Town of Dayton Board Meeting

Wednesday, January 11th, 2023

7:00 P.M.

Present: Paul Luce; Deputy Town Supervisor, Jake Hansen-Ivett; Town Council, Don Bartlett; Town Council, Christine Rupp; Town Council, Larry Miller; Town Highway Superintendent, Rachelle Cook; Town Clerk, John Grennell; Town Attorney, Frank Watson; Town Code Enforcement Officer, Public: Susan Taber, Ray Troutman, Jeffrey Cook, David Kohler, Dennis Parker, Randy LaChausse. *Absent: Linda Frost; Town Justice, Town Assessor*

Call to Order: Deputy Supervisor Luce called the meeting to order at 7:00 p.m. All stood and said the Pledge to the Flag.

 Deputy Supervisor Luce announced the resignation of Town Supervisor Mardino-Miller effective January 10, 2023. Luce publicly thanked Mardino-Miller for her service. A copy of Mardino-Miller’s letter of resignation was given to Town Clerk Cook.

Minutes: A copy of the December 2022 minutes was given to each board member prior to this meeting. A motion to accept the minutes was made by Councilman Bartlett and second by Councilwoman Rupp. A vote was taken on the motion, Carried.

Town Clerk: Clerk Cook read a memo from Bahgat & Laurito Bahgat stating check #2037, in the amount of $3,100.00, made out to the Dayton Historical Society has not yet cleared the bank. Deputy Supervisor Luce said he will look into this and find out if we need to cancel this check and reissue a new one.

 Clerk Cook announced that The Associations of Towns is holding a 2023 Training School/Annual Meeting on February 19-22 at the NY Marriott Marquis for town board members, town clerks, tax collecting officers, highway and public works, fiscal officers, planning and zoning officials, and town attorneys. Cook announced that if anyone was interested, more information would be available to them in the clerk’s office.

 Clerk Cook announced that an ad would be being placed in the paper regarding 1- the time and place for the Town of Dayton’s monthly board meetings, 2- the town clerk’s hours, 3- the tax collection hours, and 4- the announcement of several open positions for the committee/boards.

Clerk Cook read a notice from Gowanda Ambulance Service requesting designating Gowanda Ambulance as the Towns 911 service. Motion made by Councilman Hansen-Ivett, second by Councilman Bartlett. All Aye- Motion Carried. Roll Call vote taken. Councilman Hansen-Ivett-yes, Councilman Bartlett-yes, Councilwoman Rupp-yes, Deputy Town Supervisor Luce-yes.

Clerk Cook also read a notice from the Gowanda Ambulance Service inviting the public to join them at their annual meeting being held on January 16th at 7:00 pm in the Kurtz Training Room (225 Aldrich St Gowanda, NY 14070).

Clerk Cook read a letter that she had prepared which stated how thankful she was to the people for voting her in as the Town Clerk. The letter also outlined the illegal activity and wrongdoings that Cook witnessed the former Town Supervisor performing during her time of working with them. Cook addressed the rumors that had surfaced about her, including but not limited to, why she was absent through November and December of 2022. A copy of Clerk Cook’s letter will be made available to the public if anyone so wishes to come to the clerk’s office to read its entirety.

Clerk Cook announced that Deputy Town Clerk, Jackie MacDonald, said she would work for $10/hr. Susan Taber questioned if it is allowed for someone to work for less than minimum wage. Deputy Supervisor Luce said he will look into this and we will discuss it further at February’s board meeting.

Deputy Supervisor Luce confirmed to the board that upon Clerk Cook’s election as Town Clerk, the clerk salary was reset back to its original value of $9,500/yr. Cook addressed the board and asked for approval to get paid bi-weekly instead of monthly. The board approved this and a motion for bi-weekly paychecks for the clerk was made by Councilman Hansen-Ivett and second by Councilwoman Rupp. All Aye-motion carried.

 Clerk Cook asked the board to approve the removal of former clerks, Mary Jones and Julie Gerwitz, from off the Evan’s clerk account and the CCB tax collection account and to add Rachelle Cook and Jackie MacDonald to these accounts. A motion to approve the removal of the former clerks names and add Rachelle’s and Jackie’s names onto these accounts was made by Councilman Hansen-Ivett and second by Councilwoman Rupp. All Aye-motion carried. Roll Call vote taken. Councilman Hansen-Ivett-yes, Councilwoman Rupp-yes, Councilman Bartlett-yes, Deputy Town Supervisor Luce-yes.

Code Enforcement CEO Watson announced to the board that he has completed his end-of-year report for 2022. A

 Officer: copy if this report was given to Clerk Cook. Watson also stated that he had his 1st building permit of the year, a pull barn. CEO Watson inquired to Deputy Supervisor Luce about the Hazardous Mitigation Plan. Luce said he would follow up about this.

Assessor: Clerk Cook read the assessor’s report. The December report is as follows: Renewal applications for Agricultural Assessment and Senior Citizen Exemption are being submitted and processed. So far, 50% of Agricultural Assessment and 18% of Senior Citizen renewal applications have been returned. These applications are due March 1, 2023. Applicants are encouraged to contact the Assessor's Office Monday - Friday, 8:00 AM - 5:00 PM with any questions. Our extended town hall hours are available at <https://maps.cattco.org/taxes/assessors.php> Dayton's Assessment roll has a net increase of $148,100 from building permit updates. The Assessing Office has corresponded with several property owners about their assessments, tax bills, and exemptions. There were 13 property transfers in November. You can find more information about these sales here: <https://www.cattco.org/real-property-and-gis/sales>

Highway: Town Highway Superintendent Miller stated that there have been no breakdowns and everything is finally going good for a change. Miller stated that parts for the overhead door have been ordered.

Supervisor: Deputy Town Supervisor Luce addressed the board to pay the monthly bills. General Fund claims-voucher #s 1-11 in the amount of $8,637.40 as set forth in Abstract #1, dated January 11, 2023, Highway Fund claims- voucher #s 1-10, in the amount of $9,144.15 as set forth in Abstract #1 dated January 11, 2023, Street Lighting Fund claims- voucher # 1, in the amount of $251.83 as set forth in Abstract #1 dated January 11, 2023. A motion to pay Dec 2022 bills was made by Councilman Hansen-Ivett, second by Councilman Bartlett. All Aye- Motion carried.

Fund transfers:

\*$2.00 from A9010.8-Employee Benefits-State Retirement to A1010.1-Town Board-Personal Services.

\*$1,436.00 from A9010.8-Employee Benefits-State Retirement to A1430.1-Deputy Clerk-Personal Services.

\*$62.00 from A9010.8-Employee Benefits-State Retirement to A1920.4-Special Items-Municipal Dues.

\*$180.00 from A9010.8-Employee Benefits-State Retirement to A9050.8-Employee Benefits-Unemployment.

\*$1,000.00 from A5010.4-Highway Superintendent-Contractual and $1,329.00 from A5132.2-Garage-Equipment to A5010.1-Highway Superintendent-Personal Services (total: $2,329.00)

\*$1,524.00 from B3510.4-Dog Control-Contractual and $101.00 from B8010.4-Zoning-Contractual to B3989.4-Other Public Safety-Contractual (total: $1,625.00)

\*$45.00 from B9010.8-Employee Benefits-State Retirement to B9050.8-Employee Benefits-Unemployment

\*$4,522.00 from DA5130.2-Machinery-Equipment to DA5130.4-Machinery-Contractual

\*$3,769.00 from DA5142.4-Snow Removal-Contractual to DA5142.1-Snow Removal-Personal Services

\*$289.00 from DA5142.4-Snow Removal-Contractual to DA5142.11-Snow Removal-Personal Services-Part-Time

A motion to accept these fund transfers was made by Councilman Hansen-Ivett and second by Councilman Bartlett. All Aye- Motion carried. Roll Call vote taken. Councilman Hansen-Ivett-yes, Councilman Bartlett-yes, Councilwoman Rupp-yes, Deputy Town Supervisor Luce-yes.

Deputy Supervisor Luce brought to the boards attention that we need to renew the lease agreement for Kathy Hagner to continue as our dog warden. A motion to accept this lease agreement was made by Councilwoman Rupp and second by Councilman Hansen-Ivett. Roll Call vote taken. Councilwoman Rupp-yes, Councilman Hansen-Ivett-yes, Councilman Bartlett-yes, Deputy Town Supervisor Luce-yes.

Deputy Supervisor Luce stated that he received a letter from Town Justice Frost in regards to the court system audit. Luce says we will make a plan to get the audits done sooner rather than later.

Emergency Preparedness/

Disaster Coordinator: Nothing to report.

Attorney: Town Attorney Grennell stated that we need to appoint Deputy Supervisor Luce as the official town supervisor.

 Town Attorney Grennell inquired on behalf of Bahgat & Laurito Bahgat what we are doing about Deputy Town Clerk MacDonald’s rate of pay. Deputy Supervisor Luce informed Attorney Grennell that we have $1,000 budgeted for her and after that we either no longer have a deputy clerk or we have to figure out something else out for her pay.

Public: Jeff Cook addressed the pothole issues at the corner of his driveway saying he has had windows broke and vehicles scratched because vehicles, especially cattle trucks are turning too sharply around the corner creating the edges of the road to break off creating big pot holes. Jeff questioned if we should put cones up or move the stop sign. Highway Superintendent Miller said he would take a look and see what he could do. He has to decide whether this is a town or county issue.

 Susan Taber addressed the board and asked what the proper procedure is in getting a new supervisor appointed. She asked whether it was an appointed position or if you have to be elected, if any credentials are needed, and how the public would learn of the new appointment. Attorney Grennell stated the board needs to appoint a new supervisor to finish out the term through the end of the year then there will be an election in November. David Kohler stated that any elected position needed to be temporarily filled is selected by the body of the board. David also stated that due to the resignation of former Supervisor Mardino-Miller at the beginning of the meeting no other business transactions could be made so everything said after that was an illegal meeting. To do these things correctly, a new supervisor needs to be appointed before any business transactions are complete.

 Deputy Supervisor Luce asked attorney Grennell what the next plan of action is. Grennell says whoever is wanting to take this position needs to resign from their current position, the board will vote on whether or not they want “said” person in the position, new supervisor would get sworn in and a new vacancy would be available. David says there are two procedures. 1-board could nominate someone on their own or 2-board could put out requests for people to be interviewed for the position. Grennell says we are need of a supervisor right now. A small discussion was held on how to fill the vacant board position.

 Deputy Supervisor Luce formerly and publicly resigned as Councilman on the town board.

Councilman Hansen-Ivett nominates Paul Luce for Dayton Town Supervisor second by Councilwoman Rupp. Roll Call vote taken. Councilman Hansen-Ivett-yes, Councilwoman Rupp-yes, Councilman Bartlett-yes. Supervisor Luce swore in and signed the oath.

Susan Taber nominated David Kohler for Councilman on the board. Kohler said he wouldn’t mind taking the positon if the board approves it. A small discussion was held on this matter and Attorney Grennell stated that Supervisor Luce has 5 days to choose his own deputy or the board can appoint one for him.

A motion to ratify the prior proceedings of this meeting was made by Councilwoman Rupp and second by Councilman Hansen-Ivett. Roll Call vote taken. Councilwoman Rupp-yes, Councilman Hansen-Ivett-yes, Councilman Bartlett-yes, Supervisor Luce-yes.

Supervisor Luce stated that he would like to give the whole town an equal opportunity to learn of the open vacancy on the board so Clerk Cook will put an ad in the paper letting everyone know about this vacancy and we will discuss this further next month. A discussion was held on how to appoint a new Councilman. Supervisor Luce also stated that even though legally we have 90 days to fill this position it would nice to have a full board and all board members agreed. A motion to table this until next month was made by Councilman Hansen-Ivett and second by Councilwoman Rupp. Roll Call vote taken. Councilman Hansen-Ivett-yes, Councilwoman Rupp-yes, Councilman Bartlett-yes, Supervisor Luce-yes.

Justice: Nothing to report

Adjourn: A motion to adjourn was made by Councilman Hansen-Ivett and second by Councilwoman Rupp, at 8:03 p.m. All Aye- Motion carried.

The next meeting will be February 8, 2023 at 7 p.m.

 Respectively Submitted,

 Rachelle Cook

 Town of Dayton Town Clerk