

**Minutes**

**Town of Persia Regular Board Meeting**

**Reorganization Meeting**

**8 West Main Street, Gowanda, NY 14070**

**January 10, 2019**

**Reorganization Workshop at 6:00pm**

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

**\*Today is the first meeting of the New Year, the Honorable Mark Schindler will officiate the swearing in ceremony for our newly elected officials:**

**Councilperson Seth Howard**

**Court Officer Thomas Povhe**

**Court Officer Gregory Hazelton**

**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: present

Town Clerk: Denise M. Trumpore: present

**Others present:**

Honorable Mark Schindler

Thomas Povhe

Gregory Hazelton

Jack Broyles

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

**Supervisor John T. Walgus:** \*Another year has passed and I hope everyone had a Merry Christmas and had a Happy New Year. \* I ask the bills for Abstract #13 and Abstract 1 for General and Highway be approved for payment by resolution. \* I ask the Supervisor report for December is accepted by resolution. \* I ask the financial report for December be accepted by resolution. \* I have processed payroll for the month. \* We need to pass a resolution stating the Gowanda Ambulance Service Corporation is our designated 911 service. \* I would like to have a resolution to hold a public hearing on passing a local law granting a partial exemption from real property taxes for cold war veterans. \* You have the notice to bid for the town's surplus equipment; a Pennysaver representative told us that it would be approximately \$250.00, in my opinion this is more than the surplus is worth. We have asked the Pennysaver for a reduction and are waiting for an answer. Other options would be Auctions America and our Facebook page. After speaking with our legal advisor, we do not have to publish the surplus equipment in legal notice form so this will be a savings to us. \* The notice of potential volunteers for the town boards and committees to fill vacancies has been sent to the Pennysaver. \* The electrical upgrade in the Clerk's office has been completed, unfortunately there was a cost overage; we budgeted \$700.00 and the total project came to \$880.43 so I ask for a resolution to pay the \$880.43. \* You will notice that we purchased 5 new filing cabinets; to avoid credit card charges I paid for these cabinets myself and have submitted a voucher for reimbursement. I also bought 200 stamps for the Supervisors office at the end of December; I was out of stamps and it also avoided the 5-cent increase of stamps that begins on January 27<sup>th</sup>. The postage cost is also on the voucher for reimbursement. \* On January 2<sup>nd</sup> I met with our grant writer Elizabeth Accordino about our NYS ESD CFA Planning & Feasibility Study grant for \$150,000.00 to remediate and reconstruct the Town Hall that was denied. At their request, I asked Betty to contact Empire State Development for the reasons why our application was denied. ESD explained that since it was a planning grant, our application was too well written with all the phases of the project already known. Our local (SWNY) Regional Economic Development team gave us the highest score possible, but Albany nixed the project. Betty also spoke with the Cattaraugus County Economic Development Planning and Tourism office in Little Valley and they have pointed us to other possible grant resources such as Restore New York. We will try again as soon as we know the grant program schedules. \* We have a letter from the Gowanda Ambulance Service asking us to designate them as our 911 provider. \* The Dog Control Officers cell phone is malfunctioning; I called Verizon to replace it

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

and they are sending us new one free of charge. It was found that we were being charged \$12.17 a month for insurance on the court and DCO's flip phones, I cancelled this unneeded charge. \* Thru the Cattaraugus County Supervisors Association I learned of a company in Olean that deals with copiers, computers, security, mailers and the internet; the company is Acme Business, you have the pamphlet they gave us, a representative met with the clerk and I and he looked at the computers and copiers, he has proposed fixing the courts copier jamming problems for approximately \$500.00 or less, if we find that it doesn't work to our satisfaction or we want a new copier they would discount a new copier for the cost of the repairs of the old copier. After speaking with Judge Schindler, he would like to have the copier repaired. \* Acme Business submitted a yearly maintenance plan for our computers and copy machines; estimated first time cost would be \$600.00 then \$500.00 a year there after. Our present IT firm Prizm has not submitted a bid, their 2018 cost was \$600.00 a year, Pro Tech submitted a verbal bid of \$600.00 a year. \* We are still in need of three town residents to serve on the Sexual Harassment Committee. \* Happy Birthday this month goes to Mel Shaw whose birthday is on the 27<sup>th</sup>.

**Highway Superintendent Daniel H. Ackley:** \* Read highway bills. \* Dylan Jones is now full-time, he is on a 90-day probation period.

**Councilperson Theresa A. Girome:** \* I would like a resolution to audit the Town Clerks books. \* I attended the Village board meeting on January 8<sup>th</sup>.

**Councilperson Gloria J. Tomaszewski:** \* Thomas Povhe has submitted his resignation for the Board of Review since he moved out of Persia, in light of this, I would like to appoint Mark Hebner to the Board of Review. \* I would like a resolution to audit the court books. \* I would like a resolution to have a workshop on February 14<sup>th</sup> at 6:30 to discuss the Cold War Veterans exemption. \* The annual Gowanda Ambulance meeting will be on January 14<sup>th</sup>.

**Councilperson Robert O. Dingman:** \*

**Councilperson Seth H. Howard:** \* I understand the Comprehensive Plan is not yet final. \* I would volunteer to be on the Sexual Harassment Committee. \* I will be absent from the meeting on February 14<sup>th</sup>.

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

**Assessor Mary A. Bailey:** \* Recent sales in November – 11-7 Charles McIssac 10036 Hawkins Rd sold to Tim & Cathy Burns for \$90,000, 11-19 Methodist Church 159 West Main to James Wheat for \$40,000, 11-19 Gowanda Properties 37 Jamestown St to David Johnson for \$30,800, 11-22 Howard Vance estate 10363 Rt 62 to James Whalen for \$55,100, 11-29 Kobiolka to Paula Freeman & Charles Smith – 111 Johnson St. for \$46,000, 48 Torrance Place \$37,000, 41 Chestnut St. \$42,000.

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

Total transactions for December: 49  
Total Collected: \$ 710.00  
Towns Portion: \$ **335.08**  
I ask for a resolution to accept the minutes from December 13<sup>th</sup>.

**RESOLUTION # 1 Audit of Claims**

On a motion of Councilperson Howard  
Seconded by Councilperson Tomaszewski  
The following was  
ADOPTED AYES – 5 Howard, Tomaszewski, Girome, Dingman, Walgus  
NAYS – 0

**RESOLVED that the bills contained on abstracts #13 and #1 for General and Highway have been reviewed by the Town Board and are authorized for payment in the following amounts:**

**Abstract 13 – General vouchers # 241 to #249 Total = \$ 3,843.43**  
**Abstract 13 – Highway vouchers # 89 to # 90 Total = \$2,451.80**  
**Abstract 1 – General vouchers #1 to # 21 Total = \$ 17,113.75**  
**Abstract 1 – Highway vouchers # 1 to # 3 Total = \$ 727.27**

**RESOLUTION #2 Approval of Minutes**

On a motion of Councilperson Girome  
Seconded by Councilperson Howard  
ADOPTED AYES – 5 Girome, Howard, Tomaszewski, Dingman, Walgus  
NAYS - 0

**RESOLVED to approve the minutes from December 13, 2018.**

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

**RESOLUTION #3 Supervisors report**

On a motion of Councilperson Dingman

Seconded by Councilperson Tomaszewski

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

NAYS - 0

**RESOLVED to accept the Supervisor report for December 2018.**

**RESOLUTION #4 Financial Report**

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Dingman

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

NAYS - 0

**RESOLVED to accept the financial report for December 2018.**

**RESOLUTION #5 Designated 911 service**

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Girome

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

NAYS – 0

**RESOLVED Gowanda Ambulance Service Corporation to be our designated 911 service.**

**RESOLUTION #6 Cold War Veterans Exemption**

On a motion of Councilperson Howard

Seconded by Councilperson Girome

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

NAYS – 0

**RESOLVED to have a public hearing on the Cold War Veterans Exemption on February 14<sup>th</sup> at 6:30pm.**

**RESOLUTION #7 Mark Hebner Appointment**

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Dingman

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

NAYS – 0

**RESOLVED to appoint Mark Hebner to the Board of Review**

**RESOLUTION #8 Court books audit**

On a motion of Councilperson Tomaszewski

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

Seconded by Councilperson Dingman

ADOPTED                   AYES – 5 Tomaszewski, Dingman, Girome, Howard, Walgus  
                                  NAYS – 0

**RESOLVED to audit the 2018 court books**

**RESOLUTION #9 Town Clerk audit**

On a motion of Councilperson Girome

Seconded by Councilperson Dingman

ADOPTED                   AYES – 5 Girome, Dingman, Tomaszewski, Howard, Walgus  
                                  NAYS – 0

**RESOLVED to audit the Town Clerk 2018 books.**

**RESOLUTION #10 Burzak Electric overage**

On a motion of Councilperson Dingman

Seconded by Councilperson Tomaszewski

ADOPTED                   AYES – 5 Dingman, Tomaszewski, Girome, Howard, Walgus  
                                  NAYS – 0

**RESOLVED to pay Burzak Electric the overage of \$180.43 for a total bill of \$880.43.**

**RESOLUTION # 11 Court copier**

On a motion of Councilperson Howard

Seconded by Councilperson Tomaszewski

ADOPTED                   AYES – 5 Howard, Tomaszewski, Girome, Dingman, Walgus  
                                  NAYS – 0

**RESOLVED to have Acme Business fix the court copier for no more than \$500.00.**

**RESOLUTION # 12 Reorganization Meeting**

On a motion of Councilperson Dingman

Seconded by Councilperson Girome

ADOPTED                   AYES – 5 Dingman, Girome, Tomaszewski, Howard, Walgus  
                                  NAYS – 0

**RESOLVED**

**2019 Reorganization Meeting**

1. The regular Town Board meetings will be held at 7:00 pm on the second Thursday of each month in the Persia Town Hall at 8 West Main Street.

**Town of Persia Regular Board Meeting**  
**Reorganization Meeting**  
**January 10, 2019**  
8 West Main Street, Gowanda, New York 14070

---

2. The Community Bank will be designated as the Town's official depository. Coeternal arrangements will be made to secure Town's deposits for amounts over \$100,000.00 by the State Comptroller's guidelines.
3. The official newspaper will be the Dunkirk Observer.
4. The officers will be compensated for the use of their vehicles in the performance of their official duties of obligations at a rate of 50.5 cents per mile.
5. "Official Undertaking" The Town of Persia will enter into an insurance bond (blanket) to cover all employees with a separate bond to cover the Tax Collector & Town Supervisor for the amount of the warrant and a policy to cover any lawsuits against the Town of Persia employees and all elected officials of the Town.
6. Councilperson Robert Dingman appointed as Deputy Supervisor.
7. Impose a charge of \$20.00 on each check as a service charge to be added to any account owing to the Town of Persia where a check is returned for insufficient funds.
8. James Musacchio, attorney will be contracted by the Town to give professional services and advice, as it is required.
9. Town board entered into terms of engagement with Bahgat, Laurito & Bahgat.
10. Petty Cash for the Town Clerk will be \$100.00. Petty Cash for Tax Collector will be \$100.00.
11. Town Board authorizes payment of claims for public utilities, postage, credit card, freight and express charges before they are audited.
12. The Assessment Review Board will receive \$60.00 for their one-day service, and \$15.00 for schooling plus mileage.
13. Authorize the Town's Highway Superintendent to purchase tools, equipment and implements during the calendar year without prior approval in an amount not to exceed \$1,000.00
14. Phil Palen as local Historian.
15. No charges will be placed on Taxpayer's tax accounts for the calendar year 2019. This is for the second billing of unpaid taxes that are sent out in March.

**Town of Persia Regular Board Meeting**  
**Reorganization Meeting**  
**January 10, 2019**  
8 West Main Street, Gowanda, New York 14070

---

16. That bi-weekly payroll checks be paid to full-time employees and monthly payroll checks to part-time employees.
17. Highway employees for the Town of Persia will receive \$12.00 per hour for part-time positions.
18. Appoint Allen Jones as Deputy Highway Superintendent at the rate of \$15.75 per hour.
19. Daniel Ackley, Superintendent of Highways will receive a salary of \$42,000.00.
20. John Walgus, Town Supervisor will receive a salary of \$9,520.00.
21. John Walgus is appointed Director of Finance and will receive a salary of \$970.00.
22. Council people Robert Dingman, Gloria Tomaszewski, Theresa Girome and Seth Howard will receive a salary of \$3,297.00.
23. Town Justice Mark Schindler will receive a salary of \$11,000.00.
24. The Town Justice may attend mandatory schooling and attend Cattaraugus County Magistrate meetings, which are held once a month and be compensated for meals and mileage.
25. Appoint Cheryl Matern, as Court Clerk a part-time employee for the Town Justice will receive a salary of \$6,000.00.
26. Appoint Mary Beth Beverlin as Dog Control Officer at a salary of \$3,434.00
27. Enter into agreement with Kathy Hagner for \$450.00/yr. for kennel/board service
28. Appoint Denise Trumpore as town cleaner.
  29. Appoint Mary Bailey as Town Assessor for 7 years at a salary of \$11,564.00.
  30. Appoint Mel Shaw as Town Code Enforcement Officer at the salary of \$4,000.00 plus mileage.
  31. Denise Trumpore, Town Clerk, Tax Collector & Notary Public will receive a salary of \$25,725.00.
  32. Denise Trumpore, Registrar of Vital Statistics will receive a salary of \$930.00.
  33. Appoint Louise Hubbard as Deputy Town Clerk & Deputy Tax Collector at the rate of \$11.75 per hour.
  34. Appoint Thomas Povhe as Officer in Charge and Gregory Hazelton as Court Security Officer as part-



Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

time employees for the town Justice at the rate of \$11.25 per hour.

35. Recognized Holidays –New Year’s Eve (half day), New Year’s Day, Martin Luther’s Day, President’s Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran’s Day, Thanksgiving and the Friday after, Christmas Eve, Christmas Day.

36. Appoint Thomas Povhe as Disaster Coordinator.

37. Dog Control Officer will submit a voucher twice a year for expenses incurred.

(see attached)

**38. Highway Benefit Package**

**39. Code of Ethics**

**40. Procurement Policy**

**41. Councilperson Assignments**

**42. Payroll**

**43. Zoning & Planning Board**

**44. Court Security Officer Duties**

**45. Sexual Harassment Policy**

**46. Dog kennel/board agreement with Kathy Hagner**

---

**Town of Persia Highway Department**

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

**Compensation and Benefit Summary Effective**

**January 1, 2019**

**Wages:**

Deputy Highway Supervisor: \$15.75 per hour

Full-time: \$15.25 per hour

Part-time: \$12.00 per hour

Part-time with CDL: \$15.00 per hour

Part-time/Probation with no CDL: \$12.00 per hour

Part-time/Probation with CDL: \$14.75 per hour

**Probation:**

New hires are on a three (3) month probation period.

**Recognized Holidays:**

New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday after Thanksgiving, Christmas Day, and two (2) floating holidays.

**Vacation:**

One week after one year of service.

Two weeks after three years of service.

Three weeks after ten years of service.

**Sick Days:**

Three days per year. May be accumulated for a total of 30 days.

**Compensation Time: (bankable overtime hours)**

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

May be accumulated up to 240 hours, but must be used prior to December 31, 2019.

**Call in Time:**

A highway employee who is called in to work before or after regular work hours will get a four (4) hour call out.

**Health Insurance:**

A full-time employee who elects not to participate in the health coverage offered by the Town may be entitled to a buy-out of \$1,000.

A full-time employee who wishes to participate in the single coverage health insurance coverage shall pay 33% of the premium. The Town will cover 67% of the premium.

**Clothing Allowance:**

Employees shall be entitled to reimbursement up to \$250.00 for clothing appropriate for the work requirements. Requests for reimbursement shall be submitted to the Highway Superintendent before December 31, 2019 for approval.

**Bereavement Leave:**

Any employee who has had a death in his immediate family, (mother, father, brother, sister, spouse, child, current mother or father in -law, grandchild, grandparent, current sister or brother in-law shall be entitled to three (3) working days off with pay. Employees will be allowed one (1) day off for the purpose of attending the funeral in the event of the death of an aunt, uncle, niece or nephew.

**Jury Duty:**

While an employee is on jury duty, the Town shall make up the difference between the amounts received by the employee for the jury duty and his regular straight time pay not to exceed a maximum per employee of thirty (30) working days per occurrence, provided:

1. The employee notifies the Highway Supervisor upon receipt of notice to report to jury

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

duty.

2. Provides proof of having performed the jury duty service.

### **2019 Procurement Policy**

WHEREAS, Section 104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML, 103 or any other law: and

WHEREAS, comments have been solicited from those officers of the town involved with procurement:

NOW THEREFORE, be it RESOLVED: That the Town of Persia does hereby adopt the following procurement policies and procedures:

1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, 103. Every town officer, board department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file of other documentation supporting the purchase activity.
2. All purchases of (a) supplies or equipment which will exceed \$10,000 in a fiscal year or (b) public works contracts over \$20,000 shall be formally bid pursuant to GML, 103.
3. All estimated purchases of :
  - Less than \$10,000 but greater than \$3,000 require a written request for a proposal (RFP) and written /fax quotes from three vendors.
  - Less than \$3,000 but greater than \$1,000 require an oral/fax quote for the goods from two vendors.
  - Less than \$1,000 but greater than \$250 is left to the discretion of the purchaser.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax or oral quotes have been

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

requested and the written/fax or oral quotes offered.

All information gathered in complying with the procedures of the Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

4. The lower responsible proposal or quote shall be awarded the purchase of public works contract unless – the purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall be documented and filed the record supporting the procurement.
5. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar the procurement.
6. Except when directed by the town board, no solicitation or written proposals or quotations shall be required under the following circumstances:
  - Acquisition of professional services
  - Emergencies
  - Sole source situations
  - Goods purchased from agencies for the blind or severely handicapped
  - Goods purchased from correctional facilities
  - Goods purchased from another government agency
  - Goods purchased at auction
  - Goods purchased for less than \$250
  - Public works contracts for less than \$500
7. Authorized to participate in the United States Communities Governmental Purchasing Alliance.

## **2019 COUNCILPERSON ASSIGNMENTS**

**ROBERT DINGMAN**

Deputy Supervisor

Cattaraugus County Watershed

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

Thatcher Brook Task Force

Disaster Coordinator

Railroads

Historical Society

Economic Development Committee

Library

Comprehensive Plan

**GLORIA TOMASZEWSKI**

Historical Society

Town Court

Grant Writer

Assessor

Insurance

Ambulance

Comprehensive Plan

**THERESA GIROME**

Comprehensive Plan

Planning Board and Zoning Board

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

Code Enforcement

Village Board

Cable Television

Dog Warden

Town Clerk

**Seth Howard**

Fire and Building Codes

Highway

Special Districts (Water/Sewer)

Fire Districts

Building

Cemetery

Comprehensive Plan

**2019 TOWN OF PERSIA PAYROLL**

ACKLEY, DANIEL	HIGHWAY SUPERINTENDENT	\$42,000.00
BAILEY, MARY	ASSESSOR	\$11,564.00
BEVERLIN, MARY BETH	DOG CONTROL OFFICER	\$ 3,434.00
BOBSEINE, GALLAGHER	HIGHWAY WORKER	\$14.75/HOUR

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

DINGMAN, ROBERT	COUNCILPERSON	\$ 3,297.00
GIBBS, MATTHEW	HIGHWAY WORKER	\$14.75/HOUR
GIROME, THERESA	COUNCILPERSON	\$3,297.00
HAZELTON, GREGORY	COURT OFFICER	\$11.25/HOUR
HOWARD, SETH	COUNCILPERSON	\$3,297.00
HUBBARD, LOUISE	DEPUTY CLERK	\$11.75/HOUR
JONES, ALLEN	HIGHWAY WORKER	\$15.75/HOUR
JONES, DYLAN	HIGHWAY WORKER	\$12.00/HOUR
MATERN, CHERYL	COURT CLERK	\$ 6,000.00
MUSACCHIO, JAMES	PROSECUTOR	\$ 3,606.00
MUSACCHIO, JAMES	ATTORNEY	\$ 3,030.00
POVHE, THOMAS	COURT OFFICER	\$11.25/HOUR
SCHINDLER, MARK	JUSTICE	\$ 11,000.00
SHAW, MELVIN	CODE ENFORCEMENT OFFICER	\$ 4,000.00
TOMASZEWSKI, GLORIA	COUNCILPERSON	\$ 3,297.00
TRUMPORE, DENISE	TOWN CLERK	\$25,725.00
TRUMPORE, DENISE	REGISTAR OF VITAL RECORDS	\$ 930.00
WALGUS, JOHN	SUPERVISOR	\$9,520.00
WALGUS, JOHN	DIRECTOR OF FINANCE	\$ 970.00



Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

**2019**

**Town of Persia Planning Board**

1 year term (ending -1/20): Richard Bridges 9840 Broadway Road – 532-2612

2 year term (ending -1/21): William Hojnacki 10333 Skinner Hollow Road – 257-9149

3 year term (ending -1/22): Joseph Butera 10961 Miller Road – 257-9415

4 year term (ending -1/23): David L. Allen 8997 Persia Road – 257-9045

5 year term (ending -1/24): David Allen 9172 Point Peter Road – 257-5020

6 year term (ending -1/25): Joyce Gemmill 9429 Broadway Road – 532-2736

Alternate: Mark Hojnacki 10333 Skinner Hollow Road – 713-9406

Secretary:

Chairperson:

**2019**

**Town of Persia Zoning Board**

1 year term (ending -1/20): David L. Allen 8997 Persia Road – 257-9045

2 year term (ending -1/21): Richard Bridges 9840 Broadway Road – 532-2612

3 year term (ending -1/22): David Redman 9795 Broadway Road – 984-8345

4 year term (ending -1/23): Mark Hojnacki 10333 Skinner Hollow Road – 713-9406

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

5 year term (ending -1/24: David Allen 9172 Point Peter Road – 257-5020

Alternate: William Hojnacki 10333 Skinner Hollow Road – 257-9149

Alternate: Joyce Gemmill 9429 Broadway Road – 532-2736

Meetings are held on the 3<sup>rd</sup> Mondays of March, July and November at 7:00pm.

Monday, March 18, 2019

Monday, July 15, 2019

Monday, November 18, 2019

\* Members will be paid \$30.00 per meeting attended.

All meetings will be held at the Persia Town Hall 8 West Main Street, Gowanda NY

**TOWN OF PERSIA COURT OFFICER**

Town of Persia Court Officers are responsible for maintaining order and providing security in the courtroom and grounds.

Duties may include:

\*Provide security by standing in courtroom and patrolling courthouse.

\*Maintain order by removing or calming individuals, bar entry into courtroom of individuals who are not properly attired or behaved.

\*Physically restrain disruptive individuals.

\*Detain individuals until proper authority arrive.

\*Escort, guard and deliver material to deliberating juries.

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

- \*Operate security equipment including magnetometers and hand-held screening devices.
- \*Use established search procedures to assure that no weapons are brought into the courtroom.
- \*Report inoperative equipment to supervisor.
- \*Provide general information to individuals on court premises.
- \*Carry a legal firearm in courthouse and grounds, and meet qualifications and standards.
- \*Have peace officer status and powers.

**Sexual Harassment Policy for the Town of Persia**

**Introduction**

The Town of Persia is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This policy is one component of the Town of Persia's commitment to a discrimination-free work environment. Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the Town Supervisor. Employees can also file a complaint with a government agency or in court under federal, state or local anti-discrimination laws.

**Policy:**

1. The Town of Persia's policy applies to all employees, volunteers, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Town Supervisor. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Town of Persia

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Town of Persia retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Town Supervisor. All employees, paid or unpaid interns or non-employees, or volunteers who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Town of Persia to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. The Town of Persia will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Town of Persia will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Town of Persia will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Town Supervisor.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work locations) and be provided to employees upon hiring.

**What is "Sexual Harassment"?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when;

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassment should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

**Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - X Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

- X Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or proposition's, such as:
  - X Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - X Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - X Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - X Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - X Sabotaging an individual's work;
  - X Bullying, yelling, name-calling.

**Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

**Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts,

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

emails and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

**Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity”. Protected activity occurs when a person has:

- Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discriminating law;
- Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- Reported that another employee has been sexually harassed; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

**Reporting Sexual Harassment**

**Preventing sexual harassment is everyone’s responsibility.** The Town of Persia cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or not-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Town Supervisor. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

behavior to a supervisor, manager or the Town Supervisor.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

#### **Supervisory Responsibilities**

All supervisors and manager who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Town Supervisor.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

#### **Complaint and Investigation of Sexual Harassment**

**All** complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including



Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Town of Persia will not tolerate retaliation against employees who file complaints support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Town Supervisor will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the 'Complaint Form' in writing. If he or she refuses, prepare a Complaint form based on the verbal reporting.
- If documents, email or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses.
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - X A list of all documents reviewed, along with a detailed summary of relevant documents;
  - X A list of names of those interviewed, along with a detailed summary of their statements;
  - X A timeline of events;
  - X A summary of prior relevant incidents, reported or unreported; and
  - X The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

**Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the Town of Persia but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Town of Persia, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

**State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, §290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file a DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR, if they have already filed a HRL complaint in state court.

Complaining internally to the Town Supervisor does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorneys fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fountain Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit;

[www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains information DHR's regional offices across New York State.

### **Civil right Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42U>S>C> & 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employees must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has District area, and field offices where complaints can be filed. Contact the EEOC by calling

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An Individual should contact the county, city or town in which they live to find out if such law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10<sup>th</sup> floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/jhome.shtml](http://www.nyc.gov/html/cchr/html/home/jhome.shtml).

### **Contact the local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

### **Dog Kennel/Board Agreement**

This Agreement is between the **Town of Persia** and **Kathy Hagner** is for \$20.00 per day for kenneling/boarding any dog brought to her by the Persia Dog Warden to kennel/boarding facility at 10901 North Road Perrysburg, NY for up to seven (7) days for identified dogs and up to five (5) days for unidentified dogs as determined by local and NYS Agriculture law. Fees for claimed dogs will be paid by dog owner directly to Kathy Hagner. Unclaimed dog fees will be paid by the Town of Persia to Kathy Hagner. The seizure fee of \$25.00 for claimed dogs will be paid by the owner to the Town of Persia.

The Persia Dog Warden will be liable to pick up any dog left unclaimed after allotted time.

Town of Persia Regular Board Meeting  
Reorganization Meeting  
January 10, 2019  
8 West Main Street, Gowanda, New York 14070

---

The Town of Persia will pay Kathy Hagner \$450.00 per year for board/kennel service.

**Resolution #13 Workshop**

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Dingman

**RESOLVED to have a workshop on February 14<sup>th</sup> at 6:30pm to discuss the Cold War Veterans exemption.**

With no further business, and hearing no objection we now adjourn our meeting in memory of our Town residents Richard Barone, Randy Gootemote, Richard Westburg and Mary Zynda. Meeting adjourned at 7:48 pm.

Respectfully submitted,  
Denise M. Trumpore

Town Clerk