

**VILLAGE OF CATTARAUGUS**

14 Main Street  
Cattaraugus, NY 14719

**REGULAR BOARD MEETING**

August 10, 2009 7:00 p.m.

**PRESIDING:** William Myers, Mayor

**PRESENT:** Trustees: John Bronneberg, Angela Hogan, Gayle Patterson; Jason Opferbeck, Department of Public Works Superintendent; Eugene Doucette, Treasurer; Rose LaQuay, Recording Secretary

**ABSENT:** Patrick McGlew, Trustee; Donald Veith, Police

**VISITORS:** Arvilla Pritchard, Gowanda PennySaver / News; Margaret Skeels; Mike Weishan, Catt. Area Youth Council 8:37 pm; Let’s Travel Club: Anna Mallaber, Dawn Weishan

**CALL TO ORDER:**

Mayor Myers called the meeting to order at 7:00 p.m.

**Resolution #44-0910 Minutes**

On a motion by Trustee Patterson, second by Trustee Hogan, the following resolution was

**ADOPTED** Aye 3 Bronneberg, Hogan, Patterson  
Nay 0

That the minutes of the July 13, 2009 meeting and July 30, 2009 meeting are accepted as presented.

**VISITORS:**

1. Anna Mallaber and Dawn Weishan representing the Let’s Travel Club - Requests the Village of Cattaraugus to sponsor the group so they may be covered under the Village’s Insurance for use of Cattaraugus - Little Valley schoolbuses. Tabled until the September meeting for Trustee McGlew’s report.
2. Margaret Skeels, 46 Gail Drive - Requested tying in to the Village Water line April 2009. DPW Superintendent waiting on direction from Eric Wohlers, Department of Health, Cattaraugus County in regards to Mrs. Skeel’s well. Superintendent Opferbeck to follow up with Mr. Wohlers.

**CORRESPONDENCE:**

1. Cattaraugus County Real Property Services - Email Address Request
2. Time Warner Cable - New Interactive Technology: Switched Digital Video (SDV)
3. Cattaraugus County Office of Emergency Services - Public Assistance Workshop on August 26, 2009
4. National Grid - Temporary NYS Assessment Surcharge effective July 1, 2009
5. TVGA Consultants - On Call Grant Writing Agreement Available. Mayor Myers to contact for presentation.
6. Time Warner Cable - Expiring Agreements and Changes in Services
7. Letter from H. John Wild, 94 Jefferson Street - High water pressure blew water filter and caused leak. Requests reduction to minimum water bill as usual usage is under 8,000 minimum.

**Resolution #45-0910 Wild Water Bill**

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

**ADOPTED** Aye 3 Bronneberg, Hogan, Patterson  
Nay 0

That the Village Clerk reduce Mr. Wild's September water bill to a minimum billing due to water leak.

8. David Rivet, Catt. County Dept. of Public Works - NYS DOT requires a Resolution Declaring Construction of Dollar General Store to be an Unlisted SEQRA Action.

**Resolution #46-0910 Declaring Construction of Dollar General Store to be an Unlisted SEQRA Action**

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

**ADOPTED** Aye 3 Bronneberg, Hogan, Patterson  
Nay 0

Pursuant to 6 NYCRR Section 617.

WHEREAS, the Village of Cattaraugus is desirous of allowing the construction of a Dollar General Store at 216 South Main Street, Cattaraugus, and

WHEREAS, this act initiates the SEQRA process for the proposed and classifies the project as an Unlisted Action as described in 6 NYCRR 617, and

WHEREAS, the Village has identified itself as the sole involved agency, now, therefore, be it

RESOLVED, that the Village of Cattaraugus Board of Trustees determines that the proposed Dollar General Store is an Unlisted Action as described in 6 NYCRR 617, and be it further

RESOLVED, that the lead agency determines that this Unlisted Action will not have a significant environmental impact because:

- \*The Village currently owns and maintains the proposed site;
- \*Current Village utilities have sufficient capacity to support proposed work;
- \*Peak storm water run-off will remain unchanged;
- \*The current land use is similar to proposed use;
- \*Storm Water Pollution Prevention Plan is prepared;
- \*Only limited construction impacts - noise, dust, traffic;
- \*No presence of rare or endangered species in project area;
- \*The proposed project will not create a material conflict with the community's current plans or goals;
- \*The proposed project will have no major change in the type of energy used, although there will be some increase in electric use for the Dollar General Store;
- \*Not located within an Agricultural District;
- \*The project will not significantly change the intended use of the land, nor encourage a large number of people in the area; and
- \*No development in the flood zone,

And be it further

RESOLVED, that as Lead Agency, the Village issues a Negative Declaration for this Action.

Adopted August 10, 2009 by voice vote.

9. United States Census Bureau - Targeted Nonsheltered Outdoor Location Form

10. Town of New Albion - Letter in Support of Village's efforts in regards to the "Old Elementary School"

11. Cattaraugus County - FEMA Hazardous Mitigation 2010 Program

**REPORTS:**

**Department of Public Works:**

1. Only damage from flooding - UV Lights were underwater. Superintendent Opferbeck to follow up with Insurance Company and DPW employees are working on drying them out.
2. Robert Barber, Jr. - submitted written permission regarding gate for dump area at end of North Franklin St. Letter to be inserted into Minutes book along with these minutes.

**Resolution #47-0910 Gate Installation at North Franklin Brush Dump**

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

**ADOPTED** Aye 3 Bronneberg, Hogan, Patterson  
Nay 0

That the gate installation at the North Franklin Brush Dump is approved with additional key holders Thomas Goodman and Robert Barber, Jr.

3. Building Fund still has \$9,900 balance that must be used before September 2009. Superintendent Opferbeck suggested these items which were in the original Building Specs: Chip seal DPW Building parking lot at \$2,900.00, Purchase a Back-Up Gas Generator at \$3,699.00 with installation by Pritchards at \$980.00 and a Battery for the Generator at \$100.00 for a total of \$7,679.00.

**Resolution #48-0910 DPW Building**

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

**ADOPTED** Aye 3 Bronneberg, Hogan, Patterson  
Nay 0

To approve DPW Superintendent Opferbeck have the DPW Building Parking Lot chip sealed and purchase a back up gas generator and battery with installation to be performed by Pritchard's Hardware.

4. Roller Rental - Superintendent Opferbeck requested permission to use the \$7,900.00 balance in the CHIPS account to purchase the 47" 3 Ton Vibratory Ride On Roller that we rented this year from Admar.

**Resolution #49-0910 Ride On Roller**

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

**ADOPTED** Aye 3 Bronneberg, Hogan, Patterson  
Nay 0

To approve DPW Superintendent Opferbeck use the CHIPS balance and purchase the 47" 3 Ton Vibratory Ride On Roller.

5. Complaint from resident, Dawn Waite of 26 South Franklin Street received by Clerk and Mayor. With the heavy rains this past weekend, the upper sluice is plugged and half the driveway has been washed away. She would also like to put steps over the Village sidewalk - she would have to take ownership of the sidewalk. She has complained of ongoing drainage problems. Mayor Myers to inspect the property and Superintendent Opferbeck to communicate to Ms. Waite her options.

6. Trustee Patterson reported receiving a complaint from Jefferson Street residents (Lower End) that construction vehicles from the School Construction project are using Jefferson Street rather than the designated Truck Route. Matter should be referred to the Village Police.

**Treasurer:**

1. 2 Transfers are required to pay this evening's bills: \$10,000.00 from General Savings to General Checking and \$5,000.00 from Water Savings to Water Checking.

**Resolution #50-0910 Transfers**

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

**ADOPTED** Aye 3 Bronneberg, Hogan, Patterson  
Nay 0

To authorize Treasurer Doucette to make transfers of \$10,000.00 from General Savings to General Checking and \$5,000.00 from Water Savings to Water Checking.

- 2. An expenditure report through July 2009 was distributed to Board Members for their review.
- 3. Youth Council contribution - The only way to pay the additional \$900.00 requested by the Youth Council would be to take it out of the Contingency Fund. Matter tabled to the September meeting. Mike Weishan from the Cattaraugus Area Youth Council reported that due to the heavy rains and resulting area damage that the Swim Program for the 2009 Program year had terminated, there would be no final swim week (August 10-13).

**Clerk:**

August Clerk's Report was distributed to Board Members for their review.

**Police:**

No Police Report - Officer Veith not in attendance.

**Board:**

Trustee Bronneberg - The ambulance squad is looking at Alfie Bradley's property on South Main Street rather than continuing to develop the old Axis 1-2 -1 site on South Street. A grant has been applied for for blue suits.

**OLD BUSINESS:**

1, 1 North Main Street - Proposal given to attorney. His recommendations: Think about a completion date for development, not start date. If a contingency is set, monies from sale must be set aside for possible re-purchase. The attorney needs our proposal in writing.

**Resolution #51-0910 Proposal for Sale of 1 North Main Street**

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

**ADOPTED** Aye 3 Bronneberg, Hogan, Patterson  
Nay 0

To present the following proposal to Attorney Weyand to forward to Mr. Anderson: Property Cost of \$39,000.00. Village of Cattaraugus to refund \$9,000.00 + Interest earned to Mr. Anderson if the property is developed within 4 years from the date of closing of the sale

2. Senior Building Roof - \$18,367.40 has been reserved for repairs to the Senior Building. 3 Bids received:

- Bid 1 - Joe's Builders                    \$7,550.00 Shingle  
    \$2,345.00 Repair, if required  
    \$5,025.00 Remove Old Shingles  
    \$9,625.00 Steel Roof over Old Roof
- Bid 2 - Kelley Roofing                \$14,000.00 Remove Old Shingles, Shingle, Plywood Extra
- Bid 3 - Keith Gassman                \$8,500.00 Remove Old Shingles, Repair and Shingle or  
    \$5,500.00 Repair and Shingle

Clerk to notify all bidders of board award of Senior Roof contract.

**Resolution #52-0910 Senior Roof Contract Award**

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

**ADOPTED** Aye 3 Bronneberg, Hogan  
Nay 0  
Abstain 1 Patterson

To award the Senior Building Roof Contract to Keith Gassman, General Contractor at \$8,500.00 to remove old shingles, repair and shingle the roof.

3. Senior Exemption - Sliding Scale from Cattaraugus County. Matter tabled until September meeting to allow advisement by Town Assessor of impact on tax situation.

**NEW BUSINESS:**

1. Historical documents received from Bud Huber regarding original street lighting records from June 1921 and January / February 1926. Clerk to send letter of appreciation to Mr. Huber.

2. Town Court of New Albion pursuing grant funds for renovations to the Court Room / Board Room , Bathroom and Court Office of the Village Hall. Permission from Village Board to do renovations.

**Resolution #53-0910 Town Court Renovations**

On a motion by Trustee Patterson, second by Trustee Hogan, the following resolution was

**ADOPTED** Aye 3 Bronneberg, Hogan, Patterson  
Nay 0

To give permission and support the Town Court of New Albion in their efforts to obtain a NYS Court Grant for renovations to the Court Room / Board Room, Bathroom and Court Office of the Village Hall.

3. Kirk Sterling Water Billing, Account 448 - Mr. Sterling on 2-23-09 shut off list. Billed in June, but water service was not turned back on until July 16, 2009.

**Resolution #54-0910 Sterling Water Billing**

On a motion by Trustee Hogan, second by Trustee Patterson, the following resolution was

**ADOPTED** Aye 3 Bronneberg, Hogan, Patterson  
Nay 0

To remove June 1, 2009 water / sewer charges from Mr. Sterling's account.

4. Tigano Property Tax Write Off per US Marshall's Office 01/05/2009 - Mayor Myers contacting Village Attorney regarding the legality of requesting the tax payment due from the June 1, 2009 Tax Bill or the property itself to be handed over to the Village.

**APPROVAL OF ABSTRACT #3 - August 10, 2009**

Submitted for the following payments:

General	#17177 - 17209	\$ 33,036.42
Water	#5517 - 5539	\$ 18,668.28
Sewer	#3513 - 3527	\$ 797.85
Youth	#185 - 190	\$ 3,488.53

**Resolution #55-0910 Approval of Abstract #3 - August 10, 2009**

On a motion by Trustee Patterson, second by Trustee Hogan, the following resolution was

**ADOPTED** Aye 3 Bronneberg, Hogan, Patterson  
Nay 0

That Abstract #3 - August 10, 2009 be paid as presented.

**ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at 9:49 p.m.

**Resolution #56-0910 Motion to Adjourn**

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

**ADOPTED** Aye 3 Bronneberg, Hogan, Patterson  
Nay 0

That the August 10, 2009 regular board meeting of the Village of Cattaraugus be adjourned.

Respectfully submitted,

Rose LaQuay  
Recording Secretary  
Village of Cattaraugus  
Board of Trustees

**NEXT MEETING:** September 14, 2009 at 7:00 p.m.