

**SPECIAL VILLAGE BOARD MEETING
APRIL 29, 2014**

The Village of Gowanda Board of Trustees special meeting was called to order by Mayor Heather McKeever at 5:30 p.m. at the Municipal Hall. The pledge of allegiance was recited. Trustee Sheibley asked for a moment of silence for retired police officer Carl Bley, Jr. who passed away over the weekend in Florida.

Present: Mayor Heather McKeever
Trustee Carol Sheibley
Trustee Pete Sisti
Trustee Barb Nephew
Trustee Paul Zimmermann

Village Employees: Treasurer Cindy Schilling, Village Clerk Kathy Mohawk, Village Attorney Deborah Chadsey

Media Present: Samantha McDonnell, Observer

Public Present: Andy Burr, Dorothy Selan, Mike Hutchinson, Janet and Joe Vogtli

Mayor McKeever read the proposed Local Law No.1 of the year 2014:

“A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Gowanda to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Gowanda, County of Cattaraugus/Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.”

Motion 34-14. Motion by Trustee Zimmermann, seconded by Trustee Sisti to adopt Local Law No. 1 of 2014 authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c. Motion carried 4-1. Trustee Sheibley opposed the motion.

Mayor McKeever read her budget message:

“As always, it is my goal to ensure a continuation of the services that the residents have come to depend on in a manner that is both comprehensive yet fiscally responsible. The village board continues to focus on creating a more effective, efficient and compliant government. Our increased dependency on technology makes for a much more efficient use of our staff but also requires manpower to keep this technology updated and running smoothly. With technology in mind, we have set aside money for a new website and the implementation of the code red system. I am hopeful that in the growing age of social media these tools will help with communication to our residents and facilitate needed economic development.

In an effort to consider the Governor’s spending freeze for next fiscal year, we have considered the following and made prudent steps to include these items in this year’s budget:

- Purchase of a needed plow truck and police vehicle
- BAN interest on FEMA money
- No raises for non-union salaried employees
- Website development
- Code Red System
- Road repair

We continue to support efforts such as village beautification and the Gowanda library. We understand it is important for our community to be safe and with that in mind we considered a rational police budget that allows for continued efforts to combat crime and carrying on community policing strategies is a high priority while all the while maintaining a department that is highly professional in all that they do. The board is considering a bond that will be used for future street repair. There have been no cuts made to the Fire Department. The village board also acknowledges the importance of our youth recreation program and allowed a slight increase in that budget to assure that all programs are able to grow.

Per last year 2013/2014 budget message, I included the following statement, “As a result of the review of our 2012 fiscal year, our auditors have recommended that we give serious thought to an increase in our water and sewer rates. With the loss of the hospital as a large consumer along with other factors, we are becoming increasingly dependent on fund balances to run these departments. Not having had an increase in rates since 2003 in the Water department and 2006 in sewer, it is clearly time to take such action. Noting that operating costs have increased over the past ten years and in an effort to maintain compliance and integrity of our infrastructure, rate increases are critical. I have not reflected an increase in the budget but it is urgent to address this as the auditors have advised. With this in mind, I would like to recommend the establishment of a water

committee comprised of our Water Supervisor, the village engineer, a representative from the Cattaraugus County Department of Health as well as a representative from the fire department residing in the village, and another village resident. This committee would be charged with understanding our current state of affairs and developing recommendations on how to assess our rates, maintain our infrastructure, and plan for future capital improvements.” Moving forward with the 2014-15 budget, in its present state, the water fund, being underfunded with revenue, is being carried by the general fund. We need to bring the water fund to a level that is self-supporting and sustainable. There is no question that this year we will have to increase water rates and I will charge the water committee to help develop a reasonable rate schedule increase moving forward this next fiscal year.

As I pointed out last year in three of the past seven years, we had two years with no tax increase in Erie County and one with just a 1% increase. In Cattaraugus County, we had one year with a 0% tax increase, one year with a 1% decrease and one year with an increase of 2%. All these tax rates were set low at a time when revenue increases did not keep up with spending increases. Last year we were able to stay within the 2% tax cap levy. This year the Governor has suggested we stay within a 1.48% total increase with a pending tax freeze next budget year. If we kept within the 1.48% allowance that would only allow a total of \$18,000 spending increase.

That being said, in closing I feel very confident that this budget reflects a thorough consideration of our needs both immediate and going forward. The village board has worked many hours together on this budget to hold the line on spending. Tonight I am asking the village board to vote on a budget that currently increases our levy by only 2.93% in an effort to stay as close to the state’s property tax cap as possible. Our total increase in the levy is a sensible \$28,000.”

Motion 35-14. Motion by Trustee Nephew, seconded by Trustee Sisti to adopt the 2014-2015 Village budget as presented. Motion carried 4-1. Trustee Sheibley opposed the motion. She stated there is a \$19,000 increase in the police budget which amount of a 9.3% increase. She does not feel the Village can afford one more full time police officer. She feels the part-time officers are very capable.

The discussion turned to the proposed changes to the Village code Chapters 30, 31 and 34. Trustee Nephew presented a completed short-form Environmental Assessment form. Village Attorney Chadsey recommended that the Village fill out the long form instead. She advised that the long form justifies any decisions the Board might make in the future. Trustee Zimmermann suggested the Village should err on the side of caution. The Village Board worked through the long form SEQR form as a draft. It was advised that both County Planning Boards should receive copies of the proposed zoning changes and Mr. Greenan advised that the language of the changes should be published in its entirety in the official newspaper.

The SEQR workshop then turned to the proposed 42 Jamestown Street project. Trustee Nephew read the Order from the Court which she stated indicates the site plan process needs to be completed again. Village Attorney Chadsey advised Building Inspector Brecker to look at Part 1 of the SEQR form previously submitted by Savarino to

determine if it is correct. Village Attorney Chadsey advised that Part II of the SEQR form identifies potential project impacts and the Village Board should carefully review any concerns. Attorney Chadsey interpreted the Court order that the Board must begin the review process again, not necessarily that Savarino must resubmit the site plan application.

Motion 36-14. Motion by Trustee Sheibley, seconded by Trustee Zimmermann to have Building Inspector Brecker and Village Engineer Burr serve in an advisory capacity to review Part 1 of the SEQR form and fill out a draft of Part II. Motion carried 5-0.

Building Inspector Brecker asked that Savarino's engineer qualify and explain why the floodplain elevation is not significant and that the construction does not have to follow FEMA requirements. Mr. Greenan indicated that Savarino already submitted a floodplain permit. He indicated he would resubmit a digital copy of the site plan application with a copy of the lease with the State so that Village Clerk Mohawk can forward them to the Board members. Both Trustee Sisti and Trustee Nephew are new to the Board and were not involved with the project in the beginning. They would like a chance to review the material. Mayor McKeever asked Building Inspector Brecker to discuss the floodplain issue with Village Engineer Burr as well as with Savarino's engineer and architect to attempt to resolve this issue. Subsequent work sessions regarding this issue will be held on May 13th and May 27th at 5:30 prior to the regular board meetings.

Motion 37-14. Motion by Trustee Siste, seconded by Trustee Zimmermann to adjourn the special Village Board meeting at 7:30 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is May 13, 2014 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk