

**June 19, 2019**

**The regular meeting of the Village of Cassadaga was held on June 5, 2019 at 7:00 PM with Mayor Bill Astry presiding. Trustees present included Cindy Flaherty, Amanda Kalfas and Teri Seibert. Also in attendance was Deputy Clerk Bonita Mazzone, DPW Sam Alaimo and Joe Calimari. Absent was Clerk Roxanne Astry.**

**RESOLUTION # 92  
APPROVAL OF MINUTES**

**A motion was made by Trustee Flaherty second by Trustee Kalfas to approve the minutes of June 6, 2019. VOTE: 3 AYES, 0 NAYS**

**RESOLUTION # 93  
APPROVAL OF AGENDA**

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

**GUESTS:**

**Dave Wilson, Town of Stockton: to observe had spoken with the board at pre-meeting for what he needs for the Town of Stockton.**

**Peter and Cathy George, and Rachyl Krupa: to speak to the board on the behalf of the CBC on completing what is needed to become a Tree City. The village has already had the Arbor Day celebration and will need to have one each year coming. We would need to work with Lily Dale, but they may not have the same wording in their laws as the village because they are not a village. We would need to work with the DPW to care for the village trees, create a letter to the State Forester committing that we partnered with Lily Dale and commit to spending \$2.00 per capita on annual tree care.**

**RESOLUTION # 94  
ENDORSE GOING FORWARD WITH THE TREE CITY PROJECT WITH LILY DALE**

**Trustee Flaherty moved, second by Trustee Seibert to go forward at the this time with the Tree City project and to work in conjunction with Lily Dale on an application for a grant and to commit spending \$2.00 per capita. VOTE: 3 AYES, 0 NAYS.**

**RESOLUTION #95  
INTRODUCE LOCAL LAW 1 OF 2019- TREE CITY USA**

**Trustee Flaherty moved, second by Trustee Seibert to introduce a Local Law to have Village of Cassadaga become a Tree City USA to promote tree and maintenance of trees in the Village of Cassadaga.**

**RESOLUTION #96**

**TABLE LOCAL LAW 1 OF 2019**

**Trustee moved, and second by Trustee Seibert to table Local Law 1 of 2019**

**LOCAL LAW 1 OF 2019**

**A local law for the Village of Cassadaga to become a Tree City USA to promote the importance of trees and maintenance of trees in the Village of Cassadaga.**

**DEFINITIONS**

1. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
2. "Street or Highway" means the entire width of every public way, easement of right-of-way when any part thereof is open to the public, as a matter of right, for the purpose of vehicular and pedestrian traffic, and shall include alleys.
3. "Public Places" shall include all other grounds owned by the Village of Cassadaga.
4. "Property Line" means the outer edge of a street or highway.
5. "Mayor or their Agent" is the Village Mayor or employee hired by the Village of Cassadaga charged with the administrative duties of the Village.
6. "Trelawn" means that part of a street or highway, lying between the property line and that portion of the street or highway usually used for vehicular traffic.
7. "Property Owner" means the person owning such property as shown by the County Auditor's Plat of the Village of Cassadaga, Chautauqua County, New York, including the executor, administrator, or beneficiary of the estate of a deceased owner.
8. "Tree" means a tall growing woody plant with one or more perennial main stems or trunk which develops branches from the aerial section of the stem rather than from the base; capable of being pruned to as least six feet of clear branchless trunk below the crown within five years of planting.
9. "Shrub" means a low growing woody plant with one or several perennial main stems producing branches, shoots, or multiple stems from or near the base of the plant and incapable of being pruned to provide at least six feet of clear branchless trunk within five years of planting.
10. "Public Trees" shall include all shade and ornamental trees now or hereafter growing on any public places.
11. "Right-of-Way" means any portion of the public way, street, alley, or sidewalk.
12. "Tree Topping" means the severe cutting back of limbs to stubs of three (3) inches or more in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

## **PRIVATELY OWNED TREES**

### **DUTY OF PRIVATE PROPERTY OWNER**

1. It shall be the duty of any property owner owning or occupying property bordering on right of way upon which property there may be trees or shrubs, to prune or cause to be pruned such tree or shrub in a manner that they will not shade or obstruct street lights, street signs, or obstruct pedestrian or vehicular traffic on sidewalks or streets.
2. It shall be the duty of any person owning or occupying property bordering on right of way upon which property there are any trees or shrubs which are designated by the Mayor or their Agent as dead, dying, diseased, or hazardous or deemed a menace to the health, safety, and welfare of the people of Cassadaga, to remove or cause to be removed said tree(s) and/or shrub(s).
3. In either of the above situations, the Mayor or their Agent shall send a written notice to the property owner indicating the required action (pruning or removal) to be taken. A period of thirty days from receipt of this letter shall be permitted for the property owner to affect the indicated action. Should the property owner or occupant fail to comply, it shall be lawful for the Mayor or their Agent to enter upon the property and cause such action. The property owner or occupant shall be charged treble the actual cost of the work and cash payment shall be made within thirty days or triple the actual cost of the work shall be assessed to the property taxes.

### **VILLAGE MAY REMOVE**

1. The Mayor or their Agent may remove or cause or order to be removed, any trees or part thereof which by reason of its nature is injurious to existing sewers, electric power lines, gas lines, water lines, or other public improvements.
2. The Mayor or their Agent shall examine or cause to be examined every tree within 100 feet of any sanitary or storm sewer, drain, manhole, or other public utility line above or below the surface of the ground, which has been reported as dangerous to or causing interference with said sewer, drain, manhole or public utility line, and if found dangerous or causing damage or obstruction of such sewer, drain, manhole or public utility line, he shall give to the property owner written notice of their findings and an order that such person remove said tree or injurious part thereof within forty five (45) days. Service of such notice shall be as described in Section 3 of the previous chapter.

## **PUBLIC TREES**

### **VILLAGE RESPONSIBILITY**

1. Whenever it is necessary for the Village to remove a tree from Village right of way, the Village shall remove such trees and replace them or plant, on another right of way area, an equal number of trees to the satisfaction of the Mayor or their Agent.
2. No person or property owner shall remove a tree from the right of way for any reason without approval from the Mayor or their Agent. Should approval be given for the removal, the person shall be required to replant or replace an equal number of trees at the landowner's expense. The Mayor or their Agent must approve the replacement or replanting. Failure to plant replacements shall result in replacement by the Village and treble the actual cost to the Village shall be billed to the property owner.

3. Whenever any tree or shrub is planted or set out in conflict with the provisions of this ordinance and policies and specifications of the Village, the Mayor or their Agent may cause removal of the same without obligating the Village to replace the illegally planted tree(s).

### **ABUSE OR MUTILATION OF PUBLIC TREES**

1. Unless specifically authorized by the Mayor or their Agent, no person shall intentionally damage, cut, carve, top, transplant, or remove any tree; attach any rope, wire, nails, advertising posters, squirrel feeder, or other contrivance to any tree or shrub; allow any gaseous, liquid, or solid substance to come in contact with them; set fire or permit fire to burn when the fire or heat thereof shall injure any portion of any tree or shrub.
2. No person shall excavate any ditches, tunnels, trenches, or alley or drive within a radius of ten feet from any public tree or shrub without obtaining approval from the Mayor or their Agent.

### **PLACING MATERIALS ON PUBLIC PROPERTY**

No person shall deposit, place, store, or maintain upon any public place of the Village, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing therein, except by written consent of the Mayor or their Agent.

### **PLANTING AND MAINTENANCE OF TREELAWNS**

No person shall plant, prune, brace, cable, spray, or otherwise perform work on a tree in a treelawn or other public place without first obtaining the prior approval of the Mayor or their Agent. The Village shall require the property owner to obtain a permit from the Mayor or their Agent. The person obtaining the permit shall abide by the standards as set forth in this ordinance and policies and specifications of the Village.

### **TREES IN NEW SUBDIVISIONS**

The Mayor or their Agent shall approve the tree plan for any newly developed Village treelawns.

### **TREE SPACING**

The spacing of public trees will be in accordance with the three (3) species size classes referred to in the Cassadaga Mayor or their Agent's list of Street Trees (Master Planting Design.) Trees may not be planted closer together than the following distances:

Small Trees	fifteen (15) feet
Medium Trees	twenty-five (25) feet
Large Trees	thirty-five (35) feet

Planting distances may widen depending on tree species. All planting locations shall be approved by the Village Mayor or their Agent.

## **DISTANCE FROM CURB AND SIDEWALK**

The distance public trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes in the Cassadaga Tree Commission's list of Street Trees and no trees may be planted closer to the curb or sidewalk than the following:

Small trees:	two (2) feet	(minimum of a four foot wide treelawn)
Medium trees:	three (3) feet	(minimum of a six foot wide tree lawn)
Large trees:	four (4) feet	(minimum of an eight foot wide treelawn)

except in special plantings designed or approved by the Village Mayor or their Agent.

## **DISTANCE FROM THE STREET CORNERS AND FIRE PLUGS**

No public tree shall be planted closer than thirty-five (35) feet from any street corner, measured from the point nearest the intersecting curbs or curb lines. No public tree shall be planted closer than ten (10) feet to any fire hydrant.

## **UTILITIES**

No public trees other than those species referred to as Small Trees in Cassadaga Mayor or their Agent's list of Street Trees may be planted under or within twenty five (25) lateral feet of any overhead primary or transmission electric wires.

## **ADOPTION OF RULES**

The Mayor or their Agent, with the approval of Village Board of Directors, may adopt rules consistent with this Ordinance which shall provide detailed guidelines for the administration of this Ordinance.

## **PENALTY**

Any person violating or failing to comply with any provision of this Ordinance shall be, upon conviction or a plea of guilty, subject to a fine not less than twenty five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) per violation in addition to any required restitution for damages incurred by the Village or any special assessments levied as provided for herein.

**Bill Dorman: here to observe. At this time Mayor Astry reads Mr. Dorman's resignation letter from the ZBA. Mayor Astry would like to appoint Mr. Dorman to the open trustee seat that was vacated since his move to mayor.**

## **RESOLUTION # 97 ACCEPT RESIGNATION OF WILLIAM DORMAN AS ZBA ALTERNATE**

**Trustee Kalfas moved, second by Trustee Flaherty to accept the resignation of William Dorman as the ZBA alternate. VOTE: 3 AYES, 0 NAYS**

## **RESOLUTION # 98**

**APPOINT WILLIAM DORMAN TO FILL VACANCY OF TRUSTEE SEAT  
Mayor Astry moved, second by Trustee Kalfas to accept Mr. Dorman's resignation from the ZBA, and to appoint him to the open trustee seat of**

the Village of Cassadaga, until the elections in November of 2019. VOTE: 3 AYES, 0 NAYS

**RESOLUTION # 99**

**DEPUTY CLERK BONITA MAZZONE SWEAR WILLIAM DORMAN IN AS VILLAGE TRUSTEE**

Mayor Astry moved, second by Trustee Kalfas to swear Mr Dorman in at the meeting so he can start right away. VOTE: 3 AYES, 0 NAYS

**ZONING OFFICER LEN ENSALACO REPORT-ABSENT**

**ATTORNEY JOE CALIMERI'S REPORT:**

Mr, Calimeri would like to go into executive session after the meeting to discuss litigation Also if anyone needs to talk to him at any time we are able to call him.

**CLERK-TREASURER ASTRY REPORT: ABSENT**

**DEPUTY CLERK BONITA MAZZONE REPORT:**

- The Doris House family would like to donate an Adirondack chair to the beach in remembrance of her.

**RESOLUTION # 100**

**HOUSE FAMILY DONATE CHAIR TO BEACH**

Trustee Seibert moved, second by Trustee Flaherty to accept the donation of a Adirondack chair by the House family in remembrance of Doris House. VOTE: 4 AYES, 0 NAYS

- Because of the holiday, it would be in everyone's best interest to move the next meeting to Tuesday, July 2<sup>nd</sup> at 7pm.

**RESOLUTION # 101**

**MOVE NEXT MEETING TO JULY 2, 2019**

Mayor Astry moved, Trustee Flaherty seconded to move the next meeting from Wednesday, July 3<sup>rd</sup> to Tuesday July 2<sup>nd</sup> at 7pm. VOTE: 4 AYES, 0 NAYS

**SUPERINTENDENT OF PUBLIC WORKS: SAM ALAIMO**

- They got rid of all the seaweed and wood chips that were located at the compost pile after clean up this week.
- There was a bid in for a street sweeper in the amount of \$1650.00 and we won the bid. The shared service with another municipality who did the street sweeping has been changed to a different supervisor and does not want to send the sweeper out. With the purchase of the new sweeper we will be using it at least once a month.

**RESOLUTION # 102**

**BID ON A PURCHASE A STREET SWEEPER**

Mayor Astry moved, and Trustee Seibert seconded to bid and purchase a street sweeper and for the sweeper to be used at least once a month to clean up the buildup on the side of the roads from the weather. The county will also pick up what the sweeper cleans up for free. VOTE: 3 AYES, 1 NAYS AYES WERE; SEIBERT, FLAHERTY AND DORMAN, NAYS WERE; KALFAS

**TRUSTEE KALFAS REPORT: No Report**

**TRUSTEE ASTRY'S REPORT:**

- The grand opening for Tim Hortons was last Thursday, June 13<sup>th</sup> at 10:30 and he and Roxanne participated.
- Also on Thursday there was a meeting in Falconer with a 3 page agenda for the Dale Drive project, it was supposed to have started but right now it is stopped by legal processes.
- As of 4:30 today there has nothing new been heard about the Dale Drive project.
- The crew will need some type of storefront to rent out for at least 3 months while the project is running.

**TRUSTEE FLAHERTY'S REPORT:**

- She met with Tammy today to see what is needed by her for the beach to open on June 29<sup>th</sup>.
- We have 5 life guards, and 2 Chautauqua Works attendants
- Dave from the WNY Drum and Bugle Corp would like to know if they again can play in the Labor Day 2019 parade, the cost will be \$425.00

**RESOLUTION # 103**

**APPROVE OF WNY DRUM AND BUGLE CORP FOR LABOR DAY 2019 PARADE**

Trustee Flaherty moved, and Trustee Kalfas seconded that the WNY Drum and Bugle Corp play in the 2019 Labor Day parade for a cost of \$425.00 VOTE: 4 AYES, 0 NAYS

- The next few events will be June 24<sup>th</sup> CBC Kayak on the lake at the boat landing at 6:30, Saturday June 29<sup>th</sup> 7-11am Fishing Tournament at the boat landing.

**TRUSTEE SEIBERT'S REPORT:**

- Strawberry social at the beach next Wednesday, June 26<sup>th</sup>, if it is bad weather again they will be at the Community Building at the Firehall. They are going to be doing the strawberries on Wednesday morning in the kitchen at the Firehall.

- There have been concerns about the appearance of the lawn at the treasure store on Route 60 and Bard Road. Mayor Astry will follow up with Wendy and Len to see if there is anything in violation of Zoning.

**RESOLUTION # 104**

**APPROVAL OF THE FINANCIAL STATEMENTS**

Trustee Flaherty moved, second by Trustee Kalfas to approve the Financial Statement for May 31, 2019 Fiscal Year End. VOTE: 4 AYES, 0 NAYS.

GENERAL FUND:	\$ 180,282.70
WATER FUND	\$ 178,943.64
RESERVE CVFD EQUIPMENT	\$ 20,153.45
RESERVE DPW	\$ 27,239.22
RESERVE WATER REPAIRS	\$ 41,131.47
RESERVE FOR DEBT SERVICE	\$ 214,698.95

**RESOLUTION # 102**

**APPROVAL OF THE FINANCIAL STATEMENTS**

Trustee Kalfas moved, second by Trustee Flaherty to approve the Financial Statement for June 19, 2019. VOTE: 4 AYES, 0 NAYS.

GENERAL FUND:	\$ 217,558.69
WATER FUND	\$ 187,375.54
RESERVE CVFD EQUIPMENT	\$ 20,153.45
RESERVE DPW	\$ 27,239.22
RESERVE WATER REPAIRS	\$ 41,131.47
RESERVE FOR DEBT SERVICE	\$ 187,375.54

**RESOLUTION # 103**

**APPROVAL OF THE BILLS AND PAYROLL**

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

Payroll of June 14, 2019 General Cks: 5377-5378	\$ 2,221.51
Payroll of June 14, 2019 Water Cks: direct dep.	\$ 2,171.26
Abstract of June 5, 2019 General Cks: 8465-8494	\$ 1,474.63
Abstract of June 5, 2019 Water Cks: 8465-8494	\$ 1,303.59
Abstract of June 19, 2019 General Cks: 8507-8517	\$ 5,276.16
Abstract of June 19, 2019 Water Cks: 8507-8517	\$ 2,623.78

**RESOLUTION #103**

**MOVE INTO EXECUTIVE SESSION TO DISCUSS LITIGATION**

Mayor Astry moved, and second by Trustee Seibert to move in to executive session for further talk about litigation at 7:41pm. VOTE: 4 AYES, 0 NAYS

**RESOLUTION #104**



**MOVE OUT OF EXECUTIVE SESSION**

**Mayor Astry moved, and a second by Trustee Seibert to move out of executive session AT 7:51PM. VOTE: 4 AYES, 0 NAYS**

**Being no further business, Mayor Astry moved to adjourn the meeting, second by Trustee Seibert at 7:51 PM. VOTE: 4 AYES, 0 NAYS.**

**Respectfully submitted,**

**Bonita B Mazzone  
Deputy Clerk**



