

**VILLAGE OF CATTARAUGUS  
REGULAR BOARD MEETING**

Village Hall  
14 Main Street  
Cattaraugus, NY 14719  
March 9, 2009

**PRESIDING:** David J. Rivet, Mayor

**PRESENT:** Trustees: Patrick McGlew, Gayle Patterson; William Myers, Anthony Drozd, Eugene Doucette, Treasurer, Jason Opferbeck, DPW Supt, Don Veith, Chief, Jodi Miller, Recording Secretary.

**VISITORS:** John Bronneburg

**CALL TO ORDER**

Mayor Rivet called the meeting to order at 7:03 PM. A quorum was present.

**Resolution #86-0809                      Minutes**

- On a motion of Trustee Myers, seconded by Trustee Drozd, the following resolution was

<b>ADOPTED</b>	Aye	4	McGlew, Patterson, Myers, Drozd
	Nays	0	

That the minutes of the February 9, 2009 Board meeting were accepted as presented by the Clerk.

**CORRESPONDENCE/CONCERNS**

1. Letter of thanks from Thomas Patterson.
2. Letter from Time Warner re: addition of Channel 9 for local news.
3. Announcement of NY Main Street 2009 Development Conference in Canandaigua
4. Letter from DEC re: Compliance @ the Wastewater Treatment Plant. Mayor Rivet reported that all was in good working order and complimented Jon Wolfe for getting the plant in shape. Smoke Testing will occur in June.
5. Letter from Real Property Services – re: Assessment Needs Study Meeting 3/12/09
6. Letter from Cattaraugus County Health Department re: 2009 Water Testing Requirements.
7. Alert from Cattaraugus County Department of Aging – asking seniors to be aware of a scam that attempts to get credit card information. Notices have been posted in the Village Hall and Echo site.

**REPORTS**

**DPW** – Supt. Opferbeck reported:

1. Mayor Rivet read a letter from NY Rural Water regarding Smoke Testing, including the following Hold Harmless & Indemnification Agreement.

**Resolution #87-0809                      Minutes**

- On a motion of Trustee Patterson, seconded by Trustee Myers, the following resolution was

<b>ADOPTED</b>	Aye	4	McGlew, Patterson, Myers, Drozd
	Nays		

That the Village of Cattaraugus Board accepts the Hold Harmless Agreement as stipulated by NYRWA prior to the performance of Smoke Testing.

2. Jason reported that he met with the County Health Department and the water system “walk-through” went well. The Village system is on track with required water testing. The Village is required to have 2 Class “A” Water Operators. Greg Rogan has been granted an extension to complete the training until June 1, 2009. A small hole was reported at the Spring House and a small leak at one of the wells. The Health Department has stated that they want the chlorine residual increased over the summer months.

- 3. Balance of time has been spent working on street sweeper, removing holiday decorations, repairing meters and leaks, and cold patching pot holes.
- 4. Jason discussed the options for replacing the backhoe.

**Resolution #88-0809 Letter of Intent**

- On a motion of Trustee Drozd, seconded by Trustee McGlew, the following resolution was  

<b>ADOPTED</b>	Aye	4	McGlew, Patterson, Myers, Drozd
	Nays	0	

That the Village of Cattaraugus Board would send a letter of intent to purchase backhoe, on the condition that the budget is adopted as presented on April 13, 2009. Bid packets will be put together and bids will be due on April 9, 2009 by 4:00 PM, when they will be publicly opened and read. Bid will be awarded at the April 13, meeting.

- 5. **Dump Truck** – Jason reported the anticipated cost for cab, chassis, box and plow (\$28,211.00). Trade in of Chevy truck would occur in October.

**Resolution #89-0809 350 DUMP TRUCK**

Trustee McGlew asked Supt. Opferbeck what the goal was for the truck fleet. Jason reported that he would like to overturn vehicles every two to three years to get optimum trade in price.

- On a motion of Trustee Myers, seconded by Trustee McGlew, the following resolution was  

<b>ADOPTED</b>	Aye	4	McGlew, Patterson, Myers, Drozd
	Nays	0	

The DPW Supt. was granted permission to order off state bid on cab & chassis. Letter of Intent would stipulate that the truck could be purchased based on the adoption of the 2009-2010 budget.

**6. School**

Jason reported that the school had approached him about tying into the Village DI at the base of Carter Street.

**Resolution #90-0809 School Construction**

- On a motion of Trustee McGlew, seconded by Trustee Myers, the following resolution was  

<b>ADOPTED</b>	Aye	4	McGlew, Patterson, Myers, Drozd
	Nays	0	

That the Village send a letter to the School Board requesting that prior to granting permission to tie into DI, that the school’s engineer prepare documentation of the size of pipe that will be used, the volume of water that can be handled by proposed piping and the amount of water that would be expected to discharge into the Village’s storm water system. Upon receipt of documentation, the Board will review and make a decision, and seek engineering advice if necessary.

**7. South Main Street Septic**

Supt. Opferbeck prepared information for the possible extension of the South Main Street Sewer line. The intent is to provide line for proposed Dollar General and Brooks Market. An easement from Roberts Memorial Church would be required. Line would include 2 septic tanks and 2 manholes. The Clerk submitted a letter of intent to apply for Restore NY funding.

**TREASURER**

1. Distributed budget reports from last budget meeting.
2. Board discussed repayment of Bridge Loan to CLDC. An extension was given until April 9, 2009.

**Resolution #91-0809 Bridge Loan Repayment**

- On a motion of Trustee McGlew, seconded by Trustee Drozd, the following resolution was

**ADOPTED**    Aye                4                McGlew, Patterson, Myers, Drozd  
                      Nays                    0

That the Village accepts the extension date of April 9, 2009, for the repayment of the Bridge Loan in the amount of \$19,000.00 and authorizes the Clerk to make payment prior to the next Village Board meeting. Mayor Rivet has requested that a Thank You letter be sent to the CLDC for the extension and help with this project.

**Resolution #92-0809 Transfer**

- On a motion of Trustee McGlew, seconded by Trustee Patterson, the following resolution was

**ADOPTED**    Aye                4                McGlew, Patterson, Myers, Drozd  
                      Nays                    0

That the Treasurer transfer \$30,000 from General Savings to General Checking.

3. The Treasurer asked that all departments to watch spending. Mayor Rivet thanked Treasurer Doucette for preparing budget reports and addressing accounts.

**CLERK**

1. Submitted monthly report for February
2. Submitted abstract for the following payments to be made.

General Fund	16952-16985	\$13,760.51
Water Fund	5410-5428	\$2,842.32
Sewer Fund	3452-3461	\$2,924.51

**Resolution #93-0809 Abstract**

- On a motion of Trustee Patterson, seconded by Trustee Drozd, the following resolution was

**ADOPTED**    Aye                4                McGlew, Patterson, Myers, Drozd  
                      Nays                    0

That abstract #10 be paid as presented by the Clerk.

3. Village Organizational Meeting has been set for April 6, 2009 @ 7:00 pm.
4. Clerk prepared a report of water accounts that were unpaid. Trustee McGlew reported that the account at 7 First Street was never addressed and the customer was requesting that the penalty be dropped.

**Resolution #94-0809 Water Account Correction**

- On a motion of Trustee Myers, seconded by Trustee Drozd, the following resolution was

**ADOPTED**    Aye                3                Patterson, Myers, Drozd  
                      Nays                    0  
                      Abstain                1                McGlew

That the penalty on the account for 7 First Street be dropped for the December quarter. Clerk will make correction.

**POLICE**

1. February Report was distributed.
2. The Police Chief requested that the DPW Supt. install time clock in the Police Bay.
3. Officer Veith reported that there is garbage stacking up outside of apartments on Mill Street.

**BOARD**

1. Trustee McGlew reported that he would be attending the Mayors for Meals at the Echo site.
2. Trustee Myers reported that there had not been a Ambulance meeting in the past 2 months. Trustee Myers also reported that he had been in contact with the Federal Marshall regarding the property on Mill Street. He stated that the building was more cluttered and significantly worse off than during his previous tour. He added that the Federal Govt. is likely to auction the property and the contents separately. He added that it was uncertain if the Village would be given first right of refusal.

**OLD BUSINESS**

1. Properties Mayor Rivet reported that he had contacted Mr. Anderson and that he is still interested in purchasing the 1 North Main Street site. The Village Board should be hearing something soon. The Clerk asked whether adopting a partial tax exemption for new businesses would help to improve interest in Village sites. The Clerk will bring the Law adopted by New Albion to the next regular Board meeting.
2. National Grid Repayment of Utility Tax – Tabled.
3. Parking – The Mayor asked what the Board wanted to do with regards to the parking law discrepancy. The Clerk stated that she had only heard back from the Mayor with regards to trying to make corrections. Officer Veith reported that he did not receive a copy. Clerk Miller reported that copies were given to everyone, including the DPW and Officer Veith for review. The Clerk noted that she would take money out of her own account to update the tickets.

**Resolution #95-0809                      Local Law #1-2009**

- On a motion of Trustee McGlew, seconded by Trustee Patterson, the following resolution was

<b>ADOPTED</b>	Aye	4	Patterson, Myers, Drozd, McGlew
	Nays	0	
	Abstain	0	

**Local Law #1-2009 REPEAL OF LOCAL LAW 1-2004 AND THE ESTABLISHMENT OF TRAFFIC REGULATIONS**

A Local Law to repeal Local Law 1-2004 and any previous ordinances dealing with the operation, speeding, and parking of motor vehicles and ESTABLISHING Traffic Regulations within the corporate limits of the Village of Cattaraugus.

Article 1 No person shall operate a motor vehicle, motorcycle, or snowmobile, upon any public highway within the corporate limits of the Village of Cattaraugus at a speed greater than thirty (30) miles an hour, unless the highway is otherwise posted.

Article 2The following will be designated as a truck route through the Village of Cattaraugus

From NYS Route 353 - Washington Street to the intersection of South Franklin. South Franklin to the intersection of Jefferson. North Franklin Street from the intersection of Jefferson to the school entrance or to County Route 12

From County Route 12 – Jefferson Street to South Franklin St. to Washington Street to Route 353.

Article 3 Article (1) shall not apply to School Zones, which shall be limited to fifteen (15) miles per hour. Those areas designated as School Zones are; - all of Carter Street, Jefferson Street between Franklin and Carter Streets, and Franklin Street between Jefferson Street and the school driveway. **NO PARKING** is allowed in the School Zones.

Article 4 No vehicle shall be parked on Main Street, Route 353, other than parallel with the edge of the street headed in the direction of traffic, and with front and rear wheels not more than twelve (12) inches from the curb, except on the east side of Main Street between Washington and Jefferson Street and on the west side of Main Street between the railroad crossing and a point opposite the center line of Washington Street, where all vehicles shall be parked diagonally within the white diagonal lines painted on the pavement.

Article 5 No vehicle shall be parked in the rest of the Village, other than parallel with the edge of the street, headed in the direction of traffic, except on the South side of Washington Street between Main Street and South Street, and the North side of Waverly Street between Main Street and South Street, where all vehicles shall be parked diagonally within the white diagonal lines painted on the pavement.

**Article 6 The parking of vehicles in any of the following locations is hereby prohibited:**

- The East Side of Main Street, from a point beginning 100 feet South of Jefferson Street, extending 10 feet south thereof.
- The East Side of Main Street, from the South Village line extending to Waverly Street, excepting there from that portion beginning at a point 384 feet North of Third Street, extending to Second Street.
- The East Side of Main Street, from the Railroad tracks extending to North Village line.
- The West side of Main Street, from a point 190 feet North of Railroad tracks extending to a point 470 feet North of Railroad tracks.
- The West side of Main Street, from North Line of the Village extending to a point 1645 feet South of the Village line.
- The East side of South Street from Third Street extending to Lincoln Street.
- Both sides of West Street
- West side of Mill Street
- The North side of First Street
- The North side of Third Street
- The North Side of Fourth Street
- The North Side of Waverly Street, South Street extending to South Franklin Street.
- The East side of Waverly Street, from South Franklin Street extending to end of Waverly Street
- Both sides of Ellicott Street, from Waverly Street extending to a point 308 feet North thereof.
- The North side of Washington Street from a point 107 feet West of South Franklin Street, to Ellicott Street.
- The South side of Washington Street, from Ellicott Street to the Methodist Church driveway.
- The North side of Jefferson Street, from South Street extending to Franklin Street
- The South side of Jefferson Street, from Franklin Street extending to the Village line.
- Both sides of South Franklin Street, from Jefferson Street extending to Waverly Street.
- The East side of North Franklin Street
- The south side of Leavenworth Street, from a point beginning 403 feet West of the Railroad tracks, extending to Main Street.

**Article 7 Stop Intersections:**

- Main Street is designed as a thru highway and stop signs shall be erected at the following entrances thereto: Leavenworth Street, West Street, Jefferson Street, Washington Street, Waverly Street, First Street, Second Street, Third Street, Memorial, Street, Rumsey Street and Gail Drive.
- On South Street at its intersection with Jefferson Street.
- On South Street at its intersection with Waverly Street.
- On Ellicott Street at its intersection with Washington Street, only on the Southeast corner thereof;
- On Washington Street at its intersection with South Franklin Street, only on the Southwest corner thereof.
- On Washington Street at its intersection with Ellicott Street, only on the Northeast corner thereof;
- The intersection of Memorial Dr. and South Street shall be a four-way stop intersection.

On Jefferson Street at its intersection with Ellicott Street, only on the Southwest corner thereof;  
The intersection of Jefferson and Franklin Streets shall be a four-way stop intersection.

Yield Intersections:

On Waverly Street at its intersection with Tannery Street, only on the Northwest corner thereof.  
On Jefferson Street at its intersection with Leavenworth Street, only on the Northwest corner thereof:  
On Ellicott Street at its intersection with Waverly Street, only on the Northwest corner thereof.  
At First Street at its intersection with South Street, only on the Southwest corner thereof;  
At Second Street at its intersection with South Street, only on the Southwest corner thereof;  
At Third Street at its intersection with South Street, only on the Southwest corner thereof;  
At Mill Street at its intersection with West Street, only on the Southwest and Northwest corners thereof;  
At Division Street at its intersection with West Street, only on the Southwest corner thereof;  
At Ellicott Street at its intersection with Washington Street, only on the Northwest corner thereof;  
At Ellicott Street at its intersection with Jefferson Street, only on the Southeast corner thereof;  
At South Street at its intersection with Gail Drive, only on the Northwest corner thereof;  
At Hoyt Street at its intersection with Franklin Street, only on the Southwest corner thereof;  
At Lincoln Street at its intersection with South Street, only on the Northeast corner thereof;  
At Scott Street at its intersection with South Street, only on the Northeast corner thereof;

#### **Article 8 Authority to install traffic control devices**

The Village of Cattaraugus Police Department and/or Streets Department shall install and maintain traffic control devices when and as required under the provisions of this local law to make effective the provisions of said local laws and may deem necessary to regulate, warn or guide traffic under the Vehicle and Traffic law of the State of New York subject to the provisions of Section 1682 and Section 1684 of that law.

#### **Article 9 Winter Parking**

No vehicle shall be parked on ANY public highway within the corporate limits of the Village of Cattaraugus between the hours of Midnight and 6 AM during the period beginning November 1 and ending April 1 of each year.

#### **Article 10 Sidewalks**

Parking on a sidewalk, within twenty (20) feet of a crosswalk, within fifteen (15) feet of a fire hydrant, in front of a driveway, with left side to curb, or where standing or parking is prohibited is a violation and is subject to the penalties as prescribed in this law.

#### **Article 10 Penalties for violation of certain local laws and Ordinances:**

Every person convicted for a traffic infraction for a violation of any provisions of Village Local Laws and Ordinances which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall for a first conviction thereof be punished by a fine of not more than Fifty Dollars (\$50.00); for a second such conviction within eighteen (18) months thereafter such person shall be punished by a fine of not more than one hundred dollars (\$100.00); upon a third or subsequent conviction within eighteen (18) months after the first conviction such person shall be punished by a fine of not more than two hundred fifty dollars (\$250.00).

#### **Article 11 Removal of Abandoned or Unattended Vehicles**

When any vehicle is parked or abandoned on any highway within the Village of Cattaraugus during a snowstorm, flood, fire, or public emergency which affects that portion of the public highway upon which said vehicle is parked or abandoned, said vehicle may be removed as directed by the Village Police Department or Department of Public Works. When any vehicle is found unattended on any highway within this Village where stopping, standing or parking is prohibited, said vehicle may be removed as directed by the Village of Cattaraugus Police Department or the Department of Public Works. It shall be the duty of the Village of Cattaraugus Police Department to ascertain, to the extent possible, the owner of such vehicle and of the amount which will be required to redeem same.

**Article 12** Any person, who shall receive an appearance ticket for any of the aforementioned parking traffic infractions, shall respond as per law to the Town Court.

A public hearing will be set for the next regular Board meeting on April 13<sup>th</sup> for public comment regarding Local Law #1-2009.

The regular meeting of the Village Board was adjourned at 8:45 PM at which time the Board entered into a work session for the 2009-2010 budget.

The Treasurer asked if there were any comments with regards to the budget sheets, which were distributed to Board meetings after the last work session. With no further corrections or additions the Board will hold a budget hearing on April 13, 2009 at 7:00 PM.

Trustee McGlew stated that the Village of Cattaraugus owes Mayor Rivet a debt of gratitude for all the work that he has done for the Village and all the funding that has been received during his terms as Mayor and Trustee. Trustee McGlew thanked Mayor Rivet on behalf of the Village Board and Residents.

Village Elections will be held on Wednesday, March 18, 2009 at the Cattaraugus Firemen's Club. Polling will be from Noon to 9.

Village Organizational Meeting will be held Monday, April 6, 2009 @ 7:00 PM

Next regular Village Board meeting will be held on Monday April 13, 2009

Public Hearing on Local Law #1-2009

Bid Opening – Backhoe

Budget Hearing

With no further business to discuss the meeting was adjourned at 9:15 PM  
Respectfully submitted