

February 11, 2013

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, February 11, 2013 at 7:00 P.M.

Members Present: Trustees Kogut, Mattison, Schrecengost and Young

Members Absent: Mayor Keeney

Others Present: Village Clerk-Treasurer Shirley A. Sanfilippo, MMC/CMFO, Village Attorney John D. Vanstrom and Highway Superintendent Terry Schrecengost

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

**MAYOR'S COMMENTS:**

None

**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 January 14, 2013.

Carried: 4 ayes

**COMMITTEE REPORTS**

PUBLIC SAFETY – Trustee Kogut gave the report from the Code Enforcement Officer.

ANIMAL CONTROL – Deputy Mayor Schrecengost stated the dog that had been running loose in the Village for nine days had been caught.

PARKS & RECREATION – Trustee Young – none

Deputy Mayor Schrecengost asked Trustee Young if she had been attending the Inter-Municipal Committee meetings of the Chautauqua Lake Management Commission. She replied that she had not and did not feel that she was the right person to be attending these meetings. She stated that not all the municipalities attend the meetings and she did not understand why the Village was included in it. Deputy Mayor Schrecengost replied it was because we were situated on the lake.

HIGHWAY AND EQUIPMENT – Trustee Mattison stated that the Highway Department had been busy plowing.

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ZONING & PLANNING – Trustee Schrecengost had no report. Clerk-Treasurer Sanfilippo advised the Board that a first draft of the code book had been received. She and Village Attorney Vanstrom were reviewing it and would be coming back to the Board for decisions on possible changes.

SANITATION – Trustee Mattison – none

BUSINESS – Trustee Kogut – none

CORRESPONDENCE – Clerk Sanfilippo reviewed the following correspondence:

1. NYCOM message regarding 2013-14 Executive Budget Proposal.
2. NYCOM message regarding 2013-14 Executive Budget Proposal.
3. Notice from Time Warner Cable of price changes.
4. Correspondence from Congressman Tom Reed.
5. Information from Post Office meeting on Jan. 29, 2013.
6. Notice from Time Warner Cable of network changes.
7. February meeting notice for Chautauqua County Conference of Mayors on Thursday, February 28, 2013.

FINANCE – Entire Board/Clerk

Deputy Mayor Schrecengost asked for approval of Abstract #16 in the amount of \$19,765.56, check #1747 thru 1760, dated January 15-31, 2013; Abstract #17 in the amount of \$22,379.07, check #1761 thru 1776 and Trust & Agency Abstract #6 in the amount of \$15.00, check #5025, dated February 11, 2013.

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

Carried: 4 ayes

AUDIT – Trustee Mattison – none

INSURANCE – Trustee Young – none

BUILDING – Trustee Young – none

SPECIAL EVENTS – Trustee Mattison – none

### **OLD BUSINESS**

None

### **NEW BUSINESS**

None

**RESOLUTIONS**

**Resolution #11 – 2012-13**

WHEREAS, on February 13, 2012 the Board of Trustees of the Village of Celoron, New York adopted Local Law No. 1 of 2012, which instituted a moratorium on land use approvals in the area currently under study as part of implementing the Local Waterfront Revitalization Plan of the Village of Celoron, New York, and

WHEREAS, said local law provided for an extension of the moratorium for two additional periods of up to three months each by Resolution of the Village Board upon a finding of the necessity of such extension, and

WHEREAS, the Village of Celoron has contracted with General Code for recodification of the Village Code and said recodification has not yet been completed, and

WHEREAS, the effective date of the commencement of said moratorium was the date filed with the New York State Secretary of State, and

WHEREAS, said filing date with the New York State Secretary of State was February 21, 2012, and

WHEREAS, there is a necessity of extending the moratorium for an additional three month period to allow time for the completion of the land use regulations; now therefore, be it

RESOLVED, That the moratorium on land use approvals in the area currently under study as part of implementing the Local Waterfront Revitalization Plan of the Village of Celoron, New York be and hereby is extended to May 21, 2013.

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

Carried: 4 ayes

**Resolution #12 - 2012-13**

**BOND RESOLUTION DATED FEBRUARY 11, 2013 AUTHORIZING THE ISSUANCE AND SALE OF \$ 30,000.00 SERIAL BONDS OF THE VILLAGE OF CELORON, CHAUTAUQUA COUNTY, NEW YORK TO PAY FOR PURCHASE OF A 2002 INTERNATIONAL MODEL 4400 6X4 TANDEM AXLE TRUCK AND A 2012 CHEVROLET ¾ TON PICKUP TRUCK.**

BE IT RESOLVED, this 11<sup>th</sup> day of February, 2013 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 2002 International Model 4400 6X4 Axle Truck and a 2012 Chevrolet ¾ Ton Pickup Truck in the amount of thirty THOUSAND DOLLARS (\$30,000.00) 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.

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Section 2. The plan for financing that object or purpose consists of the issuance of THIRTY THOUSAND DOLLARS (\$30,000.00) 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 FIVE (5) 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.

**BOND ANTICIPATION NOTE CERTIFICATE OF THE TREASURER  
OF THE VILLAGE OF CELORON, COUNTY OF CHAUTAUQUA, STATE OF NEW YORK  
AUTHORIZING THE ISSUANCE OF \$ 30,000.00 BOND ANTICIPATION NOTE TO PAY  
THE COSTS OF A 2002 INTERNATIONAL MODEL 4400 6X4 TANDEM AXLE TRUCK  
AND A 2012 CHEVROLET ¾ TON PICKUP TRUCK**

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 11<sup>th</sup> day of February, 2013 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 THIRTY THOUSAND DOLLARS AND NO CENTS (\$30,000.00) such sum to be applied to the 2002 International Model 4400 6X4 Tandem Axle Truck and a 2012 Chevrolet ¾ Ton Pickup Truck. 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 THIRTY THOUSAND DOLLARS AND NO CENTS (\$30,000.00) 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 2002 International Model 4400 6X4 Tandem Axle Truck and a 2012 Chevrolet ¾ Ton Pickup Truck 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 2002 International Model 4400 6X4 Tandem Axle Truck and a 2012 Chevrolet ¾ Ton Pickup Truck in anticipation of the sale of which this

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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>
March 1, 2013	February 28, 2014	2.25%	\$30,000.00

Dated: February 12, 2013

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Shirley A. Sanfilippo, Treasurer

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

Carried: 4 ayes

**LOCAL LAW TO BE PRESENTED:**

**LOCAL LAW NO. 1 OF 2013**

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT  
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c**

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. Legislative Intent.** It is the intent of this local law to allow the Village of Celoron, New York to adopt a budget for the fiscal year commencing June 1, 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.
- 2. Authority.** This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.
- 3. Tax Levy Limit Override.** The Board of Trustees of the Village of Celoron, County of Chautauqua, State of New York, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.
- 4. Severability.** If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

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5. **Effective Date.** This local law shall become effective immediately upon filing with the New York State Secretary of State.

The Local Law was tabled until the March 11, 2013 meeting with a Public Hearing scheduled for 6:50 p.m. on Monday, March 11, 2013.

**MAYOR'S COMMENTS:**

None

**OPPORTUNITY FOR PUBLIC COMMENT:**

None

Trustee Mattison motioned to adjourn the meeting. Trustee Kogut seconded the motion.

Carried: 4 ayes

The meeting was adjourned at 7:15 p.m.

Shirley A. Sanfilippo, MMC/CMFO  
Village Clerk-Treasurer