

May 29, 2018

Board of Trustees

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Proceedings by Authority

State of New York  
Village of Celoron  
Community Center

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A special meeting of the Board of Trustees of the Village of Celoron, New York was held on Monday, May 29, 2018 at 6:00 P.M.

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

Members Absent: Trustee Shanahan

Others Present: Village Clerk-Treasurer Shirley A. Sanfilippo, MMC/CMFO, Village Attorney John D. Vanstrom, Dr. James Cirbus, President of Chautauqua Lake Partnership, Tom Erlandson of Chautauqua Lake Partnership and six 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 APPOINTMENTS:**

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 the Advisory Board for the Improvements to Lucille Ball Memorial Park project:

Becky Holmstrom  
Ronald Brown  
Gary Bachelor  
Michael Dietzen  
Mark Sanderson

Dated: May 29, 2018

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

Mayor Schrecengost accepted with regret the resignation of James Matteson from the Planning Board.

**OPPORTUNITY FOR PUBLIC COMMENT:**

None

May 29, 2018

**APPROVAL OF MINUTES:**

Trustee Keeney motioned, seconded by Trustee Young to approve the minutes of the Public Hearing and Regular Meeting of May 14, 2018.

Carried: 4 ayes

**COMMITTEE REPORTS**

PUBLIC SAFETY – Trustee Shanahan – none

ANIMAL CONTROL – Trustee Young – none

PARKS – Trustee Young and the Board reviewed a request to use Lucille Ball Memorial Park as a relay transfer point for the 4 for 44 Team Relay on September 9, 2018.

Trustee Young moved, seconded by Trustee Moss to approve the use of Lucille Ball Memorial Park as a relay transfer point for the 4 for 44 Team Relay on September 9, 2018 with the recommendation that they provide a portable restroom facility.

Carried: 4 ayes

Mayor Schrecengost reviewed a second quote received for the roof replacement and materials to repair the concession stand in the amount of \$1,800.00. No action was taken at this time because it did not seem to be complete. He will contact them for clarification.

HIGHWAY AND EQUIPMENT – Trustee Moss – none

PLANNING – In Trustee Shanahan's absence Mayor Schrecengost reported that there would be a Planning Board meeting following this Board Meeting to review site plans for the Chautauqua Harbor Hotel and Celoron Shores Apartments..

SANITATION – Trustee Moss – none

CORRESPONDENCE – Clerk Sanfilippo

1. Thank you from the Village of Falconer for the landfill credits that were donated.

FINANCE – Entire Board/Clerk

Clerk-Treasurer Sanfilippo asked for approval of Abstract #24 in the amount of \$73,415.30, check #102 thru #104 and #3697 thru #3707, dated May 15-31, 2018; and Trust & Agency Abstract #12 in the amount of \$2,433.69, check #5196 and #5197, dated May 29, 2018.

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

Carried: 4 ayes

AUDIT – Trustee Moss – none

INSURANCE – Trustee Young – none

BUILDING – Trustee Moss – none

RECREATION – Trustee Keeney – none

SPECIAL EVENTS – Trustee Keeney – none

ZONING – Trustee Shanahan – none

### **OLD BUSINESS**

None

### **NEW BUSINESS**

Mayor Schrecengost and the Board reviewed a letter which had been received from the Chautauqua Lake Partnership regarding problems with the permits that had been issued by the NYS Department of Environmental Conservation on May 23, 2018 and a lack of funding. A discussion was held on whether or not to pull Resolution #34.

Dr. Cirbus and Tom Erlandson recommended that the Village not take any action on the permits that had been issued due to the conditions that the NYS DEC placed. They did not feel that the approved herbicide application of Aquathol K at a higher concentration and the elimination of Navigate would be effective against the invasive Eurasian Water Milfoil. It was their belief that instead it would kill the native weeds that were a benefit to the environment.

Mayor Schrecengost asked for confirmation that if funds were expended for the approved herbicide treatment, it would be a waste of money.

Dr. Cirbus stated that it probably would be. He further stated that it was unknown what harm a higher concentration of the approved herbicide would cause. The Chautauqua Lake Partnership did not recommend that the Village of Celoron proceed with implementation of the permits issued by the NYS DEC.

Dr. Cirbus asked that the Board take action on the resolution as an indication of support for the process.

### **RESOLUTIONS:**

#### **Resolution #34 – 2017-18**

WHEREAS, the Village Board 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

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, as an Involved Agency in the SEQRA process, the Village Board 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 Village Board’s 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 Village Board 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 Village Board may rely in making any final decisions on whether to undertake the application of herbicides to target areas of Chautauqua Lake; and

WHEREAS, the Village Board has reviewed the Findings; and

WHEREAS, the Village of Celoron Board, after reviewing the Findings, resolved on May 14, 2018 (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; and

WHEREAS, the Village Board 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; and

WHEREAS, on March 16, 2018, 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; and

WHEREAS, on May 15, 2018, the NYSDEC issued a Statement of Facts and permits (numbered AV92018-038, -039, and -040) to allow the application of herbicides to areas of Chautauqua Lake bordering the jurisdictions of the Towns of Ellery, North Harmony, Busti and Ellery, as well as the Village of Celoron; and

WHEREAS, the Village Board understands that the NYSDEC is in the process of revising and reissuing these permits (and possibly additional permits) (collectively, the "Permits") to make certain revisions and corrections to the original permits but that these Permits, as they may be revised, may not be available for review prior to a special meeting of the Village Board; and

WHEREAS, in order to allow for the application of herbicides within the time frame(s) required by the NYSDEC, the Village Board now desires to approve to undertake 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, contingent upon receipt of Permits, contracts and funding which are acceptable to the Mayor, without the need for further meetings or approvals by the Village Board;

now, therefore, be it

RESOLVED,

- To authorize the Mayor, after issuance and review of Permits issued by the NYSDEC and without the need for further meetings or approvals by the Village Board, to consider the SEIS, SEQRA Findings, and permit requirements in reviewing the Permits;
- 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 approvals by the Village Board, 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;
- 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

May 29, 2018

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

Carried: 4 ayes

**MAYOR'S COMMENTS:**

Mayor Schrecengost advised the Board of problems that have arisen over the elevation of the new boardwalk. A decision must be made on how to address the issue. The consensus of the Board was to have the grade be flush with the boardwalk, move the benches back approximately ten more feet and install drainage in front of the benches to eliminate any ponding of water during heavy rains.

**OPPORTUNITY FOR PUBLIC COMMENT:**

None

Trustee Young motioned to adjourn the meeting. Mayor Schrecengost seconded the motion.

Carried: 4 ayes

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

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