

**VILLAGE BOARD MEETING
JULY 9, 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

Village Employees: Village Clerk Kathy Mohawk, Treasurer Cindy Schilling, Village Attorney Deborah Chadsey, Building Inspector Gary Brecker, Village Engineer Mark Burr

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

Public Present: Peter Johnson, John Walgus, Lynn Boats, John Gibbs, Ron Clabeaux, Mike Hutchinson, Joe and Janet Vogtli, Rob Gaylord, Erich Weyand

Motion 78-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to approve the minutes of the June 11, 2013 Village Board meeting as presented. Motion carried 4-0.

Motion 79-13. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to approve Abstract #14 dated July 9, 2013 on all funds as follows:

General Fund	\$22,224.61
Water Fund	1,372.48
Sewer Fund	6,952.67
Superfund	155.14
Total	\$30,704.90

Motion carried 4-0.

Motion 80-13. Motion by Trustee Zimmermann, seconded by Trustee DeCarlo to approve Abstract #2 dated July 9, 2013 on all funds as follows:

General Fund	\$28,570.13
Water Fund	14,735.85
Sewer Fund	14,611.34
Joint Activity	6.57
Total	\$57,923.89

Motion carried 4-0.

PUBLIC PARTICIPATION

John Walgus spoke first about the DOT's intentions to replace the bridge over the Cattaraugus Creek. He indicated an interest in requesting a signature bridge for a gateway to Zoar Valley. That would be in conjunction with the Safe Routes to School grant. He indicated the bridge will be redesigned in 2017. The was seeking support from the Village. Village Clerk Mohawk reminded Mr. Walgus that the bridge is the Veterans Memorial Bridge. Mr. Walgus indicated the name would not be changed, just the design.

Mark Burr was present on behalf of the Hollywood Theater seeking a resolution in support of another grant under the Environmental Protection Fund for further restoration.

Mayor McKeever read the proposed resolution:

“WHEREAS, Gowanda’s Historic Hollywood Theater, Ltd. is applying to the New York State Office of Parks, Recreation and Historic Preservation for a grant under the Environmental Protection Fund for a restoration project at 39 West Main Street, which is located within the jurisdiction of the Village of Gowanda, in the County of Cattaraugus. WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the “approval/endorsement of the governing body of the municipality in which the project is located,”

WHEREAS, as stated in previous Village reports and studies, that restoration of the Hollywood Theater is an important element in preserving and enhancing the Gowanda Village Historic District and is expected to create jobs and enhance cultural tourism, we pledge our continued support for this and other grant applications put forward on behalf of the restoration efforts.

NOW, THEREFORE, be it resolved by this July 9, 2013 body, that the Board of the Village of Gowanda hereby does approve and endorse the application of Gowanda’s Historic Hollywood Theater, Ltd. for a grant under the Environmental Protection Fund for a restoration project known as Gowanda’s Historic Hollywood Theater and located within this community.”

Motion 81-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to adopt the foregoing resolution in support of a grant under the Environmental Protection Fund for the Hollywood Theater. Motion carried 4-0.

Mike Hutchinson was present for an update on the Zoar Valley Gateway Park. In 1996 the Cattaraugus Creek Task Force received a technical assistance grant from the New Jersey Institute of Technology. In 2001 the Village received a \$100,000 EPA grant to assess reuse options. The Village partnered with the University of Buffalo to develop reuse and legal options. In 2002, after extensive public input and assistance from UB and the UB School of Law, passive/active recreational with a commercial option was determined to be the best site reuse. In 2005 the EPA signed the Record of Decision requiring the responsible parties to clean up the site. In 2009 the responsible parties completed the site environmental remediation at a cost of \$2,650,000. On August 2, 2011, the EPA reclassified the site as a Class 4 site no longer posing a threat to public health or the environment.

Mr. Hutchinson indicated that \$540,000 of construction work will be done this fall at the park. Rob Gaylord advised that the final design is conceptual at this point and GARC will do what can be done with the funds available. Trustee Sheibley expressed the hope that the pile of dirt located on the site will be leveled. Mr. Hutchinson advised that GARC has not yet received the grant award contract from the State so work cannot begin until the contract is signed. Mike advised the Board that the Master Plan needs to be reaffirmed every 5 years. The Economic Development Board will not approve grants unless the community has reaffirmed the Master Plan. Village Attorney Chadsey advised she will prepare a resolution for the special session of the Board on Monday for their approval. A letter of support will be prepared on behalf of the Village.

Joe Vogtli suggested that GARC and the Village get together to seek grant opportunities for redoing the entire Palmer Street area.

Mayor McKeever presented the Municipal Endorsement:

“WHEREAS, the Gowanda Area Redevelopment Corporation (GARC) is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located at 138 Palmer Street, a site located within the territorial jurisdiction of this Board of Trustees; and,

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located”;

NOW, THEREFORE, be it RESOLVED by this august body that the Board of Trustees of the Village of Gowanda hereby does approve and endorse the application of GARC for a grant under the Environmental Protection Fund for a park project known as Gowanda Zoar Valley Gateway Park and located within this community.”

Motion 82-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to adopt the foregoing Municipal Endorsement as presented. Motion carried 4-0.

Mr. Clabeaux asked about the hospital. Mayor McKeever advised that TLC has asked for a town hall meeting in the next month to update the public.

Mr. Clabeaux asked if the Village was done paving. Erie Avenue and Cemetery Hill Road need work. Mayor McKeever advised the Village will be using CHIPS money. Lynn Boats asked about Hill Street as well. Mayor McKeever advised that Hill Street has some drainage issues which will cost more to repair.

Mayor McKeever advised that the first meeting of the Water Committee is next Tuesday.

John Gibbs owns the property across the Cattaraugus Creek from the proposed Zoar Valley Gateway project and doesn't want any people on his property.

BUSINESS/BUILDING PERMITS

Building Inspector Brecker reported on a property matter on Palmer Street. He spoke to the residents about the plans for the future. He also indicated that Judge Schindler has been cooperative on the issues at the other Palmer Street property. The matter is back in his Court next Tuesday. Mayor McKeever asked Building Inspector Brecker to follow up with the owner of the old print shop and report the status at the next Board meeting.

Mayor McKeever advised the next Planning Board meeting in July 15th at 6:30 p.m. She indicated that the developers of the old Burger King property will be present for any questions the Village Board members may have. Building Inspector Brecker advised he has not received anything further from Savarino with regard to building or demolition plans. Mayor McKeever advised the meeting is open to the public.

Village Clerk Mohawk reported on the garbage pickup from yesterday. She indicated Casella advised they filled three trucks and had nowhere to dump it and would be returning this morning to pick up the rest. Mayor McKeever indicated that the residents may not be aware of the cost savings involved with having trash pickup three times a year rather than monthly. Trustee Sheibley indicated that if there is more trash than the proper amount, the weekly garbage should at least be picked up. Many of these issues appear to be landlords who are importing trash items to be picked up at the curb.

Village Clerk Mohawk reported that the pink garbage stickers are again available.

POLICE

Officer-in-Charge Alessi presented the June 2013 police report:

“280 reportable calls, 27 arrests, 3 juvenile arrests, 11 tickets issued in Persia, 17 tickets issued in Collins, 3 violent domestics, 1 motor vehicle accidents, 13 assist other agencies, 5 941 mental transports to Lakeshore.

We would like to acknowledge Sean Hotnich and Sean Campas for solving a burglary and making an arrest for which a high power rifle was stolen and recovered from a home. Both worked with determination around the clock until the case was solved and because of their work, we were able to solve 2 more cases that were open.

We would like to recognize a few officers for their dedication and longevity to our police department:

- Larry Green – 25 years
- Steve Raiport – 20 years
- Pat Nixon – 18 years
- John Bronnenberg – 17 years
- Rich Cooper – 13 years
- Jen Alessi – 12 years
- Dave Hock – 11 years

For your information, the police phone number for non-emergency calls or any tips that want to remain confidential please call 532-1609.

Requesting to hire 3 officers to fill our open slots:

1. Chris Schreiber from Hamburg – Chris served 10 years in the Marines and is currently in the Reserves as a Staff Sergeant. Chris has received numerous awards for serving in Iraq and Afghanistan under combat conditions. Chris works part-time for Eden Police Department.
2. Brandon Voss from North Collins – Brandon served in the U.S. Army for military police as a Sergeant and was stationed in Mosul, Iraq. Brandon is in the Army reserves and received numerous awards and recently received the New York State Medal for Valor which is the most prestigious NY State Military Award for his role in saving 28 people's lives during deployment during Hurricane Sandy. Brandon works part-time for North Collins Police Department.
3. Daryl Quinn from Kenmore – Daryl comes highly recommended for his work as a police officer and his community intervention working with disabled adults and crisis intervention. Daryl graduated from Monroe Community College with a GPA of 3.45 and is working part-time with the Village of Middleport Police Department.

The quality and availability of these 3 officers would be a great asset to our department and community.

Motion 83-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to hire the 3 police officers part-time on the recommendation of Officer-in-Charge Alessi. Motion carried 4-0.

LEGAL

Village Attorney Chadsey advised the Village Board to approve the AIA change order for HVAC work in the municipal hall that was presented.

Motion 84-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to approve the AIA change order for HVAC work in the municipal hall. Motion carried 4-0.

PUBLIC WORKS

Village Engineer Burr requested the Village Board to reject the only bid that was received for the sewer outfall improvements project.

Motion 85-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to reject the bid from H&K Services for the sewer outfall improvements project on the recommendation of Village Engineer Burr. Motion carried 4-0.

Motion 86-13. Motion by Trustee Sheibley, seconded by Trustee Zimmermann to authorize Village Engineer Burr to rebid the project. Motion carried 4-0.

JOINT ACTIVITY

Trustee Sheibley asked that the funds received from the electronic recycling events be used for recreation.

Motion 87-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to authorize the funds from the electronic recycling events be used for recreation. Motion carried 4-0.

Trustee Sheibley requested that the Highway Department be asked about painting the doors at the Ruth Bareham building at St. John's Park.

Trustee Sheibley advised that the Gowanda Ambulance meeting is Thursday, July 11, at 9:00 a.m. to discuss the lease. Village Attorney Chadsey indicated that a portion of the utility costs would be allocated to the ambulance. Treasurer Schilling will come up with a fair allocation for them to pay.

There was discussion about the Music-in-the-Park change of location. Mary Pankow advised the insurance company indicated it would be \$300 extra per each event. She indicated that the Village had instructed them to carry additional insured insurance for the program. Treasurer Schilling explained that the insurance company expects the Village to have additional insured coverage when an event is held. The insurance company is looking out for the best interests of the Village. Village Attorney Chadsey advised that the indemnity form she prepared is only for contractors. She advised the Village Board that they can set limits for different events if desired. Mayor McKeever feels it was a matter of miscommunication from all parties. Village Attorney Chadsey suggested that the Board could set parameters for each type of event. Treasurer Schilling advised she could not remember if the revenue for this event was budgeted in this year's budget. Lynn Boats indicated they need \$600 to cover the event. Village Attorney Chadsey indicated that Kavinoky Cook would donate \$300.

Motion 88-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to authorize the expenditure of \$300 to match the donation from Kavinoky Cook for the Music-in-the-Park event. Motion carried 4-0.

FIRE

Trustee Zimmermann asked everyone to please consider making an annual donation to the fire company.

Trustee Zimmermann advised that the Perrysburg Fire contract is under further review. Village Attorney Chadsey advised that the Village Board needs to make a stand regarding what the correct amount is to pay. Trustee DeCarlo indicated that either the Town of Perrysburg should pay the correct amount or the amount from the other towns should be reduced.

TREASURER

Treasurer Schilling requested approval to pay the the new lawnmower out of the water reserve.

Motion 89-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to approve payment of the new lawnmower from the water reserve funds. Motion carried 4-0.

There was discussion about withdrawing from the Cattaraugus County Self-Insured Worker's Compensation Plan. Treasurer Schilling will meet with Mayor McKeever on this subject.

LEGAL

Village Attorney Chadsey advised that the situation with the Town of Persia is exactly where it has been. Mayor McKeever advised that the Village wants to meet with the Town of Persia residents at 5:00 before the next Village Board meeting on August 13th. Town of Persia Councilman John Walgus will advise the Town of Persia of the date and time.

Village Attorney Chadsey advised that Time Warner is exempt from taxes. Village Clerk Mohawk will call the County to remove the charges from the taxes.

Village Attorney Chadsey advised she submitted the wording changes on the Microbac Master Service agreement to them. She will follow up with them.

Mayor McKeever advised that Union, Bader, Caroline and Allen Streets were paved and the intersections will be done soon. She indicated that Center Street and Frederick Street are scheduled for next year. Village Clerk Mohawk thanked the Town of Persia on behalf of Highway Superintendent Denea for their assistance.

Phil Palen spoke about the emergency situation on Aldrich Street regarding tree removal. He indicated that Highway Superintendent Denea would be contacting Covey Tree about stump removal.

ADMINISTRATION

Village Clerk Mohawk presented an Event Application from Gowanda Free Methodist Church to hold a concert/ice cream social in Chang-Hu Park on July 20th.

Motion 90-13. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to approve the event application of the Gowanda Free Methodist Church to hold a concert/ice cream social in Chang-Hu Park on July 20, 2013. Motion carried 4-0.

Motion 91-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to go into Executive Session at 9:15 p.m. Motion carried 4-0.

Motion 92-13. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to come out of Executive Session at 9:45 p.m. Motion carried 4-0.

Motion 93-13. Motion by Trustee Zimmermann, seconded by Trustee DeCarlo to adjourn the Village Board meeting at 9:45 p.m. Motion carried 4-0.

The next Village of Gowanda board meeting is August 13, 2013 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk