

April 10, 2017

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, April 10, 2017 at 6:00 P.M.

Members Present: Mayor Schrecengost, Trustees Keeney, Moss, Shanahan and Young

Others Present: Village Deputy Clerk Jetta L. Wilson, Village Attorney John D. Vanstrom, Code Enforcement Officer Robert Burkholder 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

APPROVAL OF MINUTES:

Trustee Keeney motioned, seconded by Trustee Young, to approve the minutes of the Regular Meeting of March 13, 2017.

Carried: 4 ayes, 0 nays,
1 abstained (Trustee Shanahan)

COMMITTEE REPORTS

PUBLIC SAFETY – Trustee Shanahan and the Board reviewed the report from the Code Enforcement Officer. Mayor Schrecengost updated the Board on the status of 24 E. 10th St. Trustee Shanahan asked Code Enforcement Officer Burkholder to remove the abandoned political sign on Boulevard Avenue.

ANIMAL CONTROL – Trustee Young and the Board discussed limiting the Village Code to two dogs per household. Mayor Schrecengost tabled this discussion until the May 8th Board meeting.

PARKS – Trustee Young – none

HIGHWAY AND EQUIPMENT – Trustee Moss and the Board discussed Highway Superintendent Schrecengost's request to purchase a new truck and the existing truck will be sold by bid.

Trustee Shanahan moved, seconded by Trustee Moss, to approve the purchase of a new 2017 Chevy Silverado 2500HD 4WD Double Cab Truck for the Highway Department.

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Carried: 5 ayes

PLANNING – Trustee Shanahan – none

SANITATION – Trustee Moss – none

CORRESPONDENCE – Mayor Schrecengost reviewed the following correspondence:

1. Chautauqua Co. Mayors meetings will be held at Webb's Captain's Table in Mayville: April 27th with Chautauqua County Executive Vince Horrigan, guest speaker; and May 18th with NYCOM's Wade Beltramo, speaking on new laws for zombie properties.
2. Notice of a Town of Ellicott Public Hearing on April 17th at 6:20 p.m. regarding a proposed zoning change to Mercantile for properties north of Fairmount Avenue to Fourth Street, between Dunham Avenue And Jackson Avenue.
3. Chautauqua County Board of Elections asking Villages to change to four-year election terms to alleviate printing problems on ballots for even-year elections.

FINANCE – Entire Board/Clerk

Deputy Clerk Wilson asked for approval of Abstract #20 in the amount of \$10,080.23, check #3276 thru 3285, dated March 14-31, 2017; and Trust & Agency Abstract #10 in the amount of \$2,855.28, check #5139 thru 5142, dated March 31, 2017.

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

Carried: 5 ayes

Mayor Schrecengost asked if anyone wanted to discuss any Budget Amendments and noted that the proposed Budget will be under the Tax Cap. Trustee Shanahan congratulated the Clerk's Office for all of the work done on this and a job well done because it is no easy task.

Mayor Schrecengost asked for a motion to hold a Public Hearing on the Cable Television Franchise Agreement between Time Warner Cable Northeast LLC (now Spectrum) and the Village of Celoron on May 8, 2017, at the Celoron Community Center.

Trustee Moss motioned, seconded by Trustee Keeney, to hold a Public Hearing on May 8, 2017 at 5:50 pm in the Celoron Community Center on the Cable Television Franchise Agreement with Time Warner Cable Northeast LLC.

Carried: 5 ayes

Mayor Schrecengost announced that the 2017 lease agreement with Paradise Yacht Cruises has been signed. The Board discussed the details that must be considered for a new lease agreement with Paradise Yacht Cruises that will be necessary to accommodate the moving of *The Summer Wind* and the proposed change order with GPI.

Trustee Shanahan moved, seconded by Trustee Young, to draft a proposed lease agreement with Paradise Yacht Cruises.

Carried: 5 ayes

Mayor Schrecengost and the Board of Trustees reviewed a cost comparison to replace the streetlights in the Village with new LED lights and asked everyone to drive down to Jamestown to see the lighting difference these new lights make on the Sixth Street Bridge, Steele Street and on Third Street by Lind's Funeral Home.

AUDIT – Trustee Moss – none

INSURANCE – Trustee Young – none

BUILDING – Trustee Moss – none

RECREATION – Trustee Keeney – none

SPECIAL EVENTS – Trustee Keeney explained that the Easter Egg Hunt will be held on Saturday, April 15th at 10:00 a.m. at Lucille Ball Memorial Park. Registration begins at 9:00 a.m. for the bicycle drawings for the four age categories. The Easter Bunny will arrive on a Celoron Hose Company Fire Truck at 9:30 a.m. to greet the children. A rain date has been scheduled for Saturday, April 22nd.

ZONING – Trustee Shanahan – none

OLD BUSINESS

None

NEW BUSINESS

Trustee Shanahan expressed his concerns that the proposed annexation by the City of Jamestown will negatively affect Town Ellicott residents, which includes the Village of Celoron, by reducing seven million dollars of assessed value. He does not believe that any savings will be passed down to us and asks that we make our opposition known because this tax shift will directly harm us.

RESOLUTIONS:

Resolution # 13 – 2016-17

RESOLVED, That Chapter 98.1, Fees of the Code of the Village of Celoron be amended to add the following:

L. Street excavating permit, per address \$75.00

The contractor/entity will make application to the Village of Celoron Highway Department for each individual permit required. An individual permit is required for each Village address upon which work is to be performed, or upon which access is required for any business purpose, in the Village’s right-of-way. Upon review and approval of the application, a permit or, in the case of multiple addresses, permits will be issued, for a period not to exceed two weeks. If the work in the right-of-way exceeds two weeks, the contractor/entity must pay an additional \$75 for each individual permit and for each additional two-week period.

Failure to apply for and pay for the individual right-of-way permit(s) will result in a doubling of the permit fee for a first occurrence and a mandatory penalty of \$250 for each subsequent occurrence. Additionally, any entity or individual contractor who violates this section may forfeit any future ability to work in the Village of Celoron right-of-way at the discretion of the Highway Superintendent.

Annual street excavating permits: utility companies

Board of Public Utilities	\$5,000.00
National Fuel Gas Distribution Corporation	\$2,600.00
Windstream	\$1,300.00
Charter Communications (formerly Time Warner Cable)	\$ 800.00

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Notwithstanding the foregoing, the above-named utility companies can annually elect to either 1) pay the annual right-of-way fee set forth above or 2) pay on a per-instance/address basis by obtaining individual right-of-way permits for all work or business conducted in the Village's rights-of-way as necessary.

The permit year shall be July 1 through June 30. The entity electing to pay the annual right-of-way permit fee will pay the full amount of the annual fee on or before June 30 of the year preceding the year for which the annual permit is to be issued. Failure to pay by June 30 will be interpreted as an election to pay on a per-instance/address basis, and the entity will be subject to the requirements applicable to the issuance of individual right-of-way permits with respect to all work or business conducted in the Village's rights-of-way. An entity can elect to pay its annual fee after June 30; however, the entity will be responsible for the full amount of the annual fee, regardless of the date paid, and will not be entitled to any credit for any individual permit fees paid.

Trustee Moss moved, seconded by Trustee Shanahan, to approve the resolution.

Carried: 5 ayes

Resolution #14 – 2016-17

RESOLVED, That the Village of Celoron Rules for Employees be amended to read as follows:

**VILLAGE OF CELORON
RULES FOR EMPLOYEES**

HIRING/DISMISSAL The Board of Trustees shall approve the hiring and/or dismissal of all employees.

REMUNERATIONS The Board of Trustees shall approve all wages, salaries and promotions.

DISCIPLINARY ACTION The Board of Trustees shall approve all disciplinary actions taken.

REASONS FOR DISCIPLINARY ACTION:

1. Damage to equipment, careless use of equipment, trucks, mowers, hand tools, etc.
2. Insubordination - disobedient, unruly, repeated unauthorized abusive tardiness, failure to perform work assigned by immediate supervisor.
3. Failure to notify supervisor of pending absence from work within one (1) hour of scheduled starting time.
4. Violation of cell phone policy.

OFFENSES: Written warnings shall be given for any violation. All Civil Service Law Section 75 rules shall be followed pertaining to suspensions and dismissals.

TRIAL PERIOD All new employees are subject to a forty-five (45) day probationary period. At the end of this period, the employee's performance will be evaluated, considering such factors as knowledge of the job, quality of work,

achievement, adaptability, attendance, etc. At this time, a decision will be made by the Board of Trustees to approve or disapprove employment.

- BEREAVEMENT** In the case of an employee's immediate family (spouse, children, parents, mother or father-in-law, brother, sister, step parents, step-children and grandparents) four days pay will be given AS NEEDED, if the employee is scheduled to work. One day will be given AS NEEDED for all other family members. Payment will be based on the employee's normal weekly work schedule.
- MILEAGE** Mileage will be reimbursed at the rate the IRS allows for mileage for business use of a personal vehicle. A voucher must be completed and submitted to the Clerk-Treasurer which identifies the date, the destination, miles driven, and the purpose of the trip.
- ACCIDENTS** Accidents and incidents must be reported in writing to the Village Clerk within 24 hours on the form supplied by the Clerk. Reports will include the employee's signature and his/her immediate supervisor's signature. Copies of every report will be dated and filed with the Village Clerk and the immediate Supervisor.
- CELL PHONES** Personal cell phones shall not be utilized during working hours except to communicate with employer.
- EQUIPMENT** All Village equipment is to be used for official use only. Any equipment leaving the Village is to be used for official use only. Only Village employees and others authorized by the Board may use Village equipment.
- HOURS WORKED**
1. All hourly employees are required to keep track of their hours worked by use of a time card.
 2. All employees are required to register their time in at the beginning of the workday and time out at the end of the day. Any time during the day when the employee is on his or her own time must also be registered. This could be for lunch, doctor's appointments or any other personal business. This shall be done unless the employee is directed to do differently by their immediate supervisor.
 3. If an employee is on business other than personal (eg: fire calls, workers compensation, etc.), this time must be shown in writing on the time card.
 4. Prior to submission for payroll processing, time cards must be signed by the employee and the employee's immediate supervisor.

RULES FOR FULL-TIME EMPLOYEES

- INSURANCE**
1. Full-time employees shall be eligible for medical insurance at Village expense with any co-pay to be determined by the Village Board of Trustees. Full-time employees hired prior to June 1, 2011 who desire family insurance coverage shall be responsible for the amount of the premium which exceeds the two-person premium. Full-time employees hired after June 1, 2011 who desire family coverage shall be responsible for the amount of the premium which exceeds the single coverage premium.
 2. If a full-time employee chooses to terminate his/her insurance benefit, each month the employee will be paid \$50.00.

SICK DAYS	Sick days shall accrue at one day per month. Total sick leave can be accumulated indefinitely. A doctor's certificate must be furnished in all cases where more than five (5) consecutive days of sick leave are used.														
PERSONAL DAYS	Two (2) personal days per year, of the employee's choice, will be granted. <u>Advance notice of one-day (1)</u> for personal day leave must be given at the Village Clerk's Office. Forms are available at the Clerk's Office. The Mayor will subsequently approve or disapprove the request. Personal days shall be credited on the first day of January for that calendar year. Personal Days will not accrue and must be used during the calendar year allotted.														
VACATION	Two (2) weeks before the vacation is to start, the necessary form must be completed and submitted to the Mayor for approval. The form may be obtained at the Clerk's Office. One week plus three days - after one full year of service. Two weeks plus three days - after two full years of service Three weeks plus three days - after 10 full years of service. Four weeks plus three days - after 15 full years of service. Paid for regularly scheduled work hours. Vacation days shall be credited on the first day of January for that calendar year. When an employee's anniversary date falls in the middle of a calendar year, the additional vacation time earned shall be credited on the anniversary date and must be used during that calendar year. Vacation days will not accrue and must be used during the calendar year allotted. Up to 40 hours of unused vacation time may be sold back per calendar year. An employee desiring to sell back the time shall submit their request in writing to the Clerk-Treasurer no later than December 15 th .														
PAID HOLIDAYS	Full-time employees will receive pay for the following holidays: <table><tr><td>New Year's Day</td><td>Columbus Day</td></tr><tr><td>Martin Luther King Day</td><td>Veterans' Day</td></tr><tr><td>President's Day</td><td>Thanksgiving Day</td></tr><tr><td>Good Friday</td><td>Day following Thanksgiving Day</td></tr><tr><td>Memorial Day</td><td>Christmas Eve Day</td></tr><tr><td>Fourth of July</td><td>Christmas Day</td></tr><tr><td>Labor Day</td><td>New Year's Eve Day</td></tr></table> The rate will be assessed by the employee's regular work hours. If the holiday falls on a Saturday, the holiday will be taken on Friday. If the holiday falls on Sunday, the holiday will be taken on Monday. Hourly employees will receive time-and-a-half (1 1/2) pay plus their holiday pay for any holiday worked.	New Year's Day	Columbus Day	Martin Luther King Day	Veterans' Day	President's Day	Thanksgiving Day	Good Friday	Day following Thanksgiving Day	Memorial Day	Christmas Eve Day	Fourth of July	Christmas Day	Labor Day	New Year's Eve Day
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Labor Day	New Year's Eve Day														
LEAVE OF ABSENCE	Leave of Absence for medical or other reason - employee must have approval of the Board of Trustees. A leave of absence shall not exceed three (3) months, except with special permission from the Board. Leave due to illness must be accompanied by a statement from attending physician. After the employee is released from a doctor's care, he must report back to work on the following scheduled workday.														
CALL BACK	When called in to work; full-time employees shall be paid for a minimum of two hours. All scheduled over-time shall be paid for actual time worked.														

RULES FOR PART-TIME EMPLOYEES

- INSURANCE
1. All part-time employees and part-time Public Officials shall be eligible for medical insurance at their own expense. Public Officials shall be defined as anyone who is required to sign an Oath of Office to discharge their duties. Any part-time employee or part-time Public Official who participates in the insurance plan shall be required to have the monthly payment to the Village Clerk no later than 10 days prior to the premium due date. Should the payment not be received the coverage will cease.
 2. The Village Attorney shall be eligible for medical insurance at his own expense. The Village of Celoron agrees to credit the amount of his salary towards his contribution.

REMUNERATIONS Part-time employees shall not receive paid vacation, paid sick days or paid personal days.

PAID HOLIDAYS Part-time employees will receive the following paid holidays:

New Year's Day	Columbus Day
Martin Luther King Day	Veterans' Day
President's Day	Thanksgiving Day
Good Friday	Day following Thanksgiving Day
Memorial Day	Christmas Eve Day
Fourth of July	Christmas Day
Labor Day	New Year's Eve Day

The rate will be paid based upon a seven (7) hour work day. If a holiday falls on a Saturday, the holiday will be taken on Friday. If the holiday falls on Sunday, the holiday will be taken on Monday. Employees must work the scheduled day before and the scheduled day after the holiday in order to receive payment for the holiday unless the appropriate supervisor has approved a scheduled day off. New employees shall be eligible for paid holidays after successful completion of the forty-five (45) day probationary period. Hourly employees will receive time-and-a-half (1 1/2) pay plus their holiday pay for any holiday worked.

SCHEDULED
TIME OFF

Part-time employees may schedule time off from their usual work week. Requests must be submitted in writing and approved by the appropriate supervisor a minimum of three (3) business days before the desired time off.

CALL BACK

When called in to work; part-time employees shall be paid for a minimum of two hours.

RULES FOR SEASONAL OR TEMPORARY EMPLOYEES

The Board appoints Temporary or Seasonal Employees for a limited period of time. They are ineligible to participate in health insurance benefits, holidays, personal days, sick leave or vacation.

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Trustee Shanahan motioned, seconded by Trustee Young, to approve the resolution.

Carried: 5 ayes

Resolution #15 – 2016-17

WHEREAS, the Village of Celoron has received two grants from New York State under Title 11 of the Environmental Protection Fund for Improvements to Lucille Ball Memorial Park; and

WHEREAS, it will be necessary for the Village of Celoron to secure both interim and long term financing for this project; and

WHEREAS, the Village of Celoron desires to contract with a municipal financial advisor to perform various services; now, therefore be it

RESOLVED, That the Mayor be and he hereby is authorized to enter into a contract for general financial services with Municipal Solutions, Inc., 62 Main Street, LeRoy, NY as per the rates stated in Appendix B of said agreement.

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

Carried: 5 ayes

Resolution #16 – 2016-17

WHEREAS, the Village of Celoron is applying for a grant/loan from the USDA for the purchase of a new plow truck; and

WHEREAS, it will be necessary for the Village of Celoron to retain bonding counsel for this project; and

WHEREAS, the Village of Celoron has received three quotes to provide this service with Douglas Goodfriend of Orrick New York being the lowest quote; now, therefore be it

RESOLVED, That the Mayor be and he hereby is authorized to enter into an agreement with Douglas Goodfriend of Orrick New York for bond counsel services in an amount not to exceed \$2,550.00 (two thousand five hundred fifty dollars and no cents).

Trustee Shanahan moved, seconded by Trustee Keeney, to approve the resolution.

Carried: 5 ayes

MAYOR'S COMMENTS:

None

OPPORTUNITY FOR PUBLIC COMMENT:

None

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

Carried: 5 ayes

The meeting was adjourned at 7:08 p.m.

Jetta L. Wilson
Deputy Village Clerk