

**OCTOBER 11, 2023**

The regular meeting of the Village of Cassadaga was held on October 11, 2023, at 7:00 PM with Mayor William Dorman presiding. Trustees present included William Astry, Cindy Flaherty, Cathy Cruver, and Danna DuBois. Also present were Attorney Joe Calimeri, Clerk Annette McChesney and Deputy Clerk Roxanne Astry. Absent was Superintendent of Public Works Sam Alaimo.

**RESOLUTION # 166**

**APPROVAL OF MINUTES**

A motion was made by Trustee Astry to approve the minutes of September 27, 2023, seconded by Trustee DuBois. VOTE: 5 AYES, 0 NAYS.

**RESOLUTION # 167**

**APPROVAL OF AGENDA**

A motion was made by Trustee DuBois to approve the agenda, seconded by Trustee Cruver. VOTE: 5 AYES, 0 NAYS.

**GUESTS:**

**Kim Collins, 49 Lakeview, Cassadaga - She brought up questions on the Short Term Rental Application**

**1<sup>st</sup> – She requested a copy of The NYS Fire Code that the Short Term Rental owners will be required to adhere to. There was discussion and it was determined that the Code Enforcement Officer will be scheduling a fire inspection specific to each property, based on the current NYSFC ( New York State Fire Code), and the owners will be given the opportunity to make corrections if necessary. There is not a set check list as the NYS Fire Code changes**

**2<sup>nd</sup>- She requested clarification on the septic system information that was requested. It was referred to Local Law 2 of 2023 Section I. vii. Septic. Affirmation that the septic system is functioning, and identify the type, size and location of the septic system shall be stated on the application. It was noted that there was no requirement to have the septic system tested by the county prior to submitting the application. However, upon reviewing the application, the Zoning Board of Appeals may require more information on the septic system on a case-by-case basis.**

**3<sup>rd</sup> – She also requested clarification on the signage requirements. Discussion was had regarding any current signage zoning laws and how they may or may not apply. Per Attorney Joe Calimeri, The Zoning Board of Appeals will evaluate each proposed signage based on scale, location, possible view obstructions, and input from Code Enforcement Officer**

**4<sup>th</sup> – She asked if the Short Term Rental Permit was required to be displayed, per Village Board of trustees only the House Rules are required to be displayed at this time**

**Per Mayor Dorman the process is, the application is filled out, the Code Enforcement Officer looks it over for completion, sets up a time for a fire inspection with the owner, the Zoning Board of Appeals sets up a hearing**

Judith Garncarek, 182 Dale Drive, Cassadaga - She spoke up later in the meeting regarding Brush & Leaf pickup and wondered if the village could post a schedule like they used to. The village board will work with the DPW on trying to put out a schedule in the future. The next dates are October 26<sup>th</sup> & 27<sup>th</sup> more information will be posted on our website and a slick text sent out as well

John Sipos, 5 Pennington, Village Historian – He stated that this week of October The Pledge of Allegiance, written by Pastor Francis Bellamy, was first recited on October 12, 1892, by approximately 12 million children:

**First pledge published September 8, 1892**

**I Pledge allegiance to my flag and to the Republic for which it stands, one Nation indivisible with liberty and justice for all.**

**Pledge of Allegiance**

**I pledge allegiance to the flag of the  
United States of America  
and to the republic for which it stands,  
one nation under God,  
indivisible, with liberty and justice for all.**

Originally written in 1892 to commemorate the four hundred year anniversary of Columbus, arrival, the original was published in the September 8, 1892 issue of The Youth,s Companion,, and recited by more than 12 million children on October 12, 1892. On June 14, 1923, the words "-to the flag of the United States,, were added, it was officially adopted by Congress in 1943, and in June 1954, President Eisenhower made an amendment to add the words "under God."



John Penhollow, Legislator District 7 - He stated that the county is working on the budget and the County Executive is committed to a .80/1000 county tax reduction. He is also working with Planning and Economic Development discussing the lakes funding. He has also been in contact with Fredonia Mayor Essek regarding their need to make improvements to their water system. He has also been working with the North Chautauqua County Water District Board. He stated that he had been contacted by some concerned taxpayers who own short term rentals and it seemed as though those concerns had been addressed at tonight's meeting. He also spoke with the Health and Human Services division regarding any requirements that may have been on the short term rental application for septic testing and any burdens that may have been put on the county. He tries to attend meetings at all five municipalities to give any information he is privy to and also hear any concerns, but most meetings are on Wednesdays so he can't make

them all . Trustee Flaherty asked him about the status of a village wide septic testing for all properties along the Cassadaga lakeshore that the county had stated would occur in 2019 prior to the covid shutdowns. Trustee Astry also asked him about the EMS contract that was signed by the village and who accepts the responsibility of insurance if the fire department volunteers are operating as county employees. Trustee DuBois asked him about the status of the County's Tax Exemption Law for Volunteer Firefighters/EMS. He will look into these issues and report back.

#### **ATTORNEY JOE CALIMERI REPORT-**

- He reported that he had spoken with the Code Enforcement Officer and confirmed that the lawn had been mowed at 37 N. Shore Park and is confident the violation process in place worked and can be followed if needed in the future
- He also noted that seven municipalities had been in the paper recently for their public meeting practices, and commended Cassadaga for following the proper procedures

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#### **MAYOR DORMAN'S REPORT**

- He reported that he received notification that no 4<sup>th</sup> quarter drug sample will be pulled from a village employee unless a supplemental sample is needed

#### **CLERK MCCHESENEY'S REPORT**

- She reported that she, Deputy Clerk Rox Astry, Mayor Dorman, and DPW Sup. Sam Alaimo have been working on sending a letter to Chautauqua Works requesting assistance in acquiring a CDL-A license for Utility Worker Trainee Biancca Riggle
- She also stated she has received DFT contracts for review, once she has gone over past pricing etc she will bring to the board

#### **DEPUTY CLERK ASTRY'S REPORT**

- She reported that the Tree Committee will be planting trees on Frisbee Road on October 14<sup>th</sup> @ 9am meeting at Maple Avenue Boces, rain date October 21st
- She also reported that the Tree Committee is still waiting to hear back from the US Forestry regarding the grant that was submitted for Tree Inventory & Management

#### **OLD BUSINESS**

##### **1. BATHHOUSE AT BEACH-ARPA**

\*Trustee Astry reported that he is working on more of the deconstruction of the beach bathhouse and its very interesting to say the least

##### **2. LOCAL LAW 2 OF 2023 FILED 9-19-2023 – APPROVE FEE**

## **RESOLUTION # 168**

### **APPROVAL OF SHORT TERM RENTAL FEE**

A motion was made by Trustee Flaherty to add to the fee schedule Short Term Rentals \$250.00, seconded by Trustee Astry. VOTE: 5 AYES, 0 NAYS.

### **NEW BUSINESS:**

#### **1. ARBOR DAY TREE PLANTING**

\*Tree planting on Frisbee Road will take place on October 14<sup>th</sup> @ 9am meeting up at Maple Avenue Boces, rain date October 21<sup>st</sup>

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

- He reported that Bianca is reading meters and writing down condition and style of each one
- He also reported that the holes have been dug for the eight trees that will be planted on Frisbee Road
- He reported that the crew has been working on snow removal equipment
- He also noted that October 26<sup>th</sup> & 27<sup>th</sup> will be leaf and stick pickup throughout the village. He asks that residents please have all debris out on the 25<sup>th</sup>, separate debris and place all sticks going the same way so that they can make clean up go a little quicker and be able to get all of it picked up prior to Halloween

### **TRUSTEE ASTRY'S REPORT**

- He gave Cassadaga Volunteer Fire Departments' monthly Report for July 2023 as follows:
  - EMS Calls - 13
  - Fire Calls – 0
  - MVA Calls – 0
  - Alarm Activation - 1
  - Request for Gator - 1
  - Service Calls – 0
  - Stand by for CCSO - 0
  - Mutual Aid Given - 7
  - Mutual Aid Received – 1
  - Total Calls - 14
  - Total man Hours – 76

### **TRUSTEE FLAHERTY'S REPORT**

- She reported she had filled out a Short Term Rental Application so she was familiar with the process and stated it took her about an hour
- She looked up the NYS Law regarding golf carts on village roads and stated that LSVs (Low Speed Vehicles) are not allowed on highways with a speed limit over 35 MPH so they would be allowed to operate safely on Maple Avenue

- She also reported that Ames Common and surrounding areas have been decorated for Fall and she spent about \$125 in total from the Ames Common Budget Line
- She reported that students from the Maple Avenue Boces Academy had worked with her at the beach to put away picnic tables, boats and benches just the pickle ball net needs to be put into storage
- She reported that the beach was very busy this summer being utilized by groups such as the Child Advocacy Program, Chautauqua Lake Association, Citizens for Better Cassadaga, Antique Canoe Association, Cassadaga Library, Cassadaga Volunteer Fire Department, Park Church, and Wilson Endurance Sports. All of these programs utilizing the beach helps increase the chances of being awarded grants
- Upcoming Events:
  - October 12 - 7pm CBC Meeting at Library
  - October 14<sup>th</sup> - 9AM Tree Planting on Frisbee Road meeting at Maple Avenue Boces
  - October 14<sup>th</sup> Grand Opening Cassadaga Lakes Nature Park 2PM
  - October 15<sup>th</sup> Chicken BBQ Cassadaga Fire Department 12PM until its sold out
  - October 24<sup>th</sup> 5:30-7PM Trunk or Treat Event at the Johnny Fessenden Ballfields put on by Midget Football

#### **TRUSTEE CRUVER'S REPORT**

- She went over the process of Short Term Rental Applications and confirmed with the board that any short term rental can continue to operate as they have and not wait for the hearing as it may take time to get through all of them that apply
  1. Complete Application and turn into clerk
  2. The Code Enforcement Offer will review for completion
  3. Fire Inspection to be completed by Code Enforcement Officer
  4. Zone Board of Appeals hearing for the Short Term Rental application

#### **TRUSTEE DUBOIS' REPORT**

- She would like to look into grants to have a Dog Park in the village she is going to reach out to other municipalities and see what process they have gone through
- She also reported that a resident had come to her with questions regarding events that take place in the village and what the process is to approve them, but wanted to remain anonymous. Trustee Flaherty voiced her concern that anonymous complaints can sometimes be personal attacks. Attorney Joe Calimeri stated that the Trustee has their discretion on whether they bring a village resident's concern to the board if they feel it is something that should be addressed. He stated that the trustees are elected to represent their constituents, Mayor Dorman stated that if it's a policy issue they may need to ask Joe for his advice

**RESOLUTION # 169**

**APPROVAL OF FINANCIAL STATEMENTS**

A motion was made by Trustee Cruver to approve financial reports for September 13, 2023, seconded by Trustee Flaherty VOTE: 5 AYES, 0 NAYS.

GENERAL FUND 09/30/2023	\$	371,324.35
WATER FUND 09/30/202	\$	30,164.48
GENERAL FUND 10/11/2023	\$	371,399.35
WATER FUND 10/11/2023	\$	30,815.10
RESERVE CVFD EQ.	\$	20,941.46
RESERVE DPW EQ.	\$	12,467.68
RESERVE WATER REPAIRS	\$	50,331.81
RESERVE FOR DEBT SERVICE	\$	338,932.90

**RESOLUTION # 170**

**APPROVAL OF BILLS AND PAYROLL**

A motion was made by Trustee Cruver to approve bills & payroll as follows, seconded by Trustee DuBois VOTE: 5 AYES, 0 NAYS.

PAYROLL General Fund, 10/13/2023	cks: 5973-5975	\$	4,643.04
PAYROLL Water Fund, 10/13/2023	cks: 5973-5975	\$	2,187.03
ABSTRACT October 11, 2023	General Cks: 9958-9975	\$	20,953.37
ABSTRACT October 11, 2023	Water Cks: 9958-9975	\$	2,073.51

Being no further business, Trustee Cruver moved to adjourn, seconded by Trustee Astry at 8:45 PM.

Respectfully Submitted,

Annette McChesney  
Clerk Treasurer