

Town of Dayton Board Meeting  
Wednesday, May 11<sup>th</sup>, 2022  
7:00 P.M.

- Present: Angie Mardino-Miller; Town Supervisor, Paul Luce; Deputy Town Supervisor, Jake Hansen-Ivett; Town Council, Don Bartlett; Town Council, Christine Rupp; Town Council, Tom Chupa; Town Highway Superintendent, Frank Watson; Town Code Enforcement Officer, Rachelle Cook; Town Clerk, John Grennell; Town Attorney, Elizabeth Lerow; Town Assessor's Aide, Lee Ellis; Town Bailiff, Visitor: Ray Troutman. *Absent: Steve Raiport; Town Emergency Preparedness/Disaster Coordinator*
- Call to Order: Town Supervisor Mardino-Miller called the meeting to order at 7:00 p.m. All stood and said the Pledge to the Flag.
- Minutes: Town Clerk Cook emailed and mailed out a copy of March's minutes to each board member last month. A motion to accept the minutes was made by Councilman Hansen-Ivette and second by Councilwoman Rupp. A vote was taken on the motion, Carried.
- Town Clerk: Town Clerk Cook read a letter from Judge Linda Frost requesting compensation for the Dayton Court Clerk. The letter read as follows: "Dear Board members, I respectfully request that the Board increase the amount of compensation allowed for Court Clerk in the Town of Dayton. I am advised that the current allowance when applied to the hours necessary for the job equates to approximately \$6.00 per hour. Honestly, that is not even half of the current minimum wage. The salaries of court clerks in our area run from \$12 to \$20 per hour. Ms. Dankert worked as court clerk in Perrysburg before becoming a judge and currently does a lot of her own court work. She has a lot of experience in the court system and would be a great addition to our court, but cannot work for \$6 an hour. I cannot do my job without a clerk and doubt I could find someone with experience who would work for that amount. Please consider raising the salary for court clerk to \$3,600.00. Thank you for your consideration. Very truly yours, Hon. Linda S. Frost"
- There was a great deal of board discussion. All board members agree that the court clerk salary should be higher but question where the difference will be coming from. Councilman Hansen-Ivett suggested that a call be made to BLB to discuss where the difference will come from. A motion to table this until next month was made by Deputy Town Supervisor Luce, second by Councilman Hansen-Ivett. All Aye- Motion carried.
- Town Clerk Cook emailed a copy of the 'Resolution supporting the Cattaraugus County Real Property tax services in updating the 2023 assessment roll' to all board members prior to the board meeting. This resolution is to continue with the Cyclical Reassessment Plan that was set in place last year. After a discussion with questions by the board and answers by assessor's aide Lerow, the board made the decision to table the assessor's resolution and the memorandum until next month. Town Clerk Cook will be emailing a copy of the memorandum to all board members so that it can be discussed at next month's meeting.
- Code Enforcement Officer: Town Code Enforcement Officer Watson reported that there is a house being demolished on Van Etten Rd. He also reported that there will be a hearing soon for the Telecom Services work that has already been done. Code Enforcement Officer Watson discussed the fire that was taking place during the time of the board meeting. The fire was over on Bentley road and was caused by the owner burning brush near his house, during a burn ban, and the fire spread to the house.
- Assessor: Assessor's Aide Lerow read the assessor's report which read as follows: The 2022 Equalization Rate is 100%. In order for the NYS Office of Real Property Tax Services to approve 100%, most values had to be changed to reflect the change in real estate market trends. Most residential property assessments increased by 10%, and other property types were increased by the difference of the new land values. Of course, any new construction, demos, or adjustments to data is also accounted for in these new values. In order to continue with the Cyclical Reassessment Plan set in place last year, we will have to provide the state with an updated MOU and resolution annually—these are due June 24. Please pass a resolution, as you did last year, in support of my team keeping Dayton at 100%, and sign the MOU. Both the MOU and sample resolution are included in my report. The Assessing Office has corresponded with several property owners about their assessments, tax bills, and exemptions. There were nine property transfers in March. However, these cannot be added to our system until July 1.
- Assessor's Aide Lerow lead several discussions including: Why we do the 100% rule in assessments, general discussion on tax assessments and what makes taxes go up or down, the

differences between market and value vs. assessment, and she explained that everyone is treated fairly; hence why the 100% rule is in place.

Highway: Town Highway Superintendent Chupa reported that he and the hwy. dept. have taken the plows and wings off all the trucks and painted everything. The box and frame on truck #7 was also painted. Highway Superintendent Chupa also reported that three more beavers have been caught on Cabic Rd. in the last month, the highway dept. has changed a few bad pipes around town, and they started blacktopping the roads. Lastly, Highway Superintendent Chupa addressed that Kellogg Hill is sliding down to the county road because they put a big ditch along the bottom and it keeps sliding down taking the roadway with it.

Town Highway Superintendent Chupa addressed the board about Deputy Town Highway Superintendent Nathan Chupa wanting to use FMLA for bonding time with his new baby. Town Supervisor Mardino-Miller stated that **The Family and Medical Leave Act (FMLA) entitles an eligible employee to take up to 12 workweeks of job-protected unpaid leave for the birth or placement of a son or daughter, to bond with a newborn or newly placed son or daughter, or to care for a son or daughter with a serious health condition. See 29 USC 2612(a)(1)** and that it is a no pay and no benefits program because we’re a municipality building.

Supervisor: Town Supervisor Mardino-Miller addressed the board that the audits for the Town Supervisor and Town Clerk are complete but the audit for the Justice still needs to be completed.

Town Supervisor Mardino-Miller addressed the board to pay the monthly bills. General Fund claims-voucher #s 60-68 in the amount of \$7,556.11 as set forth in Abstract #5, dated May 11, 2022, Highway Fund claims- voucher #s 66-77, in the amount of \$7,572.92 as set forth in Abstract #5 dated May 11, 2022, Street Lighting Fund claims- voucher # 6, in the amount of \$192.68 as set forth in Abstract #5 dated May 11, 2022. A motion to pay April 2022 bills was made by Deputy Town Supervisor Luce, second by Councilman Bartlett. All Aye- Motion carried.

Fund transfers: \$70.00 from account DA9030.8 to account DA9050.8. Motion to accept these fund transfers made by Councilman Hansen-Ivett, second by Councilwoman Rupp. All Aye- Motion carried.

Town Supervisor Mardino-Miller asked Deputy Town Supervisor Luce to talk about the quotes he has received from two prospective I.T. businesses. Deputy Town Supervisor Luce handed out a comparison handout of each quote he took to each board member and held a discussion about what each company is willing to do for us and what the charge will be. After some discussion, the board decided to table this until next month so that they can get a deeper comparison of the two.

Emergency Preparedness/  
Disaster Coordinator: Nothing to report.

Attorney: Nothing to report.

Public: Nothing to report.

Justice: No report available.

Adjourn: A motion to adjourn was made Deputy Town Supervisor Luce, second by Councilwoman Rupp, at 8:00 p.m. All Aye- Motion carried.

The next meeting will be Wednesday, June 8, 2022 at 7 p.m.

Respectively Submitted,

Rachelle Cook  
Town of Dayton Town Clerk