

April 12, 2021

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 12, 2021 at 6:00 P.M.

Members Present: Mayor Schrecengost, Trustees Berlund, Burley, Burnett and Moss

Others Present: Deputy Village Clerk Sheryl Brightman, Village Attorney John D. Vanstrom and three 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 APPOINTMENT:

Mayor's Office
To the Board of Trustees of the Village of Celoron, New York

Trustees:

In pursuance of the authority vested in me, I do hereby appoint the following to standing committees in and for the Village of Celoron, New York:

Public Safety	Trustee Berlund
Insurance	Trustee Berlund
Zoning	Trustee Berlund

The term for which said appointments are to be made will expire on December 6, 2021.

Dated: April 12, 2021

Scott D. Schrecengost
Mayor of the Village of Celoron, New York

MAYOR'S COMMENTS:

None

OPPORTUNITY FOR PUBLIC COMMENT:

Joan Denn, Miss Joanie's Shuttle, 4300 Dutch Hollow Road, Bemus Pt., NY, advised the Board of her plans to operate an eight-person golf cart shuttle service in the Village of Celoron.

Trustee Moss asked if the vehicle was registered and insured.

Ms. Denn responded, yes.

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Mayor Schrecengost inquired if she planned on operating the shuttle in Lucille Ball Memorial Park? He stated that a Certificate of Insurance would be required, if she was going to be operating within the park.

Attorney Vanstrom clarified that as long as the vehicle remained in the vehicle roadways, was insured and registered in New York State, the Village of Celoron would not need a Certificate of Insurance.

COMMITTEE REPORTS

PUBLIC SAFETY – The Board reviewed the Code Enforcement Officer's report for March.

ANIMAL CONTROL – Trustee Burnett – none

PARKS – The Board reviewed the tabled request from the Catholic Daughters of the Americas to hold a drive-thru chicken BBQ on June 13, 2021 from 8:00 a.m. to 5:00 p.m.

Trustee Burnett moved, seconded by Trustee Burley to approve the request from the Catholic Daughters to hold a drive-thru chicken BBQ on June 13, 2021 from 8:00 a.m. to 5:00 p.m. for a park use fee of \$50.00, subject to receipt of a Certificate of Insurance naming the Village as an additional insured (This has been received.), placement of the cooking trailer, and compliance with applicable Covid restrictions.

Carried: 5 ayes

The Board discussed a request to hold Fitness in the Park (Zumba) sponsored by the YMCA to be held from June 1st through September 30th. They are considering holding this on Fridays at 5:00 p.m. in Lucille Ball Memorial Park for an hour. The YMCA will provide a Certificate of Insurance.

Trustee Burley moved, seconded by Trustee Burnett to approve the request from the YMCA to hold Fitness in the Park (Zumba) on Friday evenings from 5:00 p.m. to 6:00 p.m. beginning June 4, 2021 and concluding on September 24, 2021 subject to the receipt of a Certificate of Insurance naming the Village of Celoron as an additional insured and with the stipulation that they would comply with the applicable Covid restrictions.

Carried: 5 ayes

The Board reviewed a request from Anup Esh to play classical Indian Music twice weekly, for one hour, most probably Thursday and Friday evenings at the bandshell. He would require electricity. The Board expressed concerns over the quality of the music and asked that he be more specific in his request. They also felt that thought should be given to the development of policies regarding such requests.

The Board discussed the possibility of holding concerts in the park in July and/or August.

The Board reviewed a request from GroundSwell Group to place a costume wrap on the Lucy Statue in Lucille Ball Memorial Park on May 1st for skin cancer awareness month.

Trustee Burnett moved, seconded by Trustee Berlund to approve the request of GroundSwell Group to place a costume wrap on the Lucy Statue in Lucille Ball Memorial park on May 1st for skin cancer awareness month.

Carried: 5 ayes

HIGHWAY AND EQUIPMENT – Trustee Moss and the Board discussed reimbursing the highway employees for unused vacation time from 2020.

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PLANNING – none

SANITATION – Trustee Moss – none

CORRESPONDENCE – Clerk – none

FINANCE – Entire Board/Clerk

Clerk-Treasurer Sanfilippo asked for approval of Abstract #20 in the amount of \$21,079.77, check #5083 thru #5092, dated March 9-31, 2021; Trust & Agency Abstract #10 in the amount of \$2,538.88, check #5306-5307, dated March 30, 2021; and Abstract #21 in the amount of \$8,192.84, check #5093 thru 5104, dated April 1-12, 2021.

Trustee Moss moved, seconded by Trustee Burnett to approve the abstracts.

Carried: 5 ayes

Trustee Burley moved, seconded by Trustee Moss to set a Special Meeting on Monday, April 26, 2021 at 6:00 p.m. in the Community Center.

Carried: 5 ayes

AUDIT – Trustee Moss – none

INSURANCE – Trustee Berlund - none

BUILDING – Trustee Moss – none

RECREATION – Trustee Burley – none

SPECIAL EVENTS – Trustee Burley and the Board discussed holding concerts in the park in July and August.

ZONING – Berlund - none

OLD BUSINESS

None

NEW BUSINESS

None

RESOLUTIONS:

Resolution #13 – 2020-21

WHEREAS, the Village of Celoron has applied for and received a loan and grant from the USDA for the purchase of a new 2021 John Deere backhoe and

WHEREAS, it is necessary for the Village of Celoron to raise a portion of the cost of such undertaking by the issuance of bonds in the principal amount of \$54,000;

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NOW, THEREFORE, BE IT

RESOLVED, that the Board of Trustees of the Village of Celoron hereby accepts a \$50,000 grant and a loan of \$54,000 from the USDA for said purchase; and authorizes the Mayor and Clerk-Treasurer to execute USDA Form RD 1942-47.

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

Carried: 5 ayes

Resolution #14 – 2020-21

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$54,000 BONDS OF THE VILLAGE OF CELORON, CHAUTAUQUA COUNTY, NEW YORK, TO PAY A PORTION OF THE COST OF THE PURCHASE OF A BACKHOE, FOR SAID VILLAGE.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which such regulations provide, will not result in any significant adverse environmental effects; and

WHEREAS, it is now desired to authorize such capital project and its financing;

NOW, THEREFORE, BE IT

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Celoron, Chautauqua County, New York, as follows:

Section 1. For the specific object or purpose of paying a portion of the cost of the purchase of a backhoe, for the Village of Celoron, Chautauqua County, New York, including incidental equipment and expenses in connection therewith, there are hereby authorized to be issued \$54,000 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of said specific object or purpose is \$110,250. The plan of financing of said maximum estimated cost is by (a) the issuance of \$54,000 bonds of said Village hereby authorized to be issued therefor; and (b) by the expenditure of \$56,250 available monies of the Village, including \$50,000 grant-in-aid from the United States Department of Agriculture and \$6,250 available monies of the Village, hereby authorized to be expended therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Celoron, Chautauqua County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

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Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. Pursuant to the provisions of Section 36.00 of the Local Finance Law, this resolution is adopted subject to permissive referendum.

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

Carried: 5 ayes

Resolution #15 – 2020-21

RESOLVED, That the Clerk Treasurer be and she hereby is authorized to make the following amendments to the 2020-2021 Budget:

DECREASE:	A1990.4, Contingent	\$2,800.00
	A5142.1, Snow Removal, Personal Services	<u>\$ 500.00</u>
	Total	\$3,300.00
INCREASE:	A5110.4, Streets, Contractual	\$2,800.00
	A5142.2, Snow Removal, Contractual	<u>\$ 500.00</u>
	Total	\$3,300.00

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

Carried: 5 ayes

Resolution #16 – 2020-21

WHEREAS, the Village of Celoron, due to Covid requirements, has found it necessary to hire an individual to come in and sanitize the Community Center after each use;

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Now therefore be it

RESOLVED, That the Facility Use Fee for the Rental of the Community Center for Not-For-Profit organizations is hereby set at Fifty Dollars (\$50.00).

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

Carried: 5 ayes

Resolution #17 – 2020-21

WHEREAS, New York State legislation S8617B/A10832 requires the adoption of a Public Employer Health Emergency Plan for the Village of Celoron, NY;

Now therefore be it

RESOLVED, That the Public Employer Health Emergency Plan for the Village of Celoron, NY be and hereby is adopted effective April 1, 2021.

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

Carried: 5 ayes

(The plan is attached at the conclusion of these minutes)

LOCAL LAW:

Local Law No. 1 of 2021

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Celoron to adopt a budget for the fiscal year commencing June 1, 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Celoron, County of Chautauqua, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Trustee Moss moved, seconded by Trustee Burnett to approve the local law.

Carried: 5 ayes

MAYOR'S COMMENTS:

Trustee Berlund asked about the brush disposal site.

Mayor Schrecengost stated that the Town of Ellicott sets the schedule.

Mayor Schrecengost reminded those present that Spring Clean-Up will be held on May 15, 2021.

OPPORTUNITY FOR PUBLIC COMMENT:

None

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

Carried: 5 ayes

The meeting was adjourned at 6:45 p.m.

Sheryl A. Brightman
Deputy Village Clerk