

**VILLAGE BOARD MEETING
OCTOBER 9, 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 Barb Nephew
Trustee John Certis
Trustee Dale DeCarlo
Trustee Carol Sheibley

Village Employees: Village Clerk Kathy Mohawk, Public Works Superintendent Mike Hutchinson, Village Attorney Deborah Chadsey, Treasurer Cindy Schilling, Fire Chief Steve Raiport

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

Public Present: Jack Torrance, Alice Tschopp, Karen Speers, Karen Clabeaux, Cynthia Constantine, Dennis Stopen

Motion 136-07. Motion by Trustee DeCarlo, seconded by Trustee Nephew to approve the minutes of the September 11, 2007. Motion carried 5-0.

Mayor Klancer reported on some changes to Abstract #5 dated October 9, 2007: Voucher #396 Gowanda Police Dept. - \$100.00 addition error; Voucher #292 Paul Bowers +8.64 wrong mileage rate; Voucher #311 NYRWA - \$75.00 seminar cancelled; Voucher #351 Better Containers - \$96.03 DARE item.

Motion 137-07. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve Abstract #5 dated October 9, 2007 on all funds as follows:

| | |
|-----------------|-------------|
| General Fund | \$46,999.62 |
| Water Fund | \$ 9,862.45 |
| Sewer Fund | \$40,637.78 |
| Capital Fund HP | 6,352.19 |
| Total | 103,852.04 |

Motion carried 5-0.

PUBLIC PARTICIPATION

Alice Tschopp was present representing the Heritage Harvest Festival which was a great success. Next year they are looking forward to even more scarecrows. The children participated in a Make-Your-Own-Scarecrow contest run by Maryann Szymanski and

they were put on poles in the park. She presented a report to the Village outlining their income and expenses. The committee was given \$500 from the Village and they returned \$268.75. Ms. Tschopp asked if the Public Works Department would take down the cornstalks. Cynthia Constantine advised that a DVD of the children making scarecrows was made and it will be shown on public access television.

Karen Speers was present to request No Smoking signs for St. John's Park around the play structure. She indicated that the wood chips are full of cigarette butts. Since the school is in a drug-free zone, she feels that the playground should also be considered a drug and smoke-free zone. Village Attorney Chadsey indicated that the Village needs a consistent policy for all the park and playground areas. She suggested that the Village set up a working group to look into what State regulations exist, or whether the changes can be done by Local law or local resolution. Village Attorney Chadsey indicated that whatever regulations are imposed need to be consistent with the Administrative Procedures Act and needs to indicate where the boundaries are and how to enforce the rules. The Village also needs to decide whether they want the local police to be the ones to enforce the rules. Ms. Speers indicated that fines should also be imposed. She volunteered to be part of a committee to study the issue.

Motion 138-07. Motion by Trustee Certis, seconded by Trustee DeCarlo to form a committee with Trustee Nephew as liaison to investigate the no smoking and drug-free regulations with the assistance of Karen Speers. Motion carried 5-0.

Karen Clabeaux wants a curb put in and requested a curb cut permit. Building Inspector Bowers will need to check it out. Public Works Superintendent Hutchinson indicated that it would be her responsibility as part of her driveway approach. Village Attorney Chadsey indicated that further discussion about the shared driveway and the neighboring house being in violation of the zoning and building codes will take place in Executive Session.

BUILDING/BUSINESS PERMITS

Village Clerk Mohawk presented the animal control report.

Village Clerk Mohawk reminded the Village Board that at the last meeting she requested some publications for Building Inspector Bowers regarding Building Official's and Inspector's Guide to Codes, Forms and Complaints and Property Inspector's Guide to Codes, Forms and Complaints at a cost of \$35.95 each. She advised that he has money in the budget to pay for them.

Motion 139-07. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to authorize the purchase of the two publications for Building Inspector Bowers at a cost of \$35.95 each. Motion carried 5-0.

Village Clerk Mohawk also requested permission for Building Inspector Bowers to attend the Niagara Frontier Building Officials Annual Conference in January at a cost of \$250 for all 3 days.

Motion 140-07. Motion by Trustee Sheibley, seconded by Trustee Certis to authorize Building Inspector Bowers to attend the Niagara Frontier Building Officials Annual Conference in January at a cost of \$250. Motion carried 5-0.

Village Clerk Mohawk advised of a business permit application for the Carnation Sale for the Gowanda Lions on Friday, October 12th.

Motion 141-07. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the Business Permit application submitted by the Gowanda Lions for a carnation sale on Friday, October 12th. Motion carried 5-0.

Village Clerk Mohawk advised the Village received a letter from the Gowanda Area Historical Society requesting a waiver of the \$25.00 fee for the fire and safety inspection.

Motion 142-07. Motion by Trustee Nephew, seconded by Trustee DeCarlo to waive the \$25.00 fire and safety inspection fee for the Gowanda Area Historical Society. Motion carried 5-0.

POLICE

Village Clerk Mohawk gave the September 2007 police report:

“165 reportable calls; 25 arresets; 51 traffic tickets issued; 4 violent domestics; 4 motor vehicle accidents; 7700 road patrol miles.

Our department arrested a juvenile in connection with the vandalism to the New York Lake Erie Railroad cars that took place on September 17th, 2007. The damage was estimated at \$3000.

The Tri-County Hospital will be hosting a child safety training course with Officer Jen Alessi on October 16th, 2007 at 7:00 p.m. One of the main topics will be internet safety on protecting your child from on-line pedophiles.”

JOINT ACTIVITY

Trustee Sheibley reported that the ski signups will be held on October 24th from 6:00 – 8:30 p.m.

Skating for grades k-6 is scheduled to begin November 9th from 6:00 p.m. – 8:00 p.m.

Trustee Sheibley reported that men’s recreational basketball will begin December 1st.

Trustee Sheibley reported that 30 – 35 children participated each Monday for the soccer program. About 1/3 of them were girls. Next Monday, October 15th, is the last soccer night.

Trustee Sheibley reported that at the last Board meeting it was indicated that the hourly wage for Aaron Benton was \$7.25 per hour. In actuality, the pay is \$7.50 per hour.

Trustee Sheibley thanked Denise Trumpore for her help with preparing the State report for the County recreation funding. It was quite an extensive application.

Village Clerk Mohawk reported that the Village received the \$2,523.00 from Cattaraugus County for the recreation funding.

FIRE

Mayor Klancer congratulated the fire department on the successful training exercise which was held last night. It was a good practice for all emergency personnel in the Village as well as the surrounding communities. They also tested out the County communications with the Mighty-Reach telephone system.

Treasurer Schilling thanked Fire Chief Raiport for the amount of volunteer hours he puts in.

Trustee DeCarlo reported that they have had 135 calls so far this year.

Trustee DeCarlo indicated this week is Fire Prevention Week. Fire drills will be held at the schools on Friday. Classroom instruction in the schools for fire prevention has really paid off. He reminded residents to check the batteries in their smoke alarms.

Fire Chief Raiport reported that on Saturday from noon until 4:00 is the open house at the fire hall. There will be child fingerprinting, a child safety seat check, food and refreshments for the public. Everyone was invited to tour the hall and see the equipment.

Mayor Klancer recommended Steve Raiport for the vacant Disaster Coordinator position.

Motion 143-07. Motion by Trustee DeCarlo, seconded by Trustee Nephew to appoint Steve Raiport to the Disaster Coordinator position. Motion carried 5-0.

Mayor Klancer spoke about the NIMS training and advised that Fire Chief Raiport has been doing that training for the Village. The Village budgeted \$1,000 for that position. Mayor Klancer recommended that Steve Raiport be appointed to that position.

Motion 144-07. Motion by Trustee Certis, seconded by Trustee Nephew to appoint Steve Raiport to the position of NIMS trainer. Motion carried 5-0.

Fire Chief Raiport requested permission to replace one of the old Cattaraugus County mobile radios that caused communication problems during their drill. There is money budgeted for this replacement.

Motion 145-07. Motion by Trustee Nephew, seconded by Trustee Certis to approve the replacement of the old Motorola mobile radio at a cost of \$562. Motion carried 3-0.

On the advice of Village Attorney Chadsey, Trustee DeCarlo and Trustee Sheibley recused themselves from voting for an appropriation for the fire department as they are volunteer firemen.

Fire Chief Raiport offered to do NIMS training for 2 hours one evening. Treasurer Schilling suggested that the Village contact the Town of Collins, the Town of Persia and the Village of Perrysburg to see if anyone there would also like the training. Mr. Raiport indicated that submitting the test on-line is quicker than mailing the test answers in. Treasurer Schilling indicated that Village Clerk Mohawk is keeping a log of what training the employees need and the certificates indicating they received the training.

Village Attorney Chadsey requested permission to use part of the Village's retainer to attend the NYCOM Volunteer Firefighter Workshop in Dansville on October 25th.

Motion 146-07. Motion by Trustee DeCarlo, seconded by Trustee Certis to authorize Village Attorney Chadsey to spend part of the Village retainer money for the registration to attend the Volunteer Firefighter Workshop in Dansville sponsored by NYCOM. Motion carried 5-0.

Fire Chief Raiport submitted the Emergency Operations Plan for the Board members to review. It must be acted on at the next meeting.

PLANNING

Jack Torrance gave the Planning Board report:

“On Tuesday, October 1, at the regularly scheduled meeting of the Planning Board it was reported that Southern tier West will be holding its annual fall Planning & Zoning Conference at Chautauqua Institute November 15th. More details are due this week. It was announced that the Cattaraugus County Planning Board may hold its October 25th meeting in Gowanda. The Gowanda Area Chamber of Commerce is assisting with the plans.

Four Planning Board members attended the very interesting ‘Destinations’ seminar which was sponsored by the Cattaraugus County Department of Economic Development, Planning and Tourism. The information, ideas, and suggestions presented will be of great assistance to the Planning Board with its task of reviewing and suggesting modifications to the Village Master Plan.

The Planning Board agreed:

1. to review the village sign local law to see how some of the ‘Destinations’ ideas might be incorporated;
2. to request listing of the Village website periodically in the Pennysaver;
3. send a letter to the DOT requesting clarification of signage requirements along the state roadways (Buffalo St., Jamestown St., and West Main St.)

4. to encourage the use of village tax incentives for store owners who fix up their storefronts. This is in addition to the Erie County CCIP program which will be ending soon.
5. to encourage the Village to investigate availability of additional grants for downtown business area improvement.

Additional census data from Cattaraugus County Planning was received:

1. from the 2000 census 654 of the 2842 Gowanda residents are over the age of 65 (23%) up 8.6% from the 1990 census.
2. 32.3% of the households in Gowanda have at least one person over the age of 65
3. median household income in Cattaraugus County from the 2000 census is \$19,333
4. median house value in Cattaraugus County from the 2000 census is \$59,000

The next meeting of the Planning Board is scheduled for November 5 at 7:00 p.m.”

TREASURER

Treasurer Schilling advised that she completed her NIMS training.

Treasurer Schilling advised that she and Village Attorney Chadsey attended the NYCOM Annual Fall Conference. She attended sessions on accounting for capital projects, assessing for Villages, Violence in the Workplace. Village Attorney Chadsey attended sessions on Conflicts of Interest, Legal Questions Facing the Municipality, Recreational Land Liability, Labor and Employment Law. NYCOM does a good job of bringing you up-to-date on the latest changes in the law. Village Attorney Chadsey indicated that some of the legal issues discussed at the NYCOM program will be subject to work sessions this fall. The business as it has always been done in the Village may be more susceptible to liability now more than in the past.

Treasurer Schilling advised that Drescher & Malecki will be at the next workshop at 6:00.

Treasurer Schilling indicated that once she receives some additional information from the police department, the website will be going live. She is aiming for the end of November.

Treasurer Schilling advised that the Village received a letter indicating the rate change from Independent Health. There is not much that can be done since the health insurance is part of the negotiated contracts with the employees.

PUBLIC WORKS

Public Works Superintendent Hutchinson indicated that the low bid laboratory at the wastewater treatment plant is performing like a low bid laboratory. They have failed 6 out of 7 of the analyses tests. He requested authorization to change to the #2 bidder which is the same laboratory the Village has used in the past.

Motion 147-07. Motion by Trustee Certis, seconded by Trustee Nephew to authorize the laboratory work to be done by Microbac Laboratories. Motion carried 5-0.

Public Works Superintendent Hutchinson indicated the Village received one bid for the 1991 Ford truck for \$501 and one bid for the sewer cleaner for \$1,001. This Saturday is the Tietsworth Auction in Hamburg. Public Works Superintendent Hutchinson requested authorization to reject the bids and take them to auction to see if the Village can make more money.

Motion 148-07. Motion by Trustee Certis, seconded by Trustee Nephew to reject the bids received for the 1991 Ford truck and the sewer cleaner. Motion carried 5-0.

Motion 149-07. Motion by Trustee Certis, seconded by Trustee Nephew to take the above vehicles to the Tietsworth Auction in Hamburg. Motion carried 5-0.

Public Works Superintendent Hutchinson advised that one of the computer chip samplers is broken and cannot be fixed. The low quote is from Burgh Schoenenberger for \$1,745.85.

Motion 150-07. Motion by Trustee DeCarlo, seconded by Trustee Certis to accept the quote from Burgh Schoenenberger for \$1,745.85 to replace the sampler. Motion carried 5-0.

Public Works Superintendent Hutchinson presented a sample of chain to go between the bollards at the Creekside site. We need 100 feet of chain at \$125.00 for each 75 feet. It is orange powder coated chain. There is no money budgeted for this. The bollards are installed, the grading is done, the cut-out for the veterans park is there. Trustee DeCarlo suggested holding off on a decision at this time.

Public Works Superintendent Hutchinson advised there is a panel on wastewater for local and elected officials to attend. It is a basic session held at Chautauqua Institute.

Public Works Superintendent Hutchinson requested authorization to award the generator bid. Industrial Power & Light is the low bid at \$122,500 for both generators and installation. Both a self-contained diesel generators.

Motion 151-07. Motion by Trustee Certis, seconded by Trustee DeCarlo to award the generator bid to Industrial Power & Light for \$122,500. Motion carried 5-0.

Public Works Superintendent Hutchinson requested permission for he and Highway Superintendent Coudrey to attend a “Traffic Signs and Pavement Markings” workshop in Ellicottville tomorrow.

Motion 152-07. Motion by Trustee Certis, seconded by Trustee DeCarlo to authorize Public Works Superintendent Hutchinson and Highway Superintendent Coudrey to attend

the “Traffic Signs and Pavement Markings” workshop in Ellicottville on October 10th. Motion carried 5-0.

Trustee DeCarlo asked about getting a sign for the water fountain outside the Persia Town Hall.

Public Works Superintendent Hutchinson reported on the letter received from the DEC regarding the Village landfill. Village Attorney Chadsey indicated she would send a letter to request an extension of time to come up with a time frame to get the work done. By the end of November it will be necessary to have a proposal of how to correct the problem. Public Works Superintendent Hutchinson indicated that correcting the erosion is going to be an expensive project. Mr. Hutchinson indicated that the landfill is almost paid off so in another year the money that was budgeted to pay on the debt could be used to correct the problem. Village Attorney Chadsey advised Public Works Superintendent Hutchinson to get together with Village Engineer Burr to come with some sort of bare minimum remedial plan for some cover up and capture of what might be leaking in the creek. A permanent remedy plan must also be proposed.

Public Works Superintendent Hutchinson reported that the Village received a letter from Penhollow Disposal indicating that we are over the 300 tire limit. When the Village purchased the 1991 Ford truck the tires were removed. Mr. Penhollow saw those tires and would like to purchase them for a dump truck he uses. Mr. Penhollow suggested trading any overages in our tire disposal for the used tires. Village Attorney Chadsey advised that the Village should pay Penhollow for the overages and Mr. Penhollow in turn should pay the Village for the tires.

Motion 153-07. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to declare those tires surplus and sell them to Penhollow. Motion carried 5-0.

Public Works Superintendent Hutchinson reported on the letter from the NYSDOT regarding pedestrian crosswalks. The DOT will install two new pedestrian crosswalks: one from the Carpenter block across the street to Jubilee and one at Art’s crossing Main Street. The DOT will also repaint the present crosswalks. Mr. Hutchinson indicated that crosswalks cannot just be installed anywhere. According to the NYSDOT, crosswalks can only be installed where there is a handicapped cutout. Dennis Stopen indicated that pedestrian right-of-way signs are also required. The Village will need to supply those.

Phil Palen mentioned there is a light out on the West Main Street side at Persia Town Hall. Public Works Superintendent Hutchinson indicated last time it was a photocell issue. NYSEG replaces them as part of our contract with them.

Trustee Nephew stated that most of the businesses in the Village realize now that they can put their garbage out on Monday morning and it will get picked up rather than leaving it out all weekend. Trustee Nephew provided Village Clerk Mohawk with the names of three businesses to contact regarding garbage regulations. Public Works Superintendent Hutchinson suggested that our municipal code should specifically state

that if the resident does not remove the garbage, the Village will do it and assess the charge to the tax bill.

Public Works Superintendent Hutchinson indicated that Erie County moved the due date for the CDBG applications up one week so they would have more time to review the projects. He requested some lead time on projects so he has some time to prepare the applications. He mentioned finishing the Creekside project which has already been started. Fire Chief Raiport stated that the fire company will be submitting something. Public Works Superintendent Hutchinson also stated that the parking lot on West Main Street was also ready to go. Village Clerk Mohawk stated that the deadline for submittal is Monday, October 29th. Village Clerk Mohawk advised that she scheduled the public hearing next Tuesday, October 16th, at 7:00 for the CDBG hearing. At the next meeting, October 23rd, the projects will need to be prioritized. Mayor Klancer asked if the decisions could be made next week at the hearing.

Motion 154-07. Motion by Trustee DeCarlo, seconded by Trustee Certis to hold a public hearing for the CDBG projects on Tuesday, October 16th, at 7:00 p.m. Motion carried 5-0.

ADMINISTRATION

Village Clerk Mohawk presented information about raising the Senior Citizen exemption to \$18,500.

Village Clerk Mohawk read a letter from the United States Department of the Interior: “The U.S. Fish and Wildlife Service is responsible for controlling sea lamprey populations in the Great Lakes. As a part of our persistent efforts to control the parasite, we must periodically apply lampricides to streams that harbor sea lamprey larvae. Recently, staff from our office detected a larval population of lamprey in Cattaraugus Creek that are at a stage where they must be destroyed. . . . Cooperation with landowners is integral to ensuring that a safe and effective stream treatment is completed. Our records show that you are a landowner adjacent to the Cattaraugus Creek system. We will be in the area to treat this treat this stream from 10/17/07 through 10/26/07.”

Village Clerk Mohawk advised that Adecco will be holding a job fair in the Board room on October 25th from 10:00 a.m. until noon.

Village Clerk Mohawk advised that the training for the Basic Access class in Batavia was cancelled.

Village Clerk Mohawk reported on a letter received from the Cattaraugus County Bicentennial Advisory Committee regarding the upcoming celebrations. “Our Bicentennial Celebration will begin next year with a Kick Off event on March 11, 2008 in Ellicottville, the site of the first County Seat. Celebrations continue throughout the year, culminating with the Santa Claus Lane Parade on November 28, 2008 in Olean.

We will be “piggy-backing” with some already established activities in many communities. Other items and events planned include: a County History Book, County wall hangings, self guided tours of the historic areas in the municipalities, youth projects, a Wagon Train and Stagecoach Run a parade in Salamanca, a Veterans event in Machias, and a Community Day at Onoville Marina.”

Village Clerk Mohawk reminded the Village Board about the FEMA project for the flood warning system is due November 9th.

ENVIRONMENT

Trustee Nephew requested Board authorization to apply for the grant from the Cattaraugus County Arts Council.

Motion 155-07. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to apply for the Cattaraugus County Arts Council grant. Motion carried 5-0.

Trustee Nephew thanked Sue Torrance, Garry Patterson, and Carol Ognen for their assistance with the barrels this summer. She also thanked the Department of Public Works employees. She requested permission to leave 3 barrels in the downtown square seasonal plantings and decorations.

Trustee Sheibley read from a letter received from TLC Health Network:
“If you haven’t already heard, the state Health Department announced late last week grants awarded to hospitals expected to implement Berger Commission mandates under the Health Care Efficiency and Affordability Law for New Yorkers (HEAL NY). TLC Health was among those facilities and was awarded \$12.6 million, which represents everything that we asked for in our HEAL NY grant application. As you can imagine, we are very pleased with the outcome.
You may remember that we took a proactive approach to implementing the Berger Commission’s mandates by working cooperatively with the Health Department. We have been successful in negotiating an agreement that will allow us to maintain our acute care (hospital) beds and our ability to continue to provide all levels of care that we currently provide.”

Trustee Sheibley indicated that she would call TLC Health Network to have them come to another Board meeting in the near future.

Mayor Klancer asked that Village Clerk Mohawk send them a letter of congratulations for a job well done.

Motion 156-07. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to go into Executive session at 8:50 p.m. Motion carried 5-0.

Motion 157-07. Motion by Trustee Certis, seconded by Trustee DeCarlo to come out of Executive session at 9:05 p.m. Motion carried 5-0.

Motion 158-07. Motion by Trustee Certis, seconded by Trustee Sheibley to adjourn the Village Board meeting at 9:06 p.m. Motion carried 5-0.

The next Village of Gowanda Board meeting is October 23, 2007.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk