

REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF WATKINS GLEN HELD MONDAY, MARCH 4, 2019

PLEDGE OF ALLEGIANCE

The public session of the meeting was called to order at 6:00pm by Mayor Samuel Schimizzi who led the assembled in the pledge of allegiance. Present were Mayor Samuel Schimizzi, Trustee Gary Schmidt, Trustee Anthony Fraboni, Trustee Laurie DeNardo, Trustee Nan Woodworth, Sergeant in Charge Steven Decker, Village Clerk Lonnie Childs and Treasurer Rhonda Slater. Also present were Interim Superintendent of Public Works Terry Wilcox, Water Supervisor Martin Pierce and Park Manager Michelle Hyde. Absent was Code Enforcement Officer Greg Larnard. There were eighteen other persons in attendance.

The Mayor opened the meeting with a moment of silence in remembrance of former Village Sewer Supervisor Richard "Rocco" Scaptura who passed unexpectedly that morning.

PUBLIC HEARING

Proposed Local Law to Override Tax Cap Levy Limit

Trustee Anthony Fraboni made the motion to open the public hearing on the proposed local law at 6:02pm. Trustee Gary Schmidt seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

It was explained to the public that should the LOSAP program pass during the March 19, 2019 election, the program will create an approximate 1.6% increase by itself. It was further stated that just because the local law passes, it does not mean the levy will go over the 2% tax cap. The public hearing was left open.

PUBLIC BE HEARD

Penflex Inc. – Public Information Meeting for Proposed LOSAP Program

The Village held a public information session on the Proposed LOSAP program that will be put up for public vote on the March 19, 2109 ballot. Ed Hoolihan was present and answer questions from the public regarding how the program works and how it will be funded.

Amanda Arnold Rodriquez (SCOPED) – WWTP Reuse Plan & Strategic Retail Plan

A request for proposals went out regarding the regional strategic plan and wastewater treatment plant reuse feasibility study. These proposals were reviewed by the Project Seneca Refinement Committee of which Village Trustee Nan Woodworth was a member. After review and discussion, the Committee is recommending Tetra Tech Architects and Engineers to provide consulting services that will help determine funding sources and how to move forward with decommissioning our wastewater treatment plant. Trustee Anthony Fraboni made the motion to approve the selection of Tetra Tech Architects for this project. Trustee Nan Woodworth seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

Mary Churchill – Clute Park Redevelopment Project

Mary Churchill was present to discuss the DRI Clute Park upgrades. She was informed that the DRI committee has narrowed down the proposals to two firms, which will be giving presentations to the public on Wednesday night, March 6, 2019 at 4pm and 6pm. All are welcome to attend. Mary Churchill then expressed her disapproval of the date and time of the presentations and asked if the park upgrades could be placed on the ballot for public vote on March 19, 2019. Clerk Lonnie Childs stated that the ballots have already been printed, but she could check on it.

Brian Eslinger – Short-Term Rental Law Compliance

Brian Eslinger was present to inquire of the Board on how it plans on dealing with the Short-Term Rental Law and those businesses who fail to comply. He was informed that Code Enforcement Officer Greg Larnard was currently working on the process.

[Tom Merrill – Franklin St. Manhole Covers](#)

Tom Merrill was present to discuss the sewer manhole covers on Franklin Street between Twelfth St. and Durland Ave. that are in need of repair/replacement. Franklin Street is a State highway and it should be addressed when the road is repaved this year.

[APPROVAL OF MINUTES](#)

[Minutes for Regular Meeting February 19, 2019](#)

Trustee Laurie DeNardo made the motion to approve the minutes for the regular Board of Trustees meeting held on February 19, 2019, with the correction of the spelling of her name approving the 2019 Local Leaders Conference request. Trustee Gary Schmidt seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

[REPORTS](#)

[Parks Report, Streets Report, Code Report, Water Report, Sewer Report, Electric Report, Superintendent Report, Police Report, Treasurer's Report](#)

Trustee Laurie DeNardo made the motion to approve the Department Heads' reports as presented. Trustee Gary Schmidt seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

Trustee Nan Woodworth made the motion to approve the Suicide Awareness 5K Run being scheduled for July 14th to be held within the Village limits on the Village sidewalks. Trustee Gary Schmidt seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

[VOTING ITEMS](#)

[Award CDBG Water Study Grant](#)

Trustee Anthony Fraboni made the motion to award the Water Study Grant RFQ to MRB Group at the recommendation of Interim Superintendent of Public Works Terry Wilcox, Water Supervisor Martin Pierce and Park Manager Michelle Hyde. Trustee Laurie DeNardo seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

[Hometown Hero's Banner Program](#)

Trustee Laurie DeNardo made the motion to approve the Hometown Hero's Banner Program as presented to the Board at the February 19, 2019 meeting, having consulted with the Electric Department on its feasibility. Trustee Nan Woodworth seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

[Surplus Itron Equipment](#)

Trustee Anthony Fraboni made the motion to surplus the two old G5R Itron handhelds, along with its cradle. These handhelds have not been in use for five years and are no longer compatible with the upgraded computer software. Trustee Laurie DeNardo seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

[ONSOLVE Contract Agreement](#)

Trustee Laurie DeNardo made the motion to approve and have the Mayor sign the ONSOLVE three-year contract agreement for services as it pertains to the codeRED system with an annual cost of \$4,010.00 retro to June 1, 2018. Trustee Gary Schmidt seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

[CONFERENCE REQUESTS](#)

Discrimination & Harassment Train-The-Trainer Seminar – Lonnie Childs

Trustee Anthony Fraboni made the motion for Clerk Lonnie Childs to attend the Discrimination and Harassment Train-The-Trainer Seminar hosted by Comp Alliance on March 21, 2019 at the Hilton Garden Inn in Corning, NY at no cost. Trustee Nan Woodworth seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

MEUA Engineering Workshop – Dale Heichel & Thomas Ballard

Trustee Laurie DeNardo made the motion for Dale Heichel and Thomas Ballard to attend the MEUA Engineering Workshop at the Embassy Suites by Hilton in Syracuse, NY on March 26 & 27, 2019 at a cost of \$80.00/person. Superintendent Terry Wilcox has made arrangements for Penn Yan to be on call should any electrical issues arise in their absence. Trustee Gary Schmidt seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

NY Rural Water Association Technical Training – Terry Wilcox & Edward Berry

Trustee Anthony Fraboni made the motion for Terry Wilcox and Edward Berry to attend the NYRWA 40th Annual Technical Training Workshop and Exhibition at the Turning Stone Resort in Verona, NY from May 20 – 22, 2019 at a cost of \$300/person for the conference and \$298/person for the hotel stay. This conference will provide both men with needed credit hours to maintain their licensing. Trustee Laurie DeNardo seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

NEIWPCC Train-The-Trainer Training Course – Terry Wilcox

Trustee Laurie DeNardo made the motion for Terry Wilcox to attend the New York Water Environment Association hosted NEIWPCC Train-The-Trainer course in Cheektowaga, NY on March 12-13, 2019 at a cost of \$50 to qualify him to be an instructor of wastewater training in New York State. Trustee Anthony Fraboni seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

Finger Lakes Water Works Conference – Martin Pierce

Trustee Gary Schmidt made the motion for Martin Pierce to attend the FLWWC 2019 spring meeting on April 4, 2019 in Geneva, NY at a cost of \$25. Trustee Laurie DeNardo seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

AUDIT

General Audit

Trustee Laurie DeNardo made the motion to approve the regular audit and the online payments audit for fines and fees, sales tax, JP Morgan Chase 2004 Serial bond interest and the JP Morgan Chase 2012 serial bond principal and interest payments in the following amounts. Trustee Anthony Fraboni seconded the motion.

General	\$14,312.43	Sewer	\$5,819.40
Electric	\$40,896.82	Water	\$7,803.05
Project Seneca	\$1,325,504.16	Online Payments	\$97,655.50

The Board then voted on the motion to approve and all were in favor. Motion Carried.

BOARD CONCERNS

2018-2019 Audit Work Proposals

Village Treasurer Rhonda Slater provided the Board with two quotes for auditing services. The first was from the incumbent firm Freed Maxick with a quote of \$18,950 plus out of pocket expenses. The second quote was from BST & Co with a cost not to exceed amount of \$31,250. Although BST came in at a higher rate, the treasurer recommended going with this firm because of their expertise in the electric field. The Board requested that the Treasurer request a quote from BST for just the electrical portion of the audit before any decisions were made.

Fire Contract – Town of Dix

Village Treasurer Rhonda Slater then informed the Board that the Town of Reading has submitted a signed agreement for fire services and paid their annual contract amount. The Town of Dix, however, has not submitted their agreement, nor paid for services. The Board instructed the Treasurer to reach out to the Town of Dix to check on the status.

[Resolution to Approve Emergency Purchase of WTP Components](#)

Trustee Anthony Fraboni made the motion to approve the following resolution approving emergency purchase of SCADA system components for the Village water system to comply with the administrative order and move forward with funding. Trustee Nan Woodworth seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

WHEREAS, the village of Watkins Glen ("Village") is defined as a municipal corporation and a political subdivision of the State of New York, which is managed by the Board of Trustees ("Board") of the Village; and,

WHEREAS, the Village received an administrative order from the New York State Department of Health ("NYSDOH") requiring significant mandatory improvements to be completed in an expedient manner (i.e. entry point sampling and tank effluent metering by May 1, 2019, monitoring and recording of all chlorine and turbidity within the plant by May 1, 2019, and control improvements to the plant to allow for unattended operation according to the by August 1, 2019); and,

WHEREAS, General Municipal Law §103(1) generally requires that all contracts for public work involving an expenditure of more than thirty-five thousand dollars be awarded to the lowest responsible bidder after advertisement for sealed bids; and,

WHEREAS, General Municipal Law §103(4) provides an exception to the requirement for competitive bidding in the event of a true public emergency, arising out of an unforeseen occurrence or condition, causing circumstances affecting public facilities and jeopardizing the life, health, and safety of the citizens of the Village of Watkins Glen. And, given the sudden and complete failure of certain components in the Village water system and the requirements of the NYSDOH Administrative Order now requires the rapid or immediate purchase and installation of replacement components and equipment for the Village of Watkins Glen water treatment plant which cannot await the competitive bidding process; and,

WHEREAS, the failure to address control, monitoring or sampling systems may result in non-potable water being discharged from the water treatment plant and poses a life safety hazard to all consumers of the Village of Watkins Glen water supply, necessitating immediate replacement of the components and equipment; and,

WHEREAS, the Village of Watkins Glen has sought estimates to complete the proposed improvements required to comply with the April, May and August deadlines set forth in the NYSDOH Administrative Order and the Village's engineer has utilized these estimates to develop a project cost estimate of \$575,000 for the tank discharge meter installation, water treatment plant controls and the entry point sampling improvements.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WATKINS GLEN, SCHUYLER COUNTY, STATE OF NEW YORK (by a favorable vote of not less than three fifths of such Board), AS FOLLOWS:

SECTION 1. The Village of Watkins Glen hereby declares a temporary public emergency with respect to the operations at the Village's water treatment plant control and water quality monitoring systems, critical components of which have failed or are under order by the NYSDOH to be immediately addressed.

SECTION 2. The Village of Watkins Glen shall submit for Emergency Financial Assistance through the New York State Environmental Facilities Corporation for up to \$575,000.

SECTION 3. The Clerk Treasurer is directed to publish Notice in the official newspaper for the Village containing an abstract of this resolution stating the purpose and effect thereof, and indicating that this resolution is subject to a permissive referendum.

[Municipal Solutions – Proposal for Services](#)

Village Treasurer Rhonda Slater then presented a proposal for services from Municipal Solutions in connection with the Village's emergency water project. The scope of the proposal would be to prepare and submit an application for New York State Emergency Services Revolving Loan Program. This would provide a short term, zero interest loan that would be repaid within one year allowing the Village immediate access to funds while trying to obtain grants through NYWEA. The estimated cost for these services would be \$5,000. Trustee Anthony Fraboni made the motion for the Village to enter into the aforementioned agreement with Municipal Solutions. Trustee Gary Schmidt seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

[Project Completion Certificate – JWWTP Contract #3](#)

Trustee Gary Schmidt made the motion to approve the Mayor to sign the NYS EFC certification of project completion for contract #3 Site Preparation of the Joint Wastewater Treatment Plant. Trustee Anthony Fraboni seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

[PUBLIC HEARING - Revisited](#)

[Proposed Local Law to Override Tax Cap Levy Limit](#)

With no further comments from the public, Trustee Laurie DeNardo made the motion to close the public hearing on the proposed local law at 7:56pm. Trustee Gary Schmidt seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

Trustee Anthony Fraboni then made the motion to approve the following local law to override the tax cap levy limit. Trustee Gary Schmidt seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

A local law to override the tax levy limit established in General Municipal Law §3-c for fiscal year 2019-20.

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Watkins Glen to adopt a budget for the fiscal year commencing June 1, 2019 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 Watkins Glen, County of Schuyler, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2019 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.

EXECUTIVE SESSION

Trustee Anthony Fraboni made the motion to exit public session and enter executive session at 7:57pm for one personnel matter for Trustee Laurie DeNardo and one personnel matter for Clerk Lonnie Childs. Trustee Laurie DeNardo seconded the motion and all were in favor. Motion Carried.

RE-ENTER PUBLIC SESSION

Trustee Laurie DeNardo made the motion to exit executive session and re-enter public session at 8:28pm. Trustee Nan Woodworth seconded the motion and all were in favor. Motion Carried.

Trustee Anthony Fraboni made the motion to hire Robert Cassidy III as a Lineworker Helper for the Electric Department at a rate of \$19.71/hr. effective March 25, 2019. Trustee Laurie DeNardo seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

ADJOURNMENT

With no further business to come before the Board, Trustee Anthony Fraboni made the motion to adjourn the meeting at 8:29pm. Trustee Laurie DeNardo seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

Meeting Adjourned.
Respectively Submitted,

Rhonda E Slater

