

VILLAGE BOARD MEETING
APRIL 22, 2008

The Village of Gowanda Board of Trustees meeting was called to order by Mayor Richard Klancer at 7:00 pm. in the Board room, Municipal Building. The pledge of allegiance was recited.

Present: Mayor Richard Klancer
Trustee Barb Nephew
Trustee John Certis
Trustee Dale DeCarlo
Trustee Carol Sheibley

Village Employees: Treasurer Cindy Schilling, Village Clerk Kathy Mohawk, Public Works Superintendent Mike Hutchinson

Media Present: Mary Pankow, Gowanda Pennysaver
Phil Palen, Cable Channel 22
Tim Latshaw, Observer

Public Present: Jack Torrance

Trustee DeCarlo requested a moment of silence for the death of Jerry Hubbard.

Motion 16-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the minutes of the April 8 Village Board meeting and Organizational meeting as presented. Motion carried 5-0.

Motion 17-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the Annual Motions A-O as presented at the Organizational Meeting. Motion carried 5-0.

Jack Torrance presented the Planning Board report:

“On Monday, April 21, 2008, at the special meeting of the Planning Board, the primary focus was on completing the review of the proposed Academy Place Site Plan. At the Planning Board meeting, the checklist was used to review requests and responses. The Planning Board voted to recommend approval with conditions to the Village Board. Full approval by the Village Board should be dependent upon the satisfactory approval of SEQR-NEPO review, storm drainage permit and receipt of final approval documents from the Gowanda Fire Department.

It is again recommended that the Village Board be aware of the need for Site Plan approval of both Erie and Cattaraugus Counties. The Board should also decide upon whether to have a public hearing concerning the Site Plan.

It was reported that a letter was sent to the Persia Town Board concerning the town’s investigation into adult entertainment concerns and offering assistance since the Village already has investigated and enacted an adult business local law.

To date no comments have been received from the Village Board concerning the proposed revisions to the sections of the mater plan that were presented at the joint meeting and submitted to the Village Board for review. Village Board comments are need for the next Planning Board meeting.

The next meeting of the Planning Board is set for May 5, 2008 at 7:00 p.m. with the primary task of Academy Site Plan Review.”

Jack Torrance also requested that Randy Wing be reappointed to the Planning Board for a 5 year term and Carol Ognen be reappointed to the tree committee for a 5 year term.

Motion 18-08. Motion by Trustee Certis, seconded by Trustee Nephew to reappoint Randy Wing to the Planning Board for a 5 year term. Motion carried 5-0.

Motion 19-08. Motion by Trustee Nephew, seconded by Trustee Certis to reappoint Carol Ognen to the tree committee for a 5 year term. Motion carried 5-0.

Mr. Torrance also advised that one week from tomorrow will be tree planting.

Trustee Nephew indicated that the Planning Board revisions to the Master Plan have been reviewed by the Board members and she requested that the Board concur with those revisions. Trustee Certis agreed that the Planning Board did a lot of work and he didn't see any problem with them.

Motion 20-18. Motion by Trustee Nephew, seconded by Trustee Certis to approve the Planning Board revisions to the Master Plan as previously presented to the Village Board. Motion carried 5-0.

BUSINESS/BUILDING PERMITS

Village Clerk Mohawk presented the Animal Control report.

Village Clerk Mohawk brought up the old business of the Gowanda Lions Club chicken bar-be-que during Pioneer Days. The question was about the enclosed trailer being used to cook. Building Inspector Bowers was familiar with this trailer and advised that it was okay.

Motion 21-08. Motion by Trustee Nephew, seconded by Trustee DeCarlo to approve the business permit request for the Gowanda Lions for a chicken bar-be-que on Saturday, May 17, 2008. Motion carried 5-0.

Mayor Klancer asked about the request to publish the requirements for a building permit. Village Clerk Mohawk advised that Building Inspector Bowers wanted to advise residents what it is necessary to get a building permit for. Trustee Nephew advised that the article should also include the fine for building without a permit.

Motion 22-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to publish the requirements for a building permit including the fines for building without a permit. Motion carried 5-0.

Village Clerk Mohawk advised that Village Attorney Chadsey is working on the wording for a new section of the Municipal Code relative to flood damage prevention.

Village Clerk Mohawk advised that Building Inspector Bowers issued the Floodplain Permit for the Academy Place project.

Village Clerk Mohawk advised that letters are being sent for fire safety and property maintenance inspections again this year.

JOINT ACTIVITY

Trustee Sheibley reported that the next Recreation Commission meeting is April 30th.

Trustee Sheibley reported that Sunday for Earth Day, about 60-80 children and adults from St. Joseph's worked about 2 hours doing cleanup in the parks. Andy Carriero used the sewer truck to dump the leaves. It was a very successful project. Trustee Nephew was in Chang-Hu Park and was amazed at how much work was done in 2 hours time. She requested Village Clerk Mohawk send a letter to St. Joseph's Generations of Faith to the attention of Wilma Parry for the good job organizing this project.

Trustee Sheibley reported that she and Village Historian Phil Palen met about the time capsule for the wagon train. Some of the items they discussed including in the capsule are a Village map, the population of the Village, the seated officials, a 2008 Spirit of Gowanda flyer, historical society officers, Mrs. Perdue's 5th grade class 50-year projection, pictures, etc. Phil Palen advised that anyone who wants to leave a message to the people of the future can offer suggestions. Trustee Sheibley advised that she also passed this information along to the Chamber of Commerce.

Mayor Klancer advised there is a meeting on April 29th at 7:00 in the Randolph Municipal Building about the wagon train. He indicated that a representative from the Moose should be invited to attend.

Trustee Sheibley advised that she attended the Southtowns Community Coalition meeting. The purpose of the meeting is to promote economic development and tourism south of Hamburg. The entities involved are the Towns of Evans, Brant, Eden and North Collins and the Villages of Angola, Farnham and North Collins. Supervisor Ken Martin from the Town of Collins was also a guest. The next meeting is the second Friday in May. Trustee Sheibley advised that the Village has many events that could be included in their tourism program, including Pioneer Days, Harley Happening, the Amish route, etc. Trustee Nephew advised that she attended a meeting last evening with the Chamber regarding the Amish trails. The Village is at the very edge of that.

Trustee Sheibley requested a resolution regarding the Welcome to Gowanda signs. It is a requirement for the Village to receive the funding from Senator Dale Volker/Legislator John Mills' office. Mayor Klancer read the resolution:

“I, Richard L. Klancer, the duly elected and qualified Mayor of the Village of Gowanda and qualified for tax exempt status as a Municipality, do hereby certify that the following resolution was adopted at a meeting of the governing body held on April 22, 2008 and is incorporated in the original minutes of said meeting on file and of record, and that said resolution has not been altered, amended or revoked and is in full force and effect. RESOLVED, that Richard L. Klancer, as Mayor, Village of Gowanda, is hereby authorized to sign legal documents on behalf of the Village.”

Motion 23-08. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to authorize Mayor Klancer to sign the above resolution. Motion carried 5-0.

FIRE

Trustee DeCarlo reported there have been 46 calls to date.

Trustee DeCarlo advised that the fire department has agreed to wash the sidewalks.

Mayor Klancer read a letter from the Gowanda Fire Department regarding the new building:

“At the regular monthly meeting of the Gowanda Volunteer Fire Company, Inc. April 21st, 2008, the subject of the construction of the new fire hall was discussed at great lengths.

A motion was made and carried by a vote of 30-4 in favor of constructing the entire facility.

Another motion was made and carried to apply for a \$200,000 low interest loan from the Office of Fire Prevention and Control. The vote was 28-4 in favor of the loan.”

TREASURER

Treasurer Schilling mentioned that Village Clerk Mohawk is a member of the International Institute of Municipal Clerks. It should be noted all of the work that Village Clerk Mohawk does. Mayor Klancer read a Proclamation:

“Whereas, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, the Office of the Municipal Clerk is the oldest among public servants, and

Whereas, the Office of the Municipal Clerk provides the professional link between the citizens, local governing bodies and agencies of government at other levels, and

Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality rendering equal service to all.

Whereas, the Municipal Clerk serves as the information center on functions of local government and community,

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs,

seminars, workshops and the annual meetings of their state, province, country and international professional organizations.

Whereas, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk,

Now, Therefore, I, Richard L. Klancer, Mayor of the Village of Gowanda does recognize the week of May 4 through May 10, 2008 as Municipal Clerks Week, and further extends appreciation to our Municipal Clerk, Kathleen Mohawk, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the community they represent.”

Treasurer Schilling requested approval of the budget transfer which she presented.

Motion 24-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the budget transfers previously presented by Treasurer Schilling. Motion carried 5-0.

PUBLIC WORKS

Public Works Superintendent Hutchinson spoke about the unsafe sidewalk letters. He asked for suggestions on how better to address the program to the taxpayers. The streets being targeted are Johnson Street and Orchard Place. A notice will be put in the Pennysaver to advise residents about it. The cost varies from sidewalk to sidewalk depending on the cost of the concrete and the amount to be replaced. Some residents have already started the work after hearing about the program in the newspaper. Trustee Sheibley cautioned that the Board should be aware of taxpayers needs in this time of economic decline. Public Works Superintendent Hutchinson indicated that a description of the program, an application and how the reimbursement program works all go along with the letter. Trustee Nephew, Mayor Klancer and Trustee Certis advised that the residents should be given longer than 15 days to fix the sidewalk. Public Works Superintendent Hutchinson indicated that the correct letter states repairs must be made within 30 days. Village Attorney Chadsey advised that perhaps the Village could offer an option to allow extra time for those who face a hardship with fixing the sidewalk. Public Works Superintendent Hutchinson indicated that the local law cannot be enforced on a case-by-case basis.

Mayor Klancer asked about repairing the arches on Orchard Place. Public Works Superintendent Hutchinson advised that he received a quote for the repairs for \$4,750. The cost is \$2950 to repair the crumbled one, \$1950 to paint and repoint the other two for a total of \$4750. It is not a CHIPS-eligible item. Public Works Superintendent Hutchinson advised that it is necessary to repair the crumbled one. Mayor Klancer advised Mr. Hutchinson to get two more quotes.

Public Works Superintendent Hutchinson advised that the bids were opened for the timber award. The high bid was Adams Lumber Company, Inc. for \$65,621.00. Bob Jordan, the forester, rated them highly and recommended the award.

Motion 25-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to authorize Mayor Klancer to sign the timber contract. Motion carried 5-0.

Public Works Superintendent Hutchinson indicated that the forester gets 10% of the award. 50% will be paid to the Village at contract signing and the rest will be paid prior to starting work.

Public Works Superintendent Hutchinson presented a renewal of the SIU and VOC treatment agreement with the Gowanda Day Hab. It is the base rate plus 40% for administrative overhead. Village Attorney Chadsey already approved the contract.

Motion 26-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to authorize Mayor Klancer to sign the VOC treatment agreement with Gowanda Day Hab. Motion carried 5-0.

Public Works Superintendent Hutchinson presented three quotes for blacktop sealing of the driveway at the wastewater treatment plant. The low quote was from Olsen Sealing for \$5,040.

Motion 27-08. Motion by Trustee DeCarlo, seconded by Trustee Nephew to award the blacktop sealing to Olsen Sealing for \$5,040. Motion carried 5-0.

Public Works Superintendent Hutchinson reported that the highway work permits for road closings for Pioneer Days and Harley Happening have been received.

Public Works Superintendent Hutchinson indicated that the DOT will now do a study after the Village request for crosswalks.

Village Attorney Chadsey advised that she has reviewed the sample low for flood damage prevention and will have the information ready for the next meeting in two weeks.

Public Works Superintendent Hutchinson reported on the Chamber request for watering the planters in the downtown area. He requested a resolution to authorize public works crews to water them.

Motion 28-08. Motion by Trustee Nephew, seconded by Trustee DeCarlo to authorize public works crews to water the planters in the downtown area. Motion carried 5-0.

Public Works Superintendent Hutchinson advised that the Village would hold off putting the rest of the planters and the trash receptacles out until the street is swept and washed.

Trustee DeCarlo asked if a resident voluntarily picked up trash is there some way they could get rid of it without being charged for stickers. Public Works Superintendent Hutchinson advised that if this is done, contact the Public Works Department and they will take it up to the highway barn and dispose of the trash. He also commented on

people bringing trash into town from outside and dumping it. The Village taxpayers pay a fair amount on their taxes for this service. Mayor Klancer advised that the Village should attempt to enforce this against out-of-town persons who dump. He also stated that if a resident allows this to happen, they will suffer the consequences of the enforcement.

Village Clerk Mohawk advised that advertisements are running for help for summer help.

Village Clerk Mohawk reminded the Board about the water hearing scheduled for Tuesday, April 29th, at 1:00 for the delinquent water customer.

ADMINISTRATION

Village Clerk Mohawk reported that the insurance certificate for Pioneer Days arrived listing the Village of Gowanda as an additional insured.

Motion 29-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the event application for the Pioneer Days Festival from May 15-18, 2008. Motion carried 5-0.

Village Clerk Mohawk read a letter from Gowanda Central School:

“I trust the winter months have been kind to you and that your spring outlook is positive. No doubt you share the opinion that warmer weather will be a welcome change.

With the arrival of spring also comes the season for public referenda. On May 20th the Gowanda Board of Education will place a 2008-2009 budget before the public. For this reason, I am writing to let you know that I am available to speak to your group about the plans that affect everyone in the Gowanda School District.

I would be both pleased and honored to address your group anytime between now and May 19th.”

Village Clerk Mohawk will ask Superintendent Rinaldi to come to the next meeting on May 13th.

Village Clerk Mohawk reported on the 2008 spring rabies clinic for dogs, cats and ferrets. It is sponsored by the Cattaraugus County Health Department on Saturday, May 10th, at the D.P.W. garage on Route 242 from 9:00 a.m. until noon. There is no charge, but donations are accepted to help defray costs. Rabies vaccinations are required for all cats, dogs and domesticated ferrets by four months of age.

Village Clerk Mohawk reported that the 2010 census information was returned to the Census Bureau for the first round of review.

Village Clerk Mohawk read a letter from the County of Erie:

“This letter pertains to the 2003 Local Cooperation Agreement between the Village of Gowanda and Erie County relative to the Erie County Community Development Block Grant Consortium.

Please be aware that, by its terms, the Agreement will be renewed for an additional three years (2009 through 2011) unless the Municipality provides a written notification to my attention indicating its desire to terminate the Agreement. Such action would remove the Municipality from Consortium membership and thus from eligibility for receiving Federal Community Development Block Grant funds under the Consortium's Entitlement Program for the 2009 through 2011 program years. The Municipality would also be unable to access funds through the federal HOME Investment Partnership program for the same period.

The 2003 Agreement will be automatically renewed for the three-year period unless we receive a written termination notice from your Municipality.”

The Village does not wish to terminate the agreement with the consortium.

Village Clerk Mohawk reported on an Earth Day – Recycling Day for computers and Avenue.

Village Clerk Mohawk reported that the Village Board room will be used Thursday afternoon for recruiting by Adecco. She also reported that last night the first meeting of the TOPS chapter in Gowanda was held at 5:30.

Village Clerk Mohawk read a letter from Rural Transit Services:

“As many of you are already aware Rural Transit Service has been interested in applying to the New Freedom grant for funds for Wheelchair clients. Erie County Senior Services has stepped forward to be the applicant for the grant and the service provider through the Center for Transportation Excellence.

We would greatly appreciate a letter of support from you.”

Village Clerk Mohawk advised that she spoke with Rural Transit Service today to make sure the residents of the Village are covered by the service. The residents are, but the wheelchair van has broken down and it is too costly to repair. The one they had was not able to serve the needs of the residents in the southtowns which is the reason they are securing funds for another one.

Motion 30-08. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to send a letter of support for Rural Transit Services New Freedom grant application. Motion carried 5-0.

Village Clerk Mohawk advised that she received a telephone call from a woman whose daughter needs to do 40 hours of community service. The Village Board suggested she could clean the village hall. Public Works Superintendent Hutchinson asked how old she is, who will be supervising her, what hours she can work, etc. Village Attorney Chadsey indicated there might be some liability issues involved in which case it might be better to have the daughter outside picking up trash. Village Clerk Mohawk will follow up to determine the specifics.

ENVIRONMENT

Trustee Nephew thanked St. Joseph's Generations for Faith and all the work that was done cleaning up in the parks.

Trustee Nephew advised that last night she went to the meeting on the Amish Trails committee sponsored by the Cattaraugus County Department of Planning and Tourism. The committee hopes to set up a website promoting Amish businesses.

Trustee Nephew advised that tree planting will be next Wednesday, April 30th. Volunteers will meet at 8:00 at the wastewater treatment plant. They will plant 25 trees 4 at the school.

Trustee Nephew advised that Arbor Day is the last Friday of the month. She read the Arbor Day Proclamation which is necessary for the Tree City USA designation: "Whereas, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and
Whereas, Arbor Day is now observed throughout the nation and the world, and
Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and
Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and
Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and
Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal,
NOW, THEREFORE, I, Richard Klancer, Mayor of the Village of Gowanda, do hereby proclaim April 25, 2008 as Arbor Day in the Village of Gowanda and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and
Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Trustee Nephew reported there was damage to some of the benches in Chang-Hu Park. The legs were broken. Public Works Superintendent Hutchinson advised that new legs can be ordered. Mr. Hutchinson asked where the bench in memory of Elizabeth Hunt should be placed. Trustee Nephew indicated the spot was marked. There was some discussion about the type of benches and perhaps a different type should be picked since they are fairly susceptible to breakage.

Mayor Klancer reported that the Village received a proposed agreement for the Peter Cooper landfill site. It has been reviewed and appears to be acceptable but a final draft is necessary. Public Works Superintendent Hutchinson has raised an issue that needs to be addressed with the PRP group. The board will set a special meeting if necessary to approve the agreement contingent upon all the exhibits being in approved form. Village

Attorney Chadsey requested any public discussion. The agreement has been discussed many times. What the PRP and the EPA want to hear is that everyone has worked through their issues. Trustee Certis indicated that all his questions have been answered through the many work sessions that were held. Public Works Superintendent Hutchinson indicated the issue is how to apply the value of the enhancements that the PRP is giving the Village so that the funds can be optimized with grant money. Public Works Superintendent Hutchinson commended the Village Board and prior Boards for taking such an aggressive approach for pursuing this project. Village Attorney Chadsey advised that the PRPs and the EPA want to go away from this meeting with a sense that once this procedural issue is resolved, the project is a go. All Board members appeared to be in agreement.

Mayor Klancer set a special meeting for April 29th at 6:00 p.m. for work on the budget.

Motion 31-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to go into Executive Session at 8:20 p.m. Motion carried 5-0.

Motion 32-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to come out of Executive Session at 8:30 p.m. Motion carried 5-0.

Motion 33-08. Motion by Trustee Nephew, seconded by Trustee Sheibley to adjourn the Executive Session at 8:45 p.m. Motion carried 5-0.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk