

REGULAR MEETING
TOWN OF DAYTON
WEDNESDAY, APRIL 11, 2018
7:00 P.M.

PRESENT: Angie Martino-Miller, Supervisor, Thomas Chupa, Diana Clabeaux, Dennis Ackley, Bruce Drajem, Town Council, Ruth Bennett, Town Clerk, John Grenell, Attorney, Tim & Janice Forster, Dan Gabel, Rose Gagliano, Dan Weaver, Eustolia Santana, Brian Taber, Highway Superintendent, Roxanne Aucoin, Assessor, Absent,

CALL TO ORDER: Supervisor Martino-Miller called the meeting to order at 7:02 p.m.
All stood and said the Pledge to the Flag.

Supervisor asked for a moment of silence for former Highway Superintendent Clayton Milks, and former Code Enforcement Officer Robert Hintz.

MINUTES: Clerk Bennett gave each member of the Board a copy of the minutes to be read before the meeting. A motion to accept the minutes was made by Councilman Chupa, seconded by Councilman Drajem. A vote was taken on the motion, Carried.

HIGHWAY: The Highway Department reported they plowed seven days in March, we had a heavy wet snow storm and have a preliminary assessment of about \$14,000. We had an altercation with an abandoned vehicle, the Sheriff was contacted and a report was made, it was turned into the Town's insurance company.

We got the roller into the shop to do some maintenance so we can use it when better weather comes. We also had the grader in the shop and got it serviced. We then used it to open a section of road that is seasonal between December and April, we had it open by April 1st.

Highway Superintendent went to Albany for Advocacy Day, when we got there everything was cancelled because of the snow storm, so as of right now he is under the impression that the Town is going to get about the same funding as last year.

Called Pine Valley Overhead Door and never got a call back, so called Peterson Door to have the overhead doors fixed.

Sent the ten-wheeler to have the new box put on, the Board will need to move \$22,572.00 into the DA5130.2 account to pay for the dump box.

Did the annual street light inventory and will do another one in the fall, if anyone notices a problem with a street light, please call.

Have been fixing potholes as they have been showing up, if there are any problems contact me or the highway liaison. A motion was made by Councilman Chupa, seconded by Councilman Ackley to accept the report. A vote was taken on the motion, Carried.

Mr. Taber gave Highway Liaison a paper stating that he put a box on Auctions International without Board approval. According to Highway Law 142-5 "the highway superintendent of highways with approval from the town board, may sell machinery, tools and equipment which are no longer needed, are worn out or obsolete." The Board decided not to sell the box or anything without Board approval.

Regarding the money for the box the Board has decided to table until next month and not transfer any money until the bookkeepers get the money situation straightened out.

Regarding an accident with one of the trucks that occurred on March 2nd. Attorney Grenell discussed the accident with the insurance agency and understood that a ticket was issued. No one on the Board was contacted about an accident with one of the plow trucks. The Supervisor will have a meeting with the insurance agent.

Councilman Ackley stated that he asked Mr. Taber for an inventory of the equipment and tools and all he got was a list, it did not state VIN#, age, cost or anything that is required. Attorney Grenell stated that Highway Law 142.3 says "The Town Superintendent of Highways must deliver to the Town Board before September 30 of each year a written inventory of all machinery, implements, tools and equipment, indicating the value and estimated cost of repairs, together with his recommendations as to machinery, etc. which should be purchased and the probable cost thereof. "

He can't be buying or selling stuff without Board approval, and he needs to produce an inventory list with VIN# and cost and what it would cost to replace the item. He also needs to write a report about both accidents to the Board, also an annual Highway Superintendent's report on or before September 20th setting forth the money to be raised by taxes for highways and bridges and filed with the Town Clerk. Also any purchases shall be by voucher subject to Board approval listing specific information regarding the item purchased. The Town of Dayton employee handbook states "all employees have to punch in and out" and this needs to be done so that employees are not denied overtime pay. By Resolution #1 the Board approved the designation of safety inspector to the Code Enforcement Officer's title for the safety inspection of the Town Buildings and structures. A motion was made by Councilman Chupa, seconded by Councilman Ackley to have the attorney write Mr. Taber asking for these things and to carry out the employment policy. A vote was taken on the motion, Carried.

COURT: The Court heard in March, 23 Vehicle & Traffic, 5 Town Law, 3 Penal Law, 1 Civil case, a total of 32 cases, and collected \$1,503.00. A motion was made by Councilman Drajem, seconded by Councilman Chupa to approve the Court report. A vote was taken on the motion, Carried.

CLERK: Clerk Bennett gave her tax collector report for March-collected \$86,403.69 in taxes, \$1,727.96 in penalty, \$152.00 in second notice fees for a total of \$88,283.65. A motion was made by Councilman Clabeaux, seconded by Councilman Ackley to accept the Collector reports. A vote was taken on the motion, Carried.

There will be a training session for all government officers and employees on Wednesday, May 9th at Houghton College from 7:30 am to 4 pm.

There will be a free rabies clinic on Saturday, May 5th from 9 am to noon at the County DPW garage in Little Valley.

BILLS: A motion was made by Councilman Ackley, seconded by Councilman Clabeaux to pay General Funds claims #56-73 in the amount of \$19,713.02 as set forth in Abstract #4, dated April, 2018, Highway Fund claims #42-60, in the amount of \$4,024.01 as set forth in Abstract #4 dated April 11, 2018. A vote was taken on the motion, Carried.

SUPERVISOR: Supervisorardino-Miller asked the Board to transfer \$627 from A1990.4 to A1010.4, \$5500 from A1430.1 to A1320.4, \$10 from B1990.4 to B9050.8 in the general fund and \$3020 from DA5130.2 to DA5030.4, \$600 from Da5142.1 to Da5142.11, and \$5500 from DA5142.1 to DA9060.8, received JCAP grant of \$8217. A motion was made by Councilman Clabeaux, seconded by Councilman Drajem, A vote was taken on the motion, Carried.

A motion was made by Councilman Drajem, seconded to enforce the section of the handbook about the time clock and employees are to punch in and out. A vote was taken on the motion, Carried.

A motion was made by Councilman Ackley, seconded by Councilman Drajem to accept the Clerk's appointment of Janice Forster as Deputy Clerk and Registrar and to pay her for one month's training. A vote was taken on the motion, Carried.

Clerk Bennett is hoping to be back in her office on Monday, April 30th.

ASSESSOR: no report, she didn't work today.

CEO: Frank Watson, CEO reported that the permits are slow. We have a special use permit renewal for a mine on Wolfe Rd.

I am submitting updates to the fees for the wind towers. The Board will table at the present time to give them an opportunity to look at the updated fees.

CEO Watson said when you have a multiple use building you have to make sure all sections are safe for the employees and the public. Attorney Grenell spoke to having a safety officer one, for the liability purposed and two for a possible reduction in your insurance. Councilman Ackley asked if other Towns are doing this, the safety inspection would be a plus. CEO Watson said this would be an addition to his title and duties with no extra pay.

RESOLUTION #1: WHEREAS 19 NYCRR 1201.2-a states "A city, village, town or county will be accountable for administration and enforcement of the Uniform Code with respect to buildings, premises and equipment in the custody of, or activities related thereto undertaken by, the respective city, village, town or county."

WHEREAS the appointed code enforcement officer for the Town of Dayton, New York shall be the approved authority on construction, fire safety, health safety, property maintenance, energy conservation and public safety for all Town and public entry buildings/structures for the entire Town of Dayton, New York.

WHEREAS the duties of said officer to include inspections, reports and recommendations for corrections/upgrades in all areas Town and public entry buildings/structures.

WHEREAS a qualified outside agency input and recommendations can be used, however, all approval and direction of results/recommendations is thru the appointed code enforcement officer. All code enforcement inspections, reports and recommendations are to be presented to the Town Board for final direction and approval.

WHEREAS the following Town and public entry building/structures include but are not limited to Town Municipal Buildings, Fire Department, Highway Department, Libraries, Historical Museums, Churches, Court Rooms, Movie Theaters, Bowling Alleys, Schools, Visitor Centers, and other public entry buildings, and does not include the Municipality of the Village of South Dayton, New York or any U.S. Federal owned buildings/structures.

WHEREAS it shall be the duty of the appointed code enforcement officer to enforce the adopted NYS Code and Local Codes which have numerous chapters including the fire code.

THEREFORE BE IT RESOLVED, that an addition of safety office be made to the duties of code enforcement officer and that a fire and safety inspection of the

entire Town Building and Highway Department be done semi-annually.

A motion was made by Councilman Ackley, seconded by Councilman Chupa to pass Resolution #1 to add to the Code Enforcement Officer's duties by also including the title of Safety Officer. A vote was taken on the motion, Carried

Regarding the request for the land owner to be able to reclaim the end of Coon Road so they can access their property, Attorney Grenell said it is a Town Road and therefore, there would be a liability to the Town as it is Town property. The attorney's at the Association of Towns said there are too many liabilities to allow even the logger to do anything there. Councilman Chupa the highway liaison will talk to Highway Superintendent Taber about the cost and how long it will take to open the road tomorrow (Thursday April 12th).

The Supervisor and Town Clerk reports for March, 2018 were received by the Board.

PUBLIC: Eustolia Santana asked for an update on the cable. Supervisor Mardino-Miller said she had met with Spectrum and they were to get her a map to cover the whole Town not just part of the Town. A discussion ensued about the cable.

EXECUTIVE SESSION: A motion was made by Councilman Ackley, and Councilman Chupa to go into executive session for a personnel matter at 7:55 p.m. A vote was taken on the motion, Carried. A motion was made by Councilman Chupa, seconded by Councilman Clabeaux to return to the meeting at 8:20 p.m. no decisions were made.

ADJOURN: A motion to adjourn was made by Councilman Ackley, seconded by Councilman Chupa, at 8:23 p.m., Carried. The next meeting will be May 9, 2018 at 7 p.m.

Respectively Submitted,

Ruth Bennett