

**VILLAGE BOARD MEETING
SEPTEMBER 30, 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: Treasurer Cindy Schilling, Village Clerk Kathy Mohawk, Village Attorney Deborah Chadsey, Officer-in-Charge Steve Raiport, Disaster Coordinator Nick Crassi, Building Inspector Gary Brecker, Village Engineer Mark Burr

Media Present: Samantha McDonnell, Observer
Phil Palen, Cable Channel 22
Holly Lawton, Gowanda Pennysaver

Public Present: Julie Blair, Dave Latona, Michelle Kielar, Lou and Dorothy Selan, Tom Povhe, Doug Oger, Bob Coudrey, Lyn Boats, John Walgus, Mike Hutchinson, Peter Johnson, Mark Hebner, Gordon Ackler, Tierra Moppert, Lauren Vogtli, Scott and Debbie Degenfelder, Ralph Hill, Rob Gaylord, Sean Christopher

Motion 163-14. Motion by Trustee Zimmermann, seconded by Trustee Sheibley to approve the minutes of the September 16, 2014 Village Board meeting as presented. Motion carried 5-0.

Mayor McKeever announced the Community Spirit Parade which will take place on Thursday, October 2nd. She recognized that Lou and Dorothy Selan will participate. Both were graduates of Gowanda Central School in the 1940's. Lou was instrumental in starting the Little League football in 1966.

PUBLIC PARTICIPATION

Mike Hutchinson, Rob Gaylord, John Walgus and Sean Christopher were present as board members of Gowanda Area Redevelopment Corporation. Mr. Hutchinson provided an update on the work that was done to date at Zoar Valley Gateway Park. A sub-grade was established as well as the walking/biking main trail. Tree removal was also done. The fence should be up by the end of the year. This is a \$2.8 million total project. Mr. Gaylord spoke about the plans for next year. They plan to leave some trees for bank stabilization. GARC will receive \$500,000 from the State next year to be used for additional topsoil, fending, parking lot construction, trees and grass seeding. \$167,000 (\$120,000 from casino money) will be used for more fill material. \$73,000 will

be used for playground equipment. Rob Gaylord acknowledged the cooperation of the Village crews, the Towns of Persia, Perrysburg, Collins and Cattaraugus County. He also thanked the neighbors for their patience. Mr. Hutchinson indicated the environmental remediation is done and GARC is hoping the EPA will de-list the site this year.

Bob Coudrey spoke on behalf of the Gowanda Fire Department. He indicated he has been involved with the fire company for 58 years and is Captain of Erie Hose Company #1 and President of the Hose Company. He commented on the 2000 KME pumper truck and feels the Village should not declare it as surplus, especially to down-size and buy a truck to pull the rope trailer. Mr. Coudrey advised the pumper has a 6-man cab which is something they wanted. He feels the rope trailer hauling truck does not help in fire fighting. Mr. Coudrey feels the older pumper truck should be declared surplus first. He stressed that he is not in favor of down sizing. Mayor McKeever suggested a meeting with the Village Board and the entire fire department would be a good idea.

Pete Johnson feels that the members of Erie Hose #1 were not advised of this decision properly. The idea was not presented to the members before they were told the pumper would be declared surplus.

Fire Chief Mark Hebner advised that the vehicle being used to pull the rope trailer presently is unsafe. He also indicated that the rescue truck has seen its day. He indicated the company picked Hose #1 to surplus because it is newer and the value is higher. This would allow for the present purchase and future needs. Mr. Hebner stated that the fire company does not have enough people to man the equipment and drive the trucks at the present time. The Village Board and the fire company will meet next Thursday, October 9th, at 6:30 p.m. at the fire hall to discuss this issue further.

Doug Oger requested that the Village fix the roads and sidewalks like they fixed the new park.

Pete Johnson advised that he never received an apology from Building Inspector Brecker for a letter that was written in error.

BUSINESS/BUILDING PERMITS

Debbie Degenfelder was present to answer any questions the Village Board had regarding the relocation of the can and bottle redemption center to Caroline Road. Building Inspector Brecker presented traffic information to the board. Mrs. Degenfelder stated she has very little traffic there, usually about 25 people per day. Every Tuesday at 5:00 a.m. the tractor trailer pulls into Quik Fill and then is gone before they open at 6:00 a.m. No trucks or trailers will be parked there permanently. Building Inspector Brecker will check with Highway Superintendent Denea for suggestions. Trustee Sisti asked Mrs. Degenfelder if she would mind a sign saying “No Left Turn” on her driveway and she indicated she did not. Mayor McKeever indicated that the business could continue to operate with further traffic study being conducted.

Building Inspector Brecker requested authorization to send a letter to Cattaraugus County regarding 24 South Water Street. The Village Board indicated it was okay to send.

Building Inspector Brecker thanked Disaster Coordinator Nick Crassi for his assistance with removing the FEMA trailers located at TLC Urgent Care Facility.

Building Inspector Brecker advised he met with the Town justices for help with code compliance issues in the Village.

POLICE

Officer-in-Charge Raiport advised that this Saturday at 10:00 is the memorial service for K-9 “Mike” at Chang-Hu Park. Pastor Jeff is doing the service and Assemblyman Giglio will speak.

Motion 164-14. Motion by Trustee Sheibley, seconded by Trustee Sisti to open the public hearing for the Community Development Block Grant funding applications. Motion carried 5-0.

Mark Burr spoke first on behalf of the Hollywood Theater. He indicated they just finished up the last CDBG grant this year and would like to work on the next phase. Phil Palen suggested finishing the South Water Street parking lot. The lot needs to be paved and perhaps the Village could acquire/demolish an adjoining building. Trustee Sheibley mentioned waterline improvements on North Water/Center Streets with the decommissioned fire hydrant. Both Trustee Sheibley and Water Superintendent Dubaj submitted information for the Community Development Needs Survey requested from Erie County. Village Clerk Mohawk will follow up with the other department heads for their input prior to Friday.

Motion 165-14. Motion by Trustee Sisti, seconded by Trustee Nephew to close the public hearing at 7:40 p.m. Motion carried 5-0.

FIRE

Mayor McKeever advised that the Village Board will present to the surrounding municipalities a 1% increase for 3 year contracts.

JOINT ACTIVITY

Trustee Sheibley reported that Nancy Wagner from Liberty Partnership has offered to pay for 4 weeks of ski transportation which is about \$1,750. Trustee Sheibley commended Recreation Director Benton to reaching out for these donations.

DISASTER COORDINATOR

Disaster Coordinator Nick Crassi reported on the reservoir. He indicated that Village Engineer Burr prepared the scope of work and supplied it to engineering firms seeking professional services for the reservoir repairs. He advised the Village received 2 proposals. After review, the committee decided to hire Greenman, Pederson to provide the engineering design services for the reservoir repairs.

Motion 166-14. Motion by Trustee Zimmermann, seconded by Trustee Nephew to accept the proposal from Greenman, Pederson for engineering services for Pt. Peter Reservoir . Motion carried 5-0.

Disaster Coordinator Crassi, Village Engineer Burr and Water Superintendent Dubaj have a good idea of what needs to be done at the reservoir now and in the future for mitigation.

Disaster Coordinator Crassi advised the dirt from the reservoir was sampled and came back negative for arsenic. He and Village Engineer Burr indicated that this dirt could be used as fill at Gateway Park but further sampling would need to be done. Eight more tests for about \$8,000 would determine if this was possible. This will provide credits to the money allocated for the park and the costs would be reimbursed by FEMA.

Motion 167-14. Motion by Trustee Nephew, seconded by Trustee Zimmermann to authorize the additional \$8,000 for testing of the reservoir dirt. Motion carried 5-0.

Village Attorney Chadsey indicated that screening is done for heavy metals and volatiles as well.

Disaster Coordinator Crassi advised about 600-700 trees need to be removed. They are mostly dead pine trees, termed collateral damage.

Disaster Coordinator Crassi indicated the Village has spent about \$80,000 so far on debris removal. It will cost about \$720,000 to bring the reservoir back to the condition it was before the flood and \$200,000-\$300,000 in mitigation efforts. He advised that one PW has already been turned in for the cost to repair the roads, including the labor, materials, equipment and direct administrative costs for \$371,516. He indicated the Village will try to include replacing the waterline on Center Street as part of another PW. Mr. Crassi indicated he is working with Simmons trying to get the reservoir repair PW done by Friday.

Disaster Coordinator Crassi requested permission to attend a stormwater management conference.

Motion 168-14. Motion by Trustee Nephew, seconded by Trustee Zimmermann to authorize Disaster Coordinator Crassi to attend an upcoming stormwater management conference. Motion carried 5-0.

TREASURER

Treasurer Schilling advised the notice of sale for the \$865,000 bond has issued. The sale is October 9th; the closing is October 23rd. The annual report has been filed. Treasurer Schilling reported the Village received \$20,263 in revenue sharing, \$2,800 in mortgage tax and the CHIPs money.

LEGAL

Village Attorney Chadsey advised the Time Warner cable contract has been submitted with the comments and concerns of the Village Board. Village Attorney Chadsey asked them to redefine revenues with the hope of receiving more money. The Village has asked for a three year contract rather than a ten year term. The Village has also asked for free internet service for the Village Hall, fire hall and school.

Motion 169-14. Motion by Trustee Nephew, seconded by Trustee Sisti to accept the long-form EAF for 42 Jamestown Street and direct Village Clerk Mohawk to send it to all involved agencies. Motion carried 5-0.

Motion 170-14. Motion by Trustee Sisti, seconded by Trustee Nephew to adopt the previously received 239 letters. Motion carried 5-0.

Motion 171-14. Motion by Trustee Nephew, seconded by Trustee Sheibley to adopt the following resolution:

**RESOLUTION TO ADOPT A POSITIVE DETERMINATION OF SIGNIFICANCE
IN RE 42 JAMESTOWN STREET LLC APPLICATION**

WHEREAS, the Village of Gowanda Board of Trustees (the “Village”) has been designated Lead Agency on May 11, 2014, for the purpose of the SEQRA review under the New York State Environmental Conservation Law (“ECL”) of the project commonly known as 42 Jamestown Street Medical Office Building; and

WHEREAS, the Village has completed a long Form EAF as required by the ECL; and
WHEREAS, the Village has reviewed the action as a whole and the criteria listed under Section 617.7© of the SEQRA regulations; and

WHEREAS, the Village has considered comments from all parties, including comments made by the public during a hearing on this matter and comments made by the public thereafter; and

WHEREAS, the Village has consulted with the Village Engineer; and

WHEREAS, the Village has reviewed all of the material submitted by the Applicant.

NOW, THEREFORE, be it resolved that,

1. The Village Board of Trustees adopts the Positive Determination of Significance attached to this Resolution.
2. The Village Board of Trustees directs the Village Attorney to prepare the notice of Positive Determination of Significance.
3. The Village Board of Trustees directs the Village Clerk to publish the notice in the Environment News Bulletin published by DEC;

4. The Village Board of Trustees directs that the Positive Declaration notice be sent to the applicant and all involved agencies. The notice to the Applicant shall include a request that the Applicant supply the Board with a draft scope based on the items outlined in the Positive Declaration no later than November 30, 2014, in conformance with 6 NYCRR 617.8(f)(1)-(5).
5. The Village Board of Trustees directs that a scoping meeting be scheduled for no more than thirty (30) days after receipt from the Applicant of the Draft Scoping document and that public notice of the scoping session be published and posted according to law and that all involved agencies be provided with a copy of the draft scoping document submitted by the Applicant immediately upon receipt by the Village, and that copies of the draft scope be made available at the scoping session.

Motion carried 5-0.

Mayor McKeever indicated the developer is looking at an alternative location and the Village supports the alternative location. The Village stands to assist the developer in any way legal for the Village but cannot approve the current proposed location based on the information presented. Trustee Zimmermann indicated he is a co-owner of a potential alternate site and will recuse himself from any decisions if that site is selected.

PUBLIC WORKS

Mayor McKeever spoke about the \$650,000 Safe Routes to School grant which was awarded to the Village in 2012. She indicated that Village had been working with the school on a possible creek walk. The creek walk idea is not going forward so the original design will need to be modified. Mayor McKeever read the following resolution: “Authorizing the implementation, and funding in the first instance of 100% of the Federal-Aid eligible costs, of a Transportation Federal-Aid Project, to fully fund the local share of Federal-Aid eligible and ineligible project costs, and appropriating funds therefor.

WHEREAS, a Project, to provide **Safety Education for Elementary School Children in the Village of Gowanda**, known as the **Village of Gowanda Safe Routes to School Program PIN 576071**, (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program be borne at the ratio of **100%** Federal Funds and **0%** Non-Federal funds; and

WHEREAS, the **Village of Gowanda** desires to advance the Project by making a commitment of 100% on the Non-Federal share of the costs (if any) of the **Educational (Non-Infrastructure) phase** of the Project.

NOW, THEREFORE, the **Board of Trustees** of the **Village of Gowanda** duly convened does hereby

RESOLVE, that the **Board of Trustees** of the **Village of Gowanda**, hereby approves the above-subject Project; and it is further

RESOLVED, that the **Board of Trustees** of the **Village of Gowanda** hereby authorizes the **Village of Gowanda** to pay the first instance 100% of the Federal and Non-Federal shares of the cost of the **Educational (Non-Infrastructure) phase** of the Project or portions thereof; and it is further

RESOLVED, that the sum of up to \$150,000 will be made available from the General Fund to cover the cost of participation in the above Educational (Non-Infrastructure) Phase of the Project; a mutual agreement between Healthy Community Alliance and the Village of Gowanda will provide details on reimbursement process and General Fund monies used will be reimbursed; and it is further

RESOLVED, that the Village of Gowanda agrees that the New York State Department of Transportation will provide the village with the complete design and construction of the infrastructure phase of the Project with total cost not to exceed \$500,000 of Federal Funds granted.

RESOLVED, that in the event **the amount required to pay 100% of the full Federal and Non-Federal shares of the cost of the project's Education (Non-Infrastructure) phase exceeds the amount appropriated,** the **Village of Gowanda** shall convene its **Board of Trustees** as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the **Mayor** of the **Village of Gowanda** be and is hereby authorized to execute all necessary Agreements, certifications and reimbursement requests for Federal Aid on behalf of the **Village of Gowanda** with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, that this Resolution shall take effect immediately.”

Motion 172-14. Motion by Trustee Zimmermann, seconded by Trustee Sisti to adopt the foregoing resolution for the Safe Routes to School project. Motion carried 5-0.

Village Clerk Mohawk provided a status report on the peeling paint in the hallway. She advised she spoke with Wendel who indicated there is no warranty on the work at this point. He suggested that there may be leaks in the old building itself with water running down the wall in that particular location. Ms. Mohawk will follow up with Village Engineer Mark Burr to determine if any masonry work is necessary before painting. Trustee Sheibley indicated the upstairs bathrooms are also peeling. It was suggested that the water for the bathrooms be shut off in the basement.

Village Clerk Mohawk also advised that the sewer roof repairs cannot be completed by Eberle Contracting as the company has closed due to the owner's illness. The Village Board advised Village Clerk Mohawk to advertise the work.

ADMINISTRATION

Mayor McKeever reminded everyone of the Community Spirit Parade to be held on Thursday, October 2nd. Meet at 5:00 at the Legion.

Village Clerk Mohawk reminded everyone that the last large trash pickup will be October 13th; the lawn waste pickup will be October 27th.

Village Clerk Mohawk advised she is working with Mike Hutchinson to secure payment from the PRP's for the Superfund project.

Village Clerk Mohawk reported that the Village will receive \$500.00 from the Town of Collins for Court fines.

Mayor McKeever reported that Christmas in Gowanda planning is underway. The tree lighting is the first Friday in December. The event will run from Thursday through Saturday the first weekend in December. It will begin with a Shop Local promotion on Black Friday.

Trustee Sheibley asked who can place signs at the entrance to the Village. It was agreed that non-profits are the only ones.

ENVIRONMENT

Phil Palen advised the on September 22nd fourteen stumps were ground. The highway department took the chips to the sewer plant. Tree cutting/pruning will start around the second week of October. Mr. Palen advised that about 18 trees will be planted the first week of November.

Motion 173-14. Motion by Trustee Sheibley, seconded by Trustee Nephew to adjourn the Village Board meeting at 9:00 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is October 14, 2014 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk