

May 11, 2009

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 11, 2009 at 7:00 P.M.

Members Present: Mayor Keeney, Trustees Kogut, Mattison, Schrecengost and Young

Others Present: Village Clerk-Treasurer Shirley A. Sanfilippo, MMC, Highway Supervisor Terry Schrecengost, Village Attorney Andrew Goodell, Paul Shanahan, Kathy Murray, Bryan Murray, Peter L. Page, Howard R. Murray, Jr., Joan L. Murray, Mary Kenney. P. Scott, PO, Lisa & Jeff Sobocinski, Bobbie Caswell, Erica Hartnett, Scott Bradish

Mayor Keeney called the meeting to order, asked the Clerk to call the roll and led the Pledge of Allegiance.

OPPORTUNITY FOR PUBLIC COMMENT:

No one present wished to speak.

SUBMISSION OF MAYORAL 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, by the Village Law of the State of New York I do hereby nominate the following:

<u>Name</u>	<u>Board</u>	<u>Expiration</u>
Trevor Hallenbeck	Zoning Board of Appeals	April 1, 2013
David Holmstrom	Zoning Board of Appeals	April 7, 2014
Paul Shanahan	Planning Board	April 5, 2010
Ronald Brown	Planning Board	April 1, 2013
James Eck	Planning Board	April 7, 2014
Kevin Breneman	Planning Board	April 2, 2012

Dated: May 11, 2009

John M. Keeney
Mayor of the Village of Celoron, New York

Trustee Mattison motioned, seconded by Trustee Young to confirm the appointments.

Carried: 5 ayes

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Mayor Keeney appointed Paul Shanahan as Chairman of the Planning Board. He also stated that the Planning Board will be meeting on May 20, 2009 at 7:00 p.m. in the Village Hall and the Zoning Board of Appeals will be meeting on May 18, 2009.

Trustee Mattison motioned, seconded by Trustee Kogut to approve the minutes of the Public Hearing and Special Meeting of April 27, 2009.

Carried: 5 ayes

Trustee Schrecengost moved, seconded by Trustee Mattison to approve payment of all audited bills.

Carried: 5 ayes

COMMITTEE REPORTS

PUBLIC SAFETY – Trustee Kogut – Mayor Keeney advised that the Village was on line to take down 45 Duquesne Street. There is a pre-demolition meeting on Friday. They are hoping to take the building as a planned training burn by the Fire Department. Trustee Kogut said that at least 20 flags will be up for Memorial Day. There is a pretty good fund going. He thanked those who had contributed to the “Show Your Colors” project and complimented them on a job well done.

ANIMAL CONTROL – Trustee Schrecengost said that they were going to be starting a dog census. He encouraged anyone with a dog to be sure that it is licensed. A survey of the cats in the Village will be done at the same time as the dog census.

HIGHWAY – Trustee Mattison – Highway Supervisor Schrecengost has given a list of possible roadwork to the Mayor. Mayor Keeney advised that they would be driving around to determine which projects would be completed this year.

ZONING AND PLANNING – Trustee Schrecengost- none

SANITATION – Trustee Mattison – none

BUSINESS – Trustee Kogut – none

CORRESPONDENCE – Mayor Keeney/Clerk – Clerk Sanfilippo reviewed the following correspondence:

Resignation of Sally Hayhurst, which was accepted with regret.

A Public Meeting will be held on the Chautauqua Lake Watershed Management Plan on Wednesday, May 13, 2009 in Mayville, New York.

A request for applications for Appalachian Regional Commission Area Development Program Funds for FY 2010 was received from the Secretary of State.

Notification was received from Time Warner Cable on channel carriage.

FINANCE – Entire Board/Clerk

The Clerk asked for approval of Abstract # 22A in the amount of \$6,242.79, Abstract #22B in the amount of \$6,824.27 and Trust and Agency Abstract #1 in the amount of \$450.00.

Motion to approve by Trustee Mattison, Seconded by Trustee Kogut.

Carried: 5 ayes

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BUILDING – Trustee Young advised that a letter had been sent to Senator Young asking if the grant funds for the Village Hall addition could be used instead to renovate the existing space to create more storage area.

SPECIAL EVENTS – Trustee Mattison advised that the Rib-Fest was coming along very well. All the electrical upgrades would be completed. They were going to purchase additional tables for the park. The sign-up sheets were available. On Memorial Day weekend there would be a re-enactment of the portage from Lake Erie to the current location of the Village of Celoron. The re-enactors will be camping in the park. A chicken BBQ will be available. Weather permitting they will be conducting demonstrations of period activities. They will be wearing costumes to depict the era.

Trustee Schrecengost moved, seconded by Trustee Young to approve sponsorship of the Rib Fest to be held on June 3, 4, 5 & 6, 2009 in Lucille Ball Memorial Park.

Carried: 5 ayes

OLD BUSINESS:

Mayor Keeney apprised the Board that so far \$640 in cash and a \$100 gift card from Wal Mart had been donated to the flag fund. In addition, Trustee Kogut was donating his next year's salary to the flag fund. The funds will be used for the advantage of the Village and the opportunity still exists for anyone else who wishes to donate to the fund.

Mayor Keeney told those present that the plans for the construction a new Moose Lodge were available tonight for anyone who wished to look at them. The official meeting of the Planning Board will be on Wednesday to look at the plans.

Bobbie Caswell spoke regarding the plans for the 10K – 5K Run which they hope to have on August 1st. She asked about the trash. Highway Supervisor Schrecengost responded that the Village did not have any extra dumpsters; however, he will speak to the Summer Wind to see if they can use their dumpster. They are anticipating a couple hundred people to participate in the run. Since the run is to benefit animals, they would like to be able to bring dogs into the park. Mayor Keeney advised that currently dogs are not permitted in the park. However, he felt that this issue could be reviewed by the Board. He stated that they would have to be leashed and someone would have to be responsible to clean-up after them. Ms. Caswell advised that they would provide proper receptacles for disposal of the animal waste. Ms. Caswell expressed concerns that there would not be an adequate number of restrooms for the number of participants. She was advised of the possibility of renting portable restrooms which could be placed at locations to be designated by Village staff. Scott Bradish stated that they were still putting their numbers together. Mayor Keeney said that the Board would need to know relatively soon what they planned to do. The next Board meeting is scheduled for the second Monday in June; however, a special meeting could be called if necessary.

NEW BUSINESS:

Mayor Keeney asked Trustee Mattison to look at getting bids for garbage collections due to the age of the garbage truck. The annual cost of maintenance might be greater than to contract for outside services. However, if this is not the case, than the Village may have to look at replacing the current truck.

Mayor Keeney stated that the Village Hall does not have hot water. He advised that the Trustees had a quote to purchase a small hot water tank.

Trustee Mattison moved, seconded by Trustee Kogut to purchase a seven gallon hot water tank in the amount of \$175.00.

Carried: 5 ayes

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RESOLUTIONS

Resolution #10-2009-10

Resolved, That the following Application for the Reserved Use of Community Facilities & Large Group Gatherings, Community Center – Pavilion – Bandshell; Facility Use Requirements; and Fees be and they hereby are approved. Said application, facility use requirements and fees shall be effective beginning May 12, 2009.

VILLAGE OF CELORON
21 BOULEVARD AVE
CELORON, NY 14720
APPLICATION FOR THE RESERVED USE OF COMMUNITY FACILITIES
&
LARGE GROUP GATHERINGS
COMMUNITY CENTER - PAVILION - BANDSHELL

TODAYS DATE: _____ DATE(S) REQUESTED _____

FACILITY REQUESTED: _____

INFORMATION ABOUT YOUR GROUP

NAME OF ORAGANIZATION OR INDIVIDUAL: _____

TIME: _____ TO _____.
SUPERVISOR IN CHARGE _____

MAILING ADDRESS: _____

TELEPHONE (DAY) _____ (NIGHT) _____

CHECK ONE ----- RESIDENT ----- NON-RESIDENT ----- NOT FOR PROFIT

INFORMATION ABOUT YOUR INTENDED USE OF MUNICIPAL FACILITIES

PURPOSE OF USE:

TOTAL PARTICIPANTS EXPECTED: _____ ADULTS _____ CHILDREN _____

IS MATERIAL OR EQUIPMENT REQUIRED FROM MUNICIPALITY? YES _____ NO _____

IF NEEDED, STATE WHAT TYPES AND FOR WHAT PURPOSE: _____

RESIDENTS (NUMBER) _____ NON-RESIDENTS (NUMBER) _____
IS AN ADMISSION FEE CHARGED? YES _____ NO _____

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IF SO, WHAT WILL PROCEEDS BE USED FOR?

AGREEMENT

The undersigned is over 21 years of age and has read this form and attached regulations and agrees to comply with them. He/She agrees to be responsible to the municipality for the use and care of the facilities. He/She, on behalf of _____ does hereby covenant and

(Name of Organization)

Agree to defend, indemnify and hold harmless the Municipality from and against any and all liability, loss, damages, claims, or actions (including costs and attorney fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the actual or proposed use of Municipality's property, facilities and/or services by

(Name of Organization)

(Signature of Organizations Representative)

Address: _____ Phone: _____

READ ATTACHED REQUIREMENTS AND RETURN APPLICATION TO:

VILLAGE OF CELORON
21 BOULEVARD AVENUE, P.O. Box 577
CELORON, NY 14720-0577
ATTENTION: SHIRLEY SANFILIPPO, MMC

VILLAGE OF CELORON
21 BOULEVARD AVENUE
PO BOX 577
CELORON, NY 14720

FACILITY USE REQUIREMENTS

The use of all Recreational and Park's facilities shall be subject to the approval and rules of the Recreation commission administered by the Village Board.

- 1. Groups wishing to use municipal facilities shall first apply to the Village Board on the prescribed form. The Mayor or his/her designee has final authority on approval.
2. In the event of inclement weather, the Mayor or his/her designee has final authority on whether facilities are usable.
3. Intoxicants shall not be brought onto municipal facilities at any time.
4. All posted rules MUST be adhered to. Re: No Smoking, Parking, etc.
5. Profanity, objectionable language, disorderly acts, or illegal activities of any kind are absolutely prohibited. Those that violate this will be removed from premises.
6. Any damage to municipal facilities shall be promptly repaired at the user's expense. NO EXCEPTIONS.
7. All persons reserving facilities MUST clean up after themselves.
8. Permits may be revoked at any time.
9. Any organization with youth under age 18 requires the presence of adequate adult supervision at all times.

FEES

Table with 6 columns: Facility Name, Refundable Deposit Residents & Non-Residents, Refundable Deposit Not-For Profit, Rental Non-Residents, Rental Resident, Rental Not-For Profit. Rows include COMMUNITY CENTER, PAVILION, BANDSHELL.

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MAKE CHECKS PAYABLE TO VILLAGE OF CELORON

REFUNDABLE DEPOSITS

\$25.00 of your deposit is refundable based upon your return of the facility to its condition upon arrival. THE FACILITY WILL BE INSPECTED AFTER YOUR USE

At the two (2) outdoor facilities (Pavilion and Bandshell) trash and debris should be picked up and deposited in one of the many trash barrels. Any movable tables or benches should be returned to their proper location.

- 10. The rental fee for use is waived for non-profit organizations. We reserve the right to charge a fee if the facility is not properly cleaned.

At the indoor facility (Community Center) Cleaning includes but is not limited to: OVEN, STOVETOP, AND REFRIGERATOR-cleaned and wiped down, please remove all food from fridge and freezer. CUPBOARDS & COUNTERTOPS-wiped clean. FLOORS-must be swept & mopped. TRASH-emptied and placed outside in the barrel. BATHROOM-floors, toilet, and sink cleaned, mirror wiped clean. TABLES & CHAIRS-wiped down and put away CLEAN!!

- 11. In addition, make sure all doors are locked and lights are off when leaving. Entertainment center, which includes TV, VCR, and DVD players are **NOT** to be removed from their location. **NO** tacks, nails or tape are to be used for decorating on ceiling or walls.
- 12. The additional \$25.00 deposit for the Community Center applies to the key and the alarm code which are the responsibility of the renter. If the alarm is set off due to carelessness the renter will be charged \$25.00 for call response. THIS WILL BE DEDUCTED FROM THE SECURITY DEPOSIT!

For Not -For -Profit groups, charges for not cleaning or security alarm set-off will be billed directly to the organization! We reserve the right to charge a security deposit at any time.

- 13. A public telephone is located in Lucille Ball Memorial Park. The telephone numbers for emergencies are; **POLICE- 911 OR 665-7093. FIRE 911 OR 488-1788.**

- 14. All users must provide the following insurance prior to using facilities.
FAILURE TO COMPLY WILL RESULT IN REVOCATION OF PERMIT!
 - A. The user hereby agrees to effectuate the naming of the municipality as an unrestricted additional insured on the users' policy.
 - B. The policy naming the municipality as additional insured shall:
 - *Be an insurance policy from an A.M. Best Rated "secured" NYS licensed insurer;
 - *Contain a 30 day notice of cancellation;
 - *State that the organization's coverage shall be primary coverage for the Municipality, it's Board, employees and volunteers.
 - C. The user agrees to indemnify the municipality for any applicable deductibles.
 - D. Required insurance:
***COMMERCIAL GENERAL LIABILITY INSURANCE**
\$1,000,000 per occurrence / \$2,000,000 aggregate.
 - E. User acknowledges that failure to obtain such insurance on behalf of the municipality constitutes a material breach of contract and subjects it to liability for damage indemnification and all other legal remedies available to the municipality. The user is to provide the municipality with a certificate of insurance, evidencing the above requirements have been met. The failure of the municipality to object to the contents of the certificate or absence of same shall not be deemed a waiver of any and all rights held by the municipality.

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

Carried: 5 ayes

Resolution #11-2009-10

WHEREAS, Chapter 11 of the Village of Celoron Code prohibits open containers of alcoholic beverages on the Village property unless authorized in advance by the Board of Trustees, and

WHEREAS, it is desirable and appropriate to allow the limited consumption of alcoholic beverages at the Celoron Village Park in connection with the Rib Fest scheduled for June 3, 4, 5 & 6, 2009, it is therefore

RESOLVED, That the Board of Trustees hereby authorizes open containers of alcoholic beverages at the Celoron Village Park in connection with the Rib Fest scheduled for June 3, 4, 5 & 6, 2009, in accordance with the following terms and conditions:

1. No alcoholic beverages shall be sold, delivered, given away, or allowed to be consumed or in the possession of:
 - a. Any person actually or apparently under the age of 21 years old
 - b. Any person who is actually or apparently intoxicated
 - c. Any person who is loud, obnoxious, belligerent, or otherwise behaving in an inappropriate manner
2. No alcoholic beverages shall be consumed or in the possession of any person except in the area specifically designated by the Village of Celoron for such purpose.
3. Only alcoholic beverages sold by the Celoron Moose Club and the Chautauqua Lake Fishing Association may be consumed or in the possession of any person; no privately supplied alcohol can be consumed or in the possession of any person, including specifically any coolers or other alcoholic beverages of any kind.
4. The Celoron Moose Club and the Chautauqua Lake Fishing Association must have a duly approved alcohol license in advance of the event, a copy of which must be provided to the Village Clerk.
5. The Celoron Moose Club and the Chautauqua Lake Fishing Association must have Dram Shop insurance and public liability insurance of at least \$1 million, which insurance must name the Village of Celoron as additional named insured for the purposes of coverage but not the payment of premium, and it is further

RESOLVED, That any person who fails to comply with the terms and conditions of this Resolution shall be in violation of Chapter 11 of the Village of Celoron Code, punishable by a fine not exceeding \$250.00 for each offense, and upon conviction shall be guilty of disorderly conduct.

Motion by Trustee Mattison, seconded by Trustee Kogut to approve the resolution.

Carried: 5 ayes

OPPORTUNITY FOR PUBLIC COMMENT:

Mayor Keeney reminded everyone of the 9:00 a.m. Memorial Service to be held on Memorial Day in the park. He stated that the residents of Celoron will be receiving a special invitation to attend an open house on May 20, 2009 at the newly renovated Resource Center facilities. The open house will be from 5:00 – 7:00 p.m. He encouraged everyone to put that date aside.

James Matteson expressed concerns over the tax assessment notice that he had received notifying him of an increase in his assessment. He felt that was unwarranted given the state of the housing market and economy. He asked the Village Board to do something about it. Attorney Goodell advised that there was not anything that the Board could do about it. He informed Mr. Matheson of the assessing procedures and of his ability to contest the assessment by going to the Board of Assessment and Review, which has the power to change the assessment.

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Trustee Kogut moved, seconded by Trustee Schrecengost to go into Executive Session to discuss the employment of specific persons.

Carried: 5 ayes

EXECUTIVE SESSION:

Members Present: Mayor Keeney, Trustees Kogut, Mattison, Schrecengost and Young

Others Present: Village Clerk-Treasurer Shirley A. Sanfilippo, MMC, Highway Supervisor Terry Schrecengost, Village Attorney Andrew Goodell

Executive Session began at 7:45 p.m. and ended at 8:15 p.m. No action was taken.

OPEN SESSION:

Attorney Goodell reported on 45 E. Duquesne Street. He explained the difference between a controlled burn and a training exercise.

Trustee Schrecengost motioned to adjourn the meeting. Trustee Mattison seconded the motion.

Carried: 5 ayes

The meeting was adjourned at 8:25 p.m.

Shirley A. Sanfilippo, MMC
Village Clerk-Treasurer