

July 8, 2020

A Public Hearing was held prior to regular meeting at 6:30 PM, July 8, 2020 regarding the removal of Matthew Cassatt as member of the Village Cassadaga Zoning Board of Appeals pursuant to Village Law Section 7-712 (9) with Mayor William Dorman presiding. Trustees present were Bill Astry, Cindy Flaherty, Rachyl Krupa, Clerk Astry and Attorney Joe Calimeri. Absent: Theresa Seibert. No other persons attended.

Let's open this meeting with the Pledge of Allegiance

- Please sign attendance sheet, including village board members.
- Thanks to everyone for taking time to attend this public hearing as was advertised in the Dunkirk Observer on June 6<sup>th</sup>, 2020.

Subject of this hearing:

This is a public hearing regarding the removal of Matthew Cassatt from the Cassadaga Zoning Board of Appeals pursuant to Village Law 712, subsection 9, which provides as follows:

"The Mayor shall have the power to remove, after public hearing, any member of the Zoning Board of Appeals for cause. Any zoning board of appeals member may be removed for noncompliance with minimum requirements relating to minimum attendance and training as established by the village board of trustees by local law." Mr. Cassatt was appointed to serve as a Zoning Board of Appeals member on October 17<sup>th</sup>, 2018 with a term set to expire December 2023.

Background: Public hearings differ from a regular village board meeting intent according to Public Officers Law. The intent is

- To make sure the board's action on a particular issue is fully aware of the public's sentiment about a proposed action.
- To give the public an opportunity to voice their concerns, opposition or support for the proposed action.

Purpose of tonight's Public Hearing:

- To consider the proposed action of removal of Matthew Cassatt as a ZBA member based on the evidence and timeline of events provided and summarized as follows:
- Prior to tonight's hearing, the Board Members were provided with the following documents from the Village Clerks office relevant to this proceeding for their review.
  - Public Notice for the hearing
  - Letters to Matthew Cassatt
  - Police report

Timeline of events/evidence to support removal:

- A minimum requirement for participation as a Zoning Board of Appeals member is residency within the village. In late 2019 it was

brought to the former mayor's attention that Mr. Cassatt was no longer residing in the village. To address this inquiry, former Mayor Astry spoke directly with Mr. Cassatt regarding the same. It is our understanding that Mayor Astry requested that Mr. Cassatt provide a written resignation letter if he was no longer a resident.

- Given the fact that our inquiries were not addressed during the conversation between Mr. Astry and Mr. Cassatt, I directed the Village Attorney to draft a letter to Mr. Cassatt, inviting him to attend a regularly scheduled board meeting to address our residency concern.
- Despite letters dated 9/29/2019, 2/04/2020 and 3/25/2020, Mr. Cassatt refused or failed to respond, and our inquiries were not addressed.
- At our board meeting on June 10, 2020 it was learned that Mr. Cassatt did appear outside the Fire Hall during a regularly scheduled board meeting but refused to come in and discuss the issue with the board.
- Left with no other options, we have been forced to conduct this public hearing to determine whether he should be removed for cause. The removal relates to Mr. Cassatt failing to meet the minimum qualifications and inability to communicate directly or indirectly with the Board of Trustees and the Clerk of the Village of Cassadaga.

**Comments/Questions:**

- Any Board Member Questions/Comments?
- None were raised

**Comments/Questions:**

- I now invite members of the public when called upon to stand should they like to make a statement and address the board.
- There were no attendees in addition to the board members for comment
- Noted - one board member absent was Terry Siebert

**Village Board Ruling:**

Being no further discussion, the following resolution was proposed:

Resolution # 2020 - 90

- Be it resolved that Matthew Cassatt is hereby removed from his position as member of the Zoning Board of Appeals for the Village of Cassadaga pursuant to New York Village Law 712-(9) as Mr. Cassatt does not meet the minimum qualifications to serve.
  - Motion made by Trustee Astry
  - Second made by Trustee Flaherty
- 4   YAYS

- 0   NAYS
- **Reminder to please sign attendance sheet if you have not.**
  - All attendees confirmed as present on attendance sheet provided
  - Thanks for your time
  - Motion to adjourn this public hearing made by Trustee Astry at 6:40 PM
  - Second by Rachyl Krupa
- 4   YAYS
- 0   NAYS

**Adjournment Carried  
 William M. Dorman  
 Mayor, Village of Cassadaga**

**The regular meeting of the Village of Cassadaga was held on July 8, 2020 at 7:00 PM with Mayor William Dorman presiding. Trustees present included Trustees Bill Astry, Cindy Flaherty and Rachyl Krupa. Absent: Deputy Clerk Bonita Mazzone. Absent: Trustee Theresa Seibert.**

**Pledge of Allegiance**

**RESOLUTION # 91  
 APPROVAL OF MINUTES**

**A motion was made by Trustee Krupa second by Trustee Astry to approve the minutes of June 24, 2020. VOTE: 3 AYES, 0 NAYS**

**RESOLUTION # 92  
 APPROVAL OF AGENDA**

**A motion was made by Trustee Krupa, second by Trustee Flaherty to approve the agenda. VOTE: 3 AYES, 0 NAYS.**

**GUESTS- Planning Board Chairman Jim Holton, Chairman of Comprehensive Plan Nancy Wickmark, Planning Board member Peter George, and committee member Tonia Wilson and Roxanne Astry. Also, in attendance was Steve Wickmark. Absent from Planning Board were Rodney Waite and Susan Asquith. Chairman Jim Holton explained to the Board that they have been working on the Comprehensive Plan for the last few months and all attended a webinar on Comprehensive Planning put on by NYCOM. This will be the guide for revising our local zoning. Nancy Wickmark reported that they had a survey for community residents on Survey Monkey and also mailed out survey. There were 152 responses on the survey and the results were shared with the board. The Planning board brainstormed on Strengths, Weaknesses, Opportunities and Threats on several topics. Once the Comprehensive Plan is completed, they will share with the Board and then have a Public Hearing for community residents' feedback. The Comprehensive Plan is an umbrella for Zoning, Local Laws,**

**Grants and Action Plan on what the Community would like to see 5-10 years from now.**

**ATTORNEY JOE CALIMERI'S REPORT**

- He has had 1 FOIL request
- He spoke with Attorney Passafaro regarding Town of Pomfret Water contract but has received no word from Buffalo attorney.

**MAYOR DORMAN'S REPORT:**

**Item #1 (Update)**

- Local laws review – No change at this time

**Item #2 (Update)**

- Dumpster issue: Bill Andrews
- I requested Wendy to investigate 6/24, 2:30:48PM
- She did investigate with Sam on 6/26 and concluded in an e-mail that the property is not in violation of Section 640.
- Closed.

**Item #3**

- Enjoyed the 4<sup>th</sup> of July flares and after dark boat parade- well done/beautiful.

**New Correspondence:**

**Item #4**

- E-mail from Donna House regarding concern of gravel deposits on bike/walk path from Pennington & N. Shore streets sent to each of you.
- Q. Is this mostly caused by what looks like a new pole being placed there or is it a bigger issue that may continue when we get heavy rain or regular traffic?

**CLERK TREASURER ASTRY REPORT:**

- Water request from Bradley and Genevieve Monacelli at 59 High Street is requesting water service at new home.
- Kim Coon is requesting water adjustment at 3663 High Street. Was charged for 9,000 gallons and water has been turned off. The adjustment would be \$36.00.
- Read letter of resignation from Marge and Rich Carlson who has been cleaning Community Building and office for 14 years. Clerk Astry stated that two people are interested in cleaning. It was decided that she and Trustee Seibert interview them.
- Dell Computer is offering all Village employees the Dell Preferred account prices.
- Nancy Wickmark requested that the Board write letter to Dan Thorp to remove Confederate Flag as it is offensive to some people.

Members of the Board stated that they will not write letter as it is in violation of the First Amendment.

- Received correspondence from NPO Litigation, reviewed by attorney and filed. Class action on pharmaceuticals.

**RESOLUTION # 93**

**APPROVE NEW WATER LINE REQUEST**

Trustee Flaherty moved, second by Trustee Krupa to install new water service at 59 High Street for the Monacelli's. VOTE: 3 AYES, 0 NAYS.

**RESOLUTION # 94**

**APPROVE WATER ADJUSTMENT AT 3663 HIGH STREET**

Trustee Astry moved, second by Trustee Flaherty to approve water adjustment at 3663 High Street for over billing of \$ 36.00 because water had been shut off and none used. VOTE: 3 AYES, 0 NAYS.

**RESOLUTION # 95**

**ACCEPT RESIGNATION OF MARGE CARLSON**

Trustee Astry moved, second by Trustee Krupa to accept resignation of Cleaning Personnel Marge Carlson with regrets. VOTE: 3 AYES, 0 NAYS.

**DEPUTY CLERK MAZZONE REPORT: Absent**

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

- Trustee Astry reported that he will talk to Sam about the gravel on Dale Drive.
- The Basketball Court at beach has been sealed and is in process of putting lines on for basketball and then will put them down for pickle ball. Black Gold sealed the court for free and requesting letter for In Kind Service for \$ 2,500.
- The new John Deere 35G excavator is in.

**TRUSTEE ASTRY'S REPORT-No report**

**TRUSTEE FLAHERTY'S REPORT:**

- Beach has had 845 people in attendance since opening June 27<sup>th</sup> with average of 75 per day.
- Would like to add Ashley Pascoe as part time lifeguard.
- Chautauqua Works will be sending 6 people to work. She will have them paint picnic tables and gazebo.
- Big Tone Band will be playing on floating stage Sunday, July 12<sup>th</sup> from 5 PM to 7 PM. Social distancing will be observed, and we can have 158 in attendance.
- The So. Tier Triathlon had 52 participants on July 1<sup>st</sup>. They will move finish Line down by Basketball court so it will not interfere with beach guests. The next Triathlon will be July 15<sup>th</sup>.

- She thanked Bill Astry for fixing the hole in gazebo when she called him.

**RESOLUTION # 96**

**HIRE ASHLEY PASCOE AT PART TIME LIFEGUARD**

Trustee Flaherty moved, second by Trustee Astry to approve Ashley Pascoe as part time lifeguard. VOTE: 3 AYES, 0 NAYS.

**RESOLUTION # 97**

**GO INTO EXECUTIVE SESSION**

Trustee Flaherty moved, second by Trustee Astry to Move Into Executive Session to discuss Personnel at 7:44 PM. VOTE 3 AYES, 0 NAYS.

**RESOLUTION # 98**

**COME OUT OF EXECUTIVE SESSION**

Trustee Astry moved, second by Trustee Flaherty to Come Out of Executive Session at 7:54 PM. VOTE: 3 AYES, 0 NAYS.

**TRUSTEE SEIBERT'S REPORT: Absent**

**TRUSTEE KRUPA'S REPORT:**

- She commented that the 4<sup>th</sup> of July was amazing with the lighting of flares and the boats on the lake.

**RESOLUTION # 99**

**APPROVAL OF THE FINANCIAL STATEMENTS**

Trustee Astry moved, second by Trustee Krupa to approve the Financial Statement for June 30, 2020. VOTE: 3 AYES, 0 NAYS.

GENERAL FUND:	\$ 290,472.52
WATER FUND	\$ 190,560.91
RESERVE CVFD EQUIPMENT	\$ 20,383.32
RESERVE DPW	\$ 27,711.76
RESERVE WATER REPAIRS	\$ 50,168.62
RESERVE FOR DEBT SERVICE	\$ 247,303.69

**RESOLUTION # 100**

**APPROVAL OF THE BILLS AND PAYROLL**

A motion was made by Trustee Krupa, second by Trustee Flaherty to pay the following: VOTE: 3 AYES, 0 NAYS.

Payroll of July 12, 2020 General Cks: 5529-5537	\$ 5,333.61
Payroll of July 12, 2020 Water Cks: Direct Dep.	\$ 2,138.22
Abstract of July 8, 2020 General Cks: 8613-8924	\$ 41,766.35
Abstract of July 8 2020 Water cks: 8913-8924	\$ 135,767.82

Being no further business, Trustee Krupa moved to adjourn the meeting, second by Trustee Flaherty at 8:00 PM. VOTE: VOTE: 3 AYES, 0 NAYS.

Respectfully submitted,

**Roxanne Astry**  
**Clerk Treasurer**





