

**VILLAGE BOARD MEETING  
OCTOBER 8, 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 Danielle Maibohm (for Deborah Chadsey), Officer Robert Kibler

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

Public Present: Irene Koch, Andy Burr, Ron Clabeaux, Bob Tiller, Fran Feldman, Peter Johnson, Lou and Dorothy Selan, Barb Nephew, Tom Povhe, Linda Tiller, John Gibbs, Joe and Janet Vogtli, Tim Greenan, Mike Hutchinson, Don Lazar, Rob Gaylord, Mae Horth, Richard Sterben

Motion 148-13. Motion by Trustee Certis, seconded by Trustee Zimmermann to approve the minutes of the September 24, 2013 Village Board meeting as presented. Motion carried 5-0.

Motion148-13. Motion by Trustee Sheibley, seconded by Trustee Zimmermann to approve Abstract #5 dated October 8, 2013 on all funds as follows:

General Fund	\$57,757.56
Water Fund	7,650.89
Sewer Fund	25,336.58
Superfund Project	102.35
Joint Activity	325.62
Total	\$91,173.00

Motion carried 5-0.

**PUBLIC PARTICIPATION**

Mayor McKeever advised there were several residents present to speak during the public participation portion. She asked that they keep to the 3 minute rule. She also advised that some specific items will be addressed when they are reached on the agenda.

Ron Clabeaux spoke first. He asked that the Village Board stop allowing open burning in the Village. He indicated that the smoke bothers the entire street. Mayor McKeever advised she would call him.

Mr. Clabeaux also asked if the Village has received any money for the work being done on the Zoar Valley Gateway Park. Mayor McKeever advised an update would be coming later on the agenda. He suggested that the work be contracted out.

Fran Feldman asked the Village Board for a further update on the High Street situation. She advised she spoke with Mayor McKeever and asked that the residents on the street set a meeting with Dan Gernatt, Jr. Mayor McKeever advised she would be giving an update on the High Street problem later on the agenda.

Barb Nephew asked about the status of having Corrections personnel work at Chang-Hu Park. She would like to have them do some cleaning up at the park. Mayor McKeever advised she would speak with Highway Superintendent Denea about getting a Corrections crew. Trustee Zimmermann indicated he previously spoke with Mr. Denea about this issue.

Linda Tiller indicated she wants High Street fixed.

Joe Vogtli asked three questions of the Village Board. Is the Village Board going to vote on the 42 Jamestown Street project? He stated that in other municipalities once the Planning Board has approved a project and passed their recommendation on to the Village Board the Board takes an action. He feels the Village should follow the law which states that some action should have been taken within 45 days. Mr. Vogtli stated that if the project is voted down, he would like an accounting of the cost to the taxpayers for the associated legal fees.

Janet Vogtli asked how to get in touch with the Village trustees.

Mike Hutchinson gave an update on the Peter Cooper project. The west end of the site is being provided with subgrade and fill. About 8,000 yards of the material will be moved. This material was paid for by a grant. The Towns of Perrysburg, Persia, and Collins and the Village of Gowanda and Cattaraugus County are all working jointly on the project. Mr. Hutchinson advised that about 5 days effort will be involved to move and grade the site. Next year the rest of the grading will take place. The creekbank will be cleaned up next year and a fence will be installed. The total cost of the project is \$2.8 million. About \$1 million has been spent already. Next year is the 5 year review and the site will then be de-listed and will no longer be a Superfund site. Mr. Hutchinson advised that funds set aside for use by the Village and provided by the PRP's were used to replace the waterlines along Beech Street but the money cannot be used to repair streets. Mr. Hutchinson indicated that Mayor McKeever received an anonymous letter which questioned the one-acre lot which was left out of contract for light commercial use. No park grant funds will be used to develop this area. The lot does not belong to Joe Vogtli. He signed the deed on behalf of the Gowanda Area Development Corporation as

President. Mr. Hutchinson indicated the commercial spot may be used sometime in the future to generate income to help offset the future costs of maintaining the lot.

Andy Burr commented on 42 Jamestown Street. He encouraged the Village Board to continue to do due diligence on the project. He indicated there are still some questions that need to be answered. It is a large and serious decision that affects the future of the Village.

## **LEGAL**

Mayor McKeever acknowledge Danielle Maibohm who was present on behalf of Kavinoky Cook. Mayor McKeever read a letter that Building Inspector Brecker sent to Mr. Savarino relative to this project:

“Dear Mr. Savarino:

Despite Mr. Greenan’s representation that I approved the project for 42 Jamestown Street here in the village, that is not true. I still have not received the certification from a professional engineer that the proposed activity in a regulatory floodway will not result in any increase in the height of the base flood.

I also point out that the Gowanda Village Board and the Planning Board have asked for two items that have not yet been received. These items include the contract lease with the state and the parking lot lease. You have also failed to confirm the absence of any underground tanks as this property had been a gas station at one time.

Most importantly, the Planning Board has still not issued their conditioned negative SEQR declaration for this project.”

Mayor McKeever indicated that until this happens, the Village has no decision to make.

Mayor McKeever advised that Village Engineer Burr reviewed the maintenance agreement with Johnson Controls that the Village Board approved at the last meeting. The Village will move forward with that.

## **POLICE**

Village Clerk Mohawk presented the September 2013 police report:

“219 reportable calls, 8 arrests, 15 tickets issued in Persia, 15 tickets issued in Collins, 5 violent domestics, 6 motor vehicle accidents, 9 assist other agencies.

Requesting to send Sean Hotnich to Butler, PA for a 2 day Taser instructor school. This is the only school available near New York in the next 6 months. The cost is \$350 which we have in the budget and Officer Hotnich will pay for his own lodging. The school is in November.

Requesting to send Officer Jen Alessi to the “School Safety Summit” on November 14<sup>th</sup> and 15<sup>th</sup> at the Erie County Command Center in Cheektowaga. The cost is \$95.

We would like to thank the Gowanda business owners for attending our in-service on September 11<sup>th</sup>.”

Treasurer Schilling asked if the funds for the School Safety Summit should be paid by the school since it does not directly benefit the Gowanda Police Department. Village Clerk Mohawk will ask Officer-in-Charge Alessi about it.

Motion 149-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to approve sending Officer Sean Hotnich to Taser instructor school in Pennsylvania at a cost of \$350.00. Motion carried 5-0.

Treasurer Schilling reported that an animal control complaint over the weekend was referred to Mary Dankert and the person indicated that Ms. Dankert refused to take the call. Mayor McKeever advised that the respective towns should be called and a complaint should be filed.

Discussion followed regarding Halloween hours. The parade is at 5:00 at the bus garage on Thursday, October 31s. The hours will run from 5:30 to 7:30. Mayor McKeever asked Village Clerk Mohawk to make sure that curfew is mentioned in the advertisement.

Motion 150-13. Motion by Trustee Certis, seconded by Trustee Sheibley to open the public hearing for discussion of possible Community Deveopment Block Grant applications. Motion carried 5-0.

Don Offhaus stated he would like to see an early warning system for a multi-functional type of warning. There are different types of signals for different types of emergencies. There is no warning at all at the present. Tom Povhe indicated the firemen have cell phones but if a tower goes down, there is nothing. There is only one siren at the Hidi Fire Hall. Mr. Offhaus stated he would like to have it tied into the main fire hall. There would be three different locations for the sirens. Bob Tiller said that over time the entire system on the poles was hit by lightning. Mayor McKeever suggested that someone should contact Erie County to see if the grant application can be made more specific so it is obvious just what the Village has and what it needs.

Phil Palen mentioned the South Water Street parking lot. Trustee Sheibley advised that a Phase 3 grant was already submitted but the Village hasn't heard about it yet.

Trustee Sheibley mentioned replacement of meters and hydrants. She indicated a water project would touch all the census tracts with any associated infrastructure.

The Rural Transit van was also mentioned.

Motion 151-13. Motion by Trustee Sheibley, seconded by Trustee Zimmermann to close the public hearing at 7:45 p.m. Motion carried 5-0.

Motion 152-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to rank the CDBG projects as 1) early warning system; 2) the water meters/hydrants; and 3) Rural Transit van. Motion carried 5-0.

**PUBLIC WORKS**

Fran Feldman asked why her road needs to be a dirt road. She asked Mr. Hutchinson why the repair of High Street cannot be included in the grant applications. Mike Hutchinson advised that the grant monies can only be used for parks. The foundation of High Street is good. The top needs to be fixed. Mayor McKeever indicated she spoke with GARC about meeting with Gernatt's. Mr. Hutchinson advised that Gernatt provided all the limestone for the base of the road and paid for the materials for the top of the road. Mike Hutchinson indicated he did not know how the top was done. Mayor McKeever advised that Highway Superintendent Denea will be putting patch on the road next week. He indicated the road is solid and the Village will fix the soft spots and will be very careful with plowing this winter. Fran Feldman asked if the highway department will remove all the debris that was left in the yards after plowing. Village Engineer Mark Burr advises that the road is solid. Mike Hutchinson indicated that Midland should be asked what happened to the top of the road. Mrs. Feldman stressed that she does not want to live on the only dirt road in the Village. She stated that High Street should never be used again for such heavy truck traffic.

**JOINT ACTIVITY**

Trustee Sheibley advised that the ski program sign-ups will take place in the board room on October 28<sup>th</sup> from 6 – 8 p.m. Roller skating, kindergarden through sixth grade, begins Wednesday, December 4<sup>th</sup>, from 5:30 to 7:00, and basketball grades 4 through 6, begins Monday, December 2<sup>nd</sup>. Programs will run through February.

Mayor McKeever and Trustee Sheibley spoke about the basketball program run by Bryan Brawdy at the school and using the insurance certificate. Trustee Sheibley will discuss this with the Recreation Commission and Recreation Director Benton.

Trustee Sheibley reported that the last recycling event was free since the company will no longer pay. The Village can have future events but it will cost the Village a handling fee, a minimum of \$150.

**FIRE**

Trustee Zimmermann reminded the Village Board that the fire protection contracts expire in 2014. There was discussion about the Town of Perrysburg paying a different amount than the contractual amount. Trustee Sheibley feels the Village should speak with the Perrysburg Town Supervisor about the issue. It has traditionally been a 3% increase for a 3 year contract.

Motion 153-13. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve a 3% increase for 3 years for the fire protection contracts. Motion carried 5-0.

Trustee Zimmermann will meet with the Town of Perrysburg to discuss this issue.

Trustee Zimmermann reported on the September 30<sup>th</sup> Thatcher Brook task force meeting. The Army Corps is getting close to finalizing the in-kind services and what each municipality is willing to provide.

**TREASURER**

Treasurer Schilling presented an amending bond resolution which allows the Village to roll the BAN over for a 5<sup>th</sup> year. The Village will make a down payment in an amount that is affordable and increases the period of probable usefulness. Treasurer Schilling advised the Village received a low bid on the bond sale today of .9% interest.

Motion 154-13. Motion by Trustee Certis, seconded by Trustee DeCarlo to adopt the foregoing resolution as presented. Motion carried 5-0.

Treasurer Schilling advised that the closing is October 23<sup>rd</sup>.

Treasurer Schilling requested a budget transfer of \$376.24 from line J9055.800 which is Disability to J7310.4 which is contractual on behalf of the Recreation department.

Motion 155-13. Motion by Trustee Sheibley, seconded by Trustee Zimmermann to approve a budget transfer in the amount of \$376.24 from line J9055.800 to line J7310.4 at the request of the recreation department. Motion carried 5-0.

Treasurer Schilling requested an expenditure in the amount of \$1,425 on behalf of the tree committee from the Tree Emergency fund for the removal of a tree on Crestwood Drive in a wooded area impairing the street light.

Motion 156-13. Motion by Trustee DeCarlo, seconded by Trustee Zimmermann to approve the expenditure of \$1,425 from the tree emergency fund for removal of the tree on Crestwood Drive. Motion carried 5-0.

### **PUBLIC WORKS**

Mayor McKeever advised the Board would table any action on replacing water meters unless it is a dire need.

Mayor McKeever advised that due to emergency surgery of another water department employee, Tim Smolinski was not able to use his vacation time before his anniversary date. Water Superintendent Dubaj requested approval to pay Mr. Smolinski for the unused vacation time.

Motion 157-13. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve payment to Tim Smolinski of 32 hours of unused vacation time. Motion carried 5-0.

Sewer Superintendent Carriero requested approval to put the cleaning/repair of the digester out to bid. Two quotes already received estimate the project at \$20,000.

Motion 158-13. Motion by Trustee Sheibley, seconded by Trustee Zimmermann to authorize Sewer Superintendent Carriero to put the cleaning/repair of the sewer digester out to bid. Motion carried 5-0.

Mayor McKeever spoke about the Safe Routes to School grant which has no local share. There is an educational piece through Healthy Community Alliance. The Village gets a \$15,000 stipend for doing the billing. The State will do the design and construction. Treasurer Schilling explained that the Village will pay upfront. Then the money will come through the Village to HCA. For handling that the Village will get \$15,000 for handling that.

Mayor McKeever advised that the Christmas in Gowanda committee meeting will be held on October 10<sup>th</sup> at the Wicked Glen at 6:00.

Mayor McKeever advised that Staff Day will be October 16<sup>th</sup>. She will provide lunch.

Mayor McKeever advised that the Board spoke with Highway Superintendent Denea about repairing Big Blue. Superintendent Denea suggested accepting the bid from Valley Fab and Equipment which is higher than the lowest price but replaces the frame with a new one instead of just repairing the one that is on it now.

Motion 159-13. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to accept the bid from Valley Fab and Equipment for the repair of the sewer department truck in the amount of \$10,995.00. Motion carried 5-0.

Trustee Sheibley asked if this would be split 75/25 with the Highway and Sewer departments. Treasurer Schilling corrected it to be a 1/3-2/3 split.

Mayor McKeever advised that leaf pickup would begin on October 15<sup>th</sup> and an advertisement would be placed in the paper listing the rules.

Motion 160-13, Motion by Trustee Certis, seconded by Trustee Zimmermann to place an advertisement in the paper regarding leaf pickup starting on October 15<sup>th</sup>. Motion carried 5-0.

There was some discussion about the Microbac Services lab testing contract which was never acted on by the Village Board. Village Clerk Mohawk advised that Village Attorney Chadsey was going to change some of the wording.

Mayor McKeever advised that the last trash pickup day is Monday. Village Clerk Mohawk advised she confirmed that Casella will be working on the holiday.

### **ADMINISTRATION**

Village Clerk Mohawk presented a resolution which was received from Cattaraugus County Legislature indicating they will no longer collect any relieved charges from the Towns and Villages except water/sewer charges. Mayor McKeever advised that Cattaraugus County Legislator Klancer should be contacted for more information.

### **ENVIRONMENT**

Phil Palen advised he received quotes regarding tree planting. The tree committee has decided to order 15 trees at a cost of \$1,031. He advised that the tree on Crestwood Drive will be removed through the emergency fund. Mr. Palen advised of 3 trees that need pruning. This reserves \$1,200 for the spring planting.

Motion 161-13. Motion by Trustee Certis, seconded by Trustee DeCarlo to authorize the expenditure of \$1,031 for the November planting of 15 shade trees. Motion carried 5-0.

Mayor Mckeever asked that the owners of the trees that are going up/coming down be notified.

Mr. Palen indicated that planting will take place after Halloween. He indicated the tree planting will also include mulch which is about \$20 a yard.

Motion 162-13. Motion by Trustee Certis, seconded by Trustee Zimmermann to approve an expenditure of not more than \$5,000 for removal and trimming of trees and stump removal. Motion carried 5-0.

Trustee Zimmermann advised he spoke with Highway Superintendent Denea who will check with Corrections about a crew to assist with cleaning at Chang-Hu Park and the cemetery.

Motion 163-13. Motion by Trustee Sheibley, seconded by Trustee Certis to go into Executive Session to discuss personnel/legal issues at 8:40 p.m. Motion carried 5-0.

Motion 164-13. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to come out of Executive Session at 9:00 p.m. Motion carried 5-0.

Motion 165-13. Motion by Trustee Certis, seconded by Trustee Zimmermann to adopt the following resolution:

“WHEREAS, pursuant to Section 75 of the Civil Service Law, the VILLAGE OF GOWANDA, a New York municipal corporation with a principal place of business at 27 East Main Street, Gowanda, New York, 14070 (the “Village”) is required to reinstate Timothy Braughler as a Village Police Officer, effective immediately; and WHEREAS, the Village is required to pay to Mr. Braughler one-half (1/2) of the back wages owed to him for the period commencing on June 11, 2013 and ending on the date hereof.

NOW, THEREFORE BE IT:

RESOLVED, that Mr. Braughler be reinstated to the position of police officer effective immediately; and be it further

RESOLVED, that the Village authorizes the payment to Mr. Braughler of one-half (1/2) of the back wages owed to him for the period commencing on June 11, 2013 and ending on the date hereof.”

Motion carried 5-0.

Motion 166-13. Motion by Trustee Certis, seconded by Trustee Sheibley to go into Executive Session to discuss personnel/legal issues at 9:03 p.m. Motion carried 5-0.

Motion 167-13. Motion by Trustee Certis, seconded by Trustee Zimmermann to come out of Executive Session at 9:21 p.m. Motion carried 5-0.

Motion 168-13. Motion by Trustee Certis, seconded by Trustee DeCarlo to adjourn the Village Board meeting at 9:22 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is October 29, 2013 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk  
Village Clerk