

**VILLAGE BOARD MEETING  
MAY 12, 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. Trustee Sheibley requested a moment of silence for Stanley Reska who was a longtime member of Hidi Hose #4 and for Rodney Mikulski, Village Attorney Chadsey's father.

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

Trustee Paul Zimmermann was absent due to a family medical issue.

Village Employees: Village Clerk Kathy Mohawk, Building Inspector Gary Brecker, Officer-in-Charge Steve Raiport, Treasurer Cindy Lauer, Public Works Superintendent Jason Opferbeck, Disaster Coordinator Nick Crassi, Village Attorney Deb Chadsey

Media Present: Phil Palen, Cable Channel 22  
Samantha McDonnell, Observer

Public Present: Jay Frantz, Andy Burr, Legislator Paula Stockman, Mitch Martin from Senator Patrick Gallivan's office, John Girome, Jack Broyles, Joe Vogtli, Lin Boats, Mr. and Mrs. Markiewicz, Sal DiCembre, Jamilee Piatt, Superintendent James Klubek, Mark Burr

Motion 32-15. Motion by Trustee Sisti, seconded by Trustee Sheibley to approve the minutes of the April 7, 2015 Village Organization meeting as presented. Motion carried 4-0.

Motion 33-15. Motion by Trustee Nephew, seconded by Trustee Sisti to approve the minutes of the April 14, 2015 Special Village Board meeting as presented. Motion carried 4-0.

Motion 34-15. Motion by Trustee Sheibley, seconded by Trustee Sisti to approve the minutes of the April 21, 2015 Special Village Board meeting as presented. Motion carried 4-0.

Motion 35-15. Motion by Trustee Sisti, seconded by Trustee Nephew to approve the minutes of the April 28, 2015 Special Village Board meeting as presented. Motion carried 4-0.

Motion 36-15. Motion by Trustee Sheibley, seconded by Trustee Sisti to approve Abstract #12 dated May 12, 2015 on all funds as follows:

General Fund	\$66,587.35
Water Fund	11,684.76
Sewer Fund	40,006.81
Superfund Project	1,444.53
Joint Activity	<u>166.73</u>
	119,890.18

Motion carried 4-0.

Mayor McKeever called upon Building Inspector Brecker as he had another commitment. Building Inspector Brecker presented an update to the Village Board on the projects he has been working on. He advised that he won two court cases; both defendants were fined \$50.00. He suggested that the Board should change the municipal code to allow for stricter fines. He also reported that he has been working with Erie County regarding some of the abandoned homes in the Village. Erie County has a consortium that works with the New York State Land Bank to purchase abandoned properties and either demolish them or renovate them. This will be useful for some properties located on Buffalo Street in the Village. Mayor McKeever suggested a workshop for Wednesday, May 27<sup>th</sup>, at 7:00 to discuss code issues such as tree, sidewalks, building issues, etc. The workshop will be open to the public.

Trustee Nephew asked about the regulations of parking on the front lawn. Village Attorney Chadsey suggested that tickets can be issued for unlicensed vehicles. Building Inspector Brecker can issue a citation if visibility becomes a problem.

Sal DiCembre spoke about purchasing the Reitz Liquor Store and updating it. Jay Frantz indicated that the State Liquor Authority requires a 30 day waiting period for a license and requests that the local municipality approve the request. He presented a resolution to the Village Board to waive the waiting period and approve the license application request:

“WHEREAS, the Village of Gowanda has authority to approve or deny applications for the granting of new licenses issued by the State Liquor Authority, as they have an impact on the nature and character of a community, and

WHEREAS, the Village of Gowanda currently has one liquor store, and this proposal is to transfer ownership of that store into new, eager hands to improve the downtown business district, and

WHEREAS, the policy of the Village of Gowanda, in accordance with its Master Plan, and in accordance with the wishes of the residents of the Village, therefore be it

RESOLVED, that the Village of Gowanda, by its Board of Trustees, grants their approval without conditions to the application for a new license to Honk’s Grape & Grain, Inc. and the intended new proprietor of the liquor store in the Village, Mr. Salvatore P. Dicembre, and to assist him in making all due haste in taking over the business and making those improvements he plans for the betterment of the business and with it the Village of Gowanda waives the applicable thirty-day waiting period.”

Motion 37-15. Motion by Trustee Nephew, seconded by Trustee Sisti to approve the application for new ownership of the liquor store. Motion carried 4-0.

## PUBLIC PARTICIPATION

Gowanda Central School Superintendent James Klubek addressed the Village Board regarding the 2015-2016 school budget. He stated that he and Mayor McKeever have met trying to get the school and the community to work together. He stated the budget hearing was held on May 6<sup>th</sup>. The budget vote is May 19<sup>th</sup>. There is one person running for the school board and an opening for a write-in candidate. Superintendent Klubek advised that the school employs 260 people. He also stated that student enrollment is declining. The school has proposed some initiatives for the upcoming year: a math Alternative Intervention Services position in the elementary school; a behavior intervention specialist in the elementary school; summer school for all entering kindergarten students; 8<sup>th</sup> grade targeted summer school instruction for students who may have difficulty with the transition to high school. The school budget is \$28,789,508, 2.06% higher than last year, with a tax levy of 1.62%. He spoke about where the money goes and where the money comes from. Superintendent Klubek also spoke about the projected tax impacts with the STAR exemptions. There is also a proposition to purchase two new buses from the reserve fund which will have no effect on the tax rate. They will trade in two buses also. Superintendent Klubek indicated the school is also looking at some capital improvements such as changing the entrances to all 3 schools. Trustee Nephew felt it would be a good idea to repair the track.

Mark Burr, 144 Aldrich Street, stated the tree in front of his house needs to be inspected.

Mr. Burr also spoke about the Hollywood Theater. He reported that the ceiling in the dome has been completed. To date, \$3.5 million has been raised and \$3.2 million has been spent. The roof top air conditioning units will be installed in the next couple of weeks. He presented a resolution for the Village Board supporting Gowanda's Historic Hollywood Theater's grant application:

“WHEREAS, Gowanda's Historic Hollywood Theater, Ltd. is applying for a grant to the **New York State Office of Parks, Recreation and Historic Preservation** in accordance with provisions of Title 9 of the Environmental Protection Act of 1993 to continue historic restoration at 39 West Main Street located in the Gowanda Village Historic District, and

FURTHERMORE, Gowanda's Historic Hollywood Theater, Ltd. is applying for a **New York Main Street Downtown Anchor Project Grant**, specifically to repair and restore the floor and restore and re-install original fixed seating which will enable them to re-open the theater for community programming.

WHEREAS, a requirement under the rules of these programs dictates that Gowanda's Historic Hollywood Theater must obtain the approval/endorsement of the governing body of the municipality in which the program is located, and

WHEREAS this body is aware of local and county studies conducted over past years that agree that restoration of the Hollywood Theater is a key element to the preservation and enhancement of the Gowanda Village Historic District and is expected to create jobs and enhance cultural tourism.

NOW THEREFORE BE IT RESOLVED, the Gowanda Village Board does approve and support the applications of Gowanda's Historic Hollywood Theater, Ltd. for the continued restoration of the 1926 Historic Hollywood Theater."

Motion 38-15. Motion by Trustee Sheibley, seconded by Trustee Nephew to adopt the above resolution in support of the Historic Hollywood Theater grant application. Motion carried 4-0.

Mayor McKeever announced a special Village Board meeting for May 18, 2015 for a decision on the BOA consultant, the Thatcher Brook debris removal bids and the accounting services bids.

Joe Vogtli stated that the Erie County residents got hit harder on the tax increase. He also indicated that Erie County will not offer assistance to any renter who does not have a bill put in their name. Mr. Vogtli also indicated that the New York State Comptroller's Office said retroactive rate increases are illegal. He requested an answer to the letter he submitted to the Village Board. Village Attorney Chadsey advised she is still working on an answer to that letter. Mr. Vogtli also asked whether his meters were read. He thought it was odd that for two quarters he had the exact same amount of usage. Public Works Superintendent Opferbeck indicated that Mr. Vogtli should bring the meters numbers to the attention of Village Clerk Mohawk and he will have the reads checked to make sure they were correct.

Jack Broyles asked if the answer to Mr. Vogtli's letter is an answer to all the water customers. He then asked Mr. Opferbeck why he wanted his own attorney to work on water contracts. Mayor McKeever said the Village is negotiating with other communities to run their water systems and offer more services. Mr. Broyles said he feels the Village Board should be negotiating contracts, not the Public Works Superintendent. Trustee Sisti asked Mr. Broyles to submit his list of concerns in writing to Village Clerk Mohawk and he will attempt to get answers.

Jamilee Piatt, 211 Buffalo Street, asked when she was going to get a new water meter. She commented on the noise at the Palm Gardens.

#### **BUSINESS/BUILDING PERMITS**

Village Clerk Mohawk asked about mowing the delinquent properties. Public Works Superintendent Opferbeck advised that summer help will do the mowing.

After a brief discussion with Building Inspector Brecker, the Village Board agreed to offer a business permit to John Buthy at 159 Dawson Drive.

Motion 39-15. Motion by Trustee Sisti, seconded by Trustee Sheibley to approve the business permit application submitted by John Buthy for a handyman business with the condition that there will be no outside storage of construction materials or equipment to preserve the residential integrity of the neighborhood. Motion carried 4-0.

**POLICE**

Officer-in-Charge Raiport reported that the Village held off purchasing a new vehicle last year. He presented two options for another vehicle. Gowanda Ford has a new 2016 Explorer and DeLacy Ford has a 2015 Explorer. DeLacy Ford has the state bid for \$27,936, which is about \$2,000 less than Gowanda Ford. The Village can piggy back off other municipal bids. The DeLacy Ford vehicle is in stock and being held for the Village. The old car cost about \$1,000 per month for repairs.

Motion 40-15. Motion by Trustee Sisti, seconded by Trustee Nephew to authorize the purchase of a 2015 Ford Explorer from DeLacy Ford off state bid for \$27,936.00. Motion carried 4-0.

Officer -in-Charge Raiport also presented the leasing information from Ford Credit. The cost is \$10,097.40 per year for 3 years. At the end of the term, the Village would buy the vehicle for \$1.00. Officer-in-Charge Raiport advised that all warranties are covered for the 2015 vehicle.

Officer-in-Charge Raiport presented two proposals for outfitting the vehicle. Some of the old equipment will be used in the new car such as the Erie County radio, the light bar, siren controller and computer stands. The FM Communications bid includes the graphics but Eagle Radio does not.

Motion 41-15. Motion by Trustee Sheibley, seconded by Trustee Nephew to approve the proposal from FM Communications for \$5,494.40 for outfitting the vehicle. Motion carried 4-0.

Officer-in-Charge requested authorization to purchase a new mobile VHF radio to community with Cattaraugus County.

Motion 42-15. Motion by Trustee Nephew, seconded by Trustee Sisti to authorize purchase of a Motorola APX4500 radio off state bid for \$2,694.06. Motion carried 4-0.

Motion 43-15. Motion by Trustee Sisti, seconded by Trustee Nephew to appoint Joshua Bartholomew as part-time police officer. Motion carried 4-0.

Officer- in-Charge Raiport advised that he and Treasurer Lauer applied for over \$21,495 in grants through the Governor's Traffic Safety program for radar units, dangerous driving-related enforcement efforts and child passenger safety seats.

Officer-in-Charge Raiport reported that Dan Gernatt asked that a no parking zone be instituted on May 17 from 8:45 to 10:00 on West Main Street in front of the Hollywood Theater. He is bringing 25 classic Rolls Royce automobiles to town and there will be a tour of the theater.

### **JOINT ACTIVITY**

Trustee Sheibley requested authorization for the Chautauqua Opportunities After School program to paint the Ruth Bareham building at St. John's Park. They would supply the paint.

Motion 44-15. Motion by Trustee Nephew, seconded by Trustee Sisti to approve Chautauqua Opportunities After School program to paint the Ruth Bareham Building at St. John's Park. Motion carried 4-0.

Trustee Sheibley reported that the Recreation Commission is meeting on June 4<sup>th</sup> from 3:00 until 5:00 for interviews. All applicants for summer recreation program will be interviewed.

Trustee Sheibley asked Public Works Superintendent Opferbeck about doing inspections of the parks.

Trustee Sheibley advised that Recreation Director Benton will be lining the basketball court.

Trustee Sisti asked if the April 10<sup>th</sup> letter about the recreation director's salary was ever addressed.

There was more discussion about the rules for garbage on where to go beginning June 1<sup>st</sup>.

### **FIRE**

Village Clerk Mohawk reported that Highway Superintendent Denea wants the fire department to hose down the streets. Trustee Sheibley advised that May 17<sup>th</sup> was the date. Village Clerk Mohawk indicated the date needs to be changed to accommodate the car show. Trustee Sheibley will follow up with the fire department.

### **DISASTER COORDINATOR**

Disaster Coordinator Crassi mentioned that this is the anniversary of last year's flood. Mr. Crassi stated that the PW's dealing with debris removal (which includes Pt. Peter reservoir, Pt. Peter brook, the springs and about 125 trees) have been submitted and all questions have been answered. The biggest questions revolve around the amount of sediment in the reservoir, the amount of sediment in the forebay and whether the Village can supply records to show that regular cleaning has been done. Disaster Coordinator Crassi advised that the Village needs to keep that area cleaned out and the Village needs to come up with yearly inspection records to that issue. He indicated that the PW went in and the Village should hear back within two weeks if there are no more questions.

Disaster Coordinator Crassi reorted that the second PW will be finished on Friday. That is for the reservoir repair and requipment repair and any mitigation work. He reported

that the Village is still waiting on the DEC permit for the dump site approval. Bids are out for the cleanup, returnable May 15<sup>th</sup>. Mr. Crassi reported that the debris removal is about \$480,000 and the mitigation is about the same.

Public Works Superintendent Opferbeck advised that Louise Hubbard and Disaster Coordinator Crassi are updating the emergency plan.

### **TREASURER**

Motion 45-15. Motion by Trustee Sisti, seconded by Trustee Nephew to appoint Village Clerk Mohawk as the credit card account administrator. Motion carried 4-0.

Treasurer Lauer reported that the RFP went out to reconcile the interfund due to/due froms; to reconcile these back to the flood years. The accountants will also do the annual reports to the New York State Comptroller's office and advise the Village Board of any financial risks. She indicated the Village needs the guidance of a CPA.

Treasurer Lauer reported that Public Works Superintendent Opferbeck and Greg from the NYSDOT met to discuss how to move forward on the Safe Routes to School grant. The design phase will be done in the summer. The construction phase will begin next year.

Mayor McKeever advised that a long term capital improvement financing committee would be formed to discuss what action must be taken no later than July 1<sup>st</sup>. She appointed Public Works Superintendent Opferbeck, Treasurer Lauer, Andy Burr, Trustee Sisti, Trustee Sheibley, Disaster Coordinator Crassi and Village Engineer Burr to the committee.

Motion 46-15. Motion by Trustee Nephew, seconded by Trustee Sisti to appoint the foregoing committee to discuss long term capital improvement financing. Motion carried 4-0.

A meeting has been scheduled for next Thursday, May 21<sup>st</sup>, at 8:30 a.m. to discuss water information for the Asset Management grant. It was also discussed that a meeting on the long-term bonding would be held on May 27<sup>th</sup> at 5:00 and for the water committee meeting at 6:00.

### **LEGAL**

Village Attorney Chadsey advised that a draft contract with Time Warner should be available before the June meeting. She also advised that the bulk sales agreements are done.

Village Attorney Chadsey advised that the contract with Casella Waste is mostly completed but has a few changes necessary.

**PUBLIC WORKS**

Public Works Superintendent Opferbeck advised he is still working on the sewer violation corrections.

Public Works Superintendent Opferbeck requested a change of insurance brokers to Sheridan Benefits. The union members approved the change. It is still the 7100 plan.

Motion 47-15. Motion by Trustee Nephew, seconded by Trustee Sisti to change the insurance broker to Sheridan Benefits. Motion carried 4-0.

Public Works Superintendent Opferbeck advised that the BOA selection committee reviewed the proposals that were submitted and suggested going with C&S Companies. The Village is still waiting on approval from the State.

The Village was asked to participate in the North American Safe Boating Week campaign. Mayor McKeever read a proclamation:

“Recreational boating is fun and enjoyable, and we are fortunate that we have sufficient resources to accommodate the wide variety of pleasure boating demands. However, our waterways can become crowded at times and be a place of chaos and confusion. While being a marvelous source of recreation, boating, to the unprepared, can be a risky sport. Not knowing or obeying the Navigation Rules or the nautical “Rules of the Road”, drinking alcohol or taking drugs while operating a boat, or choosing not to wear your life jacket when doing so is clearly not the smart thing to do, are all examples of human error or a lack of proper judgment. One particular behavior that can reduce the number of boaters who lose their lives by drowning each year by approximately 80% is the wearing of a life jacket. It is a simple task that has the potential to reduce terrible loss in lives. Knowledge and skills are important in reducing human error and improving judgment. If people are aware of the risk, they are likely to take the precautionary measures to protect themselves and their friends and family. That is why we must continue to spread the messages of boating safety not only during National Safe Boating Week but also throughout the entire year.

**Whereas**, on average, 700 people die each year in boating-related accidents in the U.S.; approximately 70% of these are fatalities caused by drowning; and

**Whereas**, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

**Whereas**, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

**Whereas**, today’s life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today’s boating public.

**Therefore, I**, Heather McKeever, Mayor of the Village of Gowanda, do hereby support the goals of the North American Safe Boating Campaign and **proclaim May 16-22, 2015**, as National Safe Boating Week and the start of the year-round effort to promote safe boating.

**In Witness** Thereof, I urge all those who boat to “**Wear it.**” and practice safe boating habits.”



Motion 48-15. Motion by Trustee Sisti, seconded by Trustee Nephew to adopt the foregoing resolution for National Safe Boating Week. Motion carried 4-0.

Public Works Superintendent Opferbeck presented a contract with Cattaraugus County for leachate disposal. Village Attorney Chadsey indicated that if this is a temporary emergency action, the contract is okay but not for any long-term situation. This contract is so the Village can get paid for the 80 loads that were already dumped.

Motion 49-15. Motion by Trustee Sheibley, seconded by Trustee Sisti to approve the contract with Cattaraugus County for leachate disposal as a temporary emergency action. Motion carried 4-0.

There was discussion about the staffing requirements at the sewer plant. Public Works Superintendent Opferbeck indicated that he feels he can help out plus he hopes to have a summer employee shadow Sam. Mr. Opferbeck advised he has two summer employees but needs more. Village Clerk Mohawk asked if she should put an advertisement in the paper.

Village Clerk Mohawk advised that Highway Superintendent Denea questioned the timing of placing the benches and flower pots downtown. Trustee Nephew indicated it could be done any time. She advised that the Kiwanis Club donated \$500 to the Village for the flowers. Trustee Nephew indicated that the scrap recycling for beautification did not go as well as planned.

Trustee Sisti stated that the letter the Village received regarding water abatements should be acknowledged. Village Clerk Mohawk will get all the letters together for further discussion.

Mayor McKeever indicated she wants the Village Board to be ready to set a hearing at the June meeting for all the code revisions.

Public Works Superintendent Opferbeck and Treasurer Lauer will discuss the next round of Smart Growth funding.

Highway Superintendent Denea's request for payment of unused vacation time was again discussed. Public Works Superintendent Opferbeck agreed that it is very hard for Mr. Denea to use his time since he has so much. Mr. Opferbeck will meet with Mr. Denea to discuss this issue.

Public Works Superintendent Opferbeck reported on the road repair. Three roads were blacktopped and three were ground up and retopped. All the work was done in-house. Gernatt donated the paver.

Phil Palen asked if he could take tree trimmings to the Torrance Place site. Public Works Superintendent Opferbeck said at the present time that would be okay.

**ADMINISTRATION**

Village Clerk Mohawk presented an Event Application which was submitted for the Crouse 5K Challenge to be held on May 15<sup>th</sup>.

Motion 50-15. Motion by Trustee Nephew, seconded by Trustee Sheibley to approve the event application submitted for the Crouse 5K Challenge run. Motion carried 4-0.

Village Clerk Mohawk requested payment of her unused vacation time as it has been hard to use it. The Village Board agreed to allow her to carry the time over to next year.

Motion 51-15. Motion by Trustee Sisti, seconded by Trustee Nephew to allow Village Clerk Mohawk to carry over the extra week of vacation into 2015-2016. Motion carried 4-0.

Village Clerk Mohawk reported that she found in Cindy Schilling's office a proposal from Johnson Controls to move the thermostats in the Board room and Mayor McKeever's office out of the sunshine. Public Works Superintendent Opferbeck indicated he had problems with Johnson Controls. Village Attorney Chadsey will review the contract.

Village Clerk Mohawk requested clarification for the garbage regulations ad which must be given to the residents. It was decided that new stickers will be ordered and that the present stickers cannot be used after July 1<sup>st</sup>.

Mayor McKeever advised she is working on setting up a website workshop for some evening in the near future.

Village Clerk Mohawk reported that the check for recording the deed for 24 South Water Street, the old China King, has been sent so that matter should be closed soon.

Village Clerk Mohawk advised that the water quality report has been sent for publication and the tax bills will be going out on May 31<sup>st</sup>.

Village Clerk Mohawk presented a request from the Ladies Auxiliary of the American Legion for Poppy Day on May 22, 2015.

Motion 52-15. Motion by Trustee Sisti, seconded by Trustee Sheibley to approve American Legion Post #409 Ladies Auxiliary Poppy Day on May 22, 2015. Motion carried 4-0.

**ENVIRONMENT**

Phil Palen reported that on April 30<sup>th</sup> the Village planted 17 trees. They also straightened 2 more that the DEC planted. Mr. Palen estimates that 1,000 trees have been planted in 15 years.

Mr. Palen advised that he will solicit bids for stump grinding after the new fiscal year starts.

Andy Burr asked if there was any update from Savarino.

Motion 53-15. Motion by Trustee Nephew, seconded by Trustee Sisti to go into Executive Session for legal and personnel issues at 9:55 p.m. Motion carried 4-0.

Motion 54-15. Motion by Trustee Nephew, seconded by Trustee Sheibley to come out of Executive Session at 11:45 P.M. Motion carried 4-0.

Motion 55-15. Motion by Trustee Nephew, seconded by Trustee Sheibley to approve the Town of Collins Intermunicipal Water Agreement as presented. Public Works Superintendent Opferbeck will receive a \$5,000 stipend to oversee and manage the water system and hire Justin Wallschlaeger as part-time laborer at the Village laborer rate to assist, with a review in 6 months. Motion carried 4-0.

Motion 56-15. Motion by Trustee Sisti, seconded by Trustee Sheibley to adjourn the Village Board meeting at 11:46 p.m. Motion carried 4-0.

The next Village of Gowanda board meeting is June 9, 2015 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk  
Village Clerk