

**VILLAGE BOARD MEETING
AUGUST 13, 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/Code Enforcement Officer Gary Brecker, Lieutenant Rich Cooper

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

Public Present: John Walgus, Ron Clabeaus, Don and Carol Lazar, Peter Johnson

Motion 100-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to approve the minutes of the July 9, 2013 Village Board meeting as presented. Motion carried 5-0.

Trustee Sheibley advised that she wanted the minutes of the July 23, 2013 special board meeting to reflect the statement she made suggesting that Officer-in-Charge should utilize what other officers he feels necessary.

Motion 101-13. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to approve the minutes of the July 23, 2013 special Village Board meeting as corrected. Motion carried 5-0.

Motion 105-13. Motion by Trustee Certis, seconded by Trustee Zimmermann to approve Abstract #3 dated August 13, 2013 on all funds as follows:

General Fund	\$96,791.94
Water Fund	10,142.51
Sewer Fund	28,444.53
Superfund Project	246.98
Joint Activity	539.43
Total	136,165.39

Motion carried 5-0.

BUSINESS/BUILDING PERMITS

Mayor McKeever went right to the Building/Business permit section since there were two gentlemen present to discuss the Urgent Care facility on Commercial Street. Building Inspector Brecker advised that since there is not going to be a hospital, TLC has indicated the desire to add on to the current Urgent Care Facility at 34 Commercial Street. There are 2 trailers on the site behind the building housing medical facilities. TLC wants to remove the trailers and replace them with a permanent addition. Dave Zielinski of Cannon Design and John Shields, III, P.E. of Fisher Associates were present to answer any questions. Mr. Brecker indicated that he felt the planning board would not need to be involved. Village Attorney Chadsey advised that if the project involves a site plan review under the ordinance, Mr. Brecker cannot just give his approval. It would need to go through the planning board. Building Inspector Brecker feels it is more of a remodeling. The building is replacing temporary trailers. Village Attorney Chadsey advised if there is something in the plan that does not require site plan review, then it must be documented. Mr. Zielinski indicated the new facility will increase by 2 offices and increased services including physical therapy, and ultrasound and mammography. The site plan also includes an additional 10 parking spaces. TLC has funding in place which means the building must be build by December 31st. The addition will be 5100 square feet. Village Attorney Chadsey indicated it is not a listed action. It really only involves the Village. Mayor McKeever suggested that Building Inspector Brecker and Village Attorney Chadsey have a discussion about this project. Village Attorney Chadsey advised that a building permit application must be submitted and the permit must be approved by the first week of September.

Building Inspector Brecker reported that one of the Palmer Street properties is in Court. The other property is more difficult since he is not allowed inside the premises.

Mayor McKeever requested Building Inspector Brecker work with Fire Chief Mike Birthchall with fire inspections.

There was discussion about the Oakes Traveling Mercantile business permit. She requested permission to park at Gowanda Meadows and also on West Main Street on Thursdays. Ms. Oakes passed the criminal background check. There were concerns expressed about her parking on the street. The downtown merchants might be opposed to this. According to Mr. Brecker, Ms. Oakes has proposed nothing that is against the village codes. Village Attorney Chadsey asked if trailers are allowed to be parked on the street. Trustee DeCarlo asked if there were any restrictions about being on a state route. Several questions were raised to be discussed at a work session.

The Village received a request about a farmer's market. Building Inspector Brecker advised it would need a business permit. The location would be the biggest factor for this. Village Attorney Chadsey advised a work session should be held discussing these types of issues and what types of rules and regulations would apply.

PUBLIC PARTICIPATION

Don and Carol Lazar indicated they would like to see hanging pots of flowers like the surrounding communities, especially since Gowanda is the “Gateway to Zoar Valley.” Mayor McKeever and Trustee Zimmermann indicated it would be looked into for next year.

Ron Clabeaux commented on the article in the Pennysaver about the police being out of the Village. Lieutenant Rich Cooper indicated there are joint service agreements between the Village of Gowanda and the Village of North Collins to cover events where there will be a large number of people, such as the Hollywood Happening and the Langford Jamboree/tractor pull. Each community provides two additional officers to cover the event. Officer Cooper indicated that the Sheriff’s office dedicates 6 officers to cover the tractor pull, 4 of whom are on overtime. The Sheriff’s office still supplies the same number of officers so the Gowanda police are not taking away from the overtime. There are still 4 officers on overtime on Saturday and also on Sunday. Officer Cooper also explained the situation behind the Gowanda car making a premise check on a Collins business.

Mr. Clabeaux also expressed concern about the Village employees spending time working at Gateway Park and the lack of maintenance on Hill Street.

POLICE

Village Clerk Mohawk presented the July 2013 police report:
“305 reportable calls, 20 arrests, 2 juvenile arrests, 11 tickets issued in Persia, 10 tickets issued in Collins, 3 violent domestics, 5 motor vehicle accidents, 8 assist other agencies. Requesting to have our 2009 Crown Vic police car fixed by Gowanda Collision after a deer ran into the passenger side door on Taylor Hollow while transporting a prisoner to Erie County Holding Center.”

Motion 106-13. Motion by Trustee Certis, seconded by Trustee DeCarlo to accept the bid from Gowanda Collision for repair of the 2008 Crown Victoria police car in the amount of \$651.85. Motion carried 5-0.

Trustee Zimmermann was excused at 7:45 p.m.

Treasurer Schilling questioned #2 of the Memorandum of Understanding with the School Resource Officer contract which indicates the Village will provide 0% of the SRO’s salary. Village Attorney Chadsey advised it was just linguistics. The school provides 100% of her salary.

Motion 107-13. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the Memorandum of Understanding for the School Resource Officer with the correction to Mayor McKeever’s name. Motion carried 4-0.

JOINT ACTIVITY

Trustee Sheibley advised 185 young people were registered for the summer program. 100-130 attended each day. Friday of this week is the last day of recreation. A competition and talent show will be held.

Trustee Sheibley advised the next recycling event is September 28th, the Saturday before the next trash pickup, at the sewer plant from 8:30 until 10:00. These funds benefit the recreation program.

Trustee Sheibley thanked the Slovenian Club for a generous donation toward the summer field trip.

Mayor McKeever and Village Clerk Mohawk indicated they found the log sheet from Casella very helpful with regard to garbage/trash pickup. There was discussion about the garbage stickers and whether they were to be placed on each bag or each 30 pound pile of garbage. Trustee Certis was under the impression that one sticker in the 30 gallon container on the top bag was correct. Village Clerk Mohawk was under the impression that each bag must have a sticker. Mayor McKeever stated the rule that a sticker can be on the top bag as long as the trash can is no bigger than 30 gallons. It was decided to continue with the log system. Trustee Sheibley also advised there will be no garbage pickup on Labor Day. It will take place the following day, Tuesday, September 3rd.

FIRE

Village Attorney Chadsey advised the Village Board that a letter must be sent to the Town of Perrysburg outlining the terms of the fire protection contract. If they do not agree, then the Village will no longer provide service. Trustee Certis indicated the Village cannot pay favorites. The terms and conditions are the same for all the other Towns. John Walgus reported that the Town of Perrysburg stated to him that they are only willing to pay the Village what they pay to the Perrysburg and Versailles fire companies. Trustee DeCarlo advised the Village has much higher costs than the other companies and better equipment.

Motion 108-13. Motion by Trustee DeCarlo, seconded by Trustee Certis to send a letter to the Town of Perrysburg explaining the Village position. Motion carried 4-0.

TREASURER

Treasurer Schilling advised that no huge rate increase was projected for the Cattaraugus County self insured worker's compensation program so there is no need to opt out at the present time.

Treasurer Schilling advised that the Village has one more year to roll over the BAN.

Treasurer Schilling advised she is meeting on Tuesday with a representative of PESH to discuss employee training.

Treasurer Schilling requested approval for the final budget transfers for the fiscal year 2012-2013.

Motion 109-13. Motion by Trustee Certis, seconded by Trustee DCarlo to approve the final budget transfers as presented. Motion carried 4-0.

Village Attorney Chadsey advised the employee handbook can be accepted, making clear that nothing will be superceding the collective bargaining agreements.

Motion 110-13. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the employee handbook as presented, noting that the collective bargaining agreements cannot be superseded and noting that revisions will always be possible. Motion carried 4-0.

LEGAL

Village Attorney Chadsey advised she is waiting for a final release from Wendel Engineers and then the Village will be forwarding a \$10,000 check to Parise Mechanical.

Motion 111-13. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to approve the payment to Parise upon receipt of necessary information by Village Attorney Chadsey. Motion carried 4-0.

Village Attorney Chadsey advised the one-time payment with HCA will need to be negotiated as they cannot make the payment.

Village Attorney Chadsey advised that the FOIL request from the police department is from a Florida blogger and the information requested is subject to disclosure. There will be a charge per page and perhaps a charge for labor. There are certain items of confidential information that will be redacted from what is provided.

Trustee Certis some litigation issues which need to be discussed in Executive Session.

PUBLIC WORKS

Village Clerk Mohawk reported on the request to place a bench in Creekside Park. Officer-in-Charge Alessi advised he had no problem with placing a bench in the park as long as it was fastened down and unable to be removed. Highway Superintendent Denea indicated they were able to fasten the bench to the ground but had no extra bench to locate at the park.

There was discussion about repairing the blue sewer truck. The truck is basically used for snow removal. Trustee Sheibley suggesting exploring other options rather than paying for the repair. Treasurer Schilling indicated that Sewer Superintendent Carriero

felt at 25/75 split is fair, with sewer paying 25%. Treasurer Schilling suggested buying a used truck or using one from another municipality. Trustee Sheibley suggested getting a second opinion. Perhaps the NYCOM website has something posted on the classified section. Trustee Certis thinks the Village could open a can of worms once the repair is started. More things could go wrong and the price could increase. Village Attorney Chadsey asked if the work could be contracted out. Discussion also concerned how many times a year it is used, the cost of insurance, etc.

Trustee Sheibley also mentioned that the trucks are parked outside every night. She feels they should be parked in the highway garage for safety reasons.

The Update to Small Urban Area Boundaries was received from the State of New York Department of Transportation. Village Attorney Chadsey thinks this will determine how the DOT spends money.

Village Clerk Mohawk advised the sewer plant participates in an Energy Curtailment program and they received \$84.67.

Village Clerk Mohawk reported the Village has received only one bidder interested in the sewer outfall project.

There was some discussion about the Community Development Block Grant Smart Growth Fund proposal forms. Village Clerk Mohawk reported the applications are due August 30, 2013. There was some confusion as to whether this is the CDBG program or a different one.

Mayor McKeever sent a letter of support to NYS Department of State Office of Communities and Waterfronts for the Regional Niagara River/Lake Erie Watershed Management Plan – Phase 2.

Village Clerk Mohawk advised that Highway Superintendent Denea indicated that the school will be using the Village roller to roll their fields.

PLANNING BOARD

Mayor McKeever advised that the public hearing for the 42 Jamestown Street project will be held on August 20th at 6:00 p.m. at the fire hall.

ADMINISTRATION

Village Clerk Mohawk advised that the May Treasurers Report has been filed.

Treasurer Schilling discussed the memo from Mary Bailey, the Assessor from the Town of Persia, where she asks the Village Board to consider raising the senior citizen exemption limit. This was discussed previously and the Village does not want to make a change. They wish to keep it as it is. Ms. Bailey also requested a roster of the firemen

for the exemptions. Treasurer Schilling suggested that the Village should also have a list of the firemen. Ms. Bailey indicates that any firemen who are requesting exemptions must apply each year unless they are lifetime members. Assessor Bailey asked the Village to contribute to the cost of an advertisement this fall notifying the residents about the new assessment process.

Motion 112-13. Motion by Trustee DeCarlo, seconded by Trustee Certis to contribute \$75.00 towards the cost of the advertisement. Motion carried 4-0.

ENVIRONMENT

Phil Palen advised that because of the cost of the scope of work for the tree pruning and removal it is subject to the bidding process. He asked that the advertisement be put in for discussion at the September meeting. Mayor McKeever asked that a letter to be sent to the residents notifying them that their tree will be coming down. The tree at 78 Aldrich Street needs to come down as an emergency removal.

Motion 113-13. Motion by Trustee Certis, seconded by Trustee DeCarlo to take the best price for an emergency takedown of the tree at 78 Aldrich Street. Motion carried 4-0.

Mayor McKeever asked that Phil Palen contact the residents on Aldrich Street to advise them of the tree removal.

Motion 114-13. Motion by Trustee DeCarlo, seconded by Trustee Certis to go into Executive Session to discuss personnel/legal issues at 8:45 p.m. Motion carried 4-0.

Motion 115-13. Motion by Trustee Certis, seconded by Trustee Sheibley to come out of Executive Session at 9:27 p.m. Motion carried 4-0.

Motion 116-13. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the employee union contract with a change to the Acting Foreman and correcting the typographical errors. Motion carried 4-0.

Motion 117-13. Motion by Trustee Certis, seconded by Trustee Sheibley to adjourn the Village Board meeting at 9:27 p.m. Motion carried 4-0.

The next Village of Gowanda board meeting is September 10, 2013 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk