

**VILLAGE BOARD MEETING
MARCH 8, 2011**

The Village of Gowanda Board of Trustees meeting was called to order by Mayor Richard Klancer at 7:00 p.m. in the Gowanda Fire Hall. The pledge of allegiance was recited.

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

Village Employees: Village Clerk Kathy Mohawk, Public Works Superintendent Mike Hutchinson, Treasurer Cindy Schilling, Village Attorney Deborah Chadsey, Animal Control Officer Mary Dankert

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

Public Present: Renee McKeever, Bert Miller, Susan Johnson, Community Representative for Senator Gallivan

Motion 243-10. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the minutes of the February 15, 2011 Village Board meeting and Grievance Day as presented. Motion carried 5-0.

Trustee Sheibley asked whether it is appropriate for the Village to be paying federal excise tax on gasoline. Village Attorney Chadsey indicated she would check the law.

Motion 244-10. Motion by Trustee Sheibley, seconded by Trustee Certis to approve Abstract #10 dated March 8, 2011 as follows:

General Fund	\$39,369.40
Water Fund	8,262.66
Sewer Fund	14,477.62
Flood	83,760.00
Municipal Building	112,654.68
Joint Activity	74.30
Total	258,698.66

Motion carried 5-0.

PUBLIC PARTICIPATION

Renee McKeever spoke about the stray cats in the Village. She asked if there was something that could be done. The cats are ruining her yard. Animal Control Officer Dankert advised that the SPCA considers cats like squirrels. There is no place for the

Village to take them. Trustee McKeever agreed that this is a problem in the entire Village. Animal Control Officer Dankert advised that she will be attending a meeting in April and advised that there is one Village in New York that has a law requiring licensing of cats. Mayor Klancer asked if she could get a copy of the ordinance and find out how they handle the problem. Animal Control Officer Dankert indicated there are groups that take wild cats, spay/neuter them and give the shots, but they need a place to release the cats afterward. Village Attorney Chadsey advised that a problem with making a law about it is that you need to be able to enforce it. She indicated there are individual avenues to take. Individuals can file nuisance claims. An individual can call the Health Department about a specific place. Trustee Certis asked if there were any natural type of deterrents that could be used. Animal Control Officer Dankert advised that the hardware store sells a type of deterrent and Village Attorney Chadsey advised there are non-hazardous sprays that can be used to deter cats.

Bert Miller indicated that the SPCA has been to some houses but not all. They have been unable to catch the residents at home. Animal Control Officer Dankert advised that the SPCA usually follows up on a cruelty call.

Susan Johnson, Community Representative for Senator Gallivan, introduced herself to the Village Board and offered their assistance to the Village with whatever they can do.

BUSINESS/BUILDING PERMITS

Village Clerk Mohawk presented a request from the Gowanda Lions Club for their annual geranium sale from May 26th through May 28th on West Main Street.

Motion 245-10. Motion by Trustee DeCarlo, seconded by Trustee McKeever to approve the Gowanda Lions Club geranium sale on West Main Street from May 26th to May 28th, 2011. Motion carried 5-0.

Village Clerk Mohawk reported on a situation with bogus garbage stickers on South Chapel Street. The garbage company was diligent and informed me of the problem. They turned the sticker in at the office. Village Clerk Mohawk sent the Gowanda Police to the residence and hopefully the situation has been resolved.

POLICE

Village Clerk Mohawk reported that the Village received \$50 from the Town of Collins and \$50 from the Town of Persia for court fines.

JOINT ACTIVITY

Trustee Sheibley reported that beginning April 1st of this year the definition of a summer day camp will change according to the New York State Public Health Law. It may affect the our summer program by requiring a license. Trustee Sheibley submitted questionnaires which are required.

TREASURER

Treasurer Schilling reported that a discussion was held during the work session about the renewal of the fire contracts.

Motion 246-10. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to approve a 3% increase in the 2012 fire contracts with the Towns of Collins, Perrysburg and Persia. Motion carried 5-0.

Treasurer Schilling requested approval of the expenditure of \$21,637.42 from the Fire Reserve to cover the annual aerial truck lease payment as discussed when preparing the 2010-2011 budget.

Motion 247-10. Motion by Trustee Certis, seconded by Trustee McKeever to approve the expenditure of \$21,637.42 from the Fire Reserve to cover the annual aerial truck lease payment. Motion carried 5-0.

Treasurer Schilling requested approval of the use of \$4,029.00 for the purchase of radios with the assistance of grant monies.

Motion 248-10. Motion by Trustee Certis, seconded by Trustee McKeever to approve the use of \$4,029.00 for the purchase of radios with the assistance of grant monies. Motion carried 5-0.

Village Clerk Mohawk advised that a public hearing may be required to spend reserve monies.

Motion 249-10. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to advertise for a public hearing if required. Motion carried 5-0.

Treasurer Schilling requested approval for a loan to the General Fund from the Sewer Fund in the amount of \$30,000 at an interest rate of 4.5% over a three year period. Payments to the Sewer Fund to be \$10,913.20 and will begin in the next budget year.

Motion 250-10. Motion by Trustee Certis, seconded by Trustee McKeever to approve a loan to the General Fund from the Sewer Fund in the amount of \$30,000 at an interest rate of 4.5% over a three year period. Payments to the Sewer Fund to be \$10,913.20 and will begin in the next budget year. Motion carried 5-0.

Treasurer Schilling requested approval for the contribution of \$70,927.95 from each the Water and Sewer Funds toward the Municipal Hall improvements as discussed when the plan was approved. Public Works Superintendent Hutchinson advised that this amount is based on a 15% contribution of the total cost of the contract. Trustee Sheibley asked if General Municipal Law allowed sewer funds to be used for general fund purposes. Public Works Superintendent Hutchinson indicated that the Municipal Building provides

services for both the water and sewer departments for regional purposes, water and sewer districts. Village Attorney Chadsey indicated these transfers can occur for those reasons.

Motion 251-10. Motion by Trustee Certis, seconded by Trustee DeCarlo to appropriate 15% of the cost of the Municipal Building project from each of the water and sewer funds, to wit: \$70,927.95 will be transferred, to be adjusted later. Motion carried 5-0.

Treasurer Schilling confirmed that the Village did not borrow \$500,000, but rather \$300,000 for the BAN for the municipal borrowing for the building project.

Motion 252-10. Motion by Trustee DeCarlo, seconded by Trustee McKeever to accept Assessor Stark's Grievance Day report recommendations as presented. Motion carried 5-0.

PUBLIC WORKS

Public Works Superintendent Hutchinson presented a summary of the expenses for the building project to date.

Public Works Superintendent Hutchinson advised that the quotes received for the demolition of 31 Jamestown Street have been forwarded to the insurance company. The Village is waiting for a response. Public Works Superintendent Hutchinson requested authorization to approve the low bid pending insurance approval. The low bid is R.B. Mac for \$43,300.

Motion 253-10. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the low bid of R.B. Mac for \$43,300 for demolition of 31 Jamestown Street, pending insurance company approval. Motion carried 5-0.

Trustee DeCarlo asked about the Sienna Environmental discussion about asbestos abatement. Public Works Superintendent Hutchinson advised that he contacted Sienna. The insurance company will cover the cost but it doubled the cost of the demolition.

There was some discussion about salvage at 31 Jamestown Street. Public Works Superintendent Hutchinson advised that the Village employees do not want to enter the unsafe building. He received one bid for \$350 for scrap from an individual with no insurance but who has offered to sign an indemnification agreement. Mayor Klancer agreed that no one should enter the building. Trustee McKeever indicated that the prior owners would like to salvage the bar if at all possible. Public Works Superintendent Hutchinson advised that they entered the front and salvaged a few items they wanted previously. Public Works Superintendent Hutchinson indicated that the contract language allows the Village to keep whatever salvage they get. Village Attorney Chadsey reminded both the Mayor and Public Works Superintendent Hutchinson about the liability involved in entering the building. Phil Palen asked about the historic photographs in the front hallway. Mayor Klancer advised that the firemen removed them. Mayor Klancer stated that when the demolition is complete, he wants the site to be

clean. Anything to be salvaged needs to be removed the day the demolition is taking place.

Motion 254-10. Motion by Trustee DeCarlo, seconded by Trustee McKeever to save whatever is possible during the demolition, and that anyone who wants any salvaged materials must be available that day to get them so that the site is clean when the demolition is complete. Motion carried 5-0.

Motion 255-10. Motion by Trustee Certis, seconded by Trustee Sheibley to solicit bids for ferric chloride and chlorine. Motion carried 5-0.

Public Works Superintendent Hutchinson presented an air monitoring proposal from Sienna Environmental as required for the asbestos abatement at 31 Jamestown Street.

Motion 256-10. Motion by Trustee Certis, seconded by Trustee McKeever to approve the air monitoring proposal submitted by Sienna Environmental for \$2,100 as required for the asbestos abatement at 31 Jamestown Street. Motion carried 5-0.

Public Works Superintendent Hutchinson presented a proposal from R.B. Mac for wood trim around the large windows in the new Village Board room. The brick around the windows does not look good. It was agreed that the work can be done for less and at a later date by a local carpenter.

Public Works Superintendent Hutchinson advised that he made arrangements with the contractor to paint the entire upstairs hallway and not paint the utility room in the basement.

Public Works Superintendent Hutchinson advised that he received the American Public Works Association 2010 New York State Chapter Award. The presentation will be in Geneva on March 24th and 25th.

Public Works Superintendent Hutchinson reported that the new trash rack which was installed at Pt. Peter was jammed with ice. It caused the creek to move 200 feet to the south. The new forebay which was installed at the site worked protecting the reservoir. He contacted Wendel for some recommendations of how to fix the problem.

Public Works Superintendent Hutchinson advised that he requested extensions with FEMA to June 9th for further repairs to the gatehouse pump and forebay at Pt. Peter.

Public Works Superintendent Hutchinson and Village Attorney Chadsey discussed the creation of a sewer district with the Town of Perrysburg. It will be necessary in order to locate the hospital there. Village Attorney Chadsey and Public Works Superintendent Hutchinson will review the contracts with the Town of Perrysburg in the next few weeks and make any revisions that are necessary. Mayor Klancer advised that the Board members wish to see all the agreements with Perrysburg before they go to the Town Attorney.

Public Works Superintendent Hutchinson requested direction of what employees should receive the Workplace Violence Prevention policy questionnaire. The Village Board confirmed that all employees, except police, should receive the surveys.

Public Works Superintendent Hutchinson was invited to attend the Town of Persia public hearing on the creation of a Persia water district.

Motion 257-10. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to authorize Public Works Superintendent Hutchinson to attend the Town of Persia public hearing for the creation of a Persia water district. Motion carried 5-0.

Public Works Superintendent Hutchinson advised that he spoke with Marie Thornton of Erie County about the old eye doctor building. She asked him to hold off on any activity until the end of the month to make sure funds will be available.

ADMINISTRATION

Village Clerk Mohawk requested authorization for an advertisement for the Spirit of Gowanda directory. The Village places this every year ¼ page size.

Motion 258-10. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to place a ¼ page advertisement in the Spirit of Gowanda booklet at a cost of \$100. Motion carried 5-0.

Village Clerk Mohawk reported that the event application submitted by LOVE, Inc. for the Cabin Fever Walk for Sunday, March 20th, includes the appropriate insurance certificate.

Motion 259-10. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the event application for the Cabin Fever Walk submitted by Love in the Name of Christ of the Greater Gowanda Area scheduled for Sunday, March 20, 2011. Motion carried 5-0.

Village Clerk Mohawk presented the event application for Gowanda Gala Days scheduled for July 14-17, 2011. It has attached the route for the 5K race and the parade, the vendor locations and the insurance certificate. Public Works Superintendent Hutchinson advised that a stage will be located near the Persia Town Hall. Treasurer Schilling reminded the Board members of the expenses the Village incurs with these events.

Motion 260-10. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the event application for Gowanda Gala Days. Motion carried 5-0.

ENVIRONMENT

Phil Palen advised that Jack Torrance has the list of trees that are available from the nurseries. The tree committee is deciding what trees they want to order and the available sites.

Motion 261-10. Motion by Trustee Certis, seconded by Trustee DeCarlo to go into Executive Session at 8:00 to discuss a personnel issue. Motion carried 5-0.

Motion 262-10. Motion by Trustee McKeever, seconded by Trustee Sheibley to come out of Executive Session at 8:35. Motion carried 5-0.

Motion 263-10. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve payment to Officer-in-Charge Alessi of his remaining salary through May 31, 2011 pending Village Attorney Chadsey's conversation with Cattaraugus County Civil Service. Motion carried 5-0.

Motion 264-10. Motion by Trustee Certis, seconded by Trustee DeCarlo to adjourn the Village Board meeting at 8:40 p.m. Motion carried 5-0.

The next Village of Gowanda board meeting is March 22, 2011 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk