

August 25, 2021

The regular meeting of the Village of Cassadaga was held on August 25, 2021, at 7:00 PM with Mayor William Dorman presiding. Trustees present included Trustees Bill Astry, Cindy Flaherty, Mark Wilson and Rachyl Krupa. Also in attendance was Deputy Clerk Mazzone.

Pledge of Allegiance

**RESOLUTION # 115
APPROVAL OF MINUTES**

A motion was made by Trustee Astry second by Trustee Wilson to approve the minutes of August 11, 2021. VOTE: 4 AYES, 0 NAYS

**RESOLUTION # 116
APPROVAL OF AGENDA**

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

GUESTS: John Sipos, 5 Pennington, here to observe.

Gail Dash, 8 Miller Place is concerned and objects to the verbiage Frickin Hot 50K Run. Gives the Village the wrong image of the connotation of what it means. Trustee Mark Wilson doesn't feel it is offensive and Mayor Dorman states it is Freedom of Speech.

Amber Hilliker and Calvin Hilliker, 25 High Street. Calvin presented his proposal to the Board on what he would like to do for his Eagle Scout project. He would like to build 2 bleachers and 2 bat racks for the ballfields. The benches would be 12 feet long, 6 feet tall with 4 rows to seat 40 people. The bike racks would be 2 ½ feet and will be mounted in dug out. He would finish project over the winter and present it to the team in Spring.

**RESOLUTION # 117
APPROVE EAGLE SCOUT PROJECT**

Trustee Astry moved, second by Trustee Krupa to approve Calvin Hilliker' s Eagle Scout Project of building 2 bleachers and 2 bat racks for the ballfield. VOTE: 4 AYES, 0 NAYS.

MAYOR DORMANS REPORT:

Updates:

- **Tree removal**
 - **We took care of the safety aspect, but now we have stumps that don't add much beauty to the village.**

- Q. What would stump removal cost?
- Can we get quotes?

New Correspondence:

- E-mail and phone call from Marion Washington asking if the Comprehensive Plan is a new law?
 - I explained it is not a new law, but before the village could review its zoning laws (which are also outdated) an approved comprehensive plan must be in place.
 - I further explained that since our comprehensive plan was felt to be outdated, it was reviewed, changed and approved following a public hearing.
 - She said she has requested a copy of the comprehensive plan.
- Agreement between Village and County of Chautauqua for Community Room Rental received for approval and contract to be signed.

CLERK TREASURER ASTRY REPORT

- Bahgat & Bahgat Laurito sent new proposal for audit with an increase in cost. We have paid \$7,000 the last few audits and they are proposing cost of \$8,000 for audit for 2021, 2023 and \$8,500 for audit 2025. Clerk Treasurer Astry stated that she is happy with them and are available during the year if she has questions.
- Reported that we will be receiving increase of \$247.31 from ARPA funds.
- Reported that we have received donations for a new bathhouse at the beach. Normally donations are put in the general fund and not earmarked for a specific item. She suggests that we move the donations to the Trust and Agency account earmarked for the Bathhouse. The Trust and Agency account already exists and used for payroll and payroll taxes. We have done this in past for similar instances.

RESOLUTION # 118

APPROVE RATE INCREASE OF AUDITOR

Trustee Astry moved, second by Trustee Flaherty to approve the rate increase to auditors Bahgat & Laurito Bahgat to \$8,000 for years 2021 and 2023 and rate increase to \$ 8,500 for year 2025. VOTE: 4 AYES, 0 NAYS.

RESOLUTION # 119

APPROVE BEACH DONATION LINE IN TRUST AND AGENCY

Trustee Flaherty moved, second by Trustee Krupa to move funds from General Fund to Trust and Agency earmarked for Beach Bathhouse. VOTE: 4 AYES, 0 NAYS.

NEW BUSINESS: 1. CANNABIS LOCAL LAW 1 of 2021

2. CANNABIS LOCAL LAW 2 OF 2021

RESOLUTION # 120

REMOVE FROM TABLE LOCAL LAW 1 OF 2021 AND LOCAL LAW 2 OF 2021.

Trustee Astry moved, second by Trustee to remove from table Local Law 1 of 2021 and Local Law 2 of 2021 regarding cannabis. VOTE: 4 AYES, 0 NAYS.

Discussion held on Cannabis Local Laws. Trustee Astry stated that he is in favor of opting out of Cannabis dispensaries and establishments because at this time there are no rules or regulations or definitions by New York State to follow. This is our only chance to opt out by December 31st, we can always repeal the laws in the future if we decide differently.

RESOLUTION #121

ADOPT LOCAL LAW 1 OF 2021 OPTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSARITES WITHIN THE VILLAGE OF CASSADAGA.

Trustee Astry moved, second by Trustee Wilson to adopt Local Law 1 of 2021 Opting out of licensing and establishing retail cannabis dispensaries within the Village of Cassadaga. VOTE: 4 AYES, 0 NAYS.

A local law adopted pursuant to Cannabis Law§ 131 opting out of licensing and establishing retail cannabis dispensaries within the Village of Cassadaga.

Section 1. Legislative Intent

It is the intent of this local law to opt the Village of Cassadaga out of hosting retail cannabis dispensaries within its boundaries.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law§ 131, which expressly authorizes cities and villages to opt-out of allowing retail cannabis dispensaries to locate and operate within their boundaries.

Section 3. Local Cannabis Retail Dispensary Opt-Out

The Board of Trustees of the Village of Cassadaga, County of Chautauqua hereby opts-out of licensing and establishing cannabis retail dispensaries within its boundaries.

Section 4. Permissive Referendum as Per NYS Cannabis Law Section 131

This local law is subject to permissive referendum in accordance with Cannabis Law§ 131.

Section 5. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law§ 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

RESOLUTION # 122

ADOPT LOCAL LAW 2 OF 2021 OPTING OUT OF LICENSING ON-SITE CANNABIS CONSUMPTION ESTABLISIMENTS WITHIN ITS BOUNARIES. Trustee Astry moved, second by Trustee Wilson to adopt Local Law 2 of 2021 a local law opting out of licensing on-site cannabis consumption establishments within the Village. VOTE: 4 AYES, 0 NAYS.

Local Law 2 of 2021 Village of Cassadaga, County of Chautauqua

A local law adopted pursuant to Cannabis Law§ 131 opting out of licensing on-site cannabis consumption establishments within the Village of Cassadaga.

Section 1. Legislative Intent

It is the intent of this local law to opt the Village of Cassadaga out of hosting on-site cannabis consumption establishments within its boundaries.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law§ 131, which expressly authorizes cities and villages to opt-out of allowing on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out

The Board of Trustees of the Village of Cassadaga, County of Chautauqua hereby opts-out of licensing and establishing on-site cannabis consumption establishments within its boundaries.

**Section 4. Permissive Referendum as Per NYS Cannabis Law Section 131
This local law is subject to permissive referendum in accordance with Cannabis Law§ 131.**

Section 5. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

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DEPUTY CLERK MAZZONE REPORT: No report

SUPT. OF PUBLIC WORKS SAM ALAIMO'S REPORT: Absent

- **Trustee Astry reported in his absence that Sam was on vacation last week. Evan and Bob worked on framing the storage building and poured concrete and ready for steel.**
- **He also reported that Sam and Evan have been working in Stockton paving this week.**
- **Mayor Dorman asked if the generator for this building has ever had oil changed. Trustee Astry will talk to Sam.**

TRUSTEE ASTRY'S REPORT: No report

TRUSTEE FLAHERTY'S REPORT:

- **She reported that the aerator at beach did help with water quality, and we need to look into purchasing one.**
- **Brian Carlisle wants to experiment on different ways to keep ducks and geese off the dock.**

- We had total of 2,978 attendees at the beach this summer, 11 families used the boats that were donated.
- We had 100 attendees at the Beach Picnic and does not want Sam to winterize the beach until after September 18th.
- We had 300 to 350 people at the last concert on August 22nd with Rustic Ramblers.
- She needs Sam's input on for cameras at beach and deadline for grant is next Wednesday.
- Flyers are distributed for Labor Day.

TRUSTEE KRUPA'S REPORT: No Report

TRUSTEE WILSON REPORT: No Report

RESOLUTION # 123

APPROVAL OF THE FINANCIAL STATEMENTS

Trustee Krupa moved, second by Trustee Flaherty to approve the Financial Statement for August 25, 2021. **VOTE: 4 AYES, 0 NAYS.**

GENERAL FUND	\$	322,833.65
WATER FUND	\$	35,031.27
RESERVE CVFD EQUIPMENT	\$	26,524.66
RESERVE DPW EQUIP.	\$	27,798.23
RESERVE WATER REPAIRS	\$	50,222.87
RESERVE FOR DEBT SERVICE	\$	282,065.32

RESOLUTION # 124

APPROVAL OF THE BILLS AND PAYROLL

A motion was made by Trustee Astry, second by Trustee Wilson to pay the following: **VOTE: 4 AYES, 0 NAYS.**

Payroll of Aug. 20, 2021, General Cks: 5689-5695	\$	7,646.22
Payroll of Aug. 20, 2021, Water Cks: 5689-5695	\$	2,410.90
Abstract of Aug. 25, 2021, General Cks: 9312-9324	\$	5,371.83
Abstract of Aug. 25, 2021, Water Cks: 9312-9324	\$	2,319.57

Being no further business, Trustee Astry moved to adjourn the meeting, second by Trustee Wilson at 7:31 PM. **VOTE: VOTE: 4 AYES, 0 NAYS.**

Respectfully submitted,

Roxanne Astry, Clerk Treasurer