

**VILLAGE BOARD MEETING
JULY 14, 2009**

The Village of Gowanda Board of Trustees meeting was called to order by Mayor Richard Klancer at 6:00 p.m. in the Clerk's Office, Municipal Building.

Motion 78-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to go into Executive Session. Motion carried 5-0.

Motion 79-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to come out of Executive Session at 7:20 p.m.

Mayor Klancer then resumed the meeting. The pledge of allegiance was recited.

Present: Mayor Richard Klancer
Trustee John Certis
Trustee Dale DeCarlo
Trustee Carol Sheibley
Trustee Heather McKeever

Village Employees: Village Clerk Kathy Mohawk, Treasurer Cindy Schilling, Public Works Superintendent Mike Hutchinson, Village Attorney Deb Chadsey

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

Public Present: Charles Reims, Wilford Reims, Steve Peters, Gowanda Moose

Motion 80-09. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the minutes of the June 9, 2009 Village Board meeting as presented. Motion carried 5-0.

Motion 81-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the minutes of the June 17, 2009 Special Village Board meeting as presented. Motion carried 5-0.

Motion 82-09. Motion by Trustee Certis, seconded by Trustee McKeever to approve Abstract #14 dated July 14, 2009 on all funds as follows:

General Fund	\$4,342.46
Water Fund	\$1,560.64
Sewer Fund	10,139.20
UDAG Fund	\$ 162.41
Capital Fund	\$ 184.88
Joint Activity	\$ 458.00
Total	16,847.59

Motion carried 5-0.

Treasurer Schilling indicated this would be the final abstract for the last fiscal year.

Motion 83-09. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve Abstract #2 dated July 14 2009 on all funds as follows:

General Fund	\$79,941.36
Water Fund	\$ 8,970.01
Sewer Fund	\$17,787.86
Total	103,699.23

Motion carried 5-0.

PUBLIC PARTICIPATION

Steve Peters represented the Gowanda Moose regarding the Riding Lawn Mower Dice Run scheduled for August 30th. He indicated that he has been working with Trustee McKeever on an alternate route which eliminates the stop at the American Legion and thereby avoids crossing over Route 62 and the bridge. Trustee McKeever indicated she is more comfortable with this option. It will give people the opportunity to roll the dice and gas up the lawn mowers. It is more like a 5K. People will return to the Moose for the rest of the activities. The idea is fewer stops to take about 2 hours. The first option meant crossing the street by the bridge after stopping at the American Legion which would involve police and firemen blocking the street for everyone to cross to the alley way beside the House of Television. Mr. Peters indicated the event would benefit the Gowanda fire police and the Gowanda PBA. Village Clerk Mohawk asked if the Gowanda Middle School Dare program was involved. Mr. Peters advised that Officer Alessi indicated that to go through the DARE program, it needs to go through national. Village Clerk Mohawk also asked about insurance coverage. She will contact the insurance company to determine what is required relative to insurance. Mr. Peters supplied a copy of a waiver which all the riders will be asked to sign. Trustee McKeever indicated that a motorcycle should be covered under an individual's homeowner's insurance. The original permit for the Riding Lawn Mower Dice Run should be amended to include a signature with a new route and insurance certificates.

Motion 84-09. Motion by Trustee McKeever, seconded by Trustee DeCarlo to approve the amended event application pending an answer to the insurance questions. Motion carried 5-0.

BUSINESS/BUILDING PERMITS

Mayor Klancer reported there have been some issues with the nursing home driveway. A stop work order has been issued pending receipt of engineer drawings.

Village Clerk Mohawk reported that Building Inspector/Code Enforcement Officer Gary Brecker served a Palmer Street resident this afternoon for having too many vehicles in the yard.

POLICE

Village Clerk Mohawk read the June 2009 police report:

“230 reported calls, 32 arrests, 53 tickets issued, 7 violent domestics, 4 motor vehicle accidents.

Received a quote from Village Locksmith for securing the building. The price is \$1670.00 that includes a user access control keypad with access of 50 numbers and repair and change the other 3 door locks in the building.

Officer Tim Braughler completed the New York State Police Officer’s field training course and is now a certified trainer for new officers. Officer Braughler went on his own time for a week in North Tonawanda.

Officer K-9 “Mike” completed the New York State Police narcotics detection canine team for cocaine, heroin and marijuana. Officer Hock let another handler certify his dog while he is still injured.”

Mayor Klancer indicated he was not aware of all the information about securing the building. Trustee Certis was not aware that the security system would be an electronic one. Trustee Sheibley advised at the last meeting a motion was made allowing Officer-in-Charge Alessi to look into prices for securing the building.

Village Clerk Mohawk reported that the Village received \$75 from the Town of Persia for Court fines.

Treasurer Schilling advised that a recommendation was made by the Comptroller’s Office that the Village should reconsider having its own Court. Since the Village has its own police force and no revenue is coming in, a Village Court would generate income from fines. Treasurer Schilling will supply the Board members with the information she gathered earlier regarding how to set up a Court and the costs associated with it.

JOINT ACTIVITY

Trustee Sheibley reported that the Village will receive \$2200 for the State allocation for recreation.

FIRE

Trustee DeCarlo reported that the fire department has requested the purchase of two closed circuit cameras at a cost of \$1551 each which includes installation. Treasurer Schilling indicated it would come out of the supplies and repairs line.

Trustee DeCarlo also advised that Frie Chief Raiport purchased light bars for his vehicle. It is required when responding to a call.

Motion 85-09. Motion by Trustee Certis, seconded by Trustee McKeever to authorize the purchase of two closed circuit cameras for the rescue truck and the aerial truck at a cost of \$1551 each which includes installation. Motion carried 5-0.

Trustee DeCarlo also reported on a request to move the bell out front to the new fire hall. He would like to see a sign put on the base indicating that this is the clerk's office and police station. Mayor Klancer indicated he doesn't want to move the bell to a new location until there is something to go on the base.

Motion 86-09. Motion by Trustee DeCarlo, seconded by Trustee Certis to authorize the purchase of the used demo light bar for Fire Chief Raiport's vehicle at a cost of \$800. Motion carried 5-0.

TREASURER

Treasurer Schilling requested approval of the final budget transfers for the 2008-2009 fiscal year.

Motion 87-09. Motion by Trustee DeCarlo, seconded by Trustee McKeever to approve the final budget transfers for the 2009-2009 budget year. Motion carried 5-0.

Treasurer Schilling reported that the auditors are moving along well with their audit.

Treasurer Schilling advised that she will be attending the Government Finance Officers Association seminar tomorrow.

Treasurer Schilling requested authorization to add Deputy Mayor Sheibley as another signer on the checking accounts at the request of Mayor Klancer.

Motion 88-09. Motion by Trustee McKeever, seconded by Trustee Certis to approve Deputy Mayor Sheibley as another signer on the checking accounts. Motion carried 5-0.

PUBLIC WORKS

Public Works Superintendent Hutchinson indicated the Village is not yet ready to approve the Donation Agreement with the school. Village Attorney Chadsey advised she received a draft easement from Andy Yusick. There are still some title issues to be resolved.

Public Works Superintendent Hutchinson advised that some damage was done unknowingly to a property owned by Walter Darling at 48 Mechanic Street during a water hammer event due to a fire on Cemetery Hill. He requested Board authorization to forgive the water leak at that property. Trustee DeCarlo asked if this event would be covered by insurance. Mr. Hutchinson indicated that this happened over Labor Day weekend and overtime was involved as well.

Motion 89-09. Motion by Trustee Sheibley, seconded by Trustee McKeever to forgive the excess amount of the water bill for 48 Mechanic Street which was caused by damage to the meter gasket. Motion carried 5-0.

Public Works Superintendent advised Village Clerk Mohawk to use the average bill for the last 3 quarters for his current bill.

Public Works Superintendent Hutchinson advised that the Village has received the site grading plan for the Peter Cooper site. It is being reviewed by Village Engineer Mark Burr on behalf of GARC. Insurance certificates should be forthcoming prior to any equipment being on site. Mr. Hutchinson advised the Village received a notice from the EPA indicating work would begin on July 1st. Subfill would be about 1,000 yards; the 2 foot of cover would be roughly 20,000 yards for 1 foot, 30,000 yards to the 2 foot. Public Works Superintendent Hutchinson indicated the Village has sufficient borrow soils for the subfill material.

Public Works Superintendent Hutchinson advised that the Memorandum of Understanding between GARC and the Village and Lease Agreement were never officially covered in a resolution.

Motion 90-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to ratify the executed Memorandum of Understanding and Lease Agreement for the Peter Cooper project. Motion carried 5-0.

Public Works Superintendent Hutchinson provided a sample Workplace Violence Prevention Law. Treasurer Schilling advised that NYCOM explained that the State is not quite sure on what the mandates are. It is necessary to be covered under it. It needs a Safety Commissioner plus includes safety issues outside of just employee-employee problems. Public Works Superintendent Hutchinson indicated it is part of the Public Employees Health and Safety Act. Employees need to be interviewed as well. Village Attorney Chadsey suggested 2 Board members review and figure out what needs to be done. There is a necessary procedure to follow. Trustee DeCarlo as the Safety Officer and Trustee Sheibley will work on this policy. This will be a work session topic.

Public Works Superintendent Hutchinson submitted the VOC Groundwater Treatment Report for the Board members review. The Village does not have a signed contract with the DEC for the VOC groundwater treatment but Mr. Hutchinson continues to submit the reports and be in compliance. The Village received a letter from the DEC indicating the desire to install the subslab depressurization system described in the pending contract which is good news.

Public Works Superintendent Hutchinson advised that he and Trustee Sheibley attended the Community Outreach meeting. It is a takeoff from the safe sidewalks program. Cornell University is doing the work. Some community input is being solicited. Some of the initiatives include creating construction standards for road renovations which incorporate pedestrian-friendly components. Mr. Hutchinson indicated that the local DOT representative was asked to sit on the committee but the invitation was refused. He feels the cooperation of the DOT is critical. Mayor Klancer suggested that a letter be put together to the DOT explaining the benefits to the community and the DOT and the State.

Trustee DeCarlo indicated that a letter to Assemblyman Joe Giglio might be useful since he is on the Transportation Committee. This is a national initiative.

Public Works Superintendent Hutchinson presented a damage estimate for the lightning damage at the Pt. Peter Pump Station. The instrumentation system was damaged. An intrusion alarm will also be installed on the hatch gate at the reservoir.

The Village finally received the \$65,000 for the Broadway Road closing.

Trustee DeCarlo asked Public Works Superintendent Hutchinson about cleaning downstairs from some flooding. He also advised about window cleaning. The man who does the window cleaning at Persia works by the hour but cannot quote a price until he actually does the work. Treasurer Schilling asked if the first floor at least could be done both inside and outside. The Village Board members agreed to have Treasurer Schilling get the price and then get the job done. Trustee Sheibley also advised that the roof drains and floor drains cannot handle all of the water when it rains heavy. Public Works Superintendent Hutchinson advised that the roof drains are tied into the floor and sewer drains in the building. If the roof drains are removed from the internal drainage system, Mr. Hutchinson thinks this will cure the problem. He estimated it would be about \$5-7,000 to do this work. Treasurer Schilling stated the Village Board should look at the whole building and do all the projects right away. Trustee Sheibley agreed.

ADMINISTRATION

Village Clerk Mohawk read a letter from Gowanda's Historic Hollywood Theater: "We can't thank you enough for all of your efforts. Without the help we receive from the Village our event wouldn't be as successful as it is. Your support makes a huge difference."

She reported that \$40.00 was applied to UDAG for the use of the electric by a vendor and \$500.00 was given to the police and highway for their assistance with the event.

Village Clerk Mohawk reported that a Zoning hearing is scheduled for next Tuesday, July 21st, at 6:00. It is with regard to a resident's desire to erect a garage on St. John's Street which is bigger than the Municipal Code allows.

Village Clerk Mohawk reported that the Event Application for the Walk for Life has been submitted and the insurance certificate is attached, listing the Village as an additional insured.

Motion 91-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the event application for the Walk for Life to be held on July 26, 2009 at St. John Park. Motion carried 5-0.

Village Clerk Mohawk reported that Southern Tier West is requesting membership dues. Different tier levels of membership are offered. The Village usually selects Tier 2.

Motion 92-09. Motion by Trustee DeCarlo, seconded by Trustee Certis to select Tier 2 membership with Southern Tier West. Motion carried 5-0.

Village Clerk Mohawk presented information regarding Time Warner's refusal to pay their tax bills. Village Attorney Chadsey advised this should be an issue for the next work session. Treasurer Schilling indicated this is not just an issue with the Village but with other municipalities as well.

Village Clerk Mohawk advised that the Village needs to appoint Louise Hubbard as the Subregistrar for the Village.

Motion 93-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to appoint Louise Hubbard as the Subregistrar for the Village. Motion carried 5-0.

Village Clerk Mohawk reported on an assessed lawn mowing service charge on a foreclosed property. The lawn mowing service was supplied in August, the tax certificate for the sale of the property was prepared in September and the bill from the lawn mower was not submitted until October. Consequently, the levy was put on the property owner's bill in October but the present owner was not the owner at that time. He paid the bill but requested that the \$35.00 charge be reimbursed since it is not his responsibility. The Village Board members agreed that it was not his responsibility

Motion 94-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to refund the \$35.00 charge to the resident. Motion carried 5-0.

Treasurer Schilling asked Village Attorney Chadsey to send a clean copy of the Supervisors Contract via e-mail to her for the auditors.

Village Clerk Mohawk spoke to Jubilee about selling garbage stickers. Treasurer Schilling indicated that the store should sign for the stickers that they have so they are responsible for the numbers. Treasurer Schilling advised this would be a huge savings on window traffic.

Village Clerk Mohawk asked about the animal control issue. She advised having residents call the office or the police department is time-consuming because all the calls have to be written down and then the Animal Control officer is called. It was much easier when the residents called directly. Trustee Sheibley stated that she took three calls over the weekend when the Village office was closed. Residents indicated they were routed to Cattaraugus County dispatch and were told they knew nothing about it. Village Attorney Chadsey suggested that the matter should be discussed during a work session. Trustee Sheibley stated it was a service to the community and it should be resolved in the best interest of the taxpayer.

Motion 95-09. Motion by Trustee DeCarlo, seconded by Trustee Certis to go into Executive Session at 8:30 p.m. Motion carried 5-0.

Motion 96-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to come out of Executive Session at 8:45 p.m. Motion carried 5-0.

Motion 97-09. Motion by Trustee McKeever, seconded by Trustee Certis to approve the police department raises for \$.50/hour for officers and Laurie Moore. Motion carried 5-0.

Motion 98-09. Motion by Trustee DeCarlo, seconded by Trustee McKeever to adjourn the Village Board meeting at 8:50 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting will be August 11, 2009 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk