

REGULAR MEETING
TOWN OF DAYTON
WEDNESDAY, OCTOBER 14, 2020
7:00 P.M.

- PRESENT: Angie Martino-Miller, Supervisor, Bruce Drajem, Dennis Ackley, Jake Hansen-Ivett, Paul Luce Town Council, Ruth Bennett, Town Clerk, Tom Chupa, Highway Superintendent, John Grennell, Attorney, Kate Harrington, Assessor, Stephen Raiport, Disaster Coordinator, Christine Pagett, Jeremiah Tinnillo, Matt Arbeiter, Frank Watson, CEO
- CALL TO ORDER: Supervisor Martino-Miller called the meeting to order at 7:00 p.m. All stood and said the Pledge to the Flag.
- Due to the Governor's executive order 202.1, we can allow a limited number of the public to attend our meeting this evening, hopefully by next month the COVID-19 is manageable enough that will have changed.
- 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: Highway Superintendent Chupa reported that they put a new radiator in the ten-wheeler, mowing road sides, working around the shop cleaning up junk and wood and reorganizing things. We put new metal roofing on the sander shed and the court building, cut brush on VanEtten and Miller Roads, patched and graded White Road, cleaned up shoulders, cut brush and trees where the wind blew them down, and we fluid filmed the trucks.
- Everything we have done around the shop and roads for repairs-including painting, patching roads, black topping, repairing trucks and equipment, has been within the Town budget including our CHIPS monies that got cut by 20% or almost \$18,000, that we have already received back from the State.
- CLERK: Clerk Bennett reported the Court heard 12 Vehicle & Traffic Law Law and collected \$754.
- The schedule from Southern Tier West for the fall webinars are still ongoing October 14 at 2 p.m. and go thru December 2nd most of them are one hour each.
- Regarding the dog census that needs to be taken, I have three quotes – Falconer Printing for 1300 double postcards is \$180, Ferguson \$135, and Register Graphics \$287 this does not include postage.
- TRANSFERS: A motion was made by Councilman Drajem, seconded by Councilman Luce to approve budget transfers of \$140 from A1010.4 to A1220.4, and \$2.00 from B9040.8 to B9050.8. A vote was taken on the motion, Carried.
- ASSESSOR: In August, school tax bills were mailed on September 1. The release of school taxes, the first to be issued from the new tax roll, can make some assessment errors obvious, e.g.: missing STAR exemption, if you notice that an error has been made, notify our office immediately. The assessing office corresponded with several property owners about their assessments, tax bills, and exemptions. Six property transfers were added for the month of June and three for the month of July.
- In September, the STAR checks delivery schedule is available online at <https://www.tax.ny.gov/pit/property/star/star-check-delivery-schedule.htm> Those who have not yet received a check can check the status there.
- Two Dayton property owners, unhappy with the BAR's decisions, pursued Small Claims Assessment Review (SCAR) hearings: Brian Taber and Mark Thompson. The hearings took place on September 10th.

Mr. Taber grieved a one acre parcel with a cabin on skids. The BAR lowered the assessment from \$21,000 to \$18,000. Property owners can only file SCAR petitions for owner-occupied residences or unimproved land that is too small to build on. Mr. Taber's attorney argued that this lot was too small to build on and, therefore, qualified. I spoke with Andrew Wolf, Cattaraugus County Health Department Sanitarian, who disagreed stating that the County would approve both a well and septic on this parcel. In light of this information, the Hearing Officer dismissed the petition.

Mr. Thompson grieved his 181.96 acre property on Bentley Road. The BAR lowered the assessment from \$232,300 to \$160,000. Most of Mr. Thompson's attorney's arguments revolved around the poor condition of the home and wetness and restrictions in the land. These were already accounted for in the BAR's decision. Another argument was that the EPA Superfund Cleanup of the Peter Cooper Markham site, which is adjacent to the property. The Cattaraugus County Environmental Health Director, Eric Wohlers, provided me with information from the EPA that detailed the initial cleanup and maintenance of the site. After sharing this information with the Hearing Officer, he decided to not lower the assessment further.

The assessing office has corresponded with several property owners about their assessments, tax bills, and exemptions. Two property transfers were added for the month of August.

ATTORNEY: The attorney said he spoke to Mr. Crisanti regarding the cemetery and was aware of the access to the cemetery as he has lived here for years. Highway Superintendent told the Board there is still only one drive way open for ingress and egress.

CEO: CEO Watson reported he issued three permits, one stop work order, and three others – two special use and one variance and also has six or seven active cases in Court.

ARBEITER: Supervisor Mardino-Miller called on Matt Arbeiter to answer questions from the Town Board about the tires he has on his property for sale. Mr. Arbeiter said DEC Officer Robert Nosal told him that the tires are not solid waste unless they are useless.

CEO Watson read from the "Code of the Town of Dayton" Section 150-5A,B&C which reads as follows: "No commercial hazardous waste treatment, storage or disposal facility shall hereafter be permitted to commence operation or expand operations within the Town of Dayton.

No solid waste management facility (landfill, ashfill, solid waste incinerator, etc.) shall hereafter be permitted to commence operation or to continue operation within the Town of Dayton.

Waivers from these prohibitions may be granted by the Town Board in its discretion, and on such conditions as it may reasonably establish, only for facilities located on an applicant's premises and serving only the applicant's waste products generated within the Town. Persons who believe they qualify for such a waiver shall apply to the Town Board and provide such information, proof of financial security and such other documents as the Town Board may reasonably require. No person who qualifies for and receives this waiver shall accept, handle, import, transport, or handle any waste created or generated by any other party or from any location outside of the Town of Dayton."

Attorney Grennell asked if the tires are being reused or are they garbage? Mr. Arbeiter responded that he was selling them. Attorney Grennell asked what happens to the ones that are garbage. Mr. Arbeiter responded that he takes them to the dump every day.

CEO Watson then read the definition of “Recycling – The reuse of solid waste recovered from the solid waste stream into goods or materials suitable for reuse in original or changed form.” And “solid waste – All putrescible and nonputrescible materials or substances that are discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial, commercial and household waste, sludges from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue and construction and demolition debris.”

After some more discussion Councilman Luce then read from the Code, Section 154.4 Exemptions – “A. the following are not subject to this article: (1) Any activities occurring within the Village of South Dayton, (2) Any disposal of manure in normal farming operations, (3) Any operation or facility which receives or collects only nonputrescible, nonhazardous solid waste and beneficially uses or reuses or legitimately recycles or reclaim such waste. Such exemption facilities would include citizen recycling programs, municipal recycling operations, and bona-fide salvage dealers; and (4) The operation of the Cattaraugus County landfill located within the county, subject to the county’s continued ownership and operation of such landfill in accordance with all applicable DEC requirements. B. None of the above exemptions shall be construed to permit any activity contrary to existing building codes or other laws or as exempting persons engaging in any such activities from obtaining any other permits required by State or Local Law.” He then reread Section 150-5.

CEO Watson stated that the fact still remains that this is a residential home in and Agriculture/Forestry District on Route 62. We need to have safe ingress and egress, right of way clearances among other things. If you grant this waiver, before this goes to the Zoning Board of Appeals Mr. Arbeiter will have to answer some more of my questions in writing that I can give to the ZBA.

A motion was made by Councilman Hansen-Ivett, seconded by Councilman Drajem to grant the waiver with Town Board input to the Zoning Board of Appeals within five days of this meeting. A vote was taken on the motion. Carried.

SUPERVISOR:

Supervisor Angie Mardino-Miller reported that she had talked to Mark Stifter from NYSEG about the street lights. If we change the street lights to LED it will be a onetime fee of \$600 and by changing them the Town could save about one half of our bill which is \$389 this month but will go up as it gets darker earlier. A motion was made by Councilman Luce, seconded by Councilman Drajem to get a written proposal for the next Board meeting. A vote was taken on the motion, Carried.

The Board agreed to have the Public Hearing on the budget at 7 p.m. on November 11, 2020.

Supervisor Mardino-Miller spoke about a grant workshop for the new 10 wheeler.

A motion was made by Councilman Ackley, seconded by Councilman Hansen-Ivett to award the printing of the postcards for the dog census to Ferguson for 1300 cards at a cost of \$135. A vote was taken on the motion, Carried.

Spectrum is completed and are now going door to door to sign up people to use the service.

Councilman Luce handed out a proposal for a computer system upgrade which included a Microsoft package example: one-time fee \$1200, monthly fee for 10 users \$319.90, annual expense for service \$3,888.80. Board tabled proposal to get other quotes.

DISASTER

Stephen Raiport reported that he, Tom Chupa, and Jim Krill from South Dayton
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COORDINATOR:

attended the hazard mitigation workshop. Each Town represented discussed their wish list and filled out paperwork. The Town of Dayton asked #1. A salt shed so the Town can store an ample supply of salt, #2. VanEtten Road slide and culvert which would be a 75%/25% matching funds and #3. Increase size of culverts on Maltbie and Jolls Roads to help with flash floods and also help Gowanda in case of a flash flood.

BILLS:

A motion was made by Councilman Hansen-Ivett, seconded by Councilman Drajem to pay General Funds claims #122-143 in the amount of \$6,572.38 as set forth in Abstract #10, dated October 14, 2020, Highway Fund claims #119-135, in the amount of \$12,761.64 as set forth in Abstract #10 dated October 14, 2020. A vote was taken on the motion, Carried

The Town Clerk and Supervisor reports for September, 2020 was received by the Board.

ADJOURN:

A motion to adjourn was made by Councilman Ackley, seconded by Councilman Drajem, at 8:30 p.m. Carried. The next meeting will be November 11, 2020 at 7 p.m. beginning with the Public Hearing on the 2021 Budget.

Respectively submitted,

Ruth Bennett, Town Clerk