

**VILLAGE BOARD MEETING  
JULY 12, 2016**

The Village of Gowanda Board of Trustees meeting was called to order by Mayor Heather McKeever at 6:21 p.m. at the Municipal Hall.

Motion 92-16. Motion by Trustee Zimmermann, seconded by Trustee Koch to go into Executive Session with the Village Attorney to discuss settlement and administrative issues. Motion carried 5-0.

Motion 93-16. Motion by Trustee Zimmermann, seconded by Trustee Markham to come out of Executive Session at 7:00 p.m. Motion carried 5-0.

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

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

Media Present: Phil Palen, Cable Channel 22  
Andrew Kuczkowski, Observer

Public Present: Janet Vogtli, Alan Nephew, Jack Broyles, John Lippes, Larry and Bonnie Spire, Gary Lauer, Bill Emborski, Margaret Moritz, Bob Tiller, Tom Patterson

Motion 94-16. Motion by Trustee Zimmermann, seconded by Trustee Koch to approve the minutes of the June 14, 2016 Village Board meeting as presented. Motion carried 5-0.

Motion 95-16. Motion by Trustee Zimmermann, seconded by Trustee Markham to approve the minutes of the June 25, 2016 Special Village Board meeting as revised. Motion carried 5-0.

Motion 96-16. Motion by Trustee Sheibley, seconded by Trustee Markham to approve the Abstract dated July 12, 2016 on all funds as follows:

General Fund	\$88,443.40
Water Fund	10,038.93
Sewer Fund	27,476.88
Total	126,059.21

Motion carried 5-0.

Mayor McKeever also noted this abstract includes the garbage sticker refunds.

### **PUBLIC PARTICIPATION**

John Lippes of 182 Jamestown Street asked about the letter he received regarding the water meters and the fact that his water bill would now be double. He is remodeling his home and doesn't feel he should be charged for double minimums. Public Works Superintendent Opferbeck advised that they checked how many gas/electric meters were located at the residence to make their determination. Village Attorney Chadsey indicated the new water law defines it as the number of livable residential units per location.

Janet Vogtli complained to the Village Board about the website and stated she wants some reassurance that the agendas will be posted by Friday before the meeting. She indicated that should be Village Clerk Mohawk's top priority.

Bonnie Spire spoke about speed zone signs on Jamestown Street. They were taken down and not replaced. She contacted the State about the signs but has not received a reply. She indicated she is concerned about the Village spending so much money especially as regards purchasing new equipment. Alan Nephew agreed to e-mail Ms. Spire the equipment plan. He will also put it online for interested individuals. Ms. Spire asked if there is fluoride in the Village water. Public Works Superintendent Opferbeck indicated there is. Village Attorney Chadsey advised that the fluoride was brought in by public vote in 1973 and can only be removed by public vote as well. Janet Vogtli asked if there is a minimum number of signatures necessary to petition the Board to have it removed. Village Attorney Chadsey advised there is not.

Phil Palen stated that the weeds are starting to take over downtown. There was some discussion about using Code Red to remind residents to remove weeds from the sidewalks. Mayor McKeever said there is an upcoming meeting with the chamber and the local merchants and she will remind them of the weed removal at that time. Public Works Superintendent Opferbeck advised he has a group of young people doing community service so they may be able to use them as well.

### **PROJECT UPDATES**

Smart Growth Initiative – Public Works Superintendent Opferbeck indicated that Tabone Construction was supposed to begin the day after the groundbreaking but they are waiting for the drain inlet. The new estimated start date is July 25.

The asset management grant is moving along.

BOA grant – Public Works Superintendent Opferbeck reported the Village is waiting for the final report from the State. The Village will submit for the next round of grant funding in early September. Account Clerk Ellis is working on a claim to get paid.

Mayor McKeever reported that Community Connections has worked with 55 families.

Public Works Superintendent Opferbeck reported that the Safe Routes to School grant is still waiting for the 45 day hold. It will be awarded the beginning of August.

Mayor McKeever advised a Complete Streets Workshop will be held on July 19<sup>th</sup> from 6:00 to 9:00 to work on crosswalks and biking paths. The Village is receiving a partial grant for this study.

### **BUSINESS/BUILDING PERMITS**

Mr. Emborski asked to have the old hospital property rezoned residential to build a home. The Town of Perrysburg already rezoned their parcel. Village Attorney Chadsey advised the Village Board that they could adopt a resolution to approve the rezoning to single family residential subject to the retention of the necessary Village easements. Bob Tiller advised that Perrysburg did not even need to rezone the property. Village Attorney Chadsey also indicated it is probably a Type II action, subject to SEQRA.

Motion 97-16. Motion by Trustee Markham, seconded by Trustee Koch to approve the rezoning of the old hospital property to single family residential, subject to the retention of the necessary Village easements. Motion carried 5-0.

Motion 98-16. Motion by Trustee Markham seconded by Trustee Koch to approve the can redemption center at 185 Buffalo Street. Motion carried 5-0.

### **LEGAL**

Village Attorney Chadsey reported on the UDAG delinquency matter. She indicated a UCC financing statement was filed against the equipment. An Article 9 demand notice was sent to sell the equipment. There is another mortgage on the property. She advised the only other option is to foreclose on the property.

There was some discussion about the offer from the PRP's. There is operation and maintenance work that needs to be done. The PRP's made an insufficient offer for an amount to cover the next 25 years of this work. The Village made a counter-offer but the PRPs are not willing to fund bank stabilization or further park improvements. They have offered to only pay for specific items. Village Attorney Chadsey said the Village Board needs to meet with GARC about what is acceptable. The Village doesn't need to incur the costs of doing the work and the PRP's are not going to offer any other PERKS.

Village Attorney Chadsey reported good news on the unemployment challenge that was submitted. A credit of \$1,052.36 is coming from the settlement of this claim.

Village Attorney Chadsey advised she will be requesting copies of all Village signed agreements from Village Clerk Mohawk and Account Clerk Ellis.

Disaster Coordinator Crassi asked Village Attorney Chadsey if she has heard of any rules or regulations about dams in other counties. There was a specific DEC regulation in 2009 regarding certification of dams.

Village Attorney Chadsey advised that Village Engineer Burr sent her a copy of the contract language for the waterline project. She requested authorization to update the language and Mayor McKeever indicated she would welcome that.

### **TREASURER**

Treasurer Adamchick reported that the property taxes have been coming in. The Village has the necessary money to pay off the BAN. He is waiting for the project budget from Public Works Superintendent Opferbeck to receive the funds for the bonding. The RAN is for the FEMA project. It is in process and is due by the end of the month.

### **DISASTER COORDINATOR**

Disaster Coordinator Crassi finally received good news. Homeland Security has agreed to the plan to completely redo the reservoir. The initial cleanup cost is \$400,000+. The repair of the reservoir and mitigation efforts will incur another \$400,000. Bids are due back on July 27<sup>th</sup> for this work.

Disaster Coordinator Crassi explained the plan is to divert Pt. Peter brook out of the reservoir. A 14' x 19' box will be used to divert the water around the reservoir. The Village usually uses the springs and not the stream to fill the reservoir. Hundreds of dead trees will be removed around the reservoir. The new design will allow cleaning just like it is done under the Chapel Street bridge.

Mayor McKeever, Disaster Coordinator Crassi and Public Works Superintendent Opferbeck had a telephone conversation with the Army Corps of Engineers and the DEC on June 30<sup>th</sup>. Mr. Opferbeck indicated he would be meeting with the Town of Persia and the Town of Dayton Supervisors and Joe Pillittere from Cattaraugus County to discuss grant money to clean out Thatcher Brook.

Disaster Coordinator Crassi also advised that FEMA approved the mitigation of Thatcher Brook from North Chapel to Johnson Streets.

The next Village Board meeting is August 9<sup>th</sup> but it was agreed to hold a special meeting to approve the Pt. Peter Reservoir repair bids on August 2<sup>nd</sup> at 5:30. Public Works Superintendent Opferbeck indicated the engineering firm wants a full time inspector on the project site. He and Disaster Coordinator Crassi indicated is it outside the scope of work and they do not think it is necessary for as many hours as the engineering firm proposes.

It was suggested that a letter should be sent to Senator Schumer's office thanking him for his help getting this project funded.

Gerald Emborski talked about an aerial topography study with the DOT for the Thatcher Brook watershed.

Public Works Superintendent Opferbeck indicated that the next phase of Army Corps funding could be used to rehab homes that need to be fixed for flood-proofing.

### **PUBLIC WORKS**

Public Works Superintendent Opferbeck then presented the Gowanda water meter replacement project. He indicated the new meters would flag any residence that has a leak and notify the Village if any cheating has occurred. He has heard some numbers for the meter cost. Bids are out for the installation cost. The total estimated project cost is \$520,356.45. Janet Vogtli indicated the Town of Collins is already planning to do this project and she hopes the Village goes forward with it. Margaret Moritz said the Village needs to keep in mind how this will impact the taxes. Public Works Superintendent Opferbeck advised that the water/sewer funds do not impact the taxes. This project should pay for itself in 5-6 years. Mr. Opferbeck also indicated it should save manpower hours in the water department and the clerk's office for the billing. Both Margaret Moritz and Trustee Sheibley feel the educational component for the Village residents is important. Residents want to know what is going to be done, how it will be done and how much it is going to cost. Public Works Superintendent Opferbeck feels the increase in water revenue with the new meters would help supply the funding for other necessary capital improvements. Mr. Emborski asked if there was any scrap value in the 1450 old meters and Public Works Superintendent Opferbeck indicated that was part of the bid spec. One contractor will install all the meters.

Motion 99-16. Motion by Trustee Koch, seconded by Trustee Sheibley to advertise bids for Center Street, North Water Street, High Street, and School Street waterline project pending updated language from Village Attorney Chadsey. Motion carried 5-0.

Six work orders were submitted from GARC for items that were requested at Zoar Valley Gateway Park. For work order #2, Public Works Superintendent Opferbeck indicated the Village would mow in the same rotation as the other parks. For work order #3, it will be necessary to call the County to check on the Village rights. Permission will be needed to work on a County route. For work order #4, Public Works Superintendent Opferbeck indicated the Village will set the boulders next to the blacktop. For work order #6, Public Works Superintendent Opferbeck indicated he has been trying to get National Fuel to do some of that work. Work order #5 was not recommended by either Public Works Superintendent Opferbeck or Highway Supervisor Denea.

Motion 100-16. Motion by Trustee Markham, seconded by Trustee Zimmermann to approve GARC work orders #1, #2, #3, #4 and #6. Motion carried 5-0.

Trustee Sheibley reported that the water hearings were held and the recommendations were presented.

Motion 101-16. Motion by Trustee Sheibley, seconded by Trustee Markham to accept the agreement for 41 Allen Street as presented. Motion carried 5-0.

Motion 102-16. Motion by Trustee Koch, seconded by Trustee Markham to accept the agreement for 147 Buffalo Street as presented. Motion carried 5-0.

Public Works Superintendent Opferbeck explained that in attempting to hire a replacement for Dominic Capozzi who is retiring, no one in the Village is certified for operator/trainee on the civil service list. He looked at a transfer option from the Village of Cattaraugus to be hired as an operator trainee. Mr. Opferbeck stated he is trying to break up the sewer position into water and sewer and share Kirk in sewer and as a mechanic. Public Works Superintendent Opferbeck presented a resume from Thomas Patterson who has a IIA/C/D water operator license. Mr. Opferbeck indicated he wants to get the public works employees cross-trained. Mr. Patterson will be the first dual-licensed certified employee since he has applied for and is awaiting authorization to take the sewer license exam. Mr. Patterson lacks the 2B license for the water plant. Public Works Superintendent Opferbeck wants to hire Mr. Patterson as of August 1<sup>st</sup>. Trustee Sheibley asked Mr. Patterson for some references.

Motion 103-16. Motion by Trustee Markham, seconded by Trustee Koch to regretfully accept the retirement resignation of Dominic Capozzi, effective October 31, 2016. Motion carried 5-0.

Motion 104-16. Motion by Trustee Markham, seconded by Trustee Koch to hire Thomas Patterson as an operator trainee for the sewer plant. Motion carried 4-0. Trustee Sheibley abstained.

Trustee Sheibley asked if it is common practice for a municipality to pay for pre-employment physicals and drug tests. Public Works Superintendent Opferbeck indicated it is.

Motion 105-16. Motion by Trustee Zimmermann, seconded by Trustee Koch to accept the resignation of Henry Fedrick as a summer employee. Motion carried 5-0.

There was some discussion about the Restore NY funding. The Hollywood Theater will be applying and the letter of intent is due tomorrow.

There was some discussion about the Zoar Valley Gateway Park. It was suggested that some No driving signs should be posted along with the boulders being relocated. Village Clerk Mohawk asked about No Smoking signs also. All of the Village parks have such signs.

Public Works Superintendent Opferbeck spoke about the emergency situation with the tank at the sewer plant. It was discovered that the bolts rusted off the scrapers. STC Construction will come out and repair and replace the mixing arms at the bottom of the

tank for a price not to exceed \$15,000. The price would be \$28,000 to sandblast and refinish the steel. Mr. Opferbeck indicated the entire tank could be inspected during the sandblasting. Public Works Superintendent Opferbeck advised that the tanks should be drained and cleaned every year as a maintenance item. He also recommended doing the other side at a not to exceed price of \$10,000. He indicated this can all be covered under the project funding for the sewer plant.

Public Works Superintendent Opferbeck stated he is not impressed with the results from the Wendel engineer. The specs were supposed to be ready to be let by tonight's meeting but he just heard today they were proposing the cost to just do the specs. This topic will be added to the August 2<sup>nd</sup> agenda under the sewer project update.

### **POLICE**

Motion 106-16. Motion by Trustee Markham, seconded by Trustee Zimmermann to regretfully accept the resignation of Michael Kubiak from the Gowanda Police Department, effective July 1, 2016. Motion carried 5-0.

Regarding the Integrated Property System Proposal presented by Officer-in-Charge Raiport, Trustee Sheibley asked about the Village's purchasing policy.

Village Clerk Mohawk read the June police report:  
"5 motor vehicle accidents; 5 domestics; 9 arrests; 21 traffic tickets issued; 283 incidents."

### **JOINT ACTIVITY**

Trustee Sheibley presented the meeting from the last Recreation Commission meeting.

Trustee Sheibley expressed thanks to Gowanda Central School for the 9 surplus picnic tables that they donated and delivered to the park for the recreation program. She asked Village Clerk Mohawk to send a letter of thanks to the school, to Joelle Woodwad, Rich Smith and Jeremy Pickering. Trustee Sheibley also thanked Highway Superintendent Denea for picking up the last 4 tables.

Mayor McKeever asked if Recreation Director Benton could do an inventory at the end of the season.

Trustee Sheibley reported that Chautauqua Opportunities is supplying a ½ employee 3 days a week for arts and crafts. She reported that 120 young people are registered in the program and approximately 40 children swim each day.

Public Works Superintendent Opferbeck advised that 150 yards of mulch were placed at the park.

Public Works Superintendent Opferbeck advised residents that animal control is wild animals and is a trap and release program. Trustee Sheibley reported there are residents who are willing to work with the Feral Cat Rescue for a trap/spay/neuter and release program. She indicated she would take the lead on this.

### **FIRE**

Trustee Sheibley acknowledged the Cattaraugus County Fire Service Award which was presented to Nick Crassi for 40 years. She indicated he has served many positions in that 40 years including Fire Chief, 1<sup>st</sup> and 2<sup>nd</sup> Assistant Chiefs, Fireman of the Year, and President of the Fire Corporation. Mayor McKeever congratulated Mr. Crassi on his 40 years of fire service.

Trustee Sheibley presented a Hidi Hose #4 100<sup>th</sup> Anniversary Proclamation:

“Whereas Hidi Hose Company was founded on April 17, 1916 as a Company of the Gowanda Fire Department; and

Whereas in 1921, Henry Fess donated the land currently located at 99 Beech Street and Nicholas Anckner donated the materials for the construction of the Hidi Hose Fire Hall; and

Whereas the residents of Hidi and surrounding areas donated the furnishing for the constructed building; and

Whereas pride, dedication, and volunteerism of the first members led to the founding of Hidi Hose #4 Company; and

Whereas past generations have paved the way for our present and future generations of firefighters; and

Whereas the present Gowanda Volunteer Fire Department Hidi Hose’s eighteen current members keep the Company viable and energized; and

Whereas past and present members of Hidi Hose have hundreds and hundreds of years of cumulative service showing loyalty, dedication, compassion, and responsiveness; and

Now therefore be it resolved that I, Heather McKeever, Mayor of the Village of Gowanda, do hereby proclaim July 16, 2016 Gowanda Volunteer Fire Department Hidi Hose #4 Company Day in the Village of Gowanda in recognition of the 100<sup>th</sup> Anniversary of its founding and for the service and commitment of all past, present, and future members.

Proclaimed July 12, 2016 by Mayor Heather McKeever and the Village of Gowanda Board of Trustees.”

Motion 107-16. Motion by Trustee Zimmermann, seconded by Trustee Markham to accept the foregoing proclamation. Motion carried 5-0.

Trustee Sheibley reported that the annual fire company inspection was last night. Mayor McKeever commended the fire department for their dedication.

Trustee Sheibley asked that a letter be sent to Dan Stroud thanking him for power washing the front of the building at no cost.



**ADMINISTRATION**

Mayor McKeever advised the next Christmas in Gowanda meeting is tomorrow at 6:00 p.m.

**ENVIRONMENT**

Phil Palen advised that tree trimming began around Memorial Day. Any trees with hanging limbs were addressed. He watered trees over the 4<sup>th</sup> of July weekend.

Mr. Palen advised he is trying to get a picture of Colonel Tom Parker for the memorial at Creekside Park.

Motion 108-16. Motion by Trustee Sheibley, seconded by Trustee Markham to adjourn the Village Board meeting at 10:05 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is August 9, 2016 at 6:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk  
Village Clerk