

REGULAR MEETING  
TOWN OF DAYTON  
WEDNESDAY, FEBRUARY 14, 2018  
7:00 P.M.

- PRESENT: Angie Mardino-Miller, Supervisor, Thomas Chupa, Diana Clabeaux, Dennis Ackley, Bruce Drajem, Town Council, Ruth Bennett, Town Clerk, Brian Taber, Highway Superintendent, John Grenell, Attorney, Dan Gabel, Roxanne Aucoin, Assessor, Eustolia Santana, Arnold Andolsek
- CALL TO ORDER: Supervisor Mardino-Miller called the meeting to order at 7:00 p.m. Supervisor asked for a moment of silence in memory of Paula Stockman, Deputy Town Clerk, Village Clerk for 27 years, County Legislator and Chairman of the County Legislature, as well as serving our community in various ways.
- 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 Ackley, seconded by Councilman Chupa. A vote was taken on the motion, Carried.
- HIGHWAY: The Highway Department reported they plowed and sanded 15 days of the month, had a January thaw and had a lot of washouts which are being fixed with in-house materials. We have some racks that were donated to us that makes the shop look more organized, the box for the ten wheeler has arrived we probably won't have that installed until March, I have a travel sheet to go to advocates day on March 6 & 7<sup>th</sup> for our CHIPS funding, I got some information for a 75% grant for a salt shed, we are within 2,000 feet from a stream and 500 feet from residential wells which would make us qualified.
- Shared Services – we paid \$530 to Smith Enterprises to get a truck pulled out, Mr. Taber responded that it was an emergency situation with a truck over the bank if I could have had another Town help I would have used them. We use shared services all the time.
- Arnold Andolsek asked about the liability insurance, Mr. Taber responded the Towns are all covered thru Cattaraugus County, if we do a shared service with the State we are covered by the State for one year.
- COURT: The Court heard in January, 13 Vehicle & Traffic, 3 Town Law, a total of 16 cases, and collected \$368.00. A motion was made by Councilman Chupa, seconded by Councilman Ackley to approve the Court report. A vote was taken on the motion, Carried.
- CLERK: Clerk Bennett gave her annual Clerk's report. A motion was made by Councilman Chupa, seconded by Councilman Ackley to accept the Clerk's reports. A vote was taken on the motion, Carried.
- There will be a training session on the Powers and Duties at Salamanca BOCES on February 27<sup>th</sup> at 5:30 to 8 p.m.
- BILLS: A motion was made by Councilman Chupa, seconded by Councilman Drajem to pay General Funds claims #14-43 in the amount of \$13,614.93 as set forth in Abstract #2, dated February 14, 2018, Highway Fund claims #14-29, in the amount of \$16,187.73 as set forth in Abstract #2 dated February 14, 2018. A vote was taken on the motion, Carried.
- SUPERVISOR: Supervisor Mardino-Miller told the Board Lee Ellis has asked that he be able to use the building for a hunter safety training course date yet to be announced. A motion was made by Councilman Chupa, seconded by Councilman Clabeaux to allow him to use the meeting. A vote was taken on the motion, Carried.
- The Supervisor asked the Board to move \$626.50 from A1989.4 Contingent line to A1010.4 Town Board Contractual to cover Councilman Drajem's schooling. A motion was made by Councilman Chupa, seconded by Councilman Ackley. A vote was taken on the motion, Carried
- Supervisor Mardino-Miller asked the Board if they wanted to have a public hearing to consider amending Local Law No. 3-2008 eliminating the ten year exemption for qualifying property owners and they shall retain the exemption as long as they remain qualifying owners. They agreed to have a public hearing before the next Board meeting.
- Supervisor Mardion-Miller will check into how many man hours are worked.

I have been here since January 1<sup>st</sup>, there has been an on-going problem that I believe needs to be addressed by the Board, the mail. I am not sure how there has been mail coming to this Town hall for decades, but now, all of a sudden since January 1<sup>st</sup> new mail boxes were bought and installed by Brian Taber on January 9 to ensure proper delivery of the mail.

There has been a great deal of back and forth between Clerk Bennett and Highway Superintendent Taber regarding mail pick-up and delivery. I have even witnessed what almost seemed like a race to the mail box. I have also observed Mr. Taber coming into the Clerk's office with the mail, separating it right in front of me not allowing the Clerk to log in anything.

I also observed the Clerk telling Mr. Taber more than once that it was tax season and she needed to get the mail. There has been hundreds of thousands of taxpayer's dollars passing through the mail in the last six weeks, as one would expect. I have been witnessing the Clerk as she does her job as well as Paula Stockman's job.

I met with Mr. Taber three times over these issues, received several text messages from him and four phone calls all regarding the mail, meanwhile, the Clerk has been using a temporary solution for the mail, by having it delivered to her house and to the Village post office box. In addition, my understanding is the Clerk used to deliver Mr. Taber's mail to his desk, however, after January 1<sup>st</sup> Mr. Taber also changed to lock on the shop door and he is the only one with the key to get in, so the Clerk can no longer enter that area to deliver his mail. As this problem progressed, I asked Mr. Taber to submit something in writing to the Board regarding these issues and he went to Councilman Chupa instead.

I believe that I have a couple of good ideas for resolutions regarding these issues, however, I believe the very first thing we need to do is understand Town Law and abide by it. We are all here for the best interest of the people of the Town of Dayton. That said, I have asked Mr. John Grennell to take a moment and speak to the State Law regarding the receiving and delivering of the municipal mail.

The Office of Town Clerk involves a great variety of different duties and responsibilities that are contained mainly in Section 30 of the Town Law, as well as in other statutes. She is custodian of all Town records under the Education Law 2140, Records Management Officer as designated by State Law under the Arts and Cultural Affairs Law 57.19, Recorder of all Town Board meetings, keeper of the Town Ordinance Book under Town Law 30.1, and keeper of the Town Local Law Book under Municipal Home Rule Law 27.6, as well as additional duties assigned by the Town Board under Town Law 30.11, so under the circumstances the Town Clerk is the one who receives and distributes the mail.

Supervisor Mardino-Miller stated that she was going to read Mr. Taber's text messages to her but she said she wasn't going to, however, the one thing that stands out here to me is that Mr. Taber said we need to do what we are elected to do. Another thing you said is that this has become harassment, I don't understand where the harassment comes from

Mr. Taber responded that "harassment is me not getting my mail, harassment is the mail goes in the mail box to wherever it goes, the mail goes to the Town hall and distributed is the legal and right way to do this. There is a mail box in the entry way the mail does not go on top of the box it goes in the box. The solution is that the mail is picked up from the mail box to the Town hall and distributed. I am not going to get mail from the street, I am going to get it out of my mail box where there is a camera, I'm not touching the Town mail. I am not going to that mail box over there ever again. I have been advised to stay away from it because of the fact that there is stuff in there that doesn't obtain to me. I need my bills, I don't need my bills piled on me on the date that I need to turn them in, the mail should to be picked up daily and delivered daily, this is not a big problem this is an easy solution. Supervisor--Brian, wait a minute I'm not done, excuse me, I'm not done, excuse me, I'm not done okay it's an easy solution, I would like to really resolve this matter by the mail being picked up, the mail being distributed correctly."

Supervisor Mardino-Miller responded "Mr. Taber, I have discussed this with you multiple times, there has been a death in our Town and there has been a catastrophic situation in our Town and she is working two jobs, Mr. Taber interjected-that's not my problem, Supervisor--"and you know what-I've got a message from one of your buddies showing us what you are posting on Facebook and that is doing what the Town people hired you to

do? Mr. Taber “the Town people need to know what is going on, that what needs to happen.” Supervisor – “Mr. Taber, Mr. Taber why is the door locked so that she can deliver the mail the way she always has?” Mr. Taber-“she’s not allowed into my shop any more-nobody is it’s a safety matter, that’s why the door locks were changed, that’s why the signs are on the doors, she knows that-it’s a safety issue. Nobody has a set of keys to my highway department, I’m in charge of the highway department.” Supervisor-“We’ll be looking into that and the reality is Mr. Taber you don’t have a matter out here in the office area.” Mr. Taber interjected “I don’t come out here and get my mail, that’s all I want to come out here for it’s under cameras that’s the easiest solution. Why does the Clerk get the mail and take it and ride around with it?” Supervisor responded “she doesn’t ride around with it-still there has been a catastrophic situation in this Town.” Mr. Taber interjects “its been happening for years, Roxanne had the same problem” Supervisor -“I don’t want to talk about the years, I want to talk about today.” Mr. Taber, “I’m just trying to explain to you that this is an ongoing problem, the Town Board has talked to the Clerk about this before, Councilman Chupa, Councilman Clabeau, I don’t remember if Councilman Ackley was involved its been an ongoing problem.” Supervisor – “If you get a piece of mail that’s missing now then you come and talk to me, don’t talk to me about yesterday.” Mr. Taber “I’d like my mail to be put in the mail box out here, I’d like to receive my mail in the hall way under camera, I don’t want to touch the mail, I’m not going to the mail box, I’m will not go to the Post Office nothing, I’ve been instructed not to, that’s what I did. That’s all I would like is my mail delivered daily in my mail box.” Supervisor – “It will be there four days a week, and the reality is, you need access somewhere besides here you need to put your mail box outside because you are not going to open access to the offices. The Clerk is not always here, right now she is here one day a week, that’s the reality, so we need to get a mail box and put it outside just like the Clerk’s with a lock on it.” Mr. Taber interjects “why ain’t I allowed to come out here, there’s cameras in this building.” Supervisor- “Mr. Taber it is an office area.” Mr. Taber- “This is a public building-the highway department is a different story, it’s a safety matter, Clerk comes sneaking out there and comes back and reports to you what my guys are doing, they don’t want her out there, it’s not happening. That’s it.” Supervisor –“You know what--that’s it, put your mail box outside.” Mr. Taber responded “Where would you like it?” The Supervisor asked the Clerk where she wanted the box put, she responded “between the door and the generator.” Mr. Taber responded “that’s where I will move it.”

Moving on to another subject-payroll for your men – what is their base pay? Mr. Taber responded I don’t have that information off the top of my head. Supervisor Mardino-Miller said let’s use Jayson Griffith as an example it’s public knowledge, he gets \$16.00 per hour, and he gets \$.75 more per hour for not taking health insurance correct. Mr. Taber responded yes. Supervisor then asked if it was included in that price. Mr. Taber responded, yes. Supervisor then said I’m not seeing it, I’d like to put before the Board, there was a motion passed in December, 2017 to increase Mr. Taber’s health insurance from \$400 per month to \$500 per month which equates to \$6,000 per year that the Town pays for Brian’s health insurance. On the other hand we have three other highway employees – Jayson Griffith \$16. , Ian Kickbush \$14.60, Jason Johnson \$14 per hour respectively, who are compensated \$.75 above their normal hourly rate for not taking health insurance, otherwise known as an insurance buy out. Full time hours for each of these gentlemen equals 2,080 normal work hours in a year, which only amounts to \$1,560 per year per employee. I believe it is our obligation to narrow this gap and give them more. I am asking for recommendations, as I look into this situation before our March meeting. Our insurance buyout needs to be clearer, much clearer for me as well as the highway employees, because if there is not a designated time of paying these men this \$.75 per hour, we are shorting them on their hourly rate. If we pay someone \$14 and we say that we pay them \$.75 per hour for an insurance buy out we are actually paying the \$14 per hour employee \$13.25. We need to know the base pay, with the breakdowns.

ASSESSOR:

Roxanne Aucoin reported that she had 78 Ag exemptions filed and 76 senior STAR exemptions filed, I also had a meeting with our State person on February 7<sup>th</sup> about our 2018 project, suggestions were made and new information was provided. All exemptions should be in by March 1<sup>st</sup> and I will be calling any property owners who have not yet filed anything.

Supervisor Mardino-Miller asked Assessor Aucoin when she started the revaluation project. She responded 2013, there are three components inventory, comparisons, and informational hearings. The Supervisor asked her for more information and dates.

CEO: Frank Watson, CEO reported that he is working on a renewal for a Wolfe Road mining permit.  
He issued a Certificate of temporary occupancy for a new house on Cottage Road, some more of the work will be done in the Spring then I can issue a Certificate of Occupancy.

He is working on getting the semi-trailers moved before the April 15<sup>th</sup> court date. He is also working on a Zoning Code proposal for limiting semi-trailer structures.  
He gave the Board recommendations for fee increases as nothing has increased since 2011.  
He is doing weekly roadside, drive-by and on-site inspections, there will be more attention given to improper, unsafe property management, and unacceptable automobiles. He spent 15 man hours. He also gave the Board an annual report of his and Gary Brecker's activities for 2017.

The Supervisor and Town Clerk reports for January, 2017 were received by the Board.

ADJOURN: A motion to adjourn was made by Councilman Ackley, seconded by Councilman Chupa, at 7:40 p.m., Carried. The next meeting will be March 14, 2018 at 7 p.m.

Respectively Submitted,

Ruth Bennett