

**VILLAGE BOARD MEETING
And GRIEVANCE DAY
FEBRUARY 17, 2009**

The Village of Gowanda Board of Trustees meeting was called to order by Mayor Richard Klancer at 4:00 p.m. in the Board room, Municipal Building. The pledge of allegiance was recited.

Present: Mayor Richard Klancer
Trustee Dale DeCarlo
Trustee Carol Sheibley
Trustee Barb Nephew (arrived at 5:00 p.m.)
Trustee John Certis (arrived at 5:25 p.m.)

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

Media Present: Mary Pankow, Gowanda Pennysaver

Public: Jack Torrance, Doug Gross, Doug Scott, Duggan & Duggan, Phil Palen (arrived at 4:20 p.m.)

Doug Gross was the first to speak about the assessment on 68 North Chapel Street. He paid \$9500 for it and it is an eyesore. He has two units of the four units completed. It needs to be completely replumbed. He requested an assessment reduction to \$25,000. Assessor Stark gave Mr. Gross an application to complete for the Board's review.

Jack Torrance spoke about the Planning Board meeting of the previous evening. He presented a package to the Board regarding the demolition permit requests. Mr. Torrance reported that the Planning Board recommended approval of the demolition of 34 West Main Street with the condition that any new site work planned by Community Bank must include a site plan. He advised that per General Law Section 239-m, Cattaraugus County should be advised of this work.

The second item was the Reitz Liquor Store. Any building in a B-1 zone needs a site plan if it is going to be demolished. This was considered an emergency demolition after conversations with Building Inspector Brecker.

The next item is 117 Jamestown Street. The house burned and the owners want to rebuild. It is in an R-3 district. It is the opinion of the Planning Board that the architectural drawings will suffice as a site plan review. Trustee Sheibley asked about the lot size for that location. Assessor Stark indicated it is 144 feet front and 238 feet deep.

Mr. Torrance advised that the 30 day response period for the SEQR for the Master Plan has expired. He indicated that he had a verbal conversation with the Town of Collins who has no problem with Gowanda being lead agency. He also indicated that Cattaraugus County also indicated no problem. All other agencies that the Village sent letters to have not responded.

The next meeting of the Planning Board is scheduled for March 2nd.

Sal Dicembre was present to grieve the Reitz Liquor Store and old NAPA building assessments. The buildings were not in very good condition even on taxable status date. Both properties have had sale contracts over the past 3 or 4 years but have been unable to close due to the tri-chloroethylene which has migrated from the AVM site. Mr. Dicembre indicated that the Petersons would like to sell the old NAPA store which is currently assessed at fair market value at \$137,000. He would sell the property for \$35,000. Mr. Dicembre asked to lower the assessment of the NAPA building to \$28,000. Assessor Stark indicated the Village assessment is \$24,720. Mr. Dicembre indicated that the Forbush property is assessed at \$87,879 for fair market value. The contamination issue is why the properties won't sell.

Assessor Stark advised Mr. Dicembre to fill out an application form for the assessment reduction.

Building Inspector Brecker presented criteria for demolition permit approval and it is all according to the Village Code and the State code. He presented an entire package of the demolitions which are being considered.

Mr. Scott from Duggan & Duggan indicated the demolition of 34 West Main Street will probably not start until first thing Monday morning. He advised that the building will be barricaded off when the plumbing work begins. All material will be hauled away and the hole will be clean-filled. There are no plans for the coming year to put anything there. The future plans include putting a remote kiosk with its own electrical service and light. Mayor Klancer confirmed with Mr. Scott that the area will be maintained from the time the building is demolished until something else is erected. Trustee DeCarlo asked about asbestos abatement and Mr. Scott advised it has already been done.

Motion 273-08. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to approve the demolition permit for 34 West Main Street on the recommendation of Building Inspector Brecker. Motion carried 3-0.

Building Inspector Brecker spoke about the liquor store demolition. He indicated he is still waiting for some of the information necessary. Mr. Brecker indicated the owners want to have the building down prior to March 1st. Village Attorney Chadsey asked what information is missing from the folder. Mr. Brecker indicated that the worker's compensation certificate is missing.

Motion 274-08. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to approve the demolition permit submitted for the liquor store on Walnut Street. Motion carried 3-0.

Jack Torrance indicated it would be necessary to file a site plan when any new building is planned.

The last item is the demolition of 117 Jamestown Street. Building Inspector Brecker advised that he went through the house the night of the fire and again this week with the demolition contractor. He is lacking an asbestos report for the property. The house is completely gutted by fire and there is no indication of any asbestos in the premises. Trustee DeCarlo suggested that someone from an asbestos abatement company should inspect the premises and sign a form indicating there is no asbestos present. Building Inspector Brecker advised that the homeowner was quoted a price of \$2400 for the asbestos certificate. Village Attorney Chadsey suggested that the homeowner's contractor might be willing to inspect the property and certify there is no asbestos present. Ms. Chadsey also advised that the insurance coverage should pay the demolition and the asbestos abatement costs. Mr. Brecker is working with an architect on the new house.

Building Inspector Brecker reported that HCA has requested a refund of the permit fee assessed for the associated parking spaces in the commercial area of Academy Place. They paid \$2500 for the commercial portion of the parking spaces. The argument is that the commercial parking spaces will also be available for residential parking as well. Village Attorney Chadsey indicated a written request to the Village should be submitted to allow for a paper trail.

Building Inspector Brecker indicated that there has been no response from the owners of 49 South Water Street. The Cattaraugus County Treasurer indicated there has been no response to him either. The owners have vacated the premises and Mr. Brecker will need to go in with an engineer to enforce demolition procedures. Village Attorney Chadsey advised that the Village has two options. They can either talk to the County and have them foreclose and give it to the Village for \$1.00 or let the County foreclose on it and put them on notice that it is a hazard and needs to come down. Public Works Superintendent Hutchinson reminded the Village that we still get our taxes. The County will not want to foreclose as they are stuck with the taxes. It was agreed to let the County go through the foreclosure process. Village Attorney Chadsey advised that the Village should send a response to the letter from the County indicating no interest in purchasing the property.

Public Works Superintendent Hutchinson advised that an asbestos variance can be obtained for about \$3,000. This allows the entire building to be taken to an asbestos landfill. Village Attorney Chadsey suggested having someone who is already working in the Village to come and give an estimate for the cost of an asbestos abatement on the property.

Jack Torrance asked about the \$60,000 from the tree harvest. The idea was to put part of it in a reserve for future tree expenses including emergency maintenance. Treasurer Schilling made a verbal recommendation to the Village Board that the Village set aside \$20,000 of that money in a reserve fund.

Motion 275-08. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to approve the minutes of the January 27, 2009 Village Board meeting as presented. Motion carried 4-0.

With respect to Abstract #9, Trustee Sheibley went through the general fund and noticed 9 different instances of expenditures over \$500 which did not have prior approval. Trustee DeCarlo indicated that the biggest chunk of the expense is for insurance which has gone down since last year. The National Fuel bills were also high. There were some bills from the fire department. The Eagle Radio invoice was approved back in October and the Colden Enterprises voucher is for a valve for the new aerial truck which was also previously approved.

Motion 276-08. Motion by DeCarlo, seconded by Trustee Nephew to approve Abstract #9 dated February 17, 2009 on all funds as follows:

General Fund -	\$81,082.26
Water Fund -	\$23,182.11
Sewer Fund -	\$93,656.87
UDAG Fund -	1,433.25
Capital Fund -	\$ 4,551.61
Total	203,906.10

Motion carried 4-0.

Village Attorney Chadsey advised that the problem with the riverwalk is that it is part of the property that was transferred to Healthy Community Alliance. In order to get the riverwalk to the Village, a release is necessary from the mortgagor. There has never been a survey but it will need to be done. At the present time the Federal Government has a lien on the real property. Someone at Healthy Community Alliance needs to contact the attorney who closed the federal loan to secure a release from the mortgage. An easement would have done away with needing the survey.

Treasurer Schilling indicated that the pilot payment from Healthy Community Alliance will be due June 1st along with the rest of the taxes.

Village Attorney Chadsey indicated that the HCA Contribution Agreement needs some revisions. She requested authorization to work on this agreement with Treasurer Schilling and Public Works Superintendent Hutchinson to complete the agreement.

POLICE

Village Clerk Mohawk reported that the police department audit is completed.

Village Clerk Mohawk reported on a letter from Gowanda Central School which advised that due to budget constraints, the additional SRO position has been eliminated effective February 13, 2009.

JOINT ACTIVITY

Trustee Sheibley reported that Gowanda Recreation received \$2,000 from the United Way of Gowanda.

FIRE

Trustee DeCarlo requested authorization to purchase two Dual-Force Task Force nozzles for the new aerial truck at a cost of \$1362.00

Motion 277-08. Motion by Trustee Certis, seconded by Trustee Nephew to approve the purchase of two Dual-Force Task Force nozzles for the aerial truck at a cost of \$1,362.00. Motion carried 5-0.

Trustee DeCarlo spoke about shelves for the aerial truck and that the expense will come out of the proceeds from the sale of the old truck. The total is \$1218 minus the radios and chargers. This includes the installation and hardware.

Motion 278-08. Motion by Trustee Certis, seconded by Trustee Nephew to purchase the shelving and hardware for the aerial truck in the amount of \$1218 and the balance of the proceeds from the sale of the old aerial truck will go into the fire reserve fund. Motion carried 3-0. Trustee Sheibley and Trustee DeCarlo abstained as they are current members of the fire department.

Trustee DeCarlo discussed the safety issue regarding the intersection at Route 438, Aldrich Street and Buffalo Street. Public Works Superintendent Hutchinson agreed there have been many accidents there. He suggested that perhaps the signage should be reviewed. Treasurer Schilling suggested that a letter go out to the County about the hazards at that intersection.

There was discussion about the parking situation for the ambulance. It was agreed that some signs would be put up indicating that some of those spots will be reserved for ambulance parking.

Biaggio Gallo spoke to Assessor Stark about his property at 9 Chestnut Street. He wanted some consideration on the assessment for his property since it is next to a chemical dump.

PUBLIC WORKS

Public Works Superintendent Hutchinson advised that he solicited quotes for the Village Hall renovation. They are returnable on February 23rd. They should be available at the next Board meeting.

Public Works Superintendent Hutchinson reported that the DOT agreed with the Village about the crosswalk at Jubilee. They have agreed to move the crosswalk to the intersection of Buffalo Street and Mechanic Street. Trustee DeCarlo reported that the street lights at Buffalo and Mechanic Streets are out.

Public Works Superintendent Hutchinson advised there will be another round of RestoreNY grant funding. It is a public/private partnership driven by job creation.

Public Works Superintendent Hutchinson advised that the Village received the final payment for the forestry of \$14,000.

Public Works Superintendent Hutchinson advised that he spoke with Tom Carpenter from the Governor's office. The CHIPS funding had been cut in half but will be restored to the previous level. The Village will receive about \$48,000 from CHIPS which should be enough to cover the South Chapel Street mill and pave project.

Public Works Superintendent Hutchinson advised that he and Treasurer Schilling will be meeting with Assemblyman Jack Quinn on Thursday to discuss including rural projects in the Economic Stimulus funding. It appears from the partial list of approved projects does not include any in the rural communities. Village Attorney Chadsey advised that the Village should FOIL the Governor's Office for the list of approved projects.

Minnie Hanson and Bryon Ivett purchased 223 Jamestown Street and requested an assessment reduction. It is assessed at \$9,890 which relates to \$55,190. She would like it reduced to \$30,000 which is what she paid.

ADMINISTRATION

Village Clerk Mohawk advised that the Village received a letter from Rural Transit Service indicating there are funds available from the 2008 Federal New Freedom Funds but the funds have not been released. Rural Transit Service requested a letter of support to encourage the disbursement of these funds so they can continue to provide wheelchair service to residents in the community. Village Clerk Mohawk read a sample letter:

“I write in the interest of the status of disbursement for 2008 Section 5317 New Freedom Funds. I am in support of the transportation initiative that the Erie County Department of Senior Services has submitted to the Greater Buffalo Niagara Regional Transportation Council (GBNRTC) in collaboration with the Erie County Office of Disabled, Rural Transit Services and the Center for Transportation Excellence for funding under the 2008 New Freedom grant program.

Please understand that the Rural Transit Service Program is in desperate need of this funding. Currently, they have been allocating part of their United Way funds to pay for wheelchair transportation for the past year. These funds are quickly diminishing and several wheelchair bound Erie County residents will be without transportation until New Freedom funds are released.

Please do whatever means necessary for Erie County Senior Services to begin receiving New Freedom funds that they have been awarded, so that transportation will not have to be denied to those in wheelchairs needing access to medical appointments and other basic quality of life services.”

Motion 279-08. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to send a letter of support for Rural Transit Service, Inc. Motion carried 5-0.

Village Clerk Mohawk requested approval of the list of Purchasing Agents for the Village of Gowanda. Treasurer Schilling advised that she would like to put together a requisition form to be used for materials and supplies.

Motion 280-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the list of Purchasing Agents for the Village of Gowanda. Motion carried 5-0.

An event application was submitted for the Cabin Fever Walk for Love in the Name of Christ. It is scheduled for March 29, 2009 from 1:00 – 3:00. The walkers stay on the sidewalk. The insurance certificate was submitted with the application.

Motion 281-08. Motion by Trustee Sheibley, seconded by Trustee Certis to approve the Cabin Fever Walk for Love in the Name of Christ scheduled for March 29, 2009 from 1:00 until 3:00 p.m. Motion carried 5-0.

Village Clerk Mohawk presented a Needs Assessment for the Rural Southtowns requested by the Southtowns Rural Preservation Co., Inc. This needs assessment will assist in the development of a strategic plan designed to address those needs as well as make the most efficient and effective use of the funds available.

ENVIRONMENT

Trustee Nephew stated that the parks were made smoke-free last year. She indicated that no signs were ever placed in Chang-Hu Park and smoking is becoming a problem.

There was some discussion about the status of TLC Health Network. Is it expanding, or will there be layoffs? Trustee Sheibley indicated she would ask the new Director of TLC Health Network to come to a work session here the last meeting in March for a status update.

Trustee Nephew indicated she is working on the closeout for the 2007-2008 tree grant.

Motion 282-08. Motion by Trustee Nephew, seconded by Trustee Certis to adjourn the Village Board meeting at 8:02 p.m. Motion carried 5-0.

The next Village of Gowanda Board meeting is March 20, 2009 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk