

**VILLAGE BOARD MEETING  
DECEMBER 8, 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.

Present: Mayor Heather McKeever  
Trustee Carol Sheibley  
Trustee Pete Sisti  
Trustee Barb Nephew  
Trustee Paul Zimmermann

Village Employees: Village Clerk Kathy Mohawk, Treasurer Mark Adamchick, Public Works Superintendent Jason Opferbeck, Account Clerk Kathleen Ellis, Disaster Coordinator Nick Crassi

Media Present: Phil Palen, Cable Channel 23  
Rebecca Cuthbert, Observer

Public Present: Rollin and Karen Besse, Wesley Bettker, Jr., Jack Broyles, Cattaraugus County Legislator Paula Stockman, Wanda Koch, Margaret Moritz

Motion 179-15. Motion by Trustee Sisti, seconded by Trustee Zimmermann to approve the minutes of the October 13, 2015 Village Board meeting as presented. Motion carried 5-0.

Motion 180-15. Motion by Trustee Zimmermann, seconded by Trustee Sisti to approve the minutes of the November 10, 2015 Village Board meeting as presented. Motion carried 5-0.

Motion 181-15. Motion by Trustee Sheibley, seconded by Trustee Sisti to approve Abstract #19 dated December 8, 2015 on all funds as follows:

General Fund	\$118,192.64
Water Fund	36,387.34
Sewer Fund	52,776.97
Superfund	203.68
Flood Recovery	21,000.00
Total	\$228,560.63

Motion carried 5-0.

Trustee Sheibley stated that the credit card policy needs to be revisited. Trustee Sheibly also advised that she and Treasurer Adamchick went through the fire budget line by line.

Public Works Superintendent Opferbeck reported that the asbestos removal company that was awarded the bid for demolition of the old China King building refused to do the work since the building is unsafe. The floor is caving in and the building has more asbestos

than originally thought. There will be another meeting for the Smart Growth project on Monday, December 14<sup>th</sup>, at 4:30 to discuss this further. The debris will all need to be hauled away as asbestos contamination and it may involve another \$5,000. The Village only received one bid for this work.

Public Works Superintendent Opferbeck advised that the Village received an extension on the Asset Management grant but there is a need to find a new intern to do the work.

Mayor McKeever reported that the next meeting for the BOA grant is Wednesday, December 16, at 4:30 p.m. There was a great deal of interaction with the community at the Christmas in Gowanda event.

Mayor McKeever reported that the Christmas in Gowanda event was well attended. About 1,000 people were in the Village over the weekend. She reminded the public that the New York/Lake Erie trains will be running next Saturday from 11:00 until 3:00.

Mayor McKeever reported that the next Community Connections meeting is January 9<sup>th</sup> at 8:00 a.m. Officer-in-Charge Raiport is spearheading this program with the assistance of the Seneca Nation, local police agencies and local mental health providers.

Public Works Superintendent Opferbeck reported that he and Mayor McKeever met in Buffalo 2 weeks ago with the engineers for the Safe Routes to School project. Someone will need to go door to door on Allen Street and Caroline Road where there are no sidewalks to apprise residents of the project. Construction is slated to begin this summer. Trustee Zimmermann suggested that Code Red could be used to inform those residents that will be effected by the sidewalk construction.

### **PUBLIC PARTICIPATION**

Wesley Bettker, Jr., of 25 Commercial Street reported on the unsafe conditions at 35 Commercial Street. The garage has fallen down and he feels the property is a safety hazard. He also reported that 21 Commercial Street has a motion light that stays on 24 hours a day and it interferes with his enjoyment of his home. The light shines into his dining room. He also stated that all the leaves on the neighboring properties blow into his yard. Mayor McKeever advised that Building Inspector Brecker would be advised of the unsafe conditions.

### **POLICE**

Mayor McKeever advised that Officer-in-Charge Raiport attended the work session earlier to discuss his request to install lighting on the municipal parking lot on West Main Street and new lights in St. John's Park. He asked for a resolution from the Village to send on to NYSEG to get these lights installed.

Motion 182-15. Motion by Trustee Nephew, seconded by Trustee Sheibley to authorize NYSEG to install the requested lights and replace the lights at St. John's Park. Motion

carried 5-0. Trustee Sheibley asked if the security camera at St. John's Park could also be installed at the same time.

Public Works Superintendent Opferbeck advised that the police car is on Auctions International and closes Thursday. He asked for permission to accept the bid which is presently at \$675. Trustee Sisti asked if it was advertised in the paper. Officer-in-Charge Raiport indicated that he would be happy with anything over \$500.

Motion 183-15. Motion by Trustee Zimmermann, seconded by Trustee Nephew to accept any bid no lower than the present one of \$675. Motion carried 5-0.

Village Clerk Mohawk read the monthly report for November:

“ Total calls for service – 175; domestic – 3; motor vehicle accidents – 8; arrests – 12; traffic summons issued – 6; total patrol mileage – 4,430.

Last month we held the firearms certification for the officers for the patrol rifle. It consisted of both classroom and live range fire. 5 officers are now able to use and carry the patrol rifle with them while on duty in the patrol car.”

### **JOINT ACTIVITY**

Trustee Sheibley reported that a 3 ski signup was held last night and 3 more participants are needed to run the program. Trustee Sheibley asked to put Darren North in as a volunteer ski supervisor if the program goes and to allow the use of a public works truck to transport the skis. Trustee Sheibley explained that the cost for an individual depends on whether they rent skis or have their own. The program runs for 8 sessions.

Motion 184-15. Motion by Trustee Sisti, seconded by Trustee Nephew to authorize Darren North as volunteer ski supervisor and to allow the use of the public works trucks to transport the ski equipment. Motion carried 5-0.

Mayor McKeever advised that if the weather gets cold enough, the Village will have the ice skating rink open. Trustee Sheibley stated that she and Recreation Director Benton discussed taking some young people 2 times this season to Fredonia to skate.

Mayor McKeever thanked Trustee Sheibley for doing the paperwork for the State funding for the recreation program.

### **FIRE**

A poll was taken prior to the meeting to purchase a new fire department trailer. Treasurer Adamchick advised the Board that it will be necessary to make a budget transfer or amend it in the amount of \$5,380 to cover the cost of the trailer.

Motion 185-15. Motion by Trustee Zimmermann, seconded by Trustee Sisti to purchase the fire department trailer in the amount of \$5,380. Motion carried 5-0.

Much discussion followed about the sale and/or disposition of the fire department Suburban and trailer. The plan was to sell them to the water department and put that money in the fire equipment reserve account. Treasurer Adamchick advised the Village Board this could not be done. The Village cannot sell something to itself. The asset goes from one department to another and the new department assumes the maintenance. Treasurer Adamchick explained that the vehicle was already paid for and expensed in a prior year. The Village cannot buy and sell within its own entity. Treasurer Adamchick advised that the best option is to give the suburban and trailer to the public works department to use rather than put money in a reserve that cannot be touched, especially in anticipation of having to borrow money.

Motion 186-15. Motion by Trustee Sisti, seconded by Trustee Nephew to transfer the suburban and trailer to the water department, with the intention of maintaining \$4,999 to be used in the future for fire equipment. Motion carried 5-0.

More discussion will be held during the work session prior to the January 12<sup>th</sup> Board meeting.

Nick Crassi requested permission to use a Village plow truck to plow the fire hall parking lot. Public Works Superintendent Opferbeck indicated that as long as the sewer department has a truck to use, he doesn't have an issue with it. However, the white truck the sewer department has been using is out of commission.

### **DISASTER COORDINATOR**

Disaster Coordinator Crassi advised the Village will be receiving information that \$436,500 for PW 575, the reservoir debris removal, and \$850,000 for PW 576 for the reservoir repair and mitigation efforts will be forthcoming from FEMA. The PW's have been approved as written. Mr. Crassi advised that after meeting with Jeremy Burger, some changes to the repairs and mitigation efforts will require that an additional PW be written. Some of the mitigation involves narrowing the forebay to increase the speed of water going through the pipes. Disaster Coordinator Crassi indicated that because of the past history at the reservoir, FEMA will review this PW and try to fund it. Mr. Crassi indicated that PW 578, Thatcher Brook, only one part of it is restoration. From South Chapel Street to Johnson Street, a dome forms with rock and debris and dirt pushes back under the bridge. FEMA agreed to replace 50 feet of plating or backfill and pack at the Gowanda Free Methodist Church back parking lot. Disaster Coordinator Crassi ported that he has been working on the insurance payout portion of PW 808 from the 2009 flood regarding the Village Hall. For historical issues, Mr. Crassi is attempting to locate pictures of how the building looked before the flood. Anywhere from \$160,000 to \$300,000 is at stake here. FEMA has also agreed to remove debris near Hill Street but will not touch the railroad bridge. Disaster Coordinator Crassi also advised he met with the Army Corps of Engineers and they went throughout the entire Village. Surveys have been handed out and they are waiting for responses.

Paperwork was submitted from Cattaraugus County requesting lead agency designation for the adoption of a new County Comprehensive Plan. Comments are due no later than December 24<sup>th</sup>.

### **TREASURER**

Treasurer Adamchick presented a timeline for securing a bond. He indicated that new bond counsel will need to be solicited as the previous one is no longer available. Treasurer Adamchick stated he would like to see the funds available by March. He advised it is necessary for the Village Board to adopt a resolution to borrow \$900,000 for the purchase of new water meters and to do the waterlines on School Street/Center Street/High Street/Miller Street. The estimated project costs of \$900,000 include engineering costs which are necessary to begin the project. The Village Board wants to move forward with securing up to \$900,000 for both the water department and the sewer department.

Motion 187-15. Motion by Trustee Zimmermann, seconded by Trustee Nephew to approve an anticipated serial bond not to exceed \$900,000 for each of the water and sewer departments, with the projects to have prior approval. Motion carried 5-0.

Village Clerk Mohawk presented paperwork from WNY Insurance Agency who asked to provide a quote for the Village insurance. Mayor McKeever indicated the Village paid a 5 year non-refundable deposit to NYMIR. Village Clerk Mohawk will contact WNY Insurance Agency to see what they might be able to provide.

Treasurer Adamchick reported the Village now has separate accounts for water and sewer. He said the Village is doing well, staying within budget. There is a positive fund balance in water but the general fund is light.

### **PUBLIC WORKS**

After all the discussion and meetings, the Village Board was now ready to adopt Local Law No. 4 of 2015. Mayor McKeever read the resolution;

**“RESOLUTION OF THE VILLAGE OF GOWANDA BOARD OF TRUSTEES  
AUTHORIZING ADOPTION OF LOCAL LAW NO. 4 OF 2015 ‘LOCAL LAW  
GOVERNING WATER SERVICE’**

WHEREAS, on July 14, 2015, the Board of Trustees of the Village of Gowanda introduced proposed Local Law No. 4 of 2015 entitled “Local Law Governing Water Service” providing for the beneficial use of Village of Gowanda water facilities through the regulation of connection and water use; and

WHEREAS, a public hearing on the advisability of enacting proposed Local Law No. 4 of 2015 was held on August 11, 2015, pursuant to a public notice duly published in accordance with law, during which all interested persons were heard; and

WHEREAS, the Board of Trustees of the Village of Gowanda, after due deliberation, finds it in the best interest of the Village of Gowanda to adopt local Law No. 4 of 2015;  
NOW, THEREFORE, BE IT:

RESOLVED, that the Board of Trustees of the Village of Gowanda hereby adopts Local Law No. 4 of 2015, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that Local Law No. 4 of 2015 shall be made effective as of January 1, 2016 and shall replace in its entirety Section 45 of the Gowanda Village Code as in effect on December 31, 2015, except as follows: The Village shall continue to enforce the provisions of Section 45.15 of the Gowanda Village Code as in effect on December 31, 2015 and shall not enforce the provisions of Local Law No. 4 of 2015 with respect to (a) delinquent accounts and associated fees, charges, and recovery of costs associated with same and (b) termination of water service until June 1, 2016 to provide the Village Board with the opportunity to educate all Village residents and any other person effected by the adoption of Local Law No. 4 of 2015, of the newly imposed requirements with respect to (a) delinquent accounts and associated fees, charges, and recovery of costs associated with same and (b) termination of water service; and be it further

RESOLVED, that effective as of June 1, 2016 all provisions contained in Local Law No. 4 of 2015 shall be in full force and effect; and be it further.

RESOLVED, that the Village of Gowanda Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Gowanda, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.”

Motion 188-15. Motion by Trustee Sisti, seconded by Trustee Nephew to adopt Local Law No. 4 of 2015 as presented. Motion carried 5-0.

Mayor McKeever thanked the Village Board members and the public for their input.

The contract between Cattaraugus County and the Village of Gowanda for Leachate Disposal was presented. Public Works Superintendent Opferbeck advised it is the same as last year. Village Clerk Mohawk advised that she forwarded a copy to Village Attorney Chadsey for her review.

Motion 189-15. Motion by Trustee Zimmermann, seconded by Trustee Sheibley to approve the contract with Cattaraugus County for leachate disposal pending Village Attorney Chadsey approval. Motion carried 5-0.

There was a great deal of discussion about recycling and the correspondence received from the DEC advising the Village that curbside recycling must be done. Public Works Superintendent Opferbeck presented the results from various communities in Cattaraugus County. Some communities do nothing; they do not provide garbage service at all. Some charge it as a quarterly cost on the water bill. The Village of Portville charges a line item on the tax bills. Some are the same as the Village, selling stickers and having an amount on the taxes. Some self-perform. Public Works Superintendent Opferbeck presented different options that the Village should consider: 1) Add recycling to the current bid. Casella indicated there is no way the service could be supplied for less than \$20,000; 2) If the Village puts a dumpster at the sewer plant, it would have to be declared a transfer station and that is expensive; 3) rebid the entire package including garbage and

recycling pickup; 4) contractor bills the residents themselves; 5) self-performance; or 6) do nothing at all. It was agreed to hold a public hearing to discuss this issue further on February 3, 2016 at 6:00. Trustee Sheibley will check on the availability of the fire hall for this hearing. Public Works Superintendent Opferbeck advised that the recycling center has kept the Village from being fined. There was more discussion about recycling. The Village Board will hold a work session on January 5<sup>th</sup> at 6:00. Trustee Sheibley suggested and asked if recycling curbside – monthly or bi-weekly- should be put out for bid before the February 3, 2016 meeting for projected cost.

Public Works Superintendent Opferbeck requested a resolution to authorize the Village to move forward with the USEPA Phase II Site Assessment Grant with C&S at no cost to the Village.

Motion 190-15. Motion by Trustee Zimmermann, seconded by Trustee Sisti to authorize the Village to move forward with the USEPA Phase II Site Assessment Grant with C&S at no cost to the Village. Motion carried 5-0.

Public Works Superintendent Opferbeck reported that the Village was awarded a 2014 Water Fluoridation Quality Award from the U.S. Centers for Disease Control and Prevention.

Public Works Superintendent Opferbeck reported that the next Town of Collins Board meeting is December 21<sup>st</sup>. He would like to make a presentation on new water meters at that time.

### ADMINISTRATION

Village Clerk Mohawk had presented information to Account Clerk Ellis regarding a new copy machine. The present machine seems to be operating efficiently and Ms. Mohawk indicated that a change could be made in the future if not at the present time.

Motion 191-15. Motion by Trustee Zimmermann, seconded by Trustee Sisti to approve payment of the Annual Maintenance Agreement to Eagle Systems in the amount of \$627.00. Motion carried 5-0.

Village Clerk Mohawk presented the minutes of the UDAG committee meeting and the recommendation of the committee but no action was taken.

Village Clerk Mohawk reported the Computel completed an audit of Verizon and found that two streams of revenue have been excluded from the gross receipts payments. Verizon owes the Village \$3,359.36. The Village needs to execute a Settlement Agreement and return it to receive payment.

There was some discussion about the unpaid lawn mowing charges. They total \$2,525.00.

**ENVIRONMENT**

Phil Palen reported that from his \$8500 tree budget, Chestnut Ridge Nursery was paid \$796, Mitchell Stumps (grinding stumps from last year) was paid \$750, Schichtel's \$1,408 (with \$400 to be billed to the school) and \$9.03 to Gernatt for Gravel, which amounts to \$2,523.03. There is also a bill from Good Neighbor Tree Service for \$7520 and another Gary Mitchell stumps for \$800 for a total of \$10,848. Deducting the \$8500 makes it necessary to transfer \$3500 from the tree reserve to the shade tree budget.

Motion 192-15. Motion by Trustee Zimmermann, seconded by Trustee Nephew to approve a transfer of \$3500 from the tree reserve fund to the shade tree budget. Motion carried 5-0.

Phil Palen suggested that a budgeted amount should be put into the tree reserve each year. He advised that the Village has planted over 1,000 tree in 15 years.

Mayor McKeever spoke about the information that Building Inspector Brecker provided the Village Board at the last meeting regarding the Buffalo Erie Niagara Land Improvement "First Look" properties. Building Inspector Brecker prioritized the properties and the first three are unfit for habitation and should be condemned.

Motion 193-15. Motion by Trustee Nephew, seconded by Trustee Sisti to recommend these properties be acquired by the Buffalo Erie Niagara Land Improvement Corporation (BENLIC). Motion carried 5-0.

Trustee Nephew thanked Carol Ognen for cleaning up Chang-Hu Park. It was suggested that thank you letters be sent to the volunteers.

Mayor McKeever advised that the employee Christmas party is scheduled for December 23<sup>rd</sup> at noon. Village Clerk Mohawk also asked about the office closing half day on December 24<sup>th</sup>. Mayor McKeever stated that would be okay.

Motion 194-15. Motion by Trustee Sisti, seconded by Trustee Nephew to adjourn the Village Board meeting at 10:00 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is January 12, 2016 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk  
Village Clerk