

**VILLAGE BOARD MEETING  
SEPTEMBER 10, 2013**

The Village of Gowanda Board of Trustees meeting was called to order by Mayor Heather McKeever at 7:00 p.m. at the Gowanda Fire Hall on Aldrich Street. 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, Village Attorney Deb Chadsey

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

Public Present: Nelson Felt, Tom Povhe, Peter Johnson, John Walgus, Ron Clabeaux, Jeff McIntosh and John Walug, Meyers Tree Service

Trustee DeCarlo asked for a moment of silence after the pledge for Myra Press who was a police matron and crossing guard for many years and also for the victims of 9/11.

Motion 125-13. Motion by Trustee Certis, seconded by Trustee Zimmermann to approve the minutes of the August 13, 2013 Village Board meeting as presented. Motion carried 5-0.

Motion 126-13. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to approve the minutes of the August 20, 2013 Public hearing as presented. Motion carried 5-0.

Trustee Sheibley advised that Treasurer Schilling indicated that line item in recreation was over by \$331. She asked Trustee Sheibley to request a budget transfer from a different line item to cover this. She suggested line item 9055.8 which is the disability payment. One has already been made this year. Mayor McKeever wants to check with Treasurer Schilling to make sure what line the budget transfer should come from.

Motion 127-13. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to approve Abstract #4 dated September 10, 2013 on all funds as follows:

General Fund	\$172,779.59
Water Fund	9,585.44
Sewer Fund	22,394.38
Superfund Project	85.62
Joint Activity	150.49
Total	\$204,995.52

Motion carried 5-0.

**PUBLIC PARTICIPATION**

Phil Palen asked about the status of the print shop. Mayor McKeever indicated she would follow up with Building Inspector Brecker. It has been over a year since the owners came to the Board to discuss the building.

Nelson Felt asked about the blacktopping on Caroline and Seneca Streets. Why wasn't it spread to the edge like the prior blacktop? It looks like if something was in the road the blacktopping went around it. He stated it looks like a very unprofessional job. He wondered if the job would be finished. Mayor McKeever advised she would follow up to see if it was an issue of the drainage ditches.

Ron Clabeaux read about the early warning system that North Collins has. He said it has been four years since the flood and he wondered what the Village is doing about it. Trustee DeCarlo advised that the system the fire company was looking at cost about \$15,000 and the Village was denied CDBG funding for it. Mayor McKeever advised the Village has been able to tap into Cattaraugus County and the school for the reverse calling system. Mr. Clabeaux suggested the Village look at other options. Village Attorney Chadsey advised that after the flood the Village tried to get FEMA funding for some type of early warning system but it was denied. John Walgus indicated that the siren at the Hidi Fire Hall wouldn't take much to become active for such use.

Mr. Clabeaux advised he is not in favor of the Riverwalk. He doesn't feel people will use it. Mayor McKeever advised the Safe Routes to School award to the Village is \$500,000 worth of improvements. There is no match to this grant. John Walgus asked how much the administrative fee is for the Safe Routes to School. Mayor McKeever advised the \$150,000 programming will be done through Healthy Community Alliance. The scope of the project cannot be changed. Mr. Clabeaux asked if some of the money would be used for other sidewalks in the Village. Mayor McKeever asked Village Clerk Mohawk to make the construction plan for the grant available to the public in the Village Hall.

Jeff McIntosh of Meyers Tree Service was present to see if his tree bid would be awarded at the meeting.

John Walgus asked if the meetings could be recorded digitally so residents who don't have cable can see the meetings. Phil Palen indicated he is using an analog camera. Village Attorney Chadsey indicated if the meetings could be recorded digitally they could be uploaded to the website. Mayor McKeever said the cost of doing this could be higher. There has been discussion during budget time about doing away with the recording altogether.

John Walgus indicated that in the past volunteer firemen needed to be approved by the Village Board and needed to be Village residents. That is no longer the case. He questioned the liability issues for the Village for out of town firemen. Village Attorney Chadsey indicated that the fire company bylaws should state who is eligible to become a

fireman. Trustee DeCarlo and Trustee Sheibley both indicated that department needs volunteer firemen. There was discussion about the Village Board approving any new firemen. Mr. Walgus asked what happened to the fire districts. Trustee DeCarlo indicated there still is a Perrysburg fire district, Rosenberg fire district and two Persia fire districts.

John Walug stated he is the manager of a forestry company. He spoke about the stump grinding. Phil Palen advised that the stumps were left from trees that were removed last fall. That company has since gone out of business. Phil said the cost of the stump removal was under the threshold of what needed to be bid out. The amount bid is per job. There was also an emergency takedown. Mayor McKeever advised that these jobs were bid. The cost was considered as well as the fact that the company could do the work right away.

Mr. McIntosh asked questions about the bidding process and whether the Village always bids the tree work this late in the year. Mayor McKeever advised that the trees will need to be prioritized due to budget issues. The annual tree budget is \$8500. Phil Palen advised that the cost of the project was over the \$5,000 threshold so the project had to be bid out. Village Clerk Mohawk sent a copy of the bid solicitation to the companies that previously bid and also published a legal notice in the paper. Bids were received on Tuesday, September 3<sup>rd</sup>. Village Attorney Chadsey advised the Village can accept a bid based upon the amount of money that is available. Mayor McKeever read the bids: Meyers Family Tree Service, \$37,025; Paul Waterman, \$9,636.25, and Tree Services of WNY, LLC, \$10,330.

Motion 128-13. Motion by Trustee Zimmermann, seconded by Trustee Certis to accept the bid from Paul Waterman for the tree trimming and pruning in the amount of \$9,636.25. Motion carried 5-0.

### **BUSINESS/BUILDING PERMITS**

Mayor McKeever advised that the farmer's market will not be feasible for this year.

Trustee Certis stated that allowing the Oakes traveling mercantile is not fair to the local businesses. Village Attorney Chadsey advised the Village can deny the permit if they do not have a legal place to park.

Village Clerk Mohawk presented a letter from the Buffalo Erie Niagara Lank Improvement Corporation about a new land bank. Trustee Sheibley indicated that the Board should discuss this at the next work session as it could be beneficial to the Village. There is an informational meeting on Friday in Orchard Park. Mayor McKeever advised Trustee Sheibley she could attend if she wished.

Village Clerk Mohawk will advise Building Inspector Brecker that the Village Board would like updates on the Buffalo Street barn, the print shop and the Palmer Street properties.

Mayor McKeever stated that there was discussion during the work session about the 42 Jamestown Street project. Based on a number of calls and statements made to the Village Board members by the public regarding the 42 Jamestown Street project and the Cattaraugus County IDA inducement, she would like to direct the Village Attorney to file a dispute or challenge with the IDA of their approval of a PILOT for that project.

Motion 129-13. Motion by Trustee Certis, seconded by Trustee Zimmermann to direct Village Attorney Chadsey to file a dispute or challenge with the Cattaraugus County IDA of their approval of a PILOT for the 42 Jamestown Street project. Motion carried 5-0.

Mayor McKeever advised that the Village Board will send a letter to Lake Erie Regional Health Care System to encourage them to schedule a public hearing to update the community.

### **POLICE**

Village Clerk Mohawk presented the August 2013 police report:

“337 reportable calls, 25 arrests, 4 juvenile arrests, 14 tickets issued in Persia, 7 tickets issued in Collins, 7 violent domestics, 5 motor vehicle accidents, 12 assist other agencies. Our condolences go out to Myra Press family. Myra was our school crossing guard and police matron for many years.

Requesting that we accept bids for the 2003 Crown Vic patrol car that has a seized engine. Minimum bids should be \$1,000 as we have a lot of new parts that were installed before the motor seized. The car is parked inside at the Public Works building.

We will be having an in-service September 11<sup>th</sup> at 7:00 p.m. in the police training room.

The Board is invited to meet all the Gowanda officers at this time.”

Motion 130-13. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to declare the 2003 Crown Vic police car as surplus and advertise it for bid. Motion carried 5-0.

### **JOINT ACTIVITY**

The Safe Routes to School project was discussed at the work session.

Motion 131-13. Motion by Trustee Certis, seconded by Trustee Zimmermann to approve the Safe Routes to School contract with the DOT pending Village Attorney Chadsey receiving confirmation from Healthy Community Alliance for reimbursement of \$150,000. Motion carried 5-0.

Trustee Sheibley advised that the State funding allocated for recreation is \$702. She requested a Board resolution for her to do the paperwork associated with this funding.

Motion 132-13. Motion by Trustee DeCarlo, seconded by Trustee Certis to authorize Trustee Sheibley to do the paperwork associated with the State funding for recreation.

Trustee Sheibley reported that the Village received \$87.06 from SEFA.

Trustee Sheibley advised that the NEST meeting this Thursday is regarding organics management and composting and recycling waste latex paint. Gary Carrel from NEST felt it would be beneficial for someone from the sewer department to attend. Village Clerk Mohawk will give this information to Sewer Superintendent Carriero.

Trustee Sheibley reported that the next electronics recycling event is September 28<sup>th</sup> from 8:30 to 10:00 at the sewer plant.

### **FIRE**

Trustee Zimmermann contacted the Town of Perrysburg about the fire contract but left a message for a return call.

### **TREASURER**

Treasurer Schilling advised the Village has one more year to roll the BAN over and she requested a resolution to use what funds the Village has on hand which is \$625,000 to pay down the BAN and go to bid to roll over the balance in the amount of \$1,225,000. Trustee Sheibley asked if there is an administrative fee to roll this over. Village Clerk Mohawk stated she felt there was but she is unsure of the amount.

Motion 133-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to pay \$625,000 on the BAN and roll over the balance in the amount of \$1,225,000, with the request that Treasurer Schilling advise the Village Board the amount of the administrative fee. Motion carried 5-0.

### **PUBLIC WORKS**

Mayor McKeever advised that only one bid was received for the wastewater treatment plant outfall improvements. It is again much greater than the estimated project cost. Village Engineer Burr indicated that the current contract between the Village and the State has provisions to share the cost of capital improvements. They would potentially be 75% reimbursed from the State. Mayor McKeever spoke with Mike Hutchinson at Benchmark for assistance with this project as he is familiar with the State projects. A proposal was received from Benchmark indicating the cost of engineering services related to cost allocation for the upgrades in the amount of \$2,950.

Motion 134-13. Motion by Trustee Certis, seconded by Trustee DeCarlo to accept the proposal for professional engineering services related to cost allocation for upgrades to the wastewater treatment plant presented by Benchmark Environmental Engineering in the amount of \$2,950. Motion carried 5-0.

There was discussion about the air conditioning which is not working in the Village Hall. Village Attorney Chadsey negotiated a credit for Parise but now they seem to have

forgotten all about it. She authorized Treasurer Schililng to pay \$10,000 to Parise. Penn Power Systems submitted a quote for removing and replacing the engine water pump and coolant in the generator in the amount of \$1,504.15. Village Attorney Chadsey advised that the Village Board could approve this expenditure since it is listed as critical to operation and she will speak with Jeff Telecky tomorrow.

Motion 135-13. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the proposal from Penn Power Systems to repair the generator in the Village Hall in the amount of \$1,504.15. Motion carried 5-0.

Mayor McKeever advised there is a scrap metal pipe at the reservoir. The Village will scrap it.

Two bids were received for installing the air line for the tire changer at the highway garage. There was some discussion about whether the Village could do the work themselves. Mayor McKeever will get more information from the highway department.

Highway Superintendent Denea has been on vacation and Bryan Bylbie is the Acting Foreman. There was an incident yesterday when an employee operating the Skidster hit the ceiling of a bridge and broke the window. The employee was not injured. The cost to repair the window is \$205.14.

Motion 136-13. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the repair of the window of the Skidster in the amount of \$205.14. Motion carried 5-0.

Village Attorney Chadsey advised that the Acting Foreman should provide a written report of the incident for the file. If a policy or procedure was not followed a disciplinary report will be put in the employee's file. The supervisors need to be trained that a drug and alcohol test should have been called for. Village Attorney Chadsey suggested that a memo be sent to the supervisors about the drug and alcohol policy and that it is their responsibility to be make sure it is complied with.

Mayor McKeever and the Village Board agreed that the highway department will be asked to fix the paving situation on Caroline Road and put some covers over the manholes.

### **ADMINISTRATION**

Village Clerk Mohawk presented the Event Application for the Sgt. James Hackemer Veterans Memorial Walk.

Motion 137-13. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to approve the Event Application for the Sgt. James Hackemer Veterans Memorial Walk on October 26, 2013 pending the appropriate insurance coverage. Motion carried 5-0.

Village Clerk Mohawk presented a request from James Tammaro to send a support letter asking the State to release the Local Government Records Management Improvements funds to the communities who should be getting them.

Motion 138-13. Motion by Trustee Zimmermann, seconded by Trustee DeCarlo to authorize Village Clerk Mohawk to send a support letter. Motion carried 5-0.

Village Clerk Mohawk reported that Computel Consultants is going to take a look at the franchise fees the Village receives from Time Warner.

Motion 139-13. Motion by Trustee Certis, seconded by Trustee Zimmermann to authorize Mayor McKeever to sign the contract with Computel Consultants to look at the franchise fees the Village receives. Motion carried 5-0.

Village Clerk Mohawk reported that the June and July Treasurer reports have been filed.

Village Clerk Mohawk presented a letter from the Gowanda Chamber of Commerce advising they are closing the doors.

Mayor McKeever presented an agreement with NYSEG regarding new lights for the South Water Street parking lot. The present lights are no longer manufactured and the Village will need a new contract to replace those lights with smaller watt bulbs.

Motion 140-13. Motion by Trustee Certis, seconded by Trustee Zimmermann to authorize Mayor McKeever to sign the corporation agreement with New York State Electric and Gas. Motion carried 5-0.

Village Clerk Mohawk presented a letter from the County of Erie advising of public forums to determine the needs and priorities of the almost 100,000 low and moderate income residents outside of the cities. Each forum will cover four areas: housing, public/human services, community/neighborhood development and economic development needs. The closest one will be held on September 19<sup>th</sup> in Springville. Mayor McKeever asked Village Clerk Mohawk to advise the planning board of these forums.

Motion 141-13. Motion by Trustee Decarlo, seconded by Trustee Certis to adjourn the Village Board meeting at 8:25 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is September 24, 2013 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk  
Village Clerk