

**VILLAGE BOARD MEETING  
NOVEMBER, 12, 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 John Certis  
Trustee Dale DeCarlo  
Trustee Carol Sheibley  
Trustee Barb Nephew

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

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

Public Present: Craig and Susan Brown, Jack Torrance

Motion 206-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the minutes of the October 28, 2008 Village Board meeting as presented. Motion carried 5-0.

Motion 207-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve the minutes of the November 5, 2008 Village Board meeting as presented. Motion carried 5-0.

Village Clerk Mohawk reported there is a revised Abstract #6 because of a manual check which was issued to Golden Arrow Lakeside Resort for Cindy's trip to Lake Placid. The general fund total changes to \$66,649.53.

Trustee Sheibley questioned the credit card. Treasurer Schilling indicated that several Village employees have use of a credit card. She advised that the charges were for meals at the NYCOM conference.

Motion 208-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve Abstract #6 dated November 12, 2008 on all funds as follows:

General Fund	\$66,649.53
Water Fund	\$23,040.24
Sewer Fund	\$26,911.95
UDAG Fund	\$ 4,365.37
Capital Fund	\$ 3,750.00
Total	124,717.09

Motion carried 5-0.

### **PUBLIC PARTICIPATION**

Mayor Klancer welcomed Mr. Craig Brown as Chairman of the Board of Lake Erie Regional Health Care System of New York. Mr. Brown gave a brief summary of the status of TLC. He reported that in 2001 Tri-County Memorial Hospital and Lakeshore Health Care Center merged into the TLC Health Network. As a result of the Berger Commission, TLC was asked to give up their inpatient beds. TLC Health Network joined forces with Brooks Hospital to form a new parent corporation. There are still 2 corporations, however, as it was not a full asset merger. TLC Health Network will take some of the unused beds from Brooks Hospital. A new Chief Executive Officer has been hired named Jonathan Lawrence who expects to be relocating to the area the first of January. They are presently waiting for the Certificate of Incorporation with the Secretary of State which will make the whole process final. This merger will give more negotiating power with the insurance companies.

Mr. Brown advised that Chautauqua County is one of the lowest reimbursed Medicare counties in the country. TLC Health Network has been working with state and federal officials to try to get this changed.

Mr. Brown advised that a new CATSCAN will be located in Tri-County Hospital. The emergency room was renovated.

Mr. Brown suggested that after Mr. Lawrence comes on Board, perhaps next spring, he come to a Village Board meeting to discuss his plans for the Lake Erie Regional Health Care System. The Governor has proposed \$672 million in health care cuts in the new budget so the effects of this will need to be seen.

Mayor Klancer asked if the threat of the Berger Commission is now over. Mr. Brown advised that it is.

There will be 10 beds at Tri-County Hospital, 25 at Lakeshore.

Trustee Nephew asked about the composition of the new Board. Mr. Brown advised there are 4 lay people from both places, 2 physicians from each place, and 1 from the Seneca Nation for a total of 13.

### **BUILDING/BUSINESS PERMITS**

Building Inspector Brecker reported that he will be working closely with Village Attorney Chadsey regarding the old print shop.

Mr. Brecker issued a flood plain letter. He issued a business permit for a sitting Santa after the Gowanda Police did a background check. He did field inspections of two apartments in the same building regarding violations. He inspected the new fire hall. There is an issue about the sprinkler system.

Mr. Brecker advised that Worker's Compensation has changed their application and issued a new instruction manual so he ordered it.

He investigated an illegal dumping complaint.

Mr. Brecker advised that he went to issue an appearance ticket and discovered that the Village does not have any. The Police Department is making new ones up on the computer. He and Treasurer Schilling will work to come up with a code enforcement ticket.

Trustee Nephew asked about new flood plain designations. Public Works Superintendent Hutchinson indicated that some changes were made. Village Clerk Mohawk indicated that the Village received some new flood maps. Village Attorney Chadsey advised that they should be the final maps as those numbers were incorporated into the Flood Prevention Local Law. Trustee Nephew suggested that the public should be informed of any changes, especially those who live in the floodplain.

### **POLICE**

Village Clerk Mohawk reported that Officer-in-Charge Alessi does not want to accept the bid which was received for the 2001 Ford Crown Vic police cruiser. He will keep it instead. Public Works Superintendent Hutchinson indicated it could be taken to an auction.

Village Clerk Mohawk read the October 2008 report:

“184 reported calls, 31 arrests, 30 tickets issued, 4 violent domestics, 7 motor vehicle accidents.

We would like to thank the volunteers who helped during Halloween and a special thank you to Jim Fort, owner of Jubilee, for sending food and beverages for the police department.

As the holidays approach, please keep a watchful eye for any suspicious activity. We have made numerous arrests for car break-ins and burglaries this past month and with the economy going south, we are getting more calls on this type of activity.”

**JOINT ACTIVITY**

Trustee Sheibley reported that the Recreation Commission met this afternoon at 1:00 p.m. They reviewed draft copies of the job descriptions. Final revisions are being made and each Board member should have a copy within a week. The next meeting will be January 7<sup>th</sup> at 1:00 p.m. to determine the pay scales.

**FIRE**

Trustee DeCarlo advised that the aerial truck was used this week at a silo fire. He reported that the new building is coming right along.

**TREASURER**

Treasurer Schilling requested approval of the following budget amendment to accommodate the expenditures for the fire hydrant installation at the new fire hall. The amendment would be to take \$6,266.13 from fund balance and transfer it to F8340.420 Transmission Repairs.

Motion 209-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to authorize the foregoing budget amendment. Motion carried 5-0.

**PUBLIC WORKS**

Public Works Superintendent Hutchinson presented information about the OSHA Hazwopper recertification training which is tomorrow. He requested approval for 3 people to attend.

Motion 210-08. Motion by Trustee DeCarlo, seconded by Trustee Nephew to authorize Public Works Superintendent Hutchinson and Dominic Capozzi and Andy Carriero to attend the OSHA HazWopper recertification training tomorrow. Motion carried 5-0.

Public Works Superintendent Hutchinson reported that only one bid was received for the sludge pumps. They will now have all the same pumps.

Motion 211-08. Motion by Trustee Certis, seconded by Trustee Nephew to award the sludge pump bid to Penn Valley Pump Co., Inc. for \$32,443.00. Motion carried 5-0.

Public Works Superintendent Hutchinson reported that he received a call from Erie County indicating that both of our projects were tied for second place in points. The abandonment resolution produced more points for that project.

Trustee DeCarlo again mentioned the gravel bar in the Cattaraugus Creek by the trestle. It needs to be taken care of before high waters set in this spring.

**PLANNING**

Jack Torrance presented Mayor Klancer with the Master Plan revisions and a completed SEQR for each section. He presented his outline of what needs to happen next.

- “1. Village Board agrees to have Planning Board review Master Plan.
2. Planning Board conduct review of Master Plan and make recommendations to Village Board.
  - a. conduct a survey to form basis of update      done    reported to Village Board
  - b. submit recommendations for initial review to:
 

Village Board	done and approved	
Erie County Planning	submitted	no response
Cattaraugus County Planning	submitted	no response    added census data provided
Town of Collins	submitted	no response
Town of Persia	submitted	no response
  - c. Village Board approves revisions
  - d. Planning Board prepare a preliminary SEQR document to the Village Board
3. Village Board determine lead agency for SEQR
4. Village Board conduct public hearing for amendments to Master Plan  
Address possible concerns
5. Submit final draft changes to Master Plan for Erie County Planning and Cattaraugus Planning Review.
6. Address any concerns from counties
7. Adopt the changes by resolution”

Jack indicated the Village Board should decide who will be the lead agency for the SEQR. He also advised that the Planning Board is still seeking some direction regarding the Animal Control Law. Presently there are no regulations for kennels and no definition of how many dogs can be at a particular site.

Village Attorney Chadsey advised that she will prepare the resolutions for the next meeting for the SEQR lead agency designation and the initial determination of significance. Mr. Torrance indicated that most of the existing book has been scanned and much of it has been given to Village Clerk Mohawk. Village Attorney Chadsey asked for a copy of the Master Plan as well.

**ADMINISTRATION**

Village Clerk Mohawk presented a copy of the 2008-2009 Special Assessments to be relieved on the Town/County tax bills. Village Clerk Mohawk advised there is a major property owner that is contributing to the increase from last year. The total for Erie County is \$32,815.17. The Cattaraugus County total is \$42,087.19. That is in the same ballpark as last year.

Motion 212-08. Motion by Trustee Certis, seconded by Trustee DeCarlo authorizing Village Clerk Mohawk to relevy the unpaid 2008-2009 Village taxes to the respective Counties: \$32,815.17 to Erie County, \$42,087.19 to Cattaraugus County. Motion carried 5-0.

Village Clerk Mohawk read the Resolution Designating Offices to be Filled and Their Associated Terms for the March 18, 2009 Village Election:

“WHEREAS, the next Village Election for the Officers will be held on Wednesday, May 18, 2009; and

WHEREAS, the Board of Trustees of the Village of Gowanda must designate by resolution and publish the offices which are to be filled in such election and the terms thereof;

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees hereby designates the following offices as vacant at the end of the current official year, to be filled at the Village Election, for the following offices and terms:

Mayor Two years

Trustee Two years

Trustee Two years

BE IT FURTHER RESOLVED, that the voting for the forthcoming Village Election shall be conducted in the Board room of the Village Hall – 27 East Main Street – Gowanda, New York on Wednesday, March 18, 2009 from 12:00 noon until 9:00 p.m.”

Motion 213-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to authorize Village Clerk Mohawk to publish the foregoing resolution. Motion carried 5-0.

Village Clerk Mohawk reported that the Village Board room will be used by Adecco for recruiting on November 20<sup>th</sup> at 1:00 p.m.

Village Clerk Mohawk reported that the UDAG committee meeting met this afternoon at 1:00 p.m. She advised that she will update the Board at a brief executive session after the meeting.

Village Clerk Mohawk reported that Public Works Superintendent Hutchinson presented a proposal for engineering services for the South Chapel Street improvements from Village Engineer Mark Burr. This project was previously approved by the Village Board and will be funded by CHIPS. She requested authorization for the Mayor to sign the contract. Public Works Superintendent Hutchinson advised that the job will be bid for the entire section and then for just the worst sections.

Motion 214-08. Motion by Trustee Sheibley, seconded by Trustee DeCarlo to authorize the Mayor to sign the contract with Village Engineer Burr for highway improvements to South Chapel Street. Motion carried 4-0. Trustee Certis abstained as he resides on South Chapel Street.

**ENVIRONMENT**

Jack Torrance advised of another successful tree planting. 20 trees were planted. He thanked the Public Works employees who helped. Four trees were requested by the school for their memorial plantings.

Public Works Superintendent Hutchinson asked about the water treatment agreement with the Town of Collins. Village Attorney Chadsey indicated the agreement was sent to the Town of Collins attorney. It needs to be done prior to December. Village Attorney Chadsey revised some of the language to make it obviously a lease management agreement. There is no leasing of equipment. Over the next year, the issue of Erie Avenue not belonging to any district will need to be resolved. Village Attorney Chadsey advised that she would e-mail Public Works Superintendent Hutchinson a copy of the lease management agreement.

Motion 215-08. Motion by Trustee Certis, seconded by Trustee Nephew to go into Executive Session at 8:00 p.m. Motion carried 5-0.

Motion 216-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to come out of Executive Session at 8:25 p.m.

Motion 217-08. Motion by Trustee Nephew, seconded by Trustee Sheibley to adjourn the Village Board meeting at 8:25 p.m. Motion carried 5-0.

The next Village of Gowanda Board meeting is November 25, 2008.

Respectfully submitted,

Kathleen V. Mohawk  
Village Clerk