

**VILLAGE BOARD MEETING
And Organization Meeting
APRIL 5, 2016**

The Village of Gowanda Board of Trustees Organization meeting was called to order by Mayor Heather McKeever at 6:45 p.m. at the Municipal Hall.

Motion 1-16. Motion by Trustee Zimmermann, seconded by Trustee Sheibley to go into Executive Session regarding a personnel matter. Motion carried 5-0.

Motion 2-16. Motion by Trustee Zimmermann, seconded by Trustee Sheibley to come out of Executive Session at 7:10 p.m. Motion carried 5-0.

The pledge of allegiance was recited. Trustee Sheibley asked for a moment of silence in memory of Virginia Noecker who served as the Village Clerk for 20 years.

Present: Mayor Heather McKeever
Trustee Carol Sheibley
Trustee Aaron Markham
Trustee Paul Zimmermann
Trustee Wanda Koch

Village Employees: Village Clerk Kathy Mohawk, Public Works Superintendent Jason Opferbeck, Village Attorney Deb Chadsey, Account Clerk Kathleen Ellis, Disaster Coordinator Nick Crassi, Officer Kris Booth

Media Present: Phil Palen, Cable Channel
Rebecca Cuthbert, Observer

Public Present: Bob Tiller, Fire Chief Mark Hebner, Candy and Howard Parish, Karen Markham, Sal Dicembre, Pete Sisti, Andy Burr, Charity Sweda, Earl Farina, Joshua Markham, C. Hodak, John Walgus, Dan Mosier

Village Clerk Mohawk presided over the swearing in of newly-elected Trustees Aaron Markham and Wanda Koch.

Mayor McKeever read a letter from Public Works Superintendent Opferbeck:
“In anticipation of appointment to the position of Superintendent of Public Works, I am respectfully submitting this letter as official resignation of my hired position of Public Works Superintendent for the Village of Gowanda effective today.”

Motion 3-16. Motion by Trustee Zimmermann, seconded by Trustee Markham to accept the resignation of Superintendent of Public Works Opferbeck as presented. Motion carried 4-1. Trustee Sheibley abstained. She indicated she was abstaining until she had a chance to review the paperwork.

Mayor McKeever presented the following resolution:

“WHEREAS, the Board of Trustees for the Village of Gowanda has determined that it is the best interests of the Village to have coordinated and effective oversight and management of all aspects of the public works of the Village; and

WHEREAS, the Board of Trustees of the Village of Gowanda desire to effectuate the goal of coordinated and effective oversight and management of all public works of the Village by the appointment of a Superintendent of Public Works pursuant to New York State Village Law Section 3-301(2)©, who shall have authority to manage and direct all aspects of the public works of the Village, including but not limited to. waterworks, sewer works and highway works; and

WHEREAS, the Board of Trustees for the Village of Gowanda has determined that appointing a Superintendent of Public Works will provide opportunities to reduce the costs and expenses expended by the Village overall with respect to Village public works; and

WHEREAS, the Board of Trustees for the Village of Gowanda has determined that no person qualified to perform the duties of Superintendent of Public Works as defined by the Village Board of Trustees currently resides in the Village of Gowanda; and

WHEREAS, Mayor McKeever has determined to appoint Jason Opferbeck as the Superintendent of Public Works pursuant to New York State Village Law, Section 3-300, et.seq.; and

WHEREAS, such mayoral appointments are subject to the approval by the Board of Trustees of the Village of Gowanda,

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

RESOLVE, that the residency requirement contained in New York State Village Law, Section 3-300 shall be expanded to allow appointment of such persons to the position of Superintendent of Public Works as reside in a county within which the Village of Gowanda is situated, as allowed by New York State Village Law Section 3-300(2)(a).

RESOLVE, that Jason Opferbeck be and is appointed to the position of Superintendent of Public Works effective as provided in New York State Village Law Section 3-302.

RESOLVE, that the terms and conditions of such appointment, attached to this resolution as Schedule A, shall be determinative of the requirements contained therein.

RESOLVED, this Resolution shall take effect immediately.”

Motion 4-16. Motion by Trustee Zimmermann, seconded by Trustee Koch to adopt the foregoing resolution as presented. Motion carried 4-1. Trustee Sheibley abstained. Both Trustees Markham and Koch indicated they would have liked time to review this resolution prior to this evening.

Mayor McKeever presented the following resolution:

“WHEREAS, the Board of Trustees for the Village of Gowanda has determined that it is the best interests of the Village to have coordinated and effective oversight and management of all aspects of the public works of the Village; and

WHEREAS, the Board of Trustees of the Village of Gowanda has determined that it must use its best efforts to control and reduce the costs of maintaining the public works of the Village through the use of inter-municipal agreements, contract negotiations with

employees and management of the costs and expenses associated with operating water, sewer and highway systems; and

WHEREAS, the Board of Trustees for the Village of Gowanda has determined that a re-organization of its public works departments should be explored to identify cost-saving opportunities and provide the most effective and efficient means of providing services to the residents of the Village of Gowanda.

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

RESOLVE that the Superintendent of Public Works, with the assistance of designated members of the Board of Trustees, Village Attorney, and such other persons as may be appointed by the Mayor, shall investigate the re-organization of the various public works departments of the Village and, as may be determined, prepare a plan of re-organization to be presented to the Village Board of Trustees for their consideration and further action. RESOLVED, this Resolution shall take effect immediately.”

Motion 5-16. Motion by Trustee Markham, seconded by Trustee Zimmermann to adopt the foregoing resolution as presented. Motion carried 4-1. Trustee Sheibley abstained.

Mayor McKeever presented her list of official appointments for 2016-2017. This list confirmed 2 year appointments which were made in 2015 for the Clerk, Deputy Clerk, Treasurer and Deputy Treasurer.

OFFICE	TERM	INCUMBENT	APPOINTEE
Deputy Mayor	1 year	Paul Zimmermann	Paul Zimmermann
Village Clerk/ Deputy Treasurer	1 year	Kathleen Mohawk	Kathleen Mohawk
Deputy Clerk	1 year	Cynthia Schilling	Kathleen Ellis
Treasurer	1 year	Cindy Lauer	Mark Adamchick
Affirmative Action Officer	1 year	Kathleen Mohawk	Kathleen Mohawk
Animal Control Officer		To be incorporated into department through re-organization	
Registrar	1 year	Kathleen Mohawk	Kathleen Mohawk
Deputy Registrar	1 year	Becky Kuhs	Becky Kuhs
Officer-in-Charge	1 year	Steve Raiport	Steve Raiport
Building Inspector	1 year	Gary Brecker	Larry McCormick James Pierce Gary Brecker
Historian	1 year	Phil Palen	Phil Palen
Disaster Coordinator	1 year	Nick Crassi	Nick Crassi
Village Engineer	1 year	Mark Burr	Mark Burr
Village Attorney	1 year	Deborah Chadsey	Deborah Chadsey
Superintendent of Public Works	1 year		Jason Opferbeck

Motion 6-16. Motion by Trustee Zimmermann, seconded by Trustee Koch to accept the official appointments are presented by Mayor McKeever. Motion carried 4-1. Trustee Seibley abstained on the last appointment of Superintendent of Public Works.

Mayor McKeever presented her committee assignments for 2016-2017:

Audit Committee	Carol Sheibley	Wanda Koch
Beautification, Parks and Trees	Aaron Markham	
Budget Officer	Heather McKeever	
Building Inspector and Ordinances	Wanda Koch	
Building and Sidewalk Maintenance	Carol Sheibley	
Cattaraugus Creek Basin Task Force	Heather McKeever	Paul Zimmermann
Disaster Coord Liaison	Carol Sheibley	Aaron Markham
Employee Negotiation	Heather McKeever	Paul Zimmermann
Police Commissioner	Heather McKeever	
Fire Commissioner	Carol Sheibley	Paul Zimmermann
Gowanda Central School	Heather McKeever	
Public Works Departments Recreation	Heather McKeever	Paul Zimmermann
Solid Waste & Recycling	Carol Sheibley	Aaron Markham
Water and Waste Water Commission	Village Board	Wanda Koch
Thatcher Brook Task Force	Village Board	

Motion 7-16. Motion by Trustee Markham, seconded by Trustee Sheibley to approve the committee assignments as presented by Mayor McKeever. Motion carried 5-0.

Mayor McKeever presented the annual motions:

- A) The regular meeting of the Board of Trustees shall be held on the second Tuesday of the month at 7:00 P.M.
- B) That the Gowanda Office of Community Bank, NA and MBIA/CLASS be designated as depositories of Village funds for the ensuing year.
- C) That the Village Clerk or Treasurer be authorized and directed to draw an order for the amount of the reasonable expenses of Village Officials and employees attending the regular monthly meetings of the Erie County Village Officials Association, the Cattaraugus County Village Officials Association, Southtowns Planning and Development, and Association of Erie Co. Governments.
- D) That the Department Heads of the Police, Public Works, Recreation and Clerk's Office be authorized to approve their department payrolls within the structure of the budget.
- E) That the Mayor of the Village be and hereby is authorized and empowered to execute such application and documents necessary to apply to the proper state agency regarding a youth recreation program for the Village of Gowanda.
- F) That the policy of the Village of Gowanda shall be for all Department Heads to purchase whenever practical such items as Gasoline, Tires, Blacktop, Street Oil, Chlorine and any other such items as directed by the Board, from the New York

State Office of Standards and Purchase on what is commonly known as “State Bid.” The authorized purchasing agents for the Village of Gowanda are attached.

- G) That the Treasurer be authorized by law to temporarily invest moneys not required for immediate expenditure in time open or day to day deposit accounts in financial institutions authorized by New York State Department of Audit and Control.
- H) That any non-profit Village-oriented organization be allowed use of the Village parking lots for approved special events on a no fee basis. Requests must be filed at least thirty (30) days in advance with a certificate of insurance. The organization involved shall be responsible for all clean up as directed by the Public Works Department.
- I) The official newspaper of the Village of Gowanda is hereby officially designated as the Evening Observer.
- J) That the Village departments will make all purchases in accordance with the Village Purchasing Policy and Procedures as attached.
- K) That all Village investments are made in accordance with the Village of Gowanda investment Policy and Guidelines as attached.
- L) The Village’s Safety policy will be adhered to and remains in effect as per attached.
- M) The Drug and Alcohol Policy will be obeyed and remains in effect as per attached.
- N) The meetings will follow the Rules of Procedure for meetings.
- O) The Village’s Prohibition of Sexual Harassment Policy will be adhered to and remains in effect as per attached.
- P) The Village’s Information Technology policy will be adhered to and remains in effect as per attached.
- Q) The Village’s Workplace Violence Prevention Policy will be adhered to and remains in effect as per attached.

Motion 9-16. Motion by Trustee Zimmermann, seconded by Trustee Koch that the annual motions be approved as presented. Motion carried 5-0.

Motion 10-16. Motion by Trustee Sheibley, seconded by Trustee Zimmermann to approve the minutes of the March 8, 2016 Village Board meeting as presented. Motion carried 5-0.

Motion 11-16. Motion by Trustee Sheibley, seconded by Trustee Markham to approve Abstract #31 dated April 5, 2016 on all funds as follows:

General Fund	\$27,370.88
Water Fund	18,891.38
Sewer Fund	41,629.67
UDAG Fund	29,200.00
Flood Recovery	1,080.00
Joint Activity	1,360.05
Total	119,531.98

Village Clerk Mohawk advised that the voucher for Grainger for the utility pump in the water fund should be removed as the Village received a credit for it. Trustee Sheibley also questioned the sewer voucher for \$19,000. The amount approved was \$3,568. Public Works Superintendent Opferbeck advised the amount quoted was a per day amount and he had no idea how many days it would take to clean the digester. Motion carried 5-0.

PROJECT UPDATES

Public Works Superintendent Opferbeck reported that the bids for the Creekside Improvementse are returnable April 7th.

Public Works Superintendent Opferbeck advised that another intern has been found for the asset management grant. Alan Nephew can begin the middle of May. It is a \$5,000 grant with no match.

Mayor McKeever advised that a new meeting date is being scheduled for the final review.

In conjunction with the Safe Routes to School project, Healthy Community Alliance is planning a Wellness Walk on Saturday, May 14th. Village Clerk Mohawk advised that the insurance certificate from the organization has not yet been received. The Village Board will review this before the public hearings next week.

PUBLIC PARTICIPATION

John Walgus, President of Hidi Hose Company, advised the company will be celebrating the centennial this year. He requested permission to proceed with a \$1200 plaque commemorating same which will be paid for by the fire company. They will be asking to place the marker once it is received.

Motion 12-16. Motion by Trustee Zimmermann, seconded by Trustee Koch to allow the fire company to pursue the purchase of a centennial marker. Motion carried 5-0.

Mr. Walgus indicated the company wants to have a dinner to raise funds for the marker. Anything over what is necessary for the plaque will be donated to Community Connections.

Fire Chief Mark Hebner presented a quote for fire hoses from Eliza Co. He indicated it is necessary to replace the old hoses. The cost is \$308.25 apiece. First Assistant Chief Nick Crassi reported that hose testing regulations have changed and the present hoses probably won't pass the tests. He indicated there is money in the budget for this purchase.

Motion 13-16. Motion by Trustee Zimmermann, seconded by Trustee Koch to approve the purchase of the 10 lengths of 100 foot hose at a cost of \$308.25 each. Motion carried 5-0.

John Walgus asked about further patching work on Palmer Street. He indicated there are about 40 to 50 small holes in the road. The Village only patched a few holes and he is not happy with the job that was done.

Charity Sweda again asked that the drain in front of her house be fixed. She also indicated that the Village Board should make sure the Time Warner contract doesn't contain a clause that a third party auditor cannot be used.

LEGAL

Village Attorney Chadsey stated there is no restriction on the Village for auditing the supplier. Mayor McKeever stated that next Tuesday at 6:00 is the public hearing on the Time Warner franchise agreement and at 6:30 is the budget hearing.

Pete Sisti suggested that the Village Board pursue a third party auditor for the past three years since Time Warner was unwilling to negotiate.

Motion 14-16. Motion by Trustee Sheibley, seconded by Trustee Markham to set the public hearing for the Time Warner franchise agreement for Tuesday, April 12, 2016 at 6:00 p.m. Motion carried 5-0.

Village Attorney Chadsey reported that the Gowanda Fitness application to take an assignment of the center by new owners has been worked out.

Motion 15-16. Motion by Trustee Zimmermann, seconded by Trustee Koch to allow the new owners of Gowanda Fitness to move forward with taking the loan by assignment. Motion carried 5-0.

There was discussion about the delinquent UDAG loan. Village Attorney Chadsey indicated she could run a search and send out information subpoenas.

Motion 16-16. Motion by Trustee Sheibley, seconded by Trustee Zimmermann to authorize Village Attorney Chadsey to run a search of the delinquent loan and send out information subpoenas, up to \$500. Motion carried 5-0.

Village Attorney Chadsey spoke about setting up a meeting with the Village Board and the GARC Board to update the new Board members. She asked if they could have a conference call to be up to speed. Village Attorney Chadsey briefly explained that the PRP's agreed to do the cleanup of the site and the Village would facilitate the purchase by GARC. The PRPs put up funds for operation and maintenance, administrative costs and beautification but they now want to be gone. The Village needs to figure out the costs of operation and maintenance for the next 25 years to make sure the funding will be

enough. John Walgus indicated the PRP's made an offer by Village Attorney Chadsey and the GARC Board members don't feel it is enough. Village Clerk Mohawk was asked to e-mail the Board members to get their availability for the next 10 days for a conference call with Village Attorney Chadsey.

JOINT ACTIVITY

Trustee Sheibley reported that the basketball backboard will be replaced.

BUSINESS/BUILDING PERMITS

Disaster Coordinator Crassi stated that the code enforcement office is important and needs to be kept close by. He indicated that Building Inspector Brecker has always been available when they needed him. Mayor McKeever wants the police officers to shadow Mr. Brecker for the code enforcement. Both Mr. Crassi and Fire Chief Hebner feel the Village needs someone who is really knowledgeable with the codes.

Bob Tiller asked about the status of the Emborski property on Memorial Drive.

Mayor McKeever indicated the Zoar Valley Clinic, Savarino project, on South Water Street is looking to have the groundbreaking in mid-April.

POLICE

Trustee Sheibley advised she was planning to attend the Seneca Nation Meet and Greet on Wednesday.

Officer-in-Charge Raiport stated that with the resignation of Officer Campas and the death of Officer Hock, he would like to hire two additional competitive part-time officers.

Motion 17-16. Motion by Trustee Markham, seconded by Trustee Koch to hire Officer Earl Farina as competitive part-time status. Motion carried 5-0.

Motion 18-16. Motion by Trustee Markham, seconded by Trustee Koch to hire Officer John Bennett as competitive part-time status. Motion carried 5-0.

Officer-in-Charge Raiport also reported that two other officers passed their physical agility tests making them eligible for competitive part-time or full time status. He asked the Village Board to change their employment status to Competitive Part-time.

Motion 19-16. Motion by Trustee Zimmermann, seconded by Trustee Koch to change the status of Officer Josh Bartholomew to Competitive Part-time. Motion carried 5-0.

Motion 20-16. Motion by Trustee Sheibley, seconded by Trustee Koch to change the status of Officer Elwood Mohawk to Competitive Part-time. Motion carried 5-0.

On Tuesday, March 29, 2016, our Community Connections Group, along with Gowanda Central School, hosted a drug information forum. There was a good turnout of community members at the forum. A Community Workshop is scheduled for April 30th from 9 am to 1 pm. There will be several speakers on hand, Narcan training, this workshop will be very informative and more of a hands on approach with displays and booths set up.

FIRE

Trustee Sheibley reported that new OSHA regulations have been instituted regarding sexual harassment and violence prevention. She suggested that since the Village already has those policies in place it would be good if the fire company could use those policies in training.

Motion 21-16. Motion by Trustee Sheibley, seconded by Trustee Zimmermann to allow the fire department to use the current Village policies of sexual harassment and violence prevention for training purposes. Motion carried 5-0.

Fire Chief Mark Hebner advised that the street washing would take place on May 1st.

DISASTER COORDINATOR

Disaster Coordinator Crassi reported that Greenman Peterson has completed the final report. FEMA has officially received all the PW changes. They wanted more pictures and descriptions of the pictures. Mr. Crassi also indicated there may be more funds for this building from the 2009 flood.

Disaster Coordinator Crassi advised that the Town of Perrysburg asked Public Works Superintendent Opferbeck and Mayor McKeever to meet on the road closures for Indian Hill Road. John Walgus advised that the Seneca Nation has offered to supply the traffic control devices when the road closes.

Disaster Coordinator Crassi asked about the maintenance contract for the emergency generators and why it was never renewed. Mayor McKeever said the service work could be done in-house. Mr. Crassi advised the generators were put in through grants and he feels the testing should be done before an emergency happens. Public Works Superintendent Opferbeck said the public works department is following the same checklist that the generator service companies use. Trustee Sheibley said the contract was for 2 years; \$5,000/year for 7 generators. The fire department amount is \$540 for 2 years. She feels it should be revisited.

PUBLIC WORKS

Village Clerk Mohawk reported that the United States Department of the Interior Fish and Wildlife Service will be treating the Cattaraugus Creek for sea lamprey populations

from May 3 through May 12. The color of the water changes. She will put a notice on the website.

There was some discussion about the garbage bids that were received. Village Clerk Mohawk will supply copies to Trustees Koch and Markham to bring them up to speed.

There was discussion about the request from Highway Superintendent Denea to get paid for his unused vacation time. Trustee Zimmermann stated that per the terms of the contract, Mr. Denea should get paid. The Village doesn't have an option. Public Works Superintendent Opferbeck stated that he asked Mr. Denea last month to put the request in writing which he did.

Motion 22-16. Motion by Trustee Zimmermann, seconded by Trustee Markham to pay Highway Superintendent Denea 72 hours of unused vacation time per the terms of the supervisory contract. Motion carried 5-0.

Mayor McKeever suggested meeting next week at 5:30 prior to the public hearing to take action on some of the items including two event applications that are insufficient and the proposal from Wendel.

ADMINISTRATION

Motion 23-16. Motion by Trustee Sheibley, seconded by Trustee Zimmermann to set a public hearing for the 2016-2017 Village budget on April 12, 2016 at 6:30 p.m. Motion carried 5-0.

There was discussion about the Houghton College training. Trustee Koch indicated she would attend. Mayor McKeever asked that Village Clerk Mohawk make the new code enforcement team is aware of the program as well.

Public Works Superintendent Opferbeck advised that he saw a copy of a letter today that was sent to a delinquent waste hauler. He asked if the Board should consider late notices for unpaid waste haulers as well.

Public Works Superintendent Opferbeck reported that the cemetery cleaning used to be done by prison work crews but there are not enough crews now to do the work. Trustee Sheibley suggested that he call Brocton.

Village Clerk Mohawk presented the 2016-2017 water/sewer levies.

Motion 24-16. Motion by Trustee Zimmermann, seconded by Trustee Sheibley to approve the 2016-2017 water/sewer levies in the amount of \$47,149.07 for Cattaraugus County and \$18,090.03 for Erie County. Motion carried 5-0.

ENVIRONMENT

Phil Palen indicated that he would need compost, mulch and a backhoe driver for the upcoming tree planting. He advised that 13 trees will be purchased from Chestnut Ridge for \$1,001. Mr. Palen indicated that funds will be left over from the tree budget and he would like the money to be put into a tree reserve for future use.

Mayor McKeever advised that he responded to the Farmer-Neighbor dinner invitation for April 13th.

Motion 25-16. Motion by Trustee Zimmermann, seconded by Trustee Koch to adjourn the Village Board meeting at 9:35 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is May 10, 2016 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk