

**VILLAGE BOARD MEETING
SEPTEMBER 11, 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, Treasurer Cindy Schilling, Village Engineer Mark Burr

Media Present: Tim Latshaw, Observer
Phil Palen, Cable Channel 22

Public Present: Karen Clabeaux, Jack Torrance, Tim Smith, Heather McKeever, Rob Gaylord, Betty Accordino (of HCA)

Motion 120-07. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the minutes of the August 14, 2007 Village Board meeting as presented. Motion carried 5-0.

Motion 121-07. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve Abstract #4 dated September 11, 2007 on all funds as follows:

General Fund	\$44,840.83
Water Fund	\$ 9,354.53
Sewer Fund	\$13,225.95
Joint Activity	\$ 1,689.76
Total	\$69,111.27

Motion carried 5-0.

PUBLIC PARTICIPATION

Karen Clabeaux commented on the sidewalk replacement program. She asked why she was only given a 30-day notice. She asked when it became a law. Public Works Superintendent Hutchinson advised that the \$2.00 reimbursement has been in effect for quite some time. He indicated there is some flexibility with the request to have the work done in 30 days. Public Works Superintendent Hutchinson indicated that many of the residents on that street will be reimbursed at 100% because of tree impacts. He advised that the safe sidewalk program has been on the books for some time. Mayor Klancer advised that the discussion of unsafe sidewalks has been discussed for quite some time. Public Works Superintendent Hutchinson advised that the Village Board has committed a share of money to improve the street.

Heather McKeever thanked Public Works Superintendent Hutchinson for coming by her house to discuss the sidewalk replacement program with her. She asked if the Board ever considered changing the reimbursement rate to make it half the cost since the price has probably increased. Public Works Superintendent Hutchinson indicated that the reimbursement cannot be changed since other residents have already bought into the program.

Ms. Clabeaux and Tim Smith felt that the residents should have been given more notice, especially since they have school taxes to pay as well. Ms. Clabeaux asked why some laws are enforced and others are not, such as the R-2 zoning on her street and the house next door to her. Mayor Klancer indicated that this issue is still in the hands of the Village Attorney. The house has been in violation for many years. Ms. Clabeaux feels that the laws should be enforced against this residence. Tim Smith asked if the curbing would be fixed on that street. Public Works Superintendent Hutchinson indicated it was on the list to be done, but it all depends on the funding.

Trustee Nephew advised that the code violations at the house next door need to be addressed by the Code Enforcement Officer. Mayor Klancer advised that he would follow up with the Code Enforcement Officer about these issues.

Tim Smith asked how come the people who lived along Route 62 and Route 39 got their sidewalks replaced for free. Public Works Superintendent Hutchinson advised that the State replaced those sidewalks. The Village had no control over that. Mr. Hutchinson also advised that the Village had some funding in past years to replace sidewalks but those funds were income based so not all streets were eligible.

Tim Smith stated that the sidewalk on Cemetery Hill Road is in terrible shape. Public Works Superintendent Hutchinson indicated that the high pedestrian traffic areas will be done first. Mayor Klancer explained that the highest need areas are being done first.

Trustee Nephew stated that the Village Board needs to do a better job of communicating with the public when changes are made, not just advising them by Pennysaver, television or letter. Public Works Superintendent Hutchinson indicated that the letter sent was the exact wording of the ordinance.

Heather McKeever indicated that to contract someone to do the sidewalk, it is difficult to get them to do just a couple of blocks. She feels that if everyone on the street could buy into the program it would be better.

Trustee Sheibley asked how many residents were affected. Public Works Superintendent Hutchinson indicated that only a couple of houses were not included.

Public Works Superintendent Hutchinson indicated that the trees on the street should be removed in the near future.

Mayor Klancer and Public Works Superintendent Hutchinson advised the residents in attendance that the sidewalk repairs can wait until next spring to be done. Treasurer Schilling asked if it could be done in early May so that the expenses can be borne in the current fiscal year.

BUILDING/BUSINESS PERMITS

Village Clerk Mohawk presented information on some publications which Building Inspector Bowers requested to purchase. One is the Building Official's Guide to Codes, Forms and Complaints and Property Inspectors's Guide to Codes, Forms and Complaints. The books are \$40.00 each. Trustee Sheibley asked that the Board wait until the next meeting to determine if there is enough money budgeted in the Code Enforcement Officer's line.

Village Clerk Mohawk presented the Sample Site Development Plan Review Checklist for review and approval. Mr. Torrance indicated that it is just an example to use to make sure all the bases are covered.

Motion 122-07. Motion by Trustee Certis, seconded by Trustee Nephew to approve the Sample Site Development Plan Checklist based on the recommendation of the Village of Gowanda Planning Board. Motion carried 5-0.

Village Clerk Mohawk presented Building Inspector Bowers' report: "62 permits to date; too many complaints – all handled; possibility of 3 court cases, one on East Main, one on Palmer Street, and one on Buffalo Street. The fire safety and property maintenance inspections are being done. By December 24th, we will be ready to schedule next year's." Mr. Bowers also asked the Board to resolve a question of a retaining wall and whether it is a fence.

Public Works Superintendent Hutchinson commented about the homeowner who put up a structure which is so close to the sidewalk that it is going to cause a problem with the sidewalk plow this winter.

Trustee Sheibley asked about the issue of mowing shrubs and naturally wooded areas. Village Clerk Mohawk advised that Tim Horton's was originally scheduled to be on the agenda but cancelled. There were also complaints about some property on Chestnut Street and in the past complaints were made about the property behind the old laudromat. Mr. Torrance indicated that the Site Plan section on landscaping would address this issue.

POLICE

Mayor Klancer read the August 2007 police report: 162 reportable calls; 26 arrests; 26 traffic tickets issued; 5 violent domestics; 4 motor vehicle accidents.

The second computer was installed in the new K-9 truck and is set up to have communication with Erie County dispatch and Cattaraugus County dispatch as this bridges the gap of communication between the 2 counties for our department's safety. Just a reminder that school is in session and be alert for children walking. Please stop if you see the red school bus lights. We have been utilizing the bike patrol early morning and afternoon when school let's out."

JOINT ACTIVITY

Trustee Sheibley reported that the Recreation Commission met on August 29th. There was discussion of the summer program, as well as the upcoming soccer program which starts on Monday, September 10th, as well as the fall programs, including roller skating, skiing, and the Saturday morning recreation.

Trustee Sheibley reported that the summer recreation participants entered a scarecrow in the contest. Voting is by ballot at the scarecrow site and the Board members were encouraged to vote for the recreation scarecrow.

Trustee Sheibley advised that the next Recreation Commission meeting is September 19th at 7:00 p.m.

Trustee Sheibley reported that the Recreation Secretary requested hiring an additional soccer worker as needed when Roy Hendrix is not available.

Motion 123-07. Motion by Trustee Certis, seconded by Trustee Nephew to hire Aaron Benton at \$7.25 per hour as an additional soccer worker as needed. Motion carried 5-0.

PUBLIC HEARING – 8.00 P.M. – RESTORENY APPLICATION AND PROPERTY ASSESSMENT

Mayor Klancer read the Notice of Public Hearing:

“PLEASE TAKE NOTICE that the Village of Gowanda Board of Trustees will hold a public hearing on the Restore NY Application and Property Assessment for the Village of Gowanda on Tuesday, September 11, 2007 at 8:00 p.m. in the Municipal Building, 27 East Main Street, Gowanda, NY 14070. All interested persons will be heard. The public hearing is required by law and provides an opportunity for public comment on the Property Assessment List and the development activities proposed for the Center Street School.”

Motion 124-07. Motion by Trustee Certis, seconded by Trustee Sheibley to go into the public hearing at 8:00 p.m. Motion carried 5-0.

Rob Gaylord presented a Power Point presentation on the Academy Place project. He stated that the total project cost is estimated to be \$9.6 million and 87% of the funding is in place as of August 2007. Public Works Superintendent Hutchinson indicated that this

project will be more than just senior housing. There is the hope that 45 new jobs will be created with the commercial space. Quality of life is the key issue with the project. Mr. Hutchinson indicated that the initial \$35,000 VCR grant from the Village was the impetus for the project. He also advised that one of the biggest sources of funding was the \$1.938 million HUD grant which was received with the assistance of Senator Hillary Clinton. Rob Gaylord advised that the John R. Oishei Foundation grant of \$70,000 was huge in giving the project legitimacy.

Designs and drawings for the project were presented. Public Works Superintendent Hutchinson reminded the Village Board that one of the issues that needs to be addressed is what to do with the parking lot. He indicated that Healthy Community Alliance would be willing to take ownership of the lot, develop it and then lease it to the Village for a nominal fee for use for Village events.

Rob Gaylord indicated that the to-do list includes completing the ownership transfer, completing the Comprehensive Business Plan and acquiring final funding, including the Restore NY \$1.5 million. Public Works Superintendent Hutchinson indicated that the community was strongly in support of having the building on the tax roll and that is another benefit of this project.

Ms. Accordino, on behalf of Healthy Community Alliance, thanked the Village for their support of the project. Mayor Klancer indicated that it is an important project for the Village. Trustee DeCarlo asked when the project would begin. He was advised that if all the funding is in place, it could begin as early as 2008.

Ms. Accordino advised that a photo opportunity is scheduled for Monday, September 17th, at 1:00 p.m. at the Center Street School to officially announce the DHCR grant for Academy Place.

Motion 125-07. Motion by Trustee DeCarlo, seconded by Trustee Certis to close the public hearing at 8:30 p.m. Motion carried 5-0.

FIRE

Trustee DeCarlo advised the fire department has had 124 calls so far this year.

Trustee DeCarlo reminded residents to check the batteries in all of their smoke detectors.

Trustee DeCarlo thanked the Observer for the nice display in honor of 9/11.

There was discussion regarding the NIMS training for elected officials. Treasurer Schilling indicated it should be scheduled in September but she has not heard any word on it yet.

Village Clerk Mohawk advised that a letter was sent from Cattaraugus County Office of Emergency Services stating that our “municipality has no National Incident Management

System standardized Emergency Operations Plan on file.” Ms. Mohawk indicated that this plan is required or the Village will not be eligible for any federal disaster assistance if necessary.

TREASURER

Treasurer Schilling reminded the Board that she will be attending the NYCOM conference next week. She indicated there is a session on Violence in the Workplace being offered. She indicated that she is working with Trustee DeCarlo on the policy.

Motion 126-07. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to approve the rehiring of Louise Hubbard effective September 4, 2007. Motion carried 5-0.

Treasurer Schilling reported that any employees who need to use their vehicles are being reimbursed at \$.27 per mile. The federal mileage rate is \$.485 per mile. She feels the Board should reconsider the rate.

Motion 127-07. Motion by Trustee Certis, seconded by Trustee DeCarlo to raise the mileage reimbursement rate to \$.45 per mile effective September 11, 2007.

PUBLIC WORKS

Public Works Superintendent Hutchinson reported on the tree bids. Covey Tree, Inc. was the low bid at \$5,280.00 for the cuts and \$2,115.00 for the trims for a total of \$7,395. There were some changes from the initial tree list to allow for some savings. Jack Torrance indicated this amount was within the tree budget of \$10,150. Trustee Certis asked if the tree committee approved the cutting and trimming. Mr. Torrance indicated that the tree committee recommended the schedule.

Motion 128-07. Motion by Trustee Nephew, seconded by Trustee DeCarlo to approve the low bid for tree cutting and trimming from Covey Tree, Inc. for \$7,395. Motion carried 5-0.

Public Works Superintendent Hutchinson advised that one of the bidders expressed an interest in thinning some of the trees on property the Village owns on Cemetery Hill. He feels this would be a great opportunity to make some money for the Village and set up a tree reserve account to use for future tree repairs and maintenance. A forester will be looking at this particular piece of property.

Public Works Superintendent Hutchinson advised of a necessary repair at the wastewater treatment plant. It will be necessary to drain a digester and replace the carbon/steel gas line with stainless. The digester is being drained now and the Village is attempting to clear it all with the Village truck. Public Works Superintendent Hutchinson requested permission to get a vac truck from Severson at \$120 an hour for the truck and the operator. It would only take about 2-3 days.

Motion 129-07. Motion by Trustee Nephew, seconded by Trustee DeCarlo to authorize Public Works Superintendent Hutchinson to rent a vacuum truck from Severson Environmental at \$120 an hour if necessary to make the repairs to the digester at the wastewater treatment plant. Motion carried 5-0.

Trustee DeCarlo reported that he contacted Senator Young's office about naming the bridge in the center of town as the Veterans' Memorial Bridge. He asked the Board for a resolution in support of this proposal. Both the New York State Assembly and Senate need to approve it as well.

Motion 130-07. Motion by Trustee DeCarlo, seconded by Trustee Certis to send a resolution in support of naming the Main Street bridge Veterans Memorial Bridge to Senator Young's office. Motion carried 5-0.

ADMINISTRATION

Village Clerk Mohawk reminded the Village Board that at the last meeting the various options of the 2010 Census were discussed. Southern Tier West held a training session on September 11th which she could not attend but the same training was being offered in Buffalo next week. She read from a letter:

“The purpose of this letter is to make you aware that your municipality has been deemed a high risk area in the 2010 LUCA Program for New York State. Your municipality may have been highlighted because of specific group quarters in your jurisdiction, complex infrastructure, or rural housing units. . .The fact remains that constituents of your municipality are at a greater risk of being passed over during the 2010 census” and they strongly encouraged the Village to participate. Southern Tier West also recommended Option 1 as “the surest way to achieve complete enumeration, which is critical for planning, budgeting, and grant approval for your municipality.” Village Clerk Mohawk indicated that Option 1 was the option she also preferred.

Motion 131-07. Motion by Trustee DeCarlo, seconded by Trustee Nephew to select Option 1 as the method of reporting for the 2010 LUCA Census program. Motion carried 5-0.

Village Clerk Mohawk reminded the Board that the Heritage Harvest Festival was never actually approved.

Motion 132-07. Motion by Trustee Sheibley, seconded by Trustee Nephew to approve the Harvest Heritage Festival. Motion carried 5-0.

Village Clerk Mohawk advised that Senator Catherine Young will be at the Center Street School on Monday, September 17th, at 1:00 for a photo opportunity to publicize the DHCR grant for Academy Place.

Village Clerk Mohawk reminded the Board members of the Roger Brooks program at the Moose on September 25th from 6:00 until 9:00 p.m. That is a normal Board meeting

night. It was agreed to hold the next Board meeting on October 9th. Mayor Klancer, Trustees Certis, DeCarlo, Sheibley, Nephew, Phil Palen and Village Engineer Mark Burr also stated they would attend the September 25th program.

Village Clerk Mohawk reported that the Treasurer's report for August has been filed.

Village Clerk Mohawk advised that Erie County residents can now recycle computer equipment and household electronics at no cost through Goodwill Industries year round at no cost. The program is for households only.

Village Clerk read a letter from the State of New York Office of the Attorney General: "The Office of the Attorney General is coming to Buffalo. I write to invite you to join me and my senior staff at a community forum on Thursday, September 27th at 6:30 pm at Southside Elementary School at 430 Southside Parkway in Buffalo.

We are hosting this meeting to discuss issues of concern in the Buffalo area.

The forum will focus on priority issues including health care, student loans, consumer protection, civil rights, environmental protection, workers rights, and public integrity."

Village Clerk Mohawk reported on the Cattaraugus County Household Hazardous Waste and Computer Recycling Day is Saturday, September 29th, at the Cattaraugus County DPW in Little Valley. Registration is required before September 19th.

Village Clerk Mohawk reported that the mobile spay/neuter clinic has requested permission to return to Gowanda. Cats are \$65 which includes the rabies and distemper shots. An appointment is required in advance.

Village Clerk Mohawk reported that Healthy Community Alliance needs a resolution from the Village for the Restore NY grant. She read the draft resolution:

"WHEREAS, Healthy Community Alliance plans to develop thirty-two residential units for low-income senior citizens on the upper floors of the former elementary school located in the Village of Gowanda;

WHEREAS, Healthy Community Alliance plans to develop commercial space on the first floor of the former elementary school located in the Village of Gowanda;

WHEREAS, the Village of Gowanda, as part of its 1998 Master Plan and 2001 Village of Gowanda Business Development & Downtown Revitalization Study, has identified a need for additional rental housing which is affordable to senior citizens;

WHEREAS, the Village of Gowanda, as part of its 1998 Master Plan and 2001 Village of Gowanda Business Development & Downtown Revitalization Study, has identified a need for commercial space on the first floor;

WHEREAS, in response to three needs identified in the 1998 Master Plan and 2001 Village of Gowanda Business Development & Downtown Revitalization Study, the Village of Gowanda has adopted a plan of action in response to that need;

NOW, THEREFORE, be it resolved that the Mayor and the Village Board of Gowanda hereby have determined that Academy Place is consistent with and forms an integral part

of the strategy outlined in the Master Plan to meet the need for senior housing and economic development; and

Resolved, that the proposed RestoreNY funding is an appropriate use for this project; and

Resolved, that the Academy Place project facilitates effective and efficient use of the existing and future public resources so as to promote economic development and preservation of community resources; and

Resolved, that the Academy Place project enhances the area and will attract, create and/or sustain employment opportunities.”

Motion 133-07. Motion by Trustee Certis, seconded by Trustee Nephew to adopt the foregoing resolution in support of the Restore NY grant funding for Academy Place. Motion carried 5-0.

Village Clerk Mohawk reported on funds received:

\$41.56 from AT&T Communications for gross receipts tax; \$2.90 from Direct Energy Services for gross receipts tax; \$20.00 from Hartford Steam Boiler for boiler inspection fee reimbursement; \$60.00 from Hartford Steam Boiler for boiler inspection fee reimbursement; \$2.36 from 1-800-Reconex for gross receipts tax; \$16.38 from 1-800-Reconex for gross receipts tax; and \$25.00 from the Town of Persia for court fines.

PLANNING

Jack Torrance gave the Planning Board report.

“On Tuesday, September 4, at the regularly scheduled meeting of the Planning Board it was reported that there has been no communications with regards to the letters concerning Academy Place, including clarification by the Village Board of its intent relative to the parking area to the west of the building and a zoning use variance for the Academy Place.”

Village Clerk Mohawk indicated that some paperwork was received from the architect this afternoon.

Public Works Superintendent Hutchinson asked Mr. Torrance if the Planning Board had ever looked into Planned Unit development opportunities for the Village. Mr. Torrance indicated that the Board has had training and looked into the probability of it happening at Peter Cooper and at the Dennis Hills property on Aldrich Street.

It was also reported that a letter from Village Public Works Manager had been received stating that water and sewer was adequate for Academy Place.

The majority of the meeting dealt with the analysis of the survey results with each Planning Board member stating what several items were of greatest interest.

1. average income of the village (which was divided almost equally between the three categories)
2. average length of time living in the community – 30+ years
3. desire for a community center

4. the average age of the respondents (many senior citizens)
5. the large number of responses (180+)

An article will be submitted to the Pennysaver.

“It was agreed that a final report of the analysis of the survey should be completed by the end of the year. Recommendations will be presented concerning updating the Master Plan to the Village Board after the first of the year.

The Planning Board is still awaiting clarification/direction from the Village Board concerning:

1. Status of the Animal Control Local Law
2. what to do about the Chapter 35, Swimming Pools, currently in the Village Municipal Code Book.

The next meeting of the Planning Board is set for October 1 at 7:00 pm with the major agenda item being the continuing review of the survey results and the data supplied by Chris Crawford.”

ENVIRONMENT

Jack Torrance gave the Tree committee report:

“The tree committee reviewed the budget status: As of 8/28/07, projected balance of A8560.430 is \$10,208.32. This should leave sufficient funds for maintenance and for fall tree planting.

The tree committee reviewed the tree species selection based upon prices submitted by Concord, Schichtel and Turnbull. Tree suppliers need to know by the mid-September of the Village tree needs for fall planting. Based upon pricing and availability, approximately 20 trees can be purchased for a sum not to exceed \$1,700. The Village will be reimbursed 50% for the tree grant.

Motion 134-07. Motion by Trustee Nephew, seconded by Trustee DeCarlo to authorize the purchase of trees for fall planting at a sum not to exceed \$1,700. Motion carried 5-0.

“The tree committee agreed that Public Works Superintendent Hutchinson and Phil Palen should reconcile the tree maintenance lists versus the bid list submitted by Covey. The committee agreed that the list based upon the recommendations of the Erie County Urban Forester, Dave Paradowski, is the correct list to use.

Fred Jamison of Chestnut Street inquired about availability of the wood from the trees that will be removed. He indicated that a neighbor burns wood for heat and could use the firewood and that he would cut it up for him. He was told that an answer would depend upon the bids for tree removal and potential award. He also indicated that he would be willing to help plant trees.

Plans are underway for the 2007 Arbor Day celebration with a table at the Fall Harvest Festival.

The next tree committee meeting is scheduled for early October, 2007.”

There was discussion about the status of the creek walk at Academy Place. Trustee Nephew indicated that Village Attorney Chadsey was instructed to pursue discussions

with the school district. Jack Torrance indicated that he thought the Town of Persia would take ownership and lease it to the Village for some nominal fee.

Phil Palen asked about the status of the South Water Street parking lot. Public Works Superintendent Hutchinson indicated that the project this year would be to get some finish grades, move the barriers and put in the bollards that were acquired under the VCR grant. Hopefully next year the Village will remove the building and install the lighting.

Motion 135-07. Motion by Trustee Certis, seconded by Trustee Sheibley to adjourn the Village Board meeting at 9:15 p.m. Motion carried 5-0.

The next Village of Gowanda Board meeting is October 9, 2007.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk