

**VILLAGE BOARD MEETING
JULY 8, 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 Dale DeCarlo
Trustee Carol Sheibley
Trustee John Certis

Village Employees: Village Clerk Kathy Mohawk, Village Attorney Deb Chadsey,
Public Works Superintendent Mike Hutchinson, Fire Chief Steve Raiport

Media Present: Phil Palen, Cable Channel 22
Tim Latshaw, Observer

Public Present: Dolores West, John Penhollow, Patrick Kinsey, Don Offhaus, Troy Little

Trustee Sheibley advised that on Page 10 of the Village Board meeting minutes of June 10, 2008, it should be changed to 5th graders, not 4th graders.

Motion 96-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to approve the minutes of the June 10, 2008 Village Board meeting as corrected. Motion carried 5-0.

Motion 97-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve Abstract #14 dated July 8, 2008 on all funds as follows:

General Fund -	\$22,506.52
Water Fund -	\$ 3,190.72
Sewer Fund -	\$ 7,802.98
UDAG Fund	\$ 1,899.75
Total	\$35,399.97

Motion carried 5-0.

Regarding Abstract #2, Trustee Certis asked the Water Fund expense to Univar was supposed to be Univera. Village Clerk Mohawk indicated that the vendor is Univar but was not sure what type of company they are. Trustee Sheibley questioned Page 1, Voucher #85 to DFT Security, if that was the light problem at the Hidi Fire Hall. Trustee DeCarlo indicated it was an electrical problem at the Municipal Hall.

Motion 98-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to approve Abstract #2 dated July 8, 2008 on all funds as follows:

General Fund -	\$25,079.81
Water Fund -	\$ 5,565.38
Sewer Fund -	\$19,052.30
Joint Activity -	\$ 32.95
Total	\$49,730.44

Motion carried 5-0.

PUBLIC PARTICIPATION

Mrs. West, 39 Johnson Street, spoke about her water bills being too high. She indicated that her basement is wet. Public Works Superintendent Hutchinson advised her that she might have a leak. Mayor Klancer advised Mrs. West that he would send someone from the water department to her house to check the meter to see if there is something wrong with the meter or something internal. Mrs. West indicated that the meter is fairly new.

Mrs. West also spoke about a tree problem with her neighbor. It is not a Village tree. Village Attorney Chadsey asked if there was some sort of setback requirement. Mayor Klancer confirmed with Mrs. West that it is not a Village tree. Village Attorney Chadsey advised that Mrs. West would have a claim against her neighbor if it damages her house. Mayor Klancer indicated that since it is not a Village tree, Mrs. West's recourse is to contact a lawyer and seek settlement with the neighbor. Mayor Klancer advised Mrs. West that the Village cannot interfere with actions between two property owners on private property.

John Penhollow from Penhollow Disposal approached the Village Board to discuss modifications to the contract with the Village due to rising costs. Their costs have risen 30%. Fuel has doubled 100% since last year. Mr. Penhollow's proposal would eliminate or reduce trash days to 2, one in April and one in October. The current contract calls for trash days from April through October. Currently the recyclables are co-mingled. Mr. Penhollow pays for the sorting. He proposed going to a single sort recyclable on a 4-week cycle. Mr. Penhollow indicated he would pay the expense to supply a calendar to the residents regarding the recyclable schedule. Public Works Superintendent Hutchinson stated this would benefit the Village by exercising the option to extend the Village contract at an agreeable rate assuring the Village of one of the lowest per household trash rates in the area. The tire pickup was also discussed. Village Attorney Chadsey indicated that a tire stamp could be acquired at the Village Hall for the allotted number of tires per household. There are other possible solutions including locating a dumpster in the Village and residents can dump properly-stickered tires there. Public Works Superintendent Hutchinson indicated that the Village taxpayers are bearing the cost of the trash pickup for out-of-Village residents who leave trash at a relative's home. Village Attorney Chadsey advised that all of these procedures should be instituted at one time.

Phil Palen asked about picking up the trash receptacles in the business district. Public Works Superintendent Hutchinson indicated that the issue is not so much that the trash bins are not being dumped but rather that people use them for free trash dumping and the bins are filling up faster than they can be dumped. Phil suggested putting a dumpster down at the sewer plant, the Village workers could dump the trash into the dumpster and then Penhollow could pick it up on Monday. Changing the pickup day was discussed.

Mr. Kinsey asked about TVs, computer monitors, etc. Is there some sort of procedure for getting rid of them? Mayor Klancer advised that the paper always advertises when there will be drop off days for these types of items. Trustee Sheibley reported that she could get information from N.E.S.T. regarding drop off days for computers, TVs, computer monitors, etc.

Mayor Klancer indicated that the Village Board will be contacting Mr. Penhollow in the near future to set up a work session regarding the trash collection contract provisions and modifications.

Mr. Kinsey spoke about the Peter Cooper property. He does not want the Village to take ownership of the property until it has been cleaned up. Village Attorney Chadsey indicated that pursuant to the agreement, the Village will not take ownership of the property for purposes of a park until the PRP's have finished the remediation.

Mr. Kinsey revisited the issue of the tree in front of his house which he would like removed. He spoke with the President of the Tree Committee and was told that he would be invited to the next meeting. Mr. Kinsey topped the tree. He asked why no person from the Village Board or the tree committee ever stopped by his house to look at the situation. Mayor Klancer asked how long the tree was there. Mr. Kinsey advised it was about 5 years. Mayor Klancer asked Mr. Kinsey when he put the flagpole in. Mr. Kinsey stated it was about 2 months ago. Mr. Kinsey stated that when he was asked about a tree, he indicated he didn't want one unless it was a little one. Village Attorney Chadsey advised Mr. Kinsey that the tree local law was adopted along the proper channels including holding a public hearing. Trustee Nephew advised that she wrote the original grant and anyone who objected to having a tree did not get one. The objective of the grant was to replace the tree-lined streets. Where a tree was removed, another was planted. Phil Palen stated he did not recall Mr. Kinsey objecting to the tree at the time they were planting them. Village Attorney Chadsey indicated it is up to the tree committee to meet with Mr. Kinsey and see if there is a compromise. Mayor Klancer advised that all decisions will be responded to in writing. Any proposal for replacement of a tree must be consistent with the purpose of the grant. Village Attorney Chadsey indicated that if the tree committee meets at a time she can join them, she will attend the meeting as well. Trustee DeCarlo asked why Mr. Kinsey didn't put his flagpole in a different position.

Don Offhaus spoke about the fire department land and whether Village Attorney Chadsey had the contract. She indicated she forgot to bring that contract. There was a question whether or not the survey was received. Village Attorney Chadsey, Don Offhaus, Public

Works Superintendent Hutchinson and Village Clerk Mohawk all indicated that no survey has been received yet. Village Attorney Chadsey asked Village Clerk Mohawk to call her office in the morning with the name of the surveyor and she would have her office call them every other day until it is received.

BUILDING/BUSINESS PERMITS

Village Clerk Mohawk presented a letter from the Gowanda Area Historical Society regarding waiving the fee for the fire safety inspection.

Motion 99-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to waive the \$25.00 fee for the fire safety and property maintenance inspection. Motion carried 5-0.

Village Clerk Mohawk presented a copy of a letter of resignation from Building Inspector Bowers along with copies of letters of interest from two persons who are interested in the position. Mayor Klancer indicated he would like to hold up on the resignation until the Village Board has some time to discuss the potential candidates and talk with Mr. Bowers.

Building Inspector Bowers presented a request for a new computer. Trustee DeCarlo suggested holding up on the purchase until the Building Inspector position has been determined. Village Attorney Chadsey indicated that the Building Inspector position would be sell served with some sort of software for managing the building inspector/code enforcement tasks. Mayor Klancer agreed that the Village is under more stringent rules and regulations and there is much more work involved.

Village Clerk Mohawk reminded the Village Board members of the Zoning hearing which is coming up next Tuesday regarding 241 Palmer Street, Gowanda Self-Storage.

Building Inspector Bowers' report indicates he has collected \$1,298 in building permit fees since the beginning of the year.

POLICE

Village Clerk Mohawk read the June 2008 police report:
“195 reported calls, 31 arrests, 35 tickets issued, 4 violent domestics, 4 motor vehicle accidents.

Cattaraugus County District Attorney Edwin Sharkey released \$1500 to the Gowanda Police Department towards a security video system for our jail. The money was part of a drug raid during Operation G-Town 3 years ago.

Requested a motion to accept the resignation letter from Officer Joe Frentz. Joe will be working full-time in the City of Salamanca Police Department.

Motion 100-08. Motion by trustee DeCarlo, seconded by Trustee Certis to accept the resignation of Officer Joseph Frentz. Motion carried 5-0.

Requested a motion to hire Mike Johnson as a Gowanda Police Officer. Mike lives in Lakeview and will be assigned to the overnight shift.

Motion 101-08. Motion by Trustee Certis, seconded by Trustee Nephew to hire Mike Johnson as a Gowanda police officer. Motion carried 5-0.

Our new police care is \$716 over on what was budgeted. Requesting a motion to cover the vehicle from our reserves or other line item. The total cost of the police vehicle that's turn key ready with interest is \$29,146.23 with a 3-year payment of \$9,715.41 a year. Trustee DeCarlo indicated that this is the way to do it rather than add on to the car once you have it.

Requesting that the 1996 Ford Explorer and 2001 Crown Victoria police vehicle be declared surplus and bid them out to the public in August 2008.

Motion 102-08. Motion by Trustee DeCarlo, seconded by Trustee Certis to declare the 1996 Ford Explorer and 2001 Crown Victoria police vehicles surplus the bid them out to the public. Motion carried 5-0.

JOINT ACTIVITY

Trustee Sheibley reported that 2 of the recreation employees that were hired secured other employment. She indicated that Joe Clark worked last year part time and requested authorization to hire him again this summer. They are still down 3 employees.

Motion 103-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to hire Joe Clark part time for summer recreation for the 2008 season. Motion carried 5-0.

Trustee Sheibley reported that the funding through Cattaraugus County was reduced by \$63 from \$2501 to \$2438.

Trustee Sheibley reported that the playground equipment at Hidi Park needs some maintenance and cleaning.

Trustee Sheibley reported that St. Joseph's Church is having an Old-Time Festival on August 8th from 4:00 to 10:00 and also on August 9th from noon until 10:00 p.m. They requested use of the sewer plant for overflow parking. Public Works Superintendent Hutchinson indicated that the fire department may own it at that time so she should ask them permission as well.

Motion 104-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to use the sewer plant parking lot for St. Joseph's Church Old Tyme Festival on August 8th and 9th. Motion carried 5-0.

Trustee DeCarlo asked about job descriptions for the Recreation employees. Trustee Certis indicated it is a work in progress.

FIRE

Trustee DeCarlo presented a state report he received from Fire Chief Raiport.

Trustee DeCarlo advised that the fire hydrants need to be painted again. Public Works Superintendent Hutchinson indicated that the fluorescent paint shows up better.

Trustee DeCarlo requested authorization to purchase 5 sets of turn out gear. It is a budgeted item.

Motion 105-08. Motion by Trustee Certis, seconded by Trustee Nephew to authorize the purchase of 5 sets of turn out gear per the budget. Motion carried 5-0.

TREASURER

Treasurer Schilling requested approval to amend the budget by \$16,000 for blacktop which was unused from the prior year. Public Works Superintendent Hutchinson indicated he had no idea what this was and requested that it be tabled until he had a chance to speak with Treasurer Schilling.

PUBLIC WORKS

Public Works Superintendent Hutchinson reported that the Village received bids for the Turf Hog finishing mower and the 1982 Ford tractor. He advised that Edward Cygan submitted the high bid of \$251 for the mower.

Motion 106-08. Motion by Trustee Sheibley, seconded by Trustee Nephew to accept the bid of \$251 from Edward Cygan for the Turf Hog finishing mower. Motion carried 5-0.

The high bid for the 1982 Ford tractor was submitted by Edward Cygan as well for \$2,251.00.

Motion 107-08. Motion by Trustee Certis, seconded by Trustee Nephew to accept the bid of \$2,251.00 from Edward Cygan for the 1982 Ford 1700 tractor. Motion carried 5-0.

Public Works Superintendent Hutchinson indicated that the Village received the second payment for the lumber on Cemetery Hill. He reminded the Village Board to consider a reserve account for payments received from logging. He also asked the Village Board to consider what the long-term plans are for that piece of property. Does the Village want to continue to own it?

Public Works Superintendent Hutchinson advised that the Maltbie Road basement problem was a plumbing issue and water pressure issue. It has been submitted to the

insurance company and indications are that it has been denied. The resident lost about 48,000 gallons of water due to water lines coming apart while he was on vacation. The resident was under the impression that the problem was because of our booster station producing too much pressure. According to Public Works Superintendent Hutchinson, the resident had plastic pipes with hose clamps on them. Typical household plumbing should have been able to withstand the pressure. The decision is up to the insurance company.

Village Clerk Mohawk advised that a resident on Foundry Street at the entrance to Creekside Park is desirous of donating his home to the Village to incorporate into the park. The stipulation is that it would be a veterans' memorial park. The resident indicated he would pay to take the building down. Mayor Klancer asked him to submit something in writing. Trustee DeCarlo indicated the fire department would be interested in using it for training.

Village Attorney Chadsey presented a resolution and agreement regarding the acquisition of the Gowanda Electronics building and Gernatt's offer to purchase the present highway garage. She indicated that a change was made to Paragraph 10 which states: The Seller . . . will indemnify and hold harmless the Purchaser from all loss, injury, or damage which Purchaser may sustain by reason of negligence or willful act of employees or agents of the Seller in performance of this Agreement." Village Attorney Chadsey feels it should state that the property is being purchased where is, as is. Public Works Superintendent Hutchinson indicated that the total purchase price is \$80,000.

Mayor Klancer read the resolution:

"A RESOLUTION FOR THE AUTHORIZATION AND EXECUTION OF PURCHASE AND SALE AGREEMENT BY THE BOARD OF TRUSTEES OF THE VILLAGE OF GOWANDA AND GERNATT ASPHALT PRODUCTS, INC.

WHEREAS, the Village of Gowanda (the "Village"), and Gernatt Asphalt Products, Inc., a corporation organized under the laws of the State of New York ("Gernatt"), desire to enter into a purchase and sale agreement (the "Agreement") in a form and substance substantially similar to that attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Gowanda Board of Trustees in regular session duly convened, does hereby authorize and direct the Mayor of the Village to execute the Agreement with Gernatt and forward same to Gernatt for execution.

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF GOWANDA."

Village Attorney Chadsey states that the contract includes a requirement that the Seller apply for approval by the County Health Department of any non-public septic and water systems. It indicates that the Village agrees to pay the cost and expense for any repairs or replacements that may be required. Village Attorney Chadsey advised that the resolution can still be adopted with any modifications that are made pursuant to this discussion. Trustee Sheibley asked if septic systems were allowed in the Village. Public Works Superintendent Hutchinson indicated they were. It was decided to remove the following sentence from Paragraph 7 of the contract which reads: "Seller agrees to apply for

approval by the County Health Department of any non-public septic and water systems, if necessary. Seller agreed to bear the cost and expense for any repairs or replacements that may be required to obtain said certificates.” The Village needs to make sure the septic system is operable.

Motion 108-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to adopt the foregoing resolution with the amendment to Exhibit A. Motion carried 5-0.

Public Works Superintendent Hutchinson advised that the Village will be negotiating a lease agreement with Gernatt’s for just the tin building which houses the dump trucks until the new building is up.

ADMINISTRATION

Village Clerk Mohawk presented the Event Application for the Tri-County Crisis Pregnancy Center Walk for Life to be held on July 20, 2008 from 12:30 to 3:00 p.m. at St. John’s Park. The insurance certificate was supplied listing the Village as additional insured.

Motion 109-08. Motion by Trustee Certis, seconded by Trustee Sheibley to approve the Event application for the Walk for Life to be held on July 20, 2008 from 12:30 to 3:00 p.m. at St. John’s Park. Motion carried 5-0.

Village Clerk Mohawk presented a letter from the Greater Olean Chamber of Commerce regarding the Santa Claus Lane Parade which is the closing event for the Bicentennial celebration in Cattaraugus County. The parade is November 28th, which is the day after Thanksgiving.

Village Clerk Mohawk reported on a letter received from Rural Transit Service: “Rural Transit Service is a non-profit transportation organization offering rides to senior citizens, disabled and low income residents in your community. The service is totally volunteer driven and free (suggested \$2 donation/trip). This service provides transportation to eligible residents for doctor visits, dental appointments, counseling, banking, grocery shopping, hair cuts, senior centers, nutrition sites, personal trips, etc. Please help us to get the word out that we are available to assist the residents in your community.”

Village Clerk Mohawk stated she placed some brochures in the front office but reminded everyone that Rural Transit does not yet have a wheelchair van for use.

Village Clerk Mohawk reported that this afternoon she received a telephone call from Tom Carpenter who is the Governor’s Regional Representative who indicated that the Governor signed the legislation to allow the bridge to be renamed Gowanda Veterans Memorial Bridge. Trustee DeCarlo indicated that a formal ceremony will follow.

Village Attorney Chadsey presented the new Local Law Chapter No. 34 regarding the National Flood Insurance Program which needs to be noticed in the local newspaper and a public hearing will need to be set. At the public hearing, the local law will be reviewed. If there are no changes, the law can be adopted. She indicated there are no substantive changes so SEQR is not necessary.

Mayor Klancer suggested setting the public hearing for the next Board meeting on August 19, 2008 at 8:00 p.m.

Mayor Klancer read the resolution:

“RESOLUTION AUTHORIZING AMENDMENT OF VILLAGE OF GOWANDA LOCAL LAW CHAPTER NO. 34

WHEREAS, due to changes in the National Flood Insurance Program administered by the Federal Emergency Management Agency, and at the request of the New York State Department of Environmental Conservation the Village of Gowanda (the “Village”) has determined that Local Law Chapter No. 34 entitled “Flood Damage Protection” must be amended.

WHEREAS, the Village Attorney has drafted an amendment to Local Law Chapter No. 34 (the “Proposed Amendment”), such proposed amendment to be in a form and substance substantially similar to that attached hereto as “Exhibit A”.

WHEREAS, pursuant to certain sections of New York State law a notice of hearing must be published and a public hearing must be held prior to the adoption of the Proposed Amendment.

NOW, THEREFORE, BE IT:

RESOLVED: that the amendment to Local Law Chapter No. 34 as proposed is hereby accepted by the governing body of the Village to be submitted to the public for review and comments.

RESOLVED, that notice of said public hearing be prepared by the Village Clerk and placed for advertisement in the Dunkirk Observer, the official newspaper of said Village of Gowanda and in the Gowanda Pennysaver.

RESOLVED, said public hearing shall be duly held 5 days following the publishing of said notice and all parties in attendance will be permitted an opportunity to speak on behalf of or in opposition to said Proposed Amendment, or any part thereof.

RESOLVED, that in the event no changes to the Proposed Amendment are made during the course of said public hearing, the governing body of the Village is hereby authorized to vote on the adoption of the Proposed Amendment immediately following same.

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF GOWANDA, NEW YORK.”

Motion 110-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to adopt the foregoing resolution. Motion carried 5-0.

ENVIRONMENT

Trustee Nephew reported that the Music-in-the-Park program started last week. It is every Thursday at 6:00 p.m.

Trustee Nephew reported that Bill Hickok will be doing the ending at the park in the next week.

Trustee Nephew asked the Village Board to consider putting some of the money from the timber in a reserve account for tree maintenance. Trustee Sheibley asked the Board to consider putting some of the money into a reserve account to take care of some of the repairs and maintenance of the administrative building.

Phil Palen took a picture of the Village Board to be included in the time capsule.

Motion 111-08. Motion by Trustee Certis, seconded by Trustee Sheibley to go into Executive Session at 8:50 p.m. Motion carried 5-0.

Motion 112-08. Motion by Trustee DeCarlo, seconded by Trustee Nephew to come out of Executive Session at 9:40 p.m.

A discussion ensued that indicated Village Attorney Chadsey will send a letter to Denise Bouchard advising that the sewer backup at her residence is not the responsibility of the Village. Funds were collected from those present to present to Ms. Bouchard to help pay for the repairs. Village Clerk Mohawk will be given the money to hold.

Motion 113-08. Motion by Trustee Certis, seconded by Trustee DeCarlo to authorize Village Attorney Chadsey to send a letter to Denise Bouchard regarding the sewer backup issue. Motion carried 5-0.

Motion 114-08. Motion by Trustee Nephew, seconded by Trustee DeCarlo to adopt A resolution for the Authorization and Execution of a certain Memorandum of Agreement by the Board of Trustees of the Village of Gowanda and the New York State of Commission of Tax and Finance regarding 31 Jamestown Street. Motion carried 5-0.

Motion 115-08. Motion by Trustee Certis, seconded by Trustee Nephew to adjourn the Village Board meeting at 9:55 p.m. Motion carried 5-0.

The next Village of Gowanda Board meeting is August 19, 2008 at 7:00 p.m. The regular meeting on August 12th will not be held due to the Wagon Train being in town.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk