

**MAYOR JAMES M. JAROSZYNSKI  
TRUSTEE ANTHONY CAVALLARO  
TRUSTEE TIMOTHY DUNN  
TRUSTEE ALAN GUSTAFSON JR.  
TRUSTEE NIKKI PIERCE**

**GREGORY PETERSON, ATTORNEY  
CINDY CAPESTRANI, VILLAGE CLERK  
PAULA SPUNAUGLE, TREASURER  
KEITH BABCOCK, 1<sup>st</sup> ASSISTANT FIRE CHIEF-excused  
PAUL CAPITANO, CODE ENFORCEMENT OFFICER  
AVERY FAULKNER, DPW SUPERINTENDENT  
LAURIE BECKER, LIBRARY DIRECTOR**

The regular meeting of the Village of Falconer Mayor and Board of Trustees was held on Monday, April 7, 2025 at 6:00 pm in the Falconer Public Library with Mayor James Jaroszynski presiding.

**Pledge of Allegiance & Roll:**

Trustee Gustafson, Trustee Dunn, Trustee Cavallaro, Trustee Pierce and Mayor Jaroszynski were all present.

**2025-2026 Budget Presentation Hearing**

Trustee Dunn made a motion, seconded by Trustee Cavallaro, to open the 2025-2026 Budget Public Hearing.

*The proposed 2025-2026 budget reflects a real property tax rate of \$8.61/\$1000 of assessment, which is a proposed tax increase of \$0.03. Last years' tax rate was \$8.58/\$1000. This proposed increase is within the limits of the NYS Property Tax Cap Law.*

**Proposed Budget 2025-2026 as presented**

<i>Appropriations</i>	<i>\$1,704,438</i>
<i>Revenues</i>	<i>\$1,704,438</i>
<i>Balanced Budget</i>	<i>(\$ 0)</i>

There were no questions or comments from the public on the budget as presented.

Trustee Cavallaro made a motion, seconded by Trustee Dunn, to close the 2025-2026 Budget Public Hearing.

**Local Law #1-2025 Public Hearing**

Trustee Dunn made a motion, seconded by Trustee Pierce to open the Public Hearing on Local Law #1-2025.

Local Law #1-2025 Amending the Boundaries of the Zoning Districts as Defined in Article 2, Subsection 134-6.1 of the Zoning Code of the Village of Falconer, NY.

The amendments are for parcels that are extensions of existing zones that should have been included when the Zoning Code was adopted in 2020.

There were no questions or comments from the public on Local Law #1-2025 as presented.

Trustee Gustafson made a motion, seconded by Trustee Dunn, to close Local Law #1-2025 Public Hearing.

**Local Law #2-2025 Public Hearing**

Trustee Dunn made a motion, seconded by Trustee Cavallaro to open the Public Hearing on Local Law #2-2025.

Local Law #2-2025 Amending Chapter 90 Peddling, Vending and Soliciting Code of the Village of Falconer, NY. The existing Chapter 90 Peddling, Vending and Soliciting Code was amended to add language for food truck vendors.

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There were no questions or comments from the public on Local Law #2-2025 as presented. Trustee Pierce made a motion, seconded by Trustee Gustafson, to close Local Law #2-2025 Public Hearing

### **Visitors**

Nina Gustafson

Ian Webster

Alan Gustafson Sr.

### **PRIVILEGE OF THE FLOOR**

VISITORS ARE ALLOWED A MAXIMUM OF THREE (3) MINUTES TO ADDRESS THE BOARD. THIS IS **NOT** THE TIME OR PLACE FOR A DEBATE. IT IS A MEETING FOR THE BOARD TO CONDUCT VILLAGE BUSINESS. ALL COMPLAINTS/REQUESTS WILL BE CONSIDERED AND REVIEWED AT A LATER TIME.

### **Visitor Comments**

- No visitor comments.

### **Minutes**

Trustee Pierce made a motion, seconded by Trustee Cavallaro to approve the minutes of the March 10, 2025 Regular Board of Trustee Meeting with the Fire Department mutual aid correction. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Nays: none. Carried.

### **Mayors Remarks**

- Mayor Jaroszynski noted that Village of Falconer was not awarded the NY Forward grant this year. The village will apply again for this grant and any other grant that can benefit the village.

### **Fire Chief**

The Fire Chief's March report was reviewed and noted that the department responded to 24 EMS calls, 21 cancelled in route, 1 motor vehicle accident with injuries, 1 cover assignment, 1 medical assist, 1 assist invalid, 1 alarm system malfunction, 2 smoke detector activation malfunction, 1 smoke detector unintentional, 1 hazardous condition, 1 motor vehicle accident with no injuries, 1 contained cooking fire, 1 assist police, 57 total incidents.

#### **Mutual Aid Breakdown - March 2025**

**Given:** Frewsburg-5, Ellery Center-1, Allstar-1, total 7

**Received:** Medic 74-2, Alstar-15, Kennedy-3, Gerry-2, total 22

### **Code Enforcement**

The March code officer report was reviewed. There were 9 building permits issued this past month totaling \$823 for a year-to-date total of \$1073.

#### **Highlights:**

- Garbage all picked up on 8 N. Dow Street and door lock fixed on lower apartment.
- Sent violation letter to 125 N. Dow Street for debris left from garage fire.
- Jim Siriano's project behind 56 E. Main Street has been put on hold at this time.

### **Department of Public Works**

The DPW report was submitted for the month of March 2025.

#### **Highlights:**

- Office furniture all moved back after new carpet was installed.
- D&S Glass installed the front door for the library.
- Falconer Park is ready to go for the Easter Egg Hunt.
- Street work includes - trimming trees, sign repairs, plow damage and street sweeping.

## **Library**

The March 10, 2024 – April 7, 2025 Library report was reviewed.

### **Highlights:**

- Senior Library Clerk, Sandy Thies and Village Historian, Brenda Cavallaro are working together to scan historical documents using a scanning machine that is on loan from the Chautauqua-Cattaraugus Library System.
- The library is displaying the artwork of Aleida Foulk's Drawing and Painting and Advanced Art students for the month of April.
- The Grange will be having a 150<sup>th</sup> Anniversary Open House at the library on April 30<sup>th</sup> from 2-5pm. All board members are welcome to attend.
- We have received many compliments on the front door project that was completed on March 20<sup>th</sup>.
- The next library board meeting will be on Thursday, May 8<sup>th</sup> at 8:00 am.

## **Committees:**

### **Finance:**

- Nothing to report at this time.

### **Legal:**

- Attorney Peterson has been in contact with the Art Bailey's estate in regards to the Paint CHQ mural project agreement that needs to be signed.

## **Public Safety:**

- There were no calls to report from the Dog Control Officer.

## **Downtown Development:**

- Peak Development is still committed to move forward with the village project. They are actively looking for a daycare provider to occupy the first floor of the development as well as any funding that may be available.
- The committee for the PAINT CHQ mural project met recently. The committee reviewed the survey results from the public workshop as well as from the online survey. They also looked at the request for qualifications submitted by artists that have expressed interest in the project and narrowed the list down to three artists. The next step will be to review the preliminary artwork that will be submitted based on a creative brief sent to the artists highlighting the community's assets.

## **Farmers Market:**

- Trustee Pierce is asking for the board's approval for the proposed changes to the Farmers Market that they were given at the last meeting.
- Highlighted changes for this year:
  - Name of market updated to Falconer Farmers' and Artisans' Market.
  - Change the market day from Friday to Saturday from 10am – 4pm starting May 31<sup>st</sup> through August 23.
  - Charging a minimal participation fee of \$10 per week (May 31<sup>st</sup> will be a "soft opening" event at no charge) or \$100 for all 12 weeks. The money would be used at the end of the season to host an "end of season" family event.
  - Applications will need to be approved and applicants will need to submit a representative photo of items they are planning to sell to avoid duplications.

We can add additional days of the week depending on vendor requests as long as we offer the option to all vendors. Trustee Pierce will follow up with Scott Farms as to their availability this year.

Trustee Gustafson made a motion, seconded by Trustee Dunn to approve the changes made to the 2025 Falconer Farmers' and Artisans' Market. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Nays: none. Carried.

### **Parks:**

- Nothing to report at this time.

### **Pine Hill Cemetery:**

- The cemetery seasonal help has started working cleaning up the cemetery grounds.

### **Planning/Zoning Board**

- The Planning Board has started the process to review the village code for signage. There is a NYS signage guideline that will be used as a guide as the code is amended. The next Planning Board meeting will be on Thursday, May 1, 2025 at 6:30 pm in the Community Building Board Room.

### **Old Business:**

- ***Motion to approve the 2025-2026 Budget as presented***

Trustee Dunn made a motion, seconded by Trustee Pierce to approve the 2025-2026 Budget as presented. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Nays: none. Carried.

- ***Motion to approve Local Law #1-2025***

Trustee Dunn made a motion, seconded by Trustee Pierce to approve Local Law #1-2025. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Nays: none. Carried.

- ***Motion to approve Local Law #2-2025***

- Trustee Dunn made a motion, seconded by Trustee Pierce to approve Local Law #2-2025. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Nays: none. Carried.

- ***Resolution#9-2025 authorizing mayor to sign letter giving Falconer Printing permission to move sewer lines***

The resolution gives the mayor authorization to sign the letter once a survey is done on the property. Trustee Dunn made a motion, seconded by Trustee Cavallaro to approve Resolution #9-2025 to authorize the mayor to sign a letter giving Falconer Printing permission to move sewer lines located on village owned property behind Falconer Printing. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Nays: none. Carried.

- ***Falconer Volunteer Fire Department Helmet Camera Policy – discussion***

Falconer Fire Department member Ian Webster gave a presentation on a Helmet Camera Policy at the last board meeting. The board received the policy in their board folders for review. Ian Webster was present at the meeting and gave a brief summary of the proposal.

A summary and highlights from the discussion:

- The proposal is to start with 5 cameras for 5 interior fire fighters.
- The footage would be used for training and recruitment purposes.
- The cameras would not be used on rescue calls. If used on car accident scenes, the footage would need to be screened by the EMS Captain to comply with HIPA regulations.
- Lakewood Fire Department is currently the only Fire Department using helmet cameras in Chautauqua County.

- The Falconer Fire Department members are split on the cameras, with it potentially being a huge liability. Some firefighters will not want to respond to calls if helmet cameras are used.
- Attorney Peterson was concerned as to how the screening process would work as it would entail a great deal of time to download and go through the camera footage. Who would have access to the footage? The camera footage would be subject to FOIL requests and it may require a full-time officer to deal with the administrative burden of downloading and going through the footage. He was also concerned about several inconsistencies in the policy wording. He has concurred with other municipal attorneys and none of them are using or in favor of using helmet cameras. The document was well intended as written by the departments' Public Information Officer, but he suggests that much more research should be done. Some things to research: who else does this, how do they do it, how do they manage it and how do they process litigation requests.
- Trustee Gustafson suggested checking with our insurance provider to find out how a helmet camera policy would affect our policy.
- The board tabled any decision on the Helmet Camera Policy until more research is done.
- ***Motion to authorize mayor to sign acquisition offer of settlement for corner of Davis Park***  
NYS DOT is acquiring a corner of land at Davis Park to construct curb ramps and sidewalks to comply with the Americans with Disabilities Act. The settlement offer is \$550.  
Trustee Dunn made a motion, seconded by Trustee Cavallaro to authorize the mayor to sign the acquisition/offer of settlement for the corner of Davis Park. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Nays: none. Carried.
- ***Phone/Internet quotes***  
Highlights from the discussion:
  - The phone system that the village purchased a few years ago is no longer being supported by DFT, the phone company went bankrupt and DFT does not have staff that can support the phone system anymore. Due to this, we started looking at phone options as well as internet service to make sure we are getting a competitive price.
  - Trustee Gustafson met with department heads to discuss how many phones were needed and the types of phones. He provided a spreadsheet to the board with quotes from DFT and Kinetic-Windstream for leased cloud-based phones, fax lines and upgraded fiber internet service.
  - There is a cost savings per month showing for both companies over the current monthly cost as there were some phones/faxes that are being eliminated, but Kinetic-Windstream offered the lowest monthly cost. More fax lines may be able to be eliminated once it is determined if they are needed. The quoted prices are the same for a 3- or 5-year contract.Trustee Gustafson made a motion, seconded by Trustee Dunn to authorize the mayor to enter into a 3-year commitment with Kinetic-Windstream for the purposes of phone and internet services. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Nays: none. Carried.
- ***Memorial Day Parade – Monday, May 26 at 10:15am***  
The parade will assemble on S. Dow Street and travel down W. Main Street to N. Work Street, continuing to Pine Hill Cemetery where a remembrance ceremony will be held. Any groups wishing to participate, can contact Alan Gustafson Sr. at 716-450-3032 or Cindy Capestrani at 716-665-4400 or send an email to alanpgustafson@outlook.com.
- ***Annual Easter Egg Hunt – Saturday, April 12 at 10 am – Falconer Park***  
There will be a committee meeting on Tuesday, April 8<sup>th</sup> at 6:00pm in the Community Building Board Room to finalize the plans for the event. The fire department and police will be in attendance as well as an appearance by the Easter Bunny who will arrive via the Mack fire truck.

- ***Beautification Day – Saturday, May 10 at 9am***  
The village-wide clean-up will begin at 9am in front of the Falconer Fire Department. Bring your own gloves, rakes and brooms. The village will provide garbage bags and dumpsters will be located at the highway garage for village residents. Lunch will be served between 11am – noon.
- ***Village-wide Garage Sales will be May 30 – 31<sup>st</sup>. More information to come next month.***
- ***NYS Archive Grant was submitted for \$18k - shelving and fire doors for basement records room***
- Trustee Gustafson notified the board that we were not awarded the grant that was applied for through the CCPEG to develop design guidelines for our downtown area.

#### **New Business:**

- ***Resolution to Dispose of Village Surplus Inventory***  
Trustee Pierce made a motion, seconded by Trustee Cavallaro to dispose of the surplus as listed on the list dated 4/7/2025. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Nays: non. Carried
- ***Der Kobbler's Car Club Auto Show – Davis Park – May 24<sup>th</sup> at 8am – 3pm – permission***  
Trustee Pierce made a motion, seconded by to allow the Der Kobbler's Car Club Auto Show in Davis Park on May 24<sup>th</sup> from 8am – 3pm. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Nays: non. Carried
- ***Prevention Works Family Cornhole Event – permission to close Merchants Alley***  
Prevention Works at 1 E. Main Street, is planning a family friendly cornhole event on August 23, 2025 from 10:00 am to 4:00 pm. They are asking permission to close Merchants Alley behind their office between their parking lot where the event will be taking place. They have reached out to all of the neighboring businesses that may be affected by this closure with no objections.  
Trustee Pierce made a motion, seconded by Trustee Dunn to allow Prevention Works to close Merchants Alley on August 23 from 10am – 4pm for their family cornhole event. Discussion: a food truck permit will not be needed as the event is on private property. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Nays: non. Carried
- ***Small Business Workshop – Wednesday, April 23, 4:00 – 5:30pm***  
A Small Business Information Event hosted by the Jamestown SBDC and Cattaraugus County Bank will be held at the Falconer Public Library on Wednesday, April 23 from 4:00 to 5:30pm. Learn more about the free business guidance that is available in the county.
- Trustee Gustafson mentioned that the board approved Local Law #2-2025 but did not approve the fees. Attorney Peterson stated that the fee schedule was not part of the local law and can be amended by board resolution as needed from time-to-time. The board will address the fees at the next board meeting.
- Superintendent Faulker spoke with Frank LaMarca with the Vietnam Veterans Association Chapter 865 regarding their desire to clean up around the Veterans Memorial area in Davis Park. Their plan includes new black mulch, cleaning up the brush, painting, two new flags and tending to the flowers. Superintendent Faulker has no objections to their plan and offered to help with whatever was needed.

#### **Correspondence:**

- ***Abstract Audit – Trustee Gustafson***  
Trustee Gustafson's letter, dated April 7, 2025, which acknowledged his review on April 7, 2025 of the unpaid vouchers for Abstract #11 (FY 24/25) and bank reconciliations from M&T Bank, Community Bank and NYCLASS for the month of February 2025 was placed into record.

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- ***Fire Department Annual Inspection Dinner and Awards Banquet – May 3<sup>rd</sup> at 6pm – Falconer Moose***

Board members and village management staff and a guest are invited to attend.

### **Abstracts**

**Motion:** It is moved by Trustee Dunn and seconded by Trustee Pierce that Abstract #11, General Fund in the amount of \$97,235.60 be approved for payment. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Nays: none. Carried.

**Motion:** It is moved by Trustee Gustafson and seconded by Trustee Dunn that Abstract #11, Cemetery Fund in the amount of \$22.25 be approved for payment. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Nays: none. Carried.

**Motion:** It is moved by Trustee Pierce, and seconded by Trustee Gustafson that Abstract #11, Library Fund in the amount of \$12,438.08 be approved for payment. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Abstain, Pierce: Aye, and Jaroszynski: Aye. Nays: none. Carried.

**Motion:** It is moved by Trustee Gustafson and seconded by Trustee Cavallaro that Abstract #11, General Fund Hand Items in the amount of \$5,006.23 be approved for payment. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Nays: none. Carried.

Trustee Gustafson made a motion, seconded by Trustee Dunn to move into executive session to discuss the lease request of village property at 7:22 p.m. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Nays: none. Carried.

There was no action taken during the executive session.

A motion to end the executive session was made at 7:43 p.m. by Trustee Pierce and seconded by Trustee Cavallaro. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Carried.

A motion to close the regular meeting was made at 7:43 p.m. by Trustee Gustafson and seconded by Trustee Dunn. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Pierce: Aye, and Jaroszynski: Aye. Carried.

*Respectfully submitted,  
Cindy Capestrani, Village Clerk*