

**VILLAGE BOARD MEETING
SEPTEMBER 24, 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

Village Employees: Village Clerk Kathy Mohawk, Treasurer Cindy Schilling, Building Inspector Gary Brecker, Officer Steve Raiport

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

Public Present: Irene Koch, Rob Gaylord, Ed Cygan, Janet and Joe Vogtli, Ryan McKeever, Ashley McKeever, Fran Feldman, Shirley and Ed Kota, Ron Clabeaux, Linda Tiller, John Walgus, Tom Povhe, Dorothy and Lou Selan, Tim Greenan, Bob Tiller, Tim McKeever, Mike Hutchinson, Roseanne Haynoski, Nicholas Hodak,

Motion 142-13. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to approve the minutes of the August 26, 2013 Special Village Board meeting as presented. Motion carried 5-0.

Motion 143-13. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the minutes of the September 3, 2013 Special Village Board meeting as presented. Motion carried 5-0.

Motion 144-13. Motion by Trustee Sheibley, seconded by Trustee Zimmermann to approve the minutes of the September 10, 2013 Village Board meeting as presented. Motion carried 5-0.

PUBLIC PARTICIPATION

Mayor McKeever noted that there were several people in attendance. She reminded them that they will all have the opportunity to speak and it must be kept to three minutes.

Irene Koch read a prepared statement:

“CCIDA was the first agency to receive an application on 42 Jamestown Street and was obligated to identify all potentially involved agencies for the purpose of establishing a lead agency. No lead agency was established but CCIDA went on to conduct an independent SEQR review. After declaring there was no significant impact the CCIDA

acted in favor of the developer by approving a 10-year tax abatement package that affects town, village and school district. I challenge CCIDA right to such action before a coordinated SEQR review has been done by a legitimate lead agency.

A Lead Agency is an involved agency with jurisdiction by law to fund, approve or directly undertake an action. It must have independent statutory decision making authority. The Gowanda Village Board can be a lead agency but its planning board is an advisory board so it cannot be a lead agency – only participate as an interested party.

The developer made application to the CCIDA in February and now it's September and still there's no lead agency doing a coordinated SEQR.

In SEQR, environment refers to more than water, air and the physical components of environment. It also means such things as economic impact and business district needs. Allowing a non-profit operation to claim a prime business site is a sacrifice of potential tax revenue. The site is classified as commercial. A mental health facility is very different from an eatery so the attempt to replace a restaurant with a clinic is "change of use" not just an exchange of one commercial business with another. Wouldn't a variance or special use permit be required? Shouldn't the zoning board also be involved?

When classifying actions under SEQR, site elements and location are considered important aspects of proposed projects. 42 Jamestown Street is steps away from the village square and that part of the street is lined with eateries, beauty shops, cleaner, gift shop etc. so locating the clinic on this site

1. Creates a conflict with adopted community business plans and goals
2. Substantially changes use of the site

In conclusion:

It's very important to note my argument lists no objections to locating the mental health clinic elsewhere in the village. For example around the corner on a side street is the old print shop that should be demolished and its footprint is larger than 42 Jamestown Street."

Tim Greenan, attorney for Savarino Companies, spoke next. He requested the Village Board to vote on the project. He indicated the Board should act within 45 days from the time the project was recommended to them and that time period has passed. He told the Board to vote on the project tonight, either yes or no.

Joe Vogtli read prepared statement:

"As a property and business owner in this community who has restored and rebuilt numerous buildings and businesses in the village I am appalled at the inaction being taken by the village board in the approval process of the 42 Jamestown Street/Savarino Project.

This project has been looked at for almost a year and was approved by the planning board and the building inspector, with 2 minor conditions that would not prevent the board from voting. The recent urgent care project was pushed through in a few weeks without the scrutiny demanded of the Savarino building project, which will provide an escalating tax base versus no taxes from urgent care.

There is a strong appearance that you have a double standard when you approved the urgent care center overnight and continue to delay voting on the Savarino project.

Whether you admit it or not, your inaction is promoting an embarrassing and anti business climate for any future business construction in the village.

It appears that you continue to put stumbling blocks in the way to continue delaying this project, in that hope that it will go away. The 42 Jamestown Street project has complied with the process and should not be denied approval. You owe them a vote on the project one way or another.

It is obvious that a local activist group is doing whatever they can to stop this project. Much of the information they have put out is inaccurate, misguided or not factual. One example of misinformation, it was stated that a hearing was held in Ellicottville on February 7, 2013. In fact the meeting that was held in Ellicottville was the IDA's monthly meeting not a hearing. The IDA then sent out letters on February 8, 2013 to Mayor McKeever, Supervisor LeBar, Superintendent Charles Rinaldi and President of the Gowanda School Board Mark Nephew informing them of a hearing that would take place on March 5th, 2013 at the Village of Gowanda Library. This notice was also posted on the IDA's website and at the Gowanda Library and was published in Cattaraugus County official newspaper. I was at that hearing along with the Chairman of the Gowanda Planning Board Tim McKeever. There was adequate notice of this local IDA hearing at the Gowanda Library.

We all should resent the fact that your inaction will place the village taxpayers in a costly legal action that the taxpayer cannot and should not have to bear. Your indecisiveness is setting a bad example for any future business desiring to locate in Gowanda.

Do the right thing make a decision. Act to protect the taxpayer, create a climate to promote future business and do not base your decision on emotional and inaccurate pressure.

Thank you.”

Janet Vogtli asked that the Village Board take a vote on the issue. She stated that Village Attorney Chadsey advised the Planning Board to be the lead agency on the SEQR and worked with them through the entire process. She stated the Citizens for Smart Growth are giving out misinformation. They state that the Planning Board should not be the lead agency but it was approved by the Village Attorney. They state there will be curb cuts which will not be done. The Citizens for Smart Growth claim the site is without adequate parking space but Ms. Vogtli indicated that is not the reason Burger King left. She expressed her displeasure with the Village Board and the lack of leadership.

Rob Gaylord spoke next. As a Concerned Citizen, he feels it would be difficult for the Village Board to make a decision without all the correct information. He presented a list of questions:

- 1) Has a Phase 1 been done?
- 2) Have the community questions that were circulated been answered?
- 3) Have the SEQR short form questions been answered?
- 4) Have the SEQR long form questions been addressed?
- 5) Has the Zoning Board of Appeals been involved with any variances?

He advised that a letter was sent to the DEC on the lead agency status and whether the Planning Board could be the lead agency. Mr. Gaylord indicated that the purpose of the

concerned citizens is not to defeat the necessary services of the Zoar Valley Clinic but rather to find a more suitable location for it.

Fran Feldman, 27 High Street, spoke about the condition of her road. She was told it would be fixed in September. High Street is now a dirt road and she wants it fixed. She asked that the Village honor their word.

Bob Tiller, 153 Beech Street, indicated they received a letter in the spring advising that the Village would fix the road. It has not yet been done. He also indicated there is a Zoning Board of Appeals and he is the Chairman.

BUSINESS/BUILDING PERMITS

Building Inspector Brecker reported on the Buffalo Street barn situation. The woman is on SSI and no one will loan her any money. Mr. Brecker indicated he is attempting to get a group from a local church or corrections to get the barn demolished. Representatives from Erie County helped with the rodent problem.

Building Inspector Brecker indicated that the print shop may go into foreclosure.

Building Inspector Brecker advised that he has 3 noxious weed problems for elderly residents.

Regarding the Palmer Street properties, one will be settled in Court on October 1st, the other is a problem since the owner does not reside there and the tenants will not allow Mr. Brecker inside the residence.

POLICE

Mayor McKeever commended the police department on their recent training session.

Village Clerk Mohawk mentioned the nice letter from Erie Community College commending Sean Hotnich on his firearms instructor training.

JOINT ACTIVITY

Trustee Sheibley reported that this Saturday is the electronics recycling at the sewer plant from 8:30 to 10:00. She advised this would be the last event. She advised this would be the last event since new regulations have lead to the company not being able to take anymore CRT glass.

Trustee Sheibley advised that roller skating, basketball and the ski program signups will be taking place.

FIRE

Trustee Zimmermann acknowledged Don Offhaus as Fireman of the Year and Mike Crouse as Rookie of the Year and their recognition from Cattaraugus County.

TREASURER

Treasurer Schilling advised the date for the BAN sale is October 8th and the closing is October 22nd.

Treasurer Schilling reported that the NYCOM fall training was very informative.

Treasurer Schilling advised she is waiting for the final audit report and will schedule the exit interview.

LEGAL

Mayor McKeever suggested that the Village move forward with the maintenance agreement with Johnson Controls pending review Village Engineer approval and that the appropriate bid process is followed.

Motion 145-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann that the Village accept the maintenance contract with Johnson Controls pending approval by Village Engineer Burr and that the appropriate bid process is followed. Motion carried 5-0.

Mayor McKeever thanked the residents for their comments and concerns regarding the 42 Jamestown Street project. She indicated that the Village Board is continuing to consider the project that is awaiting 3 more deliverables from the applicant. Specifically, the Village is waiting for the architect's drawings that were supposed to accompany the Flood Plain Application, a copy of the lease for the parking lot, and a copy of the contract with the State of New York. Mayor McKeever also noted that the Village of Gowanda Board of Trustees never received final comments from the County pursuant to Section 239M of the New York State Municipal Code. The Village Board feels the IDA's inducement and issuance of a PILOT was done in contravention of IDA's standards and the principles upon which such subsidies are to be given.

PUBLIC WORKS

Mayor McKeever spoke about High Street. She advised she spoke with Village Engineer Burr and was told that High Street cannot be paved like other roads. Mayor McKeever indicated she would respond to Mrs. Feldman and Mr. Tiller by Friday with an update.

Mayor McKeever advised the Village requested assistance with manpower and equipment from Cattaraugus County, Town of Perrysburg, Erie County, Town of Collins and Town of Persia for the Gateway project. Village of Gowanda workers are also

working there. The plan is to get it seeded by this spring. Trustee Sheibley asked about the insurance requirements for any shared services agreements. Treasurer Schilling suggested that the Village get updated insurance certificates with all entities the Village has these agreements with. Mike Hutchinson indicated that the property is owned by the Village and carries the insurance on the property.

Trustee Zimmerman advised that on Monday, September 30th, there will be a Thatcher Brook task force meeting to finalize the in-kind services for the federal cost sharing agreement. Once this agreement is finalized, the Army Corps of Engineers will go over the in-kind services review.

ADMINISTRATION

Village Clerk Mohawk presented the information regarding the CDBG funding.

Motion 146-13. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to set the public hearing for the CDBG grant funding applications for October 8 at 7:30 p.m. and also to rank the projects. Motion carried 5-0.

Mayor McKeever changed the date of the October 22nd meeting to October 29th.

Village Clerk Mohawk presented information from the Erie County Department of Senior Services regarding public hearing on the 2014 service and program plans for older adults.

The Hollywood Theater requested replacement of the banners that are on the light poles. Phil Palen indicated they were purchased through the VCR program.

ENVIRONMENT

Phil Palen will be talking with Treasurer Schilling about the trees and whether they need to be rebid.

Motion 147-13. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to adjourn the Village Board meeting at 7:45 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is October 8, 2013 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk