

August 24, 2009

Board of Trustees

Proceedings by Authority

State of New York
Village of Celoron
Community Center

ss:

A special meeting of the Board of Trustees of the Village of Celoron, New York was held on Monday, August 24, 2009 at 6:15 P.M.

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

Others Present: Village Clerk-Treasurer Shirley A. Sanfilippo, MMC, Deputy Clerk Jetta Wilson, George Lefebvre, Wayne & Sally Mlacker, Boy Scout of Troop 177, Mary Keeney, Attorney Andrew Goodell

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

OPPORTUNITY FOR PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Trustee Mattison motioned, seconded by Trustee Young to approve the minutes of the Regular Meeting of August 10, 2009.

Carried: 5 ayes

APPROVAL OF AUDITED BILLS:

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

Carried: 5 ayes

COMMITTEE REPORTS

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

1. August 21, 2009 – Phone call from Robert Freeman, Executive Director of the Committee on Open Government apologizing for the delay in responding to the Clerk's request for a legal opinion on the release of documents. It got lost on his desk.
2. Notice of Public Hearing from the Town of Ellicott regarding the 8/31/09 ZBA meeting.
3. Thank you note from the Lucille Ball-Desi Arnaz Center.
4. Ed Wall request to name a street after Harold Lind.

FINANCE – Entire Board/Clerk

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The Clerk asked for approval of amended Abstract #24 in the amount of \$6,518.29 and Abstract #5 in the amount of \$19,782.78.

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

Carried: 5 ayes

OLD BUSINESS:

Mayor Keeney showed a picture of the proposed entrance signs for the Village.

NEW BUSINESS:

GRANT WRITER:

Mayor Keeney reviewed a proposal from Karen LaSota to provide grant writing services to obtain a grant from the Department of State for the Local Waterfront Revitalization Program.

Trustee Kogut moved, seconded by Trustee Mattison to approve an agreement with Karen LaSota for grant writing services in the amount of \$150.00 a day not to exceed \$1,050.00.

Carried: 5 ayes

PAYROLL PROCESSING:

Mayor Keeney presented the proposals received to process the Village payroll. He advised that we are currently expending in excess of \$210.00 per month for staff to process the payroll. Clerk Sanfilippo advised that they had encountered problems with the last two payrolls due to the computer program which would require the purchase of a new payroll program. The lowest of the three proposals received was GFC Business Services. This would cut the cost by approximately \$130.00 a month.

Trustee Schrecengost moved, seconded by Trustee Kogut to approve an agreement with GFC Business Services, a division Buffamante Whipple Buttafaro, P.C. for payroll processing services.

Carried: 5 ayes

RESOLUTIONS

Resolution #25 – 2009-10

Whereas, the original minutes for the organizational meeting of the Board of Trustees held on April 10, 2008, as presented and approved by the Board of Trustees at the next meeting thereof, were silent as to the term of office for Richard Slagle, who was appointed as the Code Enforcement Officer/Zoning Officer, and

Whereas, another version of the minutes for this organizational meeting, as prepared by the former Village Clerk (who is the wife of Richard Slagle) and placed with the official minutes of the Board of Trustees, states that Mr. Slagle was appointed as Code Enforcement Officer/Zoning Officer "for two (2) years," and

Whereas, Trustee Kogut, Trustee Schrecengost, and Trustee Young (formerly known as Trustee Pallozzi) were members of the Board of Trustees on April 10, 2008, attended the meeting on April 10, 2008, and were provided with copies of the original minutes that were silent as to the term of

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office for Mr. Slagle, and do not recall any discussion or vote to appoint Mr. Slagle for a two year term, and

Whereas, it is desirable and appropriate to eliminate any misunderstanding or confusion regarding the minutes of the organizational meeting of the Board of Trustees held on April 10, 2008, relating to the term of office for Mr. Slagle, it is therefore,

Resolved: that the official minutes of the organizational meeting of the Board of Trustees on April 10, 2008, shall be corrected to remove any reference to the term of office for Richard Slagle as Code Enforcement Officer/Zoning Officer.

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

Carried: 3 ayes, 2 abstain
(Trustee Mattison, Mayor Keeney, abstained)

Trustee Mattison abstained because he was not a member of the Board of Trustees at the time.

Mayor Keeney stated that he had reviewed the documents that support this resolution and they leave little if any doubt of its support. But as stated by Trustee Mattison, he was not there and will also abstain from voting on this resolution.

LOCAL LAWS TO BE PRESENTED:

**Local Law No. 2 of 2009
Amending Chapter 19, Article X of the Code of the Village of Celoron
Regarding Site Plan Reviews**

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 19, Article X of the Code of the Village of Celoron to authorize the Celoron Planning Board to conduct site plan reviews of certain proposed construction projects.

B. The intent of this law is to promote the health, safety and general welfare of the Village by promoting a clean, wholesome and attractive environment, which is essential to the maintenance and continued development of the economy of the Village and the general welfare of its inhabitants.

C. It is further the intent of this chapter to ensure the optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the Village by regulating land use activity within the Village through review and approval of site plans. It is not the intent of this chapter to prohibit per se any land use activity but to allow all land use activities which will meet the standards set forth in this chapter and standards set forth in any other local law.

2. Amendment of Chapter 20, Article X.

Chapter 19, Article X of the Code of the Village of Celoron is hereby amended by adding the following provisions:

19-1003 Authorization of Planning Board to review site plans.

The Planning Board is hereby authorized to review and approve or disapprove site plans for land development within the Village as hereinafter designated pursuant to and in accordance with the standards set forth in this chapter using the procedures set forth herein.

A. Applicability of review requirements.

A. All land use activity occurring after the effective date of this chapter within the Village shall require site plan review and approval before being undertaken, except the following:

(1) Construction, alteration or placement of one-family dwelling and ordinary accessory structures and related land use activities.

(2) Minor landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this chapter and which involves less than two acres in size.

(3) Ordinary repair or maintenance or interior alterations of existing structures or uses.

(4) Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than 25% and having a cost value of less than \$15,000.

(5) Nonstructural agricultural or gardening uses not involving clear-cutting timber or farm ponds.

(6) Signs under 10 square feet.

(7) The sale of agricultural produce and temporary structures related to sale of agricultural produce.

B. Any persons uncertain of the applicability of this chapter to a given land use activity may apply in writing to the Planning Board for a written jurisdictional determination.

B. Effect on existing uses.

This chapter does not apply to uses and structures which are lawfully in existence as of the date this chapter becomes effective. Any use which would otherwise be subject to this chapter that has been discontinued for a period of one year or more shall be subject to review pursuant to the terms of this chapter before such use is resumed. Any use or structure shall be considered to be in existence, provided that the same has been substantially commenced as of the effective date of this chapter and fully constructed and completed within one year from the effective date of this chapter.

C. Conflict with other provisions.

This chapter in no way affects the provisions or requirements of other federal, state or local laws or applicable regulations. This chapter shall be considered the initial review procedure relative to other local laws and/or regulations. However, where this chapter is determined to be in conflict with any other such law or regulations, the more restrictive law shall apply. This includes but is not limited to subdivision regulations, sanitary codes and zoning ordinances or local laws.

D. Definitions.

A. As used in this chapter, "land use activity" means any construction or other similar activity which changes the use or appearance of land or a structure or the intensity of use of land

or a structure. "Land use activity" shall include but not be limited to the following: new structures, expansions to existing structures, new uses, changes in or expansions of existing uses, roads, driveways and excavations for the purpose of extracting soil or mineral deposits.

- B. Any term used in this chapter which is not defined hereinabove shall carry its customary meaning unless the context otherwise dictates.

E. General provisions.

Prior to undertaking any new land use activity, except for uses specifically excepted in §5 of this chapter, a site plan approval by the Planning Board is required. Applicants for site plan approval should follow the recommended procedures related to the sketch plan conference as hereinafter set forth. Applicants must comply with all other procedures and requirements of this chapter.

F. Sketch plan conference.

A sketch plan conference may be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan application. The sketch plan conference shall be held within 30 days of a written request for such conference by the applicant. The intent of such a conference is to enable the applicant to inform the Planning Board of his proposal prior to the preparation of a detailed site plan; and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and to determine generally the information to be required on the site plan. In order to accomplish these objectives, the applicant shall provide the following items, unless deemed unnecessary by the Planning Board: a statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations. A sketch plan conference is recommended but not required

G. Application requirements.

1. An application for site plan approval shall be made, in writing, to the Chairman of the Planning Board at least three weeks prior to the scheduled meeting and shall be accompanied by information contained on the following checklist. The information accompanying the application shall be drawn from the following checklist as determined to be necessary by the Planning Board at the sketch plan conference, if any. The Planning Board in its discretion may waive any particular requirement.
2. Landscape plan required data. A sketch plan shall contain all of the information mentioned herein in accordance with the standards prescribed herein. The landscaped area of a site plan as indicated in the sketch plan may include existing and new vegetation, berms, lighting, street furnishings and ornamental features which are integrated with the vegetation. A sketch plan should attempt to dissuade the unnecessary clearing and disturbing of land so as to preserve the natural and existing growth of flora and to replace removed flora or plant new flora indigenous to the Western New York region. It also should attempt to reduce the effects of wind and air turbulence, heat and noise and the glare of vehicular lights; provide unpaved areas for the absorption of surface waters; reduce the level of carbon dioxide and return pure oxygen to the atmosphere; prevent soil erosion; provide shade; relieve the blighted appearance of parking areas; and generally provide for an attractive, harmonious environment.
3. Site plan checklist.

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- (1) Title of drawing, including name and address of applicant and person responsible for preparation, identification of New York State licensed architect, landscape architect or engineer where appropriate of such drawing.
- (2) North arrow, scale at one inch equals 200 feet or some agreed-upon scale as specified by the Village Planning Board.
- (3) Boundaries of the property, plotted to scale.
- (4) Existing buildings.
- (5) Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics and watercourses.
- (6) All existing watercourses, tree masses and other significant natural features shall be plotted. Where drainage is to be to a natural watercourse or drainage ditch, the elevation of water in such watercourse or ditch at recognized flood stage should be noted.
- (7) A storm water management plan showing proposed finish elevations at the building and parking areas, with proposed storm receivers and storm sewers plotted, size, slope and type of pipe shall be noted on the storm water management plan. In the discretion of the Planning Board based on the size or complexity of the project, the storm water management report shall prepared by a professional engineer in accordance with § 14(B) of this Code. A copy of the Planning Board's appointed engineer's report on his/her review of said storm water management plan shall be included when required.
- (8) Location, design, type of construction, proposed use and exterior dimensions of all buildings.
- (9) Location, design and type of construction of all parking and truck loading areas, showing access and egress and showing paving, including typical cross sections and profiles of proposed streets, pedestrian walkways and bikeways. All entrance drives and parking areas shall be bituminous surfaced unless otherwise approved by the Planning Board.
- (10) Provision for pedestrian access.
- (11) Location of outdoor storage, if any.
- (12) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
- (13) Description of the method of sewage disposal and location, design and construction materials of such facilities.
- (14) Description of the method of securing water and location, design and construction materials of such facilities with a proposed water supply plan, including location of fire hydrants, size of service line, and note indicating as backflow preventer will be provided.
- (15) Location of fire and other emergency zones, including the location of fire hydrants.

- (16) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- (17) Location, size and design and type of construction of all proposed signs.
- (18) Location and proposed development of all buffer areas, including existing vegetative cover.
- (19) Location and design of outdoor lighting facilities.
- (20) Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
- (21) General landscaping plan and planting schedule.
- (22) An estimated project construction schedule.
- (23) Record of application for and/or status of all necessary permits from other governmental bodies.
- (24) Identification of any permits from other governmental bodies required for the project's execution.
- (25) Proposed easements, restrictions, covenants and provisions for any and all homeowners' associations and common ownerships.
- (26) An aerial map showing the parcel under consideration for site plan review and all properties, subdivisions, streets, rights-of-way, easements and other pertinent features within 200 feet of the boundaries of the parcel.
- (27) A map of site topography at no more than five feet contour intervals. If general site grades exceed 5% or portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay and a topographic map showing contour intervals of not more than two feet of elevation should also be provided.
- (28) Other elements integral to the proposed development as may be considered necessary in the particular case by the Planning Board.

H. Fee.

An application for site plan review shall be accompanied by a fee of \$50.00 (fifty dollars).

I. Chargeable costs.

Cost incurred by the Planning Board for reasonable consultation fees or other extraordinary expenses in connection with the review of a proposed site plan may be charged to the applicant. This charge shall only be made after an estimate of the charge has been provided to the applicant and accepted by the applicant; provided, however, that the Planning Board need not proceed without such agreement.

J. Review standards and criteria.

1. Landscape characteristics.

- (1) A minimum ground area of not less than 12% of the total site area shall be landscaped.

- (2) The arrangement and location of landscaped area shall be dispersed throughout the development site so as to prevent unsightliness and monotony of parked vehicles.
 - (3) Not less than 5% of the interior of a parking area designed for 10 or more motor vehicles shall be devoted to the minimum landscaped area requirement as stipulated in Subsection A. above.
 - (4) Landscaping shall provide privacy and screening for adjacent land uses, with visual, noise and air quality factors considered.
 - (5) Landscape treatments shall be designate as an integral part of the entire development.
 - (6) Vegetation shall be compatible with soil conditions on the development site and the regional climate.
 - (7) Existing natural features and vegetation shall be preserved and incorporated in the landscaped portion of the development site whenever possible.
 - (8) The primary emphasis of the landscape treatment shall be on the trees, and efforts shall be made to preserve trees consistent with this priority. Shrubbery, hedges, grass and other vegetation may be used to complement the use of trees, but shall not be the sole contribution to the landscape treatment.
 - (9) The interior dimensions of any area or median shall protect the plant materials planted therein and ensure proper growth.
 - (10) All deciduous trees planted shall have a minimum caliper of 2 1/2 inches, measured six inches above the ground. All conifer trees shall have a minimum height of five feet above finished grade.
 - (11) Plastic or other types of artificial plantings or vegetation shall not be permitted.
2. Storm water management. A storm water management plan shall be submitted to the Village Planning Board at least 10 days prior to the scheduled site plan review. The plan must demonstrate that the proposed development activity has been planned and designed and shall be implemented and maintained to meet the performance criteria described herein. All prevailing state, federal and local codes shall be complied with, and all permits required shall be procured by the applicant. In the discretion of the Planning Board, the storm water management plan shall be prepared by a professional engineer. In addition, a professional engineer may be retained by the Village Planning Board to review the submitted storm water management plan for compliance and submit a report to the Planning Board which will become a part of the site plan review process. The expense of the engineer and review will be borne by the applicant.
 3. Site illumination. All permanent exterior site lighting, entrance lighting, security lighting and aesthetic feature lighting shall be designed in accordance with the following criteria:
 - (1) Illumination of parking facilities.
 - (a) Where provided, the illumination for parking and drive areas shall emit a minimum of one footcandle and a maximum of two footcandles on the parking surface, with an average uniformity ratio of 3:1.

(b) "Sharp cut-off" fixtures shall be utilized for the perimeter lighting fixtures so as to emit no more than 0.5 footcandle of washover onto neighboring properties and shall be directed so as to avoid causing a hazard to motorists and pedestrians.

(c) The photometrics and light distribution characteristics of the proposed fixtures shall be furnished to the Code Enforcement Officer, if requested.

(d) Other than facilities operating 24 hours per day, parking lot and site lighting shall be controlled to reduce the illumination thereof by 50% at 11:00 p.m. and to be shut off 1/2 hour after the close of business. For facilities operating 24 hours per day, parking lot and site lighting shall be controlled to reduce the illumination thereof by 50% from 11:00 p.m. until dawn.

(2) Building exterior lighting (other than security lighting).

(a) The illumination of building exteriors, including entrances, shall not exceed five footcandles on the surface to which such lighting is directed.

(b) "Sharp cut-off" fixtures shall be utilized for building exterior lighting so as to emit no more than 0.5 footcandle of washover onto neighboring properties and shall be directed so as to avoid causing a hazard to motorists and pedestrians.

(c) Other than facilities operating 24 hours per day, exterior building lighting shall be controlled to reduce the illumination thereof by 50% at 11:00 p.m. and to be shut off one 1/2 hour after the close of business. For facilities operating 24 hours per day, such lighting shall be controlled to reduce the illumination thereof by 50% from 11:00 p.m. until dawn.

(3) Exterior building security lighting.

(a) Building security lighting shall not exceed 0.75 of one footcandle at a distance of 20 feet from the building.

(b) "Sharp cut-off" fixtures shall be utilized for building security lighting so as to emit no more than 0.5 footcandle of washover onto neighboring properties and shall be directed so as to avoid causing a hazard to motorists and pedestrians.

K. Maintenance of landscaped areas.

All landscaped areas required and/or provided in the sketch plan shall be maintained and preserved according to the plans as originally approved by the Planning Board or as subsequently approved for any modification by said body.

L. Considerations for review.

1. The Planning Board's review of the site plan shall include, as appropriate, the following general considerations:

(1) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.

(2) Adequacy and arrangement of the vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

- (3) Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - (4) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - (5) Adequacy of stormwater and drainage facilities. Consideration for such may include input of the Village Highway Superintendent in making the decision.
 - (6) Adequacy of water supply and sewage disposal facilities.
 - (7) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 - (8) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 - (9) Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
 - (10) Overall impact on the neighborhood, including compatibility of design considerations.
 - (11) Overall compatibility with natural resource characteristics of site in accordance with Future Land Use Plan, a report dated December 1974.
- 2 All landscaped areas required and/or provided for in the sketch plan shall be maintained and preserved according to the plans as originally approved by the Planning Board or as subsequently approved for any modification by said body.

M. Public hearing.

The Planning Board may conduct a public hearing on the site plan if considered desirable by a majority of its members. Such hearing shall be held within 60 days of the receipt of a complete application for site plan review and shall be advertised in the Village's official newspaper or, if there is none, in a newspaper of general circulation in the Village at least five days before the public hearing.

N. Planning Board Decision.

Within 60 days of receipt of the application for site plan approval or if a public hearing is held within 60 days of public hearing, the Planning Board shall render a decision. The Planning Board may approve, approve with modifications or disapprove the site plan. The time period in which the Planning Board must render its decision can be extended by mutual consent of the applicant and the Planning Board.

- A. Approval. Upon approval of the site plan and the payment by the applicant of all fees and reimbursable costs due the Village, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file it and a written statement of approval with the Village Clerk. A copy of the written statement of approval shall be mailed to the applicant.
- B. Approval with modifications. The Planning Board may conditionally approve the final site plan. A copy of the written statement containing the modifications required by the

conditional approval will be mailed to the applicant. After adequate demonstration to the Planning Board that all conditions will be met and payment by the applicant of all fees and reimbursable costs due the Village, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file it and a written statement of approval, with the necessary modifications, with the Village Clerk. A copy of the written statement of approval shall be mailed to the applicant.

- C. Disapproval. Upon disapproval of the site plan, the decision of the Planning Board shall immediately be filed with the Village Clerk and a copy thereof mailed to the applicant, along with the Planning Board's reasons for disapproval.

O. Appeal procedure.

Any person aggrieved by any decision of the Planning Board may appeal to the Village Board for a review. To appeal the Village Board's determination, such person may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after the filing of a decision in the office of the Village Clerk.

P. Enforcement officer.

The Village Board shall appoint an enforcement officer to carry out the duties assigned by this chapter or by any additional regulations adopted pursuant to §21 hereof. The enforcement officer shall be responsible for the overall inspection of site improvements, including coordination with the Planning Board and other officials and agencies, as appropriate.

Q. Additional regulations.

The Planning Board may, after a public hearing, adopt such further rules and regulations as it deems reasonably necessary to carry out the provisions of this chapter.

R. Amendments.

1. The Village Board may, on its own motion, on petition or on recommendation of the Planning Board, after public notice and hearing, amend this chapter pursuant to all applicable requirements of law.
2. All proposed amendments originating by petition or by motion of the Village Board shall be referred to the Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within 30 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

S. Integration of procedures.

Whenever the circumstances of proposed development require compliance with site Plan Review Law and with any other local law, ordinance or requirement of the Village, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this chapter with the procedural and submission requirements for such other compliance.

T. Penalties for offenses.

Any person, corporation, partnership or other legal entity that shall violate any of the provisions of this chapter or any conditions imposed by a permit pursuant hereto shall be guilty of an offense and subject to a fine of not less than \$100.00 nor more than \$2,000.00 to be recovered by the Village in a

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civil action. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

3. Renumbering.

Chapter 20, Article X of the Code of the Village of Celoron is hereby amended by renumbering 19-1003A to 19-1004, Special Use Permits, and renumbering 19-1004 as 19-1005, Mandatory Referral.

4. Effective Date

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

Motion by Trustee Mattison, seconded by Trustee Young to approve the local law.

Carried: 5 ayes

Local Law No. 3 of 2009 Amending Chapter 20 of the Code of the Village of Celoron Regarding Village Park Rules

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 20 of the Code of the Village of Celoron to prohibit skateboards, roller skating, or roller blades in the Village Park, but to allow motor vehicles at the launch site in the Village Park, allow fishing on the dock, and allow people to be on the dock and launch area with bare feet.

2. Rules and Regulations. Section 20-3 of the Code of the Village of Celoron relating to the rules and regulations in the Village Parks is amended to add the following subsection:

H. Skateboards and Roller skating. No persons shall be allowed to skateboard, roller skate, or roller blade in a Village Park. The Board of Trustees shall have the authority to waive this restriction by resolution for special events.

3. Rules and Regulations for Dock and Launch Ramp. Section 20-3 of the Code of the Village of Celoron relating to the rules and regulations for the dock and launch area at the end of Dunham Avenue in the Village of Celoron is amended to read as follows:

B. Boat Dock and Launch Ramp Rules and Regulations:

1. No overnight docking.
2. The Village of Celoron shall not be responsible for boat and/or belongings.
3. No swimming off dock or launch area.
4. No bikes or motorized vehicles on dock.
5. Secure all belongings, including motors, cushions, etc. on both areas.
6. No skiing within one hundred fifty (150) feet of dock and launch area.

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7. No children under sixteen (16) on dock or launch area unless accompanied by an adult.
8. Must report any disturbance of any boat and/or gear to the Village Clerk's Office or Town of Ellicott Police immediately.

4. Effective Date

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

Motion by Trustee Mattison, second by Trustee Kogut to approve the local law.

Carried: 5 ayes

Local Law No. 4 of 2009 Amending Chapter 7 of the Code of the Village of Celoron Regarding Dogs

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 7 of the Code of the Village of Celoron to allow dogs on a leash in the Village Parks provided that the person in control of the dog shall immediately remove and properly dispose of any defecation from such dog, and to authorize the Village Trustee with responsibility for animal control and any other Village officer or employee to issue appearance tickets for any violations.

2. Restrictions. Section 7-4 (l) of the Code of the Village of Celoron relating to restrictions that apply to dogs is amended to read as follows;

l. No dog shall be allowed on Village owned property known as Lucille Ball Memorial Park and Burtis Street Playground unless such dog is securely under control and on a leash and the person in possession of the dog immediately removes and properly disposes of any defecation from such dog.

3. Enforcement. Section 7-6(A) of the Code of the Village of Celoron relating to the enforcement of Chapter 7 of the Code of the Village of Celoron is amended to read as follows:

A. This local law shall be enforced by the Animal Control Officer, the Village Trustee with the designated responsibility for animal control issues, or by any other law enforcement or peace officer.

B. In addition to the Animal Control Officer, the Village Trustee with the designated responsibility for animal control issues, or any other law enforcement or peace officer, any officer or employee of the Village of Celoron may enforce the restrictions applicable to dogs in the Village Parks.

C. The Animal Control Officer, designated Village Trustee. officers, or employees, or peace officer observing a violation of this local law in his or her presence shall issue and serve an appearance ticket for such violation, which appearance ticket shall be in the form prescribed by the Agriculture and Markets Law of the State of New York and this local law.

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4. Effective Date

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

Motion by Trustee Schrecengost, second by Trustee Young to approve the local law.

Carried: 5 ayes

**Local Law No. 5 of 2009
Amending Chapter 19, Article VII of the Code of the Village of Celoron
Regarding Term of the Zoning 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.

D. This law amends Chapter 19, Article VII 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. Enforcement. Chapter 19, Article VII, section 19-701 of the Code of the Village of Celoron is hereby amended to read as follows:

19-701. Enforcement.

This law shall be enforced by the Enforcement Officer who shall be appointed by the municipality. No building permit or certificate of occupancy shall be issued by him except where there is compliance with all provisions of this law. 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 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 Young asked Attorney Goodell if this would change their liability. He replied that it should not effect it.

Motion by Trustee Mattison, seconded by Trustee Kogut to approve the local law.

Carried: 5 ayes

OPPORTUNITY FOR PUBLIC COMMENT:

None

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

Carried: 5 ayes

The meeting was adjourned at 6:29 p.m.

Shirley A. Sanfilippo, MMC
Village Clerk-Treasurer