

**VILLAGE BOARD MEETING
APRIL 27, 2010**

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 Carol Sheibley
Trustee Heather McKeever
Trustee John Certis
Trustee Dale DeCarlo

Village Employees: Public Works Superintendent Mike Hutchinson, Village Clerk Kathy Mohawk, Treasurer Cindy Schilling, Village Attorney Deborah Chadsey, Building Inspector Gary Brecker

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

Public Present: Alice Tschopp

Motion 12-10. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the minutes of the April 6, 2010 Village Board Organization meeting as presented. Motion carried 5-0.

PUBLIC PARTICIPATION

Alice Tschopp submitted an Event Application for the Heritage Harvest Festival scheduled for Saturday, September 18th, and Sunday, September 19th in Chang-Hu Park. A grant from the Cattaraugus County Arts Council in the amount of \$750 was received. She requested \$500 from the Village celebration fund as seed money.

Motion 13-10. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the \$500 seed money for the Heritage Harvest Festival event. Motion carried 5-0.

BUSINESS/BUILDING PERMITS

Building Inspector Brecker advised that he followed up on a complaint regarding Robert Field operating a fence business on Walnut Street. He has a large garage but he is not operating a business from that address.

Mr. Brecker advised that he issued 3 appearance tickets for the Palmer Street address. They are returnable May 4th in Persia Town Court. Village Attorney Chadsey asked if her presence would be necessary. Mr. Brecker indicated he could prosecute the problem by himself. Mayor Klancer indicated it is a real problem and if Village Attorney Chadsey

feels it would help for her to be present she should be. Mr. Brecker indicated he rejected the business permit. The resolution of the problem will be that the resident will have as much junk as he wants but it will be inside of a building.

The next discussion was on the property maintenance law proposed by the Planning Board. Building Inspector Brecker indicated that the Erie County Health Department property maintenance code and the Village's own property maintenance code contain more than this proposed law. The only thing not covered is the permit/registration and fee requirements for rental properties. Mr. Brecker advised that he saw no need to develop another law. There are enough on the books already. New York State already requires Building Inspector Brecker to inspect multiple dwellings every 18 months. Village Attorney Chadsey advised that the Village can either make the Village code more restrictive or just strongly enforce what is already on the books. She advised that Building Inspector Brecker has every right to enforce the present laws. Treasurer Schilling indicated that a spreadsheet of landlords and telephone numbers could be developed. Trustee McKeever asked Building Inspector Brecker what his opinion is of the proposed landlord/tenant law. He indicated that he is against any further fees. Trustee Sheibley asked if Building Inspector Brecker has a list of building permits that he has issued. He indicated that the Village Clerk has a list. Treasurer Schilling asked Village Clerk Mohawk to supply a list of building permits each month for the Board members.

Motion 14-10. Motion by Trustee Certis, seconded by Trustee DeCarlo that based upon the laws already in place in New York State and the Village of Gowanda, and based upon the recommendation of Building Inspector Brecker, it is not necessary to adopt the proposed local law revision regarding Resident/Non-Resident Landlords as proposed by the Village of Gowanda Planning Board. Motion carried 5-0.

Trustee McKeever stated that she will advise the Planning Board of the decision at the next meeting on May 3rd.

POLICE

Village Clerk Mohawk reported that the Town of Persia sent \$25.00 and \$50.00 for Court fines. She indicated that less money will be received from the Town of Persia in the future because both Towns have the same District Attorney. Village Attorney Chadsey advised that the tickets are being plead down to Town infractions. Village Attorney Chadsey suggested a work session to discuss the ticket procedure in the Towns. A meeting was scheduled for Tuesday, May 18th, 2010 at 5:30 with Officer-in-Charge Alessi.

Village Clerk Mohawk read the March 2010 police report:

“190 reported calls, 36 arrests, 4 juvenile arrests, 52 traffic tickets, 5 violent domestics, and 3 motor vehicle accidents.

The Gowanda Police received 37 applications for patrolman this past month. The list was narrowed down to 17 candidates with interviews and background checks performed. We are requesting the hiring of 3 officers who are:

Sean Hotnich – Sean has been in law enforcement for 18 years and retired from Batavia Police Department as a Sergeant. Sean lives in South Wales.

Sean Campas – Sean graduated from Erie County Central Police Academy in 2009 and works part-time in Middleport Police Department. Sean lives in Hamburg.

Joseph Oishei – Joe will graduate from Erie County Police Academy in July. Joe lives in Amherst.

All candidates that we are requesting served in the U.S. Military.

We have two other applicants who would be a great addition to our team on hold until later than year as we anticipate 2 retirements.”

Motion 15-10. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the hiring of Sean Hotnich, Sean Campas and Joseph Oishei as part-time patrolmen with the Gowanda Police Department. Motion carried 5-0.

Trustee DeCarlo requested a new Stop Ahead sign on Hill Street which disappeared during the flood.

JOINT ACTIVITY

Trustee Sheibley reported that on Sunday St. Joseph’s Youth Group cleaned up St. John’s Park. Andy Carriero from the Village water department assisted.

Trustee Sheibley reported that the Recreation Commission will meet in May to begin work on the summer program.

FIRE

Trustee DeCarlo requested authorization to purchase a rescue saw at a cost of \$1,075. It will be used exclusively on the ladder truck for use on roofs. It will be purchased and paid for out of next year’s budget. Mayor Klancer reminded Trustee DeCarlo that in the future fire company purchases should be approved before they are purchased.

Motion 16-10. Motion by Trustee Certis, seconded by Trustee McKeever to approve the purchase of a rescue saw at a cost of \$1,075. Motion carried 3-0. Trustee DeCarlo and Trustee Sheibley abstained.

Trustee DeCarlo thanked Mayor Klancer for attending the fire company meeting and Trustee Certis for attending the installation banquet.

TREASURER

Treasurer Schilling requested approval of the 2010-2011 Village budget.

Motion 17-10. Motion by Trustee Certis, seconded by Trustee DeCarlo to adopt the 2010-2011 Village budget as presented. Motion carried 5-0.

Mayor Klancer thanked the board members, Treasurer Schilling and the supervisors for their help with this tough budget year.

Village Attorney Chadsey advised that the Erie County Attorney's Office still has the Memorandum of Understanding. No money will be paid to them until this memorandum is received. Public Works Superintendent Hutchinson also advised that Erie County purchased some equipment which the Village does not have. A letter is required from the County stating that the equipment was either lost in the flood or the equipment should be given to the Village. Village Attorney Chadsey asked for a list of the equipment which was purchased. She will send a letter to the County indicating the Village will pay them minus the cost of this equipment. Treasurer Schilling asked Village Attorney Chadsey to track her time and charge it to a specific project number in order to be able to turn her time in to FEMA.

Treasurer Schilling asked about the status of the broken shut off valve on Erie Avenue. Public Works Superintendent Hutchinson advised that the work has not been done yet. The water cannot be shut off. Mayor Klancer reminded Public Works Superintendent Hutchinson that the work is supposed to be done. No one is living in the home. Village Attorney Chadsey suggested taking the delinquent property owner to Small Claims Court.

PLANNING

Village Clerk Mohawk reported that Jack Torrance was unable to attend. He wanted to report that nothing had been received from Village Attorney Chadsey regarding the Master Plan and her review of the Landlord-Rental section to the Housing Code. The next Planning Board meeting is tentatively scheduled for Monday, May 3rd. Three of the Planning Board members are planning to attend training at Houghton College on May 5th.

PUBLIC WORKS

Public Works Superintendent Hutchinson reported that he is still trying to determine if the bid from Kemira will meet the specifications for ferric chloride.

Village Attorney Chadsey had conversations regarding the Restore NY Grant Disbursement Agreement for the Hollywood Theater and will meet with Village Engineer Mark Burr for more details. A public hearing will be scheduled for May 25th regarding this agreement.

Public Works Superintendent Hutchinson reported that the Crestwood Drive project is ready to begin. Work will start in about 2 weeks. He reported that a request to FEMA for an amendment to that project has been submitted to repair the rest of the road but no

response has been received to date. Mayor Klancer asked if the road would be closed at any time. Mr. Hutchinson advised that it would not.

Public Works Superintendent Hutchinson advised that he submitted an application to the DOT for road closing for Pioneer Days but he has not yet received an application for the Harley Days event.

Public Works Superintendent Hutchinson reported the Village received a request for applications for ARC funding.

Public Works Superintendent Hutchinson reported the Village received a Water Fluoridation Quality Award for 2008.

Public Works Superintendent Hutchinson presented the Statement of Loss approvals for the insurance settlements. One of them included a settlement for the depreciated value for the DPW building. These are for \$3,810.24, \$82,758.30, \$14,953.66 (which includes the depreciated value of the DPW building) and \$129,491.96 for the DPW building.

Public Works Superintendent Hutchinson reported that TVGA will prepare a Brownfields Opportunity Assessment grant application for the Village. He requested approval of the application and publication of same.

Motion 18-10. Motion by Trustee McKeever, seconded by Trustee DeCarlo to adopt the following resolution:

**NEW YORK STATE
DEPARTMENTS OF STATE AND ENVIRONMENTAL CONSERVATION
BROWNFIELD OPPORTUNITY AREAS PROGRAM
LEAD APPLICANT RESOLUTION**

Brownfield Opportunity Areas Name: Village of Gowanda
Resolution authorizing the items listed below pursuant to §970-r of the General Municipal Law.

WHEREAS, Village of Gowanda herein called the “Applicant”, after thorough consideration, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable; and

WHEREAS, §970-r of the General Municipal Law authorizes State assistance to eligible parties for Brownfield Opportunity Areas Program grants by means of a State Assistance Contract (SAC) and the Applicant deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY Village of Gowanda

1. That Richard Klancer, Mayor, is the representative authorized to act in behalf of all applicants in all matters related to State assistance under §970-r of the General Municipal Law for the Project. The representative is also authorized to sign and submit the application, execute the SAC, request SAC advances and reimbursements, redistribute SAC reimbursements as appropriate, submit Project

- documentation, and otherwise act for all applicants in all matters related to the Project and to State assistance;
2. That the Applicant agrees that it will complete the Project;
 3. That the Applicant agrees that it will fund its portion of the Applicant's 10% share of the Project; and
 4. That this Authorization take effect immediately.”

Motion carried 5-0.

Mr. Hutchinson indicated that a notice must be published to the effect that the Village is submitting an application to do the Brownfields work and that the application may be reviewed if the public chooses to do so.

Motion 19-10. Motion by Trustee Certis, seconded by Trustee McKeever to authorize Village Clerk Mohawk to publish a notice about the Brownfield application in the legal paper. Motion carried 5-0.

Public Works Superintendent Hutchinson advised that on Monday, May 3, at 5:30 p.m. there will be a flood study meeting with the Army Corps of Engineers in the Village Hall. Trustee McKeever indicated that Jack Torrance should be advised as there will be a conflict with the Planning Board meeting scheduled for 7:00.

Trustee Sheibley asked about the mailbox which used to be behind Jesse's Toy Box. She requested that a letter be sent to the Post Office asking that it be replaced.

Trustee Sheibley also reported that North Water Street residents have requested that the guardrails be painted. Village Clerk Mohawk indicated that the North Water Street residents have requested that more street lights be added on that street as there are only two, one on each end.

ADMINISTRATION

Village Clerk Mohawk requested approval of the 2010-2011 water/sewer relievis for the upcoming tax collection season. Erie County is \$10,953.13 and Cattaraugus County is \$22,886.96.

Motion 20-10. Motion by Trustee DeCarlo, seconded by Trustee McKeever to approve the 2010-2011 water/sewer relievis as presented. Motion carried 5-0.

Village Clerk Mohawk read a letter from The Gowanda Free Methodist Church:
“We appreciate having been allowed in previous years to use Chang-Hu Park during our Vacation Bible School. The dates for this year's VBS are July 12-16 (Monday through Friday, from 9-11:30 a.m.). We would like to once again use the park for activities such as our cookie & juice snack time, and to sit and eat hot dogs if we decide to have them this year after our closing program. We would take responsibility for cleaning up after ourselves, and I will ask our church administrative assistant to contact our insurance company to provide the Village with a certificate of insurance regarding the park use.”

Motion 21-10. Motion by Trustee Certis, seconded by Trustee Sheibley to allow the use of Chang-Hu Park by The Gowanda Free Methodist Church for Vacation Bible School July 12-16, 2010. Motion carried 5-0.

Village Clerk Mohawk advised that the February and March Treasurer's reports have been filed.

Village Clerk Mohawk read from the New York State Assembly Certificate of Merit: "The Assembly of the State of New York, in recognition of the achievement of Village of Gowanda 2010 Community Arts Grant Recipient hereby presents this Certificate of Merit" signed by Joseph M. Giglio, Member of Assembly. She also read a "Certificate of Recognition presented to Village of Gowanda New York State Council on the Arts and Cattaraugus County Arts Council – 2010 Community Arts Grant Recipient" from Senator Catherine Young.

Treasurer Schilling asked about the Memorandum of Understanding regarding the School Resource Officer.

Village Clerk Mohawk advised there is a vacancy on the UDAG committee due to the retirement of Sandy Gaylord from Community Bank. The name presented for appointment is Nate Pleakin, the new loan officer at Community Bank.

Motion 22-10. Motion by Trustee Sheibley, seconded by Trustee Certis to appoint Nate Pleakin to the UDAG committee due to the retirement of Sandy Gaylord. Motion carried 5-0.

Village Clerk Mohawk advised that the American Legion Ladies Auxiliary and VFW Auxiliary requested approval to have their Poppy Days on May 14th and May 28th respectively.

Motion 23-10. Motion by Trustee Certis, seconded by Trustee Sheibley to approve the Poppy Days for the American Legion Ladies Auxiliary and the VFW Ladies Auxiliary on May 14th and May 28th. Motion carried 5-0.

Village Clerk Mohawk requested authorization to go out to bid for lawn mowing services.

Motion 24-10. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to authorize Village Clerk to go to bid for lawn mowing services. Motion carried 5-0.

Motion 25-10. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to rescind any prior motions made relative to payments to the Town of Persia from the PILOT plan for Academy Place. Motion carried 5-0.

Motion 26-10. Motion by Trustee DeCarlo, seconded by Trustee Certis to adopt a Memorandum of Agreement to pay \$2500 to the Town of Persia within 30 days of receipt from Academy Place, retroactive to 2009. Motion carried 5-0.

Village Clerk Mohawk discussed the utility audit proposals by both Troy & Banks and Computel Consultants. She indicated she preferred to go with the Computel Consultants because the company suggested looking at the Time Warner franchise agreement as well. Treasurer Schilling indicated that some items of the contract can be renegotiated including the length of the contract. Village Attorney Chadsey indicated she would like to speak with the gentleman from Computel Consultants to discuss the cable franchise agreement.

Motion 27-10. Motion by Trustee Certis, seconded by Trustee Sheibley to authorize Mayor Klancer to sign a consulting agreement with Computer Consultants to perform an energy audit for the Village. Motion carried 5-0.

ENVIRONMENT

Mayor Klancer reported the announcement from Senator Schumer's office regarding the Tri-County Hospital relocation. It is a huge announcement for this area. Senator Schumer and Assemblyman Giglio were instrumental in this. Treasurer Schilling stated that the Village Board commitment to keeping the hospital here was also huge.

Phil Palen advised that this is the 10th year of planting trees. He also advised there are 5 street lights out downtown.

Motion 28-10. Motion by Trustee McKeever, seconded by Trustee DeCarlo to adjourn the Village Board meeting at 8:05 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is May 11, 2010 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk