

## Minutes

Town of Persia Regular Board Meeting

8 West Main Street, Gowanda, NY 14070

February 14, 2019

Cold War Veterans Workshop at 6:30pm

**Supervisor John Walgus calls meeting and public hearing for Local Law 2019-1 to order at 7:00pm**

**Notice of said public hearing for Local Law 2019-1 was posted in the Observer on January 16<sup>th</sup> and 23<sup>rd</sup> with same being posted on the Persia Website and the Persia Town Hall.**

### Roll Call:

Supervisor: John T. Walgus: present

Highway Superintendent: Daniel H. Ackley: present

Councilperson: Theresa A. Girome: present

Councilperson: Gloria J. Tomaszewski: present

Councilperson: Robert O. Dingman: present

Councilperson: Seth H. Howard: absent

Town Clerk: Denise M. Trumpore: present

### Others present:

Building Inspector: Mel Shaw

Jack Broyles

**Supervisor John T. Walgus:** \* I would like to open the public hearing for comment on proposed Local Law 2019-1 – granting a partial exemption from County Real Property tax for Cold War Veterans. \* Happy Valentine’s Day and Happy President’s Day this month. \* I have paid the bills from the abstracts and the pre-pays and processed payroll. \* I ask for a resolution to approve the supervisors report and also a resolution to accept the financial statement from Bahgat & Bahgat. \* On January 24<sup>th</sup> I met with Kristin Devereaux from NIMIR in regards to the state mandated sexual harassment training. NIMIR will put together an online training so that our town personnel can take the necessary training at their convenience. The cost of the online training this year will be \$14.00 per person and \$7.00 per person next year. The Village is putting together a classroom style training course, and they

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have indicated to me that our personnel would be welcome to attend. Ms. Devereaux has also volunteered to serve as chairman of our three-member Employee Assistance Program (EAP). \* I have given the board a copy of an article from the Olean Times Herald about the Governor's budget proposal to eliminate almost all of the Aid and Incentives to Municipalities (AIM). The town will not lose AIM funding this year, but we could lose the Extreme Weather funding the highway dept. receives this year. It was brought to my attention at the Supervisors meeting that the governor does intend to eliminate all AIM funding starting in 2020. Last year the town received \$15,921.00. If we lose this funding for 2020, we will most likely have to override the tax cap. I would like a resolution protesting the Governor's proposal to eliminate the AIM funding for town and villages across the state. \* The NYS DOL (Dept. of Labor) Boiler Inspector checked out our heating system and found it be operating within specifications; his bill is in our abstract today. \* I have met with the new Hollywood Happening group about continuing the event this year. As you are aware the first Hollywood Happening group, after 20 years decided to retire and will now focus their efforts on events inside the theater. \* On January 24<sup>th</sup>, I participated in a webinar from the NYS DOS (Dept. of State) DOLGS (Division of Local Government Services) about the CWSSI (Cattaraugus County Shared Services Initiative); we discussed the guidance document on how to report savings and about receiving the 50% savings reimbursement. \* On February 7<sup>th</sup> I attended the Cattaraugus County Supervisors meeting; we were brought up to date by Cattaraugus County Administrator Jack Searle's on the CWSSI. We must now submit all the documentation needed by the NYS DOS & NYS DOB (Dept. of Budget) by the end of March. The 43 municipalities of Cattaraugus County will meet in Ellicottville March 7<sup>th</sup> for the final vote. There needs to be a simple majority of the municipalities CEO's to submit the plan to NYS DOS and NYS DOB for reimbursement. \* This year as part of our inclusion with the CWSSI, we will be entering into an agreement with Cattaraugus County for assessing services. The resolution tonight authorizes me to execute an agreement with the county for these services. \* We had the bid opening on February 8<sup>th</sup> for our surplus equipment and have included the results in your packets. \* Every year the Cattaraugus County Land Bank asks for property nominations; the land bank then decides where to allocate the funds where it will do the most good. They can have the property transferred to them by having the Cattaraugus County Legislative, on the advice of the County Treasurers office pass the supporting resolutions to remove the property from the tax foreclosure auction list to accomplish this. They can decide to refurbish or demolish buildings on the property and return it to the tax rolls. If you have a candidate property in the town you can let me know or notify the Land Bank by calling the Cattaraugus County Dept, of Economic Development Planning & Tourism in Little Valley. \* We are in the need of a Ambulance Board member. \* Happy birthday this month goes out to Denise Trumpore – Feb 4<sup>th</sup>, Cheryl Matern Feb 18<sup>th</sup>, Kate Harrington Feb 21<sup>st</sup>, and Jim Musacchio Feb 24<sup>th</sup>.

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**Highway Superintendent Daniel H. Ackley:** \* Read highway bills. \* I need a resolution to sign an agreement to spend highway funds for 2019 according to NYS Highway Law. \* We plowed 21 times since the last meeting. \* Highway worked for two days on the trash rack.

**Councilperson Theresa A. Girome:** \*In order for us to continue with the 2019 Records Management Grant we need to have a resolution where we adopt the NYS Record Retention and Disposition Schedule MU-1. \* The Town Clerk will be going on vacation the week in May when our board meeting is planned so I would like to make a resolution to change the date of our board meeting from May 9<sup>th</sup> to May 23<sup>rd</sup>. \* I am pleased to announce that a new business will be opening on South Water Street. Their name will be Custom Prints. \* On March 1<sup>st</sup> at 6:00pm, there will be a meeting at the Wicked Glen to discuss the disbursement of the 2.5 million dollars the Village received from the Empire State Development Smart Growth Grant.

**Councilperson Gloria J. Tomaszewski:** \* I completed the court audit along with Bob Dingman on January 30<sup>th</sup>; the books were accurate and Judge Schindler was informative and answered all our questions therefore, I would like a resolution stating so. \* I attended the annual meeting of the Ambulance Board on January 14<sup>th</sup> there were 1978 dispatches for the ambulance in 2018, they transported 1545 patients, performed 97 intercepts. There were also 134 transfers or transports from hospitals, namely: 108 to Lakeshore, 24 to Brooks, 2 to Bertrand Chaffee, and 1 to Westfield. The ambulance received a grant from NYS through the efforts of Senator's Young's office. They hope to start construction on the new building in May. I have resigned from the Ambulance Board. Therefore, there will not be anymore monthly updates until someone else is appointed. \* On January 16<sup>th</sup>, I attended the Healthy Community Board meeting; there is a waiting list of approximately 3-5 people for the one-bedroom apartments. \*

**Councilperson Robert O. Dingman:** \* On January 17<sup>th</sup> along with Theresa Girome, I completed the Town Clerk audit of her books; the books were accurate and complete. On January 30<sup>th</sup> along with Gloria Tomaszewski I completed the court audit; the books were accurate and complete. I would like a resolution to show the Town's opposition in the legalization of the recreational use of marijuana.

**Councilperson Seth H. Howard:** \* absent

**Assessor Mary A. Bailey:** \* Renewals have been coming in, seems a bit slower than past years. The deadline is March 1<sup>st</sup> for all exemption applications.

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**Town Clerk Denise M. Trumpore: \***

Total transactions for January: 72

Total Collected: \$ 1,005.00

Towns Portion: \$ **409.78**

\*I ask for a resolution to accept the minutes from January 10<sup>th</sup>. \* January's tax collection is over with \$1,123,849.98 collected so far.

**RESOLUTION # 14 Audit of Claims**

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Dingman

The following was

ADOPTED AYES – 4 Tomaszewski, Dingman, Girome, Walgus

NAYS – 0

**RESOLVED that the bills contained on abstract #2 for General and Highway have been reviewed by the Town Board and are authorized for payment in the following amounts:**

**Abstract 2 – General vouchers # 22 to #41 Total = \$ 29,814.91**

**Abstract 2 – Highway vouchers # 4 to # 10 Total = \$ 4,472.84**

**RESOLUTION #15 Approval of Minutes**

On a motion of Councilperson Dingman

Seconded by Councilperson Girome

ADOPTED AYES – 4 Dingman, Girome, Tomaszewski, Walgus

NAYS - 0

**RESOLVED to approve the minutes from January 10, 2019.**

**RESOLUTION #16 Supervisors report**

On a motion of Councilperson Girome

Seconded by Councilperson Tomaszewski

ADOPTED AYES – 4 Girome, Tomaszewski, Dingman, Walgus

NAYS - 0

**RESOLVED to accept the Supervisor report for January 2019.**

**RESOLUTION 17 Financial Report**

On a motion of Councilperson Dingman

Seconded by Councilperson Tomaszewski

ADOPTED AYES – 4

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NAYS - 0

**RESOLVED to accept the financial report for January 2019.**

**RESOLUTION #18 Cold War Veterans exemption**

On a motion of Councilperson Girome

Seconded by Councilperson Tomaszewski

ADOPTED AYES – 4 Girome, Tomaszewski, Dingman, Walgus

NAYS – 0

**RESOLVED**

**SECTION 1 Legislative Intent. is the intent of this legislation to grant an exemption of 15 percent of the assessed value of qualified residential property, as defined in Real Property Tax Law Section 458-b(1)(a).**

**SECTION 2 Cold War Veterans Property Exemption. Cattaraugus County hereby provides that qualifying residential real property shall be exempt from County taxation to the extent of 15 percent of the assessed value of such property; provided however, that such exemption shall not exceed \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate of the assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less, for Cold War Veterans as described in New York State Real Property Tax Law Section 458-b.**

**SECTION 3 Severability. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgement shall have been rendered.**

**SECTION 4 Effective Date This Local Law shall take effect immediately upon filing with the Secretary of State.**

**RESOLUTION #19 Record Retention and Disposition Schedule MU-1**

On a motion of Councilperson Girome

Seconded by Councilperson Tomaszewski

ADOPTED AYES – 4 Girome, Tomaszewski, Dingman, Walgus

NAYS – 0

**RESOLVED to adopt the Record Retention and Disposition Schedule MU-1.**

**RESOLUTION #20 Completion of Court Audit**

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Dingman

ADOPTED AYES – 4 Tomaszewski, Dingman, Girome, Walgus

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NAYS – 0

**RESOLVED that the court audit was completed and all records was up to date and accurate as required by the Unified Court System.**

**RESOLUTION #21 Opposition to the elimination of AIM funding**

On a motion of Councilperson Girome

Seconded by Councilperson Dingman

ADOPTED                   AYES – 4 Girome, Dingman, Tomaszewski, Walgus

NAYS – 0

**RESOLVED**

**WHEREAS, Governor Cuomo has eliminated funding from the Aid and Incentives to Municipalities (AIM) program for towns and villages in cases where the funding accounts for less than 2% of the municipal budgets in his \$176 billion budget proposal which was released on January 15, 2019, and**

**WHEREAS, this budget proposal eliminates AIM funding for 1,328 of New York States towns and villages, and**

**WHEREAS, the elimination of the AIM funding will have a significant impact on municipalities that already have their budgets adopted and in place for 2019, and**

**WHEREAS, in the event Governor Cuomo's budgets proposal is adopted, thirty-five (35) of the forty-three (43) local municipalities within our county will lose AIM funding, resulting in a hardship and a burden on the taxpayers of our county, now, therefore be it**

**RESOLVED that the Persia Town Council hereby opposes Governor Cuomo's budget proposal to eliminate the AIM funding program for towns and villages in cases where the funding accounts for less than 2% of the municipalities' budgets, and be it further**

**RESOLVED the Town Clerk is hereby directed to forward copies of this resolution to Governor Andrew Cuomo, Lieutenant Governor Kathy Hochul, Senator Catherine Young, Assemblyman Joseph Giglio, Mayor David Smith and the New York State Association of Towns.**

**RESOLUTION #22 Agreement to spend Town Highway Funds for 2019**

On a motion of Councilperson Girome

Seconded by Councilperson Tomaszewski

ADOPTED                   AYES – 4 Girome, Tomaszewski, Dingman, Walgus

NAYS – 0

**RESOLVED to agree to spend Town Highway Funds for 2019.**

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**RESOLUTION #23 Assessing services with the County**

On a motion of Councilperson Dingman

Seconded by Councilperson Girome

ADOPTED                    AYES – 4 Dingman, Girome, Tomaszewski, Walgus  
                                     NAYS – 0

**RESOLVED**

**WHEREAS, the County of Cattaraugus and its municipalities are empowered to enter into joint service contracts pursuant to Article Five-G of the General Municipal Law, and WHEREAS, Real Property Tax Law Section 1537 makes provision for the County to provide assessing services to its municipalities, NOW, THEREFORE be it resolved that the Town Supervisor is hereby authorized to execute a contract with Cattaraugus County to enter into the above-named contractual arrangement for the term of April 1, 2019 through September 30, 2019.**

**RESOLUTION #24 Board Meeting date change**

On a motion of Councilperson Girome

Seconded by Councilperson Tomaszewski

ADOPTED                    AYES – 4 Girome, Tomaszewski, Dingman, Walgus  
                                     NAYS – 0

**RESOLVED to change the Board Meeting in May to May 23<sup>rd</sup>.**

**RESOLUTION #25 Opposing the Legalization of Recreational use of Marijuana in the State of New York**

On a motion of Councilperson Dingman

Seconded by Councilperson Girome

ADOPTED                    AYES – 4 Dingman, Girome, Tomaszewski, Walgus  
                                     NAYS – 0

**RESOLVED**

**WHEREAS the Governor of the State of New York has indicated that he will sign into law the recreational use of marijuana, and WHEREAS the United States of America out laws recreational cannabis pursuant to the controlled substances Act, 21 USC Section 811; and WHEREAS the Cattaraugus County Board of Health opposes the legalization of recreational use of marijuana, and WHEREAS the Sherriff's Association of the State of New York, and the Sherriff of Cattaraugus County opposes the legalization of recreational use of marijuana, and WHEREAS numerous health care professional and organizations consider marijuana a "gateway" drug, and**

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**WHEREAS the opioid epidemic is well known to the residents of the Town of Persia, Cattaraugus County and the State of New York even though most opioids are currently legal and available by prescription and have not been controlled and, in fact, has become a crisis and an epidemic, now,**

**THEREFORE, be it resolved by the Town Board of the Town of Persia, N.Y. does hereby oppose the legalization of recreational marijuana use in the State of New York, and**

**BE IT FURTHER RESOLVED that the Town Clerk of the Town of Persia shall forward copies of this resolution to Governor Cuomo, Lieutenant Kathy Hochul, Senator Catherine Young, Assemblyman Joseph Giglio, Cattaraugus County Sheriff James Whitcomb, Cattaraugus County Legislators M. Andrew Burr, Richard Klancer, Chairman James Snyder Sr., and the New York State Association of Towns.**

With no further business, Supervisor Walgus closed the meeting for comment on Local Law 2019-1.

Hearing no objection, we now adjourn our meeting in memory of our Town residents Carol Orth and Thomas Greeley.

Meeting adjourned at 8:05 pm.

Respectfully submitted,

Denise M. Trumpore

Town Clerk