

February 10, 2014

Board of Trustees

Proceedings by Authority

State of New York
Village of Celoron
Community Center

ss:

A regular meeting of the Board of Trustees of the Village of Celoron, New York was held on Monday, February 10, 2014 at 7:00 P.M.

Members Present: Mayor Schrecengost, 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:

None

OPPORTUNITY FOR PUBLIC COMMENT:

None

MAYOR'S 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:

Charles A. Ellis, Jr.
22 E. Burtis Street
P.O. Box 443
Celoron, NY 14720-0443

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 4, 2017.

Dated: February 10, 2014

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

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

Carried: 5 ayes

APPROVAL OF MINUTES:

Trustee Mattison motioned, seconded by Trustee Young to approve the minutes of the Regular Meeting of January 13, 2014.

Carried: 5 ayes

COMMITTEE REPORTS

PUBLIC SAFETY – Trustee Kogut presented the report from the Code Enforcement Officer and stated he was very pleased with Mr. Burkholder's success in cleaning up some of the Village properties.

ANIMAL CONTROL – Trustee Grundstrom – none

PARKS & RECREATION – Trustee Young – none

HIGHWAY AND EQUIPMENT – Trustee Mattison and the Board discussed the quote received from Ed Shults Ford for a 2015 F250 pickup truck and plow.

Trustee Mattison moved, seconded by Trustee Grundstrom to purchase a 2015 F250 Ford pickup truck and fisher plow from Ed Shults Ford for \$36,199.00 pursuant to the Chautauqua County contract price.

Carried: 5 ayes

The Board also reviewed a quote for a new 7300 International Cab & Chassis with a state contract price of \$81,000.00. It was noted that this did not include the dump body or salt spreader. The total estimated cost would be \$150,000. No action was taken at this time.

ZONING & PLANNING – Trustee Grundstrom and the Board reviewed the current regulations for yard/household sales and determined that no changes would be necessary.

SANITATION – Trustee Mattison – none

BUSINESS – Trustee Kogut and the Board discussed sending the minutes from two years' Board Meetings to be bound at a cost between \$300 and \$350.

Trustee Kogut moved, seconded by Trustee Mattison to send the last two years' Board Minutes to Kofile Preservation to be bound for an amount not to exceed \$350.00.

Carried: 5 ayes

CORRESPONDENCE – Clerk Sanfilippo reviewed the following correspondence:

1. NYCOM information on Governor's proposal to "Freeze" property taxes
2. Notice from Time Warner Cable of network changes
3. NYCOM information on 2014-15 Executive Budget
4. Invitation to observe a Mass Rescue Operation Exercise
5. Fiscal Stress Score for Village of Celoron, no designation
6. Time Warner Cable billing changes
7. Notice from Time Warner Cable of network changes
8. DEC Newsletter
9. Empire State Development newsletter

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FINANCE – Entire Board/Clerk

Clerk-Treasurer Sanfilippo asked for approval of Abstract #16 in the amount of \$18,788.90, check #2149 thru 2158, dated January 14-31, 2014; Abstract #17 in the amount of \$24,903.86, check #2159 thru 2176, dated February 1-10, 2014; and Trust & Agency Abstract #8 in the amount of \$4,774.80, dated January 31, 2014, check #5036 & 5037.

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

Carried: 5 ayes

AUDIT – Trustee Mattison – none

INSURANCE – Trustee – none

BUILDING – Trustee Young – none

SPECIAL EVENTS – Trustee Mattison stated that the Rib-Fest was scheduled for June 4-7, 2014.

Trustee Kogut moved, seconded by Trustee Grundstrom to approve the use of Lucille Ball Memorial Park and part of Dunham Avenue for the Celoron Rib-Fest to be held on June 4, 5, 6 & 7, 2014 for a permit fee of 20% of the net profits up to a maximum of \$2,000.00.

Carried: 5 ayes

OLD BUSINESS

None

NEW BUSINESS

None

RESOLUTIONS:

Resolution #14 – 2013-14

WHEREAS, Chapter 60 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 4, 5, 6 & 7, 2014, 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 4, 5, 6 & 7, 2014, 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 60 of the Village of Celoron Code, punishable by a fine not exceeding \$250.00, imprisonment for not more than 15 days, or both such fine and imprisonment, for each offense.

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

Carried: 5 ayes

Resolution #15 – 2013-14

RESOLVED, That the Mayor be and he hereby is authorized to execute the following C&D Waste Addendum to the Shared Highway Services contract of Chautauqua County Municipalities that is in effect as of July 1, 2013:

Shared Highway Services – C&D Waste Addendum

The Shared Highway Services contract of Chautauqua County municipalities that is in effect as of July 1, 2013, is hereby amended to include the following provisions that will be applicable amongst and between those municipalities that have approved and executed this addendum:

1. Credits for Tipping Fees for C&D Waste. Commencing with calendar year 2013, each participating town and village in the Shared Highway Services C&D addendum shall receive an annual credit for tipping fees of eighty (80) tons of C&D waste at the County Landfill, including asbestos containing materials (ACM), which approximates the disposal tonnage for one (1) two-family home. If choosing to participate in this addendum arrangement, the cities of Jamestown and Dunkirk shall annually receive four (4) credits and two (2) credits, respectively. The credit will not be available for C&D waste generated from structures that were previously owned and utilized for municipal purposes by the participating town, village, or city.
2. Use of Credits. In order to obtain optimal use of the credits and minimize impact on the County landfill's operations, each municipality shall be allowed to save its credits for a period of up to three (3) years, and may "loan" its credit(s) to another municipality for a current project in exchange for future credits of equal value. It will also be permissible for a municipality to exchange its credit for shared services assistance from another municipality under the Shared Highway Services agreement, but the credits cannot be "sold" for cash to another municipality.

3. Notice to County Landfill. Participating municipalities shall be required to make a "reservation" for disposal of demolition material utilizing their credit(s) and/or acquired credit(s), and shall advise Landfill staff of the year and source of their credit(s) to be utilized. The County should be notified at least two (2) weeks in advance of the desired date for disposal, and a longer period of notice should be planned where multiple credits are combined for one disposal event. Participating municipalities shall follow the protocol steps attached hereto as Appendix A to arrange each disposal event.
4. Other. Except as modified herein, all terms and conditions of the existing Shared Highway Services agreement shall remain in full force and effect. This addendum shall become effective upon execution, and copies of this addendum shall be filed with the Chautauqua County Department of Law. No shared services or other activities pursuant to this addendum shall be conducted until the municipality has sent a copy thereof to the Chautauqua County Department of Law.

Appendix A to Shared Highway Services – C&D Waste Addendum

All applicable Federal, State, and local laws, rules, and regulations, including, but not limited to the following provisions, must be complied with before a derelict structure may be disposed of at any landfill in New York State:

- 6 NYCRR 360 - Landfill Operations
- 6 NYCRR 364 - Transportation Permit
- 12 NYCRR 56 - Asbestos Handling
- 29 CFR 1926.1101 - Asbestos Handling
- 40 CFR 61 Subpart M - Asbestos Handling & Landfill Disposal
- 40 CFR 273 - Universal Waste
- 49 CFR 172.101 - Asbestos Transportation

Following the steps set forth below will help ensure efficient derelict structures demolition and disposal pursuant to the Chautauqua County Legislature Derelict Structures Resolution 239-12:

1. Make a priority list of derelict structures in your jurisdiction and submit it to the Solid Waste Analyst at the Chautauqua County Landfill office. The structures will be reviewed for their compliance with the intent of the Derelict Structures Resolution 239-12. Structures that do not meet intent of the resolution will not qualify for disposal credit and will be invoiced. Invoiced projects may proceed as long as their demolition procedures comply with all applicable regulations.
2. Any structurally-sound derelict structures constructed prior to 1974 must be surveyed for asbestos containing materials and Universal Waste. Un-sound derelict structures must be presumed to have asbestos containing materials that are friable or will become friable during demolition.
3. Asbestos and Universal Waste surveys must be submitted to the Solid Waste Analyst prior to beginning demolition or abatement and shall be completed by a state licensed inspector. Landfill operations and transportation regulations require landfills to expressly acknowledge asbestos will be accepted for disposal. Waste transportation law requires that waste be accompanied by a Waste Shipment Record (aka manifest).
4. The Solid Waste Analyst shall submit to you documentation indicating that the demolition waste from your project will be accepted by the landfill.

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5. Asbestos demolition project procedures are regulated by the NYS Department Of Labor (DOL), U.S. Environmental Protection Agency (EPA) and U.S. Occupational Safety and Health Administration (OSHA). These regulations require worker safety training, worker certification, worker health monitoring, environmental monitoring, contractor licensing and project notification.
6. Universal Waste contains hazardous materials and must be removed from the demolition waste and disposed of separately from the County landfill waste stream. Contact Solid Waste Analyst for assistance.
7. Asbestos contaminated demolition waste must be transported in vehicles that are permitted to transport asbestos by the NYS Department Of Environmental Conservation (DEC) and be shipped with a Waste Shipment Record as required by the EPA.
8. DEC requires that landfills be notified when asbestos-containing waste will be delivered to the landfill, and the Chautauqua County Landfill **requires two weeks' notice prior to deliveries** covered by Resolution 239-12. Please contact the Solid Waste Analyst to make reservations, **and submit the attached Derelict Structures Information Request Form**. All transporting vehicles shall have placard 2212 posted on dumpster or waste trailers during transport.
9. When demolition waste comes to the landfill scale, the scale operator shall verify the waste has been permitted by the Solid Waste Analyst and will sign a Waste Shipment Record as accepted. The scale operator will return a copy of the signed Waste Shipment record and scale ticket to the driver.

Carried: 5 ayes

Resolution #16 - 2013-14

BOND RESOLUTION DATED FEBRUARY 10, 2014 AUTHORIZING THE ISSUANCE AND SALE OF \$ 15,000.00 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.

BE IT MOVED by Trustee Grundstrom, seconded by Trustee Mattison, that BE IT RESOLVED, this 10th day of February, 2014 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 in the amount of fifteen THOUSAND DOLLARS (\$15,000.00) 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.

Section 2. The plan for financing that object or purpose consists of the issuance of FIFTEEN THOUSAND DOLLARS (\$15,000.00) 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.

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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.

**COUNTY OF CHAUTAUQUA, VILLAGE OF CELORON
UNITED STATES OF AMERICA, STATE OF NEW YORK
BOND ANTICIPATION NOTE 2014
\$ 15,000.00**

The Village of Celoron, in the County of Chautauqua, a municipality in the State of New York, herein called Obligor, hereby acknowledges itself indebted and for value received promises to pay the bearer of this Note in the sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00) on the 27th day of February 2015, together with interest thereon from February 28, 2014 at the rate of 2.25% annum payable at maturity. Both the principal of and interest on this Note will be paid in lawful money of the United States of America at Five Star Bank, 284 East Fairmount Avenue, Lakewood, New York.

This note may not be redeemed prior to maturity.

This note is a single issue of the total sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00) authorized pursuant to proceedings adopted by the Village Board of the Village of Celoron on the 10th day of February 2014 and pursuant to BOND ANTICIPATION 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 COST OF A 2002 INTERNATIONAL MODEL 4400 6X4 TANDEM AXLE TRUCK.

The full faith and credit of the Obligor are hereby irrevocably pledged for the punctual payment of the principal of and interest of this according to its terms.

It is certified and recited that all conditions, acts, and things required by the Constitution and Statues of the State of New York, due exist, to have happened and to have been performed precedent to and in the issuance of this Note, exist, have happened and have been performed, and this Note together with all indebtedness of the Obligor within every debt and other limit described by the Constitution and Laws of the State of New York.

IN WITNESS WHEREOF, The Obligor, in accordance with the proceedings authorized in this Note, has caused this Note to be signed and its corporate seal to be affixed hereto and attested as appears below and this Note to be dated as of February 28, 2014.

VILLAGE OF CELORON
CHAUTAUQUA COUNTY, NY

BY: _____
Shirley A. Sanfilippo, Treasurer

ATTEST: _____
Scott D. Schrecengost, Mayor

SEAL

February 10, 2014

**BOND ANTICIPATION NOTE CERTIFICATE OF THE TREASURER
OF THE VILLAGE OF CELORON, COUNTY OF CHAUTAUQUA, STATE OF NEW YORK
AUTHORIZING THE ISSUANCE OF \$ 15,000.00 BOND ANTICIPATION NOTE TO PAY
THE COSTS OF A 2002 INTERNATIONAL MODEL 4400 6X4 TANDEM AXLE 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 10th day of February, 2014 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 FIFTEEN THOUSAND DOLLARS AND NO CENTS (\$15,000.00) such sum to be applied to the 2002 International Model 4400 6X4 Tandem Axle 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 FIFTEEN THOUSAND DOLLARS AND NO CENTS (\$15,000.00) 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 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 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>
February 28, 2014	February 27, 2015	2.25%	\$15,000.00

Dated: February 11, 2014

Shirley A. Sanfilippo, Treasurer

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

Carried: 5 ayes

Resolution #17 – 2013-14

RESOLVED, That the Clerk Treasurer be and she hereby is authorized to make the following amendments to the 2013-2014 Budget:

INCREASE:	Account A8684.4 Planning & Management Dev., Contractural	\$1,790.00
DECREASE:	Account A1910.4 Unallocated Insurance	\$1,000.00
	Account A9010.8 New York State Retirement, Employer	<u>\$ 790.00</u>
	Total	\$1,790.00

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

Carried: 5 ayes

LOCAL LAW TO BE PRESENTED:

LOCAL LAW NO. 1 OF 2014

**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, 2014 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, 2014 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 Young moved, seconded by Trustee Kogut to table the local law and set a Public Hearing on Local Law No. 1 of 2014 for 6:50 p.m. on Monday, March 10, 2014.

Carried: 5 ayes

MAYOR'S COMMENTS:

None

OPPORTUNITY FOR PUBLIC COMMENT:

None

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

Carried: 5 ayes

The meeting was adjourned at 7:50 p.m.

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