

May 14, 2018

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, May 14, 2018 at 6:00 P.M.

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

Others Present: Village Clerk-Treasurer Shirley A. Sanfilippo, MMC/CMFO, Village Attorney John D. Vanstrom 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:

None

APPROVAL OF MINUTES:

Trustee Keeney motioned, seconded by Trustee Young to approve the minutes of the Special Meeting of April 23, 2018.

Carried: 5 ayes

COMMITTEE REPORTS

PUBLIC SAFETY – Trustee Shanahan and the Board reviewed the report from the Code Enforcement Officer. They discussed problems with the growing deer population.

The Board reviewed a notice of application for a liquor license by the Chautauqua Harbor Hotel, LLC.

Trustee Shanahan moved, seconded by Trustee Moss that the Village of Celoron received notice of and does not object to the waiving of the required 30-Day Advance Notice to a Local Municipality for the granting of a liquor license to the Chautauqua Harbor Hotel, LLC.

Carried: 5 ayes

ANIMAL CONTROL – Trustee Young – none

PARKS – Trustee Young and the Board reviewed changes to the Facility Use Requirements.

Trustee Young moved, seconded by Trustee Keeney to approve the revised Facility Use Requirements.

Carried: 5 ayes

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The Board reviewed the request from Richard Schuler to facilitate hand drumming events in the park.

Trustee Keeney moved, seconded by Trustee Moss to approve the request of Richard Shuler.

Carried: 5 ayes

The Board reviewed a request from Northwest Arena to utilize Lucille Ball Memorial Park as a halfway resting point for a kayak/canoe poker run on July 28, 2018.

Trustee Young moved, seconded by Trustee Shanahan to approve the request from the Northwest Arena to utilize Lucille Ball Memorial Park as a halfway resting point for a kayak/canoe poker run on July 28, 2018.

Carried: 5 ayes

The Board reviewed a request for the 9th Annual Step Up for Autism Event.

Trustee Keeney moved, seconded by Trustee Moss to provide water in Lucille Ball Memorial Park for the 9th Annual Step Up for Autism Event on Saturday, September 29, 2018.

Carried: 5 ayes

The Board discussed accepting donations to sponsor a bench with a bronze plaque along the new boardwalk in Lucille Ball Memorial Park.

Trustee Young moved, seconded by Trustee Keeney to establish a donation of \$450 for the sponsorship of a bench with a bronze plaque.

Carried: 5 ayes

HIGHWAY AND EQUIPMENT – Trustee Moss – none

PLANNING – Trustee Shanahan reported that the Planning Board would be doing Site Plan reviews for the Chautauqua Harbor Hotel and Celoron Shores Apartments.

SANITATION – Trustee Moss – none

CORRESPONDENCE – Clerk Sanfilippo

1. Notice from Chautauqua County Workers Compensation of the exit liability.
2. NYCOM Legislative Update.

FINANCE – Entire Board/Clerk

Clerk-Treasurer Sanfilippo asked for approval of Abstract #23 in the amount of \$15,362.61, check #3679 thru 3696, dated May 1-14, 2018.

Trustee Young moved, seconded by Trustee Shanahan to approve payment of the abstract.

Carried: 5 ayes

The Board reviewed the amended Investment Policy.

AUDIT – Trustee Moss – none

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INSURANCE – Trustee Young and the Board reviewed the new health insurance premium rates effective December 1, 2018.

BUILDING – Trustee Young inquired about the sink in the Community Center restroom.

RECREATION – Trustee Keeney – none

SPECIAL EVENTS – Trustee Keeney – none

ZONING – Trustee Shanahan advised that the Zoning Board of Appeals would be considering a variance for a storage shed at 33 Waverly Avenue and an area variance for lot coverage for the Chautauqua Harbor Hotel.

OLD BUSINESS

None

NEW BUSINESS

None

RESOLUTIONS:

Resolution #27 – 2017-18

WHEREAS, on April 23, 2018 the Board of Trustees of the Village of Celoron, NY received a request from Chautauqua Harbor Hotel, LLC, the current owner of the abutting properties, to abandoned Alleghany Avenue north of Lake Street and Lindsey Place from the easterly line of Alleghany Avenue 100' east to the property owned by the Lakewood Loyal Order of Moose Lodge #2587; and

WHEREAS, on May 14, 2017 the Board of Trustees of the Village of Celoron held a public hearing to consider the abandonment of Alleghany Avenue north of Lake Street and Lindsey Place from the easterly line of Alleghany Avenue 100' east to the property owned by the Lakewood Loyal Order of Moose Lodge #2587; now, therefore be it

RESOLVED, That the foregoing described streets as requested by the Chautauqua Harbor Hotel, LLC be and hereby are abandoned and transferred to the abutting property owner with all costs including recording fees in the County Clerk's Office to be paid by the grantees.

Trustee Keeney moved, seconded by Trustee Shanahan to approve the resolution due to the fact that there was no municipal purpose to retain the paper streets as the adjoining property was being developed as a hotel complex.

Carried: 5 ayes

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Resolution #28 – 2017-18

RESOLVED, That the following amended Investment Policy be and hereby is adopted:

Investment Policy for the Village of Celoron, New York

OBJECTIVES:

The objectives of the Investment Policy of the Village of Celoron, New York are to minimize risk, to insure that investments mature when the cash is required to finance operations; and insure a competitive rate of return. In accordance with this policy, the chief fiscal officer is hereby authorized to invest all finds including proceeds of obligations in:

Certificates of Deposit issued in a bank or trust company authorized to do business in New York State;

Obligations of New York State;

Obligations of the United States Government;

COLLATERAL:

The Board of Trustees of the Village of Celoron shall designate the official depositories of public funds at their organizational meeting each year. The bank or trust company so designated must be located and authorized to do business in New York State.

A written security agreement will provide that all public deposits and investments, in excess of FDIC coverage, be collateralized or otherwise secured:

1. By a pledge of "eligible securities" as collateral with an aggregate "market value" equal to the aggregate amount of public deposits.
2. By an eligible "irrevocable letter of credit" issued by a bank that has a term of 180 days or less, or
3. By an eligible "surety bond" executed by an insurance company authorized to do business in New York State.

Eligible securities must be either:

1. Registered in the name of the local government, or
2. Delivered in a form suitable for transfer or with an assignment in blank:
 - a. to the local government, or
 - b. to a bank or trust company with which the local government has entered into a written custodian agreement.

The custodial agreement must provide, at a minimum, that the custodian will:

1. Hold the pledge securities as agent for the local government
2. Keep the securities separate and apart from its general assets
3. Not commingle the securities with any other funds, and
4. For securities transferable only through a book entry system, record the interest of the local government in the custodian's records.

TEMPORARY INVESTMENTS OF FUNDS

The Board of Trustees of the Village of Celoron may authorize investments and certificates or special time deposits, US obligations, US agency guaranteed obligations, New York State obligations and,

with the approval of the State Comptroller, revenue and tax anticipation notes of local governments or district corporations.

- A. Certificates of deposit or special time deposits in banks or trust companies located and authorized to do business in New York State must be secured in the same manner as public deposits under GML Section 10.
- B. Obligations must be registered in the name of the local government, or purchased through, delivered to and held in the custody of a bank or trust company pursuant to a custodial agreement in the same manner as eligible securities under GML Section 10.
- C. Public funds may be comingled for purpose of investment as long as proper records are kept by the local government and allocation of income is made.

ELIGIBLE LIST OF SECURITIES FOR COLLATERIZATION

1. Obligations issued by the United States of America, an agency thereof or a United States government sponsored corporation or obligations fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.
2. Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
3. Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.
4. Obligations issued or fully insured or guaranteed by this state, obligations issued by a municipal corporation, school district or district corporation of this state or obligations of any public benefit corporations which under a specific state statute may be accepted as security for deposit of public moneys.
5. Obligations issued by states (other than this state) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
6. Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
7. Obligations of counties, cities, and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
8. Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
9. Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by federal bank regulatory agencies.
10. Commercial paper and bankers' acceptances issued by a bank (other than the bank with which the money is being deposited or invested) rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of not longer than sixty days from the date they are pledged.
11. Zero-coupon obligations of the United States government marketed as "Treasury STRIPS".

Whenever a political subdivision is required by any general or special law to obtain a pledge of assets or other security from a public depository for its public deposits and such political subdivision has entered into a written agreement with such depository relating to such public deposits and has provided written notice in a form specified by such written agreement to the public depository for such public deposits, the public depository shall comply with the provisions of such law at the time it accepts any public deposits from the political subdivision; provided however, that where the public depository and political subdivision have agreed in writing as to the maximum amount of security which such depository shall provide, and the terms, conditions and timing of the provisions of security pursuant thereto, and the depository has at all times complied with such agreement, it shall be

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deemed to have complied with the provisions of such law for so long as it shall comply with such agreement.

Therefore, if the local government has entered into a written agreement with a depository and has provided written notice of its deposits as required by that agreement, then the depository must comply with the term of that agreement at the time it accepts the deposits. Burden is on local government to give notice.

If the agreement specifies the maximum amount of collateral required to be provided, and if the depository has provided such collateral, then the depository is deemed to have complied with the law.

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

Carried: 5 ayes

Resolution #29 – 2017-18

RESOLVED, That the Clerk Treasurer be and she hereby is authorized to make the following amendments to the 2017-2018 Budget:

INCREASE:	REVENUES – A4097 General Government, Capital Projects	\$25,558.00
INCREASE:	APPROPRIATIONS - Account A8397.4 Water Capital Outlay	\$25,558.00

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

Carried: 5 ayes

Resolution # 30 - 2017-18

WHEREAS, the Village of Celoron entered into an agreement with Scott Lawn Yard, for the replacement of the sea wall, construction of a handicapped accessible kayak/canoe launch and construction of a boardwalk along the waterfront in Lucille Ball Memorial Park; and

WHEREAS, the Village of Celoron wishes to add additional railings, a bollard, the construction of concrete pads, installation of benches and trash receptacles to the project:

now, therefore, be it,

RESOLVED, That the following Change Order to the contract with Scott Lawn Yard for Improvements to Lucille Ball Memorial Park be approved:

Change Order Number 1: Add: \$5,607.00 for additional railings; \$16,075.00 for concrete pads; \$10,450.00 for installation of 8 benches and 6 trash receptacles; and \$675.00 for one bollard for a total of Thirty-Two Thousand Eight Hundred Seven Dollars and no cents (\$32,807.00).

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

Carried: 5 ayes

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Resolution #31 – 2017-18

RESOLVED, That the following salaries and wages be and hereby are approved effective June 1, 2018:

Mayor	\$1,600.00	Annual
Trustees (4)	\$700.00	Annual
Clerk-Treasurer	\$35,000.00	Annual
Attorney	\$7,000.00	Annual
Historian	\$300.00	Annual
Deputy Clerk	\$11.55	Per Hour
Code Enforcement Officer	\$21.00	Per Hour + mileage
Highway Supervisor	\$21.50	Per Hour
Motor Equipment Operator	\$15.52	Per Hour
Utility Worker	\$12.50	Per Hour
Animal Control	\$800.00	Annual + mileage

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

Carried: 5 ayes

Resolution #32 – 2017-18

WHEREAS, pursuant to Section 98-1 Fees, of the Code of the Village of Celoron the Board of Trustees has reviewed the established fee schedule, and

WHEREAS, pursuant to Section 98-1.A. the fee schedule may be amended from time to time by like resolution,

Now, therefore be it

RESOLVED, That Section 98-1 Fees of the Code of the Village of Celoron be and hereby is amended to add thereto:

N. Waterfront Assessment Form	\$75.00
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Trustee Moss moved, seconded by Trustee Young to approve the resolution.

Carried: 5 ayes

Resolution #33 – 2017-18

WHEREAS, the Village Board is proposing to undertake the application of herbicides to areas of Chautauqua Lake bordering its jurisdiction and has applied for a permit from the New York State Department of Environmental Conservation (“NYSDEC”) to apply herbicides to areas of Chautauqua Lake bordering its jurisdiction; and

WHEREAS, the Town Board of the Town of Ellery, serving as Lead Agency in the State Environmental Quality Review Act (“SEQRA”) process, issued a final supplemental impact statement (“SEIS”) for the application of herbicides to target areas of Chautauqua Lake on April 5, 2018; and

WHEREAS, the Ellery Town Board, serving as Lead Agency, issued SEQRA Findings regarding the application of herbicides to Chautauqua Lake on April 17, 2018;

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WHEREAS, as an Involved Agency in the SEQRA process, the Village Board has the authority to issue SEQRA Findings that consider all relevant environmental impacts, facts, and conclusions disclosed in the SEIS; that weigh and balance the relevant environmental impacts with social, economic, and other considerations; that provide a rationale for the Village Board's decision; that certify that the requirements of SEQRA have been met; and that certify that, among the reasonable alternatives available, the application of herbicides to areas of Chautauqua Lake bordering the Town of North Harmony's jurisdiction avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

WHEREAS, the Village Board has considered all relevant environmental impacts, facts, and conclusions disclosed in the SEIS that are relevant to the application of herbicides to areas of Chautauqua Lake bordering the Village of Celoron's jurisdiction; has weighed and balanced the relevant environmental impacts with social, economic, and other considerations; and has found that the SEIS has provided a rationale upon which the Village Board may rely in making any final decisions on whether to undertake the application of herbicides to target areas of Chautauqua Lake; and

WHEREAS, the Village Board reviewed the Findings; and

WHEREAS, the Village Board is reserving its decision on whether to undertake the application of herbicides to Chautauqua Lake until after receipt of relevant permits from the NYSDEC;

now, therefore be it

RESOLVED,

- To certify that the requirements of SEQRA have been met;
- To certify that, among the reasonable alternatives available, the proposed treatment plan and mitigations set forth in the SEIS regarding the application of herbicides to targeted areas of Chautauqua Lake avoids or minimizes adverse environmental impacts to the maximum extent practicable;
- To incorporate to this resolution by reference the attached Findings;
- To accept and issue the said Findings;
- To provide the Findings to all Involved and Interested Agencies (as those terms are defined in 6 NYCRR § 617.2) and interested parties;
- After issuance and review of any permit(s) from the NYSDEC, to consider the SEIS, SEQRA Findings, and permit requirements to make a determination whether to approve a resolution to apply herbicides to Chautauqua Lake.

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

Carried: 5 ayes

MAYOR'S COMMENTS:

Mayor Schrecengost advised the Board that he had reached out to Leslie Genareo of the Southwestern Baseball League regarding the repairs to the concession stand. She stated that she had someone who was willing to do the work, if the Village bought the materials. She sent a quote,

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which the Mayor read to the Board. There were some questions on this quote as it appeared to be high and was for an asphalt roof. The Village wishes to have a metal roof to match the other roofs in the park. Mayor Schrecengost stated that he would get back in touch with Ms. Genareo regarding the proposal.

OPPORTUNITY FOR PUBLIC COMMENT:

None

Trustee Keeney questioned the distribution of a Newsletter. She stated that in her opinion it was a waste of time and money to have Village employees distribute it. She suggested that copies be placed at the Post Office, Celoron General Store and Village Hall for people to pick up. She stated that the newsletter delivered to her residence was found in the middle of her lawn, wet.

Mayor Schrecengost replied that he had some Village youth distribute the May Newsletter. He stated that he believed it was necessary to deliver them twice a year for Spring and Fall Clean-up.

Trustee Moss agreed that the highway personnel should not have to deliver the newsletter.

Trustee Shanahan suggested that the newsletter could be delivered when garbage was collected, if volunteers were not available.

Trustee Young said that she didn't think the highway personnel would want to do that.

Mayor Schrecengost advised that when he was delivering the newsletters, people were happy to see them.

The Board discussed the merits of delivering a newsletter and other methods of delivering information to Village residents.

The consensus was to do two newsletters, one in the Spring and one in the Fall.

Trustee Shanahan talked about the NYCOM Legislative Update and the business environment in New York State.

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

Carried: 5 ayes

The meeting was adjourned at 7:12 p.m.

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