

July 6, 2011

The regular meeting of the Cassadaga Village Board was held July 6, 2011 at 7:00 P.M. with Mayor LeeAnn Lazarony presiding. Trustees present were, Mike Lehnen, Valerie Culverwell and Ron Dechard. Absent: Trustee Rodney Waite. Also in attendance were and Tom Fetter and Attorney Mike Norris.

RESOLUTION # 100

REMOVE FROM TABLE JUNE 1, 2011 APPROVAL OF MINUTES

Mayor Lazarony made motion to remove from Table the June 1, 2011 minutes, seconded by Trustee Culverwell. VOTE: 3 AYES, 0 NAYS.

RESOLUTION # 101

APPROVAL OF MINUTES

Motion made by Trustee Lehnen, second by Mayor Lazarony to approve the minutes of June 1, 2011 minutes. VOTE: 3 AYES, 0 NAYS.

RESOLUTION # 102

APPROVAL OF MINUTES

Motion made by Mayor Lazarony, seconded by Trustee Culverwell to approve them minutes of June 15, 2011. VOTE: 3 AYES, 0 NAYS.

RESOLUTION # 103

ACCEPT AGENDA

A Motion was made by Trustee Culverwell second by Trustee Lehnen to approve the agenda. VOTE: 3 Ayes, 0 Nays.

GUESTS: Town of Stockton Supervisor Dave Wilson and County Legislature John Runkle. Kelly Lathan from Fiscal Advisors is here to talk about BANS.

Dave Wilson spoke to the board about the Cassadaga Branch Library. The library has been closed for almost a year due to a mold problem. They received a list for remediation from Stoll Environmental that need to be completed before Certificate of Occupancy can be issued. List includes new roof, insulation in roof, replace carpet with tile, new furnace and furnace room on first floor with total cost of \$75,000. He is asking for monetary assistance from village. He also stated that the Library Association has acquired \$10,000 in grants. Mayor stated that we budget \$4,000 each year and wondered what happened with last year's money that was given just before library closed. The village's fiscal year just began June 1st and no extra money was allocated for repairs.

FISCAL ADVISOR'S: KELLY LATHAN

Kelly explained our options for upcoming BAN that needs to be taken out on August 13th and current BAN paid. Currently we are set up to pay back our loan to Rural Development on the 50% Rule Calculation. We have to take out BANS until project is completed. According to Bob Armstrong

from Stearns & Wheler (GHD) the projected completion is now end of 2012. This means that we will have to take out BANS this August and August 2012 which adds to our cost for interest on BANS. Many questions need to be answered by our engineer and Mayor asked Kelly to come to next meeting July 20th. After much discussion the board directed Kelly to renew BAN with Option 1 for \$2,935,000 with principal of \$65,000 and interest of \$67,312.50 and calculate our loan without the 50% rule for comparison.

RESOLUTION # 104

TABLE CONTRACTORS APPLICATION # 1 CONTRACT 2 FROM FREY DRILLING

Mayor Lazarony moved to Table application #1 for payment from Frey Drilling FOR \$73,577.50 until next meeting when Bob Armstrong will be present and directed clerk to hold check, second by Trustee Dechard. VOTE: 3 AYES, 0 NAYS.

RESOLUTION # 105

CONTRACTOR'S APPLICATION FOR PAYMENT # 7 FOR H&K SERVICES ON CONTRACT 3.

Trustee Lehnen moved, second by Trustee Dechard to approve Application # 7 for \$100,293.06 for Contract #3 for H&K Services. VOTE: 3 AYES, 0 NAYS.

ATTORNEY MIKE NORRIS' REPORT:

- He presented the board with renewal calculations and 15 year contract for Time Warner Cable. We currently receive 3% of franchise fees and estimate for 3% is \$6,026.62, 4% is \$8,035.50 and 5% is \$10,044.37. The fee is charged each customer. A Public Hearing needs to be held for the contract.

RESOLUTION # 106

APPROVE TIME WARNER CONTRACT

Trustee Lehnen moved, second by Trustee Dechard to renew contract with 3% franchise fee. VOTE: 3 AYES, 0 NAYS.

RESOLUTION # 107

SET PUBLIC HEARING

Mayor Lazarony moved, second by Trustee Culverwell to set Public Hearing for Time Warner Franchise at 7:30 PM on August 3, 2011. VOTE: 3 AYES, 0 NAYS.

STEARNS & WHELER REPORT: emailed by Engineer Brian Doyle

- Contract #2 – Frey Well Drilling has had issues drilling down to bedrock at 434 feet for the water supply well. The first rig they used drilled down 430 feet and they were unable to remove the steel well casing. Frey was able to find a bigger rig out of state, so it took them a few days to get the rig on site. They anticipate drilling the remaining 4 feet to bedrock, removing the casing and placing the

- well screen in by the end of this week. Well performance testing will take place 1-2 weeks with the hydro geologist, Moody and Associates, on site on oversee testing. The contractor anticipates being done by end of July. Payment Application No. 1 was sent with our approval and Rich LaScola.
- **Contract # 3-** The fence for the Booster Pump Station and Water Storage Tank will be completed within 1-2 weeks. A walk through will take place and a final punch list, if necessary will be created after fence is completed. The contractor anticipates project completed by end of July. Payment No. 7 was sent and approved by us and Rich LaScola.
 - **Contract # 4-** A Pre-Construction meeting was held at Village office on June 29th. Work schedule starting August 1st with a possibility last week of July. They anticipate the waterline to be installed within 5-6 weeks and the project to be completed by mid-October. They will work from 7AM to 5PM Monday thru Friday and will hire additional help if needed. The contractor ordered the Utility Line locator requested by Tom Fetter and should be delivered shortly so water service connections can be located.

CLERK ASTRY'S REPORT:

- Time Warner Cable asked for abatement of real property tax for \$86.09.
- So. Tier West Regional Planning and Development offers to construct website at cost of \$250 and maintenance for \$150. Mayor stated that Joshua Horton offered to design the website at no cost and will contact him.

RESOLUTION # 108

ABATE TIME WARNER CABLE PROPERTY TAX

Motion made by Mayor Lazarony, second by Trustee Lehnen to cancel Time Warner Property tax of \$86.09, pursuant to Section 626 of NYS Real Property Tax, special franchise taxes may be partially or wholly reduce taxes by cable television payments. Reduce Tax Revenue A1001 by \$86.09 and reduce Appropriations by \$86.09 on subsidiary account: Treasurer's contractual A1325.4 by \$86.09. VOTE: 3 AYES, 0 NAYS.

SUPERINTENDENT THOMAS FETTER'S REPORT:

- He asked when he could cancel portable johns at ball fields. Clerk stated no one has requested ball fields beyond end of June. It was stated that there is a girls softball league playing now and coach should request field.
- Inquired on what allowance he and Ron Matter have for clothing since Doritex is being cancelled. Trustee Culverwell stated that she ordered 1 dozen shirts each and \$300 per employee was discussed beyond 1 dozen shirts.

RESOLUTION # 109

APPROVE CLOTHING ALLOWANCE

Trustee Culverwell moved, second by Trustee Dechard to allow DPW employees \$300 annually for clothing allowance to purchase suitable clothing on their own and submit bills. VOTE: 3 AYES, 0 NAYS.

TRUSTEE WAITE'S REPORT: Absent

- He emailed report with list of properties that would like code enforcement officer to investigate on Dale Drive, N. Main Street, S. Main Street, Mill Street, Maple Avenue and Pettit Place. Also sent list of items that Village DPW should complete.

TRUSTEE DECHARD'S REPORT:

- He attended American Legion meeting and they were wondering if we had any money to donate for flags.
- He will check with Jamestown Frame Company regarding frame and glass for Community quilt.

TRUSTEE CULVERWELL'S REPORT:

- Questioned why the tree removed from beach is charged to the beach. Clerk stated that is because it was on the beach and any expenses that occurs there is charged to the contractual line item just like pine tree was charged to Ames Common contractual line item. The other trees that were removed in the Village Right of Way are being submitted for CHIPS reimbursement. We will be getting another bill from Great Lakes and it will be charged to tree line item and we need money to replace trees.
- She is going to check on bills for Jamestown Soap and Solvent and Penhollow Disposal.
- The beach opened up on July 2nd and had a great turn out from local residents and outside residents.
- She and her husband, son and brother have volunteered their time to paint and make repairs at the beach. The floor on the gazebo is rotting out and will have to be replaced before it can be used.
- Inmates from Chautauqua County have also painted and did trimming at beach.
- They have 78 registered for swimming lessons.
- She will be having pop machine replaced and staff will be selling pop.
- Wednesday is designated Rec Day and other community groups are invited that day.
- Concerts have been scheduled throughout the summer. Sunday, July 8th: Kristal Zarczynski & Tyler Roessler 2-4 PM; Saturday, July 16th Ben Blood 5 to 7 PM of Chautauqua Idol; Saturday August 13th: Days of Old 5 – 7 PM. Posters will be hung announcing future concerts.

- Lime Energy Co. installed 20 lights in Fire Hall/Community Building and need 28. They are asking for additional \$150 for 8 additional lights. If the lights at DPW are installed they will be brighter and more efficient and would see 20% improvement in lighting.
- Chautauqua Works is supplying village with a Recreation Attendant and Utility worker at no cost to the village. Their goal is to have them learn skills and have a good work experience.

RESOLUTION # 110

APPROVE REPLACING ADDITIONAL LIGHTS AT FIRE HALL/COMMUNITY BUILDING

Trustee Culverwell moved, second by Trustee Dechard to replace 8 additional lights at cost of \$150.00. VOTE: AYES; CULVERWELL, DECHARD AND MAYOR LAZARONY. NAY; LEHNEN

MAYOR LAZARONY'S REPORT: No report

RESOLUTION # 111

APPROVAL OF FINANCIAL STATEMENT

Trustee Dechard moved second by Trustee Culverwell to approve the Financial Statement of July 6, 2011. VOTE: 3 AYES, 0 NAYS.

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|---------------|----------------|
| GENERAL FUND: | \$ 194,532.03 |
| WATER FUND: | \$ 385,929.38 |
| CAPITAL FUND: | \$1,600,480.27 |
| RESERVE CVFD | \$ 60,618.66 |
| RESERVE DPW | \$ 20,055.76 |

RESOLUTION # 112

APPROVAL OF BILLS AND PAYROLL

A motion was made by Mayor Lazarony second by Trustee Lehen to pay bills as per Abstract of July 6, 2011 and Payroll of June 24, 2011 and Payroll of July 8, 2011. Hold check 158 for Frey Drilling. VOTE: 3 AYES, 0 NAYS

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|---|--------------|
| General Abstract July 6, 2011 checks 5430-5453 | \$ 28,090.80 |
| Water Abstract July 6, 2011 check 5430-5453 | \$ 2,574.62 |
| Capital Water Abstract July 6, 2011 ch. 157-160 | \$180,320.56 |
| Payroll June 24, 2011 General, checks 4267-4273 | \$ 2,015.54 |
| Payroll June 24, 2011 Water, checks 4267-4273 | \$ 1,605.00 |
| Payroll June 24, 2011 Capital checks 4267-4273 | \$ 667.43 |
| Payroll July 8, 2011 General, checks 4276-4281 | \$ 1,688.96 |
| Payroll July 8, 2011 Water, check 4276-4281 | \$ 1,605.00 |
| Payroll July 8, 2011 Capital check 4276-4281 | \$ 236.83 |

Being no further business Trustee Culverwell moved, seconded by Mayor Lazarony to adjourn at 9.25 PM.

Respectfully submitted,

Roxanne Astry