

**VILLAGE BOARD MEETING
OCTOBER 28, 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 was excused.

Village Employees: Village Clerk Kathy Mohawk, Village Attorney Deb Chadsey, Public Works Superintendent Jason Opferbeck, Disaster Coordinator Nick Crassi

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

Public Present: Mark Anderson, Lin Boats, Joseph Giglio, Jr., Quentin Gominiak, Michelle Kielar

Motion 189-14. Motion by Trustee Sisti, seconded by Trustee Sheibley to go into Executive Session at 7:01 p.m. to discuss a legal matter. Motion carried 4-0.

Motion 190-14. Motion by Trustee Nephew, seconded by Trustee Sisti to come out of Executive Session at 7:25 p.m. Motion carried 4-0.

Motion 191-14. Motion by Trustee Sisti, seconded by Trustee Nephew to approve the minutes of the October 14, 2014 Village Board meeting as presented. Motion carried 4-0.

Motion 192-14. Motion by Trustee Sheibley, seconded by Trustee Sisti to approve the minutes of the October 23, 2014 Special Village Board meeting as presented. Motion carried 4-0.

PUBLIC PARTICIPATION

Mark Anderson, 164 Commercial Street, spoke to the Village Board about the FEMA trailers that are parked behind the Urgent Care facility. He wants them moved. The posts that mark his property lines are being knocked down by people driving on his lawn. He also wants that short piece of Chestnut Street fixed. Village Attorney Chadsey advised those trailers were tied up in litigation when TLC was moved. Disaster Coordinator Crassi said the trailers are supposed to be moved to a non-

profit site. Village Attorney Chadsey indicated that since TLC is in bankruptcy, perhaps the trustee could be approached about the removal. Disaster Coordinator Crassi also advised that site restoration is included in the PW for TLC. Village Attorney Chadsey advised that Mayor McKeever should send a letter to TLC requesting some action on those trailers and that Building Inspector Brecker should put them on notice of a violation.

POLICE

Village Clerk Mohawk reported that the Village received \$500 from the Town of Collins for court fines.

JOINT ACTIVITY

Trustee Sheibley reported that Learn-to-Ski signups were held last night. A second signup will be held on Monday, November 24th. Trustee Sheibley reported that Co-ed basketball for 4th through 6th grades will begin on Wednesday, December 3rd, and run for 10 weeks at Academy Place. The Recreation Commission is still working on the roller skating program.

FIRE

Trustee Sheibley reported that the annual spaghetti dinner will be held the third Wednesday in January.

Mayor McKeever reported that the costume/Halloween parade will be at 5:00 at the fire hall.

DISASTER COORDINATOR

Disaster Coordinator Crassi reported that 2 PW's have been completed and sent to FEMA. The debris one for \$114,000 included a complete walkthrough of Thatcher Brook from one end to the other. He cautioned that the Village cannot assume that everything is reimbursable through FEMA. The other one for the emergency protections which included emergency equipment use, food, sewer cleaning, etc. was submitted for \$21,000. Mr. Crassi also indicated they did a reservoir walkthrough. Disaster Coordinator Crassi advised that the Thatcher Brook PW is almost complete, but if any of the property bordering Thatcher Brook is privately owned, the Village cannot repair it. He indicated that 3 of 5 PW's are completed. He and Simmons are still working on the reservoir repair PW.

Disaster Coordinator Crassi reported that the Village received an estimate from Greenman-Pedersen, Inc. for flood damage repair services. Their scope of services is very close to what the Village needs. If they started tomorrow, it would take 19 weeks to complete the work. Village Engineer Mark Burr is working on an RFP for the Simmons contract, asking for a contract modification extension from the 45 days. Disaster

Coordinator Crassi indicated that Simmons originally asked for \$45,000 and the Village has spent \$37,500 to date. There was discussion about this extension. Mayor McKeever indicated the Village is looking at \$1 million worth of work, 75% of which is reimbursable by FEMA. Disaster Coordinator Crassi advised that FEMA is giving the Village a hard time on the street repairs. He indicated that Simmons is seeking to double the contract amount for another \$45,000. Village Attorney Chadsey suggested a not-to-exceed contract with a scope of work attached. She feels there should be some sort of performance associated with this contract. She suggested that Disaster Coordinator Crassi should feel very comfortable that what the Village is going after is really something they can get reimbursed for.

A special meeting has been scheduled for November 6, 2014 to discuss this further.

Mayor McKeever advised that the Thatcher Brook Task Force meeting has been scheduled for November 3, 2014 at 5:30 p.m. to discuss the Army Corps of Engineers study.

TREASURER

Village Attorney Chadsey reported that the truck lease requires a legal opinion of counsel. Her firm did a full analysis of what New York State requires regarding disclosure and indemnification and a new legal opinion will be coming.

Trustee Sheibley reported on the tax freeze workshop she attended in Arcade. Thirty municipal officers were there. In Year 1, beginning June 1, 2015, all municipalities must have an adopted budget that complies with the tax cap. Any local law that overrides the tax cap must be repealed. A government efficiency plan must be presented that results in savings of 1% of the 2014 tax levy and this must be done for 3 years. This amounts to 1% of the residents tax bill being refunded. Trustee Sheibley also reported that the homeowner must be eligible for a STAR exemption in order to receive the rebate.

LEGAL

Village Attorney Chadsey reported that the Time Warner Cable contract expires November 4th but there are provisions in place that allows the contract to continue while negotiations are ongoing. She advised that Time Warner will not give free internet service to anyone, but cable television is offered. Village Attorney Chadsey advised she is negotiating to change the definition of revenue and to change the term of the contract.

Village Attorney Chadsey advised that 42 Jamestown Street LLC has submitted a new site application for 49 South Water Street. The following resolution was offered: “WHEREAS, 42 Jamestown, LLC (“42 Jamestown”) has submitted a Site Plan for review pursuant to Chapter 31, Article II, Site Plan Review Procedures, and a request for variance or special use permit, for property located at 49 South Water Street in the Village of Gowanda (the “Project”), for the development of a medical office facility;

WHEREAS, in connection with the Project 42 Jamestown has submitted an Environmental Assessment Form and related supplemental information (together the “Application” and “EAF”);

WHEREAS, upon review of the Application and the EAF the Village Board determined that the actions proposed by 42 Jamestown are consistent with an “Unlisted” classification under the New York State Environmental Quality Review, codified at Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 (collectively referred to herein as “SEQR”); and

WHEREAS, the Village Board of Trustees wishes to declare its intent to serve as “Lead Agency” for purposes of conducting a review of the Project in accordance with SEQR; and

WHEREAS, the Village Board of Trustees intends that the Application and EAF be forwarded to the county planning agency pursuant to Section 230-m of the General Municipal Law and Section 31.26.C. of the Village Code.

NOW, THEREFORE, BE IT:

RESOLVED, that the Village of Gowanda Board of Trustees hereby declares its intention to serve as Lead Agency for the purposes of the SEQR review of the Project; and be it further

RESOLVED, that the Village Building Inspector and Village Engineer are hereby directed to prepare a written statement summarizing any and all issues or matters required to be addressed in the SEQR review regarding the Project, Application and the EAF; and be it further

RESOLVED, that the Village Clerk is hereby authorized and directed to circulate among all potentially involved agencies (as identified in the EAF) the following: a notice indicating the Village Board of Trustees’ intention to act as Lead Agency (and to conduct a Coordinated Review, as defined in the SEQR statute), the Application, and further or additional information submitted by the applicant, and the EAF; and be it further

RESOLVED, that the Village Clerk is hereby directed to put the review of the Application, and the EAF on the agenda of a Special Meeting of the Board of Trustees to be scheduled for November 6, 2014 at 6:00; and be it further

RESOLVED, that the Village Clerk is directed to forward the Application, the EAF and the statement required by subdivision 1 of Section 239-m of the General Municipal Law to the applicable county planning agency; and be it further

RESOLVED, that the Village Board of Trustees directs the referral of the Application and the EAF to the Zoning Board of Appeals for review regarding necessity of use variance.

Motion 193-14. Motion by Trustee Sisti, seconded by Trustee Sheibley to adopt the foregoing resolution. Motion carried 4-0.

Village Attorney Chadsey advised that the Zoning meeting must be held before the middle of December.

PUBLIC WORKS

The Village Board discussed the water department agreement with the Town of Collins. Village Attorney Chadsey indicated the draft Intermunicipal Services Agreement for a water department operator with a Level C or higher license could be approved with the following revisions: Section 3F will be struck; the flat rate is \$50 per hour, maximum \$200 per day, 4 hour cap, unless prior approval is received from the Town Supervisor; and the term is 2 years, not 5.

Motion 194-14. Motion by Trustee Sheibley, seconded by Trustee Sisti to approve the Intermunicipal Services Agreement with the Town of Collins with the above-noted revisions. Motion carried 4-0.

Mayor McKeever requested authorization to hire Jason Opferbeck as full-time Public Works Superintendent as approved per Civil Services, with the salary to be \$53,000 for overseeing the Water Department and an additional \$10,000 stipend for overseeing highway and sewer. Village Attorney Chadsey indicated she would provide a contract for that portion of the job. Mayor McKeever advised the Village will need to contact the union representative to modify the contract.

Motion 195-14. Motion by Trustee Sisti, seconded by Trustee Nephew to hire Jason Opferbeck as Public Works Superintendent per the stipulations above-noted. Motion carried 4-0.

Mr. Opferbeck advised that he will give 3 weeks notice at his present job. Water Superintendent Dubaj will officially retire at the end of the year.

Public Works Superintendent Opferbeck indicated he would like to do second interviews for 10 individuals and send letters to the other 15 who will not be called back. Mayor McKeever indicated she would like to sit in on these interviews. It was decided that Tuesday or Wednesday evening from 5:00 to 8:00 the interviews would be done.

Public Works Superintendent Opferbeck reported on a Community Facilities Loans and Grants program through USDA. It is a loan program for equipment. He asked for authorization to submit a preliminary application which determines how much is a grant and how much would be low interest loan.

Motion 196-14. Motion by Trustee Sheibley, seconded by Trustee Nephew to authorize Mayor McKeever to sign the preliminary application to USDA for the Community Facilities Loans and Grants program. Motion carried 4-0.

Public Works Superintendent Opferbeck reported on the boilers in the Public Works Building. One does not work, the other runs non-stop. He solicited estimates for replacement of the boiler but they were different systems. The Village Board asked Mr. Opferbeck to get a second quote for the hot water on demand style of boiler.

Trustee Sheibley and Village Clerk Mohawk reported on the heating situation in the ambulance building. The heater downstairs was already replaced but there is currently no heat in the upstairs. Two different types of systems were quoted by Johnson Plumbing. The Village Board asked Public Works Superintendent Opferbeck to get another quote for the ambulance building heater.

ADMINISTRATION

Village Clerk Mohawk reported on the meeting with the Town Assessors. She indicated that local laws will need to be in place to change the Senior Exemption and the Veterans Exemptions. This would necessitate a public hearing. The Village Board agreed to hold a public hearing on these exemptions on November 18, 2014 at 7:30 p.m.

Village Clerk Mohawk reported that the July and August Treasurer's reports have been filed.

Village Clerk Mohawk reported that the CDBG applications were filed in Buffalo.

Mayor McKeever advised that the toy drive will be sponsored by the Lions Club this year. This is in conjunction with the Christmas in Gowanda being sponsored by the Village, the Chamber of Commerce and GARC. Lin Boats indicated that the Town of Persia will do the same as they did last year. Mayor McKeever advised that the next Christmas in Gowanda meeting will be held on November 6th at 5:- p.m. The Christmas tree lighting will be December 5th at 6:00 p.m. The committee is looking for nominations of people to help light the tree.

Trustee Nephew spoke about the Sichernman report which was done in 2001 in conjunction with the downtown revitalization program. She suggested that all the Village Board members should receive a copy of the report since they are new to the Board, as well as a copy of the Village Center Revitalization report.

ENVIRONMENT

Phil Palen reported that the tree trimming and removal is completed. The stumps will be removed in June after the new budget year begins.

Phil Palen requested an \$800 transfer from the tree reserve fund for the emergency removal of a tree on Allen Street.

Motion 197-14. Motion by Trustee Nephew, seconded by Trustee Sisti to transfer \$800 from the tree reserve fund to pay for the emergency tree removal on Allen Street. Motion carried 4-0.

Mr. Palen advised that tree have been ordered and the fall planting will take place the early part of November.

Motion 198-14. Motion by Trustee Sheibley, seconded by Trustee Nephew to adjourn the Village Board meeting at 8:55 p.m. Motion carried 4-0.

The next Village of Gowanda board meeting is November 18, 2014 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk