

**VILLAGE BOARD MEETING
OCTOBER 11, 2016 - REVISED**

The Village of Gowanda Board of Trustees meeting was called to order by Mayor Heather McKeever at 6:00 p.m. at the Municipal Hall. The pledge of allegiance was recited. Trustee Sheibley asked for a moment of silence for Julius Szymanski who was a 70 year firefighter and Paul Bowers who was a police officer, EMS, code enforcement officer for the Village and a firefighter. Mayor McKeever also asked for a moment of silence for Adam Raiport, one of the last few World War II veterans.

Present: Mayor Heather McKeever
Trustee Carol Sheibley
Trustee Pete Aaron Markham
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

Media Present: Phil Palen, Cable Channel 22
Andrew Kuczkowski, Observer
Rich Place, Gowanda Press

Public Present: Margaret Moritz, Mark and Karen Burr, Jack Broyles, Cattaraugus County Legislator Paula Stockman

Motion 136-16. Motion by Trustee Markham, seconded by Trustee Zimmermann to approve the minutes of the September 6, 2016 Village Board meeting as presented. Motion carried 4-0.

Motion 137-16. Motion by Trustee Sheibley, seconded by Trustee Markham to approve Abstract #011 dated October 11, 2016 on all funds as follows:

General Fund	\$93,025.72
Water Fund	14,986.69
Sewer Fund	74,194.12
Joint Activity	6.51
Total	182,213.04

Motion carried 4-0.

PROJECT UPDATES

Smart Growth Initiative – Village Engineer Burr advised the project is almost complete. There is plus/minus \$25,000 left for the Village to use for light poles, benches, chain, trash receptacles, etc.

The asset management grant is done. Public Works Superintendent Opferbeck advised the Village received \$5,000 for the asset inventory.

Flouride grant – Public Works Superintendent Opferbeck reported that the equipment will be put in next week.

BOA grant – Account Clerk Ellis advised she submitted the first claim. Mayor McKeever thanks Public Works Superintendent Opferbeck for the time he expended for in-kind services.

Mayor McKeever reported that Community Connections will have a meeting set up in November.

Public Works Superintendent Opferbeck reported that the Safe Routes to School project cleanup is being done. The topsoil and mulch was put on Allen Street today. On October 19, Healthy Community Alliance will meet on their portion of the grant. Some safety issues still need to be done and HCA will do most of that.

Public Works Superintendent Opferbeck advised that the Village received a grant of \$1500 to put toward the purchase of a new line striper for the crosswalks.

Mayor McKeever reported that the next Christmas in Gowanda meeting is set for October 18 at 6:00. She indicated that the Village is working with Phil Palen to update the World War II video.

TREASURER

Treasurer Adamchick reported the sewer fund is spending more than it is taking in. The water fund is doing very well. The reserves are as they have been. Treasurer Adamchick reported that the billing was just done for the water/sewer.

LEGAL

Village Attorney Chadsey reported that the Jamestown Street bar is now owned by the Village. The mortgage and deed were filed in Cattaraugus County. The Village Board asked the UDAG committee to draft an RFP for the purchase of the property. Village Attorney will prepare a draft for review which will ask for, among other things, the purchase price, the plans for use, the total cost they will be investing, a timeline for the project, and making sure it is consistent with the central business district use.

Mayor McKeever read a resolution regarding compliance with the State Environmental Quality Review Act for repairs to the village reservoir:

“WHEREAS, the Village of Gowanda (the “Village”) has been engaged in planning repairs to, and reconstruction of, the Village’s Point Peter Brook Reservoir (the “Project”) which was damaged by flooding; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law (“SEQR”) and its implementing regulations codified at 6 NYCRR §617 (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)(1) of the Regulations provides that actions involving the “maintenance or repair involving no substantial changes in an existing structure or facility” are “Type II” actions that do not have a significant impact on the environment and are not subject to further review under SEQR; and
WHEREAS, Part 617(c)(2) of the Regulations provides that actions involving 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 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 and the Village Public Works Superintendent have reviewed the Project and determined that it constitutes a Type II action, because it is the maintenance, repair and rehabilitation of an existing structure and does not exceed the thresholds contained in Part 617.4;
NOW, THEREFORE, BE IT:
RESOLVED, that pursuant to Part 617(c)(1) and Part 617(c)(2) 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’ and be it further
RESOLVED, that a copy of this Resolution be filed in the office of the Clerk of the Village of Gowanda.”

Motion 138-16. Motion by Trustee Markham, seconded by Trustee Sheibley to adopt the foregoing resolution as presented. Motion carried 4-0.

A bond resolution was presented authorizing the construction of improvements to the Point Peter reservoir system, stating the estimated maximum cost thereof is \$2,685,000, appropriating said amount for such purpose and authorizing the issuance of bonds in the principal amount of not to exceed \$2,685,000 to finance said appropriation.
“Section 1. The Village of Gowanda, in the Counties of Erie and Cattaraugus, New York (herein called the “Village”), is hereby authorized to construct improvements to the Point Peter Reservoir System. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,685,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds of the Village in the principal amount of not to exceed \$2,685,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is expected that Federal and/or State aid shall be received by the Village to pay all or part of the costs of the project described herein. Any aid or grant funds received from FEMA or from any other source are authorized to be used to pay all or part of the cost of the project described herein or to pay debt service on any bonds or notes issued pursuant to this resolution.

Section 2. Bonds of the Village in the principal amount of not to exceed \$2,685,000 are hereby authorized to be issued pursuant to the provisions of the local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

- (a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized, pursuant to subdivision 2 of Section 11.00 a. of the Law, is forty (40) years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years after the date of original issuance of said bonds or notes.
- (b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- (c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereto to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) Such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) The provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially

- complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) Such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in “*The Observer*”, a newspaper having a general circulation in the Village and hereby designated the official newspaper of said Village for such publication.”

Motion 139-16. Motion by Trustee Markham, seconded by Trustee Sheibley to adopt the foregoing resolution as presented. Motion carried 4-0.

Mayor McKeever indicated that work on the reservoir will begin tomorrow.

Motion 140-16. Motion by Trustee Markham, seconded by Trustee Sheibley to go into Executive Session at 6:45 p.m. to discuss litigation and contract matters. Motion carried 4-0.

Motion 141-16. Motion by Trustee Zimmermann, seconded by Trustee Markham to come out of Executive Session at 7:00 p.m. Motion carried 4-0.

Motion 142-16. Motion by Trustee Markham, seconded by Trustee Sheibley to open the public hearing at 7:00 p.m. for the CDBG project applications. Motion carried 4-0.

Mayor McKeever indicated the Village Board would hear suggestions and schedule a meeting for October 19, 2016 at 7:00 p.m. to rank them. Village Clerk Mohawk advised that Rural Transit always requests support for their application.

Mark Burr spoke on behalf of the Hollywood Theater. He indicated the theater board is restoring the lobby with the last CDBG grant that they received. The theater restoration is about 80% done. Mr. Burr indicated that a current application would work on restoring the marquee including lights, masonry, and fancy woodwork on the front. He presented a resolution:

“Resolution to support Gowanda’s Historic Hollywood Theater, Ltd. in their efforts to secure a 2017 CDBG grant in the amount of \$135,000 for a \$160,000 project. Funds would be used for façade restoration including the marquee and exterior brick and concrete repair.

Let it be further resolved that this project be ranked by the Village of Gowanda and that Mayor McKeever be authorized to submit an application and to execute a contract with the County if funds are awarded.”

Trustee Sheibley asked if water infrastructure projects could be included. The waterline replacement on High Street was bid as a contingent piece of the current waterline project. Village Engineer Burr stated the High Street project has been designed already at about \$55,000.

Motion 143-16. Motion by Trustee Sheibley, seconded by Trustee Markham to close the public hearing at 7:15 p.m. Motion carried 4-0.

DISASTER COORDINATOR

Mayor McKeever advised that the leadership role for the reservoir project is now Village Engineer Burr and the field person is Public Works Superintendent Opferbeck. Village Engineer Burr advised the Village has received the permit for the work upstream from the dam. There are still some DEC requirements regarding the dam. Issues around penetration of the concrete dam and safety need to be resolved. New classification assessments have certified it as Class A dam with alignment issues. There are also some special new standards on how to restore the stream. Village Engineer Burr also indicated there are some financial considerations. FEMA approval will be needed to these additional costs in order to receive 100% reimbursement.

Mayor McKeever advised that after the last meeting a discussion was held regarding hiring a different engineering firm to do this extra work involving the dam permit. A poll vote was taken and Bergman Associates was picked to do the work.

Motion 144-16. Motion by Trustee Markham, seconded by Trustee Zimmerman to accept the Bergman Associates proposal in a not to exceed amount of \$24,080, retroactive to August 30, 2016. Motion carried 4-0.

BUSINESS/BUILDING PERMITS

Mayor McKeever advised the Village Board spoke with Building Inspector Brecker during the work session and it was agreed to disapprove the business permit for small engine repair at 46 Perry Street.

Pursuant to previous correspondence from a landlord regarding time limits for lawn mowing violations, there was discussion about the time allowed, the time for mail delivery versus hand delivery and/or certified mail, and how many properties are involved and whether they are bank-owned or simply vacant.

Motion 145-16. Motion by Trustee Zimmermann, seconded by Trustee Sheibley to increase the lawn mowing violation notice to 5 days. Motion carried 4-0.

Motion 146-16. Motion by Trustee Zimmermann, seconded by Trustee Markham to approve the auto detailing business permit at 49 Allen Street submitted by Joseph Hendrix. Motion carried 4-0.

Motion 147-16. Motion by Trustee Markham, seconded by Trustee Zimmermann to allow the relocation of BSC Cuts to 4 East Main Street, with the stipulation of the backflow situation being corrected. Building Inspector Brecker will follow up with the owner.

Building Inspector Brecker will also follow up on a request to open an automotive repair shop at 271 Buffalo Street. The Village Board tabled any action of this permit.

POLICE

Village Clerk Mohawk read the September police report:

“Total calls for service – 283; domestics – 2; motor vehicle accidents – 6; arrests – 10; traffic summons issued – 25; and total patrol mileage – 3,303.”

JOINT ACTIVITY

Trustee Sheibley reported that the first ski signup will be held on Sunday, October 23, 2016 from 5:30 to 7:30 p.m. in the Board room.

FIRE

Fire Chief Hebner advised that the Halloween parade will be moved back to the downtown. It will begin at 5:30 behind the stores on North Water Street and proceed down West Main Street to Chang-Hu Park where the costume judging will take place. Trick-or-treat hours will be from 6:00 until 8:00. All festivities will take place on Monday, October 31st.

PUBLIC WORKS

Mayor McKeever advised that Public Works Superintendent Opferbeck and Account Clerk Ellis will be working on the sewer permit process.

Public Works Superintendent Opferbeck said the GARC request for the Palmer Street drainage will be addressed in the future. Account Clerk Ellis will respond to Erich Weyand with the plans.

Public Works Superintendent Opferbeck reported that the Environmental Facility Corporation has indicated our project is on the Intended Use Plan for financing this year and therefore eligible for low-cost financing.

Public Works Superintendent Opferbeck presented a list of equipment that he wanted to declare surplus and offer for sale. He indicated that on Auctions International, a topsoil shredder would go for \$9,900, steel stairs, \$64, an H-frame press, \$160, an unused chest freezer, \$28 and a 1975 dovetail trailer, \$2,650. The total potential receipt for these items is \$15,813.50.

Motion 148-16. Motion by Trustee Markham, seconded by Trustee Sheibley to declare the above-mentioned equipment as surplus. Motion carried 4-0.

Motion 149-16. Motion by Trustee Markham, seconded by Trustee Zimmermann to accept \$15,813.50 as the sale prices for the above-mentioned items as presented by Superintendent Opferbeck. Motion carried 4-0.

Public Works Superintendent Opferbeck reported that the bigger highway building is almost empty. Only the Hollywood Theater organ is still stored there. Mr. Opferbeck also reported that a time clock was installed at the public works office last week.

Public Works Superintendent Opferbeck reported that the meter replacement project has started in Collins. The contractors installed 10 meters in 2 days. They work 6 days a week and they are staying locally at the Palm Gardens Motel.

Trustee Sheibley and Public Works Superintendent Opferbeck met with some timber companies about lumber sales. WNY Timber seemed to have the best offer. They are requesting 10% of whatever the Village gets. It would take an 18-24 month period to get the timber out as it must be very dry in the summer or very cold in the winter. There are 92.5 acres around the reservoir that could be logged. Village Attorney Chadsey indicated it is not necessary to put out an RFP as this is a professional service. Mr. Opferbeck indicated the consultant would mark the timber and put out the RFP for the service and then make sure the work is done correctly. The other company, Forecon, is more of a timber management company with a 5 or 6 year plan and commitment. WNY Timber presented an hourly rate. The Village Board authorized Public Works Superintendent Opferbeck to pursue getting a contract to vote on at the next meeting.

Phil Palen asked where the proceeds from the sale of the timber would go. The tree reserve has been depleted. Mr. Palen also asked for a balance on the tree reserves.

Public Works Superintendent Opferbeck asked if the supervisor's contract is ready to be presented to the supervisors for negotiation.

Public Works Superintendent Opferbeck advised that the compressor at the sewer plant went bad. He indicated he received three prices: the lowest - \$14,499.08, the highest \$18,500. He stated the order price was \$18,125. Village Attorney Chadsey advised the Village can purchase this compressor under the emergency procurement. The funds will come from the sewer reserves. Trustee Zimmermann asked if there is some kind of maintenance plan for the equipment. Public Works Superintendent Opferbeck indicated a more formal maintenance schedule is being developed for the staff. Trustee Markham asked how long the lead time is for getting the part. Mr. Opferbeck indicated that buying the part directly from Nash Equipment Dealer saves about \$3,000.

Motion 150-16. Motion by Trustee Markham, seconded by Trustee Sheibley to accept the bid of \$14,499.08 from Nash Equipment Dealer for the AHF75 compressor as an emergency purchase. Motion carried 4-0.

Public Works Superintendent Opferbeck estimated that the savings in utility costs by locating all of the public works employees in one building is about \$20-30,000.

ADMINISTRATION

Mayor McKeever advised that she attended the last UDAG committee meeting and asked for a motion to authorize the committee to update the guidelines and bylaws in an effort to better serve the community

Motion 151-16. Motion by Trustee Zimmermann, seconded by Trustee Markham to authorize the UDAG committee to update the guidelines and bylaws in an effort to better serve the community. Motion carried 4-0.

Motion 152-16. Motion by Trustee Markham, seconded by Trustee Zimmermann to accept the appointment of Trustee Koch as liaison to the UDAG committee. Motion carrier 4-0.

Village Clerk Mohawk presented a water/sewer bill for Boat Anchor which has never been paid.

Motion 153-16. Motion by Trustee Sheibley, seconded by Trustee Markham to authorize Village Clerk Mohawk to write off \$503.09 as the unpaid amount of water/sewer for the Jamestown Street bar. Motion carried 4-0.

There was some discussion about the meter replacement project. Public Works Superintendent Opferbeck said the next water billing cycle may be entirely estimated. Account Clerk Ellis will talk with Christina from National Metering and Nick from Williamson to see how it will work.

Village Clerk Mohawk asked about the next Village Board meeting since it would fall on Election Day. The Village Board agreed to move the meeting to November 15th at 6:00.

ENVIRONMENT

Phil Palen advised that 14 or 15 trees have been ordered for the fall planting for \$1100. He indicated there are some bills pending for some tree removals. Public Works Superintendent Opferbeck stated he is attempting to get reimbursement for some of the tree removals due to the sidewalk project.

Motion 154-16. Motion by Trustee Markham, seconded by Trustee Sheibley to adjourn the Village Board meeting at 8:30 p.m. Motion carried 4-0.

The next Village of Gowanda board meeting is November 15, 2016 at 6:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk