

**VILLAGE BOARD MEETING  
MAY 27, 2008**

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

Present: Mayor Richard Klancer  
Trustee Barb Nephew  
Trustee John Certis  
Trustee Dale DeCarlo  
Trustee Carol Sheibley

Village Employees: Village Clerk Kathy Mohawk, Public Works Superintendent Mike Hutchinson, Treasurer Cindy Schilling, Fire Chief Steve Raiport

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

Public Present: Patrick Kinsey, Tim Twitchell

Motion 76-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the minutes of the May 13, 2008 Village Board meeting as presented. Motion carried 5-0.

**PUBLIC PARTICIPATION**

Patrick Kinsey, 106 Aldrich Street, submitted permits for work on his property. He put up a 20 foot flag pole and a new sidewalk. There is a tree in the middle of his property between the sidewalk and the road. He requested permission to get rid of the tree to replace it with a smaller tree or shrub. He was advised that the tree committee denied his request. No one has spoken with him about any type of compromise to see if he could work something out. He does not want to pay a \$250 fine for cutting the tree down. Mr. Kinsey had been advised by Public Works Superintendent Hutchinson to appear at the Village Board meeting to appeal the tree committee's decision. Mayor Klancer indicated he did not speak with the tree committee yet but would get back to Mr. Kinsey.

Mr. Kinsey asked if the old AVM site is a Brownfields site. Public Works Superintendent Hutchinson indicated it is considered a remediated site. The State of New York did a voluntary cleanup. Mr. Kinsey indicated he was looking for a site to open a new business. He will contact Village Clerk Mohawk about grant funding. Public Works Superintendent Hutchinson stated he would let Mr. Kinsey know who to contact about the site. Trustee Sheibley suggested that perhaps Cattaraugus County Economic Development could assist as well.

Phil Palen presented a picture of trash barrels downtown which are not being dumped soon enough. This was taken after Pioneer Days. Public Works Superintendent Hutchinson indicated that all trash barrels were dumped on Monday. Mayor Klancer indicated that the prisoners were downtown cleaning on Sunday. Mr. Hutchinson advised that the downtown barrels were missed on the Monday pickup but he contacted Mr. Penhollow who came and picked them up.

Mr. Palen also advised that the street sign posts downtown are missing paint because of yard sale signs hanging on them. He requested some paint and a roller so he could take care of them prior to the weekend. Public Works Superintendent Hutchinson indicated that the highway department will be blacktopping the back parking lot this week. Trustee Sheibley mentioned that during the Pioneer Day parade, some of the streets are in need of blacktopping. She stepped in a pothole during the parade. Public Works Superintendent Hutchinson indicated that patching streets will be a priority. Mayor Klancer advised the papers to advertise that the Village will be enforcing the village ordinance regarding placing yard sale signs on the posts.

### **BUILDING/BUSINESS PERMITS**

Village Clerk Mohawk advised that she spoke with Village Attorney Chadsey regarding the model local law for flood damage prevention today. Village Attorney Chadsey indicated she sent it via e-mail to Village Clerk Mohawk but it has not yet been received.

Building Inspector Bowers presented a list of building permits issued to date and a copy of the complaints regarding 49 South Water Street.

Village Clerk Mohawk presented a letter from former Building Inspector Gary Brecker indicating interest in the position should Mr. Bowers retire.

### **POLICE**

Village Clerk Mohawk read a letter and resolution from Erie County Legislator Timothy Wroblewski:

“ On behalf of the citizens of Erie County, it is a privilege to recognize the service and sacrifice of our uniformed law enforcement officers during the month of May.”

‘WHEREAS, approximately 900,000 law enforcement officers serve communities across the United States, including more than 3,000 who serve the communities and citizens of Erie County; and

WHEREAS, each year in our nation, an estimated 58,000 assaults against law enforcement officers are reported, resulting in 16,000 injuries; and

WHEREAS, since the first reported death in 1792, more than 18,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial, which was dedicated in 1991 in Washington, D.C.; and

WHEREAS, 358 names are being added to the National Law Enforcement Officers Memorial this spring, including 181 officers killed in 2007 and 177 historical cases involving officers killed in previous years;

WHEREAS, 10 of the 177 historical cases were fallen City of Buffalo Police Officers identified through research conducted here; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored, and the names of the officers newly engraved on the Memorial will be formally dedicated, during the National Law Enforcement Officers Memorial Fund's 20<sup>th</sup> Annual Candlelight Vigil on the evening of Tuesday, May 14, 2008; and

WHEREAS, the Candlelight Vigil, is part of National Police Week, which takes place this year on May 11-17, 2008; and

WHEREAS, the local ceremony paying tribute to all fallen Police Heroes of Erie and Niagara Counties will take place in Buffalo on Monday, May 12, 2008; and

WHEREAS, since 1887, the local, fallen heroes from municipal, county, state and federal agencies include the following officers: one from Amherst, forty-five (45) from the City of Buffalo, four from Cheektowaga, four from the Erie County Sheriff's Office; one from Lackawanna; three from Lancaster; eleven from the local barracks of the New York State Police; one each from the City of Tonawanda, the Town of Tonawanda, the Erie County District Attorney's Office, the City of Lockport, four from the City of Niagara Falls, five from the Niagara County Sheriff's Office, two from the City of North Tonawanda; two from the United States Secret Service, one from U.S. Customs, one from the U.S. Border Patrol; one from the Bureau of Alcohol, Tobacco and Firearms (ATF) and one from the Internal Revenue Service (IRS); and

WHEREAS, the local tribute will begin at 10:00 a.m. with an interfaith service followed by wreath placement at the Police Memorial honoring the 90 fallen municipal, county state and federal officers killed in the line of duty in Erie and Niagara Counties; and

WHEREAS, a reception will take place in the Social Room of St. Joseph's Cathedral where the families, fellow law enforcement officers and elected officials can share memories and further convey the appreciation of a grateful community.

NOW, THEREFORE, BE IT

RESOLVED, that it is fitting and proper for this Honorable Body to pause in its deliberations to honor the fallen law enforcement officers of Erie and Niagara Counties as part of the community's commemoration of National Police Week (May 11-17, 2008); and be it further

RESOLVED, that the Erie County Legislature conveys its heartfelt gratitude for the service and sacrifice of these heroes, who gave everything they had to make this community a safer, more secure place to live, work and raise our families; and be it further

RESOLVED, that this Honorable Body express our condolences to the families of our community's fallen police heroes, for whom the loss of their loved ones is ever-present; and be it further

RESOLVED, that the Erie County Legislature salute the men and women who are sworn to uphold the laws of our communities, state and nation, and courageously give their all, each and every day, regardless of the very real dangers of their police work.”

This was signed by Legislator Timothy M. Wroblewski and Robert M. Graber, Clerk of the Legislature.

Mayor Klancer stated that the Village of Gowanda is very lucky to be taken care of well by our local police force. Many of the part-time police officers are not residents of the Village but they all seem to take pride in their jobs and take care of the community.

Phil Palen advised that former Mayor Griffin of Buffalo was a friend of the Village. During prior flood emergencies, he sent help. Mr. Palen suggested that a letter of condolence be sent to his family on his death.

### **JOINT ACTIVITY**

Trustee Sheibley reported that tomorrow is Part 2 of the recreation interviews starting at 7:00 p.m.

### **FIRE**

Trustee DeCarlo advised the fire department has had 64 calls so far this year.

Trustee DeCarlo asked Public Works Superintendent Hutchinson about putting a Stop Ahead sign before the intersection of Broadway Road, coming up from Hill Street. There have been a couple of accidents there. Fire Chief Raiport indicated there is enough of a dip there to make that intersection dangerous. Public Works Superintendent Hutchinson stated he would have the County sign person take a look at the intersection and see what he thinks.

Fire Chief Raiport followed up from the previous board meeting where he advised that Middle Hope's aerial truck was available to purchase but he felt the price is too high. Since that time, Middle Hope has revisited the issue. Mr. Raiport and Don Offhaus saw the truck when they were on the return trip from Albany. Our Village truck is a 1973, purchased in about 1996. The Village has had the truck for at least 10 years. Tim Twitchell and Ted Andolsek do all the maintenance. Tim Twitchell stated the replaced truck would no longer pass inspection. The present aerial truck is beginning to cost the Village for repairs and it is getting closer to the point of failing an inspection. To rebuild the actual ladder would cost between \$25-35,000. Mr. Twitchell noticed the truck is leaking hydraulic fluid up around where the pump bolts to the transmission. The wiring is very brittle. The big concern is that the body is starting to rot.

Mr. Twitchell presented some catalogs with pictures of various trucks and prices. They are looking at a 75 foot ladder truck. A basic truck will cost between \$450-500,000 new. The truck they are looking at is a 1991. Mayor Klancer asked if the current truck is qualified to extend the full length. Mr. Twitchell advised that if the ladder doesn't extend

the full length or raise or lower or turn in the correct amount of time, it will fail the inspection and the truck will be put out of service. Steve Raiport stated the Village spent \$17,000 on repairs on that truck alone last year. The Middle Hope truck is a 1991 with 12,000 miles on it, 600 hours on the truck, 1900 hours on the engine. Mr. Twitchell stated the Middle Hope used truck is as good as Hose 2 now. Fire Chief Raiport commented on the good condition of the truck; it looks like it was never used. It is pre-piped which feeds water to the tip of the ladder, controlled with a remote control nozzle from the ground. This truck is about four generations more modern than what the Village has now. Fire Chief Raiport said everything comes with the truck except for the loose items, hand tools, etc. It has a 10,000 watt diesel generator on it.

Fire Chief Raiport advised that Middle Hope will give the Village the first chance at this truck if interested. He indicated that the Village needs to make an offer. Fire Chief Raiport feels that \$150-175,000 would be a good offer. Treasurer Schilling indicated \$68,000 are in reserves at present. Mr. Raiport advised that the lease payment on the Hidi truck will be up in two years and he would like to see the money for that payment be put into the reserve fund so when another truck is necessary the Village will have the funding for it.

Trustee Certis would like to see the fire company keep in touch with the Middle Hope Fire Company to make sure the truck is not offered for bid.

### **TREASURER**

Treasurer Schilling requested that the bond counsel engagement letter be tabled.

Treasurer Schilling advised that she filed the Treasurer's report with Village Clerk Mohawk.

### **PUBLIC WORKS**

Public Works Superintendent Hutchinson passed a copy of the letter about No Parking signs for the Trinity Church to Officer-in-Charge Alessi. He has not heard back from him yet. Mr. Hutchinson requested authorization to table this matter until the next meeting. Any changes to the parking ordinance would require a local law.

Public Works Superintendent Hutchinson indicated that two of the past summer employees have indicated a desire to return this year, Aaron Peterson and Shawn DeHos, and the third person he would like to hire is Diane Murray. She has worked at a nursery and has done this type of work before. Her starting rate would be \$7.50; the other two would be at \$8.00 since they are returning.

Motion 77-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to hire Aaron Peterson, Shawn Dehos, and Diane Murray for summer help based on the recommendation of Public Works Superintendent Hutchinson. Motion carried 5-0.

Public Works Superintendent Hutchinson requested authorization to replace the 1982 lawn tractor. It is on state bid from Zahm & Matson. It is a John Deere. One price is for the mower and the other is for the snow blower. Mr. Hutchinson indicated that the price with the snow blower exceeds the amount budgeted for the tractor and mower. Mayor Klancer stated he would prefer to forego the snow blower. It is front load mower and will be more efficient for trimming. Trustee Sheibley clarified it is a tractor, mower and deck. Public Works Superintendent Hutchinson indicated the entire price is \$24,208.75. It is paid for from reserve funds. Trustee Certis asked if the old unit would be sold. Public Works Superintendent Hutchinson indicated it would be. It is a standard transmission unit and it doesn't have active PTL. It is not as easy to use as the other mowers. The new unit is more user friendly and more efficient. There is a 2-year warranty with it. Trustees Nephew and Certis feel the new mower would be sufficient for all the parks and green spaces that the Village mows.

Motion 78-08. Motion by Trustee Nephew, seconded by Trustee DeCarlo to authorize Public Works Superintendent Hutchinson to purchase a new tractor and mower from Zahm & Matson on State bid for \$24,208.75. Motion carried 5-0.

Public Works Superintendent Hutchinson advised that budgeted truck replacements are for the 1-ton dump truck in the sewer department and the 4x4 in the water department. Both are state bid prices with expiration of June 6<sup>th</sup>. Both are Ford trucks. These will be paid out of equipment reserve funds. Trustee DeCarlo asked if the money from the sale of the old trucks goes back into the reserve fund. Public Works Superintendent Hutchinson indicated the money goes back into the appropriate fund, i.e., water or sewer. The total for the sewer truck is \$33,383.25 and the total for the water truck is \$25,949.25. It is more involved for the sewer truck since the purchase is of a truck, chassis and dump box.

Motion 79-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to purchase the water truck for \$25,959.25. Motion carried 5-0.

Motion 80-08. Motion by Trustee Certis, seconded by Trustee Nephew to purchase the sewer truck for \$33,383.25. Motion carried 5-0.

Public Works Superintendent Hutchinson requested permission to sell the lawn tractor and the mower deck separately. He requested a \$2,000 minimum for the tractor but no minimum for the mower deck. The tractor has a new clutch.

Motion 81-08. Motion by Trustee DeCarlo, seconded by Trustee Nephew to sell the lawn tractor at a minimum of \$2,000. Motion carried 5-0.

Motion 82-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to offer the mower deck for sale, no minimum. Motion carried 5-0.

Trustee DeCarlo asked if anyone knew who put the flags up along Buffalo Street. He thanked whoever did it as it looked very nice.

Public Works Superintendent Hutchinson advised that he submitted requests for road closings for both the wagon train and the Hackemer benefit.

### **ADMINISTRATION**

Mayor Klancer read the tax collectors warrant:

“You are hereby commanded to receive and collect from the persons named in the assessment rolls the sums named in the last column thereof opposite their respective names for the 2008-2009 Budget of the Village of Gowanda.

Erie County	\$306,645.27
Cattaraugus County	\$607,252.59
Total	\$913,897.86

You will proceed to collect such taxes and assessment and all interest and penalties payable thereon in the manner provided by law.

Given under my hand and seal of the Village of Gowanda on this 15<sup>th</sup> day of May, 2008.”

Motion 83-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to issue the Tax Collectors Warrant. Motion carried 5-0.

Village Clerk Mohawk received the Event Application for the Walk for Life. The insurance certificate will be presented prior to the event on July 20<sup>th</sup>.

Mayor Klancer advised there will only be one Board meeting in June, July and August.

Village Clerk Mohawk advised that Officer-in-Charge Alessi would rather see the participants of any 5K runs use the track at Hillis Field rather than running in the street. Complaints were received by residents about people running in the streets.

Village Clerk Mohawk read an e-mail from Village Attorney Chadsey:

“I need to get a Special Meeting of the Board set for June 17<sup>th</sup> to get documents finalized between now and then and be able to meet Epa’s deadlines. Can you check with the Board and see if everyone can be available? The EPA folks will be coming to the meeting.”

June 17<sup>th</sup> is the week after the June meeting on a Tuesday. Mayor Klancer asked if they could come the same day as the meeting but earlier. After a telephone conversation with Village Attorney Chadsey, it was decided the meeting would be tentatively set for June 10<sup>th</sup> at 5:30 and the Village Board meeting would begin at 7:30 p.m.

Village Clerk Mohawk reported on a flyer from the Cattaraugus County Department of Economic Development, Planning and Tourism:

“Economic Development, Planning and Tourism has invited Roger Brooks from Destination Development to perform tourism destination assessments of Salamanca and Olean areas. He will be conducting workshops to present his assessments in Salamanca on July 30 and Olean on July 31.”

**ENVIRONMENT**

Trustee Nephew reported that the barrels are all planted. She thanked Carol Ognen, Sue Torrance, and Gary Patterson from Garden Gate Greenhouse.

Trustee Nephew advised that the tree committee met and discussed the request for the tree removal mentioned by Mr. Kinsey. They rendered their decision according to the tree law. This particular tree is a good-sized tree. Trustee DeCarlo asked if residents were asked whether or not they want a tree before one is planted. Trustee Certis stated the tree is 7 years old. It would be hard to transplant it without it dying. The tree was planted prior to the flagpole being installed. Mr. Kinsey indicated that he was not advised of any decision by the board. The tree committee recommendation was presented to the Village Board but Mr. Kinsey was not informed. Once he receives a copy of the response, he may understand the reasoning behind it and/or may have more questions. Trustee Certis feels the Village Board should uphold the tree committee recommendation.

Motion 84-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to send a copy of the tree committee recommendation to Mr. Kinsey, indicating that the Village Board concurs. Motion carried 5-0.

Trustee Nephew reported that the temporary fence around St. John's Park play structure should be replaced. The metal poles are a safety issue. She suggested a vinyl-coated green fence to replace the existing metal fence. Public Works Superintendent Hutchinson will get prices for the fencing. Village Clerk Mohawk asked if the drinking fountain was moved. Public Works Superintendent Hutchinson advised that it was taken down during the winter but has not been put back up. Public Works Superintendent Hutchinson indicated that the benches and picnic tables are moved around for various events but then are moved back to the park. Mr. Hutchinson indicated also that there is another drinking fountain which is planned for the new Veterans Memorial Park. Trustee Nephew asked about the bike racks. They are stored in the building next to the highway garage.

Phil Palen asked about the swampy area outside the play structure area. Public Works Superintendent Hutchinson indicated that a drainage system would need to be installed but eventually the swampy area just goes away by itself.

Motion 85-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to adjourn the Village Board meeting at 8:40 p.m. Motion carried 5-0.

The next Village of Gowanda Board meeting is June 10, 2008.

Respectfully submitted,

Kathleen V. Mohawk  
Village Clerk