

May 7, 2019

Board of Trustees

Proceedings by Authority

State of New York
Village of Celoron
Community Center

ss:

A special meeting of the Board of Trustees of the Village of Celoron, New York was held on Tuesday, May 7, 2019 at 5:30 P.M.

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

Members Absent: Trustee Keeney

Others Present: Village Clerk-Treasurer Shirley A. Sanfilippo, MMC/CMFO, Village Attorney John D. Vanstrom, and Eric Zavinski of The Post-Journal

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

NEW BUSINESS

The Board discussed a proposed contract with Solitude for the application of herbicides and options for purchasing environmental insurance. Mayor Schrecengost stated that Thursday was the deadline to secure the necessary funding because the herbicides would have to be ordered on Friday. Solitude was planning to do the treatment on May 15, 2019. They discussed possible funding sources. Mayor Schrecengost advised that he will not sign any contracts unless the necessary funds are secured. The Chautauqua Lake Partnership has agreed to take care of the required notices. The estimated cost of the herbicide treatment is approximately \$31,000.00 to treat 48.1 acres.

RESOLUTIONS:

Resolution #22 – 2018-19

WHEREAS, the Board of Trustees of the Village of Celoron (Board of Trustees) 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

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

WHEREAS, the 2019 proposed treatment areas are not identical to the 2018 proposed treatment areas; and

WHEREAS, the Ellery Town Board, serving as Lead Agency, executed a Full Environmental Assessment Form and issued a Technical Memorandum studying the 2019 proposed treatment area and concluding that a supplement environmental impact statement was not required; and

WHEREAS, as an Involved Agency in the SEQRA process, the Board of Trustees 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 Board of Trustees 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 Village of Celoron's jurisdiction avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

WHEREAS, the Board of Trustees 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 Board of Trustees may rely in making any final decisions on whether to undertake the application of herbicides to target areas of Chautauqua Lake; and

WHEREAS, the Board of Trustees has reviewed the Findings;

WHEREAS, the Board of Trustees, after reviewing the Findings, resolved on March 11, 2019 (a) to certify that the requirements of SEQRA have been met; (b) 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; (c) to incorporate to this resolution by reference the attached Findings; (d) to accept and issue the said Findings; and (e) to provide the Findings to all Involved and Interested Agencies (as those terms are defined in 6 NYCRR § 617.2) and interested parties;

WHEREAS, the Board of Trustees had previously reserved its decision on whether to undertake the application of herbicides to Chautauqua Lake until after receipt of relevant permits from the NYSDEC upon consideration of the SEIS, SEQRA Findings, and the permit requirements;

WHEREAS, on February 6, 2019 the Towns of Ellicott, North Harmony, Busti, and Ellery as well as the Village of Celoron, filed applications with the NYSDEC to allow the application of herbicides to areas of Chautauqua Lake bordering their respective jurisdictions;

WHEREAS, on May 1, 2019, the NYSDEC issued a Statement of Facts and permits (numbered AV92019-030, and -031) to allow the application of herbicides to areas of Chautauqua Lake bordering the jurisdiction of the Village of Celoron; now, therefore be it

RESOLVED, That after the Mayor's review of such Permits and contingent upon receipt of funding acceptable to the Mayor, to authorize the Mayor, without the need for further meetings or

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approvals by the Board of Trustees, to determine whether to approve the application of herbicides to areas of Chautauqua Lake bordering the jurisdiction of the Village of Celoron consistent with the permit applications filed on behalf of the Village of Celoron, the SEQRA Findings and the permit requirements; and be it further

RESOLVED, That the Mayor be and he hereby is authorized to 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 Board of Trustees, 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.

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

Carried: 4 ayes

MAYOR'S COMMENTS:

Mayor Schrecengost advised that meetings were scheduled every night this week regarding the herbicide treatment.

OPPORTUNITY FOR PUBLIC COMMENT:

None

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

Carried: 4 ayes

The meeting was adjourned at 5:42 p.m.

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