

VILLAGE BOARD MEETING
MAY 28, 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 Dale DeCarlo
Trustee Paul Zimmermann

Trustee John Certis was absent.

Village Employees: Village Clerk Kathy Mohawk, Assessor George Stark, Animal Control Officer Mary Dankert

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

Public Present: John Gibbs, Irene Koch, Marilyn Coudrey, Ann Strohmeier, John Walgus, Ron Clabeaux, Amy Fantaske, Joe Vogtli, Lynn Boats, Terry Howard, Lou and Dorothy Selan, Mary Stelley, Ed Palen, John Girome, Pauline Murphy, Tim Greenan and Sam Savarino from Savarino Companies, Melanie Rosier, Janet Vogtli Amy Szatulski

Motion 49-13. Motion by Trustee Zimmermann, seconded by Trustee DeCarlo to approve the minutes of the May 14, 2013 Village Board meeting as presented. Motion carried 4-0.

PUBLIC PARTICIPATION

Ann Strohmeier stated that she is disappointed in the Village Board and stated that Mayor McKeever does not have the Village interest in mind. She feels the Animal Control position was eliminated prior to the public hearing.

Marilyn Coudrey reported an apartment house on West Hill Street is dumping over the bank. Mayor McKeever advised Ms. Coudrey to contact the Village Hall and a report will be submitted to Code Enforcement Officer Brecker for his follow up.

Tim Greenan and Sam Savarino introduced themselves to the Village Board and reported on the proposed office building project at 42 Jamestown Street, the former Burger King property. It is \$3.4 million project for the Village. Assessor Stark if they would own the parking lot as well and Mr. Greenan indicated they would.

Ron Clabeaux asked about the garbage pickup on Memorial Day. Mayor McKeever advised she called Mr. Penhollow yesterday. Village Clerk Mohawk advised the Village was only notified today that Casella Waste does not pickup garbage on holidays. Village Clerk Mohawk indicated that the next time this will affect the Village is Labor Day but she will make sure it is advertised. Mayor McKeever advised that the next trash day is the second Monday in July and yard waste is the last Monday in July.

Irene Koch asked the Village if they were going to revisit the issue of the smaller garbage stickers. Mayor McKeever indicated that they would.

Melanie Rosier spoke about parking difficulties on Park Street. She indicated there is a telephone pole and a speed limit sign on either side of her driveway. She previously requested a no parking sign for the other side of the street so she can get out of her driveway. She does not want any changes made for the parking. It is a safety issue for the children on the street as well as the churchgoers.

Ms. Rosier also spoke about a goat which is in a fenced yard with three dogs. It appears there are no rules against farm animals being in the Village as long as they are in a contained space. She asked the Village to consider not allowing any hooved animals in the Village.

Amy Fantaske spoke about the bad condition of 93 Erie Avenue. The building is vacant, people are going in and out of it, the yard has not been mowed and garbage is being left on the front porch. She discussed the issue of young people having nothing to do, the problem with the goat, the safety of the Buffalo Street/East Main Street/Mill Street intersection.

Assessor Stark advised he called the Persia Town Hall about their Grievance Day. He indicated that no Village residents are on the Grievance Board. George feels that on July 1st the Village should make up a mock tax roll and come up with an impact statement of the effect of using the Town tax rolls. He stated that the Village should not be voting on 2 important Village issues with only 4 board members present.

Pauline Murphy has lived in the Village for 3 years. She commented on the unkempt properties and the lack of things for the children to do.

BUSINESS/BUILDING PERMITS

Mayor McKeever presented a small breakdown of the budget and what the costs were for an average \$70,000 house. She advised that Public Works is 25% of the budget, building maintenance is 3%, fire is 11%, police is 23%, insurance is 5%, recreation is 1%, refuse is 12% and all other is 20%. Public Works costs \$337,000 per year, building maintenance \$40,000, fire \$142,000, police \$311,000, insurance \$67,000, recreation \$18,400 and refuse \$165,000. Mayor McKeever advised the Village lost at least \$10,000 in tax settlements over the past two years. Mayor McKeever reported on information she

received from the New York State Office of Real Property Services regarding items to consider:

- The village would no longer be responsible for making or defending assessments.
- The village will no longer need a Board of Assessment Review and would not be responsible to defend small claims court or tax certiorari proceedings.
- The village will continue to retain its municipal exemption options; therefore the town assessor(s) will reduce the total taxable value in accordance with village exemption policies.
- The village will not be required to submit an Assessor's Annual Report.
- Each town will prepare and deliver to the village, a copy of the appropriate part of the town assessment roll.
- The County Real Property Tax Director(s) has the responsibility of investigating and reporting on administrative correctable errors on village tax rolls. The village board will continue to refund villages taxes based on errors found.
- Since the village is in two towns, equalization is necessary for the village tax apportionment. Each town's equalization rate is applied to the village assessed value portions of each town roll to obtain the full value of each portion of the village.
- These full values are then used to apportion the tax levy among the portions of the village.
- The village will continue to levy a village tax and it continues to collect taxes and enforce the collection of delinquent taxes.
- This will eliminate taxpayer confusion in determining what their market value is. There will only be one assessment, and one Grievance Day.
- There will only be one place to go to file for exemptions and gather assessment information for assessment challenges or otherwise.
- The village will no longer incur an annual RPS User Fee.
- The current level of assessment in the Town of Collins is approximately 62.00 percent, and the Town of Persia is approximately 76.00 percent.

Mayor McKeever read the Local Law No. 3 of the year 2013:

“A Local Law per Real Property Tax Law, §1402(3) Relating to the Termination of the Village of Gowanda as an Assessing Unit

A local law relating to the termination of the Village of Gowanda as an assessing unit for Village real property tax purposes.

Section 1. Legislative intent. The intent of the Board of Trustees of the Village of Gowanda is to implement section 1402(3) of the Real Property Tax Law providing for the voluntary termination of the Village's status as an assessing unit, as provided in the Village Law and the Real Property Tax Law. It is also the intent of this local law to abolish the position of Assessor and to terminate any and all responsibility as provided by law for the review or the assessments of real property located within the Village of Gowanda.

Section 2. On or after the effective date of this local law, the Village of Gowanda shall cease to be an assessing unit.

Section 3. The position of Assessor in the Village of Gowanda is hereby abolished.

Section 4. The Board of Assessment Review in the Village of Gowanda is hereby abolished.

Section 5. On or after the effective date of this local law, taxes in the Village of Gowanda shall be levied on a copy of the applicable part of the assessment rolls of the Towns of Collins and Persia with the taxable status date of such Towns controlling for village purposes.

Section 6. Within five days of the effective date of this local law, the Board of Trustees of the Village of Gowanda shall file a copy of such local law with the Clerk and Assessor of the Towns of Collins and Persia and with the Office of Real Property Tax Services.

Section 7. This local law shall take effect immediately upon filing with the Secretary of State, provided, however, that such local law is subject to a permissive referendum and the village clerk shall forthwith proceed to notice such fact and conduct such referendum if required by petition.”

Motion 50-13. Motion by Trustee Zimmerman, seconded by Trustee DeCarlo to adopt Local Law No. 3 of the year 2013 relating to the termination of the Village of Gowanda as an Assessing Unit. Motion carried 3-1. Trustee Sheibley voted no.

Mayor McKeever advised that she met with the Towns of Collins and Persia. Animal control and dog control are 2 separate positions. Mayor McKeever advised there have been issues since 2009 with the current Animal Control Officer. The last animal control report was supplied in August, 2012. The Village has no proof on file that the Animal Control position has been certified with the DEC. Mayor McKeever indicated that the current Animal Control Officer has been difficult to work with. Mayor McKeever presented a different individual for the position.

Motion 51-13. Motion by Trustee Zimmermann, seconded by Trustee DeCarlo to appoint Justin Wallschlaeger as Animal Control Officer for the term July 1, 2013 to May 31, 2014 for \$3,000 per year. Village Clerk Mohawk polled the Village Board:

Trustee Zimmermann – yes

Mayor McKeever – yes

Trustee DeCarlo – yes

Trustee Sheibley abstained because she cannot appoint an individual with unknown qualifications for the position.

The public was very concerned about barking dogs and running at large laws which are on the Village books, not in the Town of Persia.

Trustee Sheibley stated that the Municipal Code allows parking on the west side of Park Street, not the east side. Ms. Rosier stated that it was in 2005 when ex-Public Works Superintendent Hutchinson and Gary Denea put the no parking sign up. Mayor McKeever indicated she would contact Village Engineer Burr for a solution to the parking problem.

POLICE

Mayor McKeever indicated the Board previously discussed the request from Officer-in-Charge Alessi for a D-line during the summer months.

Motion 52-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to authorize Officer-in-Charge Alessi to interview applicants for up to 3 new officers. Motion carried 4-0.

JOINT ACTIVITY

Trustee Sheibley advised that the summer recreation interviews are on June 4th from 3-5 p.m. with the Recreation Commission meeting to follow.

Trustee Sheibley advised that the next proposed recycling event is June 29th from 8:30 a.m. to 10:00 a.m. at the sewer plant.

Mayor McKeever indicated that the small garbage stickers have been discussed. The Village Board agreed to reinstate the \$1.25 pink garbage stickers.

Motion 53-13. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to reinstate the \$1.25 pink garbage stickers as soon as they can be ordered. Motion carried 4-0.

FIRE

Mayor McKeever asked that a letter be sent to the Gowanda Fire Department and Hidi Fire Company thanking them for hosing down the sidewalks.

Trustee DeCarlo asked residents to be careful about smoking around gas meters and mulch chips.

Trustee Zimmermann indicated he would follow up with the Town of Perrysburg regarding the fire protection contract.

Motion 54-13. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to authorize the attendance by Kathy Camp to attend fire police school. Motion carried 4-0.

Trustee Zimmermann advised the annual safety testing will start next month.

Trustee Zimmermann advised that June 18th at 6:30 p.m. is the fire company inspection on West Main Street.

DISASTER COORDINATOR

Mayor McKeever reported on the Thatcher Brook flood control study. Students from Fredonia are offering services as in-kind donations rather than cash for the Village share of the study.

TREASURER

Mayor McKeever reported that the letter to be sent along with the tax bills will be revised and e-mailed to the Board members tomorrow for their review.

LEGAL

Mayor McKeever presented a draft letter to the Town of Persia residents regarding the water/sewer district but indicated she is not ready to sign it yet.

PUBLIC WORKS

Village Clerk Mohawk advised that the Microbac lab testing agreement is being reviewed by Village Attorney Chadsey for the correct language.

Mayor McKeever advised the Village only received one bid for the sewer outfall improvements project. Village Engineer Burr indicated it was higher than anticipated and he will revisit the specs and report back with a recommendation for the June 11th meeting.

The advertisement for summer laborers was discussed. Trustee Sheibley questioned why the advertisement was placed before the Board approved it.

Motion 55-13. Motion by Trustee Zimmermann, seconded by Trustee DeCarlo to advertise for summer laborers for public works. Village Clerk Mohawk polled the Board:
Trustee Zimmermann – yes
Trustee Decarlo – yes
Mayor McKeever – yes
Trustee Sheibley – abstain
Motion carried 3-1.

Motion 56-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to approve hiring Drew Carriero as of May 21, 2013 as summer laborer. Motion carried 4-1.

Mayor McKeever advised that Water Superintendent Dubaj recently completed more certification courses.

Mayor McKeever advised that one of the licensed sewer operators is off from work due to an injury and has not accumulated enough hours or time to continue to be paid. It was

suggested by Sewer Superintendent Carriero that a previous licensed employee be hired. It is necessary to have a part-time licensed individual at the sewer plant as they work 24/7.

Motion 57-13. Motion by Trustee Zimmermann, seconded by Trustee Sheibley to appoint Gary Lauer at a rate of \$16.75 per hour to work part-time for the injured sewer plant employee. Motion carried 4-0.

ADMINISTRATION

Mayor McKeever advised that meetings will be held once a month for the summer, the 2nd Tuesday of June, July and August.

Motion 58-13. Motion by Trustee Zimmermann, seconded by Trustee DeCarlo to approve the summer meeting schedule as presented by Mayor McKeever. Motion carried 4-0.

Village Clerk Mohawk advised the Village received \$16,743.02 from Community Development for the Veterans Park project.

Village Clerk Mohawk presented information on the TLC Health Network Golf Tournament which will be held on August 28th at the Gowanda Country Club.

Village Clerk Mohawk presented information on the Southern Tier Snowdrifters annual "Landowner Appreciation Picnic: on Sunday, June 9th, starting at 12:30 p.m. at the New Oregon Town park, across from Uncle Frank's.

Village Clerk Mohawk presented information on "Teaching and Empowering Local Communities: Learning how to Include and Respond to People with Disabilities" training on Monday, June 10th.

Village Clerk Mohawk presented information on Elder Law Day 2013 to be held on Thursday, June 20th, at the Adams Mark Hotel covering topics like:

- Grandparents Rights
- Avoiding Financial Scams
- Wills, Trusts, and Small Estate Planning
- Medicare, Medicaid & Long Term Care
- LGBT Legal Issues
- Veterans' Benefits
- Elder Abuse and Mistreatment

ENVIRONMENT

Trustee Zimmermann advised that the planters are out. Jordan Sanderson for his Eagle Scout project has placed some wooden planters around town.

Trustee Zimmermann advised that this Saturday at 10:00 a.m. some volunteers and Corrections will do some clean-up at Chang-Hu Park. He reported there will be some upgrades/repairs to the lighting at the park and another park bench donation. He advised there is some funding left in this year's budget for beautification purposes.

Lyn Boats asked about painting the gazebo. Trustee Zimmermann advised that volunteers are being solicited for this project.

Motion 59-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to accept the proposal from Roger Burzak to repair/replace the lights at Chang-Hu Park at a cost of \$1,107. Motion carried 4-0.

Amy Fantaske advised that the National Honor Society students are looking for projects to do for the community. She advised that Trustee Zimmermann could contact Ed Bugenhagen at the school.

Trustee DeCarlo reported that a tree was damaged on Palmer Street. It was sheared right off.

Village Clerk Mohawk advised she received a letter late this afternoon:

“We are writing to express our concern about a potential village liability at 92 West Main Street following the removal of a tree by the Tree Commission over a year ago. The Tree Commission stated that they would return to remove the stump that was left behind but as of yet this has not occurred. We have spoken to Tree Commissioner Phil Palen on three occasions regarding our concerns as well as the Highway Superintendent. The Tree Commissioner and the Highway Superintendent have both confirmed that the stump should and would be removed by the Village. Temporary resolution by the Village was to spray paint the remaining stump as well as placing an orange cone over it. The cone subsequently has been stolen and the paint has faded. We strongly feel that the stump should be removed immediately because of the liability that it poses and that the Village assumes sole responsible for any liability.”

Phil Palen advised that this is part of what Covey Tree is supposed to be removing as long as other stumps in the Village. Mayor McKeever suggested that Village Clerk Mohawk send a letter to the residents that need stumps removed.

Village Clerk Mohawk presented another letter that was received late today:

“The Gowanda Area Chamber of Commerce is unable to contribute toward the purchase the flowers for the planters this year.

From what we understand, the planters will cost at least \$300 to fill the planters.

We are grateful that the Village has helped beautify the area with these planters in the past, we hope you continue to do so this year.”

Phil Palen advised that the National Honor Society and/or Boy Scouts would take care of killing the weeds around the trees and bricks. Janet Vogtli asked about the downtown pavers. Mayor McKeever advised that a meeting should be held with the State to revisit

them. John Walgus advised that many of the pavers sunk after the flood but washing the sidewalks blew some of them right out of their spots.

PLANNING BOARD

Janet Vogtli requested approval to attend a workshop on SEQR in the middle of June in Amherst at a cost of \$389. Mayor McKeever requested approval for any planning board members to attend the SEQR workshop.

Motion 60-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to approve the attendance at the SEQR workshop in Amherst for any planning board members that wish to attend at a cost of \$389 each. Motion carried 4-0.

Motion 61-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to adjourn the Village Board meeting at 8:30 p.m. Motion carried 4-0.

The next Village of Gowanda board meeting is June 11, 2013 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk