

**VILLAGE BOARD MEETING  
AUGUST 19, 2014**

The Village of Gowanda Board of Trustees meeting was called to order by Mayor Heather McKeever at 7:15 p.m. at the Municipal Hall. The pledge of allegiance was recited.

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

Village Employees: Village Clerk Kathy Mohawk, Village Attorney Deborah Chadsey, Building Inspector Gary Brecker, Disaster Coordinator Nick Crassi, Officer-in-Charge Steve Raiport

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

Public Present: Joe and Janet Vogtli, Pam Howard, Carol Regan, Dorothy Selan, Andy Burr, Doug Oger, Michele Kielar

Motion 123-14. Motion by Trustee Zimmermann, seconded by Trustee Sisti to approve the minutes of the July 8, 2014 Village Board meeting as presented. Motion carried 5-0.

Motion 124-14. Motion by Trustee Sisti, seconded by Trustee Zimmermann to approve the minutes of the July 14, 2014 Special Village Board meeting as presented. Motion carried 5-0.

Motion 125-14. Motion by Trustee Nephew, seconded by Trustee Sheibley to approve the minutes of the July 16, 2014 Special Village Board meeting as presented. Motion carried 5-0.

Motion 126-14. Motion by Trustee Sisti, seconded by Trustee Zimmermann to approve the minutes of the August 7, 2014 Special Village Board meeting as presented. Motion carried 5-0.

Motion 127-14. Motion by Trustee Nephew, seconded by Trustee Sisti to approve the minutes of the August 12, 2014 Special Village Board meeting as presented. Motion carried 5-0.

Motion 128-14. Motion by Trustee Sheibley, seconded by Trustee Sisti to approve Abstract #003 dated August 19, 2014 on all funds as follows:

General Fund	\$121,495.56
Water Fund	13,371.52
Sewer Fund	47,050.99
UDAG	92,359.91
Superfund	420.97
Joint Activity	343.00
Total	\$275,041.95

Motion carried 5-0.

Trustee Sheibley commented that the abstract is very large. She cautioned about the large amount of spending.

### **PUBLIC PARTICIPATION**

Pam Howard asked about the cleanup of Thatcher Brook and whether the Village was done. Mayor McKeever advised that more discussion would be held on this topic later.

Douglas Oger stated that he was hurt and the police department will not do anything to help him. He reported that the potholes around Academy Place are very deep and should be fixed. Trustee Sisti advised that the road would be patched.

Andy Burr asked about any recovery from FEMA for the 2009 flood. He asked how the funds will be allocated: all to general fund or some to water and sewer as well. Mayor McKeever expressed hope of recovering some of the past funds.

### **DISASTER COORDINATOR**

Disaster Coordinator Crassi spoke about the latest estimate from Simmons Recovery Consulting in the amount of \$48,000. He indicated that they would work with one person in charge. He spoke about the projects that need to be done, i.e., repair of the reservoir, tree removal, dredging the reservoir and the catch basin. Mr. Crassi stated they can all be separate work orders. There was also some discussion about building a wall between the reservoir and the catch basin. He will be meeting Thursday at 10:00 a.m. with representatives from FEMA, the NYSDEC and Simmons. Wendel also presented a proposal in the amount of \$16,500 for pre-construction survey, construction and bid documents, permitting and bid assistance. Mr. Crassi stated this work could be included in the work order. He advised that Simmons writes up all the work orders and then they stop working. The Village retains the right to determine how the work will get done, either with in-house forces or with a contractor.

Trustee Sheibley indicated it is only a temporary contract for about 45 days. The Village would need to do an RFP in order to get reimbursed. Disaster Coordinator Crassi advised it is the same contract every other community is using and most of the costs will be

reimbursed. Village Attorney Chadsey suggested hiring Simmons for the walkthrough and then negotiate a tighter contract.

Mayor McKeever indicated that Disaster Coordinator Crassi is paid a minimal salary for the assistance he provides. She suggested paying him \$25 per hour as a consultant. These costs would be direct and reimbursable. Trustee Sheibley agreed that Mr. Crassi is a good go-to person but a small committee made up of Treasurer Schilling, Village Engineer Burr, Water Superintendent Dubaj and Trustees Sheibley and Sisti would be of assistance as well.

Motion 129-14. Motion by Trustee Zimmermann, seconded by Trustee Nephew to retain Simmons Recovery Consulting for the FEMA walkthrough with further contract negotiation to take place. Motion carried 5-0.

Motion 130-14. Motion by Trustee Zimmermann, seconded by Trustee Sisti to pay Disaster Coordinator Nick Crassi \$25 per hour for direct services to be Village liaison for FEMA, with costs to be reimbursable. Motion carried 5-0.

Mayor McKeever appointed the FEMA team: all Public Works Supervisors, Trustee Sheibley, Trustee Sisti, Village Engineer Mark Burr, Treasurer Schilling and Mayor McKeever.

In answer to the question posed by Pam Howard earlier, Disaster Coordinator Crassi indicated that the only permits the Village has from the NYSDEC is for the South Chapel Street bridge, the trash rack and Torrance Place by the dam. He advised that the South Chapel Street bridge has been dug out 3 times this summer.

Mayor McKeever advised that a meeting with the Army Corps of Engineers is scheduled for sometime in September to further discuss the water prevention plan at Thatcher Brook.

Ms. Howard also stated that Center Street needs to be fixed. Mayor McKeever advised it should be done before fall.

### **BUSINESS/BUILDING PERMITS**

Building Inspector Brecker advised that a letter about the 42 Jamestown Street SEQR was sent to the Village Board on June 30<sup>th</sup> and he is waiting for Board input. He indicated that the Village Board needs to appoint a responsible person to sign the SEQR. Village Attorney Chadsey indicated negotiations are going on with Savarino's counsel.

Building Inspector Brecker advised he is working with Village Attorney Chadsey regarding 24 South Water Street.

Building Inspector Brecker reported that he took the owner of 39 Jamestown Street all the information on building code requirements and site plan review and has not heard anything back as yet.

There was much discussion regarding the 24 South Water Street property. Village Attorney Chadsey advised that demolition of any property will eventually be paid for by the Village if no owner can be made to do it. Mayor McKeever asked if the Village could tap into the Land Bank. It is also possible that CDBG funds could be used for the South Water Street property. Trustee Nephew indicated that whole area could be designated a blighted area.

Building Inspector Brecker advised that the print shop is back in Court in a couple of weeks.

Mayor McKeever asked about the safety of 19 Jamestown Street. Building Inspector Brecker will pursue what options are available and will work with Village Attorney Chadsey to develop an action plan.

There was discussion about the boarded up windows at the old bar on Buffalo Street. Officer-in-Charge Raiport indicated that as long as there are 2 exits from the building, it is okay.

Janet Vogtli feels there should be a policy for water bill payment so that water can be shut off for non-payment. Building Inspector Brecker advised that the health department will not allow water shutoff.

## **POLICE**

Trustee Sheibley presented a condensed version of the Officer-in-Charge duties. She feels there needs to be more verbiage under direction of the Board. Mayor McKeever read from the "Characteristics" section: "The Officer in Charge oversees and directs all activities of the Police Department for the Village and in certain mutual aid circumstances. Responsibilities include strategic planning for use of resources, coordinating the activities of the department with those of other local departments and ensuring that services provided and development plans are of the highest quality. The Officer in Charge is accountable for accomplishing departmental planning and operational goals and objectives and for furthering Village goals and objectives." Trustee Sheibley added "at the direction of the Village Board" after objectives. Mayor McKeever indicated that the Department of Correctional Services listed these as the duties an Officer-in-Charge should have. Officer-in-Charge Raiport said that the Village Board would still make the Officer-in-Charge accountable for his job performance. Village Attorney Chadsey advised the Village Board to adopt one of these descriptions, even if temporary. Trustee Sheibley asked about the meaning on Page 2 of "Prioritizes and allocates available resources; reviews and evaluates program and service delivery, makes recommendations for improvement and ensures maximum effective service provision." Officer-in-Charge Raiport indicated that is community stuff like Neighborhood Watch.

Village Attorney Chadsey feels the description should be specific. If you expect an officer to do something, you can evaluate performance better. Trustee Sisti asked if the job description could be changed at any time.

Motion 131-14. Motion by Trustee Nephew, seconded by Trustee Sisti to approve the Officer-in-Charge duties as presented. Motion carried 5-0.

Mayor McKeever asked for authorization to offer a promotional test for Sergeant. There is a line item in the budget for this position. A sergeant helps to supervise employees. \$5,000 is offered for the promotional position. Officer-in-Charge Raiport offered to do his job for \$30,000 which is down from \$38,000 paid the previous Officer-in-Charge.

Motion 132-14. Motion by Trustee Zimmermann, seconded by Trustee Nephew to offer the promotional test for sergeant. Motion carried 5-0.

Officer-in-Charge Raiport presented two candidates for hiring as part-time police officers on the competitive civil service list.

Motion 133-14. Motion by Trustee Zimmermann, seconded by Trustee Nephew to approve hiring Cori Kowalski and Earl Farina as part-time police officers on the recommendation of Officer-in-Charge Raiport. Motion carried 5-0.

Village Attorney Chadsey presented the latest draft of the School Resource Officer contract. She indicated that the addendum should be changed. Mayor McKeever indicated that Ms. Chadsey could check with the Office of Public Safety for a job description of a School Resource Officer. The school has indicated they will only pay for the hours the SRO works, not for when they do not. Village Attorney Chadsey feels the School Resource Officer should be supervised by the Officer-in-Charge and an evaluation should be done, for every officer on the roster. Mayor McKeever wants to make sure the school also keeps track of the hours. The school should set out the schedule, advise the Village and then certify the hours worked. Mayor McKeever feels the Officer-in-Charge should have the authority to appoint the SRO. Village Attorney Chadsey reminded the Board that the contract is between the Village and the school, not the police department. Trustee Nephew stated that the school should have the right to determine who they want as the SRO. The school board will have the right to accept/reject the nominated person. After much discussion about the 1,040 hours, Village Attorney Chadsey advised if the contract runs with civil service calendar year, the hours will not go over.

Mayor McKeever reported that the Village received a letter from the Department of Corrections which indicates that any violations in the police department have been satisfactorily corrected.

## **LEGAL**

Village Attorney Chadsey went over some questions relative to the Time Warner Cable franchise agreement.

Motion 134-14. Motion by Trustee Sisti, seconded by Trustee Zimmermann to authorize Village Attorney Chadsey to contact Time Warner Cable to begin negotiations. Motion carried 5-0.

Mayor McKeever thanked Trustee Sheibley for her efforts and comments on this contract.

Village Clerk Mohawk advised that the Board room would be used on Tuesday, September 9<sup>th</sup>, for primary voting. Mayor McKeever set the schedule of meetings for September for September 16<sup>th</sup> and September 30<sup>th</sup>.

## **JOINT ACTIVITY**

Trustee Sheibley reported that the summer recreation program was completed on Friday.

Trustee Sheibley reported that Ben Fraser from Parkitects inspected the play structure and it passed.

Officer-in-Charge Raiport reported that the cameras had been installed at St. John's Park but malfunctioned. New ones have been purchased and will be installed.

Trustee Sheibley reported that Hidi Hose #3 sanded and painted the playground equipment at Hidi Park. Village Clerk Mohawk will send a thank you letter.

Trustee Sheibley indicated that the telephone at St. John's Park could be turned off but questioned the cost of the reconnection fee. Village Clerk Mohawk will check with Treasurer Schilling about the cost.

Mayor McKeever reported that over 300 people participated in the Community Block parties. She indicated that the basket winners would be drawn at the meeting. Village Clerk Mohawk drew the following names as the winners: Girls basket – Amy Haggert, Buffalo Street; Boys basket – Caleb Gabel, Crestwood Drive; Adult basket – Ian Williamson, 35 Palmer Street.

## **FIRE**

Trustee Sheibley reported that all truck inspections have been done.

**TREASURER**

Motion 135-14. Motion by Trustee Sisti, seconded by Trustee Sheibley to approve the final budget transfers for the year ending May 31, 2014 as presented by Treasurer Schilling. Motion carried 5-0.

Treasurer Schilling requested authorization to attend the NYCOM conference in Lake Placid in September. Village Clerk Mohawk did not know the cost so the request was tabled.

**PUBLIC WORKS**

Motion 136-14. Motion by Trustee Zimmermann, seconded by Trustee Sisti to hire Jason Opferbeck part-time at \$35.00 per hour as a Water Plant Operator per civil service requirements. Motion carried 5-0.

Motion 137-14. Motion by Trustee Zimmermann, seconded by Trustee Sisti to reject the bid for the truck and scrap it. Motion carried 5-0.

The discussion on the repair of the Orchard Place pillars was tabled until cost could be determined.

Village Clerk Mohawk advised that the Trinity Church requested the use of the Village parking lot to hold a car wash. It was not feasible to do it in their parking lot as hoses would need to be run across the street. Mayor McKeever suggested Valu or the Wastewater Treatment Plant as alternatives. She requested that the church seek out other locations.

Trustee Sheibley commented on the peeling paint in the hallways in the Municipal Hall. She will have someone look at painting it.

**ADMINISTRATION**

Village Clerk Mohawk presented a list of computers/printers/components for surplus. Mayor McKeever asked if this equipment could be included in the Cattaraugus County surplus auction minus the copy machine.

Motion 138-14. Motion by Trustee Zimmermann, seconded by Trustee Nephew to declare the listed computers/printers/components for surplus, minus the copy machine. Motion carried 5-0.

Motion 139-14. Motion by Trustee Sisti, seconded by Trustee Nephew to approve the 2<sup>nd</sup> Annual SSG James Hackemer Veterans Memorial Walk pending receipt of insurance certificate and Office-in-Charge Raiport approval of the route. Motion carried 5-0.

The Johnson Controls maintenance agreement was tabled pending further information on the services provided.

Village Clerk Mohawk reported that the flooded documents were picked up by Subcon Industries and she is waiting confirmation that they have been disposed of. She reported that the cost will be somewhat less than the original estimate.

### **ENVIRONMENT**

Phil Palen presented a list of trees for maintenance. He indicated the entire budget for the year is \$8500. He indicated he would bid the tree maintenance and stump removal separately. Mr. Palen wants to contact companies to bid. He stated the DEC forester cannot give recommendations. He mentioned contacting Tree Service of Western New York, Good Neighbor Tree Service, Bradley Tree Service from East Aurora, and Davey Tree Service. If the cost is under \$10,000, it doesn't need to be advertised for bid.

Phil Palen advised of the Tree City flag which was presented to the Village. Mayor McKeever indicated it should be hung on the flag pole. Mayor McKeever thanked Mr. Palen for the Tree City designation.

Mr. Palen advised of an unauthorized cutting of a tree in the business district. It was in violation of the tree ordinance. He indicated a fine is in order.

Phil Palen advised that Davey Tree has been hard at work at Gateway Park. Cattaraugus County, Town of Persia and the Village workers are also working there this week.

Motion 140-14. Motion by Trustee Sisti, seconded by Trustee Zimmermann to adjourn the Village Board meeting at 9:40 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is September 16, 2014 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk  
Village Clerk