

November 9, 2009

Board of Trustees

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Proceedings by Authority

State of New York  
Village of Celoron  
Community Center

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A regular meeting of the Board of Trustees of the Village of Celoron, New York was held on Monday, November 9, 2009 at 7:00 P.M.

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

Others Present: Village Clerk-Treasurer Shirley A. Sanfilippo, MMC, Village Attorney Andrew W. Goodell, Highway Superintendent Terry Schrecengost, and 15 members of the public.

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

**MAYOR'S COMMENTS:**

Mayor Keeney welcomed all to the meeting and thanked them for their participation. He announced that the Village will be welcoming in the Christmas season on Monday, November 30, 2009 at 7:00 p.m. by officially lighting the Village Christmas Tree at the Community Center. On Wednesday, December 9, 2009 at 4:30 p.m. the Village Board of Trustees, the Clerk's Office and Highway Department will be hosting a holiday dinner for Village seniors (55 or older) living alone in the Community Center. Invitations will be sent out this week. He asked anyone who knew of someone who did not receive an invitation to call the Village Hall and let us know. He extended an invitation to Village residents and their friends to attend a ceremony to honor Veterans on November 11<sup>th</sup> at the 11<sup>th</sup> hour at the Veterans' Memorial in the park.

**OPPORTUNITY FOR PUBLIC COMMENT:**

Christine Signorino, 97 Metcalf Avenue, addressed the meeting regarding a building permit for fences.

**MAYORAL APPOINTMENT:**

Mayor Keeney read the resignation of Kevin Breneman, which was accepted with regret. He wished Mr. Breneman good health and thanked him for his years of service to the Village of Celoron.

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:

Sally Mlacker  
53 E. Livingston Avenue, PO Box 103  
Celoron, New York 14720-0103

to be appointed a member of the Planning Board in and for the Village of Celoron, New York (to fill the unexpired term of Kevin Breneman, resigned).

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The term for which said appointment is to be made will expire on April 2, 2012.

Dated: November 9, 2009

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

Trustee Schrecengost moved, seconded by Trustee Young to approve the appointment.

Carried: 5 ayes

**APPROVAL OF MINUTES:**

Trustee Mattison motioned, seconded by Trustee Kogut to approve the minutes of the Public Hearing and Regular Meeting of October 13, 2009.

Carried: 5 ayes

**APPROVAL OF AUDITED BILLS:**

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

Carried: 5 ayes

**COMMITTEE REPORTS**

PUBLIC SAFETY – Trustee Kogut gave a report from the Code Enforcement Officer.

ANIMAL CONTROL – Trustee Schrecengost – none

PARKS & RECREATION – Trustee Young reported that the Children's Christmas Party will be held on December 8, 2009 at The Resource Center and the holiday dinner for Village seniors living alone will be on December 9, 2009 at the Community Center. She also reported on the meeting she attended at the Lakewood Rod & Gun Club for the Chautauqua County Conference of Mayors.

HIGHWAY AND EQUIPMENT – Trustee Mattison reported on the storm water management meeting that he and Highway Superintendant Schrecengost attended. He noted that it was a very worthwhile meeting. He also recommended that the Board purchase jackets for the highway department employees which would be waterproof and have reflective tape to increase their visibility.

ZONING & PLANNING – Trustee Schrecengost advised that there will be a meeting of the Zoning Board of Appeals on November 16, 2009

SANITATION – Trustee Mattison noted that bids will be opened on November 19, 2009 for garbage collection.

BUSINESS – Trustee Kogut – none

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

1. Notification from Time Warner Cable of possible network changes and the movement of networks from standard to digital channels.

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2. Report from Clerk-Treasurer & Deputy Clerk on First Annual Dinner and Discussion on improving Chautauqua Lake from the Chautauqua Lake Management Commission.
3. Letter from Celoron Hose Co. No. 1 giving permission to use the Fire Hall for the Village elections in 2010.
4. Notice of Public Hearing from Town of Ellicott – Site Plan Review of 580 Fairmount Ave.

**FINANCE – Entire Board/Clerk**

The Clerk asked for approval of Abstract #10 in the amount of \$39,817.54, Check #8778 to 8792, dated October 16-30, 2009; Abstract #11 in the amount of \$17,540.46, Check #8793-8813, dated November 1-15, 2009.

Motion to approve by Trustee Schrecengost, seconded by Trustee Mattison.

Carried: 5 ayes

AUDIT – Trustee Mattison – none

INSURANCE – Trustee Young reported that the health insurance premium for village employees would be \$15 less per month in 2010.

BUILDING – Trustee Young – none

SPECIAL EVENTS – Trustee Mattison - none

**OLD BUSINESS:**

Mayor Keeney thanked the highway department for installing the new signs at the entrances to the Village and at Village Hall.

**CHILDREN'S CHRISTMAS PARTY**

The Children's Christmas Party will be held on December 8, 2009 at 6:00 p.m. at The Resource Center, 200 Dunham Avenue.

**PARADE & HOLIDAY CELEBRATION IN JAMESTOWN**

The Village will be participating in the holiday parade on December 4, 2009. The float will depict the past and present of Celoron with the Phoenix wheel representing the past, a Christmas tree representing the theme of "O Christmas Tree" and a lighthouse representing the present. He invited anyone who would like to be a part of the parade to give them a call.

**NEW BUSINESS:**

**LIGHT THE VILLAGE**

The Christmas Tree will be lit on November 30, 2009 at 7:00 p.m.

**CLEAN-UP DAYS**

Effective January 1, 2010 the landfill will no longer accept electronics or tires. A day will be set up to collect these items. The charge will be \$10 per item for electronics. Residents are encouraged to be careful not to place these items in their garbage because the entire load will be rejected if the County finds them on the truck.

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## **WINTER PARKING RULES**

No parking is permitted on streets as of November 1<sup>st</sup> from 2:00 a.m. to 7:00 a.m. This will be in effect until April 1<sup>st</sup>.

## **RESOLUTIONS**

### **Resolution #31 – 2009-10**

RESOLVED, That the Village Attorney be and he hereby is authorized to file an appeal to the New York State Appellate Court of the decision rendered by Judge Dillon on November 9, 2009 in the case filed by former Code Enforcement Officer Richard Slagle.

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

Carried: 5 ayes

### **Resolution #32 – 2009-10**

RESOLVED, That the Celoron Hose Company No. 1, Inc. Fire Hall, 92-94 Dunham Avenue, Celoron, New York be and it hereby is designated as the official polling place for the Village of Celoron Elections for the year 2010.

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

Carried: 4 ayes, 1 nay (Trustee Young)

## **LOCAL LAWS**

### **Local Law No. 7 of 2009**

#### **Amending Chapter 5, Article II of the Code of the Village of Celoron Regarding Term of the Enforcement Officer**

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 § 7-725a of the New York State Village Law, as follows:

#### **1. Intent.**

A. This law amends Chapter 5, Article II of the Code of the Village of Celoron to make it clear that the Enforcement Officer shall be appointed for a two year term that is the same as the term of office for the Village Mayor.

**2. Designation of Enforcement Officer as Public Official.** Chapter 5, Article II, Section 5-3. of the Code of the Village of Celoron is hereby amended to read as follows:

#### **5-3. Designation of Enforcement Officer as Public Official.**

There is hereby designated in the Village of Celoron a public official to be known as the Enforcement Officer, who shall be appointed by the Mayor with the approval of the Village Board. The term of office shall be for two (2) years, commencing on the first Monday of April in the year the Mayor is elected, so that said term coincides with the official year of said

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Village and the term of office of the Mayor. The municipal board shall fix the salary or remuneration of such officer and shall provide for the payment thereof.

**3. Effective Date**

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

Trustee Mattison moved, seconded by Trustee Schrecengost to approve the local law.

Carried: 5 ayes

**Local Law No. 8 of 2009**

**Amending Chapter 19, Article VI of the Code of the Village of Celoron  
Regarding Fences**

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 § 7-725a of the New York State Village Law, as follows:

**1. Intent.**

B. This law amends Chapter 19, Article VI of the Code of the Village of Celoron to require an area variance to construct fences above six feet.

**2. Fences and Walls** Chapter 19, Article VI, Section 614.B. of the Code of the Village of Celoron is hereby amended to read as follows:

**19-614.B. Height**

Fences shall be allowed up to six (6) feet in height by right. Fences above six (6) feet in height shall require an area variance and consideration will be given to visibility from adjacent properties, light and air movement, traffic and pedestrian safety, etc.

**3. Effective Date**

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

Trustee Schrecengost moved, seconded by Trustee Mattison to approve the local law.

Carried: 5 ayes

**Local Law No. 9 of 2009**

**Amending Section 5-18 of the Celoron Code  
Regarding the Imposition of Penalties for Building Violations**

BE IT ENACTED by the Board of Trustees of the Village of Celoron, New York as follows:

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**Section 1. Purpose.** The purpose of this Local Law is to amend section 5-18 of the Village of Celoron Code to provide additional enforcement flexibility to the Court to impose appropriate fines for violations of the Village Code relating to fire code and building code violations, to reflect the severity of the violation, the length of the violation, the effort or lack thereof by the landowner to correct the violation, and any other mitigating or aggravating factors.

**Section 2. Penalties.** Section 5-18 of the Village of Celoron Code Law shall be amended to read as follows:

Any violation of any provision of this Law by any person shall be punishable by a fine: (a) for the first violation, not less than \$50.00 nor more than \$350.00; (b) for the second violation within five years, not less than \$100.00 nor more than \$700.00; and (c) for the third violation within five years, not less than \$200.00 nor more than \$1,000.00. Each week's continued violation shall constitute a separate additional violation.

**Section 3. Remaining Provisions. Effective Date.** This Local Law shall be effective immediately upon filing with the New York Secretary of State.

Trustee Schrecengost moved, seconded by Trustee Kogut to approve the local law.

Carried: 5 ayes

**OPPORTUNITY FOR PUBLIC COMMENT:**

Christine Signorino, 97 Metcalf Avenue addressed the Board and asked how she could get recorded copies of the meetings of August 10<sup>th</sup> and October 13<sup>th</sup>.

Village Clerk-Treasurer Sanfilippo replied that she would have to file a FOIL request for the tapes to be reproduced.

Mrs. Signorino expressed concerns over the recent voting and the lack of jackets for their ballot.

Trustee Young suggested that she call the Chautauqua County Board of Elections with her concerns.

Mrs. Signorino remarked that she really liked the new signs. They are very attractive. She thanked the Board.

Mayor Keeney thanked everyone for their attendance and participation. He reminded everyone to be sure and call Village Hall with the gender and ages of children who will be attending the Christmas Party.

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

Carried: 5 ayes

The meeting was adjourned at 7:40 p.m.

Shirley A. Sanfilippo, MMC  
Village Clerk-Treasurer