

VILLAGE BOARD MEETING
SEPTEMBER 23, 2008

The Village of Gowanda Board of Trustees meeting was called to order by Mayor Richard Klancer at 7:10 pm. in the Board room, Municipal Building. The pledge of allegiance was recited.

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

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

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

Public Present: Jack Torrance, Jon Penhollow, Don Offhaus, Pat Kinsey

Trustee Sheibley requested a moment of silence for former Mayor and decorated veteran Leo Polasik.

Mayor Klancer spoke about the garbage contract options which were just presented to the Village Board members. All of the options were discussed previously. Trustee DeCarlo indicated the biggest question is sorting the recycling. Trustee Sheibley stated she favors Option #2. Mayor Klancer agreed. Trustee Certis prefers Option #3. Trustee Sheibley advised that the difference is only \$8.00 per year or \$.95 per household. Trustee Nephew would prefer the yard waste pickup every month. Public Works Superintendent Hutchinson indicated there was some discussion about whether the highway department employees could do some of the pickup.

Mr. Penhollow advised that Chautauqua County households do the source separation for recycling. It is not common in Erie County.

Motion 161-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to accept Option #2 to the Penhollow Disposal garbage contract. Motion carried 5-0.

Trustee DeCarlo asked about the tire dropoff. Cards will be printed for use at the sewer plant. Cards will be stamped with a specified limit of tires to be dropped off.

Village Attorney Chadsey advised that Public Works Superintendent Hutchinson could begin work on the garbage contract revisions. Mr. Penhollow advised that the grass and lawn trimmings would be on the same schedule as trash: April, July and October.

The GARC agreement with the Village of Gowanda and the U.S. Environmental Protection Agency needs to be approved. It was previously signed by GARC. Village Attorney Chadsey clarified that the motion should be authorizing the Mayor to execute any agreements between GARC and the Village regarding the Peter Cooper site.

Motion 162-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to authorize the Mayor to execute any agreements between GARC and the Village regarding the Peter Cooper site. Motion carried 5-0.

Motion 163-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the minutes of the September 2, 2008 Village Board meeting as presented. Motion carried 5-0.

Motion 164-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the Minutes of the September 11, 2008 Special Village Board meeting as presented. Motion carried 5-0.

PUBLIC PARTICIPATION

Jack Torrance gave the tree committee report:

“The tree committee, based upon the Village Board approval of the expenditure of not to exceed \$1500, is in the process of final review of tree species that will be included for the fall planting. Selection will be based upon specie prices that have been submitted by Concord, Schichtel and Turnbull and planting sites. Tree suppliers need to know by the mid September of the Village tree needs for fall planting. Based upon pricing and selection approximately 20 trees can be purchased. Remember this purchase will be applied against the grant.

Trustee Nephew, Jack Torrance and Phil Palen met with Pat Marren, Erie County Urban Forester, to review the trees identified for potential maintenance based upon DEC hazard rating system. This was done and as a result 18 trees have been identified for removal and 28 identified for trim. The 2008-2009 budget was for 12 removals and 25 trims and 3 emergency removals. A final list will be given to Public Works Superintendent for bid September 23, 2008.

The tree committee will present its review of 2007-2008 activities at the October Village Board meeting.

The 2008 Arbor Day celebration at the Fall Harvest Festival was successful. A Moonglow Magnolia was raffled realizing a small profit. Pat Marren, DEC Urban Forester, presented the Village with the Tree City USA award for the sixth year. The next tree committee meeting is scheduled for early October, 2008.”

Jack Torrance indicated there were two questions from the tree committee. The first regards the establishment of a reserve fund from the profits from the tree harvesting on

Cemetery Hill. Treasurer Schilling advised that the issue of the reserve fund will be put on the next work session agenda for Board discussion. Public Works Superintendent Hutchinson also asked the Village Board to consider whether they wish to keep the 45 acres of land or sell it. The other regards information given to the Erie County Prosecutor regarding damaged trees on Buffalo Street. Mr. Torrance indicated the Village will receive approximately \$725 remuneration to be used for tree replacement.

Pat Kinsey stated that he thinks the members of the Board who belong to the tree committee should abstain from voting on the issue regarding his tree situation. He was advised by the DEC that his tree will live. He argued that the tree is not worth \$750 - \$1,000. Village Attorney Chadsey advised that a written appraisal of the tree should be provided. The maximum penalty for the first offense against the tree law is \$250. Mr. Torrance indicated additional charges for replacement of the tree are also allowed pursuant to the Village Tree Law. Mr. Kinsey also argued the definition of right-of-way. Mr. Kinsey indicated he would not pay a \$250 fine since the tree will live. Village Attorney Chadsey advised that this matter was decided by the tree committee. Once the new building inspector is hired, he will be given the directive to issue Mr. Kinsey an appearance ticket.

BUSINESS/BUILDING PERMITS

Trustee DeCarlo questioned why the entire Board was not involved in interviewing the applicants for building inspector. Mayor Klancer advised that he asked Trustee Sheibley to do the interviews. Trustee Sheibley advised that she interviewed four applicants for the position. She recommended hiring Gary Brecker.

Motion 165-08. Motion by Trustee Nephew, seconded by Trustee DeCarlo to appoint Gary Brecker as Building Inspector/Code Enforcement Officer, effective immediately. Motion carried 5-0.

Village Clerk Mohawk reported that the Village received \$9,420 from Healthy Community Alliance for the Academy Place building permit.

Village Clerk Mohawk presented an application for a business permit for Prime Communications d/b/a Prime Mobile AT&T Wireless. Village Clerk Mohawk was advised that the sign permit was already approved by Mayor Klancer. The company is anxious to open their business at 14 Jamestown Street. Mayor Klancer indicated he would like Building Inspector Brecker to look at the business prior to granting the permit.

Motion 166-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the business permit for Prime Communications pending Building Inspector Brecker's review. Motion carried 5-0.

POLICE

Village Clerk Mohawk advised that she placed an advertisement for bids for the two police vehicles which are up for sale. The return date is this Friday, September 26th.

JOINT ACTIVITY

Trustee Sheibley thanked the Slovenian Club and the VFW for their generous donations to programming for Gowanda Recreation. Thank you letters were sent.

Trustee Sheibley reported that the Gowanda Recreation Commission will be reorganizing following the resignation of the Chairperson.

Trustee Sheibley reported that the \$2,000 for the Welcome to Gowanda signs was received from the New York State Office of Parks and Historic Preservation.

FIRE

Trustee DeCarlo reported there have been 128 calls so far.

Don Offhaus spoke about a fire hydrant installation at the site of the new fire hall on Aldrich Street. Public Works Superintendent Hutchinson apologized for not getting the information to Village Clerk Mohawk in time for the Board packets. Mr. Hutchinson reported that the materials for a six inch line would be \$7,062.62. This price also includes the curb box. There is also underground cable in that location. He estimated the manpower would be four men for two days for approximately \$1700. An eight inch line across the road would be approximately \$8,269.00. He suggested the six inch line would be better. Public Works Superintendent Hutchinson advised he will need a utility work permit from Erie County. That will take 30 days. Mayor Klancer advised that the Village Board will not be able to make a decision about the \$7,000 this evening. Public Works Superintendent Hutchinson was directed to apply for the permit from Erie County.

Village Attorney Chadsey presented the Village Fire Truck Storage Agreement which is a no cost agreement allowing the Village to store the fire truck at the school.

Motion 167-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the Village Fire Truck Storage Agreement between the Village of Gowanda and Gowanda Central School. Motion carried 5-0.

TREASURER

Treasurer Schilling reported that she and Village Attorney Chadsey just returned from the NYCOM Fall Training School and she thanked the Board for allowing them to participate in such a good learning experience.

Treasurer Schilling indicated that the financing paperwork for the new fire truck should be completed by tomorrow. The truck is ready and waiting.

Treasurer Schilling presented a list of budget transfers which are necessary. She indicated there was one change at the bottom of page 1 regarding the SRO Officer. The account from should be changed to A2710: Other Public Safety.

Trustee DeCarlo questioned why funds were coming out of Fire Protection. Treasurer Schilling indicated the monies come from the funds where there is extra. Fire Chief Raiport is to be commended as are all departments for being frugal with spending and not having to use any of the appropriated fund balance.

Motion 168-08. Motion by Trustee Sheibley, seconded by Trustee Nephew to approve the budget transfers as corrected. Motion carried 5-0.

PUBLIC WORKS

Public Works Superintendent Hutchinson advised that Village Engineer Burr will be resubmitting projects for the Hazard Mitigation funding for this round.

Mayor Klancer presented the following resolution:

“WHEREAS, it has come to the attention of the Village Board of Gowanda, NY that there are no existing records specifying the layout of School Street between North Chapel Street and Center Street, and

WHEREAS, it has come to the attention of the Village Board of Gowanda, NY that surveyors have not been able to identify the width for that portion of the street, and

WHEREAS, it is in the best interest of the public that the width of said street be determined,

BE IT RESOLVED, that to the extent that the village may have any claim to or easement upon the five (5) feet of roadway along the northerly line of School Street, between North Chapel Street and Center Street, as shown on that certain survey prepared by Nussbaumer & Clark, dated August 5, 2008, the village hereby abandons such five (5) foot strip of land and determines the width of School Street to be forty-five (45) feet, measured from the southerly line of School Street as shown on said survey.”

Motion 169-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to adopt the foregoing resolution. Motion carried 5-0.

Mayor Klancer presented the following resolution:

“WHEREAS, Healthy Community Alliance, Inc. is engaged in a project to develop the vacant Center Street School, and

WHEREAS, it has been learned that a portion of the existing school building is built over a sanitary sewer easement owned by the Village, and

WHEREAS, the Village Board has studied the site plan and has approved the site plan for the proposed development, and

WHEREAS, it has been learned that a portion of the existing building as well as a proposed addition to the building is and will be built over a portion of said sewer easement, and

WHEREAS, the Superintendent of Public Works has determined that excavation and/or disruption of the existing improvements and/or the proposed improvements will not be necessary for the repair or replacement of the line, and

WHEREAS, for title purposes to satisfy the requirements of the various funding agencies, a release of the surface rights to such easement area for the existing and proposed improvements is necessary, and

WHEREAS, the proposed project including senior housing is in the best interest of the public.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Mayor is authorized and directed to execute the attached amendment to easement agreement.”

Motion 170-08. Motion by Trustee Certis, seconded by Trustee Nephew to adopt the foregoing resolution. Motion carried 5-0.

Public Works Superintendent Hutchinson indicated that the Mayor needs to be approved to sign the RestoreNY contract.

Motion 171-08. Motion by Trustee Certis, seconded by Trustee Nephew to authorize the Mayor to sign the Restore NY contract. Motion carried 5-0.

Trustee Sheibley advised that she and Public Works Superintendent Hutchinson attended 3 meetings with the Town of Collins regarding a lease management agreement for the homes on upper Erie Avenue and Armes Court. Public Works Superintendent Hutchinson indicated that any costs incurred by the Village for repair or replacement will be reimbursed by the Town of Collins. Village Attorney Chadsey asked for clarification of whether the Village is taking over the lines or just providing a service to the Town. The Village will take control of everything and manage the whole thing. The terms of the contract will make sure that a solution is found for the waterline problems on upper Erie Avenue. The draft agreement was sent to the Town of Collins attorney. Public Works Superintendent Hutchinson advised that he hopes to have a final contract for approval for the November meeting.

Mayor Klancer spoke about Academy Place. He indicated that the Village has reached a tentative agreement with Academy Place on the commercial portion for payment of taxes.

Trustee DeCarlo advised that Senator Cathy Young requested the unveiling of the signs on the bridge for Friday at 3:00 p.m. He indicated that the dedication would still be done on Veterans Day in November. Mayor Klancer asked if it could be done at 4:00.

Public Works Superintendent Hutchinson advised that the Village did not get funded for the Safe Routes to School application.

PLANNING

Jack Torrance advised that the Planning Board is still waiting for input from the Towns of Collins and Persia. They are working with the census numbers for the Master Plan.

ADMINISTRATION

Village Clerk Mohawk reported that the deadline for submittals for the CDBG is October 27th. She advised that it is necessary to hold the public hearing at the next Board meeting.

Motion 172-08. Motion by Trustee Sheibley, seconded by Trustee Certis to schedule the Public Hearing for the CDBG applications for October 14th at 8:00 p.m. Motion carried 5-0.

Village Clerk Mohawk reported that the final tire disposal date at the Dayton Transfer Station is October 4th from 8:00 a.m. until 4:00 p.m.

Village Clerk Mohawk reported that “County Executive Chris Collins has announced that Erie County in cooperation with the Northeast Southtowns Solid Waste Management Board will conduct a free Computer, Electronics, Appliance, Textile, and Bicycle Recycling Drop-off Day on Saturday, September 27, 2008, at Erie Community College South Campus in Orchard Park. This event is open to all Erie County residents between the hours of 9:00 a.m. and 2:00 p.m. Participants must certify that their items are household generated.

Items accepted at this free recycling event are computer systems (CPU’s, monitors, mice, keyboards, printers, and scanners), audio speakers, cell phones, fax machines, wires, copiers, video game systems, VCR’s, DVD players, televisions, fluorescent bulbs and ballasts, and rechargeable batteries. Appliances such as stoves, refrigerators, washers, dryers, microwaves, air conditioners, dehumidifiers, hot water tanks, etc. will be accepted. Clothes and textiles will be reused at Goodwill retail locations or recycled. All bicycles collected will be used for bike repair, maintenance, and safety education or recycled by the Blue Bicycle and Recycle-a-Bicycle Programs.”

Village Clerk Mohawk reported that a request was made to use the board room on October 2nd for tobacco recertification.

Motion 173-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the use of the Village board room for tobacco recertification purposes on October 2nd. Motion carried 5-0.

ENVIRONMENT

Trustee Nephew advised that the Village Board needs to authorize Public Works Superintendent Hutchinson to advertise for bids for the tree work.

Motion 174-08. Motion by Trustee Nephew, seconded by Trustee DeCarlo to authorize Public Works Superintendent Hutchinson to solicit bids for tree trimming and removal. Motion carried 5-0.

Trustee Nephew reported that the Village was presented with a flag and the Tree City USA award for the sixth year.

Trustee Nephew spoke about the easement for the creekside walk at Academy Place. Village Attorney Chadsey advised that the school needs to retain a permanent easement when the property is given to Healthy Community Alliance. The school district needs to assign the easement to the Village. A survey will need to be done. Village Attorney Chadsey will follow up with the school attorneys.

Trustee Nephew asked if South Water Street could be designated as a blighted area which could encompass other projects in the whole area. Public Works Superintendent Hutchinson indicated it would be difficult since there are homes in the area. More discussion about CDBG funds included renovations to the dam spillways and cleaning out the island by the trestle to prevent bank erosion. Trustee Certis asked if there was any interest in the scrapping of the old eye doctor's office.

Trustee Sheibley advised that Time Warner is trying to eliminate Channel 4 from the cable lineup. She wondered if the Village should send a letter. She indicated that the contract should be reviewed for the terms of coverage. Village Attorney Chadsey will review the franchise agreement.

Motion 175-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to adjourn the Village Board meeting at 8:35 p.m. Motion carried 5-0.

The next Village Board meeting is October 14, 2008.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk