

**VILLAGE BOARD MEETING
MARCH 12, 2013**

The Village of Gowanda Board of Trustees meeting was called to order by Mayor Heather McKeever at 7:00 p.m. at the Municipal Hall. The pledge of allegiance was recited.

Present: Mayor Heather McKeever
Trustee Carol Sheibley
Trustee John Certis
Trustee Dale DeCarlo
Trustee Paul Zimmermann

Village Employees: Village Clerk Kathy Mohawk, Treasurer Cindy Schilling, Village Attorney Deborah Chadsey

Media Present: Phil Palen, Cable Channel 22
Samantha McDonnell, Observer
Mary Pankow, Pennysaver

Public Present: John Gibbs, Frances Feldman, Linda Tiller, Janet Vogtli, Ron Clabeaux, Tara Gillis, Deb Skinner, Sue Johnson

Motion 244-12. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the minutes of the February 19, 2013 Village Board meeting and Grievance Day as presented. Motion carried 5-0.

Trustee DeCarlo questioned why a payment was made for a ski chaperone from Dunkirk as opposed to a local person. Treasurer Schilling indicated that the ski program has been opened up to other communities to help underwrite the cost of the program. Trustee Certis indicated there has been a shortage of volunteers. Trustee Sheibley suggested that the McCormack's charge for garbage bags should be charged to parks, not recreation. Village Clerk Mohawk advised Treasurer Schilling that the charge to pay for the bus should come out of T&A. She advised that the new total for the Joint Activity fund should be \$189.60.

Motion 245-12. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to approve Abstract #10 dated March 12, 2013 on all funds as corrected:

General Fund	\$32,528.34
Water Fund	13,037.11
Sewer Fund	22,470.57
Superfund Project	256.82
UDAG	1,000.00
Joint Activity	189.60
Total	\$69,482.44

Motion carried 5-0.

PUBLIC PARTICIPATION

Tara Gillis was present as the Rite Aid Wellness Ambassador. They are targeting customer service. Services that are provided include the auto refill, notification processes including texting and e-mail, immunizations including flu, shingles and pneumonia, and the drive-thru. They are also looking into delivery service. She spoke about the Rx savings program, the wellness program, the 24/7 pharmacist and diabetes counselor, and the GNC card. Rite Aid has also been holding Events Days. On April 19th from 12 – 4 will cover osteoporosis, men's health, allergies and infertility. There will be another Kid's Day on May 18th from noon until 6. Store hours are 8 to 8 Monday through Friday, Saturday pharmacy from 9-6 and Sunday the pharmacy is open 9 to 5.

Sue Johnson is the Community Representative for Senator Gallivan. She indicated that the State expects to have an early budget. The Senate increased the dependent exemption from \$1,000 to \$2,020, provided a supplemental child tax credit of \$500 per family and restored the STAR rebate for seniors. The Senate increased the CHIPS program funding by \$100 million to provide road and bridge reconstruction and to provide an additional \$16 million for an upstate transportation system. She advised that the Senator has a new address: 2721 Transit Road, Suite 116, Elma.

Water Superintendent Dubaj addressed some issues relative to the size of the waterlines and the sufficiency of the fire hydrants. He said the hydrant standards are set by the American Water Works Association. The water flow comes from mains. He indicated that over 28 years most of the lines have been replaced so the Village is in good shape. Mayor McKeever indicated that the Village is thinking about setting up a water commission that would include Water Superintendent Dubaj, a representative from the County, the Village Engineer, a representative from the fire company and a community resident.

Deb Skinner spoke about the Land Bank which was passed by the State Legislature in April of last year. Its purpose is to purchase rundown and derelict properties in Erie County. The purpose is to either re-hab them or demolish them. It improves the values of the neighboring properties. It reduces blight. She spoke about 398 Buffalo Street which has been vacant for about 20 years. The owner has done no maintenance. The property at 388 Buffalo Street was condemned by Building Inspector Brecker last year. Mayor McKeever indicated that the planning board will be meeting again on April 1st and asked Ms. Skinner to attend the meeting to present the Land Bank information. The pictures Ms. Skinner presented will be given to the Planning Board.

Ms. Skinner asked about the FEMA money that was promised for the hospital. Mayor McKeever advised that the hospital project is not a Village project but is still supposed to go forward in Perrysburg.

Fran Feldman spoke about the condition of High Street. The condition is as bad as it was a year ago. She stated she was promised a better road than before but it is destroyed

again. Mayor McKeever advised that the Village will work with the responsible parties to make corrections as soon as the weather gets better. Linda Tiller asked about the access road. It was supposed to be gated but now there is a semi parked there. Mayor McKeever advised that if the property owner allows it, it is on private property.

Ron Clabeaux asked who is going to pay insurance on the new park. Who is going to maintain it? Mayor McKeever advised there is a commercial part of it that should help to offset some of the cost of maintenance of the park.

Janet Vogtli reported on street light outages, two in front of the Persia Town Hall. She also indicated that on Jamestown Street, one is really bright and one is very dull in front of Myra Press' house. Phil Palen also reported light out on East Hill Street.

BUSINESS/BUILDING PERMITS

Village Clerk Mohawk reported that Building Inspector Brecker has issued no new permits, nothing has been heard from Savarino regarding their project and he has issued tickets to the Palmer Street resident for Court.

POLICE

Village Clerk Mohawk reported that the Village received \$25.00 from the Town of Collins for fines.

Village Clerk Mohawk read the February 2013 police report:

“146 reportable calls, 11 arrests, 14 tickets issued, 4 violent domestics, 3 motor vehicle accidents, 10 assist other agencies.

Requesting to send our fire-arms instructor Tim Braughler to AR-15 rifle armorer school hosted by the Cattaraugus County Sheriff's Department on May 23-24, 2013. The cost is \$375.

Officer Braughler is certified as a Glock Armorer and this would add to the department's AR-15 maintenance program.”

JOINT ACTIVITY

Village Clerk Mohawk advised that the eWaste Alliance report was filed.

Trustee Sheibley reported that the next recycling event is April 6th at the sewer treatment plant from 8:30 to 10:00. It will be right before the first trash pickup in the Village.

Trustee Sheibley advised that the Village received another check from Rochester Computer Recycling.

Trustee Sheibley thanked the Kiwanis Club for a putting on a pizza and water party on February 27th for the roller skating children. She thanked Peggy Taylor, Steve Meyers, Dan Newcomb, Mark Benton, and Dr. Kurtz. This was in conjunction with a \$14,000

donation of mats for the program. The Kiwanis Club earlier in the year gave \$500 to the recreation program for transportation.

Mayor McKeever advised that Dominic Capozzi is working with a youth group at the Free Methodist Church. The Village has in storage some old foosball tables which are in need of repair. Recreation Director Benton indicated they are not useful. Mayor McKeever advised that the Village could donate them to the youth group.

Motion 246-12. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to donate the unused foosball tables to the Free Methodist Youth Group. Motion carried 5-0.

FIRE

Trustee Zimmermann reminded everyone of the pancake breakfasts the next 2 weeks.

TREASURER

Treasurer Schilling advised that she is meeting with Jeff Telecky on Thursday morning to discuss outstanding FEMA issues. The Village has received \$640,000 so far.

Treasurer Schilling advised the Village Board to set a public hearing for adoption of the 2% tax cap override in case it is necessary.

Motion 247-12. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to hold a public hearing for a local law authorizing a property tax levy in excess of the limit established in General Municipal Law. Motion carried 5-0.

Treasurer Schilling advised that a state auditor is in the Village doing a performance audit.

Mayor McKeever reported the April meeting schedule. The organizational and business meeting will be held on April 2nd at 7:00. A budget meeting will be held with the board on April 4th at 6:00 followed by the public hearing on the budget at 7:30.

Motion 248-12. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to hold the public hearing for the budget on April 4th at 7:30 p.m. Motion carried 5-0.

Mayor McKeever advised that another budget workshop with the Board of Trustees will be held on April 16th at 6:00 p.m. and the regular Village Board meeting will be held on April 23 at 7:00 with the intention of adopting the budget at that time.

LEGAL

Village Attorney Chadsey advised that a meeting has been scheduled at the end of the month with the Town of Persia and the attorneys to discuss the water/sewer district. She advised that the Perrysburg agreement is out.

Village Attorney Chadsey advised that a meeting is set with all of the contractors involved with the heating/air conditioning system at the Village Hall. After that meeting it will determine how the Village will respond to the Notice of Claim from Parise Mechanical.

Village Attorney Chadsey advised that the commercial PILOT agreement for Academy Place is not possible. Academy Place was to advise the Village if the one-time payment of the present value of the future payment stream was ever received. The residential unit already does have a PILOT agreement in place.

Motion 249-12. Motion by Trustee DeCarlo, seconded by Trustee Certis to ratify the following resolution which was originally made in September, 2008:

“This **RESOLUTION** made this 23rd day of September 2008 by the Village Board of Trustees of the Village of Gowanda.

WHEREAS, Healthy Community Alliance Inc. is engaged in a project to develop the vacant Center Street School, and

WHEREAS, the Project consists of a residential unit and a commercial unit, and

WHEREAS, the Village Board has previously approved two payment in lieu of taxes (“PILOT”) agreements, one for the residential unit and one for the commercial unit of the Project (the “Residential PILOT Agreement” and the “commercial PILOT Agreement”, respectively) between the Project owners and the Village, and

WHEREAS, it has been determined that the Commercial PILOT Agreement is no longer feasible, and

WHEREAS, as replacement for the Commercial PILOT Agreement the Project owners have offered to the Village a single payment of the present value of the future payment stream under the Commercial PILOT Agreement, and

WHEREAS, the Village finds such modification of the original agreement between the Project owners and the Village to be acceptable and in the best interests of the resident taxpayers of the Village and in general will benefit the community and local economy.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Village Board of Trustees ratifies the original approval of the Residential PILOT Agreement and directs and authorizes the Mayor to execute the attached Residential PILOT Agreements; and **IT IS HEREBY RESOLVED**, that the Village shall accept the one-time payment in place of a Commercial PILOT Agreement and the Mayor is authorized to execute such documents as may be necessary, if any, to memorialize or otherwise finalize such modification to the original agreement between the Village and the Project owners, and further, the Village Board of Trustees hereby rescinds the previous approval of the Commercial PILOT Agreement.”

Motion carried 5-0.

PUBLIC WORKS

Treasurer Schilling advised that there were some pieces of equipment that the Village hoped to use CHIPS funds for. Mr. Rutkowski from Erie County indicated these items

could not be purchased with CHIPS funds. Highway Superintendent Denea requested the purchase of a hydraulic lift and a stick welder from this year's budget.

Motion 250-12. Motion by Trustee Certis, seconded by Trustee Sheibley to authorize Highway Superintendent Denea to purchase a hydraulic lift and stick welder as presented. Motion carried 5-0.

Village Clerk Mohawk reported that the GMC dump body was previously bid but the person never picked it up. Highway Superintendent Denea requested that the item be re-bid.

Motion 251-12. Motion by Trustee Certis, seconded by Trustee Zimmermann to authorize Village Clerk Mohawk to rebid the GMC dump body. Motion carried 5-0.

Village Clerk Mohawk presented the maintenance agreement with Penn Power for 7 generators for approval.

Motion 252-12. Motion by Trustee Certis, seconded by Trustee Zimmermann to approve the maintenance agreement with Penn Power for two years. Motion carried 5-0.

Village Clerk Mohawk reported that Highway Superintendent Denea requested the Village Board to make a decision about whether the Village will continue to provide sidewalk plowing to the residents. Mayor McKeever requested public opinion about it, pro or con. Trustee DeCarlo asked Village Attorney Chadsey whether or not residents can legally prevent the Village from plowing sidewalks. Village Attorney Chadsey will check case law for the next meeting. It was determined that the plow drivers should not have to go around a property.

Village Clerk Mohawk read a letter from the United States Department of the Interior: "The U.S. Fish and Wildlife Service is responsible for controlling sea lamprey populations in the Great Lakes. As a part of our persistent efforts to control this parasitic fish, we must periodically apply lampricides to streams that harbor sea lamprey larvae. Recently, staff from our office detected a larval population of lamprey in Cattaraugus Creek that are a stage where they must be destroyed. If this infestation is left unchecked, it will have a detrimental effect upon fish populations that inhabit the Great Lakes. Cooperation with landowners is integral to ensuring that a safe and effective stream treatment is completed. Our records show that you are a landowner adjacent to the Cattaraugus Creek system. We will be in the area to treat this stream from 3/25/2013 through 4/5/2013. Our treatment personnel may ask your permission to access your property in order for us to conduct our work."

Village Clerk Mohawk advised that this is done each year.

Village Clerk Mohawk reported that she met with a representative from Johnson Controls who indicated that any future problems the Village has with heating/air conditioning should go through him and he will give us a "discounted" price. Mayor McKeever

advised that the Village Board discussed during the work session about getting a timeline from the beginning to the end for the entire problem. Village Attorney Chadsey indicated it should include each contract, change order, request for payment, etc. This includes Parise, Johnson Controls, Industrial Power and Lighting and Wendel. Village Clerk Mohawk will work with Trustee Sheibley to gather this information.

Mayor McKeever advised that Bryan Bylbie successfully completed his probationary period.

ADMINISTRATION

Village Clerk Mohawk asked whether the Village needs to do anything different for the promotion of Andy Carriero. Treasurer Schilling advised that she spoke with Becky Kuhs about the civil service process.

Village Clerk Mohawk presented information from the Chamber of Commerce for an advertisement for the Spirit of Gowanda dinner.

Motion 253-12. Motion by Trustee Certis, seconded by Trustee Zimmermann to approve an advertisement in the program for the Spirit of Gowanda dinner in the same amount as last year. Motion carried 5-0.

Village Clerk Mohawk presented the Event Application for the Hollywood Happening. The insurance certificate will be forthcoming as it renews close to the event.

Motion 254-12. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the Hollywood Happening pending receipt of the appropriate insurance.

Village Clerk Mohawk reported that she received a telephone call from Congressman Reed's office looking for a place to meet with constituents. They will use the Village Board room on April 17th from 1 until 3 p.m.

Village Clerk Mohawk advised that Superintendent Rinaldi indicated he would come to the Village to discuss the upcoming school budget. Village Clerk Mohawk will invite him to a Board meeting.

Mayor McKeever advised that the planning board has been seeking support for a regional comprehensive plan from surrounding communities. She requested the Village support the program.

Motion 255-12. Motion by Trustee Certis, seconded by Trustee Zimmermann to support a regional comprehensive plan. Motion carried 5-0.

ENVIRONMENT

Mayor McKeever advised the village was invited to an annual recognition ceremony and workshop to be held at the Holiday Inn in Albany on March 28th.

Phil Palen advised that Covey Tree will be back in the spring to remove the stumps that were left last fall and 2 more trees on Commercial Street will also be taken down.

Phil Palen advised that Jack Torrance has the list of trees and prices for the spring planting.

Motion 256-12. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to adjourn the Village Board meeting at 8:45 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is March 26, 2013 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk