

VILLAGE OF CATTARAUGUS
14 Main Street, Cattaraugus, NY 14719

REGULAR BOARD MEETING & PUBLIC HEARING
August 11, 2014 7:00 p.m.

PRESIDING: Eric Pritchard, Mayor

PRESENT: Trustees: Nicki Bradley, John Bronneberg, Walter Gunther; Gene Doucette, Treasurer; Jason Opferbeck, DPW Superintendent; Rose LaQuay, Recording Secretary

ABSENT: Richard Feuz, Trustee

VISITORS: Beverly Mercer, Resident; Bob Krause, New Albion Resident; Dennis Krause, New Albion Resident; Don Shelters, New Albion Resident; Alice Goodman, Resident; Cynthia Fleming Johnston, Resident; Johnny Johnston, Resident; Rick LeFeber, Resident; Arvilla Pritchard, Jamestown Post Journal; Duane Opferbeck, Resident; Thomas Patterson, Resident; Tricia Musall, Resident; Linda Johnson, Resident; Tom Mormile, Resident; Tom Goodman, Resident; Larry Barr, Resident; Megan Pankow-Walker, Gowanda News; Michael McCarthy, Village Police; Daniel Waasdorp, Village Police; Joy LaQuay, Deputy Clerk; Mark Alianello, Engineer; Frank Watson, Code Enforcement Officer

CALL TO ORDER:

Mayor Pritchard called the meeting to order at 7:00 p.m. and opened the Public Hearing on Local Law 1-2014 A Local Law to Abolish the Village Police Department at 7:00 pm.

Resolution #47 - 2014 / 2015 Minutes

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

ADOPTED Aye 3 Bradley, Bronneberg, Gunther
Nay 0

Resolved, that the minutes of the July 14, 2014 Regular Board Meeting are approved as presented with 1 change, under New Business Item 1 SRO for Cattaraugus - Little Valley Central School, the phrase "contracts in process should read "discussion in process".

VISITORS:

1. Beverly Mercer - DPW directed to investigate possible leak and installation of meters for Mercer and Ellis.
2. Bob Krause - In attendance in support of Jason Opferbeck
3. Dennis Krause - In attendance in support of Jason Opferbeck
4. Don Shelters - In attendance in support of Jason Opferbeck
5. Alice Goodman - In attendance in support of Jason Opferbeck
6. Cynthia Fleming-Johnston / Johnny Johnston - In attendance to complain about DPW weed-whacking during early morning hours. DPW has already adjusted weed-whacking to later morning, also in support of Police
7. Rick LeFeber - In attendance in support of Police Department and Jason Opferbeck
8. Arvilla Pritchard - In attendance representing the Post Journal
9. Duane Opferbeck - In attendance in support of Police Department
10. Thomas Patterson - In attendance in support of Police Department and Jason Opferbeck
11. Michael McCarthy - In attendance in support of Police Department
12. Tricia Musall - In attendance in support of Police Department
13. Linda Johnson - In attendance in support of Police Department
14. Tom Mormile - In attendance in support of Police Department and Jason Opferbeck
15. Tom Goodman - In attendance in support of Police Department
16. Larry Barr - In attendance in support of Police Department
17. Joy LaQuay - Deputy Clerk
18. Daniel Waasdorp - In attendance in support of Police Department
19. Megan Pankow-Walker - in attendance representing the Gowanda News
20. Mark Alianello - In attendance regarding Bond Resolution

Discussion ensued with residents and visitors inquiring why the department is being abolished, Cattaraugus County response times, whose responsibility is it to provide SRO and why is Cattaraugus only community involved, individual board members opinions, cost benefit analysis, recent police purchases, and reporting they feel safer with a police presence. Board members reported ongoing discussions about the police department and with the economy, tax caps and freeze, municipalities are under increased pressure to make resources as efficient as possible with funds available. A SRO would be a joint effort with shared costs between Cattaraugus - Little Valley School and the Village of Cattaraugus, and preliminary discussions with Cattaraugus County to fill the position. Crossing guards and dog control officer not affected.

CORRESPONDENCE:

1. Municipal Solutions, Inc. - Contract.
2. Catt. Cty. Office of Emergency Services - NIMS Training. Tabled.

3. NYS Homes and Community Renewal - Req. for Fed. Assistance Expenditure Form
4. Time Warner Cable - Expiring Agreements (2)
5. NYCOM - State Guidance Issued on Tax Freeze Implementation
6. Email from Municipal Solutions - Project Status Form and Req. for Fed. Assist. Expend.
7. Email from NYS Environmental Facilities Corporation - Draft IUP Amendments
8. Catt. Cty. Dept. of Aging - Discount Dental Program
9. NYS Dept. of Labor - Educational Program re: Enforcement of OSHA
10. Catt. Cty. Youth Bureau - 2014 Allocation
11. Lake Erie Watershed Protection Alliance - Lake Erie Watershed Survey
12. Email from Municipal Solutions - SEC Continuing Disclosure Req., Rules and Reg.
13. Email from US Fish & Wildlife - Water System Improvements
14. Email from NYS Environmental Facilities Corporation - 2015 Draft CWSRF and DWSRF
Mr. Alianello shared the funding line has dropped to 80, but hardship line remained 130. \$3.8 million bond resolution will allow Village to move forward in looking for additional funding.
15. Cattaraugus Let's Travel Club - Thank You
16. Email from ADP - In process Letter of Indemnity
17. Blue Cross Blue Shield - Replacement of Specialty Pharmacy Vendor
18. Catt. Cty. Strategic Planning Comm. - NYS Tax Freeze Proposal - 1% Reduction in Taxes
19. James I. McAuley - Right of Way for 99 North Franklin Street
Mr. Opferbeck requested a vote on the easement as requested in letter. Mayor Pritchard indicated no vote would be made without speaking to the Village attorney who will respond on behalf of the Village.
Discussion ensued with residents and visitors inquiring about access to properties, and dump usage.
20. Email from Lake Erie Watershed - Online Community Survey
21. Catt. Cty. DPW - Closure of County Road 12 from Lovers Lane to Dake Hill
22. Catt. Cty. Attorney - Transfer of Real Property 6539 Route 353
23. Greco / Trapp - Legal Update
24. NYS Homes and Community Renewal - Delinquent Project Status Report

REPORTS:

Police: Taser training cancelled twice by instructor. Officer McCarthy questioned how long the department would operate, with Mayor Pritchard indicating department will continue during 30 day waiting period.

DPW: DPW Supt. Opferbeck requested and Board gave approval to meet with Simmons Recovery regarding FEMA paperwork for Route 353 project. 12.5% local share already met with labor. A special meeting may be required for approval of a contract. Several bad trees require removal within the Village. DPW Supt. Opferbeck is contacting Cattaraugus County regarding broken hydrant off Route 353 outside the Village and reported sidewalk work for this year is almost complete.

Treasurer: Treasurer Doucette presented books from 2013 - 2014 fiscal year to the Board for their review and signature and will be available for the Board in the Clerk's Office. Transfer requested for \$9,000.00 from Property Reserve Savings to General for purchase of 6539 Route 353, Cattaraugus. Transfers requested for \$30,000.00 from General Savings to Checking and \$30,000.00 from Water Savings to Checking.

Resolution #48 - 2014 / 2015 Transfer Property Reserve

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

ADOPTED Aye 3 Bradley, Bronneberg, Gunther
 Nay 0

Resolved, to transfer \$9,000.00 from Property Reserve Savings to General Checking for purchase of 6539 Route 353, Cattaraugus, NY.

Resolution #49 - 2014 / 2015 Transfers

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

ADOPTED Aye 3 Bradley, Bronneberg, Gunther
 Nay 0

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

Clerk: Clerk LaQuay reported unclaimed funds returned by New York State in the amount of \$221.05 and distributed Compliance Questionnaires from USDA to Board members. Clerk also requested Board approval for Mayor or Clerk to sign Full Service Direct Deposit Item Reversal / Deletion Form, was advised Board approval is unnecessary. Clerk LaQuay inquired if the Board had any questions for her. No discussion.

Board: Trustee Bronneberg met with John Studley regarding Senior Center. Clapboards would require to be removed before insulation blown in or applied. Possible sagging in rear of building and new windows would be required.

Code Enforcement: Building permits light. Upcoming Zoning Board of Appeals meeting on August 20, 2014

at 7:00 pm for proposed auto repair shop on Scott Street. 3 more variances pending, awaiting final paperwork. CEO Watson advised Village Board entrance to dump road should be clearly posted with hours available.

OLD BUSINESS

1. Senior Building Rental / Senior Center - Trustee Bronneberg working on quote.
2. Liberty Park Cemetery - Chip sealed main drive / roadway.
3. Proposed Zoning Law Amendment - Tabled.
4. Proposed Water Law - Tabled.
5. SRO for Cattaraugus - Little Valley Central School - Discussions continue with Cattaraugus - Little Valley Central School and Cattaraugus County for shared service. Abolishing Village Police Department is the first step to a SRO in CLV School.
6. Procurement Policy Update - Tabled.
7. Right of Way Agreement - National Fuel - Signed and complete.

NEW BUSINESS

1. Water Account 480 - Pool water meter installed backwards, corrected and reading adjusted.
2. Water Termination List for August 11, 2014 - Termination of Account #487 authorized by Board and approval of extension request for Account #504 granted to August 20, 2014.
3. Village of Cattaraugus Local Law No. 1 - 2014 with Executive Session

Resolution #50 - 2014 / 2015 Executive Session

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

ADOPTED Aye 3 Bradley, Bronneberg, Gunther
 Nay 0

Resolved, to enter into executive session at 9:45 pm to discuss Proposed Local Law #1-2014. Meeting reopened at 9:55 pm.

Local Law #1-2014 A Local Law to Abolish the Village Police Department

After discussion by those present both for and against, a motion was made by Trustee Bronneberg, seconded by Trustee Bradley, and carried, the following local law was

ADOPTED Aye 3 Roll Call Vote: Bradley, Bronneberg, Gunther
 Nay 0

and the Village Clerk authorized to file with the Secretary of State.

VILLAGE OF CATTARAUGUS LOCAL LAW No. 1 - 2014

A LOCAL LAW TO ABOLISH THE VILLAGE POLICE DEPARTMENT

Be it enacted by the Board of Trustees of the Village of Cattaraugus as follows:

Section 1. Legislative Intent

It is the intent of this local law to abolish the Police Department of the Village of Cattaraugus.

Section 2. Authority

This local law is adopted pursuant to Village Law §§ 8-800 and 9-902 and Municipal Home Rule Law.

Section 3. Abolition of Police Department

The Police Department of the Village of Cattaraugus, New York shall be and hereby is abolished as of the effective date of this local law.

Section 4. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt there from.

Section 5. Repealer

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 6. Effective Date

In accordance with the provisions of Village Law §§ 8-800 and 9-902 and other applicable provisions of law, this local law is subject to permissive referendum. This local law shall not become operative or effective until filed with the Secretary of State and unless and until thirty days have elapsed after its adoption and no petition protesting against this local law signed and authenticated as required by law has been filed with the Village Clerk of the Village of Cattaraugus, or if such petition is so filed, a proposition for approval of this local law has been submitted at the next general election or a special election for that purpose pursuant to said section and received the affirmative vote of a majority of the voters voting thereon.

4. Paperwork for Property Transfer of 6539 Route 353, Cattaraugus from Cattaraugus County to Village of Cattaraugus presented.

Resolution #51 - 2014 / 2015 Authorization for Mayor to Sign

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

ADOPTED Aye 3 Bradley, Bronneberg, Gunther

Resolved, to authorize Mayor Pritchard to sign Property Transfer for 6539 Rt. 353, Cattaraugus for \$9,000.00.
5. \$3,800,000.00 Bond Resolution presented for Board approval.

BOND RESOLUTION
(SUBJECT TO PERMISSIVE REFERENDUM)

(water supply and transmission system improvements)

At a regular meeting of the Board of Trustees of the Village of Cattaraugus, Cattaraugus County, New York, held at the Village Hall, in Cattaraugus, New York, in said Village, on the 11th day of August, 2014, at 7 o'clock P.M., Prevailing Time.

The meeting was called to order by Mayor Eric Pritchard, and upon roll being called, the following were present: Nicki Bradley, John Bronneberg and Walter Gunther; absent: Richard Feuz.

The following resolution was offered by Trustee John Bronneberg, who moved its adoption, seconded by Trustee Walter Gunther, to-wit:

BOND RESOLUTION DATED AUGUST 11, 2014.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, WATER SUPPLY AND TRANSMISSION SYSTEM IMPROVEMENTS IN AND FOR THE VILLAGE OF CATTARAUGUS, CATTARAUGUS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$3,800,000 AND AUTHORIZING THE ISSUANCE OF \$3,800,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Cattaraugus, Cattaraugus County, New York (the "Village"), as follows:

Section 1. *Water supply and transmission system improvements in and for the Village of Cattaraugus, Cattaraugus County, New York, including acquisition of land or rights-in-land, original furnishings, equipment, machinery and apparatus, as well as incidental costs and expenses, are hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$3,800,000.*

Section 2. *The project has been determined to be a "Type I Action" for purposes of the State Environmental Quality Review Act which the Village, as lead agency, has determined will not result in any significant adverse environmental effects.*

Section 3. *The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$3,800,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, the amount of bonds ultimately to be issued shall be reduced by grants received in connection therewith.*

Section 4. *It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.*

Section 5. *The faith and credit of said Village of Cattaraugus, Cattaraugus County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.*

Section 6. *Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.*

Section 7. *All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.*

Section 8. *The validity of such bonds and bond anticipation notes may be contested only if:*

1) *Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or*

2) *The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or*

3) *Such obligations are authorized in violation of the provisions of the Constitution.*

Section 9. *This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be,*

reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Nicki Bradley VOTING Aye

John Bronneberg VOTING Aye

Walter Gunther VOTING Aye

The resolution was thereupon declared duly adopted.

APPROVAL OF ABSTRACT #3 - August 11, 2014

Submitted for the following payments:

General	#18618 - 18654	\$ 57,674.75
Water	#6449 - 6463	\$ 16,802.02
Sewer	#4121 - 4126	\$ 373.56
Youth	#241 - 246	\$ 3,485.91

Resolution #53 - 2014 / 2015 Approval of Abstract #3 - August 11, 2014

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

ADOPTED Aye 3 Bradley, Bronneberg, Gunther
Nay 0

Resolved, that Abstract #3 - August 11, 2014 be paid in the amounts presented.

ADJOURNMENT

Resolution #54 - 2014 / 2015 Motion to Adjourn

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

ADOPTED Aye 3 Bradley, Bronneberg, Gunther
Nay 0

With no further business to discuss, the August 11, 2014 Regular Board Meeting be adjourned at 10:01 pm.

Respectfully submitted,

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

NEXT MEETING: Regular Board Meeting - September 8, 2014 7:00 pm