

REGULAR MEETING  
TOWN OF DAYTON  
WEDNESDAY, JUNE 13, 2018  
7:00 P.M.

- PRESENT: Angie Mardino-Miller, Supervisor, Thomas Chupa, Dennis Ackley, Bruce Drajem, Diana Clabeaux Town Council, Ruth Bennett, Town Clerk, Dan Gabel, Rose Gagliano, Dan Weaver, Brian Taber, Highway Superintendent, Jason Johnson, Ken & Kathy Gens, John Mussell, Linda Till, Arnold Andolsek, Jo Ward, Observer, John Grennell, Dan Martonis, Kate, Assessors
- CALL TO ORDER: Supervisor Mardino-Miller called the meeting to order at 7:00 p.m. All stood and said the Pledge to the Flag.
- 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 Drajem. A vote was taken on the motion, Carried.
- HIGHWAY: The Highway Department reported they did two cross culverts, one 5' the other 4', finished the road sweeping, cut brush, helped a neighboring Town do some black topping, mowed lawns at Town Hall, cemeteries and around signs, had some washouts on the west side of Town and beaver problems in three places in Town, and are working with DEC on this.
- Superintendent Taber asked the Board about replacing a 10' sander the Board decided to table this until they get the finances in order.
- COURT: The Court heard in May, 22 Vehicle & Traffic, 1 Town Law, 1 Penal Law, 1 Civil case, a total of 30 cases, and collected \$1,866.00.
- CLERK: was not called on for a report
- BILLS: A motion was made by Councilman Ackley, seconded by Councilman Chupa to pay General Funds claims #95-123 in the amount of \$6,872.31 as set forth in Abstract #6, dated June 13, 2018, Highway Fund claims #72-89, in the amount of \$4,123.59 as set forth in Abstract #6 dated June 13, 2018. A vote was taken on the motion, Carried.
- SUPERVISOR: Supervisor Mardino-Miller asked Superintendent Taber about the dump box that is sitting in the parking lot. A motion was made by Councilman Chupa, seconded by Councilman Ackley to put it on the auction site.
- John Mussell and Linda Till asked why the signs were put at the end of Coon Rd. Mr. Chupa went up there and advised me that there were no signs up there.
- Supervisor Mardino-Miller asked why he was spending man hours putting up signs at the end of Coon Road when you said at the last meeting that "you were going to step aside and let the lawyer deal with it" why did you go up and put up the signs. Why are you going up there and wasting man hours, time and equipment putting up signs when you said you were going to let the lawyers handle it?
- Superintendent Taber responded that he had the signs placed in response to County highway directives and were not boundary or right of way markings for Coon Road. They were placed without accurate measurement. The yellow marker is the mileage we get from NYS DOT which is the mileage from Route 62. Superintendent Taber said this is not my fight. Supervisor Mardino-Miller said you have got yourself right in the middle of this by going up there and putting up signs. Mr. Taber you have been saying at public meetings that is an abandon road, which she repeated three times. Linda Till said it is not an abandon road,

we have proof of it. Superintendent Taber stated that the unimproved section of Coon Road has not been abandon. Mr. Taber then stated someone show me where the end of the road is. Linda Till said those signs are not okayed by the Board and he went up there and put them up anyway.

Councilman Clabeaux asked where this stands, Supervisor Mardino-Miller stated that Coon Road is Town property, however, there are two cases in this room and we do not have the power to enforce the law and it needs to go to court.

A motion was made by Councilman Chupa, seconded by Councilman Ackley to transfer \$2,373 from account A1990.4 and \$709 from A1920.4 to A1910.4, \$7 from B1990.4 to B9050.8 and \$5,310 from DA5130.2 to DA5130.4. A vote was taken on the motion, Carried.

The Board regretfully accepted the resignation of Ian Kickbush as of June 21, 2018. A discussion ensued about the time and money he had coming.

CEO:

Frank Watson, CEO reported that he is working on a few permits and that there will be a variance hearing on June 20<sup>th</sup>. Did the safety inspection in May and involved the DEC to find out if things were ok due to the closeness of the creek. New York State Code Article 19 says I'm authorized to inspect all assembly public buildings for at least one year for safety violations. The State also mandates an inspection once a year. Supervisor will give all the Board members and Brian a copy.

Glen Morey came to the Town Clerk and expressed a desire to sit on the Zoning Board of Appeals. A motion was made by Councilman Chupa, seconded by Councilman Ackley to appoint Glen Morey to the Zoning Board of Appeals. A vote was taken on the motion, Carried.

ASSESSOR:

Dan Martonis, County Assessor apologized to the Board for missing the last meeting. He then went on to tell the Board the things that should have been done, such as sales had not been put on back to September, 2017, there were splits back to 2016 that were not done, looked back thru the exemptions and found they were not put on – now everything has been updated. We also looked at all the exemptions and found some that were never put on and found some that had exemptions were not entitled to them, so we have corrected them. We then looked at the Income Verification Program for Enhanced STAR for the Senior Citizens were never put on even though we found the signed applications from the time of Bob Buskist and Mary Bailey were never put on. Now the IVP has to be filed by everyone who has Enhanced STAR and if they don't sign it they will not receive the exemption. We have now started taking photos to update the pictures on the properties.

Some of the projects we will be working on – make sure all road names are correct, the farm lands are classed right and wetlands are classified right. Grievance day went well.

Supervisor Mardino-Miller asked Superintendent Taber if he could take the safe in the Assessor's office to Franklinville. A motion was made by Councilman Chupa, seconded by Councilman Drajem to have the Highway Department to remove the safe in the Assessor's Office and take it to Franklinville. A vote was taken on the motion, Carried.

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

PUBLIC:

Rose Gagliano discussed the problem on Cabic Road and the Coon Road situation was also dicussed, Supervisor Mardino-Miller told them that the roads have to go

thru the County or Supreme Courts, the attorney or the Town Board can not do anything. Everyone involved with these land disputes need to hire an attorney.

Kathy Gens asked about Coon Road, she has lived there for fifty years and it has always ended there. Supervisorardino-Miller said if I was squatting on your property for twenty years it would be mine, however, it doesn't work that way with municipal property, if someone was squatting on municipal property for twenty years that doesn't make it theirs. The road was surveyed back in 1979 by the gas company and because of their survey all of the adjoining properties are being paid royalties, but only the ones on the east side of the road are being paid. Mussell went on their own and had another survey done so they would know where the road ends in relation to their property.

Ray Troutman asked how to go about appealing his new assessment, Dan Martonis told him how to go about doing that.

Councilman Drajem asked about the cable, Supervisor was told they were going to start in 2019, however, I'm waiting for a map of where this cable is going to go before we sign a franchise agreement.

Jason Johnson asked about the pay and whether it would be retroactive, the Board said it started with the May 10, 2018 payroll.

Supervisorardino-Miller asked Superintendent Taber about the two accidents, we have yet to receive a report in writing from you. Mr. Taber asked to go into executive session, Superintendentardino-Miller asked him why we have to go into executive session, you need to put together a report in writing and give it to the Town Board.

John Mussell asked about fixing Allen Street where it got dug out during the winter. Superintendent Taber said he would take care of it.

Superintendent Taber asked the Board if when he calls the employees in after regular hours and they work for one hour he can pay them for a minimum of three hours. The Board decided to table until they get a better handle on the finances.

ADJOURN: A motion to adjourn was made by Supervisor Ackley, seconded by Councilman Chupa, at 8:35 p.m., Carried. The next meeting will be July 11, 2018 at 7 p.m.

Respectively Submitted,

Ruth Bennett