

Minutes

Town of Persia Regular Board Meeting

8 West Main Street, Gowanda, NY 14070

April 9, 2020

Workshop 6:15pm

Supervisor John Walgus calls meeting to order at 7:00pm.

All stand for the Pledge of Allegiance.

Happy Easter and Happy Dyngus Day

Roll Call:

Supervisor: John T. Walgus: present

Councilperson: Theresa A. Girome: present

Councilperson: Gloria J. Tomaszewski: present

Councilperson: Robert O. Dingman: present

Councilperson: Seth H. Howard: present

Others present:

Highway Superintendent: Daniel H. Ackley: absent

Town Clerk: Denise M. Trumpore: present

Supervisor John T. Walgus: * This has been a difficult month for us at best, we are in an unprecedented time in the town currently with the Coronavirus Pandemic effecting all of us. This will be the first time in 185 years that our residents won't be permitted to attend our meetings. I appreciate their patience and understanding until the crisis is over. My thanks go to the town team for putting their best foot forward and continuing to serve the residents of our town during the emergency. * At last month's meeting we discussed a number of different programs and grants, which all have been postponed until a future date, such as the Cattaraugus County Farmer/Neighbor dinner has been rescheduled to October. I have had to cancel a table since we are now down to 9 reservations. Also, the \$25,000.00 NYS Dept. of Agriculture and Markets Agri-Business grant that we expressed interest in has stalled. I expect that once the SOE is lifted this will resume. The monthly meetings I normally attend each month have all been cancelled too. * The many different Cattaraugus County depts. have been on the ball, and have done a great job keeping all the mayors, supervisors and highway superintendents advised and up to date on events happening in the county and state thru weekly teleconference calls with the heads of the county including the administrator, county attorney, director of emergency services, county health dept. and many county legislators. The

Town of Persia Regular Board Meeting

April 9, 2020

8 West Main Street, Gowanda, New York 14070

county has opened their Emergency Operations Center in Little Valley for residents to call with non-emergency questions at 938-9119. * Judge Schindler has notified me that the administrative judge of the 8th Judicial District of New York has contacted his office about the end of month reports and checks we distribute to the Office of the State Controller. They will be put on hold until further notice. Also, the monthly transfer of funds from the justice courts bank account to the towns general fund account has been suspended until further notice as well. Just to make this perfectly clear, these funds ARE in Community Bank in the town justice account, but for some reason court personnel were ordered to stop doing this for now. * I also spoke with the judge concerning arraignments, he informed me that they are still taking place. If they happen to be between approximately 8am and 6pm they are held on SKYPE with county Judge Ronald Ploetz in his chambers in Little Valley and the defendants are in a secure room at the City of Salamanca Holding Center. The ADA's public defenders and other needed personnel also attend by video conferencing. * I will be asking for a resolution tonight to change the classifications of the court security officers to town constables. This will allow them to act in the best interest of the town with official communications such as affidavits of service, and other court ordered notices. This will not increase our insurance costs or their pay. This will also have no effect with their civil service classification by changing their job titles from court officers to constables effective May 1, 2020. * I want to bring your attention to the complaints I have received about large numbers of people congregating in the 40 and Valentine Flats areas of the Zoar Valley Multiple Use Area since all schools including colleges are closed; I have notified the NYS DEC about the problem. I have paid the pre-pays and have processed payroll. * I ask for a resolution to approve the Supervisors report and a resolution to accept the financial statement from Bahgat & Laurito Bahgat. * I have been notified by numerous state and federal agencies that there is a possibility that we can be reimbursed thru FEMA for our COVID-19 related expenses, such as the benefit days we allocate to town employees and items such as cleaning and disinfecting supplies that we have purchased. I have been keeping track of what it has cost us so far. I do not know if we will be able to estimate loss of revenue from the clerk's office or the justice court during this crisis. * The Clerk, Deputy and I have taken two online classes required by NYMIR about Phishing Awareness and Cyber Security. The Sexual Harassment and Violence Prevention courses will be ready shortly, and our town family will be able to take them online at the NYMIR University site. * Happy Birthday this month to Allan Jones on the 10th and Theresa Girome on the 23rd.

Highway Superintendent Daniel H. Ackley: (Sent by Text) *The sale of the 1989 Mack is on hold for obvious reason. Anticipate renting skid steer starting the week of April 20th for at least a month. * Planned project oil & stone Nash Hill, Miller and Persia Road will be the big money soakers. (Using CHIPS and big portion of general DB5110.4) * All sanders are washed up with

Town of Persia Regular Board Meeting

April 9, 2020

8 West Main Street, Gowanda, New York 14070

one truck still having plow on it just in case. * Noted by the bills a decent amount of time was spent on the 1996 Ford dump truck but with success. * Good health to all.

Councilperson Theresa A. Girome: * I would like a resolution to appoint Joe Tomaszewski and Stanley Sadjak to the Zoning Board of Appeals. * I would like a resolution to have a public hearing on updating the zoning laws on kennels.

Councilperson Robert O. Dingman: * Recently I attended a teleconference meeting of the Chamber of Commerce meeting last night and discussion centered around the cancellation of the Happening and the intent of the chamber to return funds to persons who already purchased raffle tickets and sponsors who already contributed to that event. There is no definitive reschedule date either this year or next, that is still up in the air. Spirit of Gowanda Dinner which was scheduled I think to be last weekend has not had a new date set, but it is expected that the Chamber will have such an event when the present emergency is rescinded. That is all I have regarding the Chamber. * read General bills.

Councilperson Seth H. Howard: * read highway bills. * I also attended the town emergency meeting on the 23rd. * On Tuesday, March 17th, it was unanimously decided by the Gowanda Ambulance Board to have a virtual meeting, rather than an "in person" meeting due to the Covid-19 pandemic. As a participant in that meeting, I learned that the chicken 'n biscuit dinner would be continuing as planned on April 1st, however, will be take out only. The bake sales scheduled for the lobby of Community Bank on April 3rd is cancelled, due to the bank only using drive thru services for the foreseeable future. The gun raffle will still be going on as scheduled and creative ways to use modern technology will be brainstormed in the near future. I still have tickets left, if anyone would like to purchase one, two or maybe 10. The Gowanda Ambulance Service received an anonymous donation of \$200,000 and it was stipulated that it is to be used for training related expenses, which will greatly benefit the residents of Persia. It is the goal of the Gowanda Ambulance Service to become a "Training Center" in an effort to bring in additional revenue. It was noted that the Town of Persia has appointed the Gowanda Ambulance Service as their official ambulance service in the year 2020. The next regular meeting is scheduled for April 21st at 7pm at the Aldrich Street hall. * As of today April 9th, the ambulance donated by Dan Gernatt is registered with the DMV, certified by the DOH, lettered and ready to roll when needed. The Gernatt company customized the vehicle, repaired a steering issue, inspected it and sent it to SAIA Communications for the necessary work that needed to be done with the electronics. * The gun raffle is scheduled to go on at the legion. At this time, there are no updates with the 300 Club and the drive thru chicken BBQ is still planned for June. I would like a workshop at 6:00pm on May 14th.

Councilperson Gloria J. Tomaszewski: * I attended the emergency Persia meeting, discussion was had as to Persia Town hall being open, as well as the Highway Department

Town of Persia Regular Board Meeting
April 9, 2020

8 West Main Street, Gowanda, New York 14070

working. * I would like a resolution giving the court officers a Covid benefit of 6 hours each for the month of April which would total \$238.50. * I would like a resolution to change the classification of Court Officer to Town Constable. * And finally, I would like a resolution to accept 6 hours as the standard workday for elected and appointed officials.

Town Clerk Denise M. Trumpore: *

Total transactions for March: 46

Total Collected: \$ 918.00

Towns Portion: \$ **361.85**

*I ask for a resolution to accept the minutes from March 12th and the minutes for the special meeting on March 23rd.

RESOLUTION # 34 Audit of Claims

On a motion of Councilperson Girome

Seconded by Councilperson Tomaszewski

The following was

ADOPTED AYES – 5 Girome, Tomaszewski, Howard, Dingman, Walgus

NAYS – 0

RESOLVED that the bills contained on Abstract #4 for General and Highway have been reviewed by the Town Board and are authorized for payment in the following amounts:

Abstract 4 – General Vouchers # 55 to # 69 Total: \$ 18,771.94

Abstract 4 – Highway Vouchers # 17 to 22 Total: \$ 3,051.13

RESOLUTION #35 Approval of Minutes

On a motion of Councilperson Dingman

Seconded by Councilperson Tomaszewski

ADOPTED AYES – 5 Dingman, Tomaszewski, Girome, Howard, Walgus

NAYS - 0

RESOLVED to approve the minutes from March 12th and the special meeting minutes from March 23rd.

RESOLUTION #36 Supervisors report

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Howard

ADOPTED AYES – 5 Tomaszewski, Howard, Girome, Dingman, Walgus

Town of Persia Regular Board Meeting
April 9, 2020
8 West Main Street, Gowanda, New York 14070

NAYS - 0

RESOLVED to accept the Supervisor report for March 2020.

RESOLUTION #37 Financial Report

On a motion of Councilperson Howard

Seconded by Councilperson Dingman

ADOPTED AYES – 5 Howard, Dingman, Girome, Tomaszewski, Walgus

NAYS - 0

RESOLVED to accept the financial report for March 2020.

RESOLUTION #38 Standard workday for elected and appointed officials.

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Girome

ADOPTED AYES – 5 Tomaszewski, Girome, Howard, Dingman, Walgus

NAYS – 0

RESOLVED to establish 6 hours as a standard workday for elected and appointed officials.

RESOLUTION #39 Zoning Board of Appeals

On a motion of Councilperson Girome

Seconded by Councilperson Howard

ADOPTED AYES – 5 Girome, Howard, Tomaszewski, Dingman, Walgus

NAYS – 0

RESOLVED to appoint Stanley Sadjak and Joe Tomaszewski to the Zoning Board of Appeals.

RESOLUTION #40 Public Hearing on Zoning laws

On a motion of Councilperson Girome

Seconded by Councilperson Tomaszewski

ADOPTED AYES – 5 Girome, Tomaszewski, Howard, Dingman, Walgus

NAYS – 0

RESOLVED to have a public hearing on updating the zoning laws on kennels on May 14th at 7:00pm.

RESOLUTION #41 Constable Classification

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Dingman

ADOPTED AYES – 5 Tomaszewski, Dingman, Girome, Howard, Walgus

Town of Persia Regular Board Meeting
April 9, 2020
8 West Main Street, Gowanda, New York 14070

NAYS -0

RESOLVED to change classification of the Court Security Officers to Town Constable as follows:

TOWN OF PERSIA CONSTABLE

1. QUALIFICATIONS

All persons appointed as a constable for the Town of Persia shall be at least 21 years of age or older, shall have a high school diploma or GED, and a valid NYS class V driver's license, pass a NYS background check, and by authorized pursuant to the laws of the State of New York to possess and carry a handgun, and shall be certified as a peace officer as defined by SS 2.10 of the New York Criminal Law at time of appointment.

2. TERM

Town Constables will serve at the pleasure of the Town Board and Town Justice.

3. DISTINGUISHING FEATURES OF THE CLASS AND TYPICAL WORK ACTIVITIES

The work involves serving legal papers and assisting in the investigation of violations of law in a town or village. Legal processes are executed on a fee basis. Duties are performed under the general supervision of the Town of Persia Supervisor or Persia Town Justice. Employees in this class may be required to work irregular hours. A constable also does related work as required.

Town Constables shall have, in addition to the powers granted herein above, those special duties, powers and responsibilities consistent and generally associated with a court officer in the State of New York, including but not limited to:

- 1.0 Attending sessions of the town court to maintain order and decorum in the courtroom.
- 2.0 Calming disruptive individuals.
- 3.0 Barring entry into secure areas.
- 4.0 Addressing and attending to disruptive prisoners, litigants and spectators' participants involved in court proceedings.
- 5.0 Escorting, guarding of jurors, witnesses and participants of court proceedings to and from the courtroom.
- 6.0 Escorting, guarding and delivering the judge and or clerk to and from the courtroom, as may be required.
- 7.0 Delivering materials to sequestered jurors.
- 8.0 Escorting the Court Clerks and Town Clerks with bank deposits to and from the town hall to the bank as required.
- 9.0 Using established search procedures and equipment to assure that no weapons, contraband or other prohibited items or materials are brought into the courthouse or courtroom.

Town of Persia Regular Board Meeting

April 9, 2020

8 West Main Street, Gowanda, New York 14070

- 10.0 Carrying, displaying, and using a firearm, subject to any permit, training and certification requirements and qualifications otherwise imposed by law.
- 11.0 Services or executes attachments, writes, processes, or orders of the Courts.
- 12.0 Guards election polls.
- 13.0 Serves summonses.
- 14.0 Investigates suspicious activities and makes arrests for violation of local laws or ordinances.
- 15.0 Escorts prisoners to jail or court for booking.

4. TRAINING

All persons appointed as Town Constable shall undergo annual firearm and use of force training. In the case of a Town Constable otherwise employed as a police or peace officers, the training required as part of their employment shall satisfy this section. In case of a retired police or peace officer who is not otherwise employed with another agency, such individuals shall attend annual firearm and use of force training with the agency of their choice.

5. EQUIPMENT

The Town Board can by separate resolution, designate the equipment that shall be carried and or worn by the Town Constable while on duty, and shall establish which equipment that shall be supplied by the Town and which equipment that shall be supplied by the Town Constable at their personal expense. The Town Board may by separate resolution, establish standards and requirements for that equipment which shall be supplied by Town Constables at their personal expense.

6. FULL PERFORMANCE KNOWLEDGES, SKILLS, ABILITIES, AND PERSONAL CHARACTERISTICS

Knowledge of New York State Law and local ordinances; working knowledge of first aid; ability to be courteous yet firm with the public; ability to carry out oral and written instructions; ability to drive an automobile; physical condition sufficient to perform the essential functions of the position.

7. SPECIAL REQUIREMENTS

May be required to obtain from the New York State of Division of Licensing Services a Duly Licensed Armed Guard Certification.

RESOLUTION #42 Covid -19 Benefit

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Howard

ADOPTED

AYES –5 Tomaszewski, Howard, Girome, Dingman, Walgus

NAYS – 0

Town of Persia Regular Board Meeting

April 9, 2020

8 West Main Street, Gowanda, New York 14070

RESOLVED to give the Court Officers a Covid-19 benefit of 6 hours each for the month of April which would total \$238.50 each.

RESOLUTION #43 Workshop

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Howard

ADOPTED AYES – 4 Tomaszewski, Howard, Girome, Walgus

 NAYS – 1 Dingman

RESOLVED to have a workshop to discuss the Covid-19 epidemic on May 14th at 6:00pm.

Hearing no objection, Supervisor Walgus adjourns the meeting in memory of our residents Ellen Brown, Richard Freeman and Mary Thrasher.

Meeting adjourned at 7:20 pm.

Respectfully submitted,
Denise M. Trumpore

Town Clerk