

**VILLAGE OF CATTARAUGUS  
REGULAR BOARD MEETING**

Village Hall  
14 Main Street  
Cattaraugus, NY 14719  
May 11, 2009

**PRESIDING:** William Myers, Mayor

**PRESENT:** Trustees: Patrick McGlew, Gayle Patterson, Angela Hogan, John Bronneberg, Treasurer: Eugene Doucette, Recording Secretary: Jodi Miller, Police Officer: Donald Veith

**VISITORS:** Arvilla Pritchard, Gowanda Pennysaver; Norm Gunsolus, Let's Travel Club

**ABSENT:** Jason Opferbeck, DPW Supt.

**CALL TO ORDER**

Mayor Myers called the meeting to order at 7:00 PM. A quorum was present.

**MINUTES**

**Resolution #14-0910 Approval of Minutes April 6, April 13<sup>th</sup>, April 19**

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

<b>ADOPTED</b>	Aye	4	Patterson, Hogan, Bronneberg, McGlew
	Nays	0	

That the minutes of the April 6, 2009, April 13, 2009 and April 19, 2009 were accepted as presented.

**VISITORS**

**Norm Gunsolus** – Mr. Gunsolus asked why the Village of Cattaraugus could not cover the Let's Travel Club under the Village insurance policy. Mayor Myers reported that the underwriter for the Village policy will not allow the Village to cover the bus. He added that there was nothing more that the Board could do. He suggested that the Club consider using a carrier coach rather than a school bus.

**CORRESPONDENCE/CONCERNS**

1. Letter from NYSDOT regarding closure of Route 353 between Miller Road and Markham's Rd. beginning 5/11/09.
2. Letter from FEMA re: biennial Floodplain report. Mayor will try to determine who Floodplain Administrator is.
3. Letter from T & H Brooks regarding new billing and charging regulations.
4. Email from Clerk reminding Board to speak with ENB regarding Let's Travel Club request.
5. Notice re: 100<sup>th</sup> Annual NYCOM meeting being held at the Saratoga Hilton.
6. Invitation from Cattaraugus County Legislature to May 14<sup>th</sup> meeting re: free GIS Services. Clerk reported that Jason Opferbeck has been working with the County to BETA test the GIS program.
7. Letter from USDA Rural Development regarding annual audit forms that need to be completed.
8. Letter from Time Warner regarding programming changes.
9. Letter from Cattaraugus County Department of Health regarding violation of disinfection correspondence. Village will now have to monitor bi-products in August of 2009.
10. Notification of changes in tax status for Village owned properties.
11. Notice of free pipeline emergency response program (May 6<sup>th</sup>)
12. Notice regarding Memorial Day Parade. Trustee Bronneberg will line up participants.

**REPORTS**

**DPW** – Jason distributed a report regarding the purchase of a blackberry and equipment to monitor the wells. Tabled until Jason is in attendance.

**TREASURER**

1. Treasurer Doucette reported that there is a balance of \$1,091.96 in the Herbert C. Rich Park Trust Fund.

- 2. Distributed a report of balances as of April 30, 2009.
- 3. Reported that there is \$6,910.17 in the Village Hall capital account and approximately \$2,500.00 left in 1354.4 that could be used for the Senior Building roof.

**CLERK**

- 1. Submitted monthly report deposits to Water, Sewer, and General Account.
- 2. Submitted abstract #12 for the following payments to be made.

General Fund	17058-17089	\$23,151.33
Water Fund	5459-5478	\$7,293.94
Sewer Fund	3480-3490	\$3,426.24
Trust & Agency	16930	15.60

**Resolution #15-0910 Payment of Abstract/Approval of 2009-2010 Tax Warrant**

- On a motion of Trustee Hogan, seconded by Trustee Patterson, the following resolution was  
**ADOPTED**    Aye            4            McGlew, Patterson, Bronneberg, Hogan  
                      Nays                0

That abstract #12 be paid as presented by the Clerk, and that the following warrant is approved:

2009-2010 Tax Warrant	
For the General Fund:	\$338,613.00
For the Unpaid Water Fund:	\$6,890.63
For the Unpaid Sewer Fund:	\$3,746.74
For the Unpaid Benefit Charge:	\$6,402.00
<b>Total</b>	<b>\$345,380.37</b>

- 3. Local Law 1-2009 – the clerk asked if there were any more corrections. With none reported the Board adopted the following resolution.

**Resolution #16-0910 Local Law 1-2009**

- On a motion of Trustee Patterson, seconded by Trustee Bronneberg the following resolution was  
**ADOPTED**    Aye            4            McGlew, Patterson, Bronneberg, Hogan  
                      Nays                0

That Local Law 1-2009 is adopted as amended subject to Permissive Referendum. A public hearing will be held the next Village Board Meeting.

**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 2** The 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 all of North Franklin Street. Vehicles found unattended where they constitute an obstruction to traffic or any place where stopping, standing or parking is prohibited in accordance with this local law, and for the payment of reasonable charges for such removal and storage by the owner or operator of any such vehicle. 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:

- a) *The East Side of Main Street, from a point beginning 100 feet South of Jefferson Street, extending 10 feet south thereof.*
- b) *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.*
- c) *The East Side of Main Street, from the Railroad tracks extending to North Village line.*
- d) *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.*
- e) *The West side of Main Street, from North Line of the Village extending to a point 1645 feet South of the Village line.*
- f) *The East side of South Street from Third Street extending to Lincoln Street.*
- g) *Both sides of West Street*
- h) *West side of Mill Street*
- i) *The North side of First Street*
- j) *The North side of Third Street*
- k) *The North Side of Third Street*
- l) *The North Side of Memorial Drive*
- m) *The North Side of Waverly Street, South Street extending to South Franklin Street.*
- n) *The East side of Waverly Street, from South Franklin Street extending to end of Waverly Street*
- o) *Both side of Ellicott Street, from Waverly Street extending to a point 308 feet North thereof.*
- p) *The North side of Washington Street from a point 107 feet West of South Franklin Street, to Ellicott Street.*
- q) *The South side of Washington Street, from Ellicott Street to the Methodist Church driveway.*
- r) *The North side of Jefferson Street, from South Street extending to Franklin Street*

- s) *The South side of Jefferson Street, from Franklin Street extending to the Village line.*
- t) *Both side of South Franklin Street, from Jefferson Street extending to Waverly Street.*
- u) *The East side of North Franklin Street*
- v) *The south side of Leavenworth Street, from a point beginning 403 feet west of the Railroad tracks, extending to Main Street.*

Article 7

- (a) **Stop Intersections:**
  - (1) *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 Dr., Rumsey Street and Gail Drive.*
  - (2) *On South Street at its intersection with Jefferson Street.*
  - (3) *On South Street at its intersection with Waverly Street.*
  - (4) *On Ellicott Street at its intersection with Washington Street, only on the Southeast corner thereof;*
  - (5) *On Washington Street at its intersection with South Franklin Street, only on the Southwest corner thereof.*
  - (6) *On Washington Street at its intersection with Ellicott Street , only on the Northeast corner thereof;*
  - (7) *The intersection of Memorial Drive and South Street shall be a four-way stop intersection.*
  - (8) *On Jefferson Street at its intersection with Ellicott Street, only on the Southwest corner thereof;*
  - (9) *The intersection of Jefferson and Franklin Streets shall be a four-way stop intersection.*
- (b) **Yield Intersections:**
  - (1) *On Waverly Street at its intersection with Tannery Street, only on the Northwest corner thereof.*
  - (2) *On Jefferson Street at its intersection with Leavenworth Street, only on the Northwest corner thereof;*
  - (3) *On Ellicott Street at its intersection with Waverly Street, only on the Northwest corner thereof.*
  - (4) *At First Street at its intersection with South Street, only on the Southwest corner thereof;*
  - (5) *At Second Street at its intersection with South Street, only on the Southwest corner thereof;*
  - (6) *At Third Street at its intersection with South Street, only on the Southwest corner thereof;*
  - (7) *At Mill Street at its intersection with West Street, only on the Southwest and Northwest corners thereof;*
  - (8) *At Division Street at its intersection with West Street, only on the Southwest corner thereof;*
  - (9) *At Ellicott Street at its intersection with Washington Street, only on the Northwest corner thereof;*
  - (10) *At Ellicott Street at its intersection with Jefferson Street, only on the Southeast corner thereof;*
  - (11) *At South Street at its intersection with Gail Drive, only on the Northwest corner thereof;*
  - (12) *At Hoyt Street at its intersection with Franklin Street, only on the Southwest corner thereof;*
  - (13) *At Lincoln Street at its intersection with South Street, only on the Northeast corner thereof;*
  - (14) *At Scott Street at its intersection with South Street, only on the Northeast corner thereof;*
- (c) 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.

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 9 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 in 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

- (a) *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.*
- (b) *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.*

**POLICE** - Officer Veith:

1. Requested officer pay rates for upcoming year. He was given a copy of the Organizational Minutes.
2. Requested that a yield or stop sign be placed at corner of Division and West Street.
3. Reported that once a week there is a school patrol.
4. Vests will be ordered for new officers.
5. Reported that water level at the reservoir was high and wondered if the DPW needed to look into fencing in the area.
6. Distributed monthly report for April.

**BOARD**

1. Trustee Hogan–
  - a. Youth Council - reported that she had attended the Youth Council meeting and that Cattaraugus/New Albion have been combined and Otto/East Otto have been combined to minimize bus runs and lower fuel costs.
  - b. Asked if the Village Board had ever done any long range planning regarding the equipment, streets, etc. The Board agreed that this was a great idea.
  - c. Questioned the high long distance bill for the police office phone. Officer Veith will get copies of the bill so he can monitor the phone usage.
2. Trustee Patterson–
  - a. Senior Building Roof – reported that the roof can no longer wait to be repaired. Also reported that there were panes of glass missing. Trustee Patterson will get quotes for the roof.

- b. Tree Removal – reported that a tree behind the Senior Building needs to be removed.

**Resolution #17-0910 Senior Building Repairs**

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

<b>ADOPTED</b>	Aye	3	McGlew, Bronneberg, Hogan
	Nays	0	
	Abstain	1	Patterson

That the tree behind the senior building be removed, once the neighboring property owners have signed off, and that the window at the senior building be repaired. Trustee McGlew will check with Ray Fisher to see when the tree could be taken care of. Trustee Bronneberg will take a look at the windows.

**OLD BUSINESS**

**Dollar General –**

**Resolution #18-0910 Phase II**

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

<b>ADOPTED</b>	Aye	4	McGlew, Bronneberg, Hogan, Patterson
	Nays	0	

That the Village pays for ½ the Phase II costs at 216 South Main Street. Trustee McGlew noted that the developer would pay the expense now and the \$2,650.00 would be deducted from the agreed upon sale price. The Clerk reported that Elliott Ellis had received the updated site plan.

**Bush Site –**

Mayor Myers reported that the issue now is the original \$50,000.00 contract. Mr. Anderson has made a counter offer of \$30,000.00. Mr. Anderson’s concern was with the DEC site plan and future monitoring expenses. Mayor Myers stated that he is less concerned about the purchase price than he is about the jobs and taxable property and the long term effect the property has on the community. The Record of Decision from the DEC states that the property is cleaned to support an industry. If used for retail or residential, extra layer of topsoil would be needed. Following discussion, Mayor Myers reported that he would contact Mr. Anderson personally and ask if he would come to a Board Meeting.

**NEW BUSINESS**

- Mayor Myers stated that Jeff Miller from ENB Insurance will be reporting on the Village Insurance Policy at the June 8, 2009 Board meeting.

With no further business to discuss the meeting was adjourned at 9:20 PM.

Respectfully Submitted,

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