

September 13, 2010

Board of Trustees

Proceedings by Authority

State of New York
Village of Celoron
Community Center

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The regular meeting of the Board of Trustees of the Village of Celoron, New York was held on Monday, September 13, 2010 at 7:00 P.M.

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

Others Present: Village Clerk-Treasurer Shirley A. Sanfilippo, MMC, Village Attorney Andrew W. Goodell, Highway Superintendent Terry Schrecengost, Katie Cummings of Time Warner Cable, Dennis Phillips of The Post-Journal and 11 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 commended Mackenzie Pierce, Anthony DeMarco, Joey Pierce, Zachary Kent, Jerecho Johnson, Taylor Dewey and Gavin Dewey on their community participation and presented certificates to the four young people who were in attendance. He then commended Mackenzie Pierce for returning lost money to a Village resident and presented her with a Good Citizenship Certificate. He thanked Francis Blood for all the work he had done around the Village and presented him with the Volunteer of the Year Award.

OPPORTUNITY FOR PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Trustee Mattison motioned, seconded by Trustee Young to approve the minutes of the Public Hearings and Regular Meeting of August 9, 2010.

Carried: 5 ayes

COMMITTEE REPORTS

PUBLIC SAFETY – Trustee Kogut presented the monthly report from the Assistant Code Enforcement Officer. Mayor Keeney advised that shortly the Village will begin fire inspections of buildings as required by law.

Carried: 5 ayes

ANIMAL CONTROL – Trustee Schrecengost – none

PARKS & RECREATION – Trustee Young thanked all those who attended the summer concert series and the community picnic. She commented on all the good food and the fun that was had by all who attended.

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HIGHWAY AND EQUIPMENT – Trustee Mattison gave a report on the work session that was held on August 28, 2010 and said that he and the Highway Superintendent would be meeting with officials from other areas to find out how they handled purchases of equipment. He reminded everyone of the Fall Cleanup to be held on Saturday, October 16, 2010 from 9:00 am. to 3:00 pm.

ZONING & PLANNING – Trustee Schrecengost stated that there would be a meeting of the Zoning Board of Appeals on September 20, 2010 at 7:00 p.m.

SANITATION – Trustee Mattison – none

BUSINESS – Trustee Kogut – none

CORRESPONDENCE – Clerk Sanfilippo reviewed the following correspondence:

1. The Albany Action from NYCOM.
2. Notification from Time Warner Cable that it seeks renewal of its cable television franchise pursuant to the provisions of 47 U.S.C. 546 and requests commencement of renewal proceeding pursuant to 47 U.S.C. 546(a).
3. Notification from Time Warner Cable of possible network changes and the movement of networks from standard to digital channels.

FINANCE – Entire Board/Clerk

1. The Clerk-Treasurer asked for approval of Abstract #6 in the amount of \$8,993.19, Check #9580 to 9590 dated August 16-31, 2010; Abstract #7 in the amount of \$16,650.03, Check #9591 to 9615, dated September 1-15, 2010; and Trust & Agency Abstract #6 of 2010-11 in the amount of \$10.00, dated September 1-15, 2010, Check #4644.

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

Carried: 5 ayes

AUDIT – Trustee Mattison – none

INSURANCE – Trustee Young – none

BUILDING – Trustee Young – none

SPECIAL EVENTS – Trustee Mattison and the Board set the hours for trick or treating on Halloween, Sunday, October 31, 2010 from 5:00 p.m. to 8:00 p.m. A discussion was held on possible dates for the Children's Christmas Party. Mayor Keeney will talk to The Resource Center about possible dates of December 7 or 8, 2010. The date for the Seniors Living Alone Dinner was set for December 15, 2010. The employee Christmas dinner dates will be either December 20th or 21st. The luncheon for the Highway Crew will be held on December 16, 2010. The announcement of the Christmas lighting contest winners will be on December 19, 2010 which will include a Christmas Carol Karaoke. The Board discussed creating an ice skating rink in the park and installing a permanent concrete dance floor in front of the bandshell.

OLD BUSINESS

None

NEW BUSINESS

MEETING WITH CHAUTAUQUA COUNTY PLANNING REGARDING THE LWRP:

Mayor Keeney updated the Board on the status of the local waterfront improvement grant. He also reported on the meeting he and the Village Clerk-Treasurer had with Mark Geist and Don McCord from the Chautauqua County Planning Department who will be helping the Village.

RESOLUTIONS

Resolution # 16 – 2010-11

Resolved, That the Mayor be and he hereby is authorized to enter into an agreement with the County of Chautauqua for Snow Removal and Ice Control in the following amounts: 2010-2011 - \$16,292.00; 2011-2012 – \$17,106.00; 2012-2013 - \$17,962.00; 2013-2014 - \$18,860.00 and 2014-2015 - \$19,803.00.

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

Carried: 5 ayes

TABLED LOCAL LAW TO BE PRESENTED:

LOCAL LAW NO. 2 OF 2010

**A LOCAL LAW AMENDING CHAPTER 33 OF
THE CODE OF THE VILLAGE OF CELORON
REGARDING NOXIOUS WEEDS**

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. This law amends Chapter 33 of the Code of the Village of Celoron to provide clear and explicit requirements for the cutting and disposal of grass, weeds, and other vegetation in the Village of Celoron.

2. Definition of Weeds. Section 33-3(C) shall be amended to read as follows:

Weeds – all premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches, as set forth in section 33-4) below. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided, however, that this term shall not include cultivated flowers and gardens. [New language underlined].

3. Regulation of Weeds, Grass, Brush and Other Vegetation. A new section 33-4 shall be added to read as follows:

A. Duty to Maintain.

1. It shall be the duty of every owner, occupant or person having control or ownership of any land within the Village of Celoron to cut down or cause to be cut down all overgrown

weeds, grass, brush and other vegetation in excess of ten inches and to remove or cause to be removed all garbage, weeds, grass or other rank, poisonous or noxious vegetation and tree limbs or other debris on said land as often as necessary to maintain such land in a sanitary and orderly condition.

2. It shall be unlawful for any person having control or ownership of any residential land in the Village of Celoron, County of Chautauqua and State of New York, to permit or maintain on such land, or portion thereof, any growth of weeds, grass or other vegetation to a greater height than six inches on the average or any accumulation of dead weeds, grass or bush.
3. Failure to comply with this section shall constitute a violation of this section and shall be punishable in accordance with §3 below.

B. Nuisance.

1. All yards, courts, open areas and vacant lots which are in violation of this chapter are hereby declared to be a nuisance and shall be abated by being mowed, cleared, or otherwise brought into compliance herewith in accordance with the orders of the Code Enforcement Officer by exercise of the powers and duties herein contained.
2. Five days after the mailing of a notice by regular mail to the last known address of the property owner, the Code Enforcement Officer shall make an inspection, and if such inspection discloses that the owner or occupant has not complied with said notice, the Code Enforcement Officer shall cause weeds, grass and other vegetation on such lands or portions thereof to be cut and removed.
3. If the topography of said land is such to make it impossible or impractical to use machinery in the clearing and cutting, the Code Enforcement Officer may arrange to have the grass, weeds, and other vegetation cleared by hand. The actual cost of cutting and removal, plus a fee of 20% for inspection and administrative overhead therewith, shall be certified by the Code Enforcement Officer to the Village Clerk and shall thereupon become and be a lien upon the property on which said weeds, grass and other vegetation were located and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer in the same manner as taxes levied and assessed against such property.

C. Violations.

1. Violation of this chapter shall be punishable by any of the following or combination thereof:
 - a. Imprisonment for not more than 30 days.
 - b. Actual cost of the work performed to bring property into compliance, plus a 20% administrative charge.
 - c. A fine of not more than \$1,000.00.
 - d. A conditional discharge.
 - e. An unconditional discharge.
2. For the purpose of this section, each day that an offense occurs shall be deemed to be a separate offense and shall be punishable by any of the above remedies or combination thereof for each day that the property remains in violation.
3. Any person who shall neglect to cut or remove weeds, grass or other vegetation as directed in this chapter, who shall fail, neglect or refuse to comply with the provisions of any notices herein provided, or who shall resist or obstruct the Code Enforcement Officer in the cutting and removing of weeds, grass and other vegetation shall, upon conviction thereof, be subject to a fine of not less than \$25 nor more than \$100, and each day on which said violation continues shall constitute a separate offense.

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4. Notwithstanding the foregoing provisions of this section, violations of provisions of this chapter, except as outlined above, shall be punishable as follows: Upon a determination of guilt by the Town of Ellicott Justice of a violation of any provision of this chapter, the fine shall not be less than \$125 for the first offense, not be less than \$250 for a second offense within a three-hundred sixty-five-day period following the initial determination of violation and not be less than \$500 for a third or subsequent offense within a three-hundred-sixty-five-day period following the initial determination of violation, which fine shall not be suspended, waived or otherwise reduced below these amounts.

4. **Renumbering.** The remaining existing sections of Article 33 shall be appropriately renumbered.

5. **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

OPPORTUNITY FOR PUBLIC COMMENT:

Helen Sischo, 70 Jackson Ave., reminded everyone that tomorrow was Primary Day. The polling place for the Village of Celoron is the Fire Hall and the hours are from noon to 9:00 p.m.

MAYOR'S COMMENTS:

Mayor Keeney commented that the Highway Department still had projects to complete before winter. He cautioned everyone to be careful on Halloween and watch for the children. He advised that there would be a ceremony at the Veterans' Memorial in the park on Veterans' Day. He hoped that the Village residents would be able to attend the upcoming events.

The next meeting will be held on Tuesday, October 12, 2010 due to the observance of Columbus Day.

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

Carried: 5 ayes

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

Shirley A. Sanfilippo, MMC
Village Clerk-Treasurer