

**VILLAGE BOARD MEETING  
AUGUST 19, 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 John Certis  
Trustee Dale DeCarlo  
Trustee Carol Sheibley

Village Employees: Village Clerk Kathy Mohawk, Public Works Superintendent Mike Hutchinson, Village Attorney Deb Chadsey, Patrolman Carl Bley, Fire Chief Steve Raiport, Village Engineer Mark Burr

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

Public Present: Jack Torrance, Mark Grill, Don Offhaus, Angelo Spicola, Jim Penharlow, Randy Campbell, Tim Twitchell, Jeff Edwards of Colden Enterprises Fire & Rescue

Motion 119-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the minutes of the June 18, 2008 Special Village Board meeting as presented. Motion carried 5-0.

Motion 120-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the minutes of the July 8, 2008 Village Board meeting as presented. Motion carried 5-0.

Motion 121-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the minutes of the July 22, 2008 Special Village Board meeting as presented. Motion carried 5-0.

Motion 122-08. Motion by Trustee DeCarlo, seconded by Trustee Nephew to approve Abstract #3 dated August 19, 2008 on all funds as follows:

General Fund	\$160,916.39
Water Fund	\$ 12,820.46
Sewer Fund	\$ 64,840.63
UDAG Fund	\$ 25,000.00
Capital Fund	\$ 21,600.00
Joint Activity	\$ 1,312.93
Total	\$286,550.41

Motion carried 5-0.

**PUBLIC PARTICIPATION**

Mark Grill was the first to speak about 49 South Water Street. He has items stored in there that need to be moved to his new property at 45 Palmer Street. He indicated that when he spoke with Building Inspector Bowers, he was advised that he could no longer be in the building. Mayor Klancer confirmed with Mr. Grill that the only items being removed belong to him. Mr. Grill indicated that he would need Saturday and Sunday to finish taking his things out. Mayor Klancer granted him Saturday and Sunday but if he is caught on the property after that, he will be arrested.

Jack Torrance indicated that the Planning Board has received some comments from Cattaraugus County relative to the Master Plan, basically about the survey numbers.

Mr. Torrance presented the tree report:

“The tree committee heard Mr. Kinsey’s comments concerning the topping of the tree in the tree lawn at his place of residence at 106 Aldrich Street. The results of the discussion are contained in a memo in the Board packet.

A successful spring tree planting was reviewed with 21 trees planted at a cost of \$1,449 for the trees (\$1500 approved). Also 4 trees were planted for the school. Additionally 25 trees were planted by the NYSDOT.

The tree committee is in the process of reviewing tree species that will be available for the fall planting. Selection will be based upon specie 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.

The tree committee is requesting approval for a sum not to exceed \$1,500 for fall planting (within planned budget amount).

The tree committee agreed that Barb Nephew, Jack Torrance and Phil Palen should meet with Pat Marren, Erie County Urban Forester, to review the trees identified for potential maintenance. This was done and as a result, 17 trees have been identified for removal and 25 identified for trim. One emergency removal occurred as a result of a lightning strike. 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 Hutchinson for bid. The tree committee will present its review of 2007-2008 activities at the September Village Board meeting.

Several residents have requested and received advice concerning their trees.

Plans are underway for the 2008 Arbor Day celebration with a table at the Fall Harvest Festival.

Motion 123-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to go out for the tree bids per the tree committee recommendations. Motion carried 5-0.

Fire Chief Raiport spoke about the negotiations for the aerial truck. He advised that the fire department budget is lower than some in the Village, especially since they get funding from surrounding communities as well. The department has over \$1 million in

equipment. He spoke with vendors to determine if there were any demonstrator models available. He located one with E-One. With a new truck, you get all the warranties which you don't get with a used one. E-One came up with the cheapest bare bones truck available. Fire Chief Raiport indicated there is \$68,000 in the reserve fund. The truck could be leased and the payment would be deferred for a year. The first payment would come out of the reserve funds. The second year of the lease payment, the Hidi truck will be paid up. The \$43,000 budgeted each year for that lease payment could be used with an additional \$8,000 to make the payments. This brand new truck should last at least 30 years. Buying a used one would leave the Village in the position in another ten years with a decision of what to do with that one. Trustee DeCarlo mentioned the donations from the public which have helped to purchase the Jaws of Life, the air bags, a new thermal imaging camera, etc. Fire Chief Raiport advised that the firemen take pride in their equipment and take care of it. Fire Chief Raiport suggested that the Village defer the payment for the truck for one year, allowing for time to solicit letters of support from the surrounding communities and seek intermunicipal shared services funds.

Trustee Sheibley stated that the amount of interest the Village will have to pay for this new truck seems too high. It would add up to \$114,000 over a 10-year period. This is a lot of money. There was discussion about finding some other type of financing or a lower interest rate.

Jeff Edwards described the truck as a 75 foot aerial quint, with a 1250 pump on it. There is a remote nozzle on the truck. The back end of the truck has a single rear axle as opposed to a dual axle. The benefit of buying a new vehicle as opposed to buying a used vehicle is that the warranties are better. A brand new vehicle like this would cost \$100-150,000 more than the quoted price. Tim Twitchell also advised that new 2009 NFTA regulations will be mandated. Don Offhaus advised that the new truck will come with a full complement ground ladder but nothing else. Fire Chief Raiport advised that the lettering is included in the bare bones pricing. Mr. Twitchell indicated that buying a new truck saves almost 20 years of service and maintenance. Mr. Edwards indicated that E-One has 24 hour a day maintenance. He also indicated that the current Village truck has no trade-in value.

Fire Chief Raiport advised that Middle Hope put their truck out for bid. They refused the Village offer of \$140,000.

Mayor Klancer stated he would like Treasurer Schilling to investigate money sources at better interest rates. Fire Chief Raiport requested approval to lease the truck through E-One or through a leasing arrangement at lower interest should Treasurer Schilling secure one. Don Offhaus indicated that the Village has contracts with other communities that include the aerial truck. Trustee Sheibley asked Fire Chief if he could foresee any additional costs. He replied that any other items could be taken out of the operating budget.

Trustee Certis indicated he was in agreement that the aerial truck needs to be replaced and that if the financing can be worked out satisfactorily, he sees no problems with the purchase. Trustee Nephew agreed. Trustee Sheibley's concern is the high interest rate.

Fire Chief Raiport indicated that before the Village takes possession of the vehicle, he and Tim Twitchell would inspect it.

Motion 124-08. Motion by Trustee DeCarlo, seconded by Trustee Nephew to authorize purchase of the new aerial truck, with an option to secure alternate financing. Village Clerk Mohawk polled the Board members at the request of Trustee DeCarlo:

Trustee Certis – yes

Trustee Nephew – yes

Trustee DeCarlo – yes

Trustee Sheibley – yes

Mayor Klancer – yes

Motion carried 5-0.

Fire Chief Raiport requested authorization to put the 1973 American LaFrance out for bid.

Motion 125-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to put the 1973 American LaFrance out for bid. Motion carried 5-0.

Village Attorney Chadsey advised that the vote for the purchase of the new truck must be repolled as Trustees DeCarlo and Sheibley are members of the fire department and cannot vote on the purchase of equipment.

Motion 126-08. Motion by Trustee Certis, seconded by Trustee Nephew to authorize purchase of the new aerial truck, with an option to secure alternate financing. Village Clerk Mohawk polled the Board members:

Trustee Certis – yes

Trustee Nephew – yes

Mayor Klancer – yes

Motion carried 3-0.

Trustee Sheibley suggested to Fire Chief Raiport to contact the fire service place in Arkansas to see if they might be interested in the Village truck.

Village Attorney Chadsey advised that she made some revisions to the lease with the Gowanda Fire Department and the Village.

Motion 127-08. Motion by Trustee Certis, seconded by Trustee Nephew to approve the general terms of the lease agreement between the Gowanda Fire Department and the Village of Gowanda subject to final modifications of the Fire Department attorney and Village counsel. Motion carried

Motion 128-08. Motion by Trustee Sheibley, seconded by Trustee Certis to open the Public Hearing at 8:00 p.m. Motion carried 5-0.

Mayor Klancer opened the Public Hearing for an Amendment to Local Law Chapter 34 entitled “Flood Damage Protection: for the Village of Gowanda. Trustee Sheibley questioned Page 18 of the proposed section under No. 2 the reference to “The Planning Board of Appeals”. She indicated it should probably read “The Zoning Board of Appeals.” Mr. Torrance indicated that the Zoning Board of Appeals is involved when a variance is required. Village Attorney Chadsey advised she would change the wording.

Motion 129-08. Motion by Trustee Sheibley, seconded by Trustee Certis to close the public hearing at 8:07 p.m.

Motion 130-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to accept the Amendment to Local Law Chapter No. 34 entitled “Flood Damage Protection” with the change on Page 18 from Planning Board of Appeals to Zoning Board of Appeals. Motion carried 5-0.

Motion 131-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to go into Executive Session at 8:07 p.m. Motion carried 5-0.

Motion 132-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to come out of Executive Session at 8:25 p.m. Motion carried 5-0.

Motion 133-08. Motion by trustee DeCarlo, seconded by Trustee Certis to make the Gowanda Police Department available for a second SRO on a part-time basis. Motion carried 5-0.

Mayor Klancer reported on a situation with a tree on Aldrich Street. A meeting was held with the tree committee and counsel and Mr. Kinsey who took the matter into his own hands. A recommendation was made by the tree committee.

Motion 134-08. Motion by Trustee Certis, seconded by Trustee Nephew to approve the recommendation of the tree committee. Motion carried 5-0.

Mayor Klancer excused himself to attend another meeting and turned the Village Board meeting over to Deputy Mayor Sheibley. Before he left, he expressed his thanks to all involved with the Wagon Train: to the 5<sup>th</sup> grade students who read their essays, to Carol Sheibley and the time capsule committee; Carrier Coach and Scott Howard, Don Offhaus and Steve Raiport, Mike Hutchinson and the Village employees, Gowanda Fire police, Gowanda Police Department, all that provided entertainment, Sue Torrance and the Gowanda Chamber, to Mike Korbar and the Gowanda Moose Board for the use of the property and supplying the meals, to the wagoneers and to all the residents and visitors that made it a very successful and enjoyable evening. There were 21 wagons in the Village for the event.

**BUILDING/BUSINESS PERMITS**

Village Clerk Mohawk supplied copies of the business permits for 24 West Main Street and 32 West Main Street. Building Inspector Bowers inspected both properties and approved them to open.

Motion 135-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the business permits as recommended by Building Inspector Bowers. Motion carried 4-0.

Village Clerk Mohawk requested action on the retirement of Building Inspector Bowers, effective July 31, 2008.

Motion 136-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to accept, with regret, the retirement of Building Inspector/Code Enforcement Officer Paul Bowers, effective immediately. Motion carried 4-0.

Trustee Sheibley requested Village Clerk Mohawk send a letter to Mr. Bowers thanking him for his dedicated service to the Village.

**POLICE**

Motion 137-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to declare two police vehicles, the 1996 K-9 vehicle and a 1999 Crown Victoria, as surplus and offer them for auction/bid. Motion carried 4-0.

Village Clerk Mohawk read the July 2008 police report:

“87 reported calls, 16 arrests, 40 tickets issued, 1 violent domestic, 2 motor vehicle accidents.

The Gowanda Police Department along with Chautauqua County, Cattaraugus County and Erie County Sheriff Departments arrested a Gowanda resident along with a Hanover resident that allegedly committed over 30 house burglaries. Property value over \$25,000 or more have been recovered. The investigation is still ongoing.

Our department would like to thank all the agencies for working side by side in this investigation and working as one unit. This team effort opened communication for monthly meetings with the 3 Sheriff’s Departments and local police agencies.

Our department along with the Gowanda Fire Company will be honored at the New York State Fair on August 22<sup>nd</sup> with a brunch with U.S. Senator Hillary Clinton and State Comptroller Thomas DiNapoli for the Zoar Valley rescue efforts along with Erie County, Cattaraugus County Sheriff’s Department.

Our investigation team made 5 arrests from the Free Methodist Church burglary that happened on June 16<sup>th</sup>. Most of the property was recovered.

Our new car is in service. We will have the graphics put on by September with a different look to honor the Village’s 160 year birthday.

We would like to thank Fire Chief Steve Raiport and the Gowanda Fire Company for donating a Survivalink AED to our department and Hill’s Funeral Home for providing a trainer and certifying our officers.”

Village Clerk Mohawk read a letter:

“Thanks so much for your support with the National Night Out at Collins Library. As it was our first hosting of the event, we were very pleased with how well it went and hope to do it again next year. Your help and attendance is greatly appreciated and helped to make the night as much of a success as it was.

We think this is a very important event for bringing the community together and educating the children on emergency services available to them. The children were able to interact with officers and emergency personnel in a casual setting and as a result are more educated on who to ask for help. We were very impressed with the level of expertise, experience, and professionalism that was displayed at the National Night Out. Many people were very impressed by the event and were looking forward to coming again next year. We hope you enjoyed yourselves as much as we did and plan on attending next year.

Sincerely,

Karen McClure, Director, Collins Public Library”

### **JOINT ACTIVITY**

Trustee Sheibley read a letter:

“I regret to inform you of my resignation as Chairperson and member of the Gowanda Recreation Commission, effective immediately. It has been a pleasure to work with a very dedicated group of people for the last two years. I am confident that they will continue to work for the good of the youth of our community. We have just completed another successful Summer Recreation Program and have begun planning Fall activities. Thank you for the opportunity to serve the village in this manner. . . .

Sincerely,

John E. Wieder”

Motion 138-08. Motion by Trustee Certis, seconded by Trustee DeCarlo, to accept the resignation, with regret, of John Wieder as Chairperson of the Gowanda Recreation Commission, effective immediately.” Motion carried 4-0.

Trustee Sheibley asked Village Clerk Mohawk to send a letter of regret.

The Recreation Commission requested permission to hire Roy Hendrix, Aaron Benton and Andy Carriero for the fall soccer program. Mr. Hendrix worked last year at \$10.00 per hour, Aaron Benton worked at \$8.00 an hour and Mr. Carriero will work on an as-needed basis. The program will run from September 3<sup>rd</sup> from 5:30 until 7:00 p.m. for six weeks at the Thatcher Brook field.

Motion 139-08. Motion by Trustee Certis, seconded by Trustee Nephew to hire Roy Hendrix, Aaron Benton and Andy Carriero for the fall soccer program. Motion carried 4-0.

Trustee Sheibley reported that the Village received \$200.00 from the United Way which was used for one of the summer program field trips.

Trustee Sheibley thanked Anne Sage for taking care of and planting of the flowers around the Village signs this summer.

### **FIRE**

Trustee DeCarlo advised the fire department has had 101 calls so far this year.

Trustee DeCarlo advised that next year will be the 125<sup>th</sup> anniversary of the fire company.

Trustee DeCarlo read a letter he received from Senator Cathy Young:

“It is my pleasure to inform you that Senate Bill S.6917 and Assembly Bill A.10152 was approved by the Governor on July 11<sup>th</sup> and will become effective in 30 days. This legislation designates the bridge over Cattaraugus Creek on Main Street in the Village of Gowanda as “Gowanda Veterans Memorial Bridge.”

Trustee DeCarlo advised that the Village is waiting to hear from the State Transportation Department about the signs and a dedication ceremony will be scheduled. Village Engineer Mark Burr advised that the County makes the signs, not the State.

### **TREASURER**

Trustee Sheibley advised that she has some questions regarding the request for budget transfers. According to her conversation with Drescher & Malecki, there is no problem with waiting until the next meeting.

### **PUBLIC WORKS**

Public Works Superintendent Hutchinson suggested that the No Parking at Trinity United Church be discussed at the next work session. He also encouraged the Village Board members to take a look at the proposed Information Technology Policy. Deputy Mayor suggested everyone review it for the next meeting and move it to an action item. Trustee Certis reviewed it and stated it looked okay.

Public Works Superintendent Hutchinson discussed the operating database software program which needs to be upgraded. There has been trouble reconfiguring some of the reports. The cost to upgrade is \$5,962.50. The only other option is to change the software entirely to another vendor. This cost is \$1900 more than the budgeted amount so the difference will need to come from the contingency fund.

Motion 140-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to authorize Public Works Superintendent Hutchinson to purchase the software upgrade for the wastewater treatment plant operating database. Motion carried 4-0.

Public Works Superintendent Hutchinson requested authorization to bid the old doctor's office on South Water Street. It is an I-beam steel-formed building. He would bid it with the bidder being responsible for taking the building down and removing it. He would work with the Village Attorney to prepare bid specifications and proceed.

Motion 141-08. Motion by Trustee Nephew, seconded by Trustee Certis to authorize Public Works Superintendent Hutchinson to proceed to prepare the bid specifications for the old doctor's office on South Water Street. Motion carried 4-0.

Public Works Superintendent Hutchinson requested approval to award the bid for the mower deck to Dana Maybee in the amount of \$137.00.

Motion 142-08. Motion by Trustee Certis, seconded by Trustee Nephew to award the bid for the mower deck to Dana Maybee in the amount of \$137.00. Motion carried 4-0.

Public Works Superintendent Hutchinson requested approval to have Village Engineer Burr do the design and bid specifications for the repaving of South Chapel Street from West Main Street to Jamestown Street. It is for milling and repaving and is CHIPS-eligible.

Motion 143-08. Motion by Trustee DeCarlo, seconded by Trustee Nephew to authorize Village Engineer Mark Burr to do the design and bid specifications for the milling and repaving of South Chapel Street. Motion carried 4-0.

Public Works Superintendent Hutchinson advised that the sewer and water plants sustained some lightning damage on the phone system and the new instrumentation. An insurance claim has been filed.

Public Works Superintendent Hutchinson advised that Healthy Community Alliance did not need the funding from the UDAG committee so the funds have been returned to be used by some other organization.

Public Works Superintendent Hutchinson advised the Village is working on the drainage on Dawson Drive. It is also a CHIPS project.

There was discussion about the pillars on Orchard Place. The replacement is being done at a very reasonable price by Steve Jolls.

### **ADMINISTRATION**

Village Clerk Mohawk presented a list of some equipment to declare surplus and offer for sale including dictating equipment, calculators, FAX machine, shredder, etc.

Motion 144-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to declare the equipment surplus and offer it for sale. Motion carried 4-0.

Village Clerk Mohawk read a letter from the Gowanda Lions Club:

“The Gowanda Lions Club takes great pride in sponsoring the American Flag Project for another year.

This non profit venture enables us to display the flag for all national holidays and special community events. It also allows the Tom Szymanski family who are part of the Free Methodist Church youth group to earn money by putting up the flags and taking them down. We are also able to purchase new flags as needed with your generous contributions.”

Motion 145-08. Motion by Trustee Certis, seconded by Trustee Nephew to donate the same amount as last year for the Gowanda Lions Club flag project. Motion carried 4-0.

Village Clerk Mohawk reported on the Veterans Outreach Program sponsored by Legislator John Mills on September 9<sup>th</sup> at the Springville/Concord Town Hall, 86 Franklin Street, Springville, from 6:00 p.m. until 9:00 p.m.

Village Clerk Mohawk reminded the Board members of the Salamanca Cattaraugus Bi-Centennial Committee parade scheduled for September 28<sup>th</sup> in Salamanca.

Village Clerk Mohawk reported on an event application submitted for a Hollywood Theater Fall Carnival scheduled for Friday, September 12<sup>th</sup>, and Saturday, September 13<sup>th</sup> in the parking area behind the theater. Village Engineer Mark Burr indicated the carnival is 5 small rides, a couple of adult rides, some food vendors, etc. There will be no beer tent. Village Clerk Mohawk advised that the Village needs insurance from the ride providers.

Village Clerk Mohawk reported that the Board room will be used on September 9<sup>th</sup> for the primaries so it was determined the next Board meeting would be September 2<sup>nd</sup>.

Motion 146-08. Motion by Trustee Certis, seconded by Trustee Nephew to approve the event application for the Hollywood Theater Fall Carnival pending receipt of insurance certificates listing the Village as an additional insured. Motion carried 4-0.

Village Clerk Mohawk reported on the 2008 fall rabies clinics for dogs, cats and ferrets: Tuesday, September 9<sup>th</sup>, in Markhams; Thursday, September 11<sup>th</sup>, in Allegany, and Tuesday, September 16<sup>th</sup>, in Franklinville, at the D.P.W. garages from 4:30 – 7:30 p.m. There is no charge but donations are accepted to help defray costs.

Village Clerk Mohawk reported a free rabies vaccination clinic on Wednesday, September 3<sup>rd</sup>, at the Lakeshore Fire Company from 5-7 p.m.

Village Clerk Mohawk reported on the Cattaraugus County Household Hazardous Waste and Computer Recycling scheduled for Saturday, September 27<sup>th</sup>, at the Cattaraugus County DPW garage. All household computers and computer-related equipment as well as household cleaning supplies are eligible. It is necessary to register first.

Village Clerk Mohawk reported that the American Red Cross is holding a Blood Drive at the American Legion on Wednesday, August 27<sup>th</sup>, from 11:00 a.m. until 7:00 p.m.

Village Clerk Mohawk thanked the Village Board for thanking them for allowing her to attend the Cornell Clerk's School. She finished the third year and graduated. The last topics covered included keeping the Board on track during meetings, human resource management and how to select the correct person for the job, the Green Initiative and seeking ways to save money on energy, stress reduction, advanced computer work in Excel and Microsoft 2007, demographics and how they affect your planning processes, and public relations.

Village Clerk Mohawk reported that the boardroom will be used on September 3<sup>rd</sup> at 10:00 in the morning for a public hearing regarding RestoreNY grant funding.

Village Clerk Mohawk and Public Works Superintendent Hutchinson discussed making some changes to the lawn mowing and garbage provisions in our municipal code to better recoup the costs associated with the administrative work involved.

## **ENVIRONMENT**

Trustee Nephew commented on the TLC residential treatment program problems on Memorial Drive and Aldrich Street. Residents of the facility are standing on the corner in large groups smoking because smoking is not allowed on the TLC grounds. Public Works Superintendent Hutchinson advised Trustee Nephew that the facility is looking to expand as well.

Trustee Sheibley asked about whether the corrections crew was coming to the Village. Public Works Superintendent Hutchinson indicated that a request was made to have the inmates paint fire hydrants. He also indicated they could be used to paint guardrails if the Village Board desired. Trustee Sheibley indicated the inmates could be used to do some painting and fixing up of the downstairs room. Village Clerk Mohawk reported that she spoke with the Sergeant in charge of the work crews at Corrections who indicated a crew may not be available until the spring.

Trustee Certis asked if it was necessary to act on the recommendation of the Zoning Board to give a variance to Bob Dentice at 241 Palmer Street.

Motion 147-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to accept the recommendation of the Zoning Board to grant a variance to Bob Dentice at 241 Palmer Street. Motion carried 4-0.

Phil Palen informed the public that residents cannot be putting signs on the black street signs downtown. The paint peels off when they are removed.

Motion 148-08. Motion by Trustee Certis, seconded by Trustee Nephew to adjourn the Village Board meeting at 9:25 p.m. Motion carried 4-0.

The next Village of Gowanda Board meeting is September 2, 2008.

Respectfully submitted,

Kathleen V. Mohawk  
Village Clerk