

SEPTEMBER 13, 2023

The regular meeting of the Village of Cassadaga was held on September 13, 2023, at 7:00 PM with Mayor William Dorman presiding. Trustees present included William Astry, Cindy Flaherty and Cathy Cruver. Also present were Attorney Joe Calimeri, Clerk Annette McChesney and Deputy Clerk Roxanne Astry. Absent were Trustee Danna DuBois and Superintendent of Public Works Sam Alaimo.

RESOLUTION # 149

APPROVAL OF MINUTES

A motion was made by Trustee Astry to approve the minutes of August 23, 2023, seconded by Trustee Flaherty. VOTE: 4 AYES, 0 NAYS.

RESOLUTION # 150

APPROVAL OF AGENDA

A motion was made by Trustee Cruver to approve the agenda, seconded by Trustee Astry. VOTE: 4 AYES, 0 NAYS.

GUESTS:

John Sipos, Village Historian – He spoke of the 22nd Anniversary of the tragedies that occurred on September 11, 2001 and recalled ringing the bell at the church for a half hour on the 20th Anniversary to remember the fallen. He talked about all of the lives lost since that day due to illnesses. He also commended Cindy and the many volunteers who put on a great Labor Day weekend full of activities

ATTORNEY JOE CALIMERI REPORT-

- He reported that he has spoken with the Village's Code Enforcement Officer, Jason Luce, regarding properties in the village that are not responding to their notices of violations. They discussed the next steps that need to be taken to attempt to get the properties into compliance

MAYOR DORMAN's REPORT-No Report

CLERK MCCHESENEY'S REPORT

- She reported that the Village received their Letter of Certification from Chautauqua County for 2023-2024 Payroll
- She also reported she and Rox are working on getting all the paperwork together for the audit that will be performed by Bahgat & Laurito-Bahgat
- The NYSDOL was in for a PESH inspection on 09/07/2023 with no violations found

DEPUTY CLERK ASTRY'S REPORT

- She reported that the Tree Committee will be meeting tomorrow to set a date for community tree planting and discuss next year's application

OLD BUSINESS

1. BATHHOUSE AT BEACH-ARPA

- Trustee Astry reported that he and Sam Alaimo have inspected the bathhouse and are working on a plan

2. LOCAL LAW 2 OF 2023 SECTION 644 SHORT TERM RENTAL- CHAUTAUQUA COUNTY PLANNING BOARD LETTER RECEIVED FOR MUNICIPAL REFERRAL NO. 2023-52

- The board discussed in length the letter received from the Chautauqua County Planning Board and felt that all points have been addressed in the current law. Referral Letter to follow:



Chautauqua County
DEPARTMENT OF PLANNING AND DEVELOPMENT
214 Central Avenue • Dunkirk, New York 14048
Phone (716) 661-8900 • www.planningchautauqua.com

8/23/2023

William Dorman, Mayor
Village of Cassadaga
22 Mill Street
PO BOX 286
Cassadaga, NY 14718

RE: MUNICIPAL REFERRAL No. 2023-52
LOCAL LAW 2 OF 2023 SECTION 644 SHORT TERM RENTALS

Dear Mayor Dorman,

This letter is in response to your municipal zoning referral received in full by this office on August 15th, 2023 regarding the adoption of a local law to regulate short-term rentals in the Village of Cassadaga.

As one of the designated staff to the Chautauqua County Planning Board, I have reviewed the above noted referral to the County since it is within 500 feet of State Road Route 60, County Road CR 58, CR 71, CR 72, and a municipal boundary. The proposed local law would affect the R, B, I, and C Zoning Districts.

I have reviewed the pertinent inter-community and county-wide considerations with respect to this proposal and its effect on the relevant concerns that are listed under General Municipal Law 239-1. Based on this review, I find that the proposed action would have no significant countywide or inter-community impact and that the proposal would be a matter of local concern.

However, in order to help the Village with its decision, I offer the following informal comments:

1. I applaud the Village for proposing a local law to set standards and regulate short-term rentals. Short-term rentals are not a new concept, however popularity has increased over the last decade. Preparing for and developing local regulations for this concept can help suit your locality's needs. Short-term rentals within a municipality can help to increase tourism, incentivize development, and help to generate revenue.
2. The Town of Canadice has developed a short-term rental law which has been recognized as a model law for other municipalities to consider. The Village may wish to review this model law and include additional language and regulations that are specific and detailed.
3. The Village may wish to review and consider the case law of *Hignell-Stark v. City of New Orleans*. In *Hignell-Stark v. City of New Orleans*, the Court held that the "primary residence" requirement violated the U.S. Constitution's dormant Commerce Clause, which prohibits states and local governments from restricting interstate commerce¹. An important takeaway from this case is that it may not be in the best interest of municipalities to propose short term rental laws that impose an owner-occupied or residency requirement, unless, the locality can demonstrate that a legitimate public purpose exists for which there is no discriminatory alternative.

Mark Geise, Director of Planning & Development
GeiseM@chagov.com

Paul M. Wendel, Jr., County Executive
WendelP@chagov.com

4. In the proposed law, Section E (5) states "Pre-existing recognized STRs, as defined in Section H, shall be counted towards the initial cap." However, Section H (1) seems to contradict this by stating "Recognized pre-existing STR owners shall be afforded the opportunity to apply for a STR permit and not subjected to the cap limitation if they meet all the following requirements within thirty (30) days of this law taking effect". It is recommended that the Village reviews the language in both sections to ensure that the intent of the proposed law is clearly stated.
5. The New York Planning Federation (NYPF) offers a one hour webinar titled *Regulating Short-term Rentals in Your Jurisdiction*, which the Village may be interested in referencing. Recorded programs through NYPF can be accessed by sending them an email at nypf@nypf.org. More information about NYPF's recordings can be found at: <https://nypf.org/services/>.
6. The Village may wish to review its comprehensive plan to ensure that short-term rentals are covered in the plan. If short-term rentals are included in the plan and zoning regulations are in accordance with the plan, then this may provide the Village with solid legal ground if the law were to ever be challenged.

If you have any questions regarding this matter, please contact our office at (716) 661-8900.

Respectfully,

Courtney Domst

Courtney Domst
Junior Planner

cc:

Annette McChesney, Village Clerk Treasurer
Roxanne Astry, Village Deputy Clerk
Bill Astry, Deputy Mayor

¹King, Micah. "Fifth Circuit Strikes down New Orleans Ordinance Aimed at Short-Term Rental Properties." *JD Supra*, 31 Aug. 2022, www.jdsupra.com/legalnews/fifth-circuit-strikes-down-new-orleans-3734533/.

Mark Geise, Director of Planning & Development
GeiseM@chqgov.com

Paul M. Wendel, Jr., County Executive
WendelP@chqgov.com

RESOLUTION # 151
REMOVE LOCAL LAW 2 OF 2023 SECTION 644 FROM THE TABLE
A motion was made by Trustee Flaherty to remove Local law 2 of 2023 Section 644, from the table, seconded by Trustee Astry. VOTE: 4 AYES, 0 NAYS.

RESOLUTION # 152
MOTION TO ADOPT LOCAL LAW 2 OF 2023 SECTION 644
A motion was made by Trustee Flaherty to adopt Local law 2 of 2023 Section 644, seconded by Trustee Astry. VOTE: 4 AYES, 0 NAYS.

NEW BUSINESS:

- 1. CASSADAGA AMERICAN LEGION ADVANCED NOTICE TO HAVE ALCOHOL SALES ON SUNDAY 10/08/2023 BETWEEN 8AM-10AM**

RESOLUTION # 153

MOTION TO ACCEPT NOTIFICATION FROM LEGION

A motion was made by Trustee Astry to accept the notification from the Cassadaga American Legion to have alcohol sales on 10/08/2023 between 8am-10am, seconded by Trustee Cruver. VOTE: 4 AYES, 0 NAYS.

- 2. CASSADAGA VALLEY MIDGET FOOTBALL BALLFIELD REQUEST FORM 10/24/2023**

RESOLUTION # 154

MOTION TO APPROVE BALLFIELD REQUEST

A motion was made by Trustee Astry to allow the Cassadaga Valley Midget Football League to use the Johnny Fessenden Ballfields for a Trunk or Treat Event on 10/24/2023, seconded by Trustee Cruver. VOTE: 4 AYES, 0 NAYS.

- 3. WILSON ENDURANCE SPORTS 2024 COMMUNITY ROOM & BEACH REQUEST FORMS & 2023 YEAR END REPORT**

- Trustee Cruver read Wilson Endurance Sport's Report into record

RESOLUTION # 155

MOTION TO APPROVE WILSON ENDURANCE SPORTS FOR 2024 EVENTS

A motion was made by Trustee Astry to approve the schedule of events for 2024 to Wilson Endurance Sports to use the Community Room, Ballfields, and the Beach, seconded by Trustee Cruver. VOTE: 4 AYES, 0 NAYS.

Report to follow:

Wilson Endurance Sports brought a total of 440 athletes to the community between February and September of 2023. As of this writing, there is one event left to go, the KBR Triathlon on September 16th. Athletes were registered to visit Cassadaga from the following 14 states and Canada; AL, CA, GA, FL, IN, MA, MI, NJ, OH, PA, SC, TX, VA, WV, and all over NY State from as far as Saratoga Springs, NYC, Syracuse and the Hudson Valley.

The Town of Pomfret was concerned with the high number of runners on the roadways so we canceled the Cassadaga Lakes Running Festival that was scheduled for May. They did permit us to continue the

CassadagaMan Triathlon over Labor Day with increased signage warning motorists.

The parking for all summer events was successfully held at the Johnny Fessenden Ball Fields. This ensured that parking was open for the church, the Fire Hall, and the uptown businesses. We offered a shuttle to bring spectators and participants to the park and this continues to go very well. For any planned training bike rides we asked cyclists to park in our yard so as not to have cars sitting all morning in any of the above-mentioned locations as well as the park.

Several athletes traveled from as far as Cleveland, OH, Pittsburg PA, and Syracuse, NY to take part in training days. Many spending their money at local AirBnB establishments, eating in our restaurants, shopping, etc. here in Cassadaga.

Seeking permissions for 2024:

- 1 . Use of Community Room for February 3
2. Use of the Beach for the below dates in 2024. All applications have been completed and COIs will be supplied for all dates.
3. Closure of Summer Recreation Program for Wednesday, July 3, and Wednesday, August 7
4. Use of Johnny Fessenden Bail Fields for parking of all events

Wilson Endurance Sports

2024 tentative schedule of events

Saturday, February 3 - Frozen 50K

Wednesday, June 5 - SITC Summer Trj Series #1

Wednesday, July 3 - SITC Summer Tri Series #2

Saturday, August 3 - Frickin' Hot 50K

Wednesday, August 7 - STTC Summer Tri Series #3

Saturday, August 10 - Cassadaga Kids Triathlon

Saturday, August 31 - CassadagaMan

Saturday, September 14 - KBR Triathlon

To date, a total of \$23,035 has been donated back to our community from these events. See the breakdown below:

2018 - \$400

Cassadaga Fire Department \$200
Summer Rec Program \$200

2019 - \$300

Summer Rec Program \$300

2020 - \$4,150

Cassadaga Fire Police \$800
Cassadaga Food Pantry \$400
Cassadaga Beach/Bathhouse \$150
Chautauqua co. Fire Police \$500
CBC/Emmalines Gift \$1,875
Cassadaga Lakes Assoc. \$125 + Bike rack

2021 - \$12,335

Cassadaga Fire Department \$630
Cassadaga Fire Police
CBC/Concert Series \$400
Cassadaga Library \$7,000
Cassadaga Fire Department \$1,700
Cassadaga Food Pantry \$500
Chautauqua Co. Fire Police \$500
Cassadaga Lakes Assoc. \$400

Cassadaga Beach/Bathhouse \$300
Jeremy Dolce Scholarship \$275

2022 - \$2,750

Chautauqua County Fire \$1800
Police
Cassadaga Beach/ Bathhouse \$400
CBC/Emmalines Gift \$100
Cassadaga Lakes Assoc. \$450

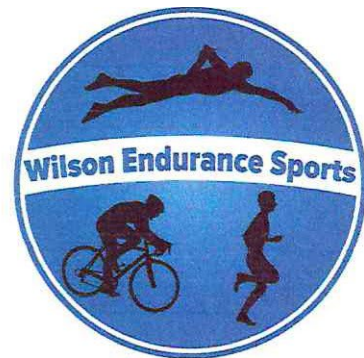
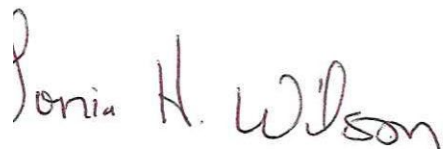
2023 - \$3,100

Chautauqua County Fire \$1425
Police
Cassadaga Food Pantry' \$1075
Cassadaga Lakes Assoc. \$450
CBC/Emmalines Gift \$150

Respectfully submitted on September 7, 2023

Mark & Tonia Wilson

Wilson Endurance Sports



4. REQUEST FROM MADISON LITTLE TO REMOVE CHARGES FOR ESTIMATED WATER USAGE FOR UNUSED PROPERTY DURING PRIOR BILLING CYCLE

RESOLUTION # 156

MOTION TO REMOVE CHARGES

A motion was made by Trustee Astry to remove charges for estimated water usage for unused property during prior billing cycle at 231 Dale Drive, seconded by Trustee Flaherty. VOTE: 4 AYES, 0 NAYS.

5. SEASONAL WORKER APPLICATION REVIEW

- Mayor Dorman and Trustee Astry interviewed Andrew Apthorpe and were satisfied he was qualified for the seasonal position, the remaining board of trustees reviewed the application as well

RESOLUTION # 157

MOTION TO HIRE SEASONAL WORKER

A motion was made by Trustee Astry to hire Andrew Apthorpe as a seasonal worker at a rate of \$15.50 hourly, seconded by Trustee Cruver. VOTE: 4 AYES, 0 NAYS.

SUPT. OF PUBLIC WORKS SAM ALAIMO REPORT – Given by Trustee Astry

- He reported that paving of North Shore, LeRoy, and Pennington will be done by shared services on 09/21/2023 & 09/22/2023, weather permitting
- He reported that brush pickup is still scheduled for 09/18/2023, weather permitting
- Trustee Flaherty asked about the areas of concern along some of the roadways that have erosion or drop offs, Trustee Astry stated those areas will also be addressed with shared services, time permitting
- Trustee Flaherty also asked about the electric service being supplied to Ames Common, Trustee Flaherty is going to look into that for Sam as he is too busy with roads

TRUSTEE ASTRY's REPORT

- He gave Cassadaga Volunteer Fire Departments' monthly Report for August 2023 as follows:
 - EMS Calls - 16
 - Fire Calls – 3
 - MVA Calls – 0
 - Alarm Activation - 1
 - Request for Gator - 0
 - Service Calls – 0
 - Stand by for CCSO - 0
 - Mutual Aid Given - 10
 - Mutual Aid Received – 1
 - Total Calls - 20

- Total man Hours – 56.5

TRUSTEE FLAHERTY'S REPORT

- She brought a copy of an application she made to combine the requests for using Ames Common and/or the Ballfields and clarify what is required
- Upcoming Events:
 - September 16th Camp Gross Golf Tournament at the Cassadaga Country Club with basket Raffles
 - September 16th 10am KBR
 - September 16th Cassadaga Fire Department Chicken BBQ Noon until sold out
 - September 30th 7pm Moonlight Paddle @ Cassadaga Beach
 - She would like to look into replacing the Village of Cassadaga road sign on Cassadaga Stockton Road as it is worn and faded and also replacing the sign on Commercial Street so it has the proper spelling
 - She gave the Beach Report for 2023 as follows:

Beach Report 2023 - **3115** (2022 – 3624) (2021 - 2978) (2020 – 3153) (2019 -3298)

- Event attendance estimated total – **2500** (not counting Wilson Endurance Sports events)
 - CAP Run - 70
 - Strawberry Social – 300
 - Pedro & the Smooth Cats - 300
 - Sean Patrick McGraw - 500
 - Worship on the Beach - 200
 - Acoustic Ear Candy – 300
 - Ion Sky – moved to Fire Hall
 - Osborn Nash - 400
 - Party McFly - 400
 - Community Picnic – moved to Fire Hall
 - Bike/Run/Walk Dice Roll – 33 plus volunteers – 43
 - Plus Triathlons (3), trainings, Kids Triathlon, Cassadaga Man – **1210**

Over 6800 people at the beach this summer!

- Swim lessons – 46 attended regularly.
- Vandalism/incidents – 0
- Injuries 2
- rescues – none
- Recreation – The Wrap 3 times, Sinclairville Rec. 2 times

THANK YOU:

- Bill Astry & CLA repairs and preservative to Floating Stage.
- DPW – work done around Floating Stage.

- Annette & Rox – continued assistance.
- Friends of Debbie Deuink – bench & donations
- Roberta Rossotto - bench
- Tammie Wichlacz and family – great job as beach director and much more.
- Lifeguards & Rec. Attendants – great job!

Upcoming Events on the Beach:

- KBR Triathlon – Sept. 16
- Moonlight Paddle – Sept. 30

TRUSTEE CRUVER’S REPORT – No Report

TRUSTEE DUBOIS’ REPORT- Absent

RESOLUTION # 158

APPROVAL OF FINANCIAL STATEMENTS

A motion was made by Trustee Astry to approve financial reports for August 31, 2023 and September 13, 2023, seconded by Trustee Cruver VOTE: 4 AYES, 0 NAYS.

GENERAL FUND 8/31/2023	\$	400,832.31
WATER FUND 8/31/2023	\$	25,602.16
GENERAL FUND 9/13/2023	\$	406,534.31
WATER FUND 9/13/2023	\$	23,962.15
RESERVE CVFD EQ.	\$	20,938.13
RESERVE DPW EQ.	\$	12,465.80
RESERVE WATER REPAIRS	\$	50,327.81
RESERVE FOR DEBT SERVICE	\$	338,879.05

RESOLUTION # 159

APPROVAL OF BILLS AND PAYROLL

A motion was made by Trustee Astry to approve bills & payroll as follows, seconded by Trustee Flaherty VOTE: 4 AYES, 0 NAYS.

PAYROLL General Fund, 9/01/2023	cks: 5953-5957	\$	7,613.10
PAYROLL Water Fund, 9/01/2023	cks: 5953-5957	\$	2,170.89
ABSTRACT September 13, 2023	General Cks: 9934-9948	\$	23,081.32
ABSTRACT September 13, 2023	Water Cks: 9934-9948	\$	653.92

Being no further business, Trustee Cruver moved to adjourn, seconded by Trustee Flaherty at 9:07PM.

Respectfully Submitted,

Annette McChesney
Clerk Treasurer