

REGULAR MEETING
TOWN OF DAYTON
WEDNESDAY, FEBRUARY 13, 2019
7:00 P.M.

- PRESENT: Angie Mardino-Miller, Supervisor, Thomas Chupa, Dennis Ackley, Bruce Drajem, Diana Clabeaux, Town Council, Ruth Bennett, Town Clerk, John Grennell, Town Attorney, Frank Watson, Arnold Andolsek, Ray Troutman, David Kohler, Jeff Cook, Dan Gabel, Don Lulas, Justin Lewis, Paul Luce, Dave & Pat Raby
- 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 Clabeaux, seconded by Councilman Ackley. A vote was taken on the motion, Carried.
- HIGHWAY: Highway Superintendent reported they plowed twenty days. We had spring issues on two trucks and an injector issue on one truck. Cut brush, the John Deere Loader has a problem. The loader's articulating bearing has gone. John Deere came and checked the machine and said it would cost about \$9,794 to fix it. A motion was made by Councilman Chupa, seconded by Councilman Drajem to send it to Buffalo to ascertain the cost and fix the loader. Brian stated that come October we need to return the money for the cost to fix the loader where it was taken from or I will run out of money.
- Highway Superintendent stated that the Board is now paying 95% of his health insurance as it is going to go up \$79.00, he then asked to Board to consider paying 100% of his health insurance seeing he didn't get a cost of living increase in this year's budget. Most of the other Towns in the area are paying 100% of their Highway Superintendent's health insurance. Laura said the money was in the budget but for some reason it was taken out. I would like the Town Board to consider paying 100% of my health insurance. Supervisor Mardino-Miller stated, my first question for the Board is do you want to table this for next month or do you want to discuss this now. Councilman Drajem said I think we should talk about the first piece, we are already paying 95% that's definitely on the table, but we have to do our due diligence about the second part and see if the other Towns are picking up the 100%, Diana stated most of them are picking up 100%, is it in the budget? Supervisor Mardino-Miller stated the Town is currently paying \$6,000 a year, Brian pays \$26 a month, it is going up \$50 a month, so he would pay \$75 a month instead of \$26. Councilman Ackley said he thought they had already discussed this matter when we doing the budget, so maybe next budget we could talk about it. Councilman Chupa said he feels the same way that Dennis does either that or table for a month till we see what we've got. Bruce asked if we have two motions on the floor, keeping it at 95% and then next month we talk about trying to increase it to 100%. Supervisor Mardino-Miller said I think it's a little more than 95% so I think we need to table the whole thing. We are trying to be equal and fair with you Brian A motion was made by Councilman Chupa, seconded by Councilman Ackley to table the insurance question until next month so they could have more time to look into it and discuss it. A vote was taken on the motion, Carried.
- CLERK: Clerk Bennett reported the Court heard 8 Vehicle and Traffic, 12 Town Ordinance, for a total of 20 cases and collected \$645.00.
- The 2019 annual meeting & training school will be February 17-20, 2019 in New York City.
- Southern Tier West is presenting Powers & Duties for New Elected and Incumbent Local Officials on February 19, 2019 at 5:30 p.m. in Salamanca, New York.
- ASSESSOR: We are still receiving and processing renewal applications for the Enhanced STAR

Exemption, Senior Citizen Exemption, and Agricultural Assessment. The deadline to submit these applications is March 1st. We still need 46 Enhanced STAR applications, 20 Senior applications, and 36 Ag applications. Reminders were mailed out on Friday, February 8th to all applicants that had not yet submitted their renewal application. No applications will be accepted after March 1st, so if you or someone you know needs to submit an application, please do so as soon as possible.

Kate took a Data Collection Exam on Friday, December 7, 2018 and got a 99%. This exam is a requirement for Assessor Certification.

Corresponded with several property owners about their assessments, tax bills and exemptions.

Added six property transfers for the month of December, 2018 and nine for January, 2019

CODE ENFORCEMENT: CEO reported slow work on property maintenance issues. Issued an appearance ticket for February 21st. Issued no building permits. CEO Watson gave the Board his report for 2018.

BILLS: A motion was made by Councilman Ackley, seconded by Councilman Drajem to pay General Funds claims #13-28 in the amount of \$4,737.58 as set forth in Abstract #2, dated February 13, 2019, Highway Fund claims #2-18, in the amount of \$11,484.51 as set forth in Abstract #2 dated February 13, 2019. A vote was taken on the motion, Carried.

SUPERVISOR: Supervisor Mardino-Miller introduced Mark Meyerhofer from Charter Communications to discuss a franchise for cable with the Town Board. He brought a map to show where they want to go, which is about 550 houses, and talk about a franchise proposal for cable service in the Town. Because this is a new franchise, we have to go thru an alternative franchising process which requires certain waivers. I will send the details to the Town Attorney and Supervisor. We need to notify the Public Service Commission by letter which starts the process for the alternative franchise, this process will take 8 to 9 months. Charter Communications will send an application to the Public Service Commission of their intention and get pole permits to put the cable on the poles of NYSEG or Verizon, which takes eight or nine months. We use fiber cable to the home so the owner won't have to worry about speeds and can do the latest technology for years to come.

If a homeowner is not on the list of 550 homes, how do they get service without paying thousands of dollars?

The State requires 35 homes per mile, however, that could be brought down to 20 homes per mile and the cost is set by the State, the cost is about \$30,000 per mile and can go up to \$90,000 per mile which is underground, this is not an exclusive agreement, so another service can come into Town and provide cable service.

Current installation fee is \$99 now – 0-5% franchise fee goes on customer's bill if they have TV, if they just have internet service there is no charge, this fee is collected by the provider and would be given back to the Town annually. We are in the Town's right of way and the Town is allowing us to use their right of way is the basis for the fee.

The contract is for 15 years, if in the future the municipality says you are doing a great job, we are going to shorten the terms of contract say to ten years we would like you to add some more houses, these discussions can be done in the background, to extend a franchise.

The Public Service Commission can take as long as they want to approve a

franchise agreement.

EXECUTIVE SESSION: A motion was made by Councilman Ackley, seconded by Councilman Clabeaux to go into Executive Session to discuss the cable service to the Town at 7:46 p.m. A vote was taken on the motion, Carried.

A motion was made by Councilman Ackley, seconded by Councilman Drajem to return from Executive Session at 8:03 p.m. A vote was taken on the motion, Carried.

The Board decided to get the required permits, and the franchise fee is going to be zero so that we are not adding more onto the taxpayers. As soon as the Public Service Commission approves the alternative franchise process, then you can set a public hearing. A motion was made by Councilman Chupa, seconded by Councilman Ackley to authorize the Supervisor to sign a letter of intent and all documents that may be required to proceed in the allocation of a time to set public hearing and the process required by the Public Service Commission. A roll call vote was taken on the motion, Drajem-aye, Clabeaux-aye, Mardino-Miller-abstain, Chupa-aye, Ackley-aye.

The Supervisor asked what the Board wanted to do about updating the Code book. The last time the Town updated their Code was in 2003 with Local Law #1-2002. This Local Law adopted your Code book after General Code Publishers completed the initial project. We invested money in this Code project in the early 2000's and then never did anything to keep it current. This is an ongoing process, not a one and done project. A motion was made by Councilman Chupa, seconded by Councilman Ackley to update the Town of Dayton Code book and also have an E-Code version. A vote was taken on the motion, Carried.

PUBLIC: David Kohler, Dan Gabel, Councilman Drajem asked questions of Mr. Meyerhofer.

Jeff Cook asked about the letter he received. Highway Superintendent Taber told him where he parks the van is in the road right of way and people can't see around it. After discussion the highway superintendent said he will call the County on Thursday, February 14th and have them put up a guard rail.

Moneca Guhr discussed Bridge Street.

The Town Clerk report for January, 2019 was received by the Board.

ADJOURN: A motion to adjourn was made by Councilman Chupa, seconded by Councilman Clabeaux, at 8:40 p.m., Carried. The next meeting will be March 13, 2019 at 7 p.m.

Note from the Town Clerk regarding the Town of Dayton Code – the Town received a grant to codify all the previous Local Laws passed by the Town into one book and was passed on August 26, 2002. That book has been locally kept up to date by the Town Clerk, when a new Town Law is passed. Even though General Code Publishers version is not up to date the current edition of the book we are using is up to date.

Respectively Submitted,

Ruth Bennett

