

REGULAR MEETING
TOWN OF DAYTON
WEDNESDAY, AUGUST 14, 2019
7:00 P.M.

- PRESENT: Angie Mardino-Miller, Supervisor, Thomas Chupa, Bruce Drajem, Diana Clabeaux Town Council, Ruth Bennett, Town Clerk, Frank Watson, CEO, Dan Gabel, Donald Taber, Jake Hansen-Ivett, Paul Luce, Absent-Dennis Ackley
- 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 Drajem, seconded by Councilman Clabeaux. A vote was taken on the motion, Carried.
- HIGHWAY: The Highway Department put in driveway pipes and cleaned road ditches, we had a hard rain that created a few washouts, we've been doing some shoulder cuttings getting ready to do some CHIPS projects, we put some more material on the dirt roads and turn arounds to get them ready for winter. We had to send truck #5 to the County shop to be plugged in, this was done through shared services except for the parts, this would have been very costly if we would have sent the truck to Buffalo.
- CLERK: Clerk Bennett reported the Court heard 31 Vehicle and Traffic, 1 Penal Law, 4 Town Law for a total of 39 cases and collected \$1,836.00.
- ASSESSOR: My hours in the Dayton office have changed to 8 a.m. to noon from 9 a.m. to noon. The 2019 final roll was filed on July 1st, a copy of the roll has been left with the Town Clerk, it is also available on the County website.
- Attended a NYS Assessors' Association training July 14-19th, this training covered reporting the three methods of valuing properties—cost, market and income, this is a required course for NYS Certification.
- Our staff has been collecting data in Dayton and South Dayton. The Village is complete, including photos of all properties. We are now working on data collection for Town parcels and have completed over half at this time. Photos have been added for all vacant properties in the Town and Village, these photos are satellite images from the County tax map.
- Corresponded with several property owners about their assessments, tax bills and exemptions. Added 18 property transfers for the month of March, four for April, three for May and eight for June.
- Received a letter from the Department of Public Service regarding NYSEG and Rochester Gas and Electric requesting the NYS Public Service Commission approve proposed increases in their electric and gas rates to take effect in April 2020. The public hearings are being held in Rochester, Keene Valley, Ithaca and Binghamton, N. Y.
- Read a letter of resignation from Eric Estes effective August 29, 2019.
- CEO: I have processed four building permits for a pool, shed, replace a roof structure, demolish a house. I am also waiting on a road and bridge report. I wrote a description of general thoughts on what would need to be done at the Town Hall. Councilman Drajem has found it is tough to find contractors, he has found two and is working on the third.
- I am working on an unauthorized demolition, and open market stand that is using the building for a farm stand, and discussed code enforcement.
- Mark Meyerhofer spoke about the progress on the cable. The Public Service

Commission approved the settlement in July and has moved sitting franchises so that the Alternative Franchise can move forward. Spectrum has submitted pole license permits to NYSEG & Verizon. Some residents may have seen Spectrum trucks in Town, as we were finalizing our list of pole permits that were submitted in April. The pole permitting approval process is the longest part of the buildout process, typically taking six to nine months. As we begin to receive information back from the utility companies throughout the remainder of 2019, residents may see Spectrum trucks or contractors for Spectrum moving wires or replacing poles. This is part of our “make ready” work, as we need to comply with any issues related to NYSEG or Verizon as it relates to their guidelines for cable wire attachments. After make ready work is completed, the utility companies conduct a final review/inspection before releasing the pole licenses. We currently expect to begin hanging our lines in March, 2020 and have targeted October, 2020 as our completion date. Town residents will be able to order service as we complete our work over the eight month period. As with any of our projects, this timeline is subject to change, due to unforeseen circumstances or weather related issues. As we complete work, then we will be knocking on doors and take orders to have cable service. We are on target in the permitting process.

A motion was made by Councilman Chupa, seconded by Councilman Clabeaux to put a notice in the paper for two weeks regarding the notice of approval of Alternative Franchising Procedure.

SUPERVISOR: Read a letter from the Dayton Historical Society asking that the Town Board waive the fee for a building permit to replace the roof on their building. A motion was made by Councilman Chupa, seconded by Councilman Clabeaux to waive the building permit fee. A vote was taken on the motion, Carried.

RESOLUTION #1: Whereas, the County of Cattaraugus and its municipalities are empowered to enter into joint service contracts pursuant to Article Five-G of the General Municipal Law, and

Whereas, Real Property Tax Law Section 1537 makes provision for the County to provide assessing services to its municipalities.

Now, therefore be it resolved that the Town Supervisor is hereby authorized to executed a contract with Cattaraugus County to enter into the aboved named contractual arrangement for the term of October 1, 2019 through Serptember 30, 2025

A motion was made by Councilman Chupa, seconded by Councilman Drajem to enter into a contract with Cattaraugus County for Assessing Services. A vote was taken on the motion, Carried.

RESOLUTION #2: Whereas, the Town of Dayton has identified the lack of assessment uniformity, the Town feels that it is necessary to conduct an assessment update project of all properties for the 2010 assessment roll to maintain a uniform standard of assessment for the Town; and

Whereas, the State of New York will provide financial assistance to the Town for the implementation of a system of real property administration which conforms to the standards established pursuant to Subdivision 1 of Section 1570 of the Real Property Tax Law;

Now, Therefore, it is hereby Resolved, by the Town Board of the Town of Dayton, New York, that the Town of Dayton hereby requests State assistance, specifically from the NYS Office of Real Property Services, to help complete an assessment update project to maintain a uniform standard of assessment in accordance with Section 305 of the Real Property Tax Law; and it is further;

Resolved, that the Supervisor is hereby authorized and directed to expend the

necessary funds for the completion of an assessment update project.

A motion was made by Councilman Drajem, seconded by Councilman Clabeaux to approve the resolution requesting State Assistance for a reassessment project for the Town of Dayton. A vote was taken on the motion, Carried.

Read a Local Law proposal to modify the current local law pertaining to the Senior Citizen Exemption that would allow for Unreimbursed Medical Expense deduction that would be deducted from the owners' income to potentially increase their percentage of exemption. A motion was made by Councilman Drajem, seconded by Councilman Clabeaux to hold a public hearing on the matter before the next Town Board meeting. A vote was taken on the motion, Carried.

In an effort to take a proactive approach with the flooding issues with Thatcher Brook, I have had discussions with Town of Persia representatives Walgus and Koch regarding a renewed effort to do some more tree and debris removal out of Thatcher Brook similar to what was done a couple of years ago.

We were assisted in obtaining a permit for the tree removal, including incidental equipment crossings where necessary, and the permit was issued to the Town of Dayton, since the reach of the creek that work was performed was located in that Town. We have a one year permit.

One of the ways to cut costs that was discussed, is to ask the work program at Collins Correctional work program be involved.

Removal of woody debris can be done in the stream channel by hand and from equipment operating from the top of banks with no significant disturbance to the banks without a permit, but if equipment will be operating within the stream channel it would require a permit.

The property tax freeze credit was done in 2016, now there is a property tax relief credit based on income, not based on whether the Town stayed within the tax cap.

We still have not heard anything back from the NYS Comptroller's Office about what the final findings will be.

BILLS: A motion was made by Councilman Drajem, seconded by Councilman Chupa to pay General Funds claims #131-147 in the amount of \$5,129.89 as set forth in Abstract #8, dated August 14, 2019, Highway Fund claims #74-83, in the amount of \$3,357.84 as set forth in Abstract #8 dated August 14, 2019. A vote was taken on the motion, Carried.

PUBLIC: Donald Taber asked about various people getting building permits, "if I have to have one, then they should have one also". CEO Watson responded – Justin Weeden, The Master Plan Café got building permits. When beams or rafters are replaced, size of windows or doors made larger or smaller, you need a permit. Mr. Taber then stated "I'm not tearing a hole in the roof or ceiling to take a picture for you." CEO Watson responded, I need an interior and exterior photo of what you did, I didn't ask you to tear anything apart.

Also according to the law all complaints need to be in writing so I can check out what the complaint is and respond back to you.

We also need another Board of Assessment Review member.

The Town Clerk and Supervisor reports for July, 2019 was received by the Board.

ADJOURN: A motion to adjourn was made by Councilman Chupa, seconded by Councilman Drajem, at 7:53 p.m., Carried. The next meeting will be September 11, 2019 at 7

