

July 9, 2012

Board of Trustees

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Proceedings by Authority

State of New York  
Village of Celoron  
Community Center

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A regular meeting of the Board of Trustees of the Village of Celoron, New York was held on Monday, July 9, 2012 at 7:00 P.M.

Members Present: Mayor Keeney, Trustees Kogut, Mattison, Schrecengost and Young

Others Present: Village Clerk-Treasurer Shirley A. Sanfilippo, MMC, Village Attorney John D. Vanstrom, Highway Superintendent Terry Schrecengost and Dennis Phillips of The Post Journal (arrived at 7:08 p.m.)

Mayor Keeney called the meeting to order, asked the Clerk to call the roll and led the Pledge of Allegiance.

**MAYOR'S COMMENTS:**

Mayor Keeney commented that only one person showed up for the foul shooting contest on July 7<sup>th</sup>. He stated that he did not know what event would attract the youth to participate. He had asked for the name of a band to have a performance in the bandshell as a part of the summer concert series and received no response. Elected officials had sat in a dunk tank allowing people to soak them and now a lack of participation in a basketball event. No music, no basketball, no fun. What is the solution? How do we serve our youth? If anyone here has an answer, let me know.

**MAYORAL APPOINTMENTS:**

Mayor's Office  
To the Board of Trustees of the Village of Celoron, New York

Trustees:

In pursuance of the authority vested in me by the Village Law of the State of New York, I do hereby nominate:

Paul Shanahan  
15 Maple Street  
P.O. Box 163  
Celoron, New York 14720-0163

to be re-appointed a member of the Planning Board in and for the Village of Celoron, New York.

The term for which said appointment is to be made will expire on December 7, 2015.

Dated: July 9, 2012

John M. Keeney  
Mayor of the Village of Celoron, New York

Mayor's Office  
To the Board of Trustees of the Village of Celoron, New York

July 9, 2012

Trustees:

In pursuance of the authority vested in me by the Village Law of the State of New York, I do hereby nominate the following:

Clare C. Crawford  
222 Dunham Avenue WE  
Jamestown, NY 14701-2524

to be appointed a member of the Zoning Board of Appeals in and for the Village of Celoron, New York. The term for which said appointment is to be made will expire on December 5, 2016.

Dated: July 9, 2012

John M. Keeney  
Mayor of the Village of Celoron, New York

Trustee Schrecengost moved, seconded by Trustee Mattison to vote collectively on the appointments.

Carried: 5 ayes

Trustee Schrecengost moved, seconded by Trustee Young to approve the appointments.

Carried: 5 ayes

**OPPORTUNITY FOR PUBLIC COMMENT:**

None

**APPROVAL OF MINUTES:**

Trustee Mattison motioned, seconded by Trustee Kogut to approve the minutes of the Regular Meeting held on June 11, 2012.

Carried: 5 ayes

**COMMITTEE REPORTS**

**PUBLIC SAFETY** – Trustee Kogut gave the report from the Code Enforcement Officer. Trustee Schrecengost stated that the recently formed Neighborhood Watch Committee requested the installation of about seven or eight neighborhood watch signs. Mayor Keeney will get prices and report back to the Board.

**ANIMAL CONTROL** – Trustee Schrecengost advised that there would be a Rabies Clinic held on September 15, 2012 from 9:00 a.m. to 11:00 a.m. at the Village Highway Garage.

**PARKS & RECREATION** – Trustee Young reported that the Summer Youth Recreation Program would be starting on July 10, 2012 and that there was good attendance at the Summer Concerts.

**HIGHWAY AND EQUIPMENT** – Trustee Mattison and the Board reviewed the only proposal received for seal coating of the walkway and basketball court in the park.

July 9, 2012

Trustee Mattison moved, seconded by Trustee Kogut to accept the proposal of Tabone's Southtowns Sealing, LLC in the amount of \$3,500.00 for the seal coating of the walkway and the seal coating and lining of the basketball court.

Carried: 5 ayes

ZONING & PLANNING – Mayor Keeney made the following appointment:

Mayor's Office

To the Board of Trustees of the Village of Celoron, New York

Trustees:

In pursuance of the authority vested in me by the Village Law of the State of New York, I do hereby appoint:

Becky Holmstrom  
11 Melvin Avenue  
P.O. Box 422  
Celoron, NY 14720-0422

As Chairperson of the Planning Board in and for the Village of Celoron, New York. The term for which said appointment is to be made will expire on December 2, 2013.

Dated: July 9, 2012

John M. Keeney  
Mayor

SANITATION – In Trustee Mattison – none

BUSINESS – Trustee Kogut – none

CORRESPONDENCE – Clerk Sanfilippo reviewed the following correspondence:

1. Thank you from Sonya Anderson for the summer cruise.
2. Notice of Public Hearing on June 25, 2012 from the Town of Ellicott.
3. News Release from NYS DEC regarding record fish.
4. News Release from NYS DEC regarding the tentative 2012-13 Migratory Game Bird Hunting Seasons.
5. Notice from Univera of their intent to seek a rate increase.
6. NYCOM NEWS.
7. Notification from Time Warner Cable of possible network changes.

FINANCE – Entire Board/Clerk

Mayor Keeney asked for approval of Abstract #2 in the amount of \$8,527.05, Check #1512 thru 1523 dated June 12-30, 2012; Trust & Agency Abstract #2 in the amount of \$115.90, Check #5017, dated June 29, 2012 and Abstract #3 in the amount of \$28,873.45, Check #1524 thru 1535, dated July 1-9, 2012.

Trustee Mattison moved, seconded by Trustee Young to approve payment of the abstracts.

Carried: 5 ayes

July 9, 2012

AUDIT – Trustee Mattison – none

INSURANCE – Trustee Young – none

BUILDING – Trustee Young – none

SPECIAL EVENTS – Trustee Mattison stated that the “Market in the Park” began on June 30<sup>th</sup> and will continue every Saturday from 9:00 am to 1:00 p.m. The Board discussed setting a date for the Community Picnic.

## **RESOLUTIONS**

### **Resolution #27 - 2011-12**

#### **BOND RESOLUTION DATED JULY 9, 2012 AUTHORIZING THE ISSUANCE AND SALE OF \$ 21,900.00 SERIAL BONDS OF THE VILLAGE OF CELORON, CHAUTAUQUA COUNTY, NEW YORK TO PAY FOR PURCHASE OF A 2011 JOHN DEERE 310SJ BACKHOE.**

BE IT RESOLVED, this 9th day of July, 2012 by the Board of Trustees of the Village of Celoron, Chautauqua County, New York, as follows:

Section 1. For the object or purpose of authorizing the funds to defray the costs thereof for the purchase of a 2011 John Deere 310SJ Backhoe in the amount of TWENTY-ONE THOUSAND NINE HUNDRED DOLLARS (\$21,900.00) to be the terms, forms, and contents, hereinafter provided for, shall be issued pursuant to the provisions of the Local Finance Law of the State of New York. Said purchase of Capital Improvements should be paid from the annual budget of that year.

Section 2. The plan for financing that object or purpose consists of the issuance of TWENTY-ONE THOUSAND NINE HUNDRED DOLLARS (\$21,900.00) Serial Bonds of the Village of Celoron in the principal sum of, to be applied to the maximum estimated cost of such object or purpose.

Section 3. It is hereby determined that the object or purpose of which said Serial Bonds are to be issued falls within Subparagraph “28” of Section 11 of the Local Finance Law and the period of probable usefulness of such object or purpose is FIFTEEN (15) years.

Section 4. The proposed maturity of the Serial Bonds hereby authorized will not be in excess of FIVE (5) years.

Section 5. Full faith and credit of the Village of Celoron are hereby pledged to payment of principal of those bonds and interest thereon when due.

Section 6. The bonds shall not be issued in the event that the interest rate therefore exceeds TWELVE PERCENT (12%) per annum.

Section 7. The Treasurer of the Village of Celoron is hereby authorized and directed to sell bonds at a private sale in accordance with the provisions of Local Finance Law, Section 63.

July 9, 2012

**BOND ANTICIPATION NOTE CERTIFICATE OF THE TREASURER  
OF THE VILLAGE OF CELORON, COUNTY OF CHAUTAUQUA, STATE OF NEW YORK  
AUTHORIZING THE ISSUANCE OF \$ 21,900.00 BOND ANTICIPATION TO PAY THE  
COST  
FOR A 2011 JOHN DEERE 310SJ BACKHOE**

I, SHIRLEY A. SANFILIPPO, Treasurer of the Village of Celoron, Chautauqua County, New York, do hereby certify as follows:

(1) At a meeting of the Village Board of the Village of Celoron held on the 9th day of July, 2012 at the Community Center, 47 Dunham Avenue, Celoron, New York, the Village Board granted to the Treasurer, pursuant to Local Finance Law, Section 30.00, the power to authorize the issuance of a bond anticipation note in the sum of at least TWENTY-ONE THOUSAND NINE HUNDRED DOLLARS AND NO CENTS (\$21,900.00) such sum to be applied to the 2011 John Deere 310SJ Backhoe. Such authority is still in full force and effect, and has not been modified, amended or revoked.

(2) In accordance with such authorization and pursuant to the provisions of the Local Finance Law, Section 23.00, I have authorized the issuance of TWENTY-ONE THOUSAND NINE HUNDRED DOLLARS AND NO CENTS (\$21,900.00) in a single issue Bond Anticipation Note, and prescribed the terms, contents and forms thereof.

(3) The issuance of the Bond Anticipation Note is for a purpose, payment of the cost of a 2011 John Deere 310SJ Backhoe as described in Local Finance Law, Section 11.00.

(4) The resolution adopted by the Village Board of the Village of Celoron authorizes the issuance of Serial Bonds for the payment of the purchase price of a 2011 John Deere 310SJ Backhoe in anticipation of the sale of which this Bond Anticipation Note is to be issued. No Bond Anticipation Note has heretofore been issued in anticipation of the bond authorized as shown in said resolution or for any other purchase. The Bond Anticipation Note to be issued pursuant to this is certified as follows:

<u>DATE OF ISSUE</u>	<u>DATE OF MATURITY</u>	<u>INTEREST</u>	<u>AMOUNT</u>
July 13, 2012	July 12, 2013	2.25%	\$21,900.00

Dated: July 13, 2012

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Shirley A. Sanfilippo, Treasurer

Trustee Mattison moved, seconded by Trustee Kogut to approve the resolution.

Carried: 5 ayes

July 9, 2012

## **Resolution # 28 -2011-12**

Resolved, That Village Clerk-Treasurer Shirley A. Sanfilippo, Deputy Clerk Jetta L. Wilson and Village Attorney John D. Vanstrom be and they hereby are authorized to attend the NYCOM-OSC Fall Training School to be held in Lake Placid, New York on September 10-14, 2012 with expenses to paid pursuant to Section 77-b of the General Municipal Law.

Trustee Schrecengost moved, seconded by Trustee Mattison to approve the resolution.

Carried: 5 ayes

## **Resolution # 29 -2011-12**

WHEREAS, the community of the Village of Celoron was a participant in the Chautauqua Lake Waterfront Program Plan developed with funding from the New York State Department of State Division of Coastal Resources; and

WHEREAS, the Village of Celoron applied for and received a grant from the Department of State Division of Coastal Resources for a project called *Visioning and Development of a Local Waterfront Revitalization Program*; and

WHEREAS, the Village of Celoron completed and on May 14, 2012 adopted *A Waterfront Revitalization Plan for the Village of Celoron, NY*; and

WHEREAS, the Village of Celoron supports implementation of the goals and projects included in *A Waterfront Revitalization Plan for the Village of Celoron, NY*; and

WHEREAS, a notice of funding availability for Environmental Protection Fund grant monies for these purposes has been made by the Department of State Division of Coastal Resources; and

WHEREAS, the Village of Celoron will submit a Consolidated Funding Application for a project called *Improvements to the Lucille Ball Memorial Park*; now therefore be it,

RESOLVED, That the community of the Village of Celoron hereby supports the submission of a Consolidated Funding Application for 2012 and will join in partnership in the design and implementation activities identified in the application.

Trustee Mattison moved, seconded by Trustee Schrecengost to approve the resolution.

Carried: 5 ayes

### **LOCAL LAW TO BE PRESENTED:**

#### **LOCAL LAW NO. 2 OF 2012**

#### **A LOCAL LAW AMENDING SECTION 18-2.A.(15) OF THE CODE OF THE VILLAGE OF CELORON, NEW YORK**

BE IT ENACTED by the Village Board of the Village of Celoron, New York, pursuant to the authority and provisions of §10 of the Municipal Home Rule Law and §7-725a of the New York State Village Law, as follows:

- 1. Intent.** Amend Section 18-2.A.(15) Parking requirements of the Vehicle and Traffic Section of the Code of the Village of Celoron to prohibit parking on the north side of Boulevard Avenue between Dunham Avenue and Edgewater Street.

July 9, 2012

- 2. Amendment.** Section 18-2.A.(15) Parking requirements, of the Code of the Village of Celoron be and hereby is amended to read as follows:

On the north side of Boulevard Avenue from Dunham Avenue east to the intersection of the easterly line of Edgewater Street.

- 3. Conflicting Statutes.** All local laws or ordinances or parts of local laws or ordinances in conflict herewith are hereby repealed.
- 4. Severability.** Should any clause, sentence, paragraph, subdivision, section or other part of this local law be adjudicated by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and to this end, the provisions of each section of this local law are hereby declared to be severable.
- 5. Effective Date.** This local law shall become effective immediately upon filing with the New York State Secretary of State.

Trustee Mattison moved, seconded by Trustee Kogut to table the Local Law and schedule a Public Hearing for Monday, July 23, 2012 at 6:45 p.m. in the Community Center.

Carried: 5 ayes

### **OLD BUSINESS**

None

### **NEW BUSINESS**

None

### **MAYOR'S COMMENTS:**

None

### **OPPORTUNITY FOR PUBLIC COMMENT:**

None

Mayor Keeney motioned to adjourn the meeting. Trustee Mattison seconded the motion.

Carried: 5 ayes

The meeting was adjourned at 7:35 p.m.

Shirley A. Sanfilippo, MMC  
Village Clerk-Treasurer