**Minutes**

Town of Persia Board Meeting

8 West Main Street, Gowanda, NY 14070

April 14, 2022

**Celebrating Easter Week and Dyngus Day**

**Workshop 6:30pm to discuss solar array project**

**Public Hearing CDBG 7:00pm**

**All stand for the Pledge of Allegiance**

**Notice of Public Hearing was posted in the Observer on March 12th and March 19th, with same being posted on the website and Community Bulletin Board.**

Roll Call:

Supervisor: John T. Walgus: present

Councilperson: Theresa A. Girome: absent

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

Jack Broyles

Todd Friedman – Resunance Company

Dave Byrne – RENUA

Jim Palumbo – Landscape Architect – Klepper, Hahn & Hyatt

**PUBLIC PARTICIPATION**

\* Jack Broyles stated he attended the village board meeting. There was discussion on the request from the town for a $10,000 contribution for the DFT wireless broadband internet connectivity in the town.

\* Todd Friedman, part owner with his brother of Resunance, Dave Byrne, RENUA Energy founder, and Jim Palumbo, landscape architect from Klepper, Hahn and Hyatt gave a presentation on the proposed solar array project on Broadway Road. Points of interest were:

\* Solar array project will be on 33 acres of land leased from Gernatt Gravel for 25-year lease with two 5-year extension options.

\* Gowanda Solar farm will be a community solar project producing 5 mega-watts of AC for the community where they can enjoy a benefit from solar energy with discounts on their utility rates of 10% if they subscribe.

\* RENUA Energy has worked on 37 installations of solar panels in NYS to date.

\* It is a more efficient locally based source of energy.

\* Project will have a 7-foot fence installed around it.

\* Panels will be pointed to the East at 60 degrees in the morning, will go flat at midday and point to the West tracking the sun. They will then go back to the East to start over again in the morning.

\* Working on building a berm using 4–5-foot trees on the Broadway Roadside.

\* Panels are designed to catch as much reflection from the sun that they can, but you may see a slight reflection from them.

\*Typically, the cleaning the panels will be after the winter season, we use only water to clean them.

\* You will not hear the hydraulic motors that run the panels; there will be a noise buffer on the Broadway Roadside. The decibel rating is higher on the fan running in the town hall.

**Supervisor John T.** **Walgus:**  \* I open the floor for public comment on the Public Hearing for the CDBG application approval for a micro-brewery at 29 South Water Street. \*I have processed payroll and paid the prepays. \* I ask for a resolution to accept the financial report for March. \* I also need a resolution for the Supervisor report. \* As I reported to you last month, we have installed the extra security system (MFA) or the multi factor authentication protocol on all town owned and on our personal devices that are able to connect to the internet by ACME Business Solutions. \* I have updated and executed a new Memorandum of Understanding (MOU) at the same rate and dollar limit as our prior MOU with our grant writer Ms. Elizabeth Accordino. We have notified NYS ESD of our intention to apply for a grant as is their requirement. When the grant window opens, we will proceed and apply. \* At the joint Planning & Zoning Board meeting, the principals from RENUA LLC made their presentation regarding the proposed Gowanda Solar Farm at 10212 Broadway Road. They have sent all the necessary documents that we have requested, including the Site Plan Application. Along with RENUA and our planning & zoning board, attendees included town attorney James Musacchio, engineer Jacob Alianello from MDA Engineers of Ellicottville, Councilperson Theresa Girome, secretary to the planning & zoning board, along with Councilperson Gloria Tomaszewski and former Supervisor Paula Schueler. \* In our negotiations with RENUA, so far to date, I have received checks for our estimated legal and for our engineering fees. They have also agreed to PILOT payments to the town, county, and school district. \* I have received the signed and executed contract from Verizon Wireless LLC for the installation of the Thatcher Brook Micro Cell Antenna to be located on top of the town hall, they have agreed to our rental proposal with a 2% yearly COLA. The employees from Verizon and Verizon Wireless have brought their fiber optic cable into the building’s basement and are splicing together the necessary cables and equipment for the project. I will be meeting with Verizon Wireless on April 15th to finalize the plan. \* Also, I have on behalf of the town applied for a building permit for the antenna installation. \* I have a resolution tonight naming the town as Lead Agency for the Gowanda Solar Farm LLC SEQR process, which we will then refer it back to the planning & zoning board and the county planning board. We will then ask the town planning & zoning board to hold a public hearing on RENUA’s solar farm proposal and have them send their recommendation back to the town board. \* The Board of Assessment Review (BAR) will be meeting on June 7th from 4 to 8 pm to hear citizen’s concerns about their property assessments. Our assessor will be in attendance also. We will be needing a new member for the BAR because of the resignation of Mark Hebner. If you know of a town resident that would be willing to help for one day a year, please let me know. \* I have been asked by the 8th Judicial District Judge to engage Marie Falzone to help with the court clerks’ records. If you remember we have engaged her in the past (last December) to bring the court clerk up to speed with all the new onerous regulations from Albany. We would engage her at the same rate and amount as we have done in the past. She will be listed and paid as an independent contractor not to exceed $600.00. \* Also, tonight I ask for a formal resolution congratulating Cattaraugus County Clerk Mr. Alan Bernstein on his retirement after more than 30 years’ service to the people of Cattaraugus County. \* The village treasurer notified me by email that the village board tabled the DFT Broadband DSL project, and they need more information about this proposal. I responded to the village and copied the town board members and DFT representatives with my response and my thoughts. \* I have signed a loaner agreement with Copier Fax Business Technologies for a copy/fax machine until our new machine arrives, hopefully sometime in June of this year. The only cost to the town will be if we go over 10,000 copies for the loan period. \* Just for your reference, the Dog Control Officer (DCO) will begin the enumeration (census) on May 1st. We have listed the enumeration on our Facebook page and the Gowanda Penny Saver April 7th and 21st, the Facebook post has been seen by over 900 people thru the Facebook Insights program to date. \* I have included in your packets tonight a copy of Judge Mark A. Schindler’s resignation letter and I am asking for a resolution to accept this resignation. I also have a statement on the resignation of Judge Mark A. Schindler as follows:

These are my opinions and mine only about the forced resignation of Judge Mark A. Schindler by the New York State Unified Court System and others.

In 2020 I was able to read a letter that was sent to Judge Schindler from the town justice of East Otto and is a member from the Catt. Co. Magistrate’s Association, concerning the allegation that Judge Schindler did not remit court funds to me in my duty as Chief Financial Officer (CFO) of the Town of Persia. He also alleged that I failed to return his many phone calls he placed to me about this subject. I then called the East Otto Judge to confront these false statements he made in his letter. The East Otto Judge was astonished that I called him to confront these blatant lies he had made about me and became very defensive telling me that if I ever contact him again, he would file charges against me. I told him good, go right ahead, he then hung up on me and I never spoke to him again.

The newspaper articles that stated Judge Schindler failed to remit funds in a timely matter are absolutely **FALSE**. Judge Schindler in his official duty remits all funds to the Town CFO. I have every receipt of every payment, date and time stamped, and the dated and time stamped bank deposit slips from the town’s official depository Community Bank NA. **NO ONE** from the state, county, or the Buffalo News ever contacted me with any questions or comments about this subject. Ever since being elected to the position of Supervisor, I have faithfully deposited all funds the town received in the town’s official accounts within 24 hours, no exceptions. The only time funds were not remitted to the towns CFO was during the states **MANDATORY** closure of the town court, and **NO** funds were collected during this closure/quarantine. Also, our court personnel were under a stay away order from NYS where they were prohibited from even entering the town hall/court for any reason during this quarantine period. I posted signs in the town hall and on our Face Book page about the NYS mandatory closure, and the phone number for the Catt. Co. Court if anyone had any questions.

When the state finally lifted our mandatory courts closure, our court clerk tried unsuccessfully numerous times to file monthly reports for the time period that our court was closed by NYS, but to no avail. The clerk called the Unified Court System in Albany to complain that their 20 plus year computer system was not able to operate properly and was told in so many words that she didn’t know what she was doing. This is the time period that the town hired an outside consultant to remediate this problem and was unable to do so. And isn’t it funny that after all the trouble the Judge and clerk had with the states old computer system, that the judge from the 8th Judicial District recommended to me that we hire the very same person to fix the problem, and that less than after a month the judge resigns, a brand new NYS court computer arrives!

As you are well aware of, the town has spent thousands of dollars to upgrade the security system in and outside of the town hall. There are signs posted inside and out of the town hall notifying everyone that they are being digitally recorded, everything that is seen or heard in our court is recorded. By state law the “Supervisor is responsible for the safety and security of all town owned buildings and properties. “Again, **NO ONE** has ever contacted me as Supervisor/CFO, Judge Schindler or any of our court personnel to review any of these tapes or recordings to confirm these allegations. It’s a sad day in our history that a disgruntled defendant, ADA, assigned consul/public defender, social worker or just someone who didn’t get their way in civil court, can make false accusations like these and the state takes them as fact.

Maybe it is about time someone investigates the county and state and puts a stop to them from assassinating and bullying their citizens.

The Native American in question is the woman who has been arrested about a dozen times for vandalizing the Gowanda Municipal Building, the Gowanda Police Departments entry doors, Gowanda Police patrol vehicles, numerous businesses and for starting numerous fires in the middle of the night by obtaining cardboard from dumpsters to start the fires.

As a longtime volunteer firefighter for the GVFD, we were notified in the middle of the night of a MVA with entrapment, and the vehicle was on fire on Broadway Road, just north of Pt. Peter Road. I immediately responded to my fire hall. As we were responding and turned onto Broadway Road from Beech St. the sky was aglow with the orange color of fire breaking over the top of the hill, we saw a car fully engulfed in flames and our hearts sank thinking the driver was still in the vehicle. Luckily two Gowanda Firefighters who lived near the MVA rushed out of their homes to the car, ripped open the door and were able to pull the woman out of the car just before it burst into flames. As we were dragging hoses off our pumper to extinguish the fire, our pagers alerted us to another fire on Buffalo St. in the village.

After being alerted to a fire in the Villages business district, I took a fire extinguisher off our pumper and handed it to our first assistant chief and he responded to the second call, I was thinking that we would probably have to call a mutual aid company for the second call if it was a working fire because our equipment was tied up at the MVA.

Well, we later learned that our friendly native American woman started another fire close to a business on Buffalo St. when we were at the MVA. Luckily our first assistant chief was able to extinguish the fire with the fire extinguisher I gave him.

The next morning, I had had enough with the failure of the Catt. Co. District Attorney’s office. In approximately one year’s time the Catt. Co. District Attorney’s office had sent 6 different assistant district attorneys with shadows to our court to handle the now overflow of defendants awaiting adjudication. Every time someone new appeared to the court, the court clerk was requested to give them copies of all the court documents. Thousands of copies were made and given to the different ADA’s time and time again. Then the defendant was assigned a social worker, 4 different social workers appeared with their shadows and now they wanted a copy of all her documents. After the COVID restrictions were lifted and court was allowed to partially reopen, the maximum number of people allowed in court was **6-six**, so let’s get a total of the number of people in court, the Judge, the court clerk, two constables, the ADA with two shadowing, and a social worker with two people shadowing. That’s 10. Some were asked to leave, especially the social workers shadow who did not identify themselves to court security and who played on their cell phones when court was in session.

Finally, so we were led to believe, that this case was going to be turned over to the Catt. Co. Mental Health Court. Guess what? more copies, and the social worker had no idea what court this defendant was supposed to be in and called to inquire if this case was still in our court, and she wanted more copies.

Well, enough was enough and they were told **NO**, that thousands of documents were already turned over to the Catt. Co. District Attorney’s Office. Well time and time again I called to get an explanation about the failure of the DA’s office to represent the people of Catt. Co. After months and months, I’m still waiting for the DA to call me back.

Not to be out done, I called the NYS Unified Court System in Albany, every week for **5-five** months, for an explanation of the incompetence of county and state representatives, concerning this case and **NO ONE** ever called me back. There was a mistake made in the court paperwork for August of 2021. I kept calling the Office of Court Administration in Albany to rectify the mistake. Finally, I caught someone in Albany off guard and he answered the phone. I told him about our dilemma, and he understood and said he would fix the miscoding of a parking ticket. So, it’s now been **8 months** and I’m still waiting for Albany to fix the problem and call me back.

To add insult to injury, now the business owners were contacting me about the vandalism that was being done to their stores. All I could tell them that our hands were tied because of the so-called NYS “bail reform” and the Catt. Co. District Attorneys ADA’s siding with the defendants instead of the citizens of our town.

I have known Judge Schindler personally for most of my life. I have **NEVER** heard him use a racial slur towards any nationality for any reason. I haven’t known a more kinder, more compassionate person that he is.

The state personally attacked him and threatened him and his business if he didn’t resign, after speaking with the man he decided it wasn’t worth the effort, time and monetary cost to fight this ongoing assassination attempt, especially after they promised him, they wouldn’t contact the newspapers. Well guess, what, they lied again.

That is why I’m presenting this to the board to try and explain how broken our system is. Especially now since the Governor, the state Senate, and the state Assembly is controlled by one party and they jammed bail reform down our throats. These so called “Woke” politicians are only trolling for votes, and their only reason is self-preservation not the best interests of the people of the state of NY by letting criminals run loose on our streets. Example, in our court alone during DA night February 2022 there were 40 cases on the docket, only 3 people appeared that night. 37 were no shows. DA night is when the ADA’s, the town prosecutor and public defenders are here. This is the night that the more serious cases are heard. 37 defendants did not appear, and the court now has absolutely no recourse or authority to mandate or force them to make an appearance.

Just a final note. I told Judge Schindler that I would make a statement at tonight’s meeting, but he has absolutely no idea what my statement would be about. All I told him is that I would not use any formal names. These conclusions are my own from observing what has been happening in our town court over the years. And ever since the “woke” one party rule has overtaken our state government, and the criminals now have more freedoms and rights than our law-abiding citizens. And they have free reign to keep committing crimes, repeatedly with no consequence.

\*Birthday greetings this month go out to Deputy Highway Superintendent Alan Jones, Councilperson Theresa Girome, and Code Enforcement Officer Mariano Abreu.

**Highway Superintendent Daniel H. Ackley:** \*Read highway bills. \* Working on purchasing a new truck.

**Councilperson Theresa A. Girome:** \* absent

**Councilperson Robert O. Dingman:**  \* I had a meeting with the treasurer from the village regarding the water/sewer district. I asked for more information, and I am waiting for an answer. **\* 8:45** I move to close the public hearing for the CDBG grant application.

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

**Councilperson Gloria J. Tomaszewski:** \* read general bills. \* I would like a workshop next month to discuss the solar array project.

**Assessor Kate Harrington:** (by email) \* The 2022 exemption deadline was March 1st. Reminders were mailed to all Agricultural Assessment and Senior Citizen Exemption applicants who had not returned their renewal mid-February. This notice reminded applicants that renewals would not be accepted after the deadline. No Agricultural Assessments were removed; one Senior Citizen Exemption was removed. \* Nine building permits were reviewed for Roll Year 2022. Additionally, one property owner requested an assessment review, which will take place in April. \* The Assessing Office has corresponded with several property owners about their assessments, tax bills, and exemptions. \* Added six sales for February, More information about Cattaraugus County sales can be found here: <https://maps2.cattco.org/Monthly/Sales/Feb2022.htm>

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

Total transactions for March – 87

Total Collected: $ 1219.00

Towns Portion: $**481.34**

**\***I ask for a resolution to accept the minutes fromMarch 10th and March 31st.

**RESOLUTION # 32 Audit of Claims**

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Dingman

The following was

ADOPTED AYES – 3 Tomaszewski, 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 # 57 to # 79 Total: $ 4,927.99**

**Abstract 4- Highway Vouchers # 16 to # 23 Total: $ 4,087.20**

**RESOLUTION #33 Approval of Minutes**

On a motion of Councilperson Dingman

Seconded by Councilperson Tomaszewski

ADOPTED AYES – 3 Dingman, Tomaszewski, Walgus

NAYS - 0

**RESOLVED to approve the minutes from March 10th and March 31st.**

**RESOLUTION # 34 Financial Report**

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Dingman

ADOPTED AYES – 3 Tomaszewski, Dingman, Walgus

NAYS - 0

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

**RESOLUTION # 35 Supervisor’s Report**

ON a motion of Councilperson Dingman

Seconded by Councilperson Tomaszewski

ADOPTED AYES –3 Dingman, Tomaszewski, Walgus

NAYS –0

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

**RESOLUTION # 36 CDBG application**

On a motion of Councilperson Dingman

Seconded by Councilperson Tomaszewski

ADOPTED AYES – 3 Dingman, Tomaszewski, Walgus

NAYS – 0

**RESOLVED to close the public hearing and submit the CDBG application on Wanda Koch’s behalf to the New York State Office of Community Renewal for a micro-brewery at 29 South Water Street.**

**RESOLUTION # 37 SEQR Lead Agency**

On a motion of Councilperson Dingman

Seconded by Councilperson Tomaszewski

ADOPTED AYES – 3 Dingman, Tomaszewski, Walgus

NAYS – 0

**RESOLVED to name the Town of Persia as Lead Agency for the NYS SEQR process regarding the RENUA proposed Gowanda Solar Farm Array LLC on Broadway Road and notify the Town of Persia Planning & Zoning Board and the Cattaraugus County Planning Board.**

**RESOLUTION # 38 Mr. Alan Bernstein retirement**

On a motion of Councilperson Dingman

Seconded by Councilperson Tomaszewski

ADOPTED AYES – 3 Dingman, Tomaszewski, Walgus

NAYS –0

**RESOLVED to congratulate Mr. Alan Bernstein for over 30 years of service to the people of Cattaraugus County as County Clerk.**

**RESOLUTION #39 Mark A. Schindler**

On a motion of Councilperson Dingman

Seconded by Councilperson Tomaszewski

ADOPTED AYES – 3 Dingman, Tomaszewski, Walgus

NAYS – 0

**RESOLVED to accept the resignation, with regret, of Judge Mark A. Schindler.**

**RESOLUTION #40 Workshop**

On a motion of Councilperson Tomaszewski

Seconded by Councilperson Dingman

ADOPTED AYES – 3 Tomaszewski, Dingman, Walgus

NAYS – 0

**RESOLVED to have a workshop on May 12th at 6:00pm to discuss the solar array project.**

Hearing no objection, Supervisor Walgus adjourned the meeting in memory of Carl Lucca, Ronald Clabeaux, and Fredric Wilder Sr. at 9:10 pm.

 Respectfully submitted,

 Denise M. Trumpore

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Town Clerk