

**VILLAGE BOARD MEETING
AUGUST 14, 2007**

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

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

Village Employees: Village Clerk Kathy Mohawk, Public Works Superintendent Mike Hutchinson, Treasurer Cindy Schilling, Officer-in-Charge Joe Alessi

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

Public: Jack Torrance, Rob Gaylord, Sharon Mathe, Healthy Community Alliance

Motion 97-07. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the minutes of the July 10, 2007 Village Board meeting as presented. Motion carried 5-0.

Motion 98-07. Motion by Trustee DeCarlo, seconded by Trustee Nephew to approve Abstract #3 dated August 14, 2007 on all funds as corrected by Treasurer Schilling due to a coding error:

General Fund	\$62,294.94
Water Fund	\$ 9,592.69
Sewer Fund	\$ 28,013.55
Joint Activity	\$ 249.75
Total	\$100,150.93

Motion carried 5-0.

Trustee DeCarlo asked Treasurer Schilling about Village employees okaying expenses for themselves. Treasurer Schilling indicated that should not be allowed.

PUBLIC PARTICIPATION

Sharon Mathe was present on behalf of Healthy Community Alliance. She reported that the Healthy Community Alliance has been approved for \$7 million by the Division of Housing of the State of New York. Added to the \$2.5 million HUD funding, the Academy Place project is a reality. She indicated that another application for \$2.5 million of funding from RestoreNY will be submitted by September 28th. It will be

necessary to hold a public hearing regarding the funding and what the Village intends to do with it. Proof of the publication of the Notice of Public Hearing must accompany the application along with a Property Assessment List. This list must be published in a newspaper for three consecutive days and evidence of this publication must also be included in the application. Ms. Mathe presented the Letter of Intent and Affidavit to the Mayor for his signature. This letter of intent is due by August 20th. She indicated that the application for funding is for the commercial portion of the project including renovation for the Adult/Child Daycare Center, the DDSO leased area and other first floor leased space, including congregate dining. The Western New York DDSO indicated they are interested in retaining 7,500 square feet for their vending and retirement programs. Including the space for Healthy Community Alliance, the entire first floor is filled. Public Works Superintendent Hutchinson commended all parties who were responsible for getting this project off the ground. Rob Gaylord echoed the sentiments, praising Ms. Mathe and her office for continuing to push this project. Ms. Mathe recognized Pat Kota, her predecessor, for beginning the project and the push. Mr. Gaylord and Public Works Superintendent Hutchinson both agreed that the project may have not gotten started without Ms. Kota's leadership and vision.

Motion 99-07. Motion by Trustee Certis, seconded by Trustee Nephew to hold a public hearing to discuss the Restore NY application for September 11, 2007 at 8:00 p.m. Motion carried 5-0.

Rob Gaylord asked the media to use some discretion with reporting this. Several of the local elected officials were important in securing funding for this project, including the Governor's office, Senator Clinton, Cathy Young, Joe Giglio, Senator Dale Volker. All will be offering their own press releases. Ms. Mathe indicated that Senator Clinton was very helpful in securing HUD 202 funding. It is unusual to get funded on the first round.

Jack Torrance reported that a workshop on tourism will be held on September 25th from 6:00 – 9:00 p.m. at the Gowanda Moose Club. It will be sponsored by the Cattaraugus County Department of Economic Development, Planning and Tourism in conjunction with the Chamber of Commerce.

Jack Torrance reported on the Planning Board meeting of August 6th. The major project was to review the plans submitted by the architects for Academy Place. He reported on several letters which were prepared after review of the plans. The first is a letter to the Village Board indicating that a Special Use Permit is not the way to go but rather a variance should be sought. Mr. Torrance indicated that sections of the code specify what kinds of uses are permitted in each special zoning area and what kinds of special uses are permitted. He indicated that the Village Board needs to address this issue with the Zoning Board. Mr. Torrance advised that the second letter to the Village Board addresses the ownership issues regarding the parking lot and the creek walk along Cattaraugus Creek. Public Works Superintendent Hutchinson indicated he would like to meet with the Board to present a possible solution to the parking lot issue. Mr. Torrance also said that other things such as lighting, curbing, fencing, etc. need to be resolved. Mr. Torrance indicated that a letter was sent to the architect addressing all of these questions

as well. The last letter is one to Public Works Superintendent Hutchinson regarding what impact the water/sewer will have on the project and drainage issues. Mr. Torrance reminded the Village Board of the notice from the DEC regarding new sewer hookups in a flood plain. Does that also apply to a new use of an existing building?

Mr. Torrance advised that the next Planning Board meeting is September 4th. Chris Crawford from Cattaraugus County will be present with more analysis of the survey data. At that time, the Planning Board will prepare another article for the paper.

Mr. Torrance asked about the status of the animal control law. He also indicated that the Special User Permit/Variance form was presented for Village Board review.

Mr. Torrance advised that all of the Planning Board members have met the training requirements for this year.

Trustee Certis spoke on the Application for Special Use/Variance Permit. It was discussed at the last meeting and he questioned if the Village Board could approve it. Everyone should have had a change to review the form.

Motion 100-07. Motion by Trustee Nephew, seconded by Trustee DeCarlo to approve the Application for Special Use/Variance form as presented by the Planning Board. Motion carried 5-0.

The Sample Site Development Plan Review Checklist will be discussed and reviewed for the next Village Board meeting.

BUSINESS/BUILDING PERMITS

Village Clerk Mohawk reported on the Business Permit submitted by Dr. George Lisjak. Building Inspector Bowers performed the fire safety inspection.

Motion 101-07. Motion by Trustee DeCarlo, seconded by Trustee Nephew to approve the Business Permit submitted by Dr. George Lisjak for chiropractic services at 15 South Water Street. Motion carried 5-0.

Village Clerk Mohawk reported that Building Inspector Bowers inspected an electric service upgrade at the Hollywood Theater. The electrical work cost about \$30,000. The Hollywood Theater requested a waiver of the inspection fee.

Motion 102-07. Motion by Trustee DeCarlo, seconded by Trustee Nephew to waive the \$35 permit fee for the Hollywood Theater. Motion carried 5-0.

Trustee Sheibley stated that she was asked by a resident about the Dog Control code, 54.34, regarding dogs defecating on public and private property. She advised there is such a law on the books. She presented a copy of the law for publication in the Pennysaver.

Village Clerk Mohawk mentioned the garbage rules and regulations. She suggested putting a reminder in the Pennysaver about people who put their garbage out on the wrong day, people who put no stickers on the bags, people who move out in the middle of the night. She reminded residents that trash is large items, not garbage in a bag that you don't feel like putting a sticker on. Village Clerk Mohawk stated that if the garbage is picked up with no stickers, the homeowner will ultimately be responsible for paying the fees.

Trustee Nephew asked about the hardship on businesses that the Monday pickup has created. Village Clerk Mohawk reported that she spoke with Penhollow Disposal and they indicated they are through the downtown district many times and will pick up the business garbage whenever it is put out. She also indicated that some of the elderly residents need to have help getting their trash items hauled to the curb and they need to take advantage of their helper when they can. This does not always coincide with the correct day for putting trash out.

Village Clerk Mohawk reported that the Animal Control report had been submitted by Animal Control Officer Dankert.

POLICE

Officer-in- Charge Alessi gave the July 2007 police report:

“167 reportable calls; 35 arrests; 32 traffic tickets issued; 9 violent domestics; 4 motor vehicle accidents.

Requesting the hiring of Tim Braughler for patrolman. Tim lives in Derby and is a part-time officer for the Village of Angola and works full-time in Gowanda Corrections as a substance abuse counselor. Tim holds a 2-year Criminal Justice degree from Hilbert College and a 4-year human service degree from Empire State College. Tim would be available to work weekends during the midnight shifts.”

Motion 103-07. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the hiring of Tim Braughler for patrolman on the recommendation of Officer-in-Charge Alessi. Motion carried 5-0.

Officer-in-Charge Alessi reported:

“Our patrol car was equipped with a new Panasonic Toughbook computer from Erie County Central Police 2 weeks ago thanks to the efforts of Erie County Legislator John Mills and Janet Vogtli. We are in line to receive one more at this time. The computer cost \$4000 and this was a grant from Homeland Security.

This past month, we had 4 officers get hurt after being assaulted by individuals after a domestic situation where pepper spray was ineffective. I am requesting permission to explore carrying tasers on duty. “

Mayor Klancer asked if there is a written procedure for using tasers. Officer-in-Charge Alessi indicated there is. Officer-in-Charge Alessi indicated tasers cost about \$400 each.

Officer-in-Charge Alessi advised that he added two extra D-lines during the summer. He also advised that a new prisoner bench was installed in the lockup.

“Our 5th annual car show on July 14th was deemed a success with 90 cars in attendance. We would like to thank a lot of people for this event, but one person I have to thank is Patricia Brown from Walnut Street who donated a check for \$150.00 toward a new dog kennel that was fabricated by Village Mechanic Bob Willett.”

Officer-in-Charge Alessi stated that he would like to check into getting a video system in the lockup.

Village Clerk Mohawk requested authorization for the Mayor to sign the 2006-2007 STOP-DWI contract with Erie County.

Motion 104-07. Motion by Trustee Nephew, seconded by Trustee Sheibley to authorize Mayor Klancer to sign the 2006-2007 STOP-DWI contract with Erie County. Motion carried 5-0.

JOINT ACTIVITY

Trustee Sheibley requested permission to hire Roy Hendrix for the Monday evening soccer program which funds for 6 weeks beginning on September 10th.

Motion 105-07. Motion by Trustee Nephew, seconded by Trustee Certis to hire Roy Hendrix to run the Monday evening soccer program. Motion carried 5-0.

Trustee Sheibley requested that snow fence and dirt fill in the holes at the soccer field be approved. The purpose is to keep cars from driving on the field. Public Works Superintendent Hutchinson indicated there is some wooden snow fence at highway and the firemen have orange fencing. Trustee DeCarlo indicated he would speak with Fire Company President Nick Crassi about using the fencing. Public Works Superintendent Hutchinson indicated it was about 200-300 feet.

Treasurer Schilling advised that \$2,250 in recreation signups which was comparable to last year.

FIRE

Trustee DeCarlo advised the fire department has had 111 calls so far this year.

Trustee DeCarlo reported on the Fire Department parades and awards:
Chaffee – Sardinia – 4th place \$100.00

Little Valley Fair –	Best fire department 2 nd place
	Best color guard 4 th place
	Most men in line 3 rd place
	Best Cadence 1 st place
Lake Erie Beach	Cadence 2 nd place \$100.00
Hamburg Fair	Cadence 1 st place \$100.00

Silver Creek and the Salamanca Festival are still coming up.

TREASURER

Treasurer Schilling asked the Village Board to accept the resignation of Michele Dean as of August 1st. She and Public Works Superintendent Hutchinson have made a recommendation to the Mayor regarding a replacement.

Motion 106-07. Motion by Trustee Nephew, seconded by Trustee DeCarlo to accept the resignation of Michele Dean effective August 1st. Motion carried 5-0.

Treasurer Schilling requested approval to attend the NYCOM Fall Training School in Saratoga from September 17-20. She and Village Attorney Chadsey will room together.

Motion 107-07. Motion by Trustee Certis, seconded by Trustee Nephew to authorize Treasurer Schilling to attend the NYCOM Fall Training School in Saratoga from September 17-20. Motion carried 5-0.

Treasurer Schilling presented final budget transfers to balance out the budget lines from the last fiscal year. Trustee Sheibley asked if they should have been done prior to the audit. Treasurer Schilling indicated that she did them during the year but then found more when the audit was done. Trustee Sheibley indicated that most of the expenses were taken out of the Court lines. There was no revenue so how could they come out of the expenditures? Treasurer Schilling stated that some of the lines are way over; some are under.

Motion 108-07. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve and final budget transfers as presented by Treasurer Schilling. Motion carried 5-0.

Treasurer Schilling requested authorization to transfer funds from the sewer treatment plant reserve in the amount of \$61,050.

Motion 109-07. Motion by Trustee Certis, seconded by Trustee Nephew to authorize the transfer of \$61,050 from the sewer treatment plant reserve to sewer expenditures. Motion carried 5-0.

Treasurer Schilling advised that the Village received the final payment from the NYS Department of Parks, Recreation and Historic Preservation for the St. John's Park playground structure.

Treasurer Schilling advised the Village received grant monies from the Department of Justice in the amount of \$20,000 for the purchase of the new canine vehicle. Congratulations to Chief Joe Alessi for going after this funding which represents a nice savings to the Village.

Treasurer Schilling congratulated Village Clerk Mohawk on the completion of the second of three steps in her Certified Municipal Clerk certification.

Treasurer Schilling thanked the office staff and Public Works Superintendent Hutchinson for their eager assistance during our annual audit. Their quick response to any questions the auditors have helped make the audit quick and extremely efficient.

Treasurer Schilling asked the Village Board to consider the mileage reimbursement rate which is presently \$.27 per mile. It is extremely low especially with the price of gas being what it is. Perhaps this issue should be reviewed by the Board.

Public Works Superintendent Hutchinson thanked Treasurer Schilling for finishing up the parks grant.

PUBLIC WORKS

Public Works Superintendent Hutchinson indicated that the tree trimming bids may be more expensive than what the Village has budgeted. Mr. Torrance stated that the tree maintenance is going to be an ongoing process and more money may need to be budgeted for this in the future.

Public Works Superintendent Hutchinson reported that the summer help will be done soon. There is some funding left and he requested keeping Aaron Peterson on until the end of September.

Motion 110-07. Motion by Trustee Certis, seconded by Trustee Nephew to continue the part-time employment of Aaron Peterson until the end of September. Motion carried 5-0.

Public Works Superintendent Hutchinson requested authorization to dispose of some old equipment: a 1991 Ford plow truck and a sewer cleaner.

Motion 111-07. Motion by Trustee Certis, seconded by Trustee Nephew to declare the 1991 Ford plow truck surplus and offer it for bid. Motion carried 5-0.

Motion 112-07. Motion by Trustee Certis, seconded by Trustee Nephew to declare the old sewer cleaner surplus and offer it for bid. Motion carried 5-0.

Mayor Klancer asked Public Works Superintendent Hutchinson if Village Attorney Chadsey is available for the special meeting next Tuesday, August 21st, to discuss the

Peter Cooper site and the Gowanda Electronics contracts and was advised that she would be.

Public Works Superintendent Hutchinson requested authorization for go out for bid for the Treatment Plant and Point Peter Emergency Generators on August 28th, open bids on September 21st and award the bid on September 25th. Village Clerk Mohawk reminded the Board members of the meeting scheduled for September 25th on Cattaraugus County Tourism.

Motion 113-07. Motion by Trustee Certis, seconded by Trustee DeCarlo to go out for bids on August 28th, open the bids on September 21st and award the bids on October 9th. Motion carried 5-0.

Public Works Superintendent Hutchinson reported that FEMA approved the letter of intent for the flood warning system project.

Motion 114-07. Motion by Trustee Nephew, seconded by Trustee DeCarlo to authorize Village Engineer Mark Burr to submit the paperwork for this project. Motion carried 5-0.

Public Works Superintendent Hutchinson presented information to the Village Board regarding the HubZone program. It allows low income communities to get preferential treatment when bidding on federal contracts.

Public Works Superintendent Hutchinson indicated that the dredging permit for Chapel Street is in the County hands. The Village has received the permit for Thatcher Brook dredging. Trustee DeCarlo asked about whether the sand bar along the trestle could be dug out. Public Works Superintendent Hutchinson indicated he would contact Soil Conservation to express the Village concerns.

Public Works Superintendent Hutchinson indicated the Village received letters from Erie County indicating we were not approved for either of the projects we submitted to the CDBG program. However, Erie County expressed interest in the South Water Street project and wished to discuss it for possible 2008 funding.

Public Works Superintendent Hutchinson requested Board approval to modify the sidewalk reimbursement program to include 100% reimbursement for any damage which is done to the sidewalk because of Village trees.

Motion 115-07. Motion by Trustee Nephew, seconded by Trustee DeCarlo to modify the sidewalk reimbursement program to include 100% reimbursement for any damage which is done to the sidewalk because of Village trees. Motion carried 5-0.

Trustee DeCarlo thanked Don Orth for all the painting he did on the windows and doors of the Municipal Hall. Trustee DeCarlo advised that he and Public Works Superintendent Hutchinson will prepare a 5-year plan for Village hall improvements.

ADMINISTRATION

Village Clerk Mohawk reported on the 2010 Census. She advised that the topic was covered last year at the Clerk's Institute at Cornell. It is important to get as accurate a count as possible. The Village has an election form to return. The Village must also appoint a LUCA representative. Option 1 lists all of the properties and the Village can update them. Option 2 presents a list of the properties but there is no chance to change them. Both of these options require that the Village sign a Confidentiality Agreement. Option 3 allows the Village to submit their own list of properties. Mayor Klancer asked if there is anything written which further explains the options. Trustee Certis asked if Village Clerk Mohawk had a preference. Village Clerk Mohawk indicated she would prefer Option 1 since it appears to be the best option since it allows changes and updates. She indicated that the water/sewer system is a good place to start since it indicates how many meters are in each property unit. Treasurer Schilling advised that Assessor Stark and Village Clerk Mohawk, and perhaps Building Inspector Bowers would be the best people to review the listings.

Village Clerk Mohawk advised another rabies clinic has been scheduled for cats, dogs and ferrets for Tuesday, September 11th, in Markhams, Thursday, September 13th, in Allegany and Tuesday, September 18th, in Franklinville. All will be held at the D.P.W. garages and run from 4:30 – 7:30 p.m. There is no charge but donations are gratefully accepted.

Village Clerk Mohawk requested authorization to attend a Basic Microsoft Access class in Batavia on October 22nd for \$75.

Motion 116-07. Motion by Trustee DeCarlo, seconded by Trustee Nephew to approve Village Clerk Mohawk's request to attend Basic Microsoft Access training in Batavia on October 22nd for \$75. Motion carried 5-0.

Village Clerk Mohawk reported on her attendance at the Municipal Clerk's Institute training at Cornell. She advised that it is intense; classes run from 8:00 a.m. until 5:00 p.m. with an hour break for lunch. This year the topics included Governmental Relationships, combining services. The closer level of government the better service the residents feel they are getting. There was a class on writing. There was a class on motivation, what motivates you and how to motivate those who work for you. There was a word processing class which provided helpful information. The class on Community Project Development and Management involved what to look for when requesting the services of a subcontractor and what types of projects lend themselves to subcontracting services. There was training on public meetings, how to involve the public, making sure the public really has input. Village Clerk Mohawk thanked the Village Board for allowing her the opportunity to attend.

Village Clerk Mohawk reminded everyone of the American Red Cross and Gowanda American Legion Blood Drive scheduled for Thursday, August 29th from 12:00 p.m. until 6:00 p.m.

Village Clerk Mohawk read a letter from the Gowanda Central School District:
“The Board of Education of the Gowanda Central School District cordially invites you to the Hillis Field Rededication Ceremony Friday, September 7, 2007. The dedication ceremony begins at approximately 6:30 PM followed by the first varsity football game played in the renovated facility.”

Village Clerk Mohawk reported on funds received: \$52.20 from the vending machine at St. John’s Park, \$4,850.00 as final payment for the park project, \$42,337.96 from Cattaraugus County for 2nd quarter sales tax distribution; \$1.64 from Trinsic Communications for gross receipts tax; \$2,38 from Trinsic Communications for gross receipts tax; \$1,220.74 from Erie County for final closeout on Creekside project; \$75.00 from Town of Persia for court fines; \$25.00 from the Town of Persia for court fines; and \$150.00 from the Town of Collins for court fines.

ENVIRONMENT

Trustee Nephew reported that she attended the ReLeaf NY conference in Saratoga from July 20-22, 2007. She was interested in the municipal tree care. She reported on a session regarding the October snow storm which caused as much damage as it did in Erie County. Another session was on invasive species such as the Emerald Ash Bore. These insects are making great inroads in the northeast. Trustee Nephew and Jack Torrance stressed the importance of not transporting fire wood because of the invasive nature of this insect. Mr. Torrance indicated that the Village has not planted any more ash trees to avoid this problem.

Trustee Nephew thanked Gary Patterson from Garden Gate Nursery for his volunteer efforts at Chang-Hu Park clearing the weeds from around the trees and the fences.

Trustee Nephew urged the Board members to decide how they wish to handle the river walk along with the Academy Place project.

Phil Palen thanked the Public Works Department for getting rid of the weeds in the downtown areas. Jack Torrance thanked Phil Palen for tree trimming in the downtown area.

Motion 117-07. Motion by Trustee Certis, seconded by Trustee DeCarlo to go into Executive Session at 8:50 p.m. Motion carried 5-0.

Motion 118-07. Motion by Trustee Nephew, seconded by Trustee Sheibley to come out of Executive session at 9:01 p.m. Motion carried 5-0.

Motion 119-07. Motion by Trustee Certis, seconded by Trustee DeCarlo to adjourn the Village Board meeting at 9:01 p.m. Motion carried 5-0.

The next Village of Gowanda Board meeting is September 11, 2007.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk