**Minutes**

Town of Persia Board Meeting

8 West Main Street, Gowanda, NY 14070

August 11, 2022

**Workshop 6:00pm to discuss the solar array project & amendments.**

**Supervisor John Walgus calls meeting and public hearing for Local Law 2022-1 to order at 7:00pm**

**\*\* Notice of public hearing for Local Law 2022-1 was posted in the Observer on July 22nd and 29th with same being posted on the Persia Website and the Persia Town Hall.**

**All stand for the Pledge of Allegiance**

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: absent

 Others present:

Highway Superintendent: Daniel H. Ackley

Town Clerk: Denise M. Trumpore

Jake Alianello: town Engineer

Jim Palumbo: KHH Landscape Architect

Jack Broyles

**Public Participation**

**Town Engineer Jake Alianello: \*** Noted that there are many towns now either putting solar laws together or finding the wording in existing solar laws having to be reworded. \* Would like to have a framework of future meeting dates for the town board as well as the planning & zoning boards.

**Landscape Architect Jim Palumbo:** \* Would like to know the dates when the Planning & Zoning Boards will be meeting. \* Stated RENUA is considering filing an application for Persia Solar Site soon.

 **Supervisor John T.** **Walgus:**  \* I would like to open the meeting for public comment on proposed law 2022-1which is to make amendments to the Zoning ordinance on Solar and District Use Regulations as follows:

1. Under Article XXI – Section 6- Large Scale Solar Energy Systems Applicability, **add new** **paragraph VIII** “**Large Scale ground mounted solar systems are permitted as accessory and principal uses in the Town of Persia, subject to the following conditions, ‘unless specifically waived by the Town Board as part of the permit’.**
2. Under Article XXI - Section 7, **STRIKE** paragraph 2.
3. Under Article VII - District Regulations Section 7.2 – District Use Regulations, Schedule A, **STRIKE** “**Zoning Board of Appeals”** and **replace** with the “**Persia Town Board”**
4. Under Article XI– District Regulations - Section 11.2 -Powers and Duties, (d.) **STRIKE** “**approve or disapprove each application for a special use received in compliance with the provisions of this ordinance**” and **replace** with “**recommend or disapprove the application and forward their decision to the Persia Town Board for further action”**
5. Under Article XI – District Regulations – Section 11.4 – Special Use Permit, **STRIKE Board of Zoning Appeals** and **replace** with “**Zoning Board”**
6. Under Article XI – District Regulation – Section 11.4 – Special Use Permit, **STRIKE** “**issue “**and **replace** with “**recommend or disapprove of the findings of their decision and forward it to the Persia Town Board for”**
7. Under Article XI – District Regulations – Section 11.4 – Special Use Permit- (c.), **STRIKE** **“the Board of Appeals”** and **replace** with “**the Persia Town Board”.**

\*I ask for a resolution to accept the financial report for July. \* I also need a resolution for the Supervisor report. \* We will need budget transfers for the purchase of the new pick-up truck for highway. \* Last month we accepted the lowest responsible bid from Wendel Engineering for the second-floor planning & feasibility study for the CFA grant from NYS. I filled out a pre-assignment questionnaire and then met with their engineer, structural engineer, architect, and historic preservation specialist from Wendel Engineering Monday August 8th to begin the process. Wendel’s electrical and mechanical engineers will be here August 18th and the Environmental Consultants from Wendel will be here August 29th and 30th to begin the next phase of the project. The grant window closed July 29th, and we are now waiting to hear if we were successful in our application for the CFA. \* I signed the necessary documents for the HUD Community Block Grant Development project for the proposed Gowanda Brewing Company to be located on South Water Street. \* I have submitted the necessary paperwork to NYS, and we have received our 2022 ARPA (American Rescue Plan Act) funding for FY 2022. \* On July 18th, I attended the Joint Planning & Zoning board meeting. They discussed and passed necessary Zoning Ordinance changes and forwarded these to the Town Board. We had a special meeting on July 21st and agreed with the changes and voted to have a public hearing (which we are having tonight) to adopt them into law. I will send the necessary paperwork to the Cattaraugus County Planning Board. The Cattaraugus County Planning Board will ask for a SEQR and to complete the Full Environmental Assessment form. \* The Highway Supervisor was contacted by the DEC’s Bureau of Design & Construction, Division of Operation regarding the Valentine Flats parking lot and trail/overlook project. This project includes ADA handicap, and wheelchair accessible raised trails expansion with four overlooks and an expanded parking lot area. In the long conference call I had last July 13th with Albany, I explained to the DEC that they will need to bond Valentine Flat’s road and indemnify the town for possible damage due to the large, heavy and multiple construction vehicles that are expected to transverse the road for phase one of the Valentine Flats/Zoar Valley project. \* On July 14th I placed a telephone call to the DEC’s project coordinator in Albany and expressed in the strongest terms that I did not agree with their plans to postpone phase two, until 2024 or later (depending on funding). Phase two includes remediating the trail that descends from the Valentine Flat’s Rd. parking lot into the flats area of Zoar Valley and building a helipad. My contention is that the trail for first responders – EMS & FDs to access the flats area near the Cattaraugus Creek and the helipad for life saving possibilities should be the number one priority instead of new trails and overlooks. They did not agree with me, and phase one is scheduled to start soon. \* On July 27th, Highway Supervisor Ackley and I traveled to Dave Hallman Chevrolet in Erie Pennsylvania and purchased a new Chevrolet Silverado 3500 4X4 for the highway dept. to replace the 2010 Ford F350 4X4 pickup with approx. 140,000 miles on the clock. On August 10th, Dan and I went back to Erie PA and got the new truck. \* Regarding the Verizon Cell Antenna (Thatcher Brook Micro Cell Site Project) to be installed on top of the town hall, the project installation beginning date will be August 11th. Verizon crews have brought in the fiber optic cable for the antenna into the basement of the building and they are ready to begin. Verizon did bring in independent contractors (bidders) for a tour of the building for the final rooftop installation project back in June. \* I had Town Engineer, Jake Alianello look at the entrance doors as we discussed last month, and am waiting on his plan for replacement, so we can go out to bid. \* I would like to have a budget workshop on September 15th at 6pm to begin the budget process for 2023. \* Also, I ask to have a public hearing on Thursday, September 8th at 7pm for the adoption of the towns new kennel law. \* As these projects progress, I would like to have a workshop September 8th at 6pm. \* On the advice of our accountants, we have to rename two of our accounts by resolution, the one is renaming the Highway Reserve account to Highway Capital Reserve account and the other is renaming the Building Reserve account to Building Capital Reserve account. \* This month birthday greetings go out to Deputy Supervisor, Robert O. Dingman Jr. August 9th.

**Highway Superintendent Daniel H. Ackley:** \*Read highway bills. \* Just to clarify, the contractor who is hired by the DEC for the Valentine Flats/Zoar Valley parking lot and trail/overlook project will need to bond the road, not the DEC. \* I have the new pickup. Due to the generous municipal discounts we more less got the pickup and plow at sticker cost. \* I would like to have the 2010 Ford pickup declared as surplus and put it up on Auctions International. \* Oiled, stoned and patched this month using CHIP monies.

**Councilperson Theresa A. Girome:** \* On August 9th, I attended the Village Board meeting. This morning, Andy Burr, as well as representatives from the Governor’s office had a tour of the Gowanda Correctional Facility. Discussion was on the aftermath of the closure. \* Also, port-a-potties and electric will be added to Gateway Park soon. \* The next Village Board meeting will be September 13th at 6pm.

**Councilperson Robert O. Dingman:**  \*July 21st was a Thatcher Brook Task Force meeting; Mark Burr gave an excellent presentation on past flooding and bridge capacities in the village. I have his report if anyone would like to read it. The next meeting will be August 13th at the village hall. Some concerns I’m going to bring up at that meeting will regard the cleaning out of existing channels and how the railroad can act as the hauler of materials excavated. \* Attended the Chamber of Commerce meeting today, the Farmer’s Market was a success and had a surplus. The vendors gave an interest in having it last longer next year. Music in the Park also showed a surplus. The Chamber is working on renovating the building for the lighting of the Christmas tree and Christmas in the Park. \* Noticed there was an error in the dates the Observer reported for the special election, they said it was August 11th, which is today, and the correct date is August 23rd. This special election is to replace Congressman Reed who resigned.

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

**Councilperson Gloria J. Tomaszewski:** \* Read the general bills. \* Read the Assessors report. \* I have paperwork here from a Healthy Community Alliance meeting I attended. 22 people are on the HUD waiting list. 11 applicants for the tax credit waiting list. 1 on the 2-bedroom waiting list. \* They are hoping the next meeting will be in person after 2 ½ years.

**Assessor Kate Harrington:** \* by email \* The 2022 roll year has been finalized as of July 1, 2022. \* The Assessing office has corresponded with several property owners about their assessments, tax bills, and exemptions. \* There were three transfers in June. You can find more information about these sales here:

<https://www.cattco.org/real-property-and-gls/sales>

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

Total transactions for July - 98

Total Collected: $ 1,240.00

Towns Portion: $**477.29**

**\***I ask for a resolution to accept the minutes fromJuly 14th & July 21st.

**RESOLUTION # 69 Audit of Claims**

On a motion of Councilperson Girome

Seconded by Councilperson Tomaszewski

The following was

ADOPTED AYES – 4 Girome, Tomaszewski, Dingman, Walgus

 NAYS – 0

**RESOLVED that the bills contained on Abstract #8 for General and Highway have been reviewed by the Town Board and are authorized for payment in the following amounts:**

**Abstract 8– General Vouchers # 144 to # 153 Total: $ 2,337.11**

**Abstract 8- Highway Vouchers # 47 to # 49 Total: $ 131,805.87**

**RESOLUTION #70 Approval of Minutes**

On a motion of Councilperson Dingman

Seconded by Councilperson Tomaszewski

ADOPTED AYES – 4 Dingman, Tomaszewski, Girome, Walgus

 NAYS - 0

 **RESOLVED to approve the minutes from July 14th and July 21st.**

 **RESOLUTION # 71 Financial Report**

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Girome

ADOPTED AYES – 4 Tomaszewski, Girome, Dingman, Walgus

 NAYS - 0

**RESOLVED to accept the financial report for July 2022.**

**RESOLUTION # 72 Supervisor’s Report**

On a motion of Councilperson Dingman

Seconded by Councilperson Girome

ADOPTED AYES –4 Dingman, Girome, Tomaszewski, Walgus

 NAYS – 0

**RESOLVED to approve the Supervisors report for July 2022.**

**RESOLUTION # 73 Local Law 2022-1**

On a motion of Councilperson Girome

Seconded by Councilperson Dingman

ADOPTED AYES – 4 Girome, Dingman, Tomaszewski, Walgus

 NAYS – 0

**RESOLVED** **to TABLE Local Law 2022-1 which is to make amendments to the Zoning Ordinance for Solar and District Use Regulations. As follows:**

1. Under Article XXI – Section 6- Large Scale Solar Energy Systems Applicability, **add new** **paragraph VIII** “**Large Scale ground mounted solar systems are permitted as accessory and principal uses in the Town of Persia, subject to the following conditions, ‘unless specifically waived by the Town Board as part of the permit’.**
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**RESOLUTION # 74 Budget transfers**

On a motion of Councilperson Dingman

Seconded by Councilperson Girome

ADOPTED AYES – 4 Dingman, Girome, Tomaszewski, Walgus

 NAYS – 0

**RESOLVED**

 **To increase the General Fund Town Wide 2022 expenditure budget by $20,000 which represents the use of ARPA monies for part of the purchase of the 2022 Chevy Silverado in the Highway fund. This will increase account A4039 – ARPA REVENUE and A1901.9 – TRANSFER TO OTHER FUNDS.**

**To increase the Highway Fund Outside Village 2022 expenditure budget by $30,019 which represents the use of reserve monies for the purchase of the 2022 Chevy Silverado. This will increase account DB5130.2 – MACHINERY – EQUIPMENT.**

**To increase the Highway Fund Outside Village 2022 expenditure budget by $20,000 which represents the use of ARPA monies for part of the purchase of the 2022 Chevy Silverado. This will increase accounts DB5031 – TRANSFER FROM OTHER FUNDS and DB5130.2 – MACHINERY – EQUIPMENT.**

**RESOLUTION # 75 Budget Workshop**

On a motion of Councilperson Girome

Seconded by Councilperson Dingman

ADOPTED AYES – 4 Girome, Dingman, Tomaszewski, Walgus

 NAYS –0

**RESOLVED to have a budget workshop on September 15th at 6pm to begin the budget process.**

**RESOLUTION #76 Workshop**

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Girome

ADOPTED AYES – 4 Tomaszewski, Girome, Dingman, Walgus

 NAYS – 0

**RESOLVED to have a workshop on September 8th at 6pm to discuss the CFA grant, the solar project and Verizon antenna.**

**RESOLUTION #77 Public hearing**

On a motion of Councilperson Dingman

Seconded by Councilperson Girome

ADOPTED AYES – 4 Dingman, Girome, Tomaszewski, Walgus

 NAYS – 0

**RESOLVED to have a public hearing for comment on the adoption of**

**Local Law 2022-2 - Article XXII Kennel Law on September 8th at 7pm.**

**RESOLUTION # 78 Highway Capital Reserve Account**

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Girome

ADOPTED AYES – 4 Tomaszewski, Girome, Dingman, Walgus

 NAYS – 0

**RESOLVED** **to rename the Highway Reserve Account to the Highway Capital Reserve Account.**

**RESOLTION #79 Building Capital Reserve Account**

On a motion of Councilperson Dingman

Seconded by Councilperson Girome

ADOPTED AYES –4 Dingman, Girome, Tomaszewski, Walgus

 NAYS – 0

**RESOLVED to rename the Building Reserve Account to the Building Capital Reserve Account.**

**RESOLUTION #80 Declare 2010 Ford pickup as surplus**

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Dingman

ADOPTED AYES – 4 Tomaszewski, Dingman, Girome, Walgus

 NAYS - 0

**RESOLVED to declare as surplus the 2010 Ford pickup and put it up for sale on Auctions International.**

 Hearing no objection, Supervisor Walgus closed the public hearing and the meeting with a moment of silence for Sarah “Sally” Burr, town resident and former Persia Election Inspector who passed away since our last meeting at 8:04 pm.

 Respectfully submitted,

 Denise M. Trumpore

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Town Clerk