

**JUNE 22, 2022**

The regular meeting of the Village of Cassadaga was held on June 22, 2022, at 7:00 PM with Mayor William Dorman presiding. Trustees present included Bill Astry, Cindy Flaherty, and Rachyl Krupa (arrived at 7:20). Absent: Trustee Mark Wilson, and Bonita Mazzone. Also in attendance was Supt. Of Public Works Sam Alaimo.

**Pledge Of Allegiance**

**RESOLUTION # 68  
APPROVAL OF MINUTES**

A motion was made by Trustee Astry, second by Trustee Flaherty to approve the minutes of June 8, 2022. VOTE: 3 AYES, 0 NAYS.

**RESOLUTION # 69  
APPROVAL OF AGENDA**

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

**GUESTS:**

Sean Seibert, 180 Dale Drive was concerned with a Moratorium on Short Term Rentals. They have been in the process of building a cottage for Short Term Rental and is concerned that they will not be able to use it for this. They will not be displacing a family and will increase assessment and housing stock. He hopes that there is some consideration on houses that are being built.

Also in attendance were Nancy Wickmark, 39 Pettit Place, Viola Dorman, 86 Frisbee and Chris Cooke Architect for Bathhouse.

**ATTORNEY JOE CALIMERI REPORT-Absent- report emailed.**

1. My apologies for not being in attendance for a meeting this month. Given my failure to attend a meeting in April and June I provided a credit on next quarter's email.
2. I have had contact with Ryan Burlingame of the ZBA regarding short term rentals. Short term rentals, used typically through sites like VBRO, Air BnB and alike, provide a hotel like experience in our local communities. The ZBA is recommending a moratorium that would essentially eliminate short term rentals until such time that a zoning law is enacted. They are also recommending an exemption for STRs currently in existence.
  - a. In my opinion, a moratorium is a good device to allow the zoning code to address the issue. Question becomes whether you, as a Board, believe a moratorium is necessary or rather would you prefer to allow STRs until the zoning code is in place.
  - b. With regard to the moratorium, it is permitted under the law so long as the ZBA is working on a viable law to address STRs. For example,

you cannot file a moratorium then put the issue on the shelf and not discuss for a number of years.

- c. If you were to proceed with an STR, I would make it effective August or September 1 without exemptions for properties currently in use. Candidly, I have trouble contemplating how we can identify STRs that are now in existence.
3. I recently drafted a STR moratorium proposal for another municipality so it would not take long to implement if that is the direction. Please let me know.

#### **RESOLUTION # 70**

#### **APPROVE ATTORNEY TO DRAFT A STR MORATORIUM PROPOSAL**

Trustee Flaherty moved, seconded by Trustee Astry to have Attorney Calimeri draft a Short Term Rental (STR) Moratorium proposal. VOTE: 3 AYES, 0 NAYS.

#### **MAYOR DORMAN'S REPORT:**

##### **Updates:**

- **No updates**

##### **New Correspondence:**

- Received letter of resignation for Deputy Clerk Bonita Mazzone which is an agenda item this evening.

#### **RESOLUTION # 71**

#### **ACCEPT RESIGNATION OF DEPUTY CLERK**

Trustee Astry moved, seconded by Trustee Flaherty to accept the resignation of Bonita Mazzone as Deputy Village Clerk. VOTE: 3 AYES, 0 NAYS.

#### **CLERK TREASURER ASTRY REPORT:**

- CVFD REPORT APRIL 2021; EMS CALLS-13, FIRE CALLS-4, MVA CALLS-1, SERVICE CALLS 1, MUTUAL AID GIVEN-5, TOTAL CALLS 17, TOTAL MANHOURS 73. MAY 2021 CALLS: EMS CALLS-15, FIRE CALLS -1, MVA CALLS-3, ALARM ACTIVATION-1, MUTUAL AID GIVEN -11, MUTUAL AID RECEIVED-1, TOTAL CALLS 19, TOTAL MANHOURS-100.
- Reported that there was fraudulent activity on FORTE with our website and they recommended that we have a button on our website instead of link to alleviate risk. She contacted Eagle Zip and they are creating button.
- Time Warner (Charter Communications) tax needs to be abated pursuant to NY Real Property Tax Law 626 that tax can be deducted of franchise fees.
- Independent Health is proposing increase for monthly rate change for 2023. The plan we have now would increase by \$86.19.

## **RESOLUTION # 72**

### **ABATE TIME WARNER TAX**

Trustee Astry moved seconded by Trustee Flaherty to abate Time Warner (Charter Communications) tax pursuant to Tax Law 626 that tax can be deducted from franchise fee. VOTE: 3 AYES, 0 NAYS.

### **NEW BUSINESS: 1. SHORT TERM RENTAL MORATORIUM**

**2. BATHHOUSE AT BEACH-ARPA**

**3. ABATE CHARTER COMMUNICATION TAX**

**4. ACCEPT RESIGNATION-DEPUTY CLERK**

The plans for the bathhouse were reviewed by the board from Chris Cooke Architecture. Discussion was held and Sam Alaimo was concerned about the plumbing being inaccessible in the center of the building. The plans have ADA bathrooms in both the boy's and girl's bathroom. Questions regarding the septic system were discussed. No decision was made and will revisit at next meeting.

### **SUPT. OF PUBLIC WORK REPORT: SAM ALAIMO**

- He reported that will not be able to do any blacktopping in parking lot and Miller until August because of materials.

### **TRUSTEE ASTRY'S REPORT**

- The Fire Department has a small leak in roof, and he has not found out where the leak is on roof. At this time water drips amount to  $\frac{1}{4}$  cup of water per day. He is waiting for rain so he can investigate the leak.

### **TRUSTEE FLAHERTY'S REPORT**

- She thanked Sam, Bob and Evan for doing a wonderful job on drainage at beach and it looks great.
- She purchased one wake buoy for \$99.00 to see what it looks like. They normally cost \$340 per buoy
- The beach opens up on Saturday at noon and Concert on Floating stage on Sunday from 5-7 with Ozone Rangers.
- Lew Mead Fishing contest is Saturday beginning at 7:30 AM.

### **TRUSTEE KRUPA'S REPORT**

- She stated that John Penhollow may donate his service to remove the tree hanging over the outlet.
- She is reaching out for help for the Labor Day Parade.

### **TRUSTEE WILSON'S REPORT-Absent**

## **RESOLUTION # 73**

### **APPROVAL OF FINANCIAL STATEMENTS**

Trustee Flaherty moved, seconded by Trustee Flaherty to approve the financial reports for May 31, 2022 Fiscal Year End and June 22, 2022. VOTE: 3 AYES, 0 NAYS.

GENERAL FUND 5/31/22	\$	267,433.04
WATER FUND 5/31/22	\$	83,525.64
GENERAL FUND 6/22/22	\$	317,111.21
WATER FUND 6/22/22	\$	106,280.33
RESERVE CVFD EQ.	\$	26,568.88
RESERVE DPW EQ.	\$	27,844.58
RESERVE WATER REPAIRS	\$	50,264.85
RESERVE FOR DEBT SERVICE	\$	308,620.40

**RESOLUTION # 74**

**APPROVAL OF BILLS AND PAYROLL**

A motion was made by Trustee Astry, seconded by Trustee Krupa to approve the bills and payroll as follows: 3 AYES, 0 NAYS.

PAYROLL General Fund, June 24, 2022, cks: 5794-5796	\$	4,492.07
PAYROLL Water Fund, June 24, 2022, cks: 5794-5796	\$	2,035.64
ABSTRACT of May 30, 2022, General Cks: 9558-9560	\$	10,223.83
ABSTRACT of May 30, 2022, Water Cks: 9558-9560	\$	891.16
ABSTRACT June 22, 2022, General Cks: 9561-9567	\$	3,622.04
ABSTRACT June 22,2022, Water Cks: 9561-9567	\$	3,903.52

Being no further business, Trustee Astry moved to adjourn at 8:07 PM, seconded by Trustee Flaherty. VOTE 3 AYES, 0 NAYS.

Respectfully Submitted,

Roxanne Astry  
Clerk Treasurer