**Village of Franklinville**

**January 22, 2024**

The regular meeting of the Board of Trustees was held in the village of Franklinville office at 6:00pm. Members present were Mayor Mike Sikora, Trustees Ashley Schumaker, Steve Pockey, and Scott Hillman. Trustee Paul Rose participated via phone. Others present were Chief Bob Cintron and CCEO John Helgager.

Trustee Hillman moved, 2nd by Trustee Pockey to approve the January 22, 2024. All ayes. Motion carried.

**Scheduled Guests-**

The public hearing for Local Law #1 of 2024- Historic Preservation will be discussed at the next meeting, February 12, 2024. All ayes. Motion carried.

**Reports from Department Heads-**

**Chief Cintron** reported that the Village police department responded to 536 calls and issued 419 traffic citations in 2023. He is collecting data to see how many of those calls were outside of the village and how many calls required outside services (Catt Co Sherriff or NYS Police) due to no village officer on duty. Chief Cintron said that Officer Bove has completed all required training and is now patrolling on his own and doing well. Trustee Pockey asked for the approximate amount of revenue generated by the traffic citations reported. Chief Cintron discussed the reasoning behind the need for a Village court as village taxpayers pay for all the law enforcement costs but still receive no revenue from those services. He will contact Atty Sorgi as well as look into parking tickets.

Trustee Hillman asked what the status on the American Legion property is currently. Trustee Schumaker said Atty Sorgi is currently researching the property deed information, hopefully there will be results soon.

**CCEO Helgager** said he had complaints re advertising recordings that continuously play at the North Main Street gas station (Valero station). He said he has contacted the manager, and the issue should be rectified quickly. CCEO Helgager discussed the difference between NYS building codes vs local codes and how fines are assessed. He recently participated in a NYS online seminar regarding delivery of citations and suggested the Village budget for more money to pay servers as required by NYS.

Trustee Pockey moved, 2nd by Trustee Hillman to pass the following resolution-

Report of Findings and Recommendations of Unsafe Building Property: 21 South Main Street, Village of Franklinville, NY; SBL No 40.070-3-22- Owner name and address: Robert F. Oberst & Lorie L. Oberst

Whereas, John Helgager, Village of Franklinville Code Enforcement Officer, has presented the Village Board with a Report of Findings and Recommendations with supporting documentation of an Unsafe Building at 21 South Main Street, Village of Franklinville, NY; Village of Franklinville, NY; SBL No 40.070-3-22, owned by Robert F. Oberst & Lorie L. Oberst, a copy of said Report annexed hereto and expressly made a part hereof, and with said Report contain findings as required by the Village Unsafe Buildings Law and requiring that the Violations contained in the Report be remedied.

Whereas the evidence offered at such time and place requires that the Village Board make the determination hereinafter made.

Now, Therefore, Be It Resolved, by the Village Board, in the County of Cattaraugus, that it be and hereby is determined and resolved as follows:

1. That the aforesaid and attached Reports warrants that the building is unsafe and dangerous and needs to be repaired, or alternatively, demolished as soon as possible;

2. That the Code Enforcement Officer is directed to issue an Order detailing the repairs needed to be made to make the building safe which shall contain the following information:

a. A description of the premises;

b. A statement of the particulars in which the building is unsafe or dangerous;

c. An order outlining the manner in which the building is to be made safe and secure, or demolished and removed;

d. A statement that the securing or removal of the building shall commence within 30 days of the service of the notice, and shall be completed within 60 days thereafter, unless for compelling cause shown, the time shall be extended;

e. A date, time, and place for a hearing before the Board of Trustees in relation to the dangerous or unsafe building, which hearing shall be schedules not less than five business days from the date of service of the notice; and

f. A statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Board of Trustees is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, debris removal and fill, including legal expenses.

3. A Public Hearing shall be set before the Village Board of Trustees on February 12, 2024, at 6PM at Franklinville Village Hall located at 19 Pennsylvania Avenue, Village of Franklinville, as set forth in the Village Unsafe Buildings Law;

4. This Resolution, the Order and Notice shall be served as follows:

a. By the personal service of a copy thereof upon the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in the unsafe building as shown by the records of the receiver of taxes (or Tax Collector) or of the County Clerk; or if no such person can be reasonably found, by mailing the owner by registered mail a copy of the notice directed to his or her last known address as shown by the above records; and

b. By personal service of a copy of the notice upon any adult person residing or occupying the premises if the person can be found and by securely affixing a copy of the notice upon the unsafe building.

c. A copy of the notice served, as provided herein, shall be filed in the Office of the County Clerk of the County of Cattaraugus. Failure to so file shall not invalidate any action taken by the Board or its lawful agents under or according to this chapter.

5. All other requirements of the Village Unsafe Buildings Law shall be satisfied.

All ayes. Motion carried.

**Mayor Sikora** asked what the status of the Lashway property on Elm Street and Casella property on Second Avenue, CCEO Helgager said it is all in the attorney’s hands now.

Trustee Pockey moved, 2nd by Trustee Schumaker to add President’s Day and Juneteenth Holiday to the employee holiday benefits. All ayes. Motion carried.

Trustee Pockey moved 2nd by Trustee Schumaker to pay Municipal Solutions $1545.30 from the BAN proceeds. All ayes. Motion carried.

Trustee Pockey moved, 2nd by Trustee Schumaker to approve renewing the employee health insurance plan for budget year 2023-24. All ayes. Motion carried.

Trustee Schumaker moved, 2nd by Trustee Pockey to pay the bills totaling $28,139.20 from the General Fund, $19,576.60 from the Water Fund, $22,997.82 from the Sewer Fund and $1545.30 from the BAN proceeds. All ayes. Motion carried.