

**VILLAGE BOARD MEETING  
AUGUST 11, 2015**

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: Village Clerk Kathy Mohawk, Officer-in-Charge Steve Raiport, Treasurer Cindy Lauer, Public Works Superintendent Jason Opferbeck

Media Present: Phil Palen, Cable Channel 22  
Rebecca Cuthbert, Observer

Public Present: Jamilee Piatt, Bryon Ivett, Nita Reid, Bob Dingman, President of NYLE Railroad, John Walgus, Town of Persia Councilman, Mary Thrasher, Andy Burr, Lou and Dorothy Selan, Paula Stockman, Cattaraugus County Legislator, Jean and Lew Gabel, Joe Vogtli, Elton Hansen, David Yezek, Ralph Hill, Peter Johnson, Jack Broyles, Michele and Bill Emborski, Jerry and Jackie Emborski, Jay Frantz, Esq., Janet Vogtli, Bob Field, Randy and Jackie Wing, Wanda Koch, Mark Schindler, John Weider, Barbara Efler, Minnie Hansen, Rollin and Karen Besse, Dan Mosier, Mayor of Village of Cattaraugus

Motion 110-15. Motion by Trustee Zimmermann, seconded by Trustee Sisti to approve the minutes of the July 14, 2015 Village Board meeting as presented. Motion carried 5-0.

Motion 111-15. Motion by Trustee Sheibley, seconded by Trustee Zimmermann to approve Abstract #5 dated August 11, 2015 on all funds as follows:

General Fund	\$42,985.97
Water Fund	32,328.03
Sewer Fund	23,012.84
Flood Recovery	68,740.00
Joint Activity	<u>399.00</u>
	167,465.84

Motion carried 5-0.

Trustee Sheibley stated that after reviewing the vouchers and meeting with Treasurer Lauer and Auditor Mark Adamchik, the Village needs to tighten up on the spending.

Phil Palen advised that September 2<sup>nd</sup> is the tentative date for the dedication of the World War II Honor roll. It is on the side of the Historical Society building. There are 876

names on the Board. He asked that Commercial Street be closed from Chestnut to Torrance from 6:30 to 8:00 p.m. A reception will follow.

Public Works Superintendent Opferbeck reported that the Smart Growth grant is moving forward. Asbestos removal approvals are scheduled for tonight's meeting. He also reported that the Asset Management grant is moving along. Public Works Superintendent Opferbeck reported that the BOA grant kickoff meeting will be held next week. Public participation is a big part of that grant.

Public Works Superintendent Opferbeck advised that the recycling center will be open on Saturday mornings from 8:00 until 10:00 and on Wednesdays from 8:00 until 11:00 and again from 1:00 until 3:00. Bins are available for plastic and steel and metal; no e-waste.

Public Works Superintendent Opferbeck reported that the Safe Routes to School grant engineering portion is ongoing. Construction for the sidewalks will begin next year.

### **PUBLIC PARTICIPATION**

John Walgus, Town of Persia councilperson, presented a resolution concerning strengthening rail service through the Village and asked for support of the New York & Lake Erie Railroad for a passenger and freight assistance grant.

Michele and Bill Emborski introduced themselves to the Village Board as the owners taking possession of the TLC property. They reassured the Village they would not impede any flood mitigation efforts at the site.

Mary Thrasher asked about the Orchard Place pillars. Trustee Sisti indicated that one of the pillars will topple over if it isn't attended to before winter.

Jamilee Piatt, 211 Buffalo Street, was advised that Officer-in-Charge Raiport spoke to Derek Moritz regarding noise issues at the Palm Gardens.

Janet Vogtli wants all the Village meetings on the Village calendar and feels that all information should be on the website.

Jay Frantz presented a NYSERDA solar panel permit application. He presented a sample resolution and indicated that all communities that adopt this can have their own permit application process.

Dave Yezek complained about open burning. He feels there shouldn't be fires so close to a medical facility. He asked how come no one ever gets fined?

Motion 112-15. Motion by Trustee Nephew, seconded by Trustee Zimmermann to open the public hearing for the proposed Chapter 45 water service and the Landlord /Rental Law. Motion carried 5-0.

Joe Vogtli was the first to speak on the rental law. He feels the current codes have not been enforced which should be done before making new laws. Mr. Vogtli feels the new laws will penalize good property owners. He also stated the new laws will be too much work for one code enforcement officer. Mr. Vogtli then spoke about the proposed water law. He indicated that making each unit pay a minimum is like adding another rate increase for the building owner.

Andy Burr, 43 Center Street. He feels the proposed water law adding the ability to shut off water is a good thing. He feels more clarification is needed on the ownership of waterlines. Mr. Burr stated that the landlord law as proposed is garbage. He feels the Village Board should pass the water law independent of the landlord law. Mr. Burr feels the landlord law, Section 6.7(b) where it states the "Village may" should indicate yes or no. There is a lack of uniformity in the proposed law. He feels there should not be a requirement for landlords to pay for inspections of every unit every year.

Janet Vogtli stated that landlord law was presented to the Village in 2010 but it was never acted on. No landlords were consulted in the new proposed law. She also stated that the old regulations cannot be enforced. Ms. Vogtli feels it is unfair to charge renters an increase in the water if the water law is adopted. In Article 6, Section 7, it states the Village may "choose to enforce a per unit charge."

Nita Reid said the landlords could never sell their properties under this new proposed law.

Jack Broyles stated that the proposed landlord law came about solely to document how many units are in each residence. The end result is to give the Village more money than it needs.

Pete Johnson commented on the water law. He stated he was appalled that he should have to replace the pipes from the road to his residence. He indicated he would follow up with the fire department about doing fire inspections in response to a suggestion from Ms. Vogtli.

Barbara Efler stated the municipality has the responsibility to bring the water to the home and remove the waste. She indicated that Village should have gotten money from President Obama for infrastructure repair. She agrees that a meter should be on every unit.

Minne Hansen feels that the water should be in the tenant's name rather than the homeowner. If the tenant doesn't pay, shut off the water.

Bryon Ivett stated it is not fair to make the landlord's responsibility.

Elton Hansen feels the residents who use more water should pay for it.

Bob Field stated that his water tastes good. He feels that all equipment, including pipes and valves, should be the responsibility of whosever property it is located on. Mr. Field also stated that those who waste water should have a different metering system. He feels the landlord law is stupid. The Village should just enforce the laws that are already on the books.

Wanda Koch feels the fire department should do inspections. She pays to have it done yearly at her bar.

Mayor McKeever advised the audience that this is just a starting point, to get the opinions of the public. These laws will not be passed immediateliy.

Motion 113-15. Motion by Trustee Sisti, seconded by Trustee Zimmermann to close the public hearing at 8:15 p.m. Motion carried 5-0.

Jackie Wing asked about a time frame for passage of these local laws. Mayor McKeever said hopefully by the end of the year.

### **BUSINESS/BUILDING PERMITS**

Village Engineer Burr presented three quotes for asbestos assessment work at 24 South Water Street for the CDBG Smart Growth project.

Motion 114-15. Motion by Trustee Zimmermann, seconded by Trustee Nephew to approve the bid of Northeastern Environmental Management in the amount of \$1,600 for 24 South Water Street, the funds to be paid by the grant. Motion carried 5-0.

Village Engineer Burr presented quotes for the asbestos abatement on the Palmer Street building.

Motion 115-15. Motion by Trustee Nephew, seconded by Trustee Sheibley to accept the bid from Northeastern Environmental Management in the amount of \$1,200. Motion carried 5-0.

Mayor McKeever thanked Cattaraugus County Legislator Paula Stockman for her assistance in securing the 24 South Water Street building for the Village Creekwide project.

### **POLICE**

Motion 116-15. Motion by Trustee Sheibley, seconded by Trustee Nephew to accept the resignation and reinstatement of Larry Green with the Gowanda Police Department effective July 23, 2015. Motion carried 5-0.

Officer-in-Charge Raiport read the July monthly police report:

“Total calls for service – 280; domestics – 1; motor vehicle accidents – 10; arrests – 14; traffic summons issued – 22; total patrol mileage – 4,312.

Christy Cooper Braughler submitted her resignation from the police department. I would like to thank her for her years of service to the village and best wishes.

61 kids took part in the bike rodeo on July 27<sup>th</sup>. Very good turnout and would like to thank everyone that helped out in making the bike rodeo a success.

With Christy’s resignation, I would respectfully ask that we rehire Cori Kowalski. Cori has taken a new position with another police agency that allows him to work for another police department. Cori has always expressed his interest staying here with Gowanda and did not set well with him that he had to resign when he took the position with the City of Salamanca. Cori is now employed by the Town of Ellicottville Police Department full time. Cori always had a positive attitude and a strong work ethic and enjoyed serving the residents.”

Motion 117-15. Motion by Trustee Zimmermann, seconded by Trustee Sisti to regretfully accept the resignation of Christy Cooper Braughler from the Gowanda Police Department. Motion carried 5-0.

Motion 118-15. Motion by Trustee Zimmermann, seconded by Trustee Nephew to appoint Cori Kowalski as part-time police officer. Motion carried 5-0.

Officer-in Charge Raiport reported that prizes were awarded at the bike rode. He thanked the Cattaraugus County Sheriff, Healthy Community Alliance, Trustee Sheibley and the recreation staff members who assisted. He reminded the public that bicycle helmets are available at the Gowanda Police Department for any children who may not be able to afford one

Officer-in-Charge Raiport reported that August 29<sup>th</sup> is a tentative drug dropoff day here in the Village.

### **JOINT ACTIVITY**

Trustee Sheibley reported that Friday afternoon at 1:00 is the Talent Show for recreation. This is the last week of the program. Trustee Sheibley also reported that 48 kids went to Allegany State Park on Monday. She thanked the parents who donated Freeze-Pops for the summer program.

Public Works Superintendent Opferbeck reported there are some extra chips from the Zoar Valley Park play structure that can be used for the St. John’s Park play structure. He will follow up with Recreation Director Benton.

Motion 119-15. Motion by Trustee Sisti, seconded by Trustee Zimmermann to approve an event application for the dedication of the World War II memorial on September 2<sup>nd</sup> with closure of Commercial Street from 6:30 until 8:00 p.m. Motion carried 5-0.

Trustee Sheibley stated that after speaking with Treasurer Lauer, the Village needs to conserve on electricity. Bills have been escalating.

### **FIRE**

Public Works Superintendent Opferbeck thanked John Walgus for the heads up with the fire training. This way he was able to be directed to the proper hydrant to use.

### **DISASTER COORDINATOR**

Trustee Sheibley advised that FEMA should send a response by the end of this week, Public Works Superintendent Opferbeck indicated they may have more questions. Mr. Opferbeck advised that water is now moving from the springs to the wells.

### **TREASURER**

Treasurer Lauer stated that by the end of the month the Village should be able to take action on the long term lending. She indicated that the annual audit needed to be completed. Treasurer Lauer also stated that she and Auditor Mark Adamchik are working on a 5-year plan. She stressed that the Village needs projects and an idea of how long they would need to pay the money back.

Treasurer Lauer advised that \$467,984.93 has been collected so far for the RAN which is due to be paid at the end of this month. Only \$38,743 is left to make up for this payment.

Treasurer Lauer advised that Healthy Community Alliance submitted a packet for billing for the Safe Routes to School project. She indicated other charges such as anything the police department put into the bike rodeo should be included for the billing. Usually 10% is considered for the administrative fee. Mr. Emborski stated he would like to see the proposals for the Safe Routes to School grant since he has been involved with them from the Department of Transportation side. Public Works Superintendent Opferbeck said he would welcome the input.

Treasurer Lauer requested a resolution to merge the J Fund, Recreation, into the general fund with its own line account numbers for expenses and revenues.

Motion 120-15. Motion by Trustee Sisti, seconded by Trustee Zimmermann to merge the J Fund, Recreation, into the general fund to include revenue and expenditure line account numbers. Motion carried 5-0.

Treasurer Lauer advised she met with the GARC people. The village is now at the 5 year point when the Village needs to take over. She advised the Superfund account should be closed into the A General Fund as well. It would be given a Parks, or 7000, series of account numbers. Anything that is reimbursable should be broken out. Mayor McKeever asked Treasurer Lauer to have this information ready for the next GARC meeting.

Treasurer Lauer will check on historic preservation money for funding for the Orchard Place pillar repair.

Treasurer Lauer advised that she and Auditor Adamchik have discussed switching the accounting and payroll service to Quickbooks.

Motion 121-15. Motion by Trustee Sheibley, seconded by Trustee Nephew to pursue switching the accounting and payroll software to Quickbooks. Motion carried 5-0.

The Village Board discussed the previously submitted resolution of John Walgus for economic development and tourism. Mayor McKeever read the resolution:

“Whereas the Board of the Village of Gowanda expresses our support for the New York & Lake Erie Railroad’s (NY&LE’s) grant application through the Passenger & Freight Assistance Program (PFRAP) for the rehabilitation of 4.89 miles of track between South Dayton and Cherry Creek. This portion of track is part of the Buffalo to Jamestown rail corridor, which we believe is important to be saved intact as it could serve to facilitate and enhance tourist activity through the length of the corridor and

Whereas the NY&LE operates in the Village of Gowanda and the Town of Persia and Whereas a grant would allow the track to be upgraded from Excepted status to Class 2, and allow the NY&LE to resume tourist passenger rail excursions to Cherry Creek.

These excursions will bring tourist dollars to our local businesses as well as lay the groundwork for future passenger trains to operate between Buffalo and Jamestown and

Whereas the economic stimulus which would be created by tourist trains operating between Gowanda and Cherry Creek in the short term, and the larger plan of operating passenger trains between Buffalo and Jamestown, the investment in this corridor will ensure its long-term viability and existence for use by future freight rail shippers along the corridor and

Therefore, be it resolved that the Village Board of the Village of Gowanda endorses the NY&LE’s plans to resume tourist rail excursions between Gowanda and Cherry Creek as a vehicle to keep the larger Buffalo to Jamestown rail corridor viable for the future, and we support their PFRAP grant application and

Copies of this resolution be forwarded to: Senator Catherine Young, Assemblyman Joseph Giglio, Chairman Norman Marsh, Legislator Richard Klancer and Legislator Paula Stockman of the Cattaraugus County Legislature and:

Mr. Matthew J. Driscoll, Commissioner, New York State Department of Transportation, 50 Wolf Road, Albany, NY 12232

Raymond F. Hessinger, P.E., Freight & Passenger Rail Bureau, New York State Department of Transportation, 50 Wolf Road, POD 54, Albany, NY 12232.”

Motion 122-15. Motion by Trustee Nephew, seconded by Trustee Sheibley to adopt the foregoing resolution. Motion carried 5-0.

**PUBLIC WORKS**

There was discussion about the Orchard Place pillar repair. Treasurer Lauer will check on possible funding to pay for the work.

There was discussion about the Public Works building. Trustee Sisti indicated there used to be a berm outside and he asked if it should be replaced to help with flooding issues. Public Works Superintendent Opferbeck indicated the Village spent about \$6700 for utilities in the building last year. He indicated a desire to consolidate with the highway garage. Village Clerk Mohawk advised the record storage rooms for the Clerk's office and the police department are located there. Mayor McKeever suggested that Village Clerk Mohawk pursue relocating the records storage upstairs in the municipal building. Trustee Sisti asked about storing equipment in the highway building as well as the employee break room. Trustee Sheibley feels it will take a lot of money to retrofit the building to make it useable. Mayor McKeever indicated that perhaps the Village can sell the public works building. Public Works Superintendent Opferbeck indicated the water would need to be drained from the pipes before winter.

Motion 123-15. Motion by Trustee Zimmermann, seconded by Trustee Nephew to regretfully accept the resignation of Ryan Dils from the sewer department. Motion carried 5-0.

Sewer Superintendent Carriero presented a proposal to replace the gate valve at the wastewater treatment plant.

Motion 124-15. Motion by Trustee Zimmermann, seconded by Trustee Sisti to accept the proposal from RP Mechanical to replace the gate valve at the sewer plant for \$2,298. Motion carried 5-0.

Jay Franz spoke about the Uniform Solar Panel Permit process. He read the checklist which determines eligibility for the expedited permitting process, which includes:

1. Solar installation has a rated capacity of 12 kW or less;
2. Solar installation is not subject to review by an Architectural or Historical Review Board;
3. Solar installation does not need a zoning variance or special use permit/conditional use permit;
4. Solar installation is to be mounted on a permitted roof structure of a building, or on a legal accessory structure;
5. Solar installation is compliant with all electrical and building codes;
6. Solar installation is compliant with New York State Fire Code;
7. The proposed equipment is permitted by code and equipment meets all relevant certification standards;
8. The solar electric system and all components will be installed per the manufacturer's specifications;
9. The roof has no more than a single layer of roof covering (in addition to the solar equipment).

Daniel Mosier indicated that the Village of Cattaraugus recently adopted the same resolution. Mr. Franz indicated he would write the grant for the Village and the money can be used for anything public money can be used for. Mr. Frantz advised this is just for residential purposes to fast-track the permitting process.

Mayor McKeever read the resolution to adopt the Uniform Solar Panel Permit Application:

“WHEREAS, the Village of Gowanda wishes to coordinate with other municipalities in easing the burden and confusion associated with renewable energy installations, and WHEREAS, the Village of Gowanda wishes to encourage future installation of renewable energy sources by removing burdens or confusion related to the installations, to the extent those installations are limited in size and scope, and WHEREAS, the Village of Gowanda is satisfied with the Unified Solar Permit as provided by the NY Sun initiative in considering the safety and zoning considerations that are most likely to require additional review, and separating out all of those uses that should not need additional review for an expedited application process, and WHEREAS, the use of this permit will benefit the Village, and assist residents and property owners in the future to know the requirements for an expedited permit process, therefore be it

RESOLVED that the Village of Gowanda, by its Board of Trustees, adopts the Unified Solar Permit promulgated as GEN-NYSUN-uspi-form-1-v3 made in October of 2014, and will require property owners who wish to install solar panels to use that permit application to determine if they can do so in an expedited fashion with a permit fee set at \$50 and requiring 1 set of plans to be given with the permit application for review by the Village by its Code Enforcement Officer.”

Motion 125-15. Motion by Trustee Zimmermann, seconded by Trustee Nephew to adopt the foregoing Uniform Solar Panel Permit Application as presented. Motion carried 4-1. Trustee Sisti voted against the application process as he doesn't know enough about it.

Village Clerk Mohawk advised the Village received \$210.00 from Energy Curtailment Services for the winter 2014/2015 events.

Public Works Superintendent Opferbeck asked about the status of hiring the part-time administrative person. Mayor McKeever advised that Cattaraugus County is canvassing the civil service list.

### ADMINISTRATION

Village Clerk Mohawk advised that Bob Freeman, Executive Director for the Committee on Open Government, will be attending the meeting of the Cattaraugus County Clerk's Association on September 16<sup>th</sup> at the West Valley Fire Hall. An invitation was extended to all Board members to attend. Trustee Sheibley indicated she would be interested in attending.

Village Clerk Mohawk advised that a light pole was damaged in an accident back in April. An Evans-Brant Central School bus hit it. Public Works Superintendent Opferbeck submitted an estimate for the pole in the amount of \$5,485 plus \$500 in labor to erect the pole. An adjuster from Utica Mutual contacted Ms. Mohawk and offered to settle for \$5,386.50 due to depreciation of the pole. Village Clerk Mohawk was advised to submit the offer information to Village Attorney Chadsey.

There was discussion about issuing a new RFP for garbage services. A scaled down version has been prepared. Andy Burr indicated that the Village can always add to services desired but they cannot scale it down once it is presented.

The Village Board set a special meeting for Wednesday, August 26<sup>th</sup>, at 6:30 to discuss the garbage RFP, long term borrowing and the proposed water law. Mr. Burr advised the new water law allows the Board to change the rates without a public hearing.

Motion 126-15. Motion by Trustee Sisti, seconded by Trustee Zimmermann to adjourn the Village Board meeting at 9:45 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is September 8, 2015 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk  
Village Clerk