

**VILLAGE BOARD MEETING
And Grievance Day
FEBRUARY 16, 2010**

The Village of Gowanda Board of Trustees meeting and Grievance Day was started at 4:00 p.m. in the Board room, Municipal Building.

Present: Trustee Carol Sheibley
Trustee Dale DeCarlo
Mayor Richard Klancer (arrived at 4:35 p.m.)
Trustee John Certis (arrived at 5:20 p.m.)
Trustee Heather McKeever (arrived at 5:25 p.m.)

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

Media Present: Mary Pankow, Gowanda Pennysaver
Tim Latshaw, Observer (arrived at 6:00)

Public Present: Doug Galenza, Trident Insurance, Mark Medole, Emerling Insurance Agency, Annette Strohmeier, Beth Rogers, Tim Smith, Lucille White, Doug Gross, Shirley Wheeler, Ron Clabeaux

Anne Strohmeier spoke first regarding her assessment. She spoke to a realtor and asked for comparable property values. She complained about the State home next door. The neighboring driveway is only 4 feet away from her driveway and paved, making it higher than her yard. All the water runs in her yard. She presented the original grievance information which will be copied for the rest of the Board members and Village Clerk Mohawk will make sure Mrs. Strohmeier gets a copy back.

Beth Rogers spoke next. She resides at 306 Jamestown Street. Thatcher Brook runs behind her house. The August flood eroded about 30 feet of her back yard. When it was repaired, she only got about 10 feet of the yard back. She asked for a reduction in assessment due to the land loss. Village Attorney Chadsey advised Ms. Rogers that anything that supports her claim should be submitted.

Tim Smith commented that the property values have dropped substantially in the Village.

Lucille White spoke about losing her back yard. She lives across from the hospital. She advised that Assessor Stark has her assessed for a 2-story home but she doesn't have a 2-story home; it is just an attic. Assessor Stark indicated that he already spoke with Mrs. White. He advised he needs Village Board approval for the changes he previously made.

Doug Gross submitted grievance applications on behalf of United Refining and Andrew Jezycki. Assessor Stark advised that he spoke with the appraiser but is requiring more

information from him. Mr. Gross stated that he spoke with Mr. Jezycki who indicated he may be willing to demolish the building. The building is assessed \$20,000 in taxes. Mr. Jezycki is willing to pay the taxes for another year but not after that.

There was discussion about the correct forms needed for the grievance procedure. Trustee Sheibley and Assessor Stark suggested that as long as a resident has all of the correct paperwork turned in within 24 hours of today, it will be accepted. There was discussion about educating the residents about the grievance process. It was suggested that next year residents should be advised that they need to include proof in order to challenge their assessment.

The work session with Doug Galenza, the Trident Insurance adjuster, and Mark Medole from Emerling Agency took place after Mayor Klancer arrived. The business personal property settlement amount offered by Trident Insurance is \$90,981.24.

Mayor Klancer opened the Village Board meeting at 5:15 p.m. The pledge of allegiance was recited.

Village Attorney Chadsey advised she would send Village Clerk Mohawk an e-mail regarding the Time Warner tax franchise payment/tax bill resolution. It appears that they do not need to pay taxes since the franchise fees cover any amounts due.

Village Attorney Chadsey also advised that the Gowanda Central School Donation Agreement can come off the work session agenda. Nothing will be done with that until there is a clear title to the property.

Motion 285-09. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to approve the minutes of the January 26, 2010 Village Board meeting as presented. Motion carried 4-0.

Shirley Wheeler owns a home at 20 St. John's Street. The house was condemned on August 12th. It took a long time for the insurance company to settle the claims. The house is unoccupied. There is no water, no electric, and no gas. She stated she has been unable to fix the house up. It is for sale as is for \$25,000. She presented her grievance application.

These was some discussion relative to the Abstract regarding unsigned vouchers and small amounts on some invoices. Treasurer Schilling also provided the Village Board members with a printout of what expenses have been charged to the borrowed money due to the flood.

Motion 286-09. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve Abstract #9 dated February 16, 2010 on all funds as follows:

General Fund	\$105,278.35
Water Fund	\$ 24,961.76
Sewer Fund	\$ 69,116.60

Flood Fund	\$ 46,193.49
Joint Activity	\$ 169.79
UDAG Fund	\$ 45.00
Capital Fund	\$ 48.23
Total	\$245,813.22

Motion carried 5-0.

PUBLIC PARTICIPATION

Ron Clabeaux complained about the noise at the Public Works building. The trucks are going in and out all the time. Mayor Klancer advised the Village would revisit the issue of the trucks entering from Hill Street rather than Torrance Place. Mr. Clabeaux also advised that the sidewalk plow cleats have slanted the sidewalk in front of his house toward the street. Public Works Superintendent Hutchinson indicated he would follow up with the employees because they are not supposed to be driving on the sidewalk in front of his house with the sidewalk plow.

BUSINESS/BUILDING PERMITS

Building Inspector Brecker advised that people are filing building permits for repairs to flood-damaged homes.

Building Inspector Brecker advised that he has received a plan to repair the basement wall at 20 St. John’s Street but no application for a building permit. The owners are waiting for the sale of the house. The house is not habitable in the present condition.

Building Inspector Brecker advised that he received his certification for 2010.

Building Inspector Brecker presented information to Village Attorney Chadsey regarding an operating permit requirement by New York State. It refers to hazardous materials. New York State has mandated that the Village institute a local law regarding operating permits.

Building Inspector Brecker advised he will be attending a DEC Community Coordination meeting in Hamburg on March 2nd. The purpose of the meeting is so that the community, DEC and FEMA are on the same page regarding building requirements.

Trustee Sheibley asked if there will be any remapping of the flood zones. Building Inspector Brecker stated there has been some talk of that.

Building Inspector Brecker indicated that the resident at 45 Palmer Street is building a garage to keep his cars in. He has not been approved for a business permit for a car dealership or a repair shop.

POLICE

Village Clerk Mohawk advised that the Village received a check from the Cattaraugus County Probation Department in the amount of \$356.68 as restitution for the damage to the memorial at St. John's Park.

Village Clerk Mohawk reported that the Village received payment in the amount of \$1,199.19 for the accident with the police car.

Village Clerk Mohawk reported that the Village received \$225.00 from the Town of Persia for Court fines.

Village Clerk Mohawk reported that the spoke with both Town of Collins judges. They are willing to meet with the Village Board and Officer-in-Charge Alessi regarding the court fine receipts.

Trustee Certis indicated that he checked the back steps of the building regarding mold growth. Public Works Superintendent Hutchinson advised that the building had mold remediation done.

JOINT ACTIVITY

Trustee Sheibley reported the received the paperwork from the Recreation Director relative to the budget.

Trustee Sheibley spoke about the Complete Streets policy and presented a draft policy. She indicated that the Village would receive \$3,000 once this resolution is in place. Village Attorney Chadsey questioned the statement "bicycle and pedestrian facilities shall be provided in new construction." The word "shall" makes it mandatory. She questioned whether the Village could be liable if new construction did not include sidewalks. Public Works Superintendent Hutchinson questioned what would happen if pedestrians were not considered. Public Works Superintendent Hutchinson indicated that the State accommodates the communities who have these policies in place.

Motion 287-09. Motion by Trustee Certis, seconded by Trustee McKeever to adopt the Complete Streets policy as presented. Motion carried 5-0.

FIRE

Village Clerk Mohawk reported that the Village received two very nice notes for the flood disaster funds which were disbursed.

"Dear Board and Disaster Members: Thank you so much for your generous gift. We'll be using it to replace many items that we lost because of the flood. We're so grateful to all of you and so proud to live in such a caring community."

"Dear Friends, On a very cold January morning, it was a pleasant surprise to find a check from the Gowanda Flood Relief Fund in our mailbox. This note is a heartfelt thank-you

to all committee members who participated in the decision-making process. . . . I learned my lesson the hard way – things that do have to be put back in the basement will be up high on new shelving. We have a long list of things that either need to be repaired or replaced. With this generous donation we will be able to get busy with our “to-do” list. Thank you so much.”

Trustee DeCarlo presented a request from Fire Chief Raiport:

“Asking permission for Village to use and release \$5,000 out of Fire Reserve to help construct a training facility for firemen and could be used by police also. Build a 24 x 32 building. Department already pledged \$7500 towards project. First floor to be storage for department trailers and second floor will be a small sized apartment to simulate a house. Have movable walls to change layout of house for different scenarios – windows for rescues and outside scene support operations along with interior search and rescue operations. Use dry lines – no fire. Use smoke machine to simulate.”

Treasurer Schilling advised the firemen used some of that money to make a down payment on the fire truck. The money can only be used for fire equipment.

Trustee Sheibley questioned whether the Village can give money to the fire company to build on land owned by the fire company. Village Attorney Chadsey advised that the village cannot give money to the fire department to build on property they own for a building they own. Trustee Sheibley suggested that the fire company mention this project in their upcoming donation request letters.

TREASURER

Treasurer Schilling asked the Village Board to take action to approve the Statement of Loss for the fire. Public Works Superintendent Hutchinson and Treasurer Schilling asked for some sort of process for approving expenditures when they come in without having to come back to the Board each time for insurance claim funds. Village Attorney Chadsey advised that at least one Board member or the Mayor should be consulted.

Motion 288-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to accept the Statement of Loss for the highway barn fire in the amount of \$90,981.24. Motion carried 5-0.

Motion 289-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to authorize Treasurer Schilling and Public Works Superintendent Hutchinson to approve expenditures of insurance claim funds and to keep the Board apprised of same. Motion carried 5-0.

Village Attorney Chadsey presented the Memorandum of Understanding with Cattaraugus County which was approved by Cattaraugus County.

Motion 290-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the Memorandum of Understanding with Cattaraugus County. Motion carried 5-0.

Treasurer Schilling requested Board authorization for Village Attorney Chadsey to write a letter to the Lutz' regarding the insufficient insurance coverage per their lease agreement. They will be given a 20 day time limit to secure the appropriate coverage.

Motion 291-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to authorize Village Attorney Chadsey to send a letter to the Lutz' regarding the insufficient insurance coverage per their lease agreement, advising them of the 20 day time limit requirement. Motion carried 5-0.

There was discussion about the equipment left by the firemen in the basement after the move to the new building. The Village Board will need to determine if any insurance money will be paid to the fire company for their losses.

The topic of the PILOT money from Academy Place for the Town of Persia was addressed by Village Attorney Chadsey. The last correspondence was that the Town of Persia should send a letter to the Village asking for what they wanted. Treasurer Schilling indicated that the Village Board discussed this previously and were of the opinion that \$2,000 would be given to them.

Motion 292-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to pay \$2,000 to the Town of Persia annually from this year on as the PILOT payment from Academy Place. Motion carried 5-0.

Village Attorney Chadsey advised that this payment can be contingent upon having the Town of Persia help the Village out with labor and equipment if necessary. Mayor Klancer feels the Town is entitled because they were instrumental in getting the project off the ground.

Treasurer Schilling asked all department heads to get their budget sheets to her by Friday.

PUBLIC WORKS

Public Works Superintendent Hutchinson requested authorization to bid chlorine and ferric chloride.

Motion 293-09. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to bid chlorine and ferric chloride. Motion carried 5-0.

D.S. Grunden submitted five separate quotes for five separate pumps to be rebuilt: \$6,961, \$5,291, \$7,214, \$8,179 and \$8,912. They were the low quote for the pumps in three different pump stations.

Motion 294-09. Motion by Trustee Certis, seconded by Trustee McKeever to accept the low quotes from D.S. Grunden to repair the pumps for a total of \$36,557.00. Motion carried 5-0.

Public Works Superintendent Hutchinson received quotes for the electrical work at the highway barn. The low bid was from Sub-City Electrical in the amount of \$6,740.

Motion 295-09. Motion by Trustee DeCarlo, seconded by Trustee McKeever to accept the low quote from Sub-City Electrical in the amount of \$6,740 for the electrical work at the highway building. Motion carried 5-0.

Back in the shop area where the new door went in, some ceiling repair is necessary. While Clarence Wall & Ceiling are on site, Public Works Superintendent Hutchinson would like them to make the repair.

Motion 296-09. Motion by Trustee Certis, seconded by Trustee McKeever to approve Clarence Wall & Ceiling to make repairs at 1 Industrial Place for \$1,200. Motion carried 5-0.

Public Works Superintendent Hutchinson advised that repairs parts are needed for the collectors in the primary clarifier tanks. He requested authorization to fix the tanks that are down right now. There really is no competition for this work. The quoted price is \$4,727.40 from Siemens.

Motion 297-09. Motion by Trustee DeCarlo, seconded by Trustee Certis to authorize the repair of the collectors in the tanks for \$4,727.40. Motion carried 5-0.

Public Works Superintendent Hutchinson indicated that the floor at the public works building needs to be leveled. The low quote is from Fairway Flooring.

Motion 298-09. Motion by Trustee Certis, seconded by Trustee McKeever to accept the low quote of Fairway Flooring in the amount of \$11,260 for the flooring at the public works building. Motion carried 5-0.

The next request is for the Muffin Monster. It grinds up everything that comes into the sewer system. It was damaged during the flood. It is covered by insurance. This equipment was not bid because there really is no competition for this specific machine.

Motion 299-09. Motion by Trustee Certis, seconded by Trustee Sheibley to approve the purchase of a Muffin Monster from JWC Environmental for the amount of \$45,841. Motion carried 5-0.

Public Works Superintendent Hutchinson advised that the Village applied for some capital abatement safety equipment in January 2000. The Village was just notified that they will receive \$6800.00 from this grant.

Public Works Superintendent Hutchinson reported there is a curb at the end of Water Street where Academy Place built the parking lot. Academy Place filed a claim that the plow hit and damaged the curb. There are some issues involved here. The curb was

installed in the Village road. The Village will remove the curb to make plowing easier and it will not involve an insurance claim. The area will then be paved.

Motion 300-09. Motion by Trustee DeCarlo, seconded by Trustee Certis to authorize Public Works Superintendent Hutchinson to make the remove the damaged curb and pave the area. Motion carried 5-0.

Trustee DeCarlo advised that the Pioneer Days vendors need more power than is currently available. Public Works Superintendent Hutchinson indicated there is only a certain amount of power available. Mayor Klancer indicated that the vendors will be told there is no power and they are responsible for bringing their own generators.

Trustee Certis reported that some residents have witnessed Penhollow Disposal dumping the recyclable materials in with the trash. Village Clerk Mohawk advised that she spoke with Penhollow about this subject. Penhollow Disposal indicated that they do not take colored glass or cardboard pizza boxes as recyclable material. Once they see trash of any sort in with the recyclable material, it just gets dumped as garbage.

PLANNING

Mayor Klancer reported that the Village Board met with the Town of Persia and they are very interested in joining in the project. The Planning Board will be supplying Persia with a list of things they will need to do. Village Attorney Chadsey suggested that Jack Torrance call her about the list to make sure it is legally correct.

ADMINISTRATION

Village Clerk Mohawk reported that the Gowanda Area Chamber of Commerce sent a letter regarding the “Spirit of Gowanda” dinner advertisements.

Motion 301-09. Motion by Trustee DeCarlo, seconded by Trustee McKeever to place a ¼ page advertisement in the “Spirit of Gowanda” dinner brochure at a cost of \$100. Motion carried 5-0.

Village Clerk Mohawk read a letter from Brown & Kelly Attorneys:
“We represent The Whiting Foundation, a charitable foundation established in 1960 by Harry A. Whiting and his wife, Leah Grace Whiting, who then resided in Gowanda, New York. The Foundation is organized to make charitable contributions to certain organizations named in the trust instrument which created it.

The trust instrument provides that one of the members of the Board of Governors of the Foundation shall be appointed by the Mayor of the Village of Gowanda. The term of office of Carol A. Sheibley, appointed in 1997 by Donald N. Lazar, has expired. We would appreciate it if you would appoint a successor to replace her.”

Motion 302-09. Motion by Trustee Certis, seconded by Trustee McKeever to appoint Carol A. Sheibley to the The Whiting Foundation. Motion carried 5-0.

Village Clerk Mohawk requested permission to destroy 2003 deposit tickets and bank statements and 2003/2004 water stubs.

Motion 303-09. Motion by Trustee Certis, seconded by Trustee Sheibley to approve disposal of outdated records per the New York State Records Archive schedule. Motion carried 5-0.

Village Clerk Mohawk prepared bid specs for the records restoration project per FEMA. It is returnable March 3rd.

Village Clerk Mohawk reported that she has been contacted by Troy & Banks regarding a street light audit. The benefit is that any overcharges from utility companies will be refunded to the Village. Treasurer Schilling indicated it would be time-consuming but Village Clerk Mohawk will attempt to schedule a time for this audit.

Village Clerk Mohawk advised there will be a H.E.A.P. outreach sponsored by Legislator John Mills in Concord Town Hall on February 25th.

Village Clerk Mohawk advised that the December Treasurer's report has been filed.

Village Clerk Mohawk read a letter from Erie County:

“The Erie County Department of Senior Services provides information, assistance, and services that can help address the needs of Erie County's senior citizens and their families. I would like to extend an invitation to you and members of your staff to attend an: Informational Breakfast, Friday, March 5th, 9:30 a.m. 11:00 a.m. . . . We will provide you with an overview of the Department and highlight the services we offer.”

Village Clerk Mohawk requested approval to attend.

Village Clerk Mohawk reported that the American Legion held their first Bingo occasion and it was very successful. She reported that as the issuer of the license, she cannot be the Bingo Inspector but it is not necessary to have one on behalf of the Village.

Trustee Sheibley advised that petitions are being circulated on behalf of Tri-County Hospital. She also mentioned that the Jehovah's Witness building is for sale.

Motion 304-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to go into Executive Session at 8:05 p.m. Motion carried 5-0.

Motion 305-09. Motion by Trustee McKeever, seconded by Trustee Sheibley to come out of Executive Session at 8:45 p.m. Motion carried 5-0.

Motion 306-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to adjourn the Village Board meeting at 8:50 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is March 9, 2010 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk