

**SPECIAL VILLAGE BOARD MEETING
NOVEMBER 6, 2014**

The Village of Gowanda Board of Trustees special meeting was called to order by Mayor Heather McKeever at 6:00 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 Sisti was absent.

Village Employees: Village Clerk Kathy Mohawk, Village Attorney Deborah Chadsey, Public Works Superintendent Jason Opferbeck, Building Inspector Gary Brecker, Disaster Coordinator Nick Crassi

Media Present: Samantha McDonnell, Observer
Phil Palen, Gowanda Pennysaver

Public Present: Mac Sabol, Simmons Recovery Consulting, Ed and Shirley Kota, Lyn Boats

Motion 199-14. Motion by Trustee Zimmermann, seconded by Trustee Sheibley to go into Executive Session at 6:10 p.m. to discuss a personnel issue. Motion carried 4-0.

Motion 200-14. Motion by Trustee Nephew, seconded by Trustee Sheibley to come out of Executive Session at 6:30 p.m. Motion carried 4-0.

Mac Sabol, Senior Consultant with Simmons Recovery, gave a report on the progress to date. He advised that 4 out of 5 PW's are complete. The remaining work is for the reservoir. He stated that FEMA has changed the dollar amount thresholds for projects making small ones less than \$125,000. The first four PW's are small projects and have already been sent to FEMA. When these come back, FEMA will send a check for 75% of the value which is the federal share. Mr. Sabol advised that the costs for the streets PW are a little higher because they have gone back and forth with FEMA a couple of times already. Originally, FEMA was going to allow eligibility on the village streets for milling and paving of damaged streets. However, later review determined that road surfaces were substantially damaged prior to the flood and only costs associated with patching are allowable.

There was much discussion among the Board members, Mr. Sabol as the Simmons consultant and Village Attorney Chadsey regarding the assumption of risk for these projects. Village Attorney advised that the Village is assuming all of the risk. If FEMA doesn't have a good reason to pay on a project, the Village still has to pay Simmons. Mr.

Sabol explained that when FEMA first came to the Village for the walkthrough, they assessed the damages at \$600,000. When Simmons went through, the estimated damage is more like \$1.3 million. He stated that if the Village captures another \$700,000 in claims, then Simmons' cost would be justified. Village Attorney Chadsey indicated that the Village does not want a time and materials contract. Mayor McKeever admitted that she didn't realize that if FEMA denies something, the cost to Simmons must still be paid. She also thought the Village was only going after projects the Village was sure to be reimbursed for.

Mac Sabol advised of the problem with the streets PW. He indicated that pavement begins to break up over time. FEMA asked if that could be considered pre-existing damage. Disaster Coordinator Crassi stated that after the streets are fixed, the Village needs to keep pictures. It seems that for disasters, before, during and after pictures would be helpful in recovering funding. Village Attorney Chadsey stressed the risk inherent in the recovery process. She stated that anytime a PW is submitted and FEMA denies it, then Simmons should be responsible for the 75%.

Mr. Sabol reminded the Village Board that direct administrative expenses are an allowable reimbursement through FEMA. He stressed that he doesn't see any of the PW's already submitted being denied since Simmons has been making sure the PW's are correct when they are submitted.

Mayor McKeever expressed some frustration in that the biggest project is the reservoir and it isn't even done yet. Village Attorney Chadsey said the Village should have spent the \$40,000 and 45 days of the original contract with Simmons on the reservoir PW. She asked Mr. Sabol if there is a statutory deadline for the submittal of the reservoir PW. When does it need to be submitted before the Village can't get any reimbursement. Mr. Sabol indicated FEMA knows the Village is working on it so there is no deadline coming up soon.

There was a great deal of discussion about Simmons requesting a contract extension for another \$45,000 and 45 days. Mr. Sabol suggested changing the request from \$90,000 to \$65,000 but leaving the other 45 days. He feels this would get the reservoir PW completed. Since the initial 45 days is over, he needs the extension in order to continue the work.

Mr. Sabol advised that FEMA has a PILOT program going on which he submitted the debris removal PW under. This allows the Village to get paid for both straight time and overtime hours.

Mr. Sabol advised the Village Board that there is nothing that Simmons can do about the 2009 PW's.

Trustee Nephew stated she has trust in Simmons and in Disaster Coordinator Crassi. She just questioned what the turnaround time is for the PW's. Mr. Sabol said it is pretty fast.

Village Attorney Chadsey felt the Village should ask for some type of budget from Simmons. Mr. Sabol indicated the entire PW could be compromised if Simmons doesn't see the reservoir project through to a desirable end. Trustee Sheibley asked what the plan is if the Village does not continue with Simmons. Mr. Sabol advised there is an RFP out for emergency services which was prepared by Village Engineer Burr.

Motion 201-14. Motion by Trustee Zimmermann, seconded by Trustee Nephew to authorize another \$10,000 for 30 days on the Simmons Recovery Consulting Services contract. Motion carried 4-0.

Disaster Coordinator Crassi spoke about the debris removal in Thatcher Brook. He spoke with DEC Officer Nosal and was advised the DEC does not want any heavy equipment in the brook. The Village cannot remove debris or affect the banks. The Village can remove trees and limbs by removing them from the top, or by using small hand tools to cut them up. The stumps cannot be pulled out of the bank. Whatever is removed cannot be left on the banks. It must be hauled away. Mr. Crassi indicated the Village has an active permit for Thatcher Brook which is good from September 15th through May 31st unless there is an emergency. There is also an active permit through 2017 on Torrance Place/Hill Street. The trash rack permit has expired. Disaster Coordinator Crassi also was advised by Officer Nosal that the Village can remove any debris caught under a bridge that could cause major flooding. Trustee Zimmermann and Disaster Coordinator Crassi discussed the riprap in Thatcher Brook. Mr. Crassi advised the correct way to stack the rocks is on an angle into the bank. These seem to hold better.

Mayor McKeever advised the Thatcher Brook Watershed plan is part of the overall preventive plan. She asked the Board members to review the plan and be ready to take action at the next Board meeting. Disaster Coordinator Crassi indicated it is a good plan to work in conjunction with other municipalities.

Village Clerk Mohawk presented the Resolution Designating Offices to be Filled and their associated Terms for the March 18, 2015 Village Election:

“WHEREAS, the next Village Election for the Officers will be held on Wednesday, March 18, 2015 and

WHEREAS, the Board of Trustees of the Village of Gowanda must designate by resolution and publish the offices which are to be filled in such election and the terms thereof,

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees hereby designates the following offices as vacant at the end of the current official year, to be filled at the Village Election, for the following offices and terms:

OFFICE	TERM
Mayor	Two (2) years
Trustee	Two (2) years
Trustee	Two (2) years

BE IT FURTHER RESOLVED, that the Village Election shall be conducted in the Gowanda Village Hall, 27 East Main Street, Gowanda, New York on Wednesday, March 18, 2015 from 12:00 noon until 9:00 p.m.”

Motion 202-14. Motion by Trustee Zimmermann, seconded by Trustee Nephew to adopt the foregoing resolution as presented. Motion carried 4-0.

The next discussion was the 49 South Water Street site plan review. She reviewed with the Board the site plan requirements per §31.24(f) of the Municipal Code. They reviewed each items individually:

1. Title of drawing, including the name and address of the applicant. That is okay.
2. North arrow, scale and date. There is no north pointing arrow – Building Inspector Brecker indicated it is not necessary.
3. Boundaries of the project at a scale of not more than 20 feet to one inch. Village Attorney Chadsey indicated that Village wants a bigger map to scale.
4. Existing natural features such as watercourses, water body wetlands, wooded areas and individual large trees, showing features to be retained. Building Inspector Brecker said the big trees should stay for buffers. The plan should locate the large trees.
5. Existing and proposed contours at intervals of not more than ten feet. Village Attorney Chadsey indicated they are not needed.
6. Location of proposed land use and their areas in square feet or acres, the uses proposed and the height of each proposed structure. It was indicated there are 2 acres of land use including a parking lot and building. Village Attorney Chadsey advised they need a building height/elevation.
7. Location of all existing or proposed site improvements including streets. There will be no new streets, just a curb cut for the parking lot. The applicant will be asked to locate any drop-off zones.
8. Description of sewage disposal and water system and the location proposed for such facilities. This requirement will be waived. Public Works Superintendent Opferbeck indicated the necessity of a backflow on the water system.
9. Provision for buffer area and other landscaping. The application will be asked to describe the buffers and green spaces.
10. Delineation of residential areas, if proposed, indicating the general extent of each area, a description of the unit types proposed, and a calculation of residential density in dwelling units per gross acre for each such area. This will be waived.
11. Location of all parking and truck loading/unloading areas, showing access and ingress drives. The patrons will use parking across the street for additional spaces.
12. The location, design and size of all signs and lighting facilities. The Village Board wants to know about signs and lighting.
13. The appropriate locations and dimensions of areas proposed for neighborhood parks or playgrounds, or other permanent open space. This will be waived.

14. Building orientation, footprint and elevations. This will be needed.
15. The location and design of all energy distribution facilities, including electrical, gas, solar energy, wind energy, water energy and geothermal energy. This is waived.
16. Grading and erosion control measures including the proposed location of sediment sink/settling pond and interceptor swales, etc. This is not necessary.
17. Provision for Flood Zone consideration accompanies with a Flood Plain Permit. Building Inspector Brecker advised this site is located in Zone X which is very low risk. He indicated the Village Board could ask for a flood plain permit and the fee is \$100 for the application. The Village Board agreed to let the applicant's engineer explain this.
18. Location and design for storm water management facilities. Village Attorney Chadsey advised the applicant should identify any proposed catch basins and drains.
19. A drainage report including supporting design data and copies of the engineering computations used to determine the design capacities and performance requirements of drainage facilities. Village Attorney Chadsey advised the applicant should provide a drainage report and address how they intend to manage surface runoff.
20. The line and dimensions of all property which is offered, or is to be offered, for dedication for public use, with the purpose indicated thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the development. This is probably not necessary.
21. Location and dimensions of existing and proposed easements. This will be waived.
22. Location of outdoor storage, if any, including dumpsters and compactor facilities. Village Attorney Chadsey indicated the Village should get more information on that.
23. General landscaping plan and planting schedule. Village Attorney Chadsey indicated the Village should get more information on that.
24. An estimate project construction schedule. Village Attorney Chadsey indicated the Village should get more information on that.

Village Attorney Chadsey advised Part G. Review of Preliminary Site Plan will take place after the Village gets the additional information requested, i.e., variance issue, demolition permit, and floodplain permit.

The Village Board then worked on Part II of the Short Environmental Assessment Form which is the Impact Assessment.

- A. Does the action exceed any type 1 threshold in 6 NYCRR, Part 617.4? Village Attorney Chadsey stated no.
- B. Will action receive coordinated review as provided for unlisted actions in 6 NYCRR Part 617.4? Village Attorney Chadsey indicated yes, but advised there is no statutory requirements for a Phase I study.
- C. Could action result in any adverse effects associated with the following:
 1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential

- for erosion, drainage or flooding problems? Village Attorney Chadsey asked if there was any anticipated garbage production. The answer is no.
2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? The Village Board will request a designated smoking area.
 3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? The answer is none.
 4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? No.
 5. Growth, subsequent development, or related activities likely to be induced by the proposed action? No.
 6. Long term, short term, cumulative, or other effects not identified in C1-C5? No.
 7. Other impacts (including changes in use of either quantity or type of energy)? No.
- D. Will the project have an impact on the environmental characteristics that caused the establishment of a critical environmental area? Village Attorney Chadsey indicated the answer is no.
- E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts? The Village Board indicated yes. There is some section of the public that disapproves of locating state facilities in the Village.

It was determined that a public hearing will be required on this site plan. It is hoped that the Zoning Board of Appeals and site plan can meet and be heard on December 9th. The next regular meeting of the Board of Trustees is scheduled for Wednesday, December 17th. Village Attorney Chadsey will prepare the necessary letters to the applicant and Building Inspector Brecker will send all permit applications.

Building Inspector Brecker indicated the Village Code has no setback requirements, but there are requirements for side yards. The side yard setback requirement will be necessary since the site butts up to a residence.

Phil Palen asked if the wooden light poles could be replaced with the old-fashioned antique-looking poles that are present along the rest of the street.

PUBLIC WORKS

Public Works Superintendent Opferbeck presented 3 estimates for communication equipment to monitor the well. This would reduce Water Operator Trumpore's overtime by \$1697 every 2 weeks. The equipment would pay for itself in 6 weeks. Mr. Opferbeck indicated the Webmaster controller can monitor all readings from the water plant. Trustee Zimmermann asked about the warranty. Public Works Superintendent Opferbeck said it is probably one year. He also advised that a wireless mounting bracket for internet access is available from Verizon for \$39.99 per month.

Motion 203-14. Motion by Trustee Zimmermann, seconded by Trustee Nephew to authorize the purchase of the Cyclops water plant monitor and control equipment for the low bid of \$4,345 plus the modem from Feeney Wireless for \$656.86 to assist in cutting costs and improving efficiency. Motion carried 4-0.

Public Works Superintendent Opferbeck reported on replacing the boilers in the Public Works building and the ambulance building. Johnson Plumbing offered a Laars 150,000 BTU high-efficiency unit with a 20 gallon super store hot water tank for \$14,800. Mr. Opferbeck indicated that B&R Plumbing proposed a boiler similar to the original estimate from American Pride. They would install a 95% efficient boiler and also upgrade all the thermostats for \$6,815. A second estimate was only 85% efficient and didn't include the thermostat upgrade for \$6,320. Trustee Sheibley asked if the boiler would be moved to a new location. Public Works Superintendent Opferbeck indicated it would and they would also drain the sprinkler system.

Motion 204-14. Motion by Trustee Zimmermann, seconded by Trustee Nephew to authorize the replacement of the boiler at the Industrial Place building with a 95% efficient boiler from B&R Plumbing for \$6,815. Motion carried 4-0.

Trustee Sheibley presented an estimate for a new heater for upstairs in the ambulance building from Johnson Plumbing for \$1,495.

Motion 205-14. Motion by Trustee Zimmermann, seconded by Trustee Nephew to approve the replacement of the ambulance building heater for \$1,495. Motion carried 4-0.

Public Works Superintendent Opferbeck presented the name of the applicant he wished to hire for the water laborer position.

Motion 206-14. Motion by Trustee Zimmermann, seconded by Trustee Nephew to appoint Shawn Malec to the position of water laborer, to start as soon as he can after his physical and drug test. Motion carried 4-0.

Phil Palen advised that the Tree of Heaven tree in Chang-Hu Park needs immediate attention.

Motion 207-14. Motion by Trustee Zimmermann, seconded by Trustee Nephew to adjourn the special Village Board meeting at 9:30 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