

REGULAR MEETING  
TOWN OF DAYTON  
WEDNESDAY, SEPTEMBER 8, 2021  
7:00 P.M.

PRESENT: Angie Mardino-Miller, Supervisor, Christine Rupp, Paul Luce, Bruce Drajem, Town Council, Ruth Bennett, Town Clerk, John Grennell, Attorney, Lee Ellis, Bailiff, Absent: Jake Hansen-Ivett, Frank Watson, Tom Chupa, 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 Pete Stoltenberg our Zoning Board of Appeals member and the people who were lost 20 years ago on September 11, 2001 and their families.

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 Rupp. A vote was taken on the motion, Carried.

HIGHWAY: Highway Superintendent Chupa reported they helped the Town of Persia clean out the trash rack in Thatcher Brook, working on Allen Street cleaning out ditches and cutting brush, put up new signs where needed, also got our new truck and would like permission to put the old truck up for auction.

A motion was made by Councilman Drajem, seconded by Councilman Rupp to put the old utility truck up for auction. A roll call vote was taken on the motion, Drajem-aye, Rupp-aye, Luce-aye, Mardino-Miller-aye.

ASSESSOR: Jay McMaster, property owner of 25.002-1-9 on Route 353 is seeking judicial review by commencing a tax certiorari proceeding in NYS Supreme Court pursuant to Article 7 of the Real Property Tax Law. This will be handled by the Town Attorney and the School District Attorney. The property is comprised of 273.14 wooded acres, one acre of which is considered Primary, and 24.69 acres that are valued as wetland. At this point, the petitioner has provided no evidence to support the \$195,000 (average of \$714 per acre) assessment he is seeking. This property is valued using the same land table as all other parcels in the Town of Dayton and is currently assessed at \$321,800 (average of \$1,324 per acre).

School tax bills were mailed on September 1<sup>st</sup>. This 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 please notify our office immediately.

Because of the high standards and hard work of our 2020 reassessment, Dayton has met the requirements for aid for Cyclical Reassessment on the 2020 Assessment Roll. A payment of \$3,918.61 has been forwarded to the Office of the State Comptroller for payment.

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

CLERK: Clerk Bennett reported the Court processed 6 Vehicle & Traffic Law, and 1 Town Law and collected \$388.00.

The Clerk read a notice from Southern Tier West regarding the Fall Planning & Zoning Webinars beginning September 9 at 1 p.m. via zoom.

Read a note from the American Legion thanking the Town for the donation to help

purchase flags for the cemeteries in the Town.

SUPERVISOR: The Supervisor asked for a motion to transfer \$60.00 from A9030.8 to A9050.8, \$8 from B9040.8 to B9050.8, \$4,000.00 from DA5142.4 to DA5130.2 and \$321 from DA9030.8 to DA9060.8. A motion was made by Councilman Luce, seconded by Councilman Drajem, a vote was taken on the motion, Carried.

The Supervisor Mardino-Miller passed out another computer agreement from Todd Heslor and asked the Board to discuss the pros and cons between this and Pro Tech. After looking at the new agreement Councilman Luce asked the Town Clerk questions regarding her experience with Pro Tech. The Board decided to table until next month to have time to compare the two agreements.

Discussed Hometown Hero flags, like are in other communities, the family pays for them.

On September 15, 2021 Bahgat & Laurito-Bahgat will come at 6 p.m. for a budget workshop.

The Board discussed the opt out for cannabis stores, smoke shops etc and asked John to draw up a Local Law regarding the same.

Regarding the German Lutheran Cemetery nothing more has been done.

Clerk reminded the Board that they haven't acted on the Dayton Code update. A motion was made by Councilman Drajem, seconded by Councilman Rupp to update the Code. A vote was taken on the motion, Carried.

Councilman Drajem asked about what was found out about why the Town is paying for ambulance service. Lee said he asked about it at the Fire Commissioner's meeting and was told that it was up to the Town of Dayton to negotiate with the Dayton Fire District to pay for the service.

CEO: no report

BILLS: A motion was made by Councilman Drajem, seconded by Councilman Luce to pay General Funds claims #111-131 in the amount of \$6,142.98 as set forth in Abstract #9, dated September 8, 2021, Highway Fund claims #111-126, in the amount of \$43,271.31 as set forth in Abstract #9 dated September 8, 2021. A vote was taken on the motion, Carried.

DISASTER COODINATOR: Nothing to report, the County has received the 90 day plan.

ATTORNEY: Attorney Grennell explained that the representative for Gowanda School District hasn't got back to him yet, but Dan Martonis felt that this matter was too small for the District Attorney to persue.

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

ADJOURN: A motion to adjourn was made by Councilman Drajec, seconded by Councilman Luce, at 7:35 p.m. Carried.

The next meeting will be October 13, 2021 at 7 p.m.

Respectively Submitted,

Ruth Bennett, Clerk

