

November 12, 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 Tuesday, November 12, 2013 at 7:00 P.M.

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

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

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

**MAYOR'S COMMENTS:**

Mayor Schrecengost thanked Deputy Mayor Mattison and Trustee Kogut for doing such a nice job on the Veterans' Day Services.

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:

Mark F. Wilson  
14 Rowley Court WE  
Jamestown, NY 14701

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 4, 2017.

Dated: November 12, 2013

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

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

Carried: 5 ayes

**OPPORTUNITY FOR PUBLIC COMMENT:**

None

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**APPROVAL OF MINUTES:**

Trustee Grundstrom motioned, seconded by Trustee Mattison to approve the minutes of the Regular Meeting of October 15, 2013.

Carried: 5 ayes

**COMMITTEE REPORTS**

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

ANIMAL CONTROL – Trustee Grundstrom – none

PARKS & RECREATION – Trustee Young and the Board discussed the purchase of surveillance cameras to place in Lucille Ball Memorial Park to deter vandalism. Mayor Schrecengost stated that the quote had come in considerably higher than expected. Trustee Young will contact other companies for quotes.

HIGHWAY AND EQUIPMENT – Trustee Mattison and the Board reviewed quotes for a salt spreader. No action was taken.

Highway Superintendent Schrecengost advised the Board that he had been approached by the Town of Ellicott to jointly purchase a snow blower from the City of Jamestown. The Village and the Town would each pay approximately \$4,000.00.

Trustee Grundstrom moved, seconded by Trustee Mattison to approve the purchase of the snow blower.

Carried: 5 ayes

Trustee Mattison and the Board reviewed the recommendation from the Planning Board on the abandonment of Walton Avenue south of Boulevard Avenue and parts of Avon Avenue, Gifford Avenue, Chadakoin Parkway and several alleyways.

Trustee Mattison moved, seconded by Trustee Young to accept the recommendation of the Planning Board to abandon a portion of Walton Avenue south of Boulevard Avenue and the carriage ways south of Boulevard Avenue as requested by Holiday Harbor Marina LLC and set a public hearing on said abandonments for 6:45 p.m. on Monday, December 9, 2013.

Carried: 5 ayes

The Board reviewed a request from the Chautauqua County Soil & Water Conservation District to participate in the 2013 Water Quality Improvement Project – Round 11. The consensus was to participate. A resolution will be presented later in the meeting.

ZONING & PLANNING – Trustee Grundstrom advised that there would be a Zoning Board of Appeals meeting on Monday, November 18, 2013. The Board reviewed Local Law No. 4 of 2013 to provide for the codification of the local laws, ordinances and certain resolutions of the Village of Celoron.

Trustee Young moved, seconded by Trustee Grundstrom to set a public hearing on Local Law No. 4 of 2013 for 6:55 .m. on Monday, December 9, 2013.

Carried: 5 ayes

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SANITATION – Trustee Mattison – none

BUSINESS – Trustee Kogut and the Board reviewed a request from the Clerk-Treasurer to attend the Southern Tier West Fall Planning & Zoning Conference on November 14, 2013.

Trustee Young moved, seconded by Trustee Kogut to authorize the Clerk-Treasurer to attend the Southern Tier West Fall Planning & Zoning Conference on November 14, 2013 in Mayville, NY.

Carried: 5 ayes

The Board discussed increasing the returned check fee.

Trustee Mattison moved, seconded by Trustee Kogut to raise the returned check fee to \$30.00 effective with the adoption of the new code book.

Carried: 5 ayes

CORRESPONDENCE – Clerk Sanfilippo reviewed the following correspondence:

1. Notice from Time Warner Cable of network changes.
2. Meeting Notice for Chautauqua County Conference of Mayors.
3. Notice of funding availability from the New York State Homes and Community Renewal Housing Trust Fund Corporation Office of Community Renewal.
4. Press Release from the NYS DEC regarding additional deer management permits available for hunters.
5. Press Release from the NYS DEC regarding a statewide deer hunter survey.
6. Press Release from the NYS DEC regarding protection of the NYS deer population.
7. Press Release from the NYS DEC regarding hunting season opening on November 16th.

FINANCE – Entire Board/Clerk

Clerk-Treasurer Sanfilippo asked for approval of Abstract #10 in the amount of \$10,064.53, check #2051 thru 2067, dated October 16-31, 2013; Trust & Agency Abstract #5 in the amount of \$1,274.27, check #5032, Dated October 31, 2013; and Abstract #11 in the amount of \$16,365.03, check #2068 thru 2085, dated November 1-12, 2013.

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

Carried: 5 ayes

The Board reviewed a revised Procurement Policy. No action was taken at this time.

AUDIT – Trustee Mattison – none

INSURANCE – Trustee Young and the Board reviewed a notice from Univera of new health insurance policies and premium rates.

BUILDING – Trustee Young – none

SPECIAL EVENTS – Trustee Mattison reminded everyone of the Senior Dinner on December 4, 2013; the Childrens' Christmas Party on December 11, 2013; and the Olde Fashion Christmas Celebration on December 15, 2013.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**RESOLUTIONS:**

**Resolution #31 – 2012-13**

WHEREAS, the Village of Celoron, New York herein call the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein call the "Project, is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith; now, therefore be it

RESOLVED, By the Board of Trustees of the Village of Celoron, New York

1. That Scott Schrecengost, Mayor of the Village of Celoron, New York, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;

2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;

3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation;

4. That this Resolution take effect immediately.

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

Carried: 5 ayes

**LOCAL LAW TO BE PRESENTED:**

**LOCAL LAW NO. 4 OF 2013**

**A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF CELORON INTO A MUNICIPAL CODE TO BE DESIGNATED AS THE "CODE OF THE VILLAGE OF CELORON."**

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BE IT ENACTED by the Board of Trustees 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:

ARTICLE I  
**Adoption of Code**

**§ 1-1. Legislative intent.**

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Celoron, as codified by General Code, and consisting of Chapters 1 through 210, together with an Appendix, shall be known collectively as the "Code of the Village of Celoron," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the Village of Celoron" to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

**§ 1-2. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Trustees of the Village of Celoron, and it is the intention of said Board of Trustees that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

**§ 1-3. Repeal of enactments not included in Code.**

All local laws and ordinances of a general and permanent nature of the Village of Celoron in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

**§ 1-4. Enactments saved from repeal; matters not affected.**

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Village of Celoron prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Village of Celoron or any penalty, punishment or forfeiture which may result therefrom.

- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Village of Celoron.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Celoron.
- E. Any local law or ordinance of the Village of Celoron providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Village of Celoron or any portion thereof.
- F. Any local law or ordinance of the Village of Celoron appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of Celoron or other instruments or evidence of the Village's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Village employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Village.
- N. Any local law or ordinance adopted subsequent to September 16, 2013.

**§ 1-5. Severability.**

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**§ 1-6. Copy of Code on file.**

A copy of the Code, in loose-leaf form, has been filed in the office of the Village Clerk of the Village of Celoron and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Village Clerk of the Village of Celoron by impressing thereon the Seal of the Village of Celoron, and such certified copy shall remain on file in the office of said Village Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this

local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-7. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Village of Celoron" or any new local laws or resolutions, when enacted or adopted in such form as to indicate the intention of the Village to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

**§ 1-8. Code book to be kept up-to-date.**

It shall be the duty of the Village Clerk to keep up-to-date the certified copy of the book containing the Code of the Village of Celoron required to be filed in the office of the Village Clerk for use by the public. All changes in said Code and all local laws and resolutions adopted by the Board of Trustees subsequent to the enactment of this local law in such form as to indicate the intention of said Board of Trustees to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws or resolutions until such changes, local laws or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

**§ 1-9. Sale of Code book; supplementation.**

Copies of the Code, or any chapter or portion of it, may be purchased from the Village Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Board of Trustees. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

**§ 1-10. Penalties for tampering with Code.**

Any person who alters or tampers with the Code of the Village of Celoron in any manner whatsoever which will cause the legislation of the Village of Celoron to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

**§ 1-11. Changes in previously adopted legislation; new provisions.**

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Celoron, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Board of Trustees

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that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

**§ 1-12. Incorporation of provisions into Code.**

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Village of Celoron, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

**§ 1-13. When effective.**

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

The local law was tabled until the December 9, 2013 meeting.

**MAYOR'S COMMENTS:**

Mayor Schrecengost congratulated Trustees Grundstrom and Mattison on their re-election.

**OPPORTUNITY FOR PUBLIC COMMENT:**

None

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

Carried: 5 ayes

The meeting was adjourned at 7:43 p.m.

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