

August 9, 2010

Board of Trustees

Proceedings by Authority

State of New York
Village of Celoron
Community Center

ss:

The regular meeting of the Board of Trustees of the Village of Celoron, New York was held on Monday, August 9, 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, and 14 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:

None

OPPORTUNITY FOR PUBLIC COMMENT:

James Matteson, 61 W. Chadakoin St., expressed concerns over the possible appointment of a new Code Enforcement Officer.

Helen Sischo, 70 Jackson Ave., thanked Trustee Mattison, Highway Superintendent Schrecengost and his crew for correcting the drainage problems on Jackson Avenue – kudos to all. She reminded everyone of the New Leash on Life Walk.

Brian Malta, Prosser Hill Road, Jamestown, advised that his proposal to install a new roof on the pavilion was based upon his and his wife's desire to give back to the Village for their support. He also spoke in opposition to the appointment of a certain person as the new Code Enforcement Officer.

APPROVAL OF MINUTES:

Trustee Schrecengost motioned, seconded by Trustee Young to approve the minutes of the Regular Meeting of July 12, 2010.

Carried: 5 ayes

COMMITTEE REPORTS

PUBLIC SAFETY – Trustee Kogut moved, seconded by Trustee Mattison that the Mayor appoint a four member committee, comprised of two residents and two trustees, to discuss shared services with the Town of Ellicott.

Carried: 5 ayes

Mayor Keeney appointed Trustees Kogut and Mattison, residents James Eck and David Holmstrom to serve on the committee.

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Attorney Goodell provided an update on the Ellicott Shores court case.

ANIMAL CONTROL – Trustee Schrecengost stated that close to 200 animals had been vaccinated at the rabies clinic held on August 7, 2010. He thanked Nedra Anderson, Pam Piazza, Lisa Sobocinski and Town of Ellicott Clerk Mike Erlandson for helping with the clinic.

PARKS & RECREATION – Trustee Young gave a report on the successful Summer Recreation Program which served 41 children this year. They had three field trips which consisted of a miniature golf outing, swimming at the Southwestern pool and a visit to the Audubon Center. She thanked Pam Piazza and her helpers for all their work. She asked anyone interested in planning next year's program to contact her. She reminded everyone about the New Leash on Life walk and the remaining concert programs in the park. She also thanked Brian Malta for the nice job done on the pavilion in the park. She invited the residents to the Community Picnic to be held on Labor Day, September 6, 2010 in Lucille Ball Memorial Park.

HIGHWAY AND EQUIPMENT – Trustee Mattison asked Highway Superintendent Schrecengost to advise the Board of the past month's projects. Highway Superintendent Schrecengost stated that new drainage pipes had been installed at Jackson and Duquesne along with 150' of sidewalk; the drainage ditch had been cleaned out on Metcalf and the pavilion in the park had been painted. Mayor Keeney commended him for his decision to replace the drainage pipe on Jackson Avenue and for all the work that had been done by his crew. Trustee Mattison referred to the map of the park that had been distributed to the Board Members and explained the proposed locations for the new and existing grills in the park. He asked for a work session to discuss highway equipment. The work session will be held on Saturday, August 28, 2010 in the Community Center at 9:00 a.m.

ZONING & PLANNING – Trustee Schrecengost

Trustee Mattison moved, seconded by Trustee Kogut to approve the Special Use Permit application of Sandra C. Welsh to install a 2'x2' sign on the premises located at 59 E. Livingston Avenue.

Carried: 5 ayes

SANITATION –Trustee Mattison moved, seconded by Trustee Kogut to approve the addition of 35 Louisa Avenue and 66 N. Alleghany Avenue to the Town of Ellicott residences for contracted Village garbage collection services.

Carried: 5 ayes

BUSINESS – Trustee Kogut stated that the Village has some excess equipment that should be auctioned. Mayor Keeney will check the calendar for a possible date on a Saturday when the Community Center is available. (It was set for Saturday, August 28, 2010 at noon in the Community Center.)

CORRESPONDENCE – 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.
2. Thank you from Summer Recreation Program Director and participants.
3. Thank you from the U.S. Census Bureau.
4. Letter from Workers' Compensation Board re: Prove It to Move It.
5. NYS Department of State 2007-2010 Accomplishment Report.

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FINANCE – Entire Board/Clerk

The Clerk-Treasurer asked for approval of Abstract #4 in the amount of \$10,464.43, Check #9539 to 9559 dated July 16-31, 2010; Trust & Agency Abstract #4 of 2010-11 in the amount of \$5,457.20, dated July 16-31, 2010, Check #4639 to 4642; Abstract #5 in the amount of \$18,201.39, Check #9560 to 9579, dated August 1-15, 2010; and Trust & Agency Abstract #5 of 2010-11 in the amount of \$325.00, dated August 1-15, 2010, Check #4643.

Mayor Keeney 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 – none

OLD BUSINESS

None

NEW BUSINESS

FALL CLEAN-UP DAY:

Fall Clean-up Day will be held on Saturday, October 16, 2010 from 9:00 a.m. to 3:00 p.m.

RESOLUTIONS

Resolution # 15 - 2010-11

RESOLVED, That the Village Clerk-Treasurer Shirley A. Sanfilippo and Deputy Clerk Jetta L. Wilson be and they hereby are authorized to attend the NYCOM-OSC Fall Training School to be held in Lake Placid, New York on September 20-23, 2010 with expenses to be paid pursuant to Section 77-b of the General Municipal Law.

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

Carried: 5 ayes

LOCAL LAW TO BE PRESENTED:

**Village of Celoron
Local Law No. 1 of 2010**

ADOPTING WATERFRONT CONSISTENCY REGULATIONS

Be it enacted by the Village Board of the Village of Celoron, County of Chautauqua and State of New York, as follows:

SECTION 1. WATERFRONT CONSISTENCY LAW

A new Article 35-100, providing for waterfront consistency regulations, is hereby added to the Village of Celoron Code, and shall read as follows:

Article 35-100: Waterfront Consistency

Section 35-101. Title

This article will be known as the Village of Celoron Waterfront Consistency Law.

Section 35-105. Authority and Purpose

A. This article is adopted under the authority of the Municipal Home Rule Law §10 and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).

B. The purpose of this article is to provide a framework for agencies of the Village of Celoron to consider the policies and purposes contained in the Chautauqua Lake Local Waterfront Revitalization Program when reviewing applications for actions or undertaking direct agency actions in the waterfront area, and to assure that such actions are consistent therewith to the extent such consistency is reasonable, practical and appropriate.

C. It is the intention of the Village of Celoron to preserve, enhance and use the natural and manmade resources of the unique waterfront areas of the Village in a coordinated and comprehensive manner, to ensure a proper balance between such natural resources and the accommodation of population growth and economic development. This article is intended to achieve such a balance, permitting the beneficial use of waterfront resources while minimizing the loss of fish and wildlife, diminution of open space areas or public access to the waterfront, erosion of shoreline, losses due to flooding, erosion and sedimentation, impairment of water quality, impairment of scenic, cultural or historic resources, and permanent adverse changes to ecological systems.

D. The substantive provisions of this article shall only apply while there is in existence a Local Waterfront Revitalization Program that has been adopted in accordance with Article 42 of the Executive Law of the State of New York

Section 35-110. Definitions

As used in this Article, the following terms shall have the meanings indicated.

ACTION – Either Type I or unlisted actions as defined in SEQRA regulations (6N.Y.C.R.R.617.2), except minor actions, that are undertaken by an agency and which include:

- A. Projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that are:
 - 1. directly undertaken by an agency;
 - 2. involve funding by an agency; or
 - 3. require one or more new or modified approvals from an agency or agencies
- B. Agency planning and policy-making activities that may affect the environment and commit the agency to a definite course of future decisions;
- C. Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
- D. Any combination of the above.

AGENCY - Any board, agency, department, office, other body, or officer of the Village of Celoron.

CONSISTENT - Consistent with the LWRP policy standards and conditions and, whenever practicable, advancing one or more of them.

DIRECT ACTION – An action planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule-making, procedure-making and policy-making.

ENVIRONMENT – The physical conditions that will be affected by a proposed action, including land, air, water, minerals, flora fauna, noise, resources of agricultural, archaeological, historic or aesthetic significance, existing patterns of population concentration, distribution or growth, existing community or neighborhood character, and human health.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) - The Chautauqua Lake Local Waterfront Revitalization Program in which the Village of Celoron is included, approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Village Clerk's Office.

MINOR ACTION — Includes the following:

- A. Maintenance or repair involving no substantial changes in an existing structure or facility;
- B. Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 6.N.Y.C.R.R 617.4, except for structures in areas designated by the Coastal Erosion Hazard Area (CEHA) law where structures may not be replaced, rehabilitated or reconstructed without a permit;

- C. Repaving or widening of existing paved highways not involving the addition of new travel lanes;
- D. Street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;
- E. Maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected;
- F. Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls: but not radio communication or microwave transmission facilities;
- G. Routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;
- H. Construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (J) and the installation, maintenance and/or upgrade of a drinking water well and septic system;
- I. Construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;
- J. Extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
- K. Granting of individual setback and lot-line variances, except in relation to a regulated natural feature, a bulkhead or other shoreline defense structure;
- L. Granting of area variance(s) for a single-family, two-family or three-family residence;
- M. Public or Private best forest management (silvicultural) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear-cutting or the application of herbicides or pesticides;
- N.. Minor temporary uses of land having negligible or no permanent impact on coastal resources or the environment;
- O. Installation of traffic-control devices on existing streets, roads and highways;
- P. Mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
- Q. Information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any action;

- R. Official acts of a ministerial nature involving no exercise of discretion, including building where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building code;
- S. Routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- T Conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- U. Collective bargaining activities;
- V. Investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- W. Inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- X. Purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, storage of road deicing substances, or other hazardous materials;
- Y. License, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities;
- Z-1. Adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- Z-2. Engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this chapter have been fulfilled;
- Z-3. Civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- Z-4. Adoption of a moratorium on land development or construction;
- Z-5. Interpreting an existing code, rule or regulation;
- Z-6. Designation of local landmarks or their inclusion within historic districts;
- Z-7. Emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance practicable under the circumstances to coastal resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this chapter;

Z-8. Local legislative decisions such as rezoning where the Village Board determines the action will not be entertained, but not actions of local legislative bodies.

WATERFRONT AREA - The Waterfront Revitalization Area delineated within the Village of Celoron in the Chautauqua Lake Local Waterfront Revitalization Program.

WATERFRONT ASSESSMENT FORM (WAF) - The form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

Section 35-115. Review of Actions

A. Whenever a proposed action is located in the Waterfront Area, an agency shall, prior to approving, funding or undertaking the action, make a determination whether it is consistent with the LWRP policy standards and conditions set forth in Section 20-120 hereof. No action in the Waterfront Area shall be approved, funded or undertaken by that agency without such a determination.

B. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action within the Waterfront Area, the applicant, or in the case of a direct action, the agency, shall prepare a Waterfront Assessment Form (WAF) to assist with the consistency review.

C. The agency shall refer a copy of the completed WAF to the Village Planning Board within ten (10) days of its receipt and, prior to making its determination, shall consider the recommendation of the Village Planning Board about the consistency of the proposed action.

D. Upon receiving a referral from an agency, the Village Planning Board shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Section 20-120 hereof, as follows:

1. The Planning Board shall render a written recommendation to the agency within thirty (30) days following referral of the WAF from the agency, unless such time is extended by mutual agreement of the Board and the applicant, or in the case of a direct action, the agency.
2. The Planning Board may require the applicant to submit all completed applications, WAFs and any other information deemed necessary for such consideration.
3. The recommendation shall indicate whether the proposed action is consistent or inconsistent with one or more of the LWRP policy standards or conditions and the basis of the opinion.
4. The Planning Board also shall make any suggestions to the agency concerning modification of the proposed action to make it consistent with the LWRP policy standards and conditions or to greater advance them.
5. If the Planning Board does not timely render its recommendation, the referring agency may make its determination without the benefit of the Board's recommendation.

E. If the agency and the Village Planning Board concur in the consistency of the proposed action, the agency may proceed with the action. If the agency disagrees with the recommendation, the agency shall within ten (10) days prepare and transmit to the Planning

Board a written finding detailing its position. The Board and the agency shall meet to resolve their differences within fifteen (15) days of the Board's receipt of the agency's finding.

F. If the Board and the agency cannot reach a mutually agreeable determination of consistency, the matter will be referred to the Village Board for a finding of consistency. The agency shall take no action until the Village Board has made a determination whether the proposed action is consistent with the LWRP and policy standards.

1. Where the Zoning Board of Appeals is the agency, this subsection shall not apply, but the Zoning Board of Appeals shall consider the consistency recommendation of the Planning Board and policy standards when reviewing and considering an application for a variance or special use permit.
2. Where the Village Board is the agency, this subsection shall not apply, but the Village Board shall consider the consistency recommendation of the Planning Board and policy standards when making its final determination.

G. Where an action involves the preparation of an Environmental Impact Statement (EIS) for purposes of environmental review, the draft EIS shall identify applicable LWRP policy standards in Section 20-120 and thoroughly discuss the effects of the proposed action on such policy standards.

H. The Village Clerk shall maintain a file for each action subject to a consistency determination, which shall include any recommendation received from the Village Planning Board, and such files shall be kept open for public inspection upon request.

Section 35-120. LWRP Policy Standards & Conditions

Actions to be undertaken within the Waterfront Area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Chautauqua Lake LWRP, a copy of which is on file in the Village Clerk's office and available for inspection during normal business hours.

In the case of direct actions, the agency shall also consult with Section IV of the LWRP in making its consistency determination.

The action shall be consistent with policies to:

- A. Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development. (Policy 1)
- B. Preserve historic resources of the waterfront area of Chautauqua Lake. (Policy 2)
- C. Enhance visual quality and protect scenic resources in the Chautauqua Lake area. (Policy 3)
- D. Minimize loss of life, structures, and natural resources from flooding and erosion. (Policy 4)
- E. Protect and improve water resources. (Policy 5)
- F. Protect ecological resources around Chautauqua Lake, including important fish habitats, wetlands, and rare ecological communities. (Policy 6)
- G. Protect and improve air quality in the Chautauqua Lake area. (Policy 7)

- H. Minimize environmental degradation in the Chautauqua Lake communities from solid waste and hazardous substances and wastes. (Policy 8)
- I. Promote appropriate public access to, and recreational use of, waterfront, public lands, and public resources of the waterfront area. (Policy 9)
- J. Protect Chautauqua Lake's water-dependent uses and promote siting of new water-dependent uses in suitable locations. (Policy 10)
- K. Promote the sustainable use of fish resources in Chautauqua Lake. (Policy 11)
- L. Protect existing agricultural lands in and adjacent to the Chautauqua Lake Waterfront Revitalization Area. (Policy 12)
- M. Promote appropriate use and development of energy and mineral resources. (Policy 13)

A Village agency may approve a proposed action even if it is not consistent with the LWRP upon a determination that such consistency is not reasonable, practical or appropriate.

Section 35-125. Enforcement

No action within the Waterfront Area that is subject to review under this chapter shall proceed until a written determination has been issued from a Village agency regarding its consistency with the Village's LWRP policy standards. In the event that an activity is being performed in violation of this law or any conditions imposed thereunder, the Building Inspector or any other authorized official of the Village shall issue a stop-work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect. The Village Building Inspector, Village Attorney, Code Enforcement Officer and Police Department shall be responsible for enforcing this chapter.

Section 35-130. Violations; penalties for offenses.

- A. A person who violates any of the provisions of, or who fails to comply with any condition imposed by, this chapter shall have committed a violation, punishable by a fine not exceeding \$250 for a conviction of a first offense and punishable by a fine of \$500 for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
- B. The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

SECTION 2. SEVERABILITY

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Trustee Mattison moved, seconded by Trustee Young to approve the Local Law.

Carried: 5 ayes

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.
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.

The local law was automatically tabled until the next meeting.

OPPORTUNITY FOR PUBLIC COMMENT:

Pam Piazza, 218 N. Alleghany Avenue, suggested that Karaoke might be held during the Summer Recreation Program.

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James Matteson, 61 W. Chadakoin St., suggested that the Infinity Arts program could be invited to participate in the Summer Concert Series – possibly with an open mic night.

Helen Sischo, 70 Jackson Ave., spoke regarding the hiring of a new Code Enforcement Officer.

Brian Malta, Prosser Hill Road, Jamestown, spoke regarding the hiring of a new Code Enforcement Officer.

MAYOR'S COMMENTS:

Mayor Keeney advised that the current Code Enforcement Officer will be leaving the Village.

Trustee Mattison moved, seconded by Trustee Kogut to go into Executive Session to discuss the employment of a specific person.

Carried: 5 ayes

EXECUTIVE SESSION:

The Board of Trustees went into Executive Session at 7:45 p.m.

Trustee Kogut moved, seconded by Trustee Young to go back into open session.

Carried: 5 ayes

OPEN SESSION:

The Board of Trustees went into Open Session at 7:51 p.m.

Trustee Mattison moved, seconded by Trustee Kogut to hire Frank Fonti, for a three month period, as a temporary assistant to the Code Enforcement Officer for \$600.00 per month.

Carried: 5 ayes

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

Carried: 5 ayes

The meeting was adjourned at 7:53 p.m.

Shirley A. Sanfilippo, MMC
Village Clerk-Treasurer