

**VILLAGE BOARD MEETING
JANUARY 26, 2016**

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 Paul Zimmermann
Trustee Barb Nephew

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

Media Present: Phil Palen, Cable Channel
Rebecca Cuthbert, Observer (arrived at 7:50)
Larry Wroblewski, Gowanda News

Public Present: Mark Hebner, Gowanda Fire Chief, Jay Frantz, Esq., Jack Broyles, John and Pauline Girome, Theresa Girome, Jean and Lew Gabel, Wanda Koch, Brad Anderson, John Walgus, Ron Clabeaux, Ivan Broyles, Andy Burr

Motion 200-15. Motion by Trustee Sheibley, seconded by Trustee Zimmermann to approve the minutes of the December 8, 2015 Village Board meeting as presented. Motion carried 5-0.

Motion 201-15. Motion by Trustee Sheibley, seconded by Trustee Zimmermann to approve the minutes of the January 14, 2016 Special Village Board meeting as presented. Motion carried 5-0.

PROJECT UPDATES

Public Works Superintendent Opferbeck reported that the old China King building is down. Backfill will be completed tomorrow. Drainage issues will be addressed in the spring and the project should be completed by the end of summer. Mayor McKeever thanked Phil and the Cattaraugus County Legislators who helped to move this project along and Mark Burr who helped design the project. This is the Smart Growth Grant with no matching cost from the Village.

Public Works Superintendent Opferbeck advised that the Village is looking for a new intern to complete the Asset Management Growth grant.

Mayor McKeever reported on the site tour held for the BOA grant. She advised that any residents who wished to be included in future tours and meetings should send their e-mail addresses to the clerk.

Mayor McKeever reported on the Community Connections program. She indicated the last meeting was attended by 25 people from various agencies. The program is receiving local and national coverage for dealing with addiction recovery.

Public Works Superintendent Opferbeck reported that the Safe Routes to School grant is in the final design stages. He has a list of addresses that will be affected with regard to the sidewalks. The let date for the state is June and the work should begin in July.

PUBLIC PARTICIPATION

Jay Frantz spoke to the Board on their solar panel resolution. The State promised an incentive to communities in the State that adopted a common permitting application. He presented a check to the Village in the amount of \$2,500.00 as the promised incentive. Mr. Frantz also advised more information is available on the electrical ports for the garages. Mayor McKeever asked him to has the information for the next Board meeting.

John Girome, 50 Broadway Road, presented paperwork to the Village Board about unkempt properties which he has submitted previously. He spoke about 45 Palmer Street which has had a broken sidewalk since 2013. 113 Palmer Street has no lawn mowing and garbage all over. 28 Broadway Road has a garage full of garbage bags. Mayor McKeever stated that she had previously been aware of these issues and finds it unacceptable that they have not been addressed. Nick Crassi also mentioned that the last 3 fire calls have all had garbage stashed at their premises.

LEGAL

Village Attorney Chadsey presented resolutions for the Village Board to adopt regarding compliance with the State Environmental Quality Review Act.

“WHEREAS, the Village of Gowanda (the “Village”) has been engaged in planning improvements to the Village’s Waste Water Treatment Plant (the “Project”) so as to rehabilitate and upgrade existing infrastructure; and
WHEREAS, the Village Board of Trustees has reviewed a Preliminary Engineering Report concerning the Project dated December 2015, prepared by Wendel WD Architecture, Engineering, Surveying & Landscape Architecture; and
WHEREAS, pursuant to Article 8 of the Environmental Conservation Law (“SEQR”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (the “Regulations”), certain requirements contained in SEQR and the Regulations must be satisfied prior to the Village making a final determination whether to approve the Project; and
WHEREAS, Part 617.5(c)2) of the Regulations provides that actions that involve the “replacement, rehabilitation, or reconstruction of a facility, in kind, on the same site,

including upgrades to buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in Section 617.4 of this Part” are deemed to be “Type II” actions that do not have a significant impact on the environment and are not subject to further review under SEQR; and

WHEREAS, the Village Board of Trustees has determined that the Project meets criteria for a Type II action as set forth in Part 617.5(c)(2) of the Regulations and does not meet or exceed the thresholds contained in Part 617.4 of the Regulations;

NOW, THEREFORE, BE IT:

RESOLVED, that pursuant to Part 617 of the Regulations, the Project is hereby determined to be a Type II action and that it is not subject to review under SEQR; and be it further

RESOLVED, this Resolution shall take effect immediately.”

The next resolution was for the Water Plant Improvements:

“WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Gowanda Village Board has reviewed the Water Treatment Plant Improvements Project proposed in the Village of Gowanda, and

WHEREAS, the Village Board of the Village of Gowanda has classified the action as a Type II action which are not subject to SEQR review; and

WHEREAS, the Village of Gowanda has determined that the proposed project, which is a Type II action, will not have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8. THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Gowanda, after considering the action proposed herein, reviewing the criteria contained in Section 617.5 part c1 of the Rules and Regulations of the SEQRA Regulations for the Water Treatment Plant Improvements Project, determines that the action is a Type II action and is not subject to SEQR review; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to sign required documentation indicating that the proposed action is a Type II action.”

The next resolution was for the Water Fluoridation Project:

“WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Gowanda Village Board has review the Water Fluoridation Project proposed in the Village of Gowanda, and

WHEREAS, the Village Board of the Village of Gowanda has classified the action as a Type II action which are not subject to SEQR review; and

WHEREAS, the Village of Gowanda has determined that the proposed project, which is a Type II action, will not have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8. THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Gowanda, after considering the action proposed herein, reviewing the criteria contained in Section 617.5 part c1 of the Rules and Regulations of the SEQRA Regulations for the Water Fluoridation Project, determines that the action is a Type II action and is not subject to SEQR review; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to sign required documentation indicating that the proposed action is a Type II action.”

Motion 202-15. Motion by Trustee Nephew, seconded by Trustee Sisti to adopt the foregoing resolutions as presented. Motion carried 5-0.

The Village Board discussed bonding for these various projects at the work session prior to the meeting. Mayor McKeever read a summary of the resolution for the bond resolution for the wastewater treatment plant construction projects:

“Bond resolution of the Village of Gowanda, New York authorizing the construction of various improvements to the Wastewater Treatment Plant of the Village, stating the estimated maximum cost thereof is \$2,252,000, appropriating said amount for such purpose, and authorizing the issuance of bonds of said Village in the principal amount of not to exceed \$2,252,000 to finance said appropriation.

The object or purpose for which the bond are authorized is the construction of various improvements to the Wastewater Treatment Plant of the Village, substantially as described in the Preliminary Engineering Report, dated December 2015, prepared for the Village by Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC, at the estimated maximum cost of \$2,252,000.

The amount of the obligations to be issued is not to exceed \$2,252,000.

The period of probable usefulness is forty (40) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Village Clerk, Village Hall, 27 East Main Street, Gowanda, NY 14070.”

Motion 203-15. Motion by Trustee Nephew, seconded by Trustee Zimmermann to adopt the foregoing bond resolution authorizing the construction of various improvements to the Village of Gowanda Wastewater Treatment Plant in an amount not to exceed \$2,252,000. Village Attorney Chadsey called for a poll vote of the Board. Village Clerk Mohawk polled the Board members: Trustee Sisti – yes; Trustee Zimmermann – yes; Trustee Nephew – yes; Trustee Sheibley – yes; Mayor McKeever – yes. Motion carried 5-0.

Mayor McKeever then read a summary of the resolution for the bond resolution for the water system improvements:

“Bond Resolution of the Village of Gowanda, New York, authorizing the construction of various improvements to the Village water system, stating the estimated maximum cost thereof is \$1,359,330, appropriating said amount for such purpose, and authorizing the issuance of bonds of said Village in the principal amount of not to exceed \$1,359,330 to finance said appropriation.

The object or purpose for which the bond are authorized is the construction of various improvements to the Village water system, substantially as described in the project cost estimates, dated October 27, 2015, prepared by the Village Engineer, at the estimated maximum cost of \$1,359,330.

The amount of the obligations to be issued is not to exceed \$1,359,330.

The period of probable usefulness is forty (40) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Village Clerk, Village Hall, 27 East Main Street, Gowanda, NY 14070.”

Motion 204-15. Motion by Trustee Zimmermann, seconded by Trustee Nephew to adopt the foregoing bond resolution authorizing the construction of various improvements to the Village water system in an amount not to exceed \$1,359,330. Motion carried 5-0.

Mayor McKeever thanked Andy Burr, community representative, for all his work on the bonding resolutions. He advised that the water bond refinances \$.5 million, lowers the interest rate and should allow for the water fund to be debt-free in 10 years. This funding will help fix the infrastructure. The state will pay about 70% of the costs for the sewer fund and this will make the sewer plant 100% compliant with State regulations.

Village Attorney Chadsey spoke about the UDAG loan which is delinquent. There was discussion about commencing foreclosure. Village Attorney Chadsey will get the costs involved to file a notice. About \$40,000 is at risk.

Motion 205-15. Motion by Trustee Sisti, seconded by Trustee Sheibley to authorize Village Attorney Chadsey to begin lien searches in anticipation of foreclosure action. Motion carried 5-0.

There was discussion about the UDAG committee proposal for a loan to a homeowner to replace boilers in his rental units. The Village Board authorized Village Attorney Chadsey to meet with the UDAG committee along with some board members.

Village Attorney Chadsey spoke about a substantial water delinquency in the Town of Collins. She indicated that she would commence a small claims action. A judgment would be good for 20 years.

Motion 206-15. Motion by Trustee Sisti, seconded by Trustee Nephew to commence the filing of a Small Claims action. Motion carried 5-0.

Village Attorney Chadsey also spoke about the unpaid lawn mowing charges and unpaid sewer charges. She suggested that Account Clerk Ellis identify collection agencies that would collect for some small fee. Public Works Superintendent Opferbeck advised that he spoke with a collection agency in Buffalo that would collect for 30%.

Village Attorney Chadsey advised that she would research the FOIL requests and contact Village Clerk Mohawk in the morning.

TREASURER

Treasurer Adamchick advised the budget process will begin soon. He will get the information to the department heads to begin. He indicated it looks like the Village will need another RAN this year but not as much as last year, perhaps about \$300,000.

Motion 207-15. Motion by Trustee Sisti, seconded by Trustee Nephew to authorize Treasurer Adamchick to work with Jeff Smith at Municipal Solutions on obtaining a RAN. Motion carried 5-0.

POLICE

Officer-in-Charge Raiport previously submitted information regarding two individuals who have requested to do an internship with the Gowanda Police Department.

Motion 208-15. Motion by Trustee Sisti, seconded by Trustee Zimmermann to approve Austin Seeley and Emily Verrett to participate as interns with the Gowanda Police Department. Motion carried 5-0.

Village Clerk Mohawk read the December 2015 monthly report:

“Total calls for service – 185; domestics – 2; motor vehicle accidents – 5; arrests – 9; traffic summons issued – 8; total patrol mileage – 3,944.

Just a reminder, now that winter is among us, would like to remind all residents of the winter parking regulations are in effect. Anyone in violation will be ticketed.

Attached is a draft coalition agreement and policy that the Police Department will implement regarding the opiate (drug) problems facing today’s society. We are implementing the Arlington Outreach Initiative. We have been working tirelessly with area substance abuse counselors and agencies to come up with a plan and to initiate it. This is all part of the Community Connections group that was formed in October 2015. We have partnered with several agencies to make this happen. We are taking a proactive approach to this and have many dedicated individuals from the community involved to make this a successful program.”

Mayor McKeever advised that another meeting will be held Saturday morning if anyone is interested in attending. She reported that 5 people since December have sought treatment.

JOINT ACTIVITY

Trustee Sheibley reported that both the roller skating and basketball programs are going well. The Learn-to-Ski program had a late start but is going now. Trustee Sheibley thanked the Kiwanis Club and the Slovenian Club for generous donations to the ski program.

FIRE

Fire Chief Mark Hebner gave his annual report. They answered a total of 121 calls in 2015; 15 were mutual aid calls.

“Structure fires – 10; other fires – 10; motor vehicle accidents – 13; motorcycle accidents – 3; fire alarms – 23 – most were due to dirty or faulty detectors; CO2 alarms – 15 – most were from bad batteries or dirty detectors; search & rescue – 6; service calls – 21 – these include trees and wires down, natural gas leaks or public assistance calls; ambulance assistance – 10; landing zone for Mercy Flight – 7; training hours – 797 total. “

Chief Hebner reported that apartments have been checked with no smoke detectors or CO2 detectors. The department is finding trash stashed all over in these residences. Chief Hebner presented two safety/incident/information report forms to the Board that he was presenting to Building Inspector Brecker. Trustee Sisti stated he feels someone should be following up on these complaints. He agreed to work with Village Clerk Mohawk to have a spreadsheet designed for the complaints and follow up.

Public Works Superintendent Opferbeck reported that the Village had 2 training sessions at the fire hall for water certifications.

Fire Chief Hebner advised that the dedication of the new truck and trailer will be February 15th at 6:15. Village Clerk Mohawk will send an e-mail reminder to the Village Board members.

Trustee Sheibley stated that when the truck was purchased, it was agreed that the radio, lighting and decals would still need to be put on by FM Communications. This was all part of the package.

Motion 209-15. Motion by Trustee Nephew, seconded by Trustee Sheibley to approve payment to FM Communications for the lights, radio and decals for the new truck as previously agreed upon. Motion carried 5-0.

DISASTER COORDINATOR

Disaster Coordinator Crassi reported that Greenman-Pedersen presented their redrawn plans for the reservoir. The State has asked the Village to exceed the costs originally allowed to actually fix the reservoir. Dean Messing accepted the proposal from Greenman-Pederson at the not to exceed cost of \$43,650. This amount would be 100% paid for by FEMA. Public Works Superintendent Opferbeck indicated the project would be short; Disaster Coordinator Crassi said about 6 months.

Motion 210-15. Motion by Trustee Sheibley, seconded by Trustee Zimmermann to approve the proposal from Greenman-Pedersen for flood damage repairs to the reservoir in a not to exceed amount of \$43,650. Motion carried 5-0.

There was further discussion about needing a RAN to pay for some of this work. About \$20,000 would be the interest cost on an \$800,000 RAN and that is not a reimbursable cost. Disaster Coordinator Crassi advised that the State would have to do a benefit cost design since the project will be over the 100% allotment. This would provide an evaluation of why the Village of exceeding their allotment. Mayor McKeever stated she would like to have regular updates on the project.

Motion 211-15. Motion by Trustee Sisti, seconded by Trustee Nephew to approve the State moving forward with the benefit cost analysis. Motion carried 5-0.

Disaster Coordinator Crassi advised that in the future, Dean Messing will evaluate the 2009 PW's and provide an estimate of what it would cost to straighten them out.

PUBLIC WORKS

A resignation was received from Justin Wallschlaeger from his position of Part-time Water Operator effective December 29, 2015. Trustee Sisti asked if there had been an issue previously with someone resigning via e-mail. Village Clerk Mohawk will request that he sign an official resignation.

Motion 212-15. Motion by Trustee Sisti, seconded by Trustee Zimmermann to accept the resignation of Justin Wallschlaeger as part-time Water Operator, effective December 20, 2015, with the request from Village Clerk Mohawk for a signed resignation. Motion carried 5-0.

Public Works Superintendent Opferbeck presented pictures of items that he would like to declare surplus and sell. Trustee Sisti and Mayor McKeever questioned the truck and leaf machine, especially since it is the only leaf machine the Village has. Public Works Superintendent Opferbeck advised the Village could borrow one from another municipality. Mayor McKeever asked Public Works Superintendent Opferbeck to put together a list of items, indicating the condition of the equipment and what needs to be replaced. Trustee Sisti would like a list of the equipment. He feels the Village needs it for proper equipment valuation. Mayor McKeever stated the Village needs to have an inventory of equipment and machinery.

Public Works Superintendent Opferbeck requested authorization for Global Environmental to do the digester cleaning. He indicated that Sewer Superintendent Carriero tried to get more quotes but was unable to get any other company to bid on it. Mr. Opferbeck indicated it is a necessary repair.

Motion 213-15. Motion by Trustee Sisti, seconded by Trustee Sheibley to approve the digester cleaning by Global Environmental in the amount of \$3,568.00. Motion carried 5-0.

Village Clerk Mohawk presented paperwork from Sewer Superintendent Carriero from Simplex Grinnell regarding the cost to upgrade the existing fire alarm system and

intrusion system at the sewer plant. At the present time, the Village is paying for the service but the alarms are not working. Village Clerk Mohawk was asked to have Sewer Superintendent Carriero get 3 bids for the contractual service.

Public Works Superintendent Opferbeck advised that Friday he will have a conference call with the Department of Corrections to discuss moving their piece of the funding forward since the Village is now committee to funding the necessary improvements.

The public hearing for garbage/recycling is scheduled for February 3rd at 6:00 p.m. at the fire hall. A pre-meeting will be held with the DEC and Trustee Sheibley at 4:30 prior to the meeting at the village hall. The Village Board will present options to the public and then prepare an RFP for garbage and recycling services. A work session will be held on February 9th for the RFP options.

Public Works Superintendent Opferbeck advised that the Village is running on the springs at the reservoir. They have experienced several equipment problems, including the pumps, sensors, etc. All need to be re-calibrated unless they are already ruined. All the work being done presently at the filtration plant will not be covered by FEMA. Public Works Superintendent Opferbeck advised that the Village had to declare the well as the backup water source at the present time since the barium test was too high. The Village can mix the spring water with the well water 50/50 to help bring the barium levels down. Public Works Superintendent Opferbeck advised the Village needed a level sensor right away to keep advised of the levels in the spring. Mayor McKeever reminded everyone that the Village is still in a state of emergency relative to our water situation. Trustee Sheibley asked if this sensor was required since the springs are not the primary source. Public Works Superintendent Opferbeck indicated this was the primary source which is now why the Village is back on the springs. Mayor McKeever stated in May it will be 2 years of running on the backup water. The quality of the drinking water is fine, but the source is in limbo.

ADMINISTRATION

Village Clerk Mohawk advised Mayor McKeever that it was necessary to recommend three representatives for the Thatcher Brook Watershed Task Force. Mayor McKeever mentioned Don Offhaus as the community representative as well as Trustee Zimmermann who has been involved previously and herself.

Mayor McKeever advised that she, Village Clerk Mohawk and Account Clerk Ellis will be meeting on Thursday, January 28th, at 6:00 to begin discussions about educating the public on the new water law.

Village Clerk Mohawk advised that Mark Medole of Emerling Insurance has requested to attend the next work session.

ENVIRONMENT

Phil Palen advised that Jack Torrance submitted the Tree City application and the Village has been granted Tree City USA for the 14th year. He indicated he has 3 Tree City USA plaques that he would like to place at the entrances to the Village. Mr. Palen advised that over 1,000 trees have been planted since the inception of the tree program.

Motion 214-15. Motion by Trustee Sisti, seconded by Trustee Zimmermann to adjourn the Village Board meeting at 9:05 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is February 9, 2016 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk