

**VILLAGE BOARD MEETING  
APRIL 23, 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, Building Inspector Gary Brecker, Assessor George Stark

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

Public Present: Lou and Dorothy Selan, Ryan McKeever, Joe Vogtli, John Walgus, Peter Johnson, John Girome, Lucas McKeever, Peter and Helen Zimmermann

To begin the meeting, Village Clerk Mohawk did the swearing in ceremony for Trustee Sheibley, Trustee Zimmermann, and Mayor McKeever with family members in attendance.

Motion 14-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to approve the minutes of the April 2, 2013 Village Board Organization meeting as presented. Motion carried 5-0.

Motion 15-13. Motion by Trustee Zimmermann, seconded by Trustee Sheibley to approve the minutes of the April 4, 2013 Village budget public hearing as presented. Motion carried 5-0.

**PUBLIC PARTICIPATION**

Dorothy Selan thanked the Village Board for the proclamation in honor of her husband. She also asked what was to be gained by abolishing the Assessor and Animal Control positions. What is the savings going to be used for? Mayor McKeever advised that the savings help to keep the budget below the 2% tax cap. Those two positions are duplication of services which are also supplied by the Towns. Village Attorney Chadsey advised that the Village will adopt the assessments that are already placed on the property by the Towns. She advised that the school already uses the assessments provided by the Town. Mayor McKeever advised that the Village will be out of the assessing business. John Walgus asked why taxes will not go up with the extra paperwork that will be necessary for the Town Assessor. Mayor McKeever advised that the Village will send a

letter to the residents explaining the change. She also advised that the Village will hold a Public Hearing about this issue.

Village Attorney Chadsey advised that New York State Law requires that a municipality that licenses dogs is required to supply an Animal Control Officer. Villages are not required by law to supply an Animal Control Officer. This is another duplication of services. John Walgus advised that the Town of Persia does not intend to supply dog control for the Village. Village Attorney Chadsey advised that the Town is obligated by law to do so. Trustee Sheibley presented an opinion from the State Comptroller from 2009 which was previously supplied by Village Attorney Chadsey regarding abolishing the animal control position. Village Attorney Chadsey submitted a later opinion indicating that the town must supply dog control services for a Village within a Town. Village Attorney Chadsey advised that no municipality in New York State is required by law to supply a wild animal control officer. Village Attorney Chadsey also advised that providing a wild animal control officer opens the Village to liability issues as well.

Trustee Sheibley advised that the Town of Persia does not have dog control in Part A of their budget. Mayor McKeever stated that the Village will have dog control until May 31<sup>st</sup> and after that time it is incumbent upon the Town of Persia to supply the service. Trustee DeCarlo advised that the Village has not received a monthly report from the Animal Control Officer in several months. Trustee Sheibley asked if the Animal Control Officer is eliminated, who will be responsible for updating the rest of the municipal code referring to animals. Village Attorney Chadsey said the particular sections will be amended.

George Stark asked if the elimination of the tax assessing unit is subject to permissive referendum. Village Attorney Chadsey replied that the tax assessing unit is, the animal control issue is not. If a petition for a referendum is submitted timely, then the subject comes up for a vote at the next regular election.

### **BUSINESS/BUILDING PERMITS**

Mayor McKeever advised that Building Inspector Brecker spoke to the Village Board earlier about the Palmer Street issue.

Mayor McKeever read the Resolution Introducing Local Law and Providing for Public Notice and Hearing:

“BE IT RESOLVED that Local Law No. 2 of the year 2013 entitled “A LOCAL LAW AMENDING CHAPTER 54 OF THE VILLAGE OF GOWANDA MUNICIPAL CODE ENTITLED ‘ANIMALS’ be and it is hereby introduced before the Board of Trustees of the Village of Gowanda, New York, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desks of each member of the Board of Trustees, and

BE IT FURTHER RESOLVED that the Board of Trustees hold a public hearing on said proposed local law at the Village Hall in Gowanda, New York, at 7:30 p.m. on May 14, 2013, and

BE IT FURTHER RESOLVED that the Village Clerk publish or cause to be published a public notice in the official newspaper of the Village of said public hearing at least five days prior thereto.”

Motion 16-13. Motion by Trustee Certis, seconded by Trustee DeCarlo to hold a public hearing for a Local Law Amending Chapter 54 of the Village of Gowanda Municipal Code Entitled Animals on May 14, 2013 at 7:30 p.m. Motion carried 5-0.

Motion 17-13. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the American Legion Post 409 Poppy Day on May 17, 2013. Motion carried 5-0.

### **POLICE**

Motion 18-13. Motion by Trustee Certis, seconded by Trustee Zimmermann to accept the resignation of Jordan Griffin from the Gowanda Police Department. Motion carried 5-0.

### **JOINT ACTIVITY**

Trustee Sheibley reported that the last recycling event held on April 6<sup>th</sup> was huge. Nine pallets were filled.

Trustee Sheibley reported there are 2 trees lying in Thatcher Brook which could cause a problem if the Village has a high water event.

Mayor McKeever advised that the Ambulance Board asked the Village to make a recommendation of a person for the ambulance board. She recommended Cherish Zeafla.

Motion 19-13. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the recommendation of Cherish Zeafla to the Gowanda Ambulance Board as presented by Mayor McKeever. Motion carried 5-0.

### **FIRE**

Village Clerk Mohawk reported that Highway Superintendent Denea suggested that the fire hydrants should be painted again. Trustee DeCarlo advised that he knows a group in town that might be interested in doing that. Trustee Zimmermann advised that the project should be coordinated with the fire department.

Trustee Zimmermann advised that he spoke with Fire Chief Mike Birtchnall about hosing down the streets. It will be done prior to the Harley Happening.

Village Clerk Mohawk advised that the Fire Protection contract with the Town of Perrysburg was never signed. The Town of Perrysburg previously requested in 2011 that the contract be for only one year. The Town of Perrysburg only paid 2% last year and again this year. Village Attorney Chadsey advised that she would redo the contracts.

There was discussion about the fact that the other communities are paying 3%. It was suggested that Village Attorney Chadsey follow up with the Town of Perrysburg.

Village Clerk Mohawk requested clarification about garbage pickup at the fire hall. Trustee DeCarlo advised that it has been taken to the fireman's park and the dumpster is picked up there.

There was discussion about the event application submitted by the fire department for a beer tent/street dance on May 18 and 19, 2013. Mayor McKeever expressed some concerns about the extra police patrol and the insurance. Some conditions were imposed: that the dance end at midnight, no street closing, cleanup every night, and the extra insurance for the event. The Harley Happening pays for their own security and donated some money to the Village last year.

Motion 20-13. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the event application of the Gowanda Fire Department for a beer tent/street dance with the conditions imposed by the Village Board. Motion carried 5-0.

### **TREASURER**

Treasurer Schilling advised that Spoth Enterprises did the electrical work at Veterans Park and submitted their invoice for payment. The bill has been submitted to Erie County for reimbursement from CDBG funds. She requested authorization to pay this invoice.

Motion 21-13. Motion by Trustee Certis, seconded by Trustee Zimmermann to pay the invoice from Spoth Enterprises in the amount of \$16,240.00. Motion carried 5-0.

Trustee Sheibley asked to table the approval of the budget transfers until she gets some clarification from Treasurer Schilling about the joint activity funds.

Treasurer Schilling requested a resolution establishing a standard work day for New York State Retirement reporting purposes. She recommended that 8 hours a day be set as the standard. The total number of hours worked divided by 8 hours is what is reported to retirement as the number of days worked.

Motion 22-13. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to adopt a resolution setting the standard work day for retirement purposes as 8 hours. Motion carried 5-0.

Motion 23-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to adopt the 2013-2014 Village budget as presented. Trustee DeCarlo asked Village Clerk Mohawk to poll the Board:

Trustee Certis – yes

Trustee Zimmermann – yes

Mayor McKeever – yes

Trustee DeCarlo – yes

Trustee Sheibley – yes

Motion carried 5-0.

Treasurer Schilling advised that the State Auditor will be finishing up soon.

### **LEGAL**

Village Attorney Chadsey advised a meeting was held with the Supervisor of the Town of Persia. They went through the agreement line by line and Village Chadsey presented a revised draft to the Town of Persia based on that meeting. The Town of Persia attorney is not in agreement with the revisions. Based upon discussions in work session, Village Attorney Chadsey will send another letter to the attorney and offer to meet with him again.

Village Attorney Chadsey advised a meeting regarding the Municipal Hall HVAC problem will be held in the Village hall on Monday morning at 10:00 a.m.

Village Attorney Chadsey prepared an Indemnity Agreement to be used with every contractor who works for the Village.

Motion 24-13. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to approve the Indemnity Agreement as presented by Village Attorney Chadsey. Motion carried 5-0.

Motion 25-13. Motion by Trustee Certis, seconded by Trustee Zimmermann to hold a public hearing to terminate the Village as an assessing unit on May 14, 2013 at 8:00 p.m. Motion carried 5-0.

### **PUBLIC WORKS**

Mayor McKeever advised that it is necessary to set a bid date for the sewer outfall repair as requested by Village Engineer Mark Burr. It should be 30 days from the issuance of the RFP.

Motion 26-13. Motion by Trustee Zimmermann, seconded by Trustee DeCarlo to set the bid date for the sewer outfall repair as June 11, 2013. Motion carried 5-0.

Mayor McKeever advised Village Clerk Mohawk to tell Highway Superintendent Denea that the Port-A-Potty at the Thatcher Brook field is not approved.

Motion 27-13. Motion by Trustee Certis, seconded by Trustee Sheibley to authorize Water Superintendent Dubaj to attend training through the New York Rural Water Association mandated certification training. Motion carried 5-0.

Motion 28-13. Motion by Trustee Certis, seconded by Trustee Sheibley to accept the bid of Jones Chemical at \$800/ton for chlorine. Motion carried 5-0.

Village Clerk Mohawk advised it is a two year bid.

Trustee DeCarlo asked a reason for not accepting the lowest bid for ferric chloride. Village Clerk Mohawk advised that Sewer Superintendent Carriero indicated that the lower bid is an inferior product that doesn't properly meet the specification. It is unacceptable to use at the sewer plant.

Motion 29-13. Motion by Trustee Certis, seconded by Trustee DeCarlo to accept the bid of PVS Technologies for ferric chloride in the amount of \$685/ton. Motion carried 5-0.

Mayor McKeever advised that she spoke with Highway Superintendent Denea about the need to have the old street signs repainted.

Mayor McKeever advised that Kirk Trumpore received his certification for his Water Operator License. Treasurer Schilling advised his pay rate would be retroactive in his next paycheck.

Mayor McKeever advised that Highway Superintendent Denea and Village Engineer Burr toured Village streets and will provide a list of roads to be milled/paved.

Village Attorney Chadsey asked about auto repair shop discharge to the Village sewer for the hookup requested by Auto Wrench. Village Attorney Chadsey will call Sewer Superintendent Carriero to make sure the proper procedures are being followed according to the Municipal Code.

### **ADMINISTRATION**

Village Clerk Mohawk requested authorization to go to bid for lawn mowing services.

Motion 30-13. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to authorize Village Clerk Mohawk to go to bid for lawn mowing services. Motion carried 5-0.

Motion 31-13. Motion by Trustee Certis, seconded by Trustee Zimmermann to approve the Walk for Life Event application with the indemnity agreement attached. Motion carried 5-0.

Village Clerk Mohawk reported that she received a telephone call from a woman from Texas who wants to donate a bench in honor of Harold Beninghof. She turned the information over to Trustee Zimmermann to follow up.

Village Clerk Mohawk advised that the February and March Treasurer's reports have been filed.

Village Clerk Mohawk reported that the 2013 May rabies clinic for dogs, cats and ferrets sponsored by the Cattaraugus County Health Department will be held on Saturday, May 4<sup>th</sup>, at the County DPW Garage.

### **ENVIRONMENT**

Mayor McKeever advised that Jordan Sanderson is doing the flower boxes for his Eagle Scout project.

Mayor McKeever congratulated Phil Palen on receiving the Tree City designation for another year.

Mayor McKeever read the Arbor Day Proclamation:

“WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and WHEREAS, Arbor Day is now observed throughout the nation and the world, and WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, NOW, THEREFORE, I, Heather M. McKeever, Mayor of the Village of Gowanda, do hereby proclaim April 27, 2013 as  
ARBOR DAY

In the Village of Gowanda and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and FURTHER, I urge all citizens to plant trees to gladden the heart and promote the wellbeing of this and future generations.”

Motion 32-13. Motion by Trustee DeCarlo, seconded by Trustee Certis to adopt the foregoing Arbor Day Proclamation. Motion carried 5-0.

Phil Palen advised this is the 11<sup>th</sup> straight year as Tree City..

Phil Palen advised they are waiting to plant. The tree committee is about \$250 under budget but they may need some mulch. He thanked the Village Board for continued support of the tree committee efforts.

Village Clerk Mohawk advised that the Village is running out of recycle bins. The cost to replace them is \$7.00 each.

Trustee DeCarlo asked everyone to stand for a moment of silence in memory of Sandy McKeever.

Motion 33-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to adjourn the Village Board meeting at 8:30 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is May 14, 2013 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk  
Village Clerk