

**VILLAGE BOARD MEETING  
JUNE 10, 2008**

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 Barb Nephew  
Trustee Dale DeCarlo  
Trustee Carol Sheibley  
Trustee John Certis

Village Employees: Village Clerk Kathy Mohawk, Village Attorney Deb Chadsey,  
Treasurer Cindy Schilling

Media Present: Mary Pankow, Gowanda Pennysaver (arrived at 7:30 p.m.)  
Phil Palen, Cable Channel 22  
Tim Latshaw, Observer

Public: Officer Jen Alessi, Martin Hastie, Indigo Vantino, Cody Redford, Tim Isles, James Meehan, Dillon Meehan, Vince Capozzi, Cody Williams, Anthony Kennedy, Jonathan Rosen, Autumn McFree, Marya Hoffman, Faith Hoffman, Nate Williams, Arthur Isles, Jovannikli Mowics, Trevor Taber, Marcus Hoffman, Justin Hilliker, Clifford Decamp, Morgan Valone, Kristy Ellison, Brandi Banks, Walker Cygan, Cameron North, Eric Hall, Randy Ortego, Matt Grill, Dominic Capozzi

The first item mentioned is that the Village Board and Village Attorney Chadsey will hold a special meeting on Wednesday, June 18<sup>th</sup>, at 5:30 p.m. regarding the Peter Cooper site. The attorneys for the EPA, the DOJ and the Wilhelms will all be present at that time to finalize the project.

The board room was full of children and adults to discuss skateboarding. Officer Jen Alessi spoke on their behalf. She indicated that the children have no place to skate. The business district is frustrated with the skateboarders being downtown. Officer Alessi presented a petition to Mayor Klancer with 125 signatures on it. The young people are willing to work with the Village to do whatever it takes to get a skateboard park in the Village. She presented information on current skateboard parks and indicated that some of the children frequent Extreme Wheels in Buffalo. Officer Alessi indicated that Tony Hawk offers \$25,000 grants to low-income communities for skateboard parks. She indicated that the children are using the old Mobil station at the present time. They have been responsible for keeping it clean and setting up and taking down their props. Officer Alessi indicated there will be a skateboard competition in conjunction with the upcoming bike rodeo.

Trustee DeCarlo advised that this subject was brought before the Board a couple of years ago. They checked into prices at that time. The question of insurance was also brought up at that time.

Officer Alessi advised that some of the parks the children frequent make them sign a waiver for liability. Some of the parks just post signs that skating is at your own risk. She did indicate that to be open to the public, no fee can be charged. Village Attorney Chadsey indicated that a waiver can only be signed by an adult. The most protection the Village could hope is to have the waiver signed and post a sign about skating at your own risk.

Trustee Certis indicated the reason the downtown businesses don't like the skateboarding is because it chews up the concrete surfaces on the curbing. Dominic Capozzi indicated that in many of the communities, the kids keep the parks clean because it is their park. Officer Alessi advised that she told the kids that they will need to be happy with whatever they get. Mr. Capozzi asked about whether or not the old AVM site could be used.

Village Attorney Chadsey indicated cleanup work is going on over there and it would not be a good site.

Motion 86-08. Motion by Trustee DeCarlo, seconded by Trustee Nephew to approve the minutes of the May 27, 2008 Village Board meeting as presented. Motion carried 5-0.

Mayor Klancer indicated there was a change on Abstract #13. There is a \$75,000 deduction which is added instead to Abstract #1. The totals for Abstract #13 are:

General Fund	\$76,015.58
Water Fund	\$ 5,767.28
Sewer Fund	\$24,537.15
Joint Activity	\$ 3,057.81
Total	109,377.82

Motion 87-08. Motion by Trustee Certis, seconded by Trustee Nephew to approve Abstract #13 dated June 10, 2008 on all funds as corrected. Motion carried 5-0.

Motion 88-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve Abstract #1 dated June 10, 2008 on all funds as corrected, as follows:

General Fund -	\$89,206.49
Water Fund -	\$ 3,372.24
Sewer Fund -	\$ 6,099.36
Joint Activity -	\$ 86.40
Total	\$98,764.49

Motion carried 5-0.

### **PUBLIC PARTICIPATION**

Randy Ortega was present to discuss 49 South Water Street. He is the owner of the building since December 2006. He replaced 80 feet of the foundation. He indicated that he has found a buyer for the building. He installed an overhead door with the requisite building permit. Mr. Ortega advised that Building Inspector Bowers condemned the building. Mr. Ortega requested permission to continue the repairs to the building which were previously begun. He wants to vinyl side the building. The new owner wants to make an apartment in there. Mr. Ortega indicated that he knows the Village is not happy with the motor home which is temporarily there. Mayor Klancer asked Mr. Ortega if he is the sole owner. Mr. Ortega indicated that Mr. Weber is a co-owner and he has signed off on the property but will need to go to Cattaraugus County to do so.

Village Attorney Chadsey reminded Mr. Ortega that when the property was sold, it was subject to a Court Order. The compliance requirements that the Court imposed were disclosed to the Mr. Ortega and Village Attorney Chadsey stated that Building Inspector Bowers indicated that the conditions have not been fulfilled. Soffit repairs were ordered and they have not been done yet. She asked Mr. Ortega about the elevator. He advised it has been sealed off and will eventually be removed. The property will need to be rezoned from B-1 in order to make an apartment there. Village Attorney Chadsey indicated that this rezoning will not take place prior to July 1<sup>st</sup>. Mr. Grill stated that Building Inspector Bowers indicated that no rezoning would be necessary to put an apartment in the building. Mayor Klancer stated that when the building permit was submitted, an automobile mechanic shop was listed as the business. There was discussion about what the rest of the building will be used for. Village Attorney Chadsey indicated to Mr. Ortega that the entire building will need to be rezoned, not just part of it. Village Attorney Chadsey indicated that Mr. Ortega should contact his own attorney. He asked if the prior plans submitted could still be used for the repairs. He was advised by Building Inspector Bowers that he needed engineer drawings. Mayor Klancer advised he would speak with Building Inspector Bowers. Mr. Ortega was advised that no one can be living in the motor home as it is illegal. Village Attorney Chasey advised that she had no problem sending a letter to the current owner reminding him of the conditions the Court imposed two years ago. If he doesn't do it, the remedy is condemnation and demolition at the Village cost.

Trustee DeCarlo reported that the Gowanda baseball team won the Far West Regional Championship. They are ranked #1 in small schools in Western New York. He reported that they are playing for the championship on Saturday in Binghamton at 10:00. He asked that the Village Board send a letter of congratulations and good luck to the team. This is the first time any sports team has gone this far.

### **BUILDING/BUSINESS PERMITS**

Village Clerk Mohawk presented Building Inspector Bowers' reports regarding the property maintenance inspections and lawn mowing.

Village Clerk Mohawk advised that the advertisement for lawn mowing was run a second week. She reported that two bids were received. Village Clerk Mohawk also advised that the insurance company indicated there would be no problem with the part-time Village employees doing the lawn mowing as they would be covered under the Village insurance. Village Clerk Mohawk presented the bids that were received for lawn mowing services. One submitted insurance; the other did not. One is \$32.00 per hour, the other is \$35 per property. There was discussion about what would be better, using Village employees or hiring someone else to do it.

Motion 89-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to accept the bid of Roy Shaul to supply lawn mowing services for \$35.00 per property. Motion carried 5-0.

Village Clerk Mohawk reminded the Village Board about the Flood Damage Prevention law which is due in September. Village Attorney Chadsey indicated that Village Clerk Mohawk would have it no later than tomorrow.

### **POLICE**

Village Clerk Mohawk read the May 2008 police report:

“173 reported calls, 38 arrests, 53 tickets issued, 5 violent domestics, 9 motor vehicle accidents.

Gowanda Police arrested 2 suspects Sunday, June 8<sup>th</sup>, for allegedly vandalizing Village trees.

Please lock your vehicle as we are getting another spike in vehicle larcenies in the upper Buffalo Street area.”

Phil Palen advised that 2 trees were vandalized on West Main Street and 2 on Buffalo Street.

### **JOINT ACTIVITY**

Trustee Certis advised that the Recreation Commission interviews were held. Recommendations for hiring were presented. Trustee DeCarlo questioned the Playground and Pool Director salary. He indicated that previously it was reduced. Trustee Certis indicated that position was discussed about whether it should be a director or supervisor. Trustee Certis advised that the Recreation Commission recommendation is that Dave Bolen be hired as the Playground and Pool Director at \$13.50 per hour. Trustee Certis indicated that the Director is in charge of the supervisors.

Treasurer Schilling asked if Mr. Bolen has Red Cross certification for swimming. Trustee Certis indicated that he did not. Mayor Klancer advised that New York State indicated that the person who is on deck at the pool does not need to be certified. Mr. Bolen is a State-certified physical education teacher. Trustee Sheibley read from an e-mail from Superintendent Rinaldi: “it is not necessary to have a certified individual on the deck supervising swimmers. Only that this person is solely responsible for above water action and supervision.” She indicated there will be two certified lifeguards and a person on the deck with the instructor.

Trustee DeCarlo asked if the Recreation Commission is working on the job descriptions which were asked for previously. Trustee Certis indicated a director is responsible for staff as well as programming.

Mr. Bolen will work 5 days a week from 9:30 to 2:00. Trustee Sheibley advised there are 3 full time positions, 7 part time. There will be a part-time arts & crafts person to work ½ day. Ten counselors will work this year rather than 12 of last year.

Motion 90-08. Motion by Trustee Nephew, seconded by Trustee DeCarlo to approve the recommendations of the Recreation Commission for hiring for the summer recreation program per the attached. Motion carried 5-0.

Trustee Sheibley gave a report on the Wagon Train. She reported that she and Phil attended the meeting last week. There will be 23 wagons for the full 2 weeks. The event insurance is in place. There will be a need for some baled hay. As the wagon train comes into the Village, there should be no fireworks or sirens. A separate meeting was held afterwards to discuss the food. The next meeting is July 15<sup>th</sup>.

Trustee Sheibley spoke about the time capsule contribution. She contacted the surrounding communities for anything they would like to include in the time capsule. Trustee Sheibley indicated the contribution should be in a scrapbook with acid-free paper in polyethylene sleeves. She asked anyone in the community who wishes to include something to do so. She indicated that Don Offhaus, the Fire Department secretary, already supplied some information. She has some colorful postcards and brochures from the Chamber of Commerce to include. Trustee Sheibley indicated that the 5<sup>th</sup> graders are doing essays on 200 year projections.

Trustee DeCarlo was interested in hanging the American flag from the aerial truck for the event.

### **FIRE**

Trustee DeCarlo advised the fire department has had 72 calls so far this year. He offered congratulations to both the Sheridan and Allegany Fire Departments for their grand opening for their new fire halls.

Trustee DeCarlo advised that he attended the Southwestern Convention where Bob Coudrey was installed as Sergeant of Arms.

### **TREASURER**

Treasurer Schilling advised that the audit is scheduled to begin on July 14<sup>th</sup>.

Treasurer Schilling advised that she will attend a breakfast seminar meeting of the NYSGFOA with an open discussion of current government finance issues tomorrow.

### **PUBLIC WORKS**

Village Clerk Mohawk indicated that the Public Works Department has a second 72” finishing mower deck to declare surplus and sell.

Motion 91-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to declare the 72” finishing mower deck as surplus and offer it for sale. Motion carried 5-0.

Village Attorney Chadsey spoke about the DEC Cooperative Agreement. She advised that she made another small change on the agreement and e-mailed it to Mr. Charles. She hopes to be able to be on record with this project within 10 days.

Village Attorney Chadsey spoke about the EPA agreement. The United States Department of Justice attorney will be coming to the Village on the night of June 18<sup>th</sup> to approve the whole series of agreements which creates the structure for the Village to take on certain responsibilities with respect to the remediation of the Peter Cooper site and

then be entitled to the property and the park and all the monies that were proposed. She advised that the next week is make-or-break with this project.

Village Clerk Mohawk reported that the Village received permits allowing for the road closure for the Hackemer benefit and for the wagon train. Ms. Mohawk also reported that the Village received the insurance certificate from the Moose for the benefit, naming the Village additional insured. Public Works Superintendent Hutchinson had requested approval from the Village to use the picnic tables and benches from the parks for the benefit.

Motion 92-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to authorize the use of Village-owned picnic tables and benches for the Hackemer benefit to be held at the Gowanda Moose on June 29<sup>th</sup>. Motion carried 5-0.

Village Clerk Mohawk presented a fax copy from Mark Lee regarding the negative declaration for the Academy Place site plan. Public Works Superintendent Hutchinson requested that the Village approve the site plan.

### **ADMINISTRATION**

Village Attorney Chadsey advised the Village Board that a working meeting with the EPA and RFP's will take place in Buffalo on Tuesday, June 17<sup>th</sup>. A special Village Board meeting was scheduled for June 18<sup>th</sup> at 5:30 p.m. to finalize the documents.

Village Clerk Mohawk reported that the Healthy Community Alliance approached the UDAG committee for a loan in the amount of \$53,000 to cover upfront closing costs. Trustee DeCarlo asked why the fire company had to apply for other funding but Healthy Community Alliance did not. He commented that all of the rules should be followed consistently. Village Attorney Chadsey asked for whatever paperwork was submitted by Healthy Community Alliance to document the loan request. Trustee Certis agreed that the rules for loans should be followed consistently for all entities. Village Attorney Chadsey asked if it would be difficult for them to apply for conventional lending and get turned down. Trustee Nephew stated the UDAG funding is for economic development and job creation/retention and she felt this loan fit those requirements. Treasurer Schilling suggested that requests from the UDAG committee should be presented to the Village Board via a letter outlining the organization's loan request, the interest, the payment arrangements, etc.

Mayor Klancer advised Village Clerk Mohawk to request that Healthy Community Alliance go through the proper procedure and get a letter in writing denying their request for conventional funding.

Village Clerk Mohawk advised that the Village received the final payment from Olympia Restaurant for the UDAG loan.

Motion 93-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to go into Executive Session at 8:15 p.m. Motion carried 5-0.

Motion 94-08. Motion by Trustee Nephew, seconded by Trustee Sheibley to come out of Executive Session at 8:30 p.m.

Motion 95-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to adjourn the Village Board meeting at 8:50 p.m. Motion carried 5-0.

The next Village of Gowanda Board meeting is July 8, 2008 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk  
Village Clerk