

REGULAR MEETING
TOWN OF DAYTON
WEDNESDAY, OCTOBER 13, 2021
7:00 P.M.

- PRESENT:** Angie Mardino-Miller, Supervisor, Paul Luce, Jake Hansen-Ivett, Town Council, Ruth Bennett, Town Clerk, Tom Chupa, Highway Superintendent, John Grennell, Attorney, Frank Watson, Code Enforcement Officer Lee Ellis, Bailiff, Lester Jones, Allen Jones, Terry Jimmerson, Absent: Bruce Drajem, Christine Rupp, Steve Raiport
- 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.
- 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.
- A moment of silence was held in memory of Tina Chupa, former Tax Collector for nineteen years and Josephine Beightol former Town Justice for eight years.
- 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 Hansen-Ivett, seconded by Councilman Luce. A vote was taken on the motion, Carried.
- S DAYTON FIRE COMMISSIONER:** The candidate for the position of Fire Commissioner for the South Dayton Fire District for a period of 5 years to commence on January 1, 2022 is Todd Vianese, he will replace Jerry Williams. A motion to appoint Todd Vianese was made by Councilman Luce, seconded by Hansen-Ivett. A roll call vote was taken on the motion- Luce – aye, Hansen-Ivett – aye, Mardino-Miller – aye.
- HIGHWAY:** Highway Superintendent Chupa reported they went to Perrysburg and helped them oil and stone, went to Persia and helped haul gravel, we have been under coating and servicing trucks, cutting brush on Bridge Street, both sides of the road closed, an everyday thing to unplug pipes on Cabic, Gabel and Bentley Roads, and have been working in the shop getting the trucks ready for winter.
- ASSESSOR:** The STAR check delivery schedule is available online, corresponded with several property owners about their assessments, tax bills, and exemptions, added seven property transfers for the month of August.
- CLERK:** Clerk Bennett reported the Court processed 18 Vehicle & Traffic Law, and 1 Town Law a total of 19 cases and collected \$1,214.00.
- The Clerk read a notice from Southern Tier West regarding the Fall Planning & Zoning Webinars beginning September 9 at 1 p.m. via zoom.
- SUPERVISOR:** The Supervisor asked for a motion to transfer \$441.00 from A1220.4 to A1910.4, \$143.00 from A9030.8 to A9050.8, \$19.00 from B9040.8 \$25.00 from B9030.8 to B9050.8, \$71.00 from DB9040.8 to DB9030.8, and \$61.00 from DB9040.8 to DB9060.8. A motion was made by Councilman Hansen-Ivett, seconded by Councilman Luce, a vote was taken on the motion. Carried.
- A motion was made by Councilman Luce, seconded by Councilman Hansen-Ivett, to hold a public hearing on November 10 for the purpose to opt out of the operation of licensed adult-use cannabis retail dispensaries and/or on-site consumption sites. A roll call vote was taken on the motion – Luce – aye, Hansen-Ivett – aye, Mardino-Miller – aye.
- CEO:** CEO Watson issued two permits, also received a request from Hanson Aggregates that they would like to put in a well and pump 22,000 gallons of water a day. I don't want this to affect the neighbors and I have contacted the Department of Health for their opinion on this, I'm waiting for them to get back

to me.

BILLS: A motion was made by Councilman Luce, seconded by Councilman Hansen-Ivett to pay General Funds claims #132-144 in the amount of \$4,258.05 as set forth in Abstract #10, dated October 13, 2021, Highway Fund claims #1127-133, in the amount of \$3,474.13 as set forth in Abstract #10 dated October 13, 2021. A vote was taken on the motion, Carried.

DISASTER COODINATOR: Nothing to report.

ATTORNEY: Attorney Grennell explained that he had been in contact with the Cattaraugus County Abstract Company regarding the German Lutheran Cemetery at Markham and they could find no easement or right of way, no access. The Town would need to acquire an easement or right of way from either land owner who has frontage to the road. Attorney is to send a memorandum.

PUBLIC: Terry Jimmerson came to complain about John Gibbs bees. Lester and Allen Jones feel there are too many bees for the size of the lot they are on. Allen is allergic to bee stings. We called the Department of Agriculture and Markets they said there are too many bees per the size of the property. Mr. Gibbs has about 80 hives on this property. Lester Jones has questions about the number of bees on a property, for the town's sake they have to determine if this is a health issue. Supervisor Mardino-Miller said CEO Watson can make a request on behalf of the Town to contact Dept. of Agriculture & Markets. CEO Watson asked them to put in writing a notice of defect and send it to Mr. Gibbs. Also get proof of sending the notice so you have it in order to file a civil action. Lester said the Dept. of Agriculture & Markets said that bees are a nuisance if they are consentrated.

The Town Clerk, and Supervisor reports for September, 2021 was received by the Board.

ADJOURN: A motion to adjourn was made by Councilman Hansen-Ivett, seconded by Councilman Luce, at 7:40 p.m. Carried.

The next meeting will be November 10, 2021 at 7 p.m.

Respectively Submitted,

Ruth Bennett, Clerk

