

December 10, 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, December 10, 2018 at 6:00 P.M.

Members Present: Mayor Schrecengost, Trustees Burnett, Keeney and Mattison

Members Absent: Trustee Moss

Others Present: Village Clerk-Treasurer Shirley A. Sanfilippo, MMC/CMFO, Highway Supervisor Terry Schrecengost, Village Attorney John D. Vanstrom and seven 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 Burnett to approve the minutes of the Reorganizational Meeting of December 3, 2018.

Carried: 4 ayes

COMMITTEE REPORTS

PUBLIC SAFETY – Trustee Mattison and the Board reviewed the report from the Code Enforcement Officer.

ANIMAL CONTROL – Trustee Burnett – none

PARKS – Trustee Burnett and the Board reviewed an email from SWAS regarding donating the bleachers. Clerk Sanfilippo will contact them to see if they are offering to donate them. The Board reviewed the preliminary drawings from LaBella for the new amenities building. A Public Meeting date is planned for January 14, 2019 at 7:00 p.m.

HIGHWAY AND EQUIPMENT – Trustee Moss – none

PLANNING – Trustee Burnett – none

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SANITATION – Trustee Moss – none

CORRESPONDENCE – The Clerk advised that there will not be a Mayors and Supervisors meeting this month.

FINANCE – Entire Board/Clerk

Clerk-Treasurer Sanfilippo asked for approval of Abstract #13 in the amount of \$13,793.16, check #3889 thru #3908, dated December 1-10, 2018.

Trustee Mattison moved, seconded by Trustee Keeney to approve payment of the abstract.

Carried: 4 ayes

AUDIT – Trustee Moss – none

INSURANCE – Trustee Mattison – none

BUILDING – Trustee Moss – none

RECREATION – Trustee Keeney – none

SPECIAL EVENTS – Trustee Keeney reported that the Children's Christmas Party will be held on Wednesday, December 12, 2018 at 6:00 p.m. at The Resource Center.

ZONING – Trustee Mattison – none

OLD BUSINESS

None

NEW BUSINESS

The Board reviewed a proposed resolution regarding applying for herbicide permits for 2019.

Mayor Schrecengost asked about the lead agency status.

Frank Nicotra, Chautauqua Lake Partnership (CLP), replied that the Town of Ellery was still the lead agency, that would not change. He stated that they were asking the municipalities to adopt the resolution in order to facilitate the permit application process. Adoption of this resolution would not obligate the Village to anything. He reviewed the language of the resolution.

Village Attorney Vanstrom questioned how the payments for the application fee and the costs involved in doing the required notifications would be made. Would these costs be covered by the CLP as they had been earlier this year.

Karin Rine, stated that her coalition group was raising funds to assist the municipalities.

Mr. Nicotra advised that he had just received notification that the CLP would prepare and distribute the letters of notification as they had done previously.

Attorney Vanstrom stated that the fees, although nominal, could be large to a small municipality like Celoron and could result in the Village exceeding the Tax Cap.

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Mayor Schrecengost stated that his biggest problem was that the lake was controlled by New York State. The DEC is well aware of the issues and there should not be all of this paperwork or fees to the taxpayers. He felt the State should be taking care of this.

Lisa Masters, Burtis Bay resident, found it troubling that there are major groups not playing well in the same sandbox. They should all be working together to solve the problem.

Mr. Nicotra asked the Board to adopt the resolution. He stated that the CLP would prepare the permit applications and do all the leg work including preparing and distributing the required letter of notification.

Attorney Vanstrom stated that he wanted to make sure that the CLP would do the same as they did for the 2018 application.

Mr. Nicotra confirmed that to be true. He said that adopting the resolution would not obligate the Village to anything more than making the permit application the same as for 2018.

RESOLUTIONS:

Resolution #8 - 2018-19

WHEREAS, the agreement for project administration services with the Chautauqua Lake and Watershed Management Alliance on the boardwalk grant #C1000928 is set to expire on December 31, 2018; and

WHEREAS, there are still administrative services that need to be performed to close out said grant; and

WHEREAS, the Village of Celoron and the Chautauqua Lake and Watershed Management Alliance wish to extend the current agreement until December 31, 2019 to conclude the grant administration requirements; now, therefore, be it

RESOLVED, That the Mayor be and he hereby is authorized to extend the current agreement with the Chautauqua Lake and Watershed Management Alliance until December 31, 2019.

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

Carried: 4 ayes

Resolution #9 - 2018-19

WHEREAS, the Board is considering whether to undertake the application of herbicides to areas of Chautauqua Lake bordering the Village of Celoron's jurisdiction in 2019;

WHEREAS, pursuant to Article 15 of the New York State Environmental Conservation Law and Part 327 of the Official Compilation of Codes, Rules, and Regulations of the State of New York, the New York State Department of Environmental Conservation must issue a permit prior to the application of herbicides to waters within the State of New York; and

WHEREAS, the Village of Celoron is a riparian owner; and

WHEREAS, the Board is reserving a decision on whether to undertake the application of herbicides in any or all areas included in any permit applications until it receives, reviews, and

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considers any permits granted by the New York State Department of Environmental Conservation;
now, therefore be it

RESOLVED:

- To authorize the Mayor of the Village of Celoron, upon presentation of complete and satisfactory applications for Article 15 permit(s) and a New York State Pollution Discharge Elimination System permit (if so required) related to the application of herbicides to areas of Chautauqua Lake bordering the Village of Celoron's jurisdiction, to execute such applications;
- To authorize the Mayor of the Village of Celoron, upon presentation of complete and satisfactory notifications to riparian owners of the application and water use restrictions related to and their right to object to the applications for the above-mentioned permits, to authorize the transmittal of such notifications.
- To authorize the Mayor, should he approve the application of herbicides to areas of Chautauqua Lake bordering the jurisdiction of the Village of Celoron and without the need for further meetings or approvals by the Village Board, to review, approve, and enter into any such contracts necessary to undertake the application of herbicides to areas of Chautauqua Lake bordering the jurisdiction of the Village of Celoron, subject to the requirement that no application of herbicides within the jurisdiction of the Village of Celoron shall be undertaken nor shall there be any required funding requested or provided by the Village of Celoron related to the permit process and/or application of herbicides within or bordering the jurisdiction of the Village of Celoron without further approval by the Village Board.

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

Carried: 4 ayes

LOCAL LAW

LOCAL LAW NO. 3 OF 2018

A LOCAL LAW AMENDING CHAPTER 195 VEHICLES AND TRAFFIC, OF THE CODE OF THE VILLAGE OF CELORON, NEW YORK

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. **Intent.** Amend Chapter 195 Vehicles and Traffic, of the Code of the Village of Celoron, New York to add new stop signs and restrict parking on West Lake Street and Jackson Avenue.
2. **Amendment.** Section 195-2.A., Parking requirements, of the Code of the Village of Celoron, New York is hereby amended to add the following:

Name of Street	Side	Location
West Lake Street,	North Side,	From Dunham Avenue to North Allegheny Avenue
Jackson Avenue,	East Side,	For a distance of 50 feet from West Livingston Avenue

3. **Amendment.** Section 195-9.B., Stop signs and signs, of the Code of the Village of Celoron, New York is hereby amended to add the following :

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Stop sign on Side At intersection of
West Lake Street, North Side, North Allegheny Avenue
West Lake Street, South Side, North Allegheny Avenue

4. **Conflicting Statutes.** All local laws or ordinances or parts of local laws or ordinances in conflict herewith are hereby repealed.
5. **Severability.** Should any clause, sentence, paragraph, subdivision, section or other part of this local law be adjudicated by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and to this end, the provisions of each section of this local law are hereby declared to be severable.
6. **Effective Date.** This local law shall become effective immediately upon filing with the New York State Secretary of State.

Trustee Mattison moved, seconded by Trustee Keeney to approve the Local Law.

Carried: 4 ayes

MAYOR'S COMMENTS:

Mayor Schrecengost expressed his concerns over the condition of Chautauqua Lake and stated that he will continue to pursue avenues. He felt this was all a waste of taxpayers' money. Money spent on studies would have been better spent on actions to fix the problem.

OPPORTUNITY FOR PUBLIC COMMENT:

Mr. Nicotra expressed concerns over the lack of funding from New York State. He agreed that the State should be addressing the problem. However, they are not and it is up to local groups to take the initiative.

Paul Shanahan, Maple Street, expressed opposition to the creation of a new taxing district to support the lake. He felt that rather than create new taxes, the use of the existing bed tax should be looked at.

Debbie Triscari, advised that lakefront property owners pay 25% of the County taxes.

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

Carried: 4 ayes

The meeting was adjourned at 6:38 p.m.

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