

May 8, 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, May 8, 2017 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 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 Young motioned, seconded by Trustee Keeney to approve the minutes of the special Meeting of April 24, 2017.

Carried: 5 ayes

COMMITTEE REPORTS

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

ANIMAL CONTROL – Trustee Young – none

PARKS – Trustee Young and the Board reviewed a request from Southwestern Area Sports to install a batting cage in Lucille Ball Memorial Park.

Trustee Young moved, seconded by Trustee Keeney to approve the placement of a batting cage near the baseball field in Lucille Ball Memorial Park with the location to be approved by the Village of Celoron and subject to the receipt of a Certificate of Insurance naming the Village of Celoron as an additional insured.

Trustee Young moved, seconded by Trustee Keeney to approve the motion.

Carried: 5 ayes

May 8, 2017

The Board discussed the repairs to the concession stand. Mayor Schrecengost stated that it was his understanding that Southwestern Area Sports were going to provide volunteers to make the repairs. He advised that he ran out of time last year to follow up with them. The Highway Superintendent expressed concerns that the repairs to the concession stand had not been completed before another item was added to the area. Trustee Young offered to contact them regarding making the repairs. Mayor Schrecengost said that he thought Kevin Salisbury was the person to contact. Trustee Young will contact him.

Trustee Young reminded the Board of the Memorial Day Ceremony.

Highway Superintendent Schrecengost stated that new picnic tables had been placed in the pavilion and the new grills have been installed.

The Board discussed a request from RJ the DJ asking for permission to play music in Lucille Ball Memorial Park for tips.

Trustee Keeney moved, seconded by Trustee Young to deny the request.

Carried: 5 ayes

HIGHWAY AND EQUIPMENT – Trustee Moss – none

PLANNING – Trustee Shanahan advised that there would be a Planning Board Public Hearing and meeting to review a site plan request for the installation of a micro cell telecommunications facility on the Sam's Club building on May 17th at 7:00 pm in the Community Center.

SANITATION – Trustee Moss – none

CORRESPONDENCE – Clerk Sanfilippo reviewed the following correspondence:

1. 7th round of Regional Economic Development Applications have been announced.
2. Workers Compensation Ultimate Liability notification from Chautauqua County.
3. Chautauqua County Mayors meeting will be May 18th at Webb's in Mayville, NY.

FINANCE – Entire Board/Clerk

Clerk-Treasurer Sanfilippo asked for approval of Abstract #22 in the amount of \$1,606.84, check #3298 thru 3303 dated April 25-30, 2017; and Abstract #23 in the amount of \$11,444.87, check #3304 thru 3321, dated May 1-8, 2017.

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

Carried: 5 ayes

The Board discussed the mandatory attendance of the Mayor at the Shared Services Panel meetings. This is a new requirement that was included in the New York State Budget. The first meeting will be held during the day. In order to attend the mandatory meetings, the Mayor will have to take time off work and suffer a loss of wages. Trustee Shanahan expressed concerns that this is another unfunded state mandate.

Trustee Keeney moved, seconded by Trustee Moss to authorize reimbursement to Mayor Scott Schrecengost for his lost wages due to his required attendance at the Shared Services Panel meetings as required.

Carried: 5 ayes

May 8, 2017

AUDIT – Trustee Moss – none

INSURANCE – Trustee Young and the Board reviewed the notice of renewal and 2017 premium rates for employee health insurance. There should be sufficient funds budgeted to cover the increased cost.

BUILDING – Trustee Moss – none

RECREATION – Trustee Keeney – none

SPECIAL EVENTS – Trustee Keeney – none

ZONING – Trustee Shanahan – none

OLD BUSINESS

NEW BUSINESS

RESOLUTIONS:

Resolution #19 – 2016-17

WHEREAS, an application has been duly made to the Board of Trustees of the Village of Celoron, County of Chautauqua, New York, by Time Warner Cable Northeast LLC I/k/a Charter Communications, a limited liability company organized and existing in good standing under the laws of the State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Time Warner Cable's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Village of Celoron, New York on May 8, 2017 at 5:50 P.M. and notice of the hearing was published in The Post-Journal on April 24, 2017.

NOW, THEREFORE, the Board of Trustees of the Village of Celoron finds that:

1. Time Warner Cable Northeast LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable Northeast LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable Northeast LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

May 8, 2017

BE IT FURTHER RESOLVED, That the Board of Trustees of the Village of Celoron hereby grants the cable television franchise of Time Warner Cable Northeast LLC and the Village of Celoron for fifteen (15) years commencing on the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

and be it further

RESOLVED, That the Board of Trustees of the Village of Celoron hereby confirms acceptance of this Franchise Renewal Agreement.

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

Carried: 5 ayes

Resolution #20 – 2016-17

WHEREAS, the City of Jamestown in collusion with the Board of Public Utilities (BPU) has initiated the effort to annex a piece of property assessed at over \$7 million from the Village of Falconer, the Town of Ellicott, and the Falconer Central School District, thereby depriving these municipalities and the citizens thereof of approximately \$325,000 per year of tax revenues, and

WHEREAS, the loss of said revenues will cause irreparable harm to the taxpayers of these municipalities which also includes our taxpayers within the Village of Celoron who are also within the Town of Ellicott, and

WHEREAS, the loss of said revenues will cause financial instability to the Township and thereby may negatively affect the future of shared services and collaborative projects between the Township and our Village contained within such, and

WHEREAS, the City of Jamestown is acting with utter disregard for the fact the said annexation is nothing more than a tax shift to which the City seeks to gain revenues off the backs of their neighbors and the BPU seeks to shift tax liability on to the back of its neighbors, and

WHEREAS, the BPU should be an independent agency seeking to serve the best interests of its ratepayers who are comprised not just of city residents but also those citizens of neighboring municipalities, to the contrary this proposed action will cause them more financial harm than benefit, and

WHEREAS, the City has spent years raiding the BPU coffers over and above duly authorized contractual payments to the City thereby causing the BPU to seek rate hikes negatively affecting all ratepayers including the City's neighbors, and furthermore whereas the City has at present stopped that practice, it is abundantly clear that their current effort seeks to supplant the former, and

WHEREAS, it is also evident that while the City is in dire fiscal straits taxing its own citizens at 100% of their authority, while receiving immense amounts of financial help from State taxpayers, it now seeks to grab more revenue from their neighbors with no offer of help to them, or any offer in kind, or any compromise that would create a positive outcome for all parties affected, and

WHEREAS, there has been no suggestion that any proposed savings by the BPU will be passed on directly to its ratepayers, nor any guarantee that said action will actually prevent further attempts to hike rates now or into the foreseeable future, and

WHEREAS, it is unfair and inequitable to suggest that the BPU will be able to pay the City a pilot payment for far less than what it pays to the Village of Falconer and Town of Ellicott combined when the City tax rate is far higher, and furthermore that the BPU will be able to pay the Jamestown School District a pilot payment for far less than what it pays to the Falconer Central School District when their tax rates are approximately the same, and

WHEREAS, it is the City of Jamestown, not the actual petitioner the BPU, who has taken the lead on this proposed effort threatening legal force to achieve their ends even prior to any public discussion, and with utter disregard that the residents of the Town of Ellicott will be entitled to a vote, and despite the fact that said proposition may be voted down, and

May 8, 2017

WHEREAS, the Town of Ellicott, the Village of Falconer, the Falconer Central School District, County Executive Horrigan, State Assemblyman Goodell, State Senator Young, and former City of Jamestown Corporation Counsel, have all voiced opposition to this proposed annexation; therefore, be it

RESOLVED, that we the Village of Celoron do hereby concur with the opinions of the aforementioned officials, and do hereby state our staunch opposition on behalf of our residents, and be it further

RESOLVED, that the Village of Celoron Clerk is hereby directed to forward a copy of this resolution to the City of Jamestown, the Board of Public Utilities, Ellicott Town Supervisor Patrick McLaughlin, Falconer Mayor James Rensel, Falconer Central School District Superintendent Stephen Penhollow, Chautauqua County Executive Vincent Horrigan, Assemblyman Andrew Goodell, and Senator Catharine Young.

Mayor Schrecengost moved, seconded by Trustee Young to approve the resolution.

Carried: 5 ayes

Resolution #21 – 2016-17

RESOLVED, That the following salaries and wages be and hereby are approved effective June 1, 2017:

Mayor	\$1,600.00	Annual
Trustees (4)	\$700.00	Annual
Clerk-Treasurer	\$33,750.00	Annual
Attorney	\$7,000.00	Annual
Historian	\$300.00	Annual
Deputy Clerk	\$11.30	Per Hour
Code Enforcement Officer	\$21.00	Per Hour + mileage
Highway Supervisor	\$20.50	Per Hour
Motor Equipment Operator	\$14.52	Per Hour
Utility Worker	\$10.50	Per Hour
Animal Control	\$800.00	Annual + mileage

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

Carried: 5 ayes

MAYOR'S COMMENTS:

None

OPPORTUNITY FOR PUBLIC COMMENT:

None

Trustee Shanahan apologized for his absence at the April 24, 2017. He expressed his whole hearted support for the adopted 2017-2018 General Operating Budget and thanked Mayor Schrecengost and the Village Clerk-Treasurer for all their work.

May 8, 2017

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

Carried: 5 ayes

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

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