

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

Members Present: Trustees Kogut, Schrecengost and Young

Members Absent: Trustee Mattison

Others Present: Village Clerk-Treasurer Shirley A. Sanfilippo, MMC/CMFO, Village Attorney John D. Vanstrom, Deputy Clerk Jetta L. Wilson, Highway Superintendent Terry Schrecengost, Dennis Phillips of The Post-Journal and four members of the public

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

Those present stood and observed a moment of silence in memory of Mayor John M. Keeney.

**MAYOR'S COMMENTS:**

None

**MAYORAL 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 nominate the following:

David Rowe  
3740 Westman Road  
Bemus Point, New York 14712

to be appointed as Code Enforcement Officer in and for the Village of Celoron, New York (to fill the unexpired term of Frank J. Fonti, resigned). The term for which said appointment is to be made will expire on December 2, 2013.

Dated: March 11, 2013

Scott D. Schrecengost  
Deputy Mayor of the Village of Celoron, New York

Trustee Young moved, seconded by Trustee Kogut to approve the appointment.

Carried: 3 ayes

**OPPORTUNITY FOR PUBLIC COMMENT:**

None

**APPROVAL OF MINUTES:**

Trustee Young motioned, seconded by Trustee Kogut to approve the minutes of the Regular Meeting held on February 11, 2013.

Carried: 3 ayes

**COMMITTEE REPORTS**

PUBLIC SAFETY – Trustee Kogut – none

ANIMAL CONTROL – Deputy Mayor Schrecengost stated the Animal Control Officer was finished the end of March and he was looking for a replacement.

PARKS & RECREATION – Trustee Young – none

HIGHWAY AND EQUIPMENT – In Trustee Mattison's absence Highway Superintendent Schrecengost presented a proposal from Ahlstrom Schaeffer Electric Corporation to purchase new lighting fixtures and lamps for the highway garage. The net cost after a \$1,245 rebate from the BPU would be \$1,740 with the staff installing the new fixtures. This will result in a savings of \$239 a year.

Trustee Young moved, seconded by Trustee Kogut to approve the purchase of the light fixtures with lamps from Ahlstrom Schaeffer Electric Corporation.

Carried: 3 ayes

The Board reviewed a request from Cindy Calzone for a "Blind Child" sign near the intersection of Jackson Avenue and 4<sup>th</sup> Street.

Trustee Kogut moved, seconded by Trustee Young to approve the request for a "Blind Child" sign near the intersection of Jackson Avenue and 4<sup>th</sup> Street.

Carried: 3 ayes

ZONING & PLANNING – Deputy Mayor Schrecengost stated that progress was being made on reviewing the code book.

SANITATION – Trustee Mattison – none

BUSINESS – Trustee Kogut – none

CORRESPONDENCE – Clerk Sanfilippo reviewed the following correspondence:

1. Press release regarding new record for hunting safety in New York.
2. Press release regarding changes proposed for state bobcat hunting and trapping regulations.

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3. Press release regarding state of Lake Ontario meetings.
4. Chautauqua 20/20 Newsletter.
5. Notice from Time Warner Cable of network changes.
6. Press release regarding state of the eastern Finger Lakes meetings.
7. March meeting notice for Chautauqua County Conference of Mayors on March 28, 2013.
8. Press Release from DEC regarding fishing shanties.

FINANCE – Entire Board/Clerk

Clerk-Treasurer Sanfilippo asked for approval of Abstract #18 in the amount of \$32,534.22, check #1777 thru 1788, dated February 12-28, 2013; Abstract #19 in the amount of \$5,525.86, check #1789 thru 1807, dated March 1-11, 2013 and Trust & Agency Abstract #7 in the amount of \$427.80, check #5026, dated March 11, 2013.

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

Carried: 3 ayes

Clerk-Treasurer Sanfilippo presented the Tentative 2013-14 Budget to the Board of Trustees.

Trustee Young moved, seconded by Deputy Mayor Schrecengost to set a Public Hearing on the Tentative Budget for 7:00 p.m. on Monday, March 25, 2013 in the Community Center.

Carried: 3 ayes

AUDIT – Trustee Mattison – none

INSURANCE – Trustee Young – none

BUILDING – Trustee Young – none

SPECIAL EVENTS

Deputy Mayor Schrecengost moved to approve the use of Lucille Ball Memorial Park and part of Dunham Avenue for the Celoron Rib-Fest to be held on June 5, 6, 7 & 8, 2013 for a permit fee of 20% of the net profits up to a maximum of \$2,000.00. Trustee Young seconded the motion.

Carried: 3 ayes

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**RESOLUTIONS**

**Resolution #13 – 2012-13**

WHEREAS, Chapter 11 of the Village of Celoron Code prohibits open containers of alcoholic beverages on the Village property unless authorized in advance by the Board of Trustees, and

WHEREAS, it is desirable and appropriate to allow the limited consumption of alcoholic beverages at the Celoron Village Park in connection with the Rib-Fest scheduled for June 5, 6, 7 & 8, 2013, it is therefore

RESOLVED, That the Board of Trustees hereby authorizes open containers of alcoholic beverages at the Celoron Village Park in connection with the Rib-Fest scheduled for June 5, 6, 7 & 8, 2013, in accordance with the following terms and conditions:

1. No alcoholic beverages shall be sold, delivered, given away, or allowed to be consumed or in the possession of:
  - a. Any person actually or apparently under the age of 21 years old
  - b. Any person who is actually or apparently intoxicated
  - c. Any person who is loud, obnoxious, belligerent, or otherwise behaving in an inappropriate manner
2. No alcoholic beverages shall be consumed or in the possession of any person except in the area specifically designated by the Village of Celoron for such purpose.
3. Only alcoholic beverages sold by the Celoron Rib-Fest Committee may be consumed or in the possession of any person; no privately supplied alcohol can be consumed or in the possession of any person, including specifically any coolers or other alcoholic beverages of any kind.
4. The Celoron Rib-Fest Committee must have a duly approved alcohol license in advance of the event, a copy of which must be provided to the Village Clerk.
5. The Celoron Rib-Fest Committee must have Dram Shop insurance and public liability insurance of at least \$1 million, which insurance must name the Village of Celoron as additional named insured for the purposes of coverage but not the payment of premium, and it is further

RESOLVED, That any person who fails to comply with the terms and conditions of this Resolution shall be in violation of Chapter 11 of the Village of Celoron Code, punishable by a fine not exceeding \$250.00 for each offense, and upon conviction shall be guilty of disorderly conduct.

Deputy Mayor Schrecengost moved, seconded by Trustee Young to approve the resolution.

Carried: 3 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.
5. **Effective Date.** This local law shall become effective immediately upon filing with the New York State Secretary of State.

Trustee Kogut moved, seconded by Trustee Young to approve the Local Law.

Carried: 3 ayes

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

None

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

Trustee Young commented that all were grieving right now over the loss of Mayor Jack Keeney. She stated the community was better off for having known him and had him in leadership. She hoped we can carry on in a way that he would be proud of.

Trustee Kogut responded, "Hear, hear!" and stated that we will all pledge to continue what he started.

Deputy Mayor Schrecengost said it will be tough to fill his shoes. He turned the position into a full-time position rather than a part-time position.

Beverly Lindstrom commented that we will all do what we can.

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

Carried: 3 ayes

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The meeting was adjourned at 7:18 p.m.

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