

**VILLAGE BOARD MEETING  
MARCH 24, 2009**

The Village of Gowanda Board of Trustees meeting was called to order by Deputy Mayor Carol Sheibley at 7:00 p.m. in the Board room, Municipal Building. The pledge of allegiance was recited.

Present: Deputy Mayor Carol Sheibley  
Trustee John Certis  
Trustee Dale DeCarlo  
Trustee Barb Nephew  
Mayor Richard Klancer (arrived at 7:10 p.m.)

Mayor Klancer indicated he would be late as he had a personal matter to attend to earlier in the evening.

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

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

Motion 302-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the minutes of the March 10, 2009 Village Board meeting as presented. Motion carried 4-0.

**BUILDING/BUSINESS PERMITS**

Building Inspector Gary Brecker reported it has been a busy month. There were three fires. At 43 South Water Street, the residence has been reoccupied but Mr. Brecker has issued a building permit for renovations. No utilities have been turned on yet. At 76 Jamestown Street, the old liquor store, the building has been demolished. The third fire was 117 Jamestown Street. The residence was completely destroyed. A new house is being built. The cellar foundation has been poured.

Building Inspector Brecker reported that he received a request for a business permit from Donald Kamann at 61 Erie Avenue. The zoning is R-2. He read a letter from Mr. Kamann:

“To Whom it May Concern:

I, Donald Kamann, am hereby applying for a business permit with the intent to do minor auto repair work with a maximum of five vehicles per week. The business will be located at my residence at 61 Erie Avenue in Gowanda. The business will be run and operated under the name of Don’s Auto Repair.”

He proposes to operate out of his garage.

Building Inspector Brecker advised that an R-2 zone allows home occupations. The definition of home occupations from the Village Code:  
“Is customarily carried on in a dwelling unit, and  
Is carried on by a member of the family residing in the dwelling unit, and  
Is clearly incidental and secondary to the use of the dwelling unit for residential purposes,  
and  
Which conforms to the following additional conditions:  
The occupation or professional shall be carried on wholly within the principal building.  
Not more than one person outside the family shall be employed in the Home Occupation.  
There shall be no exterior display, no exterior sign, no exterior storage of materials and  
no other exterior indication of the Home Occupation or variation from the residential  
character of the principal building.”

Mr. Brecker advised that he spoke to the Planning Board about this request. The Planning Board advised not allowing it. Home occupations not permitted are animal training/treatment, boarding and care, sales or repair of gasoline or electric motors or vehicles of any description.

By definition a home occupation says it should be carried on inside the residence. This is not going to be carried on in the residence. Village Attorney Chadsey asked if Mr. Kamann could ask for a variance or a special use permit. Ms. Chadsey advised it is clearly not a home occupation under the law. Mr. Kamann will be advised to apply to the Zoning Board for a variance or a special use permit. Village Attorney Chadsey advised the Village Board that they cannot issue a permit for an illegal activity. Mr. Brecker will advise Mr. Kamann of the Board's decision.

Building Inspector Brecker advised that 76 Jamestown Street is being renovated. The former NAPA building was in bad shape. The electric will be redone. Painting and shelving will be installed to get ready for a liquor store.

Building Inspector Brecker reported that 39 Buffalo Street, formerly Fox Motors, now called Gowanda Collision, is asking for a business permit to do automotive collision repair on small scale. He will be doing some painting. The new owner was sent to the DEC for regulations. He purchased a paint booth. The paint booth has filters for incoming and outgoing air. Double filters will be put into the exhaust which will go through the roof and out the side of his building. Building Inspector Brecker recommended that this business permit be approved.

Motion 303-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the business permit for 39 Buffalo Street, Gowanda Collision, upon the recommendation of Building Inspector/Code Enforcement Officer Brecker. Motion carried 5-0.

### **JOINT ACTIVITY**

Trustee Certis reminded everyone there is a Commission meeting tomorrow evening at 7:00 p.m.

Trustee Sheibley confirmed the meeting with the Regional Health Network on Thursday, May 14<sup>th</sup>, at 6:30 p.m.

### **FIRE**

Trustee DeCarlo reminded everyone that this weekend is the second weekend of the pancake breakfast.

Trustee DeCarlo invited all Board members to the annual installation banquet on April 4, 2009 at 5:00 p.m.

### **TREASURER**

Treasurer Schilling requested a date for the public hearing for the budget. She suggested April 14 at 7:30 p.m.

Motion 304-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to set the public hearing for the budget for April 14<sup>th</sup> at 7:30 p.m. Motion carried 5-0.

Treasurer Schilling approved authorization to establish a tree emergency reserve fund resolution. This is subject to permissive referendum.

Motion 305-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to adopt the following resolution:

“RESOLVED, that pursuant to Section 6-d of the General Municipal Law, as amended, the Board of Trustees of the Village of Gowanda does hereby establish a Capital Reserve Fund to finance the cost of “**emergency**” repairs to village trees pending approval by said board.

The Village Treasurer is hereby directed to deposit a sum of \$20,000 in a separate account to be known as the Tree Emergency Reserve Fund. As this action is subject to permissive referendum pursuant to the above section of General Municipal Law, there is no need for permissive referendum for spending funds.”

Motion carried 5-0.

### **PUBLIC WORKS**

Public Works Superintendent Hutchinson indicated that the Contribution Agreement with Community Place is getting close. Village Attorney Chadsey recommended approval of the document which was presented. Ms. Chadsey stated she wanted the obligations of the Village and Academy Place clearly presented. If Academy Place does not present the appropriate items to the Village, there may be some liability issues. The funds must be applied in accordance with the grant documents. Any change orders will be incorporated into the grant documents. No Village approval will be necessary. Village Attorney Chadsey advised that no money can be spent except what is allowed by the grant documents.

Motion 306-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the Contribution Agreement between the Village and Academy Place.

Village Clerk Mohawk polled the Board: Trustee Certis – yes; Trustee Nephew – yes; Mayor Klancer – yes; Trustee DeCarlo – yes; Trustee Sheibley – yes. Motion carried 5-0.

Public Works Superintendent Hutchinson asked about changing the name of this document to Cooperative Agreement for Disbursement of Grant Funds. Village Attorney Chadsey will e-mail a clean copy of the agreement to Treasurer Schilling.

Public Works Superintendent Hutchinson advised that he met with US Rural Development regarding some of the Village economic stimulus projects. The projects were reviewed since there will be additional funds to the US Rural Development. Many of the Village projects are eligible for these funds. Mr. Hutchinson indicated there is very little grant money available for municipal building renovations but there is loan money. Public Works Superintendent Hutchinson advised that Village Engineer Mark Burr indicated that the Governor has released a list of all the projects on the Economic Stimulus list. Treasurer Schilling spoke with the RDA who sent the Village some preliminary paperwork for some of the stimulus projects.

Public Works Superintendent Hutchinson reported on changes to the garbage collection program. Trash collection will be the second Monday of April, July and October only. Trash items include old furniture, appliances, stoves, freon-free refrigerators, washers, items such as old carpeting, wood, etc. Items not considered trash are hazardous waste, infectious waste, asbestos, chemical drums, batteries, cleaning fluids, paints, poisons, household garbage. An advertisement will be placed in the Pennysaver. Yard waste will also only be picked up on the last Monday of April, July and October. They need to be in a bushel basket or garbage can. Tires will no longer be picked up at the curb. It will be at the Wastewater Treatment Plant the first Saturday of the month from 7-11 a.m. A permit will be issued for 8 tires per year at the Village Hall. The permits will be for three years. No tires bigger than 16 inches and no rims will be accepted.

Village Attorney Chadsey advised she spoke with Beth Holden. Gowanda Central School is taking the donation of the walk to a public referendum on May 19<sup>th</sup>. The property width is 25 feet wide. Ms. Holden does not know if there was ever a survey done. Public Works Superintendent Hutchinson advised that the Village agreed to share the cost of the survey with the school. Village Attorney Chadsey indicated she never saw the survey. Trustee Sheibley asked why Healthy Community Alliance does not own that particular piece of property. Public Works Superintendent Hutchinson advised that the school's intent was to give it to the Village as part of their creek walk. Treasurer Schilling asked about liability issues and Village Attorney Chadsey indicated there were several. The Village will need to maintain this trail as a park. Trustee Sheibley was concerned about who owns the property on either side of this trail. Mayor Klancer indicated that the school will own up to 25 feet on one side and Healthy Community

Alliance will own up to 25 feet on the other side of this walkway. The area will be accessible for police patrol.

Public Works Superintendent Hutchinson advised there was a meeting with GARC on Saturday to discuss the Peter Cooper site. Eric Weyand is drafting a proposed lease for a lease of the property from GARC to the Village for \$1.00 for recreation purposes. The Village Board already approved the \$12,000 expenditure to Benchmark to do the grading plan. Village Attorney Chadsey advised that the Historical Society should be documenting the work that will be done this year to make this site go from an abandoned hazardous waste site to something else.

### **ADMINISTRATION**

Village Clerk Mohawk reported on the Don Woodard Jr. Day resolution for May 3<sup>rd</sup>. Village Clerk Mohawk will prepare an official resolution for the next meeting.

Village Clerk Mohawk reported there will be a 2009 May Rabies Clinic on Saturday, May 9<sup>th</sup>, in Little Valley at the County DPW garage on Route 242 from 9:00 a.m. until noon. There is no charge, but donations are accepted to defray the costs.

Village Clerk Mohawk presented information about the 16<sup>th</sup> Annual Southern Tier West Local Government Conference on Wednesday, May 6<sup>th</sup>.

Village Clerk Mohawk reported that the Ambulance Board requested use of the Board room on Wednesday, April 1<sup>st</sup>, for a meeting.

Village Clerk Mohawk reported that Healthy Community Alliance sent a letter requesting reimbursement of money of the building permit fees charged for the public parking spaces. Treasurer Schilling stated it was the intent of the Village Board to reimburse the money for the commercial parking spaces.

Motion 307-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to reimburse Healthy Community Alliance \$2,500 for the building permit fees charged for commercial parking spaces. Motion carried 5-0.

Village Clerk Mohawk requested approval of the grievance issues presented by Assessor Stark. Trustee Sheibley reported that the recommendation of Assessor Stark on B&B Associates, Gowanda Meadows, could be approved.

Motion 308-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to accept the recommendation of Assessor Stark regarding the assessment reduction for B&B Association, Gowanda Meadows. Motion carried 5-0.

Trustee Sheibley reported the recommendation of Assessor Stark for Gernatt Asphalt Products at 74 Walnut Street is to reduce the assessment to \$80,506.

Motion 309-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to accept the recommendation of Assessor Stark to reduce the assessment on 74 Walnut Street to \$80,506. Motion carried 5-0.

Trustee Sheibley reported the recommendation of Assessor Stark is to reduce the assessment for William Peterson, 76 Jamestown Street, to \$70,000 of full market value.

Motion 310-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to reduce the assessment for William Peterson, 76 Jamestown Street, to \$70,000 full market value on the recommendation of Assessor Stark. Motion carried 5-0.

Trustee Sheibley advised that discussions were held during the work session regarding 68 North Chapel Street and 223 Jamestown Street and it was the desire of the Village Board to leave the assessments as they are.

Motion 311-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to leave the assessments for 68 North Chapel Street and 223 Jamestown Street as they are at present. Motion carried 5-0.

Treasurer Schilling indicated those changes will affect the working budget so the Mayor may wish to adjust the sales tax figures. She reminded the Mayor that the budget must be submitted to Village Clerk Mohawk by Tuesday, March 31<sup>st</sup>.

Village Clerk Mohawk requested authorization to solicit lawn mowing bids.

Motion 312-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to authorize Village Clerk Mohawk to solicit lawn mowing bids. Motion carried 5-0.

Village Clerk Mohawk read a letter from Cattaraugus County Legislator Crystal Abers: “On behalf of the Cattaraugus County Legislature, congratulations on your well deserved Community Arts Grant from the New York State Council on the Arts’ Decentralization Program.

Cattaraugus County is lucky to have individuals like Barbara Nephew who work so diligently to inspire more involvement and excitement in the arts and I would like to take this opportunity to acknowledge her vital contributions to your community. Thank you for keeping the arts and culture alive in Cattaraugus County. Please accept my best wishes for your continued commitment to quality artistic programs.”

Village Clerk Mohawk wishes Trustee Nephew best wishes and stated the parks look beautiful.

## **ENVIRONMENT**

Trustee Nephew presented the \$950.00 check from the Cattaraugus County Arts Council for the coming Music in the Park summer series/Harvest Heritage Festival funds.

Trustee Nephew reported that next week is the tree committee meeting to plan for the upcoming spring planting season.

Mayor Klancer thanked Trustee Nephew and stated it was a pleasure to work with her. She indicated it was an honor and a pleasure to serve the Village residents. Mayor Klancer thanked her for the compliments the Village gets on how nice the streets look.

Trustee DeCarlo suggested that the Village should consider entering a float in the Pioneer Day Parade again this year.

Motion 313-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to go into Executive Session at 8:00 p.m. Motion carried 5-0.

Motion 314-08. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to come out of Executive Session at 8:15 p.m.

Motion 315-08. Motion by Trustee DeCarlo, seconded by Trustee Sheibley to adjourn the Village Board meeting at 8:15 p.m. Motion carried 5-0.

The next Village of Gowanda Board meeting is the Organization meeting on April 7, 2009 at 7:00 p.m.

Respectfully submitted,

Kathleen V. Mohawk  
Village Clerk