

Minutes

Town of Persia Regular Board Meeting

8 West Main Street, Gowanda, NY 14070

November 10, 2016

Supervisor Paula Schueler calls meeting and public hearing for the Preliminary budget and Local Law 2016-2 to order at 7:00PM.

** Notice of said public hearing for the Preliminary Budget was posted in the Observer on October 22nd October 29th with same being posted on the Persia website and the Persia Town hall.

** Notice of said public hearing for Local Law 2016-2 was posted in the Observer on October 21st and October 28th with same being posted on the Persia website and the Persia Town hall.

*Everyone stands for the Pledge of Allegiance to the Flag

Roll Call:

Supervisor: Paula Schueler: present

Highway Superintendent: Daniel Ackley: present

Councilperson: John Walgus: present

Councilperson: Theresa Girome: present

Councilperson: Gloria Tomaszewski: present

Councilperson: Robert Dingman: present

Building Inspector: Mel Shaw

Town Clerk: Denise Trumpore: present

Others present:

_____ Gowanda Press: Phil Palen

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Hon. Arnold Andolsek

Legislature Richard Klancer

Gowanda Free Library – Cathy Walsh

Jack Broyles

Kirk Trumpore

PUBLIC PARTICIPATION

Gowanda Free Library: Cathy Walsh approached the board asking them to reconsider reinstating the 2014 library donation which was \$1,000. Matter was tabled.

Official Reports of Department Heads:

Supervisor Paula Schueler: * I would like to open the public hearing for comment regarding the 2017 preliminary budget. * I would also like to open the public hearing for comment regarding Local Law 2016-2.* I have processed payroll. * I ask the bills for Abstract #11 for General and Highway be approved by resolution. * Cathy Walsh is here to speak on behalf of the library.* I ask the Supervisors report for October be accepted by resolution. * I need a resolution to accept the financial report for October. * We need a resolution to appoint Mel Shaw as Building Code Officer. The Town got a packet from the DEC for them to be the lead agency for the Point Peter Mine Expansion; this matter will be discussed at the Planning & Zoning board meeting on November 21st. * I have updated our contact information for NYS Retirement. * The tax cap form was submitted for the Town and we did not go over the tax cap for 2017!

Highway Superintendent Daniel Ackley: *Read highway bills. * We need to designate Forty Road from 10299 down to the state parking lot as a seasonal road from November 1st to April 1st. * I went to a distracted driving and traffic signage class hosted by NIMIR and also a snow plow safety meeting this morning. * I did the highway inventory agreeing to the mileage given by the State. * The Town of Collins offered us their 2001 New Holland tractor with a roadside mower and broom attachment \$20,000; I will research this more and find out when this will be going up for sale.. * I got quotes back from different security systems at the highway garage

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and I would like to go with DFT Securities for \$999 for the system and 25.95 a month for monitoring; they had the best price and come recommended.

Councilperson John Walgus: * I would like to have a resolution to support the New York and Lake Erie Railroad's grant application. * I would like to have a workshop at the next board meeting on December 8th at 6:30pm for the end of the year.

Councilperson Theresa Girome: * There was a Comprehensive Plan meeting on October 24th; Gloria and I were the only ones who attended. The next meeting will be on November 28th at 6:30pm.

Councilperson Gloria Tomaszewski: * I attended the Comprehensive Plan meeting on October 24th. I attended the ambulance board meeting; the ambulance was involved in an accident where there was \$2,000 damage done. Also, I have cards I would like to leave here at the town hall for people to take and fill out their medical information including history and medications they are on which they can keep in their house in case they ever need an ambulance they will have that information on hand. * I went to the ambulance 300 club party.

Councilperson Robert Dingman: * I went to an event hosted by the NY&LE railroad on October 24th.

Assessor Mary Bailey: * As part of my continuing education requirements, I attended an all day class on solar panel valuations on May 9th. The class was hosted by Chautauqua County Assessor's Association. * The County will be printing renewal forms for Enhanced STAR and Senior Citizen exemptions this week.

Building Inspector Mel Shaw: * I received a complaint about someone building without a permit; I visited the property and did receive a permit for the property in question. * I visited multiple properties with open building permits. * Received a complaint of water build up at the cell tower; I checked it out and indeed there is build up of water, I will contact Horvath. * Received communication from DEC on the SEQR requirement for the application from the Gernatt Gravel Special use permit.

Town Clerk Denise Trumpore: * I ask for a resolution to accept the minutes from October 13th.

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Total transactions for October: 120

Total Collected: \$ 2,227.00

Towns Portion: \$ 551.30

RESOLUTION #80 Audit of Claims

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Girome

The following was

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

NAYS – 0

RESOLVED that the bills contained on abstracts #11 for General and Highway have been reviewed by the Town Board and are authorized for payment in the following amounts:

Abstract 11 – General vouchers # 205 to # 222 Total = \$ 3,855.79

Abstract 11 – Highway vouchers #87 to # 96 Total = \$ 11,181.30

RESOLUTION #81 Approval of Minutes

On a motion of Councilperson Dingman

Seconded by Councilperson Walgus

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

NAYS - 0

RESOLVED that the minutes from October 13, 2016 are approved

RESOLUTION #82 Supervisors report

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Girome

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

NAYS – 0

RESOLVED to accept the Supervisors report for October 2016

RESOLUTION #83 Financial Report

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Girome

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

NAYS - 0

RESOLVED to accept the financial report for October 2016.

RESOLUTION #84 Preliminary Budget

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Girome

ADOPTED AYES – 3 Tomaszewski, Girome, Schuler

NAYS – 2 Walgus, Dingman

RESOLVED to accept the preliminary budget for 2017.

RESOLUTION #85 Local Law 2016-2

On a motion of Councilperson Walgus

Seconded by Councilperson Tomaszewski

ADOPTED AYES – 5 Walgus, Tomaszewski, Walgus, Dingman, Schueler

NAYS – 0

RESOLVED TO ALLOW THE TOWN OF PERSIA TO IMPOSE A TEMPORARY MORATORIUM ON THE ISSUANCE OF APPLICATIONS AND THE GRANTING OF PERMITS, LICENSES OR APPROVALS FOR THE SITING OF COMMERCIAL SOLAR POWER PROJECTS IN THE TOWN OF PERSIA IN ORDER TO ALLOW FOR THE ADOPTION OF APPROPRIATE REGULATIONS PERTAINING TO SUCH LAND USES.

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BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF PERSIA (“TOWN”) AS FOLLOWS:

WHEREAS, IN RECENT WEEKS, PERSIA HAS RECEIVED A NUMBER OF INQUIRIES ABOUT SITING AND LOCATING COMMERCIAL SOLAR PANEL INSTALLATIONS ON LAND WITH THE TOWN OF PERSIA, AND

WHEREAS, CURRENT LOCAL LAWS, ORDINANCES AND REGULATIONS DO NOT ADEQUATELY ADDRESS MANY OF THE ISSUES AND CONCERNS WHICH MUST BE CONSIDERED TO FAIRLY ADDRESS THE IMPACTS OF SUCH USES UPON THE TOWN, AND

WHEREAS, THE TOWN BOARD HAS DETERMINED THAT IT IS NECESSARY TO PROTECT PUBLIC INTEREST AND WELFARE BY IMPOSING A TEMPORARY MORATORIUM ON NEW SITING, LOCATION AND ESTABLISHMENT OF COMMERCIAL SOLAR POWER PROJECTS WHILE THE TOWN UNDERTAKES A COMPREHENSIVE REVIEW OF CONCERNS AND ISSUES RAISED BY THESE USES, AND

WHEREAS, SUCH MORATORIUM’S INTENT IS TO ALLOW THE TOWN SUFFICIENT AND NECESSARY TIME TO ADDRESS SUCH CONCERNS AND ISSUES AND ENACT NEW LAWS, ORDINANCES OR REGULATIONS , AND/OR APPROPRIATE AMENDMENTS TO EXISTING LAWS, ORDINANCES OR REGULATIONS TO PROPERLY ADDRESS COMMUNITY IMPACTS, CONCERNS OR ISSUES IN A MANNER WHICH IS MEANINGFUL AND CONSISTENT WITH THE TOWN’S COMPREHENSIVE PLAN,

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF PERSIA HEREBY DECLARES THAT NO NEW APPLICATIONS SHALL BE ISSUED AND NO PERMITS OR APPROVALS SHALL BE GRANTED BY ANY OFFICER, DEPARTMENT, BOARD OR AGENCY OF THE TOWN OF PERSIA WITH RESPECT TO THE SITING, LOCATION OR ESTABLISHMENT OF COMMERCIAL SOLAR POWER PROJECTS WITHIN THE TOWN OF PERSIA FOR A PERIOD OF SIX (6) MONTHS FROM THE ELECTIVE DATE OF THIS LOCAL LAW, UNLESS EARLIER TERMINATED BY OTHER LOCAL LAW, DULY ADOPTED. AS USED IN THIS LAW, THE TERM “COMMERCIAL SOLAR PANEL PROJECT(S)” SHALL MEAN AND INCLUDE, BUT NOT BE LIMITED TO, AN ARRAY OR COLLECTION OF PHOTOVOLTAIC PANELS OR COLLECTORS THAT CONVERT SUNLIGHT TO ELECTRICAL ENERGY AND WHICH, TOGETHER WITH APPURTENANT FACILITIES, COVERS AN AGGREGATE AREA OF LAND GREATER THAN 100 SQUARE FEET. RESIDENTIAL, BUSINESS AND INDUSTRIAL PROPERTIES WITH ROOFTOP SOLAR PANEL INSTALLATIONS WHICH GENERATE ELECTRICITY SOLELY SERVICING THE PROPERTY WHERE THE ROOFTOP

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INSTALLATIONS ARE LOCATED ARE EXEMPT FROM THE MORATORIUM AS ARE ALL MUNICIPAL AND SCHOOL INSTALLATIONS AND PROPERTIES. THIS LOCAL LAW IS INTENDED TO SUPERSEDE ALL APPLICABLE PROVISIONS OF THE TOWN OF PERSIA CODE, TO THE EXTENT REQUIRED TO GIVE EFFECT TO THE PROVISIONS HEREOF FOR THE EFFECTIVE PERIOD HEREOF.

COPIES OF THE PROPOSED LOCAL LAW ARE AVAILABLE FOR INSPECTION AT THE TOWN CLERK'S OFFICE LOCATED AT 8 WEST MAIN STREET, GOWANDA NEW YORK DURING NORMAL BUSINESS HOURS. ALL MEMBERS OF THE PUBLIC WITH BE ALLOWED TO SPEAK IN REGARD TO THIS PROPOSED LOCAL LAW.

THIS LOCAL LAW SHALL TAKE EFFECT IMMEDIATELY UPON FILING WITH THE SECRETARY OF STATE.

RESOLUTION #86 NY & LE Railroad grant support

On a motion of Councilperson Walgus

Seconded by Councilperson Girome

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

NAYS – 0

RESOLVED

WHEREAS the Town of Persia, Town Board expresses our support for the New York & Lake Erie Railroad's (NY&LE's) grant application through the Passenger & Freight Rail Assistance Program (PFRAP) for the rehabilitation of approximately five miles of track between Cherry Creek and Conewango Valley. This portion of track is part of the Buffalo to Jamestown Rail Corridor and Western New York Rail Initiative, (WNYRI) which we believe is an integral part of the on going efforts to promote tourism activity and maintain the line for future economic development along the corridor.

WHEREAS the NY&LE operates in the Village of Gowanda and the Town of Persia and,

WHEREAS the Village of Gowanda has completed phase one of the New York State Department of State's Brownfield Opportunity Assessment (BOA) grant and has applied for a phase two Environmental Protective Agency's (EPA) BOA grant to continue the remediation and redevelopment of 17 acres in the Village and Town and,

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WHEREAS the 17 acres in the Village and Town have been identified, adjoining the NY&LE's right of way through the phase one BOA process for industrial or commercial redevelopment and ,

WHEREAS the grant would allow the track to be upgraded to class two and allow the NY&LE to resume tourist passenger rail excursions from Gowanda to South Dayton, Cherry Creek and Conewango Valley . These excursions will bring tourist dollars to the communities local business as well as lay the groundwork for future passenger trains to operate between Buffalo and Jamestown and,

WHEREAS the economic stimulus which would be created by tourist trains operating between Gowanda and Conewango Valley in the short term, and the larger plan of operating passenger trains between Buffalo and Jamestown by the investment in this corridor will insure it's long term viability and existence for use by future freight rail shippers along the corridor and,

THEREFORE BE IT RESOLVED that the Town Board of the Town of Persia endorses the NY&LE's plan to resume tourist rail excursions between Gowanda and Conewango Valley as vehicle to keep the larger Buffalo to Jamestown rail corridor viable for future passenger excursions and economic development projects along this corridor that we support their PFRAP grant application and,

Copies of this resolution be forwarded to Senator Catherine Young, Senator Patrick Gallivan, Assemblyman Joseph Giglio, Chair Paula Stockman, Legislator Richard Klancer of the Cattaraugus County Legislature, Robert Kies Chairman Southern Tier West Regional Planning and Development Board, Vincent Horrigan Chautauqua County Executive, Matthew Driscoll NYSDOT Commissioner, Raymond Hessinger Freight & Passenger Rail Bureau and Patrick Meredith NYSDOT Assistant Commissioner.

RESOLUTION #87 Budget Transfer

On a motion of Councilperson Walgus

Seconded by Councilperson Tomaszewski

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

NAYS – 0

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RESOLVED to transfer \$1830 from A1990.4 – contingent to A1355.4 – assessor contractual, and transfer \$305 from A9050.8 – employee benefits unemployment to A1355.4- assessor contractual.

RESOLUTION # 88 Budget Modification

On a motion of Councilperson Girome

Seconded by Councilperson Walgus

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

NAYS – 0

RESOLVED to increase the Highway Fund 2016 expenditure budget by increasing the DB5110.4 – general repairs, contractual and by increasing fund balance – inappropriated by \$11,091.00.

RESOLUTION #89 Mel Shaw appointment

On a motion of Councilperson Walgus

Seconded by Councilperson Girome

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

NAYS – 0

RESOLVED to appoint Mel Shaw to Code Enforcement Officer effective November 1st.

RESOLUTION #90 Forty Road seasonal

On a motion of Councilperson Walgus

Seconded by Councilperson Girome

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

NAYS -0

RESOLVED to designate Forty Road starting at 10299 to the State parking lot as seasonal from November 1st to April 1st.

RESOLUTION #91 DFT Security system

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On a motion of Councilperson Walgus

Seconded by Councilperson Girome

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

NAYS – 0

RESOVED to contract with DFT Security for the highway garage for \$999 for a system and \$25.95 a month for monitoring starting January 1st 2017.

RESOLUTION #92 Workshop

On a motion of Councilperson Walgus

Seconded by Councilperson Girome

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

NAYS – 0

RESOLVED to have a workshop to discuss year end matters on December 8th at 6:30pm.

With no further business, and hearing no objection

the meeting adjourned at 8:18 pm

Respectfully submitted,

Denise Trumpore

Town Clerk

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