

VILLAGE OF CATTARAUGUS
14 Main Street, Cattaraugus, NY 14719

Regular Board Meeting
November 13, 2017; 7:00 p.m.

PRESIDING: Wirt Smith, *Mayor*

PRESENT: *Trustees:* Jason Crawford, Diane Wienk, Chuck Senn; Jonathan Wolf, *DPW Superintendent*; Frank Watson, *Code Enforcement*; Eugene Doucette, *treasurer*; Dan Waasdorp, *Police*; Joy LaQuay, *Deputy Clerk*; Tamara Stallard-Mormile, *Recording Secretary*

ABSENT: Robert Botsford, *Trustee*;

VISITORS: Jan Bobseine, Myra Johnston, Patrick Cullen, *Joint Planning Board*; Bud Huber, Devin Huber, Rick LeFeber, *residents*; Paula Stockman, *County Legislator*; Mark Meyerhofer, *Charter Communications*.

CALL TO ORDER:

Mayor Smith called the meeting to order at 7:05 p.m. The Pledge of Allegiance was recited. Mayor Smith thanked veterans for their service.

Resolution #60 – 2017/2018 Open Charter Communications Franchise Agreement Public Hearing

On a motion by Trustee Crawford, second by Trustee Senn, the following resolution was

ADOPTED AYE 3 Senn, Crawford, Wienk
NAY 0

RESOLVED, Open the public hearing for the Charter Communications Franchise Agreement at 7:06pm.

Mr. Meyerhofer was in attendance to represent Charter Communications. This was just a matter of renewal of the former agreement. Charter Communications agreed to a higher franchise fee returned to the Village of Cattaraugus. The hearing is a matter of state law and the agreement must be revisited every 5 years.

Resolution #61 – 2017/2018 Close Charter Communications Franchise Agreement Public Hearing

On a motion by Trustee Senn, second by Trustee Wienk, the following resolution was

ADOPTED AYE 3 Senn, Crawford, Wienk
NAY 0

RESOLVED, Close the Charter Communications Public Hearing at 7:09pm.

Resolution #62 – 2017/2018 Charter Communications Franchise Agreement

On a motion by Trustee Senn, second by Trustee Wienk, the following resolution was

ADOPTED AYE 3 Senn, Crawford, Wienk
NAY 0

RESOLVED, Adopt the Charter Communications Franchise Agreement.

An application has been duly made to the Board of the Village of Cattaraugus, County of Cattaraugus, New York, by Time Warner Cable Northeast LLC, l/k/a Charter Communications, a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Time Warner Cable's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission commencing with the date of approval by the Public Service Commission.

The Franchise Renewal Agreement would bring the franchise into conformity with certain

provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain

court rulings.

A public hearing was held in the Village of Cattaraugus, New York on November 13, 2017 at 7:05 P.M. and notice of the hearing was published in the Olean Times Herald on November 3, 2017.

NOW, THEREFORE, the Board of the Village of Cattaraugus finds that:

1. Time Warner Cable Northeast LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable Northeast LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and

3. Time Warner Cable Northeast LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Village of Cattaraugus hereby grants the cable television franchise of Time Warner Cable Northeast LLC and the Village of Cattaraugus for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

BE IT FURTHER RESOLVED that the Board of the Village of Cattaraugus hereby confirms acceptance of this Franchise Renewal Agreement.

The foregoing having received a AYE vote was thereby declared adopted.

Dated: November 13, 2017

Resolution #63 – 2017/2018 Open Joint Planning Board Comprehensive Plan Public Hearing

On a motion by Trustee Crawford, second by Trustee Wienk, the following resolution was

ADOPTED AYE 3 Senn, Crawford, Wienk
NAY 0

RESOLVED, Open the Joint Planning Board Comprehensive Plan Public Hearing at 7:10pm.

Rick LeFeber: He feels there are some things missing from the plan. He feels they need to be addressed. He listed the various things he felt were left out or incorrect.

Jan Bobseine: The county looked at the plan and any issues they had were fixed. This plan is just the beginning and is a work in progress. A plan must be in place in order to apply for various grants to improve the village and the town. Adjustments can always be made.

Patrick Cullen: Mr. Cullen appreciates all the work the work Mr. LeFeber and his group did on the last plan 17 years ago. Their work made the planning board's work easier.

Joy LaQuay would like her letter submitted to prevent any liability.

Mayor Smith did a lot of research. He contacted people from NYS who specialize in Comprehensive plans. This is just a rough draft. Nothing is set in stone. The village is not legally bound to it. The village will not be held to it. It is just a plan. We are past the point to state over. This plan is not without faults. If adopted, it can be amended at any time. The village has a lot of blight. This is a great community with great people, and a lot of blight. Fixable issues should not stand in the way of this community receiving grants to improve the community. The plan is just a starting point. It should be adopted and fixed to prevent the village from losing out on any more opportunities. Mayor Smith recommends adopting this plan.

Resolution #64 – 2017/2018 Close Joint Planning Board Comprehensive Plan Public Hearing

On a motion by Trustee Wienk, second by Trustee Senn, the following resolution was

ADOPTED AYE 3 Senn, Crawford, Wienk
NAY 0

RESOLVED, Close the Joint Planning Board Comprehensive Plan Public Hearing at 7:46pm.

Resolution #65 – 2017/2018 Adoption of Comprehensive Plan

On a motion by Mayor Smith, second by Trustee Senn, the following resolution was

ADOPTED AYE 4 Smith, Crawford, Wienk, Senn
NAY 0

RESOLVED, Adopt the Comprehensive Plan.

Mayor Smith reiterated that this is simply a plan. It is time to move forward. This has taken up too much time as it is. It is time to move on and move forward. There is no justifying the drama created concerning this plan. He appreciates the public actually showing up to a public hearing.

Resolution #66 – 2017/2018 Open Restore NY Community Initiative Municipal Grant Public Hearing

On a motion by Trustee Senn, second by Trustee Wienk, the following resolution was

ADOPTED AYE 3 Senn, Crawford, Wienk
NAY 0

RESOLVED, Open the Restore NY Community Initiative Municipal Grant Program Public Hearing at 7:56pm

Rick LeFeber: This is a good thing. If you don't ask, you don't get.

Resolution #67 – 2017/2018 Close Restore NY Community Initiative Municipal Grant Public Hearing

On a motion by Trustee Senn, second by Trustee Wienk, the following resolution was

ADOPTED AYE 3 Senn, Crawford, Wienk
NAY 0

RESOLVED, Close the Charter Communications Public Hearing at 7:59pm.

Resolution #68 – 2017/2018 Authorization to Submit Grant Application

On a motion by Trustee Crawford, second by Trustee Senn, the following resolution was

ADOPTED AYE 3 Senn, Crawford, Wienk
NAY 0

WHEREAS, Governor Andrew Cuomo, and the State of New York recently announced another round of the “Restore New York Communities Initiative” where, in a partnership with the Empire State Development Corporation, the initiative seeks to provide assistance to Municipalities to help finance ongoing efforts to revitalize urban centers, encourage economic development, and add value to the community housing stock, and

WHEREAS, Mayor Smith desires to make application, on behalf of the Village of Cattaraugus, for one project with the Maximum grant allowed in the amount of One (1) Million dollars, and

WHEREAS, the Village of Cattaraugus deems the proposed “1890 Brick Hotel at 25 Main Street” to be consistent with the existing local comprehensive and revitalization plans for Village of Cattaraugus; the proposed financing is appropriate for the specific facility or projects; the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and where applicable, the project develops and enhances infrastructure and or other facilities in a manner that will attract, create, and sustain employment opportunities.

NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Cattaraugus hereby authorizes the Mayor to submit the grant application consistent with the Request for Funding Proposals for the “Restore NY Communities Initiative” Municipal Grant Program, consistent with the proposed project attached hereto and made a part hereof.

Resolution #69– 2017/2018 Approval of Minutes

On a motion by Trustee Wienk, second by Trustee Senn, the following resolution was

ADOPTED AYE 3 Senn, Crawford, Wienk
NAY 0

RESOLVED, Approval of the October 9 Regular Board Meeting minutes, November 1 Joint Meeting minutes.

PUBLIC COMMENT

1. Bud and Devin Huber: They would like some way of identifying themselves at Kelly Summit when they tell people they can't hunt there. Mayor Smith needs to look into it.

Public comment concluded.

REPORTS

1. Treasurer: The funds to reimburse for the police gun came in. No money has been taken from CHIPS. Jon will get that figured out. The village needs to come up with a Fund Balance Policy.

Resolution #70 – 2017/2018 Rescind Fund Transfer

On a motion by Trustee Crawford, second by Trustee Senn, the following resolution was

ADOPTED AYE 3 Senn, Crawford, Wienk
NAY 0

RESOLVED, Rescind Motion #53, fund transfer.

Resolution #71– 2017/2018 Transfer of Funds

On a motion by Trustee Crawford, second by Trustee Wienk, the following resolution was

ADOPTED AYE 3 Crawford, Senn, Wienk
NAY 0

RESOLVED, to transfer \$40,000.00 from General Savings to General Checking to pay bills.

Resolution #72– 2017/2018 FMLA Opt Out

On a motion by Trustee Senn, second by Trustee Wienk, the following resolution was

ADOPTED AYE 3 Crawford, Senn, Wienk
NAY 0

RESOLVED, to opt out of the FMLA act.

2. Police: Wassdorp made an arrest. The new car works great.
3. Code Enforcement: Watson issued some building permits. Has some complaints to look into.
4. DPW: Wolfe is working on CHIPS. \$24,500 was the top bid for truck. \$2,750 was the top bid for trailer. Leaf pick-up will conclude the next nice day. Trees can be cut for \$8,000.

Resolution #73– 2017/2018 Tree Removal

On a motion by Trustee Wienk, second by Trustee Senn, the following resolution was

ADOPTED AYE 3 Crawford, Senn, Wienk
NAY 0

RESOLVED, hire Good Neighbor to cut down trees for \$8,000.00.

There have been some issues because of the flooding. Mr. Wolfe helped the county out a lot.

Resolution #74– 2017/2018 Executive Session

On a motion by Trustee Crawford, second by Trustee Wienk, the following resolution was

ADOPTED AYE 3 Crawford, Senn, Wienk
NAY 0

RESOLVED, go into executive session at 9:00pm concerning employee.

Resolution #75– 2017/2018 Executive Session End

On a motion by Trustee Senn, second by Trustee Crawford, the following resolution was

ADOPTED AYE 3 Crawford, Senn, Wienk
NAY 0

RESOLVED, go end executive session at 9:45pm.

The board deliberated over part 2 of the SEQR Form.

Resolution #76– 2017/2018 Environmental Assessment SEQR Form

On a motion by Trustee Crawford, second by Trustee Wienk, the following resolution was

ADOPTED AYE 3 Crawford, Senn, Wienk
NAY 0

RESOLVED, The Village Board determined, based on the information and analysis, the the proposed Comprehensive Plan will not result in any significant adverse environmental impacts.

Resolution #77– 2017/2018 Water Bill Extension

On a motion by Trustee Wienk, second by Trustee Senn the following resolution was

ADOPTED AYE 3 Crawford, Senn, Wienk
NAY 0

RESOLVED, Grant an extension to all residents who asked.

Resolution #78– 2017/2018 Water Termination

On a motion by Trustee Crawford, second by Trustee Wienk the following resolution was

ADOPTED AYE 3 Crawford, Senn, Wienk
NAY 0

RESOLVED, terminate water for any resident who still hasn't paid their water bill.

Resolution #79– 2017/2018 Bill Submittal

On a motion by Trustee Crawford, second by Trustee Senn, the following resolution was

ADOPTED AYE 3 Crawford, Senn, Wienk
NAY 0

RESOLVED, submit the MDA bill to Municipal Solutions for funds.

Resolution #80– 2017/2018 Tax Re-levy

On a motion by Trustee Senn, second by Trustee Crawford the following resolution was

ADOPTED AYE 3 Crawford, Senn, Wienk
NAY 0

RESOLVED, re-levy unpaid village taxes to the county.

Resolution #81– 2017/2018 Removal of Old Business

On a motion by Trustee Wienk, second by Trustee Senn the following resolution was

ADOPTED AYE 3 Crawford, Senn, Wienk
NAY 0

RESOLVED, removal of all old business from agenda, except for Zoning Board appointment.

OLD BUSINESS

1. Zoning Board appointment: Ongoing.
2. Time warner Franchise Agreement: Ongoing.
3. Peddling Law: Ongoing.
4. Employee Handbook: Ongoing.
5. Water System: Ongoing.

NEW BUSINESS

Resolution #82– 2017/2018 New Hire

On a motion by Trustee Crawford, second by Trustee Senn, the following resolution was

ADOPTED AYE 3 Crawford, Senn, Wienk
NAY 0

RESOLVED, to hire Tom Patterson part-time at \$18.20 per hour as a Water Plant Operator per civil service requirements.

Resolution #83– 2017/2018 Approval of Abstract.

On a motion by Trustee Senn, second by Trustee Wienk, the following resolution was

ADOPTED AYE 3 Crawford, Senn, Wienk
NAY 0

RESOLVED, to approve the abstract.

ADJOURNMENT

Resolution #84 – 2017/2018 Adjourn

On a motion by Trustee Smith, second by Trustee Senn, the following resolution was

ADOPTED AYE 4 Smith, Crawford, Wienk, Senn
NAY 0

RESOLVED, adjourn the meeting at 10:39 pm.

Respectfully submitted,

Tamara Stallard-Mormile
Recording Secretary
Village of Cattaraugus Board of Trustees

NEXT MEETING:

Regular Board Meeting December 11th, 2017. 7:00 pm