

VILLAGE OF CATTARAUGUS
14 Main Street, Cattaraugus, NY 14719

REGULAR BOARD MEETING

July 10, 2013 7:30 p.m.

PRESIDING: Eric Pritchard, Mayor

PRESENT: Trustees: Nicki Bradley, Richard Feuz; DPW Sup. Jason Opferbeck; Gene Doucette, Treasurer; Michael McCarthy, Police; Rose LaQuay, Rec. Secretary

ABSENT: Trustees: John Bronneberg, Walter Gunther

VISITORS: Daniel LaQuay, Resident; Luke LaQuay, Resident

CALL TO ORDER:

Mayor Pritchard called the meeting to order at 7:30 p.m.

Resolution #29 - 2013 / 2014 Minutes

On a motion by Trustee Feuz, second by Trustee Bradley, the following resolution was

ADOPTED Aye 3 Bradley, Feuz, Pritchard
 Nay 0

That minutes of the June 10, 2013 Regular Board Meeting are approved with two corrections: correct fiscal year to 2012 - 2013 for reserve funds and correct percentages of DPW pay increases in new contract to 4%, 3%, 3%.

VISITORS:

1. Daniel LaQuay and Luke LaQuay - In attendance to observe proceedings.

CORRESPONDENCE:

1. Karen Gassman - Complaint on 11 South Main Street. Mowing completed.
2. Maria Pisa - Complaint on 5 First Street. Addressed by CEO Watson below.
3. Catt. Cty. Dept. of Human Resources - Worker's Compensation Plan 2014 Increase - Village buyout significant. Tabled.
4. Sandy Roeske - Email sepic pumping, sidewalk, sewer grate. Tabled.
5. Uniform Notice of Claim - Mayor Pritchard advised Mayor and Clerk should be recipients of Uniform Notices of Claim from New York State.

Resolution #30 - 2013 / 2014 Uniform Notice of Claim Designation

On a motion by Trustee Feuz, second by Trustee Bradley, the following resolution was

ADOPTED Aye 3 Bradley, Feuz, Pritchard
 Nay 0

WHEREAS, General Municipal Law, Section 53 requires public corporations to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, Section 53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the public corporation's agent; and

WHEREAS, pursuant to General Municipal Law, Section 50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a public corporation is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Cattaraugus, County of Cattaraugus designates Eric Pritchard, in his / her capacity as Mayor, to receive notices of claims served upon the Secretary of State by mail at 14 Main Street, Cattaraugus, NY 14719.

BE IT FURTHER RESOLVED, that the Village Board hereby directs the Village Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the village on or before July 14, 2013.

6. Email from Jeff Smith re: 2013 CFA Round & Workshop
7. Email from NYS Environmental Facilities Corporation - Hazard Mitigation Grant
8. NYS Office of State Comptroller - Fiscal Stress Monitoring System
9. Email from NYS Environmental Facilities Corporation - Engineering Planning Grant
10. NYS Dept. of State - Consolidated Funding Application
11. Catt. Cty. DPW - Hazard Mitigation Funds Available
12. Email reply Dale Carlson for Emails re: Workers Compensation Plan 2014 Increase.
13. Cattaraugus County Dept. of Human Resources - Withdrawal from Plan
14. NYS Workers Compensation Board - Donald Harvey, Jr.

15. Email from Eric Pritchard - Blackmar Well Lab Reports
16. Cornell University - Local Roads Program
17. Time Warner Cable - Expiring Agreements
18. Email from Environmental Facilities - Hazard Mitigation Grant Submission Deadline Extended

REPORTS:

Police: Need to purchase new computer monitor and another portable radio. Monthly Board Report distributed to Board members. Ryan McCarthy postponing attending Academy to January 2014.

DPW: Working on Spring lots and West Street. Repaired ravine crossings with the big spring lot tied in. Still no water to top of Mayo Hill. Will be draining line, and trying again Thursday, July 11, 2013. Once connected, it can be chlorinated and samples sent for testing. Date for grinding and reprofiling West Street has been pushed back to the end of August due to scheduling during rain. Mowed all complaint addresses will give list to Clerk for billing at \$25.00 per hour to owners. Cobo Well has not been used to date as springs due to heavy rains have kept up with demand. Per Eric Wohlers, it is NYS DEC's intention to come through with moneys to assist with spring lot project since Blackmar Well filtration unit has been delayed until the end of August. Auctions International received minimum accepted bid of \$25,500 for skidster. 2012 1 Ton Truck sold for \$29,100 and Leaf Machine / Rototiller received a total of \$500. Expectation of \$35,000 for other truck to be sold. Stick stuck through oil cooler on backhoe. DPW Supt. Opferbeck working on changing cell phones for DPW to package plan.

Code Enforcement: No new permits. Ongoing projects of Cattaraugus Ambulance building and Erhart new build are progressing well. CEO Watson contacted owner of 5 First Street - car and dumpster will be gone by October 2013. 33 Leavenworth has a new owner - Mr. Carson. Charges against Jablonowski's have been dropped and CEO Watson will notify Mr. Carson regarding demolition and clean up required. Jodi Oakes food truck requires a special use permit and will contact her for appearance before Zoning Board. CEO Watson advised Village Board to collectively notify New York State and ConRail of Condition of Defect on Route 353 at railroad crossing with whole Village Board signing letter and sending certified, return receipt. Notification from Amerigas regarding point of sale at Dollar General for propane tanks. Board asked CEO Watson to contact property owner of Dollar General for landscaping to be completed as proposed on site plan.

Treasurer: Sales Tax Reimbursement Policy advised to eliminate exception during agreed upon procedures review. Tabled for maximum dollar amount to be reimbursed. Regarding combining Youth Council into Village of Cattaraugus budget: Jennifer Schultz at Cattaraugus County advised contact with Delevan / Yorkshire who also have a combined program. Mayor Pritchard continuing to explore possibility. Transfers requested by Treasurer Doucette: \$175,000.00 from General Checking to General Savings, \$30,000.00 from Water Checking to Water Savings.

Resolution #31 - 2013 / 2014 Transfers

On a motion by Trustee Bradley, second by Trustee Feuz, the following resolution was

ADOPTED Aye 3 Bradley, Feuz, Pritchard
 Nay 0

To transfer \$175,000.00 from General Checking to General Savings and \$30,000.00 from Water Checking to Water Savings.

Clerk: Clerk advised to issue replacement check to Cattaraugus County Health Dept. Lab immediately for missing check #6226. Permission requested and granted to pay postage machine rental end of July between meetings. NYS Retirement Salary Listings and Prior Year Adjustments distributed to Board members for their review. Power of Attorney form given to Mayor Pritchard for signature before notary for ADP payroll paperwork. Mayor Pritchard to return to Clerk LaQuay to be forwarded onto ADP. Distributed the breakdown of rejected fees in relation to the payment just received from Cattaraugus County for 2012 Returned Village Taxes. Notified the Board of the cancellation of the Joint Planning Board Informational Meeting on July 17, 2013. To be rescheduled. Clerk LaQuay reimbursed the Village of Cattaraugus for 2 penalties charged to the Village by Steuben Electric due to late payment, total reimbursed \$2.98. Gail Matthies paid the June water bill 5 days late and requested forgiveness of penalty on 3 accounts. Request denied by Village Board of Trustees, per Board no motion required. Clerk LaQuay distributed termination list for out of village water customers, payment due by 8-12-13 at 5:00 pm to prevent termination, approved by Board. Village Board is removing pay for Secretary of Youth Council from Village Clerk and will require those duties be part of her Village Clerk responsibilities and pay.

Resolution #32 - 2013 / 2014 Removal of Youth Council Pay

On a motion by Trustee Bradley, second by Trustee Feuz, the following resolution was

ADOPTED Aye 3 Bradley, Feuz, Pritchard
 Nay 0

To remove Secretary of Youth Council pay from Village Clerk and require those duties be part of Village Clerk responsibilities and pay.

Village Board further changes the split of pay for Youth Council Director from 1/3 each pay to 1/2 pay on the

first Youth Council payroll and remaining 1/2 of pay after reports have been submitted and approved by New York State for reimbursement. Mayor Pritchard will write a letter to Director Corbin for inclusion in her first payroll and the other 3 participating municipalities to advise them of this change.

Resolution #32 - 2013 / 2014 Change in Youth Council Director Payroll

On a motion by Trustee Feuz, second by Trustee Bradley, the following resolution was

ADOPTED Aye 3 Bradley, Feuz, Pritchard
Nay 0

To pay the Youth Council Director one half of pay at first Youth Council payroll and remaining half upon submission and approval of reports by New York State for reimbursement to participating municipalities.

Board: No Board Reports given.

OLD BUSINESS

1. Senior Building Rental / Senior Center - Tabled.
2. CLV School System - Emergencies - Per Mayor Pritchard, will not happen, remove from old business.

NEW BUSINESS

1.
Resolution #33 - 2013 / 2014 Time Warner Cable Taxes
On a motion by Trustee Feuz, second by Trustee Bronneberg, the following resolution was

ADOPTED Aye 4 Bradley, Feuz, Pritchard
Nay 0

To accept franchise fees of \$6,230.15 paid in 2013 in lieu of 2013-2014 Village Taxes of \$891.70.

APPROVAL OF ABSTRACT #2 - July 8, 2013

Submitted for the following payments:

General	#10409 - 10441	\$ 314,820.70
Water	#6256 - 6269	\$ 33,804.96
Sewer	#3997 - 4001	\$ 452.58
Trust & Agency	#18815 - 18816	\$ 3.92

Resolution #34 - 2013 / 2014 Approval of Abstract #2 - July 8, 2013

On a motion by Trustee Feuz, second by Trustee Bradley, the following resolution was

ADOPTED Aye 3 Bradley, Feuz, Pritchard
Nay 0

That Abstract #2 - July 8, 2013 be paid in the amounts presented with additional replacement check to Cattaraugus County Dept. of Health Lab in the amount of \$92.00 from Water Fund.

ADJOURNMENT

Resolution #35 - 2013 / 2014 Motion to Adjourn

On a motion by Trustee Bradley, second by Trustee Feuz, the following resolution was

ADOPTED Aye 3 Bradley, Feuz, Pritchard
Nay 0

That with no further business to discuss, the July 10, 2013 Regular Board Meeting be adjourned at 9:14 p.m.

Respectfully submitted,

Rose M. LaQuay
Recording Secretary
Village of Cattaraugus
Board of Trustees

NEXT MEETING: Regular Board Meeting - August 12, 2013 7:00 pm