

VILLAGE BOARD MEETING
JUNE 9, 2009

The Village of Gowanda Board of Trustees meeting was called to order by Deputy Mayor Carol Sheibley at 6:04 p.m. in the Board room, Municipal Building. Mayor Klancer was on vacation.

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

Motion 57-09. Motion by Trustee DeCarlo, seconded by Trustee Certis to go into Executive Session to discuss a police personnel issue. Motion carried 4-0.

Motion 58-09. Motion by Trustee Certis, seconded by Trustee McKeever to come out of Executive Session at 6:20 p.m. Motion carried 4-0.

The regular meeting began at 7:00 p.m. The pledge of allegiance was recited.

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

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

Public Present: Jack Torrance, Tim Twitchell, Ed Palen, Bill Cain, John Jay Warren of Urban Engineers.

Trustee Sheibley asked for a moment of silence for Louis Palcic, a past Treasurer for the Village of Gowanda.

Motion 59-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the minutes of the May 26, 2009 Village Board meeting as presented. Motion carried 4-0.

Motion 60-09. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve Abstract #13 dated June 9, 2009 on all funds as follows:

General Fund	\$82,638.85
Water Fund	\$ 2,379.68
Sewer Fund	\$19,682.67
UDAG Fund	\$ 362.13
Joint Activity	\$ 807.23
Total	105,970.56

Motion carried 4-0.

Motion 61-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve Abstract #1 dated June 9, 2009 on all funds as follows:

General Fund	\$23,227.03
Water Fund	\$ 2,312.88
Sewer Fund	\$ 6,413.78
Total	\$31,953.69

Motion carried 4-0.

PUBLIC PARTICIPATION

Mr. Ed Palen spoke first about the acquisition/demolition of the old print shop building at 49 South Water Street. Trustee Sheibly reported that she has received no response from Building Inspector Brecker pursuant to a telephone call to him. She advised that the Village requested the removal of the property from public auction. Trustee Certis indicated it was an asbestos removal problem. No decision has been made about the property at the present time. Trustee DeCarlo advised that since it is not a residential property, any buyer needs to comply with Code Rule 56 regarding the asbestos removal. Village Attorney Chadsey advised that the major issue with condemnation and demolition is the cost and how this cost is passed to the taxpayers. Phil Palen reiterated how important it is to remove that building. Village Attorney Chadsey advised that the current owner of record is still the owner since it has been removed from the foreclosure sale. He is currently liable for everything but appears to be judgment-proof. Phil Palen asked if block grant funds could be used for something like this. Public Works Superintendent Hutchinson advised that funds could be used for demolition. Jack Torrance indicated that Erie County has already solicited input through a needs survey regarding topics for block grant funding.

Jack Torrance presented the Planning Board report:

“It was agreed that Randy Wing, Steve Meyers and Jack Torrance had met the required training hours required by State Law for this year. It was agreed that Marilyn Utley and Dennis Stopen would plan to attend either training presented by Erie County or training provided by Southern Tier West in the fall. If there is a conflict then previously approved on-line training provided by NYMIR will be used to meet the four hours per year of training requirement.

At the June 8th meeting of the Planing Board, it:

Completed a draft clarifying Section 30.23 R-2 districts regulation 3 as it pertains to “Customary Home Occupations” including permit/agreement to be signed, and Continued work on the requirements of the Zoning Code that apply to Landlords and Absentee Landlords and permits and reporting as it relates to inspections. Quite a few Local Laws, Codes from other communities are being reviewed and consolidated into a local law for Gowanda.

The Village Board and the Attorney need to review the draft proposal for the modifications to 30.32 R-2 Districts, distributed tonight, and submit their comments, recommendations, additions, deletions to the draft to the Planning Board in time for consideration at the next Planning Board meeting.

As a result of Village Budget changes, the Planning Board still needs direction from the Village Board relative to the Animal Code particularly when issues are not covered by Persia Local Law or by Collins Local law.”

Village Attorney Chadsey suggested that some Board members should review the current provisions of the Village code relative to animal control, compared with the Town of Collins and Town of Persia laws, and present some suggestions as to how the animal control section should read. The disparity between the two towns needs to be addressed. Trustee McKeever volunteered to work on the code review and revisions.

“Again, since no word has been received from Erie County concerning SEQRA Lead Agency, the Planning Board requests that the Village Board proceed as Lead Agency, making available for public review the Findings Statement of the Final Environmental Impact Statement and Final Draft of the Master Plan.

Per last Board meeting the Attorney is to draft the appropriate documents and also the Village Board set a date for a public hearing regarding the Master Plan placing the appropriate public notice in the official newspaper.”

Village Attorney Chadsey asked about the Town of Collins involvement. She advised that the Town needs to be involved in any amendments. Mr. Torrance indicated that the plan can be updated either alone as the Village or with the Town. Village Attorney Chadsey advised that the Town of Collins will also need to do SEQRA. Since it is a joint effort, both municipalities need to go through all the procedures together to make it a joint revision.

“The next meeting of the Planning Board is set for July 6, 2009 at 7:00 pm with the primary tasks being Master Plan update review and Village code updates.”

Village Attorney Chadsey spoke about the Peter Cooper project. The property is presently zoned Industrial. An easement is required to be put on the property by the Federal Government which will restrict the use of the property going forward from the remediation. The property cannot be treated as commercial until certain work has been done at the site. Mr. Torrance indicated that the Master Plan does not mention anything about the zoning.

Deputy Mayor Sheibley suggested a work session with the Village Board and the Planning Board to work out some of these issues. The date of July 6th at 7:00 was suggested as it is the date of the next Planning Board meeting.

Mr. Torrance advised that Erie County sent out a request for a listing of projects for consideration for the upcoming block grant funds. The Planning Board suggestions are the South Water Street project and the creek walk.

Tim Twitchell was present on behalf of the fire department. He informed the Village Board of a purchase the company made. The original Jaws of Life were purchased in 1988. The newer vehicles are equipped with stronger equipment for safety purposes.

The fire company purchased a new very powerful cutting tool with fire company money, not department money. It is a hydraulic cutter, a TNT rescue system. It will be used for mutual aid as well. The cost was \$4,245 after a \$750 discount. Deputy Mayor Sheibley commended the fire department for using resident donations for the purchase of this equipment.

Trustee DeCarlo indicated that he asked Bill Cain to attend for a presentation on the Zoar Valley recreation area. Mr. Cain indicated that 2008 was a momentous year for Zoar Valley; it made national news. In 2008, landowners posted their property in full compliance with New York State Conservation Law, Section 11-2111, and are prosecuting trespassers. The purpose is to reduce the number of costly rescues and the abuse of the gorge area. Mr. Cain stated that people ask if the South Branch is a navigable waterway and whether they can hike or fish in the navigable waterway. He indicated that while the South Branch of the Cattaraugus Creek may be “navigable” during brief periods of high water in the spring, when kayakers and whitewater canoeists are welcome to run it, all the property boundary lines run to the centerline of the creek from either bank. This means that if you are standing on the creekbed anywhere in the channel, you are on private property. Mr. Cain presented some statistics on the incidents of rescues in the South Branch of the gorge. A typical Zoar Valley rescue takes about 2.5 hours each time and typically about 17.4 firemen respond for each call. Many local fire/rescue companies are involved, from East Otto and Springville, through Gowanda and the Seneca Nation as far as Sunset Bay. The problem and magnitude of the problem have increased. Tourism maps have been provided showing areas that are available to the public. The rescue statistics this year have gone down due to people enjoying other areas of the wilderness area. Many trespassing tickets have been issued to those on private property. The increase in trespassing tickets has produced a reduction in rescue calls in Zoar Valley.

John Warren represents Urban Engineers. It is a full service civil engineering firm with 10 offices in the Northeast. He came to introduce himself and offer any assistance to the Village that might be needed in terms of engineering. Mr. Warren was introduced to Public Works Superintendent Hutchinson as the person to contact for public works projects.

POLICE

Village Clerk Mohawk presented the May 2009 police report:

“199 reported calls, 21 arrests, 82 tickets issued, 5 violent domestics, 3 motor vehicle accidents.

Requesting to hire a locksmith to secure the Village Hall after business hours. The back door next to the jail will not lock. The side door in the police bay will not lock and we have found civilians walking in our police bay after hours and wandering upstairs. This is a security and safety issue for the Village and our police officers.

We would like to thank Mayor Klancer and Deputy Mayor Carol Sheibley for attending the Gowanda D.A.R.E. graduation on Friday, June 5th at the Gowanda Central School along with guest speaker New York State Assemblyman Joe Giglio.

STOP-DWI Director John Sullivan informed the Gowanda Police that the share for the STOP-DWI program for 2008 is \$5,200 along with a payment of \$376 for STOP-DWI summer kick-off enforcement that ran from May 29th to June 7th.”

Motion 62-09. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve hiring a locksmith to secure the Village Hall doors after hours for safety and security issues. Motion carried 4-0.

JOINT ACTIVITY

Trustee Certis reported that interviews were held on May 23rd and May 26th for summer employment. He presented the recommendations of the Recreation Commission for hiring.

Motion 63-09. Motion by Trustee McKeever, seconded by Trustee DeCarlo to approve the summer employment for the recreation program as attached. Motion carried 4-0.

FIRE

Trustee DeCarlo reported that Fire Chief Raiport has requested authorization to attend training at the Turning Stone Casino for the New York State Fire Chief’s Association Fire Expo 2009.

Motion 64-09. Motion by Trustee Certis, seconded by Trustee McKeever to approve the attendance of Fire Chief Raiport at the New York State Fire Chief’s Association Fire Expo 2009. Motion carried 4-0.

Trustee DeCarlo reported that the annual inspection of the fire equipment and the open house at the new fire hall will be held next Wednesday, June 17th, at 6:00 p.m.

TREASURER

Treasurer Schilling reported that she attended a meeting of the Municipal Administrative Officers Association today. The topic of retirement was discussed. There will be some new reporting requirements that effect elected officials. They will need to keep an hourly report for a period of three months to determine that actual hours they work.

Motion 65-09. Motion by Trustee Certis, seconded by Trustee McKeever to update the voucher review procedure. Motion carried 4-0.

PUBLIC WORKS

Trustee Certis advised that the Supervisor’s Contract presented was a result of the negotiations between the union and the Village Board.

Motion 66-09. Motion by Trustee DeCarlo, seconded by Trustee McKeever to approve the Supervisor's Contract as presented and negotiated. Motion carried 4-0.

Public Works Superintendent Hutchinson advised that Cornell University is looking for interested persons to participate in a Community Outreach Team for a "Complete Streets for Active Communities" study. Mr. Hutchinson indicated this would be a good building block for grant applications for safe sidewalks and streets.

Public Works Superintendent Hutchinson presented a copy of the letter he sent to Mary McIntosh at the New York State DEC regarding the creek bank erosion. There have been some changes in how the Village maintains the creek bank to alleviate some of the erosion issues.

The Donation Agreement from Gowanda Central School to the Village was discussed further. The parties involved need to furnish an easement for the strip of property in issue. Village Attorney Chadsey advised that Andy Yusick is in charge of this project. Public Works Superintendent Hutchinson advised that a charge of \$500 will be incurred for a survey of the property.

ADMINISTRATION

Village Clerk Mohawk presented a list of records which can be disposed of according to the New York State Archives schedule.

Motion 67-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve disposition of the records according to the New York State Records Management Schedule. Motion carried 4-0.

Treasurer Schilling commented that if no grant money is received from the Records Management grant program, the Village should still move forward for moving records to the Public Works building. The records storage is becoming an enormous problem. Village Clerk Mohawk reported that a majority of items have a minimum storage of at least 6 years.

Public Works Superintendent Hutchinson received an e-mail from New York State WNYDDSO regarding the AVM building and any interest in reuse of that building.

Village Clerk Mohawk presented a proclamation for the Gowanda High School Class of 1949. Deputy Mayor read the Mayoral Proclamation:
"I hereby proclaim July 18 and 19, 2009 as 49ers Weekend in honor of the Gowanda High School Class of 1949 60 Years Reunion Celebration."

Village Clerk Mohawk reported that a telephone poll of the Village Board members regarding the lease for 31 Jamestown Street Restaurant showed the Village Board members in agreement.

Village Clerk Mohawk reported that on Saturday, June 13, 2009 there will be a Cattaraugus County Household Hazardous Waste and Computer Recycling disposal days at the City of Olean DPW Garage. Items such as household computers, computer-related equipment, household cleaners, oil-based paint, car wax, insecticides, weed killers, etc. An appointment is necessary .

Village Clerk Mohawk reported that Adecco will be using the Board room for recruiting next Tuesday, June 16th, at 1:00 p.m.

Village Clerk Mohawk advised that the riding lawn mower dice run has been advertised in town. Deputy Mayor Sheibley indicated that the Village Board would not take a position at this time.

Treasurer Schilling advised that Village Clerk Mohawk's computer is in need of replacement.

Motion 68-09. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the purchase of a new computer from Dell on state bid for Village Clerk Mohawk. Motion carried 4-0.

Village Clerk Mohawk presented an event application for use of Chang-Hu Park for a Partylite Candle party on June 27th at 6:00 p.m. until approximately 8:30 p.m. There was some discussion about the insurance issue. It is a public park and people could just meet there and have a picnic. Not everyone who uses the park gets insurance. It was agreed to have a work session on park use policy. Trustee DeCarlo indicated that someone selling something on Village property should be required to have insurance. Village Attorney Chadsey indicated these are issues the Village Board should discuss in a work session.

Village Clerk Mohawk advised that she has been attempting to get quotes to fix the front step at Village Hall. She will continue to try to find someone to fix it. Public Works Superintendent Hutchinson advised that he would look at it and see if a temporary patch could be applied.

Public Works Superintendent Hutchinson asked about the fencing a St. John's Park. Funds were budgeted in the parks line for the expense. Mr. Hutchinson indicated that price is \$1500. Deputy Mayor Sheibley stated it would be a worthwhile expense due to the number of young people who use the park in the summer.

Motion 69-09. Motion by Trustee DeCarlo, seconded by Trustee McKeever to approve the expense for the fence at St. John's Park. Motion carried 4-0.

Deputy Mayor Sheibley suggested a joint workshop meeting with the Planning Board for July 14th at 6:00.

Village Clerk Mohawk requested guidance for sending the PILOT tax bill to Academy Place. Village Attorney Chadsey advised that Clerk Mohawk should send the bill for the entire amount and then reimburse the other parties.

Village Attorney Chadsey presented an update on the closing status of the Peter Cooper project relative to easements and the agreements with the PRPs.

Trustee Certis spoke about the Heritage Harvest Festival event application which was received. He suggested approving the application pending insurance.

Motion 70-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the event application for the Heritage Harvest Festival pending receipt of insurance certificates. Motion carried 4-0.

Motion 71-09. Motion by Trustee DeCarlo, seconded by Trustee McKeever to go into Executive session at 8:35 p.m. to discuss the lease for 31 Jamestown Street Restaurant. Motion carried 4-0.

Motion 72-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to come out of Executive Session at 8:58 p.m. Motion carried 4-0.

Motion 73-09. Motion by Trustee Certis, seconded by Trustee DeCarlo to adjourn the Village Board meeting at 8:58 p.m. Motion carried 4-0.

The next Village of Gowanda board meeting is July 14, 2009 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk