

September 14, 2015

Board of Trustees

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, September 14, 2015 at 10:00 A.M.

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

Others Present: Village Clerk-Treasurer Shirley A. Sanfilippo, MMC/CMFO, Village Attorney John D. Vanstrom, Highway Superintendent Terry Schrecengost, John Lundquist, Matthew T. Kerwin, Esq. and two members of the public

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:

Matt Kerwin, Barclay Damon, LLP, addressed the Board regarding the request for a special use permit to construct a cell tower.

Rose Nelson, 51 Smith Ave., spoke in opposition to the abandonment of East Avenue from E. Duquesne Street to the dead end at the railroad tracks.

APPROVAL OF MINUTES:

Trustee Mattison motioned, seconded by Trustee Kogut to approve the minutes of the Regular Meeting of August 10, 2015.

Carried: 5 ayes

COMMITTEE REPORTS

PUBLIC SAFETY – Trustee Kogut and the Board reviewed the August Code Enforcement Officer's report.

ANIMAL CONTROL – Trustee Young – None

PARKS – Trustee Young and the Board discussed the condition of the pavilion at the Burtis Street playground.

Trustee Kogut moved, seconded by Trustee Keeney to remove the pavilion and seed the area.

Carried: 5 ayes

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RECREATION – Trustee Keeney advised the Board that the Summer Wind cruise was set for September 23rd departing at 12:30 p.m.

HIGHWAY AND EQUIPMENT – Trustee Mattison and the Board discussed the request from Penny Woodring and John Pritchard to abandon East Avenue from E. Duquesne Street to the dead end at the railroad tracks. Due to the opposition of abutting property owners and the fact that there were several buildable lots on the street, no action was taken on this request.

Trustee Mattison and the Board discussed two quotes to remove various trees throughout the Village. Charles Marsh quoted \$2,600 to remove eight trees and Great Lakes Tree Service quoted \$3,250 for the same eight trees.

Trustee Mattison moved, seconded by Trustee Young to contract with Charles Marsh in the amount of \$2,600 to remove eight trees.

Carried: 5 ayes

PLANNING – Trustee Keeney – None

SANITATION – Trustee Mattison – None

BUSINESS – Trustee Kogut and the Board discussed the ballot for the officers of the Chautauqua Lake & Watershed Management Alliance.

Trustee Mattison moved, seconded by Trustee Young to cast the Village of Celoron's vote for the slate of candidates as recommended by the Governance Committee.

Carried: 5 ayes

CORRESPONDENCE – Clerk Sanfilippo reviewed the following correspondence:

1. Notice from Time Warner Cable of changes in service
2. NYCOM notice of Pension Contribution Rates for 2016-17
3. Notice from Time Warner Cable of changes in service
4. NYCOM notice of rescinding of dues increase
5. Mayors & Supervisors meeting on September 24, 2015

FINANCE – Entire Board/Clerk

Clerk-Treasurer Sanfilippo asked for approval of Abstract #6 in the amount of \$23,818.71, check #2708 thru #2726, dated August 11-31, 2015; Trust & Agency Abstract #3 in the amount of \$2,258.81, Check #5077 thru #5078, dated August 31, 2015 and Abstract #7 in the amount of \$31,146.62 check #2727 thru #2742, dated September 1-14, 2015.

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

Carried: 5 ayes

AUDIT – Trustee Mattison – None

INSURANCE – Trustee Young – None

BUILDING – Trustee Young – None

SPECIAL EVENTS – Trustee Keeney – None

ZONING – Trustee Kogut and the Board discussed a request from Chautauqua Lake Auto to renew their special use permit.

Mayor Schrecengost read the following from the 2013 Special Use Permit that was granted to Chautauqua Lake Auto:

"At a regular meeting held on August 12, 2013, the Board of Trustees of the Village of Celoron reviewed your request to renew a Special Use Permit for Auto Sales/Used Car Lot with Auto Body Repair as it relates to new or used car sales on the premises located at 12 Melvin Avenue, 49 and 59 Boulevard Avenue. The Board voted to grant you a Special Use Permit for a period of two years. This approval is subject to the following conditions:

1. Tires are to be stored in the garage and removed every two weeks."

Mayor Schrecengost stated that tires have been stacked outside and he had to send the Code Enforcement Officer to address this because complaints were received from the neighbors.

"2. Cars parked along Boulevard Avenue will be at least three (3) feet behind the property line and such cars shall be maintained equally spaced and in a correctly aligned display."

Mayor Schrecengost advised that there were so many cars in the lot that they were parked wherever he could find a hole.

Mr. Lundquist responded, not at this time.

Mayor Schrecengost responded, not at this time because within the last month they had gone out of their way to clean things up. Six months to a year before, they were just building up.

Mr. Lundquist stated that they would do their best to keep it this way.

Trustee Mattison advised that last time Mr. Lundquist had told this Board the same thing – that he would take care of it and do his best to keep it clean.

Mr. Lundquist asked as far as too many cars or enough cars, he was not sure what Trustee Mattison meant.

Trustee Mattison responded that they had talked about everything.

Mayor Schrecengost said the cars were supposed to be for sale, not a salvage yard.

Mr. Lundquist stated there were some cars there waiting for parts to be repaired.

"3. Maintaining the fence both at the south end of the property and at the western and southern end of the residence at 59 Boulevard Avenue. Maintenance shall include, but not be limited to appearance and straightness.

4. The area on Melvin Avenue from the fence at the southern end of the residence at 59 Boulevard Avenue to the utility pole going south, an area about 20'x20', which at one time was occupied by the shed and the dumpster, will be cleaned of litter, leveled and stoned."

Mayor Schrecengost advised that each quarter, the Village had to send an employee over to collect the dumpster fee.

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"5. Maintaining the fire Lane along the west side of the Mechanical & Inspection Building."

Mayor Schrecengost stated that had not been done.

Mr. Lundquist asked how many feet it had to be.

Mayor Schrecengost said they would need at least 15 feet for a fire truck.

Mr. Lundquist replied he was sure there was at least 15 feet. He always tried to maintain that.

Mayor Schrecengost said he periodically checked this and it was not always maintained.

"6. Maintaining the lights on the north side of the Body Shop Building and the west side of the Mechanical & Inspection Building."

Mayor Schrecengost did not have a problem with the lights.

"7. Establishing the Hours of Operation as Monday through Friday: 7:00 a.m. to 6:00 p.m.; and Saturday: 8:00 a.m. to 12:00 noon."

Mayor Schrecengost said that he has seen activity there late on Saturdays and other residents have seen activity there on Sundays. He has also seen activity there on Sundays.

Mr. Lundquist replied that he was not aware of the Sunday activity.

Mayor Schrecengost stated that there were also problems with vehicles being parked along the rental property creating a sight hazard. There have been repeated violations of the conditions imposed by the special use permit that was granted in 2013. He has received complaints from former Mayors and many residents on his business. When other property owners are cited for conditions on their properties, they ask what about the car lot? What are you doing about that?

Mr. Lundquist asked that the Village communicate with him when they receive complaints so that he could address them.

Mayor Schrecengost replied that Mr. Lundquist knew what the conditions were on the special use permit and he didn't feel it was up to the Village to keep sending the Code Enforcement Officer over to address the violations.

Trustee Mattison stated that the Village was not a babysitter.

Mayor Schrecengost advised that he, personally, was not in favor of issuing another special use permit for the business.

Mayor Schrecengost moved, seconded by Trustee Mattison to deny the request for the renewal of the special use permit for Chautauqua Lake Auto; allowing business to continue until October 2, 2015 in order to finish up whatever work was pending, with everything to be cleaned up within 30 days.

Carried: 5 ayes

The Board reviewed the request for a special use permit to construct a cell tower.

Trustee Young moved, seconded by Trustee Keeney to set a public hearing for Monday, October 12, 2015 at 9:45 a.m. in the Community Center, 47 Dunham Ave., Celoron, NY on the request for a special use permit to construct a cell tower in the Industrial District.

Carried: 5 ayes

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OLD BUSINESS

None

NEW BUSINESS

None

RESOLUTIONS:

Resolution # 22 - 2014-15

Resolved, That Code Enforcement Officer Robert Burkholder be and he hereby is authorized to attend the Western Southern Tier Building Officials Educational Conference and the New York State Building Officials Conference to be held in Mayville, New York on September 14-16, 2015 with expenses to paid pursuant to Section 77-b of the General Municipal Law.

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

Carried: 5 ayes

MAYOR'S COMMENTS:

None

OPPORTUNITY FOR PUBLIC COMMENT:

None

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

Carried: 5 ayes

The meeting was adjourned at 10:42 a.m.

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