Board of Trustees --- Proceedings by Authority

State of New York

Village of Celoron ss:

Community Center

A regular meeting of the Board of Trustees of the Village of Celoron, New York was held on Monday, April 10, 2023 at 6:00 P.M.

Members Present: Mayor Schrecengost, Trustees Burley, Burnett, Moss and Murphy

Others Present: Clerk-Treasurer Shirley A. Sanfilippo, MMC/CMFO, Village Attorney John D. Vanstrom, Highway Supervisor Terry Schrecengost and one member of the public

Mayor Schrecengost 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:**

None

**APPROVAL OF MINUTES:**

Trustee Burley motioned, seconded by Trustee Burnett to approve the minutes of the Regular Meeting of March 13, 2023.

Carried: 5 ayes

**COMMITTEE REPORTS**

PUBLIC SAFETY – Trustee Murphy and the Board reviewed the Code Enforcement Officer’s report for March of 2023.

PARKS – Trustee Burnett and the Board discussed a request from Jamestown Community College to use Lucille Ball Memorial Park on June 5, 2023 for a banquet.

Trustee Burnett moved, seconded by Trustee Burley to approve the use of Lucille Ball Memorial Park on June 5, 2023 for a golf banquet and the installation of a tent, subject to the receipt of a Certificate of Insurance naming the Village of Celoron as an Additional Insured and that plastic trash bags be used in the trash cans for a fee of $160.00.

Carried: 5 ayes

The Board discussed an offer from Paradise Yacht Cruises to gift the former Summer Wind building to the Village of Celoron.

Trustee Moss moved, seconded by Trustee Burnett to accept the gift of the former Summer Wind building from Paradise Yacht Cruises.

Carried: 5 ayes

The Board discussed the request from the YMCA to conduct Fitness in the Park on Wednesdays from 11:00 a.m. to 12:00 p.m. in Lucille Ball Memorial Park near the bandshell.

Trustee Burley moved, seconded by Trustee Burnett to approve the request from the YMCA to conduct Fitness in the Park on Wednesdays from 11:00 a.m. to 12:00 p.m. in Lucille Ball Memorial Park beginning June 14, 2023 and ending August 30, 2023, subject to the receipt of a Certificate of Insurance naming the Village of Celoron as an additional insured. (The Certificate of Insurance has been received.)

Carried: 5 ayes

The Board discussed a request from the Chautauqua-Cattaraugus Board of Realtors to use a portion of the Lucille Ball Memorial Park parking lot for a can collection fundraiser on June 17, 2023.

Trustee Moss moved, seconded by Trustee Murphy to approve the use of a portion of the parking lot in Lucille Ball Memorial Park for a can collection fundraiser on June 17, 2023 from 10:00 a.m. to 2:00 p.m., subject to the receipt of a Certificate of Insurance naming the Village of Celoron as an additional insured with placement to be determined by the Village of Celoron for a fee of $50.00.

Carried: 5 ayes

HIGHWAY AND EQUIPMENT – Trustee Moss and the Board reviewed a quote to repair damage done to a pickup truck by the snow plow truck.

Trustee Moss moved, seconded by Trustee Burnett to approve repairs to the 2018 Chevy Silverado by Reale’s Garage at an estimated cost of $2,880.60.

Carried: 5 ayes

The Board discussed an insurance settlement for the highway garage.

Trustee Burnett moved, seconded by Trustee Murphy to authorize the Mayor to enter into discussions with Selective Insurance for a settlement on the replacement of the highway garage that was destroyed by a fire in August of 2021.

Carried: 5 ayes

The Board discussed the bids that were received for the construction of a new highway garage.

Trustee Burnett moved, seconded by Trustee Moss to reject all the bids.

Carried: 5 ayes

The Board discussed filling the laborer position as full-time rather than part-time.

Trustee Moss moved, seconded by Trustee Burley to change Bryan Holsinger to a full-time laborer effective May 1, 2023 at his current rate of $15.00 per hour.

Carried: 5 ayes

PLANNING – Trustee Burnett – none

SANITATION – Trustee Moss - none

CORRESPONDENCE – none

FINANCE – Entire Board/Clerk – Clerk-Treasurer Sanfilippo asked for approval of Abstract #20 in the amount of $22,344.30, check #5825 thru 5831, dated March 14-31, 2023; Trust & Agency Abstract #10 in the amount of $2,106.32, check #5377 thru 5378, dated March 28, 2023; and Abstract #21 in the amount of $11,655.16, check #5832 thru 5852, dated April 1-10, 2023.

Trustee Burnett moved, seconded by Trustee Murphy to approve the abstracts.

Carried: 5 ayes

There was no discussion on the Tentative Budget.

AUDIT – Trustee Moss – none

INSURANCE – Trustee Murphy - none

BUILDING – Trustee Moss – none

RECREATION – Trustee Burley – none

SPECIAL EVENTS – Trustee Burley stated he had one band for the summer concerts.

ZONING – Trustee Murphy advised that the Zoning Board of Appeals would be considering petitions for a use and area variance for 2 Metcalf Avenue.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**RESOLUTIONS:**

**Resolution #16 – 2022-23**

RESOLVED, That the Village of Celoron General Operating Budget as set forth herewith, be and hereby is approved and adopted effective June 1, 2023 for the fiscal year ending May 31, 2024 and that the sum shown amounting to $827,065.00 be appropriated for the use of the Boards, Departments and Officers enumerated, and

WHEREAS, the Budget shows an estimated income from various miscellaneous Revenues of $503,865.00, now therefore be it

RESOLVED, That in pursuance of Village Law of the State of New York there is hereby levied on the taxable properties and against the inhabitants of the Village of Celoron, New York, and ordered to be raised for the year 2023-2024, the sum of $323,200.00 the amount which is necessary to be raised by direct tax.

**VILLAGE OF CELORON, NEW YORK**

**GENERAL OPERATING BUDGET FOR THE FISCAL YEAR**

**JUNE 1, 2023 TO MAY 31, 2024**

**ACCOUNT** **AMOUNT**

A1010 **BOARD OF TRUSTEES** $4,500.00

Personal Services $4,000.00

Contractual Services $500.00

A1210 **MAYOR** $3,500.00

Personal Services $3,000.00

Contractual Services $500.00

A1410 **VILLAGE CLERK** $64,500.00

Personal Services $60,000.00

Equipment $1,000.00

Contractual Services $3,500.00

A1420 **VILLAGE ATTORNEY** $10,500.00

Personal Services $7,000.00

Contractual Services $3,500.00

A1620 **VILLAGE HALL** $18,500.00

Equipment $10,000.00

Contractual Services $8,500.00

A1640 **GARAGE BUILDING** $10,000.00

Contractual Services $10,000.00

A1670 **CENTRAL PRINTING** $1,000.00 $1,000.00

A1910 **UNALLOCATED INSURANCE** $22,000.00 $22,000.00

A1920 **MUNICIPAL DUES** $2,500.00 $2,500.00

A1950 **TAXES/ASSESSMENTS** $1,750.00 $1,750.00

A1990 **CONTINGENT** $2,500.00 $2,500.00

A3410 **FIRE DEPARTMENT** $39,400.00 $39,400.00

A3510 **CONTROL OF ANIMALS** $100.00

Personal Services

Contractual Services $100.00

A3620 **CODE ENFORCEMENT OFFICER** $11,150.00

Personal Services $9,500.00

Contractual Services $1,650.00

A5110 **STREETS** $190,000.00

Personal Services $145,000.00

Equipment Contractual Services $45,000.00

A5112 **C.H.I.P.S.** $140,000.00 $140,000.00

A5142 **SNOW REMOVAL** $28,000.00

Personal Services $8,000.00

Contractual Services $20,000.00

A5182 **STREET LIGHTS** $15,000.00 $15,000.00

A7110 **PARKS** $8,000.00 $8,000.00

A7310 **PLAYGROUND** $9,000.00

Equipment $1,500.00

Contractual Services $7,500.00

A7510 **HISTORIAN** $400.00

Personal Services $300.00

Contractual Services $100.00

A7550 **CELEBRATIONS** $3,000.00 $3,000.00

A8010 **BOARD OF APPEALS** $175.00 $175.00

A8020 **PLANNING BOARD** $175.00 $175.00

A8160 **REFUSE & GARBAGE** $100,000.00 $100,000.00

A9010 **STATE RETIREMENT** $20,000.00 $20,000.00

A9030 **SOCIAL SECURITY** $18,200.00 $18,200.00

A9040 **WORKMAN’S COMPENSATION** $2,400.00 $2,400.00

A9050 **NYS UNEMPLOYMENT INSURANCE** $1,000.00 $1,000.00

A9055 **NYS DISABILITY** $100.00 $100.00

A9060 **HOSPITAL & MEDICAL INSURANCE** $30,000.00 $30,000.00

A9710 **SERIAL BONDS** $69,715.00

Capital Projects $58,600.00

Interest $11,115.00

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**TOTAL APPROPRIATIONS** $ 827,065.00

VILLAGE OF CELORON

2023-2024 ESTIMATED REVENUES

ACCOUNT AMOUNT

A1090 **INTEREST** $2,000.00

A1081 **PILOT** $5,500.00

A1120 **COUNTY SALES TAX** $155,000.00

A1130 **GROSS UTILITY TAX** $5,000.00

A1170 **SPECIAL FRANCHISE** $12,000.00

A1230 **FEES/COUNTY TREASURER** $3,000.00

A2130 **RECYCLING** $10,000.00

A2210 **GENERAL SERVICES REIMBURSEMENT** $27,500.00

A2401 **INTEREST** $12,000.00

A2590 **BUILDING PERMITS** $5,000.00

A2770 **UNCLASSIFIED** $45,000.00

A3001 **PER CAPITAL AID** $16,865.00

A3005 **MORTGAGE TAX DISTRIBUTION** $15,000.00

A3501 **C.H.I.P.S.** $140,000.00

**TOTAL ANTICIPATED REVENUES** $453,865.00

**APPROPRIATED FUND BALANCE** $50,000.00

**TAX LEVY** $323,200.00

**TOTAL** $827,065.00

Trustee Burnett moved, seconded by Trustee Murphy to approve the resolution.

Carried: 5 ayes

**Resolution #17 – 2022-23**

WHEREAS, the Board is considering whether to undertake the application of herbicides to areas of Chautauqua Lake bordering the Village of Celoron’s jurisdiction;

WHEREAS, pursuant to Article 15 of the New York State Environmental Conservation Law and Part 327 of the Official Compilation of Codes, Rules, and Regulations of the State of New York, the New York State Department of Environmental Conservation must issue a permit prior to the application of herbicides to waters within the State of New York; and

WHEREAS, the Village of Celoron is a riparian owner and desires to apply for a permit to apply herbicides in Chautauqua Lake;

Now therefore be it,

RESOLVED, That the Board of Trustees of the Village of Celoron does hereby approve the submission of applications for Article 15 permit(s) and a New York State Pollution Discharge Elimination System (if so required) related to the application of herbicides to areas of Chautauqua Lake boarding the Village of Celoron.

Trustee Moss moved, seconded by Trustee Burley to approve the resolution.

Carried: 5 ayes

**Resolution #18 – 2022-23**

WHEREAS, Chautauqua County, Town and Village governments and other concerned stakeholders signed a Memorandum of Understanding, Chautauqua Lake, to commence as of May 1, 2021 and terminate April 30, 2023; and

WHEREAS, said Chautauqua County, Town and Village governments and other concerned stakeholders desire to amend said Memorandum of Understanding, Chautauqua Lake, and extend it for an additional two (2) year term beginning May 1, 2023 and ending April 30, 2025;

Now, therefore, be it

RESOLVED, That the Mayor be and he hereby is authorized to sign the attached Amendment to Memorandum of Understanding, Chautauqua Lake.

Trustee Moss moved, seconded by Trustee Burnett to approve the resolution.

Carried: 5 ayes

**LOCAL LAW:**

**Local Law No. 1 of 2023**

**Village of Celoron, County of Chautauqua**

**a local law authorizing a property tax levy in excess of**

**the limit established in General Municipal Law §3-c**

**Section 1. Legislative Intent**

It is the intent of this local law to allow the Village of Celoron to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**Section 3. Tax Levy Limit Override**

The Board of Trustees of the Village of Celoron, County of Chautauqua, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.

Trustee Murphy moved, seconded by Trustee Moss to approve the Local Law.

Carried: 5 ayes

**LOCAL LAW TO BE PRESENTED:**

**LOCAL LAW NO. 2 OF 2023**

**A LOCAL LAW AMENDING CHAPTER 210, ZONING,**

**OF THE CODE OF THE VILLAGE OF CELORON, NEW YORK**

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.** Amend Chapter 210, Zoning, of the Code of the Village of Celoron to move Auto sales/used car lots to the Industrial Zone.
2. **Amendment.** Section 210-12.B., Commercial (C1) District, of the Code of the Village of Celoron be and hereby is amended to delete Auto sales/used car lots.
3. **Amendment.** Chapter 210-12.C., Uses by special use permit, of the Code of the Village of Celoron be and hereby is amended to delete Auto body repair as it relates to new or used car sales.
4. **Amendment.** Chapter 210-15.B., Uses by right, of the Code of the Village of Celoron be and hereby is amended to add thereto Auto sales/used car lots.
5. **Conflicting Statutes.** All local laws or ordinances or parts of local laws or ordinances in conflict herewith are hereby repealed.
6. **Severability.** Should any clause, sentence, paragraph, subdivision, section or other part of this local law be adjudicated by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and to this end, the provisions of each section of this local law are hereby declared to be severable.
7. **Effective Date.** This local law shall become effective immediately upon filing with the New York State Secretary of State.

Trustee Burnett moved, seconded by Trustee Murphy to table the local law and set a public hearing for Monday, May 8, 2023 at 5:50 p.m.

Carried: 5 ayes

**MAYOR’S COMMENTS:**

None

**OPPORTUNITY FOR PUBLIC COMMENT:**

None

Trustee Burley motioned to adjourn the meeting. Trustee Murphy seconded the motion.

Carried: 5 ayes

The meeting was adjourned at 7:20 p.m.

Shirley A. Sanfilippo, MMC/CMFO

Village Clerk-Treasurer