

July 28, 2021

The regular meeting of the Village of Cassadaga was held on July 28, 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 Sam Alaimo, Supt. Of Public Works. Absent: Deputy Clerk Mazzone.

Pledge of Allegiance

**RESOLUTION # 99
APPROVAL OF MINUTES**

A motion was made by Trustee Astry second by Trustee Wilson to approve the minutes of July 14, 2021. VOTE: 4 AYES, 0 NAYS

**RESOLUTION # 100
APPROVAL OF AGENDA**

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

GUESTS:

A.J. Witkowski, new owner of Kwik Fill, Fermentation Station and King Kone. He was here to observe and stated that his business does not want to run a cannabis dispensary.

John Sipos, Village Historian.

Channel 2 News (2 WGRZ on Your Side)

ATTORNEY JOE CALIMERI'S REPORT:

- **He prepared 2 Local Laws for Cannabis that will be presented tonight.**

MAYOR DORMAN'S REPORT:

Updates:

- **ARPA funding use/guidelines webinar-I've registered for this for August 3rd at 10:00-11:30AM and encourage anyone else to register if you're able to.**

New Correspondence:

- **Voice mail from Melissa Rose received on 7/18/2021 at approximately 4:00 PM regarding line down situation.**
- **Received a "text message" from CVFD at 4:01 regarding that same line down situation.**

- E-mail received from Jolean Scott, #24 High Street on 7/18/2021 regarding line down situation and opinion on the Village Board's responsibilities.

In response to the two complaints, I have created a timeline (below). There are two parts to solving the tree issues in the village which have been undertaken:

Short term: (As issues occur)

Respond to emergencies as we did last year for the dead tree:

- 8/31/2020 Rec'd. phone call from Melissa Rose to visit hazardous tree situation.
- 9/2/2020 Met with Melissa Rose along with Lori Brockelbank (professional arborist) who concurred the tree in question needed to be removed.
- 9/2/2020 Lori Brockelbank also commented there are other trees on High Street as well as others in Cassadaga that need care or removal for the long term.
- 9/2/2020 Called S. Alaimo and asked him to get quotes for removal of this specific tree and it was removed as well as one in front of Kathy Wise's property.
 - I was unable to determine the exact date of removal, but the invoice for this service was paid by the village in December of 2020.

Long term, preventative measures:

Because of Lori's comments in 2020, and the fact that the V/B also has fiscal responsibilities, we took the following action:

- Funding of this tree (and others) removal was discussed at V/B meetings and one thing we hoped for was to get a grant for "Tree Inventory and Community Forest Management from D.E.C. 2020 Urban Community Forest Grants Program Round 15" as a possibility.
- The above grant deadline was 12/2019 and was applied for.
- 10/14/2020 V/B meeting: R. Astry reported that the grant application was not approved. (Note: 10 months elapsed between application and denial.)

Since this was denied, as we began the budgeting process for 2021-2022, we included increasing the line item for removing trees, however the "CHIPS" funding for the village was more than anticipated, could be used for this which made it possible to do a larger project.

- 7/6/2021 three potential tree removal service companies toured the village to be able to quote removal.
- 7/8/2021 Proposals received from
 - o M-2 Tree Service at \$20,100
 - o Kravitz at \$18,000
 - o Great Lakes Tree Service at \$17,800
- 7/14/2021 V/B Resolution #95 approved to accept the quote from Great Lakes Tree Service. (Note: 8 days' time lapse)
 - o 20 trees total to be removed throughout the village

- o Trees identified are on Maple Ave., Dale Dr., N. Shore Dr., Frisbee Rd., Lakeview.
 - o For High Street specifically
 - 1- at #33 High Street
 - 2- at #18 High Street
 - 1- at #15 High Street
 - At this time the plan is to begin removal(s) week of August 2nd, depending on weather. Priority will be at the contractor's discretion for the most efficient process.
 - I have a copy of the proposal if anyone would like to see it.
 - o Note: One on Maple Ave. has already been removed.
- I feel this approach, along with Tree City and Arbor Day activities we have committed to is focused on getting our tree population healthy again.

CLERK TREASURER ASTRY REPORT

- We received first payment from ARPA (American Rescue Plan Act) for funds that would be used for infrastructure in the amount of \$30,286.51. It does need to be used for infrastructure. She sent email to State Comptroller's office asking if it could be used for electronic water meters but have not received a response. She has signed up for Webinar for August 3rd.

Reported that she has completed the Annual Audit Report for State Comptroller's office and waiting for Fixed Asset Report from Asset Control Solutions so that can be added.

NEW BUSINESS: 1. INTRODUCE CANNABIS LOCAL LAWS

RESOLUTION # 101

INTRODUCE LOCAL LAW 1 OF 2021 – OPT OUT OF CANNABIS DISPENSARIES

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

Local Law No. 1 of 2021 Village of Cassadaga, County of Chautauqua

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 # 102

SET PUBLIC HEARING

Trustee Astry moved, second by Trustee Wilson to Set Public Hearing for Local Law 1 of 2021 for August 11,2021 at 6:30 PM, at 22 Mill Street, Cassadaga, NY. VOTE: 4 AYES, 0 NAYS.

RESOLUTION # 103

TABLE LOCAL LAW 1 OF 2021

Trustee Astry moved second by Trustee Wilson to Table Local Law 1 of 2021. VOTE: 4 AYES, 0 NAYS.

RESOLUTION # 104

INTRODUCE LOCAL LAW 2 OF 2021 TO OPT OUT OF ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS.

Trustee Astry moved, second by Trustee Wilson to Introduce Local Law 2 of 2021 of opting out of licensing on-site cannabis consumption establishments within the Village Limits. 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.

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 # 105

SET PUBLIC HEARING

Trustee Astry moved, second by Trustee Flaherty to Set Public Hearing for Local Law 1 of 2021 for August 11,2021 at 6:30 PM, at 22 Mill Street, Cassadaga, NY. VOTE: 4 AYES, 0 NAYS.

RESOLUTION # 106

TABLE LOCAL LAW 2 OF 2021

Trustee Astry moved second by Trustee Wilson to Table Local Law 2 of 2021. VOTE: 4 AYES, 0 NAYS.

DEPUTY CLERK MAZZONE REPORT: No report

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

- He reported that they repaired steps and put-up railings at the basketball/pickleball court.
- They have been working on the storage barn on Maple Ave.
- He was wondering why the beach is using so many garbage bags, they have gone through 40 bags in less than a month. Trustee Flaherty stated that they use them for the seaweed and goose and duck droppings when they clean beach each morning.
- The chipper/shredder is delayed waiting for engine, it may be another 2 weeks.
- Will be picking up brush and leaves August 2, 2021.

TRUSTEE ASTRY'S REPORT: No report

TRUSTEE FLAHERTY'S REPORT:

- We had 350 to 400 people at the last concert on July 25th with Ruthie Collins.
- We have an average of 30 coming for swimming lessons, 393 the third week in attendance and 475 the fourth week.
- She received quotes for cameras at beach: FFC with monitoring at cost of \$1,928.21, and Allied Alarm without monitoring at \$2,495 and with monitoring at \$2,800. She is still waiting for another quote.

- She was contacted by Northern Chautauqua Community Foundation that they have funds for rural area, so she submitted for Concert at Community Picnic.
- National Night Out is August 3, 2021 from 6 to 8PM.

TRUSTEE KRUPA'S REPORT:

- The steps at beach look great and thanked Sam and crew.

TRUSTEE WILSON REPORT:

- STTC event will be August 4th at beach. He will have them park next to fencing where the weed harvester goes in.
- They have 65 kids scheduled for Triathlon on August 14th at 10 AM. He asked to have 2 lifeguards on duty from 9:30 to 10:30. Trustee Flaherty stated no problem because they start at 10AM.

RESOLUTION # 107

APPROVAL OF THE FINANCIAL STATEMENTS

Trustee Flaherty moved, second by Trustee Krupa to approve the Financial Statement for July 28, 2021. VOTE: 4 AYES, 0 NAYS.

GENERAL FUND	\$	305,837.54
WATER FUND	\$	41,390.64
RESERVE CVFD EQUIPMENT	\$	26,520.16
RESERVE DPW EQUIP.	\$	27,793.51
RESERVE WATER REPAIRS	\$	50,218.74
RESERVE FOR DEBT SERVICE	\$	282,017.42

RESOLUTION # 108

APPROVAL OF THE BILLS AND PAYROLL

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

Payroll of July 23, 2021, General Cks: 5674-5680	\$	7,179.26
Payroll of July 23, 2021, Water Cks: 5674-5680	\$	2,284.43
Abstract of July 28, 2021, General Cks: 9276-9289	\$	7,294.87
Abstract of July 28, 2021, Water Cks: 9276-9289	\$	2,448.91

Being no further business, Trustee Astry moved to adjourn the meeting, second by Trustee Krupa at 7:37 PM. VOTE: VOTE: 4 AYES, 0 NAYS.

Respectfully submitted,

Roxanne Astry, Clerk Treasurer