

**VILLAGE BOARD MEETING
MAY 27, 2014**

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 Pete Sisti
Trustee Barb Nephew
Trustee Paul Zimmermann

Village Employees: Village Clerk Mohawk, Building Inspector Brecker, Officers Hotnich and Campas, Village Engineer Mark Burr

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

Public Present: Dorothy Selan, Sam Castellano, Michele Kieler, Dennis Regan, Janet Vogtli, Nita Reid, Don Lazar

Motion 38-14. Motion by Trustee Zimmermann, seconded by Trustee Sisti to approve the minutes of the April 22, 2014 Village Board meeting as presented. Motion carried 5-0.

Motion 39-14. Motion by Trustee Sisti, seconded by Trustee Zimmermann to approve the minutes of the April 29, 2014 Special Village Board meeting as presented. Motion carried 5-0.

Motion 40-14. Motion by Trustee Sheibley, seconded by Trustee Sisti to approve Abstract #12 dated May 13, 2014 on all funds as follows:

General Fund	\$55,714.80
Water Fund	16,926.43
Sewer Fund	34,767.43
UDAG Fund	45,723.09
Superfund Project	367.39
Joint Activity	<u>792.13</u>
	154,291.27

Motion carried 5-0.

PUBLIC PARTICIPATION

Mark Burr spoke first about the progress at the Hollywood Theater. He advised they have secured \$3.5 million in commitments. The current \$600,000 is being used for

restoring the dome, the ceiling and upgrading the lighting. He presented the following resolution and requested a letter of support from the Village.

“WHEREAS, Gowanda’s Historic Hollywood Theater, Ltd. is applying to the New York State Office of Parks, Recreation and Historic Preservation for a grant under the Environmental Protection Fund for a restoration project at 39 West Main Street, which is located within the jurisdiction of the Village of Gowanda, in the County of Cattaraugus. WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the “approval/endorsement of the governing body of the municipality in which the project is located.”

WHEREAS, as stated in previous Village reports and studies, that restoration of the Hollywood Theater is an important element in preserving and enhancing the Gowanda Village Historic District and is expected to create jobs and enhance cultural tourism, we pledge our continued support for this grant application put forward on behalf of the restoration efforts.

NOW, THEREFORE, be it resolved this 27th day of May, 2014, that the Board of the Village of Gowanda hereby does approve and endorse the application of Gowanda’s Historic Hollywood Theater, Ltd. for a grant under the Environmental Protection Fund for a restoration project known as Gowanda’s Historic Hollywood Theater and located within this community,.

Motion 41-14. Motion by Trustee Sisti, seconded by Trustee Nephew to write a letter of support for the Hollywood Theater grant application. Motion carried 5-0.

Village Engineer Mark Burr gave a quick flood update. He advised the Village has identified \$600-700,000 worth of damages, including Allen Springs, the Pt. Peter Reservoir, further cleanup issues, and payroll. On Thursday, Cattaraugus County and FEMA will tour some of the damaged sites in the County. Village Engineer Burr advised that the damage numbers in Cattaraugus County are upwards of \$6.5-7 million. A list of hazard mitigation projects has been prepared.

Dennis Regan stated that all the floods in the Village have happened in an identical fashion and he asked what the Village can do to correct this. Mayor McKeever reported on the Army Corps of Engineers Section 205 study which is being negotiated. This will go to the Federal government to hope to get \$25 million for mitigation efforts. Trustee Zimmermann indicated that negotiations are underway for the cost-sharing agreement. Village Engineer Burr advised that \$250-300,000 in in-kind services need to be agreed upon between the Village and the surrounding Towns of Persia, Perrysburg and Dayton. He reminded residents that the study will take 4-5 years and another 5 years to build the necessary infrastructure. Mr. Regan asked if dredging Thatcher Brook from Dayton to the Village by the DEC would be a simple enough step to take. Village Engineer Burr stated the Village has a permit to clean the trash rack and another one to dredge out at Hill Street. There are certain set parameters for those permits. Senator Cathy Young was here in the Village and is aware of what the Village needs. She advised that if the Village can present a plan, she will do whatever she can to assist.

Mayor McKeever advised there are potential grants for homeowners through Cattaraugus County but they need to submit pictures and damage estimates directly to Cattaraugus County Emergency Services.

Janet Vogtli asked about the agenda item referring to the purchase by Ed Cygan of the Village parking lot on Jamestown Street. She feels there is not enough parking already on Jamestown Street and questioned how much of the parking lot he wants to purchase.

BUSINESS/BUILDING PERMITS

The Village received a letter from the Council of Addiction Recovery Services requesting feedback on their request to locate a satellite office in the Community Healthy Alliance Building on 1 Center Street. The Village Board would like to know more about this and Village Clerk Mohawk will call to invite a representative to attend the next meeting.

Building Inspector Brecker reported that Ed Cygan wants to sell liquor at his establishment. Mr. Brecker has requested more information from Mr. Cygan about the liquor store and building in the parking lot. Mr. Cygan cannot apply for the liquor license until he gets approval from the Village. Building Inspector Brecker indicated he would talk with the Liquor Authority.

Building Inspector Brecker advised he has received nothing in writing about the Dollar General.

Mayor McKeever presented names for appointment to the Zoning Board of Appeals. She nominated Bob Tiller for a 3 year term.

Motion 42-14. Motion by Trustee Zimmermann, seconded by Trustee Sheibley to appoint Bob Tiller to a 3 year term to the Zoning Board of Appeals. Motion carried 5-0.

Mayor McKeever nominated Lew Gabel for a 2 year term.

Motion 43-14. Motion by Trustee Nephew, seconded by Trustee Sisti to appoint Lew Gabel to a 2 year term to the Zoning Board of Appeals. Motion carried 5-0.

Mayor McKeever nominated Dorothy Selan for a 1 year term.

Motion 44-14. Motion by Trustee Zimmermann, seconded by Trustee Sheibley to appoint Dorothy Selan to a 1 year term to the Zoning Board of Appeals. Motion carried 5-0.

Building Inspector Brecker presented SEQR forms for the 42 Jamestown Street project during the work session. The Village Board members will review the forms.

POLICE

Motion 45-14. Motion by Trustee Zimmermann, seconded by Trustee Sheibley to accept the resignation of Officer Tim Braugher from the Gowanda Police Department effective March 1, 2014. Motion carried 5-0.

Mayor McKeever advised there have been major issues with police officer hours. June 1st will begin a new year. Mayor McKeever assigned Steve Raiport as the Officer-in-Charge during the flood emergency as Officer Sean Hotnich was out of hours. She suggested keeping him in the position with a 6 month probation period. Trustee Sheibley indicated that since Officer Sean Hotnich was appointed Officer-in-Charge at the organizational meeting, the prior motion should be rescinded. She also advised she would like some time to review the letter submitted by Officer Hotnich. Officer Hotnich asked that he be given a fair chance to do the job. He feels he accomplished a lot and has worked well as a team with the other officers.

Motion 46-14. Motion by Trustee Sisti, seconded by Trustee Zimmermann to appoint Steve Raiport Acting Officer-in-Charge retroactive to May 15th until June 17, 2014. Motion carried 5-0.

Acting Officer-in-Charge Raiport submitted a grant for 17 bullet proof vests. It is a 50/50 matching grant. It was reported that the vests are good for 5 years.

Mayor McKeever indicated that both bike and foot patrol have been figures in the police budget.

Village Clerk Mohawk reported that the Village received \$25.00 from the Town of Persia for court fines.

JOINT ACTIVITY

Trustee Sheibley reported that the Board members have been provided with the minutes of the Recreation Commission.

Trustee Sheibley reported that last Thursday interviews were held from 3:00 – 5:00 for summer workers. She advised that the application for the pool and park use must be submitted to Cattaraugus County and Recreation Director Benton is working on that. Trustee Sheibley reported that all the recreation employees are trained in CPR, first aid, AED and child abuse prevention. Trustee Sisti indicated the 3 remaining interviewees worked for recreation before so they will probably return. Trustee Sheibley advised that the program will be run without a supervisor to save about \$2,000.

Trustee Sheibley spoke about the employee handbook. She feels training should be done on sensitivity training and making the employees aware of all the different policies that are in the handbook.

Motion 47-14. Motion by Trustee Sheibley, seconded by Trustee Sisti to approve the employee training with respect to the employee handbook. Motion carried 5-0.

Mayor McKeever thanked Trustee Sheibley for her assistance in scheduling the extra garbage pickup through Casella Waste. She also thanked Village Clerk Mohawk and Officer Raiport for the CodeRed information on the garbage/trash pickup.

Trustee Sheibley reminded residents that St. John's Park is a no-smoking zone.

FIRE

Trustee Zimmermann thanked all the surrounding fire companies for their assistance during the flood. Mayor McKeever said the Village handed out 3500 sand bags.

Trustee Zimmermann advised that the fire department post-test will be held on June 7th at 10:00 a.m. On June 14th from 10:00 a.m. until 1:00 p.m., the fire department will sponsor a child safety seat check. The fire department equipment inspection will be held on June 18th at 6:30 p.m. on West Main Street.

PUBLIC WORKS

The Village Board discussed the situation with the frozen pipes on West Main Street for Nita Reid. Trustee Sheibley indicated that a draft should be done to correct the Village code for future situations. She stated she checked with the Village of Little Valley who underwent a similar situation and ended up paying for the frozen water pipes. Trustee Sisti stated that once the Village became involved with this problem, it was not handled properly. Trustee Sheibley agreed to write a draft for Village Board review.

Motion 48-14. Motion by Trustee Sheibley, seconded by Trustee Zimmermann to pay the expenses incurred by Nita Reid to fix the frozen waterline issue upon her submittal of receipts showing payment. Motion carried 5-0.

The Highway Department has been patching Erie Avenue. There was more discussion about the condition of the Village streets. Trustee Sheibley asked if CHIPS money could be used for street repairs. The Village Board agreed that the road work should be put out to bid. Trustee Sheibley stated that Highway Superintendent Denea should put together a list of roads to be milled and paved and put the project out to bid. Trustee Sisti will work with Superintendent Denea to get the list together and Trustee Sheibley will work with Treasurer Schilling on the financial issues.

Motion 49-14. Motion by Trustee Sheibley, seconded by Trustee Sisti to put together a list of streets that need milling/paving/repair and put the project out for bid. Motion carried 5-0.

Motion 50-14. Motion by Trustee Zimmermann, seconded by Trustee Sheibley to accept the bid of \$100 from Gary Lauer for the Sraftwman 150 psi, 30 gallon,6 hp air compressor. Motion carried 5-0.

Motion 51-14. Motion by Trustee Nephew, seconded by Trustee Sisti to declare the 1998 Chevy pickup surplus and put it out for bid. Motion carried 5-0.

Highway Superintendent Denea advised that the Town of Persia has requested use of the Village roller for some day in June.

Mayor McKeever advised that the remainder of the summer employee interviews will be on Thursday beginning at 4:30 p.m.

Motion 52-14. Motion by Trustee Sisti, seconded by Trustee Zimmermann to authorize payment of unused vacation time for Highway Superintendent Denea. Motion carried 5-0.

Mayor McKeever advised that Gernatt Companies have offered assistance to make better repairs to upper Buffalo Street. They would supply the equipment and labor, the Village would pay for the material. The Village Board agreed to table that offer.

Trustee Nephew advised that the flower pots will go out on Saturday. She indicated that on May 17th 22 volunteers did spring clean-up at Chang-Hu Park. LaVia donated pizza and beverages. Village Clerk Mohawk will send a letter to Mr. Cygan thanking him for all his help with the flood and for providing food. Trustee Nephew indicated that National Honor Society volunteers will be helping with the flower pots.

The Village Board was presented with a petition from residents about fixing the fire hydrant at Center and School Streets. Mayor McKeever indicated this is the type of project to be visited by the water committee. She asked Trustees Sisti and Sheibley to get a meeting of the committee together. Trustee Sheibley asked Mayor McKeever what direction the committee should go in, i.e., raising water rates, fixing waterlines, hydrant replacements. Mayor McKeever said to get the group together as a think tank. Trustee Sisti indicated that the Village Board cannot wait for a committee decision to raise water rates. The Village is losing money.

The purchase of a new plow truck is still under discussion. Trustee Sisti will reach out to vendors about the cost of a new truck.

ADMINISTRATION

Motion 53-14. Motion by Trustee Sisti, seconded by Trustee Sheibley to approve the Hollywood Happening event application. Motion carried 5-0.

Mayor McKeever read the Tax Collectors Warrant:

“TO: Kathleen Mohawk, Village Clerk and Collector of Taxes in the Village of Gowanda, Cattaraugus and Erie Counties, New York
 YOU ARE HEREBY COMMANDED to receive and collect from the persons named in the assessment rolls the sums named in the least column thereof opposite their respective names for the 2014-2015 Budget of the Village of Gowanda.

Erie County	\$367,785.73
Cattaraugus County	633,285.14
Total	1,001,070.88

You will proceed to collect such taxes and assessment and all interest and penalties payable thereon in the manner provided by law.
 Given under my hand and seal of the Village of Gowanda on this 27th day of May, 2014.”

Motion 54-14. Motion by Trustee Zimmermann, seconded by Trustee Sisti to accept the Tax Collectors Warrant as presented. Motion carried 5-0.

Village Clerk Mohawk reported that the flooded documents from the 2009 flood from the Village Hall basement were freeze-dried, copied and are now located in the new storeroom at Industrial Place. Ms. Mohawk reported that Treasurer Schilling confirmed that the Village Hall document project was completed and has been paid for by FEMA. Ms. Mohawk requested authorization to dispose of the original flooded documents as all have been copied and re-boxed and re-labeled.

Motion 55-14. Motion by Trustee Sisti, seconded by Trustee Sheibley to authorize the disposal of the original flooded documents. Motion carried 5-0.

Village Clerk Mohawk advised that one bid was received for lawn mowing services.

Motion 56-14. Motion by Trustee Sheibley, seconded by Trustee Sisti to accept the bid from M&M Lawn Care Co. for lawn mowing services at \$25 per hour. Motion carried 5-0.

There was further discussion about the cost for mowing delinquent properties. Village Clerk Mohawk indicated that the Board previously authorized a \$50.00 callout charge plus an 18% penalty for rolling the charge onto the Village tax bill. Cattaraugus County adopted a resolution last year that the County will no longer collect the releived amounts for lawn mowing services. The Village Board will send a letter to Cattaraugus County asking them to revisit this resolution as the Village has very few options for collecting these unpaid charges.

Motion 57-14. Motion by Trustee Zimmermann, seconded by Trustee Sisti to approve the event application for the Tri-County Crisis Pregnancy Center “Walk for Life”. Motion carried 5-0.

Village Clerk Mohawk will contact the Chamber of Commerce about the Music in the Park insurance situation.

Mayor McKeever indicated that Nick Gunner will begin an updated design of the Village website. He will teach selected Village employees how to do it themselves.

Mayor McKeever spoke about the summer meeting schedule. The next meeting will be June 17th. The July and August meetings will be set at that time.

LEGAL

Mayor McKeever advised that the SEQR for the 42 Jamestown Street project was discussed during the work session. Building Inspector Brecker indicated there were some items that he still needed. Note for the record that the Village was designated Lead Agency on May 11, 2014 and the 20 day period for making the determination of significance runs to May 31, 2014 – 3 days after this meeting. The Board has determined it needs the additional time to make its determination and therefore cannot vote on significance tonight and will carry-over this matter until the next scheduled meeting.

Motion 58-14. Motion by Trustee Sisti, seconded by Trustee Zimmermann to extend the time to make the Determination of Significance to the next meeting of the Board on June 17, 2014. Motion carried 5-0.

Regarding adoption of the zoning amendments, Village Clerk Mohawk was asked to send a follow-up letter to both towns and both planning boards asking if they have any comments on the EAF.

Motion 59-14. Motion by Trustee Zimmermann, seconded by Trustee Sheibley to have Village Clerk Mohawk send follow-up letters to both towns and both planning boards asking if they have any comments on the EAF. Motion carried 5-0.

Motion 60-14. Motion by Trustee Zimmermann, seconded by Trustee Sisti to adopt the completed Environmental Assessment Form. Motion carried 5-0.

Village Clerk Mohawk will publish a Notice of Public Hearing for further discussion on the zoning codes for June 17, 2014 at 7:30 p.m.

ENVIRONMENT

Mayor McKeever thanked Phil Palen for all his hard work sanding posts, pulling weeds, etc. Mr. Palen also reminded residents about not posting signs on the poles.

Mr. Palen advised there are several stumps that need to be ground up following the previous tree removals. He will get 3 estimates from companies.

Mr. Palen advised that he ordered 100 more stakes from the Amish.

Motion 61-14. Motion by Trustee Sheibley, seconded by Trustee Sisti to support the efforts of Gateway Zoar Valley Park to accept bids for fencing and tree removal as it sees fit. Motion carried 5-0.

Motion 62-14. Motion by Trustee Sisti, seconded by Trustee Zimmermann to go into Executive Session at 9:30 p.m. for legal and personnel issues. Motion carried 5-0.

Motion 63-14. Motion by Trustee Nephew, seconded by Trustee Sheibley to come out of Executive Session at 10:20 p.m. Motion carried 5-0.

Trustee Zimmermann stated that the Village received the report from the independent investigator on an employee complaint filed in February. Mayor McKeever recused herself from the discussion as she was the subject of the complaint.

Motion 64-14. Motion by Trustee Sisti, seconded by Trustee Nephew to accept the report of the independent investigator. Motion carried 4-0.

Motion 65-14. Motion by Trustee Sisti, seconded by Trustee Nephew to take no disciplinary action against the Mayor as the complaint has not been substantiated by the independent investigation. Motion carried 4-0.

Village Clerk Mohawk was directed to send a copy of the investigation report to the complainant and advise that no further action will be taken.

Motion 66-14. Motion by Trustee Zimmermann, seconded by Trustee Sisti to adjourn the Village Board meeting at 10:20 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is June 17, 2014 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk