Mary Ann Johnson asked the Town Board if they had any preference on when they would like to meet with the Planning Board and Zoning Board of Appeals for an informational meeting. No date was set although the meeting may possibly take place in September.

Attorney David Avigdor reviewed the contract which was sent to Supervisor Mary Ann Johnson and pointed out that it was more of an informational sheet than a contract. Attorney David Avigdor said he would make notes on what should be included in a contract with JGS and send them to Supervisor Mary Ann Johnson for use in her discussions with JGS.

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**INPUT FROM PUBLIC –**

Supervisor Mary Ann Johnson reminded everyone present about three events taking place shortly at the Day Town Hall. First there is concert featuring blue grass music at 6:00pm Saturday, July 13<sup>th</sup>, Bobby Dick with Suzy Q will be at the Day Town Hall on Wednesday, July 17<sup>th</sup> at 7:00pm and on Saturday, July 20<sup>th</sup> at 10:00 am there will be a meeting on the Property Owners Association.

**Motion**, made by Councilman Charlie Dreyer, seconded by Councilman Preston Allen, to **adjourn** this Regular Meeting of the Day Town Board was made at 8:03 PM.

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

**Carried 4 – 0**

Carol Vaillancourt  
Town Clerk