

August 14, 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, August 14, 2017 at 6:00 P.M.

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

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:

Mayor Schrecengost stated that Senator Cathy Young had secured a \$75,000 grant to install water lines in the Village of Celoron. He is meeting with representatives of the Jamestown Board of Public Utilities to schedule the installation of the lines.

OPPORTUNITY FOR PUBLIC COMMENT:

APPROVAL OF MINUTES:

Trustee Shanahan motioned, seconded by Trustee Keeney to approve the minutes of the Public Hearing and Regular Meeting of July 10, 2017.

Carried: 5 ayes

COMMITTEE REPORTS

PUBLIC SAFETY – Trustee Shanahan and the Board reviewed the report from the Code Enforcement Officer. Mayor Schrecengost stated that 24 E. 10th Street had been torn down and grass was planted.

ANIMAL CONTROL – Trustee Young and the Board discussed comments received from Village residents on problems with the deer population.

Trustee Keeney moved, seconded by Trustee Shanahan to apply for a deer management permit from the NYS DEC.

Carried: 5 ayes

PARKS – Trustee Young and the Board discussed the status of the concession stand repairs. Trustee Young will try to contact someone from the Southwestern baseball association to see if there is any interest on their part to assist with the needed repairs.

August 14, 2017

Mayor Schrecengost stated that he had requested estimates to paint the lighthouse and to date had received none. They discussed possible alternatives to painting the lighthouse.

The Board reviewed a request from Endurance Factor to utilize Village streets for a relay around Chautauqua Lake on Sunday, September 10, 2017 and to use Lucille Ball Memorial Park as a relay transfer point for the runners.

Trustee Young moved, seconded by Trustee Moss to approve the request of Endurance Factor to use Lucille Ball Memorial Park as a relay transfer point for the relay run around Chautauqua Lake.

Carried: 5 ayes

The Board discussed hiring a part-time laborer to perform park maintenance.

Trustee Moss moved, seconded by Trustee Young to hire Michael Keeney as a laborer at the rate of \$9.70 per hour.

Carried: 5 ayes

HIGHWAY AND EQUIPMENT – Trustee Moss and the Board reviewed two quotes to remove ten trees in various locations throughout the Village.

Trustee Moss moved, seconded by Trustee Shanahan to contract with Marsh's Tree and Landscaping to remove ten trees in various locations in the amount of \$7,000.00, this being the lowest of two quotes received.

Carried: 5 ayes

The Board reviewed the three bids received for a new one ton plow truck. It was noted that one bid did not meet specifications.

Trustee Shanahan disclosed that he was an employee of Shults Auto Group; however, he would receive no financial gain from the purchase described in the resolution to follow.

PLANNING – Trustee Shanahan reported that the Planning Board would be reviewing a Site Plan amendment for Store N Lock on August 16, 2017.

SANITATION – Trustee Moss – none

CORRESPONDENCE – Clerk Sanfilippo reviewed the following correspondence:

1. NYCOM Legislative Update.

FINANCE – Entire Board/Clerk

Clerk-Treasurer Sanfilippo asked for approval of Abstract #4 in the amount of \$121,248.99, check #3392 thru 3410, dated July 11-31, 2017; Abstract #5 in the amount of \$21,583.22, check #3411 thru 3430, dated August 1-14, 2017; and Trust & Agency Abstract #2 in the amount of \$5,137.27, Check #5156 thru 5159, dated July 31, 2017.

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

Carried: 5 ayes

August 14, 2017

The Board discussed increasing the peddler fees. It was decided to increase the fee to \$50 with \$10 per day. A resolution will be presented at the next meeting.

AUDIT – Trustee Moss – none

INSURANCE – Trustee Young – none

BUILDING – Trustee Moss – none

RECREATION – Trustee Keeney – none

SPECIAL EVENTS – Trustee Keeney reported that the Community Picnic was scheduled for August 19th.

ZONING – Trustee Shanahan stated that the Zoning Board of Appeals would be meeting on August 21, 2017 with petitions for a shed on 27 E. Lake St., carport on 200 Jackson Ave. and an area variance for 475 Livingston Ave. to park vehicles etc 25' from the front property line.

OLD BUSINESS

None

NEW BUSINESS

None

RESOLUTIONS:

Resolution #30 - 2016-17

BOND RESOLUTION DATED AUGUST 14, 2017 AUTHORIZING THE ISSUANCE AND SALE OF \$64,000.00 SERIAL BONDS OF THE VILLAGE OF CELORON, CHAUTAUQUA COUNTY, NEW YORK TO PAY FOR PURCHASE OF A 2015 INTERNATIONAL MODEL 7300 SBA 4X2 DUMP TRUCK WITH SNOW AND ICE PACKAGE

BE IT RESOLVED, this 14th day of August, 2017 by the Board of Trustees of the Village of Celoron, Chautauqua County, New York, as follows:

Section 1. For the object or purpose of authorizing the funds to defray the costs thereof for the purchase of a 2015 International Model 7300 SBA 4x2 Dump Truck with snow and ice package in the amount of SIXTY-FOUR THOUSAND DOLLARS (\$64,000.00) to be the terms, forms, and contents, hereinafter provided for, shall be issued pursuant to the provisions of the Local Finance Law of the State of New York. Said purchase of Capital Improvements should be paid from the annual budget of that year.

Section 2. The plan for financing that object or purpose consists of the issuance of SIXTY-FOUR THOUSAND DOLLARS (\$64,000.00) Serial Bonds of the Village of Celoron in the principal sum of, to be applied to the maximum estimated cost of such object or purpose.

August 14, 2017

Section 3. It is hereby determined that the object or purpose of which said Serial Bonds are to be issued falls within Subparagraph "28" of Section 11 of the Local Finance Law and the period of probable usefulness of such object or purpose is FIVE (5) years.

Section 4. The proposed maturity of the Serial Bonds hereby authorized will not be in excess of FIVE (5) years.

Section 5. Full faith and credit of the Village of Celoron are hereby pledged to payment of principal of those bonds and interest thereon when due.

Section 6. The bonds shall not be issued in the event that the interest rate therefore exceeds TWELVE PERCENT (12%) per annum.

Section 7. The Treasurer of the Village of Celoron is hereby authorized and directed to sell bonds at a private sale in accordance with the provisions of Local Finance Law, Section 63.

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

Carried: 5 ayes

Resolution #31 - 2016-17

RESOLVED, That the Procurement Policy for the Village of Celoron, New York be and hereby is amended to add the following:

7. M/WBE:

Purchasers (municipal employees soliciting bids) are required to take affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Purchasers shall take all of the following steps to further this goal:

Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.

Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.

Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.

Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.

Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Empire State Development's Division of Minority and Women's Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women's business enterprises.

8. Section 3:

Recipients shall ensure that employment and other economic opportunities generated by the expenditure of any state or federal funds available to the Village shall, to the greatest extent feasible, be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low- and very low-income persons.

August 14, 2017

9. Bonding:

For any activity that requires the contracting (or subcontracting) for construction or facility improvements using any state or federal funds available to the Village exceeding \$100,000, the minimum requirements shall be as follows:

- i. A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder shall, upon acceptance of this bid, execute such contractual documents as may be required within the time specified.
- ii. A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- iii. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by statute of all persons supplying labor and material in the execution of the work provided for in the contract.
- iv. Where bonds are required in the situations described herein, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties pursuant to 31 CFR part 223, "Surety Companies Doing Business with the United States."

10. This policy shall go into effect August 14, 2017 and will be reviewed annually at the Re-organizational Meeting.

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

Carried: 5 ayes

Resolution #32 - 2016-17

RESOLVED, That the following Notice Under the Americans with Disabilities Act and Grievance Procedure under the Americans with Disabilities Act be and they hereby are adopted:

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Village of Celoron will not discriminate against qualified individuals with disabilities on the basis of disability in its services, program, or activities.

Employment: The Village of Celoron does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The Village of Celoron will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in The Village of Celoron's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Village of Celoron will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in The Village of Celoron offices, even where pets are generally prohibited. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of The Village of Celoron, should contact the office of the Village Clerk, 21 Boulevard Ave., P.O. Box 577, Celoron, NY 14720-0577; phone 716/487-4175; email: clerk@celoronny.org as soon as possible but no later than 48 hours before the scheduled event.

August 14, 2017

The ADA does not require the Village of Celoron to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Village of Celoron is not accessible to persons with disabilities should be directed to the Village Clerk, 21 Boulevard Ave., P.O. Box 577, Celoron, NY 14720-0577; phone 716/487-4175; email: clerk@celoronny.org.

The Village of Celoron will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Village of Celoron. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of the Village of Celoron.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Village Clerk
ADA Coordinator
Village Hall
21 Boulevard Ave.
P.O. Box 577
Celoron, NY 14720-0577

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Village of Celoron and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the agency head or his/her designee.

Within 15 calendar days after receipt of the appeal, the agency head or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the agency head or his/her designee, and responses from these two offices will be retained by the Village of Celoron for at least three (3) years.

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

Carried: 5 ayes

August 14, 2017

Resolution #33 - 2016-17

RESOLVED, That the bid submitted by Shults Chevrolet, Jamestown, NY in the amount of fifty-one thousand, four hundred seventy dollars (\$51,470.00) for the purchase of a 2018 Chevrolet 3500 truck with a dump body and stainless steel plow be and hereby is accepted.

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

Carried: 5 ayes

LOCAL LAW NO. 1 OF 2017

**A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF CELORON, NEW YORK
TO ADD THERETO A SOLAR ENERGY SECTION TO CHAPTER 210, ZONING**

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 §7-700 through 7-704 and 7-725A of the New York State Village Law, as follows:

1. **Legislative Intent.** It is the intent of this local law to allow the Village of Celoron, New York to add a new solar energy section to the Code of the Village of Celoron, New York.
2. **Authority.** This Zoning for Solar Energy Law is adopted pursuant to sections 7-700 through 7-704 and 7-725A of the Village Law of the State of New York, which authorize the Village of Celoron to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”
3. **Applicability.** The requirements of this law shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair and Building-Integrated Photovoltaic Systems.
4. **Amendment 1.** Section 210—6. Definitions be and hereby is amended to add the following definitions:

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM – A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

GROUND-MOUNTED SOLAR ENERGY SYSTEM – A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity for onsite consumption.

LARGE-SCALE SOLAR ENERGY SYSTEM – A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption.

ROOF-MOUNTED SOLAR ENERGY SYSTEM – A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

SOLAR ENERGY EQUIPMENT – Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM – An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

SOLAR PANEL – A photovoltaic device capable of collecting and converting solar energy into electrical energy.

5. **Amendment 2.** Section 210-15.C. is amended to add thereto: Large-Scale Solar Energy Systems.

6. **Amendment 3.** A new Section 210-51.1. is hereby added to the Zoning Chapter of the Code of the Village of Celoron, New York to read as follows:

A. **Statement of Purpose.** This Zoning for Solar Energy Law is adopted to advance and protect the public health, safety, and welfare of the Village of Celoron, New York including:

1. Taking advantage of a safe, abundant, renewable, and non-polluting energy resource;
2. Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses; and
3. Increasing employment and business development in the region by furthering the installation of Solar Energy Systems.

B. **Solar as an Accessory Use or Structure**

1. Roof-Mounted Solar Energy Systems

- a. Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
- b. Height. Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
- c. Aesthetics. Roof Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:
- d. Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of eighteen (18) inches between the roof and highest edge of the system.
- e. Roof-Mounted Solar Energy Systems that use the energy onsite or offsite shall be exempt from site plan review under the local zoning code or other land use regulations.

2. Ground Mounted Solar Energy Systems.

- a. Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures in all Zoning Districts.
- b. Height and Setback. Ground-Mounted Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.
- c. Lot Coverage. Systems are limited to twenty percent (20%). The surface area covered by Ground-Mounted Solar Panels shall be included in total lot coverage.
- d. All such Systems in residential districts shall be installed in the side or rear yards.
- e. Ground-Mounted Solar Energy Systems that use the electricity primarily onsite shall be exempt from site plan review under the local zoning code of other land use regulations.

C. **Approval Standards for Large-Scale Solar Systems as a Special Use**

1. Large-Scale Solar Energy Systems are permitted through the issuance of a special use permit within the Industrial District, subject to the requirements set forth in this Section, including site plan approval. Applications for the installation of a Large-Scale Solar

Energy System shall be reviewed by the Code Enforcement Officer and referred, with comments, to the Planning Board and Board of Trustees for their respective site plan and special use permit review and action, which can include approval, approval on conditions, and denial.

2. Special Use Permit Application Requirements. For a special permit application, the site plan application is to be used as supplemented by the following provisions:
 - (a) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use (s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
 - (b) Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.
 - (c) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
 - (d) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
 - (e) Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original stage prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.

D. Special Use Permit Standards.

1. Height and Setback. Large-Scale Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.
2. Lot Size. Large-Scale Energy Systems shall be located on lots with a minimum lot size of 20,000 square feet.
3. Lot Coverage. A Large-Scale Solar Energy System that is ground-mounted shall not exceed forty (40 %) of the lot on which it is installed. the surface area covered by Solar Panels shall be included in total lot coverage.
4. All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Planning Board. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts.
5. Any application under this Section shall meet any substantive provisions contained in local site plan requirements in the zoning code that, in the judgment of the Code Enforcement Officer, are applicable to the system being proposed. If none of the site plan requirements are applicable, the Code Enforcement Officer may waive the requirement for site plan review.
6. The Board of Trustees may impose conditions on its approval of any special use permit under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

August 14, 2017

E. Abandonment and Decommissioning. Solar Energy Systems are considered abandoned after one (1) year without electrical energy generation and must be removed from the property. Applications for extensions are reviewed by the Board of Trustees for a period of six (6) months.

F. Fees. The fees for all permits are found in Chapter 98, Fees, of the Code of the Village of Celoron.

G. Enforcement. Any violation of this Solar Energy Law shall be subject to the same civil and criminal penalties provided for in the zoning regulations of the Village of Celoron, New York.

7. 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.

8. Effective Date. This local law shall become effective immediately upon filing with the New York State Secretary of State.

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

Carried: 5 ayes

MAYOR'S COMMENTS:

None

OPPORTUNITY FOR PUBLIC COMMENT:

None

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

Carried: 5 ayes

The meeting was adjourned at 6:48 p.m.

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