

REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE  
VILLAGE OF WATKINS GLEN HELD MONDAY, MAY 4, 2009

The public session of the meeting was called to order by Mayor Judith H Phillips at 8:00 pm. Present were Trustees William E. Smagner, Nicholas P. Kelly and Wayne N. Weber. Also present were Superintendent Mark L. Specchio, Police Chief Thomas A. Struble, and Clerk/Treasurer Donna J. Beardsley. Absent was Trustee Gregory A. Coon. There were approximately 25 other people in attendance.

PUBLIC  
SESSION -  
ATTENDANCE

The Mayor led those present in the pledge of allegiance.

PUBLIC HEARING- Local Law No.1 and Local Law No. 2:

The public hearing for Local Law No 1 and Local Law No. 2 of 2009 was opened at 8:01 pm. Mayor Phillips stated that the public hearing would be kept open for 20 minutes for further comments.

PUBLIC  
HEARING –  
Local Laws #1 &  
#2 of 2009

PUBLIC CONCERNS:

PUBLIC  
CONCERNS

Jim Guild – Parking Request

Jim Guild came to the Board to request a change in the parking requirements for the Third Street municipal parking lot, which is located behind the building he recently purchased and intends to put a general store in. His request to the Board was that the entire parking lot have 2 hour parking restrictions or he would be forced to pull the plug on completing his new business venture. He listed the many reasons he feels his request is reasonable and a must in order for him to be successful with his new business. He stated that he would not leave the Board meeting without a show of hands from the Board members present that they would support his request. There was much discussion regarding Mr. Guild's request. The Mayor informed Mr. Guild that a local law would be required to change parking regulations and that is a process that will take several weeks.

Jo Standish addressed those present to say that her daughter recently purchased the building next to Mr. Guild's and that she too will be opening a new business soon. She indicated that their business will be open the same hours as Mr. Guild's and that her daughter also believes that the Third Street parking lot should have timed parking.

Mayor stated that the Board will investigate the request and will determine whether or not any changes should be made to the Third Street parking lot.

Mark Simiele expressed his support for Mr. Guild's request.

It was mentioned that the Third Street parking lot used to have the eastern most row as open parking with no restrictions and the rest of the parking lot was timed parking, however, Mr. Guild stated that to go back to that would not be acceptable to him. Mr. Guild did state that he would have no problem if the timed parking was only enforced during the hours that his business was open, which will be from 9 am to 8 pm from May 1 through December 31 and from 9 am to 6 pm from January 1 through April 30.

After further discussion Mr. Guild asked each Board member individually whether or not they would support his request. Each of the four Board members present indicated that they would support change to the Third Street parking lot parking hours. However, the Mayor again informed Mr. Guild that any parking changes would have to be done via a local law, which takes time to process and also requires a public hearing.

The Mayor then revisited the open public hearing on the Local Laws. There were no comments made by the public concerning either Local Law.

PUBLIC  
HEARING –  
LOCAL LAWS  
REVISITED

A motion was made by Trustee Weber and seconded by Trustee Smagner to approve Local Law #1 of 2009, a local law for the establishment of procedures for review of applications for actions, or direct agency actions, impacting the waterfront area, consistent with the Local Waterfront Revitalization Program. The Board members present unanimously voted in favor of the local law. Motion Carried.

A motion was made by Trustee Smagner and seconded by Trustee Kelly to approve Local Law #2 of 2009, a Local Law to Amend Local Law Number 4 of 1996- Water Usage Rates. The Board members present unanimously voted in favor of the local law. Motion Carried.

James Kane, owner of Tobe's, spoke to inform the Board of his objections to a hot dog vendor being allowed to set up his hot dog cart in LaFayette Park. Mr. Kane gave a summary of his business finances to demonstrate to the Board how the hot dog cart would negatively affect the worth of his building and his business in general. He suggested that all neighbors should be notified in advance if changes are to be made with businesses in their area.

PUBLIC BE  
HEARD  
CONTINUED

Maureen Colunio spoke and informed Mr. Kane that she has operated an ice cream truck for 20 years with LaFayette Park being one of the places she sells her ice cream. She asked him why he did not ask her before he began selling ice cream at his place of business, since he is now taking customers away from her business.

There was much discussion concerning the hot dog vendors in the Village of Watkins Glen and Mr. Kane suggested that the Village require that all the mobile vendors set up in Clute Park only and that the Village require all vendors to pay a permitting fee of some sort.

Elizabeth Jones of 221 S. Jackson Street addressed the Board with her concerns about the railing on the public steps on the side hill being used for brush storage. She stated that this is causing an increase in animals around where the brush is. The Board asked Superintendent Specchio to look into the situation.

Chris Franzese informed the Board that the street light near his hotel parking lot has been out for months. He requested that the electric department check it out.

Bridgit Burke addressed the Board concerning a fundraiser that she would like to have at Clute Park. The fundraiser will be a battle of the bands event open to all high school seniors. She stated that there would also be some Irish music included. She noted that she had not worked out all of the details yet, but was seeking Board approval before doing her advertising. After discussion concerning her plans, etc., Trustee Kelly made a motion to allow the battle of the bands event to take place at Clute Park. Trustee Smagner seconded the motion. All voted in favor. Motion Carried 4 – 0.

JUSTICE REPORTS:

The report of activities for the month of April from Justice Dugo was approved with a motion by Trustee Weber, a second by Trustee Smagner and with all voting in favor. Motion Carried.

JUSTICE  
REPORTS

POLICE DEPARTMENT REPORT:

Trustee Kelly made the motion to approve the Police Department report as submitted by Chief Struble. Trustee Weber seconded the motion and all voted in favor. Motion Carried.

POLICE  
DEPARTMENT  
REPORT

DEPARTMENT HEADS' REPORTS:

Superintendent Specchio informed the Board that the street cleaner was out last week, and it will be back in mid-May.

DEPARTMENT  
HEADS'  
REPORTS

Trustee Coon arrived at 9:02 pm

Trustee Smagner made a motion to surplus a Dodge ¾ ton 1996 truck that the Fire Department has so that it can be used as a trade in for their purchase of a Subaru Outback. Trustee Weber second the motion and all voted in favor. Motion Carried.

Mayor Phillips stated that she had received a few calls regarding the sidewalk repairs being done as part of the Catharine Valley Trail project.

Trustee Smagner made the motion to approve the request of the Parks Manager to surplus various old/unsafe ladders from that Department. Trustee Kelly seconded the motion and all voted in favor. Motion Carried.

CONFERENCE REQUESTS:

CONFERENCE  
REQUESTS

Trustee Kelly made a motion to approve the request for Mayor Phillips and Trustee Weber to attend NYCOM's Annual Meeting in Saratoga Springs June 29<sup>th</sup> & 30<sup>th</sup>. Trustee Smagner seconded the motion and all voted in favor. Motion Carried.

BOARD CONCERNS:

BOARD  
CONCERNS

Trustee Kelly spoke to the comments made by Mr. Kane, the owner of Tobe’s. Trustee Kelly stated that he thought it would be fair to ask the hot dog vendor to move to Clute Park, further away from Tobe’s. Trustee Smagner made the motion to ask the vendor to change locations to perhaps Clute Park. Trustee Kelly seconded the motion. After discussion, the vote was 4 in favor and 1 abstention-Coon. Motion Carried.

Trustee Kelly stated that Josh Navone has had constant sewer problems at his property on N. Franklin Street, and asked Superintendent Specchio to have it checked out.

Trustee Kelly again brought up the issue of the railroad tracks on Fourth Street. He asked that the railroad be contacted to schedule a meeting to discuss the plans for those tracks.

Trustee Weber had no concerns to bring up.

Trustee Smagner asked Superintendent Specchio if the internet was now hooked up at the water plant as was previously discussed at a February Board meeting. Superintendent Specchio stated that the internet was now available at the water plant.

Trustee Smagner asked Superintendent Specchio about the gravel at boat launch. Superintendent Specchio stated that the people working in the canal say that DEC has given us permission to use the gravel but that the paperwork has not been done yet and he has no idea of when it will be done.

Trustee Smagner asked Superintendent Specchio about the status of the park office. Superintendent Specchio stated that the park office will be open at the end of this week.

Trustee Coon had no concerns to bring up.

Clerk Beardsley stated that 2 bids had been received for the recycling pick up for the next fiscal year. She further stated that one of the bids had been faxed to the office and was not sealed or properly marked. She asked the Board whether or not they wanted to accept it. Trustee Kelly made the motion to reject the faxed bid as improperly submitted. Trustee Smagner seconded the motion and all voted in favor. Motion Carried.

The single recycle bid was then opened. The bid was from Arrowhead Disposal and they bid a price of \$3,000 per month for bi-weekly single stream pick up. They did not put a bid in for once a month pick up. The Board directed Superintendent Specchio to review the bid and make a recommendation at the next Board meeting.

Clerk Beardsley read a letter she received from the Hartneys on Reading Road requesting that their high water bill caused by a leaking toilet be reduced down to their average monthly bill amount. Trustee Kelly made the motion to reject the request because the water did in fact go through our system. Trustee Smagner seconded the motion and all voted in favor. Motion Carried.

Superintendent Specchio informed the Board that the 1<sup>st</sup> Street contractor will be back next week to replace concrete that had problems near VFW.

Chief Struble had no concerns to bring up.

Mayor Phillips informed the Board of the following: 1) a meeting scheduled for Wednesday at 8 am with Derek McManus of Hunt Engineers regarding security systems for our buildings; 2) a meeting on May 14<sup>th</sup> with the County to discuss the Watkins Glen parking issues; and 3) summarized an email received from Fire Chief Smith.

RESOLUTIONS:

RESOLUTIONS  
(4 – Budget  
Transfers)

Trustee Weber made the motion to approve the following Resolution. Trustee Smagner seconded the motion. All voted in favor. Motion Carried.

**RESOLUTION FOR BUDGET TRANSFER**

**WHEREAS**, the Parks Department did receive \$14,000.00 for the sale of the used Kubota Tractor to the Village of Montour Falls, which will be used to offset the cost of purchasing a new John Deere 2520 Tractor with 54” blade, 200cx bucket and a

mid mount mower; and

**WHEREAS**, those funds have been credited to the General Fund account number A2665; and

**WHEREAS**, the new John Deere has been purchased and funds from the Parks Department account number A7110.2 were used to pay for the new John Deere.

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Clerk/Treasurer be, and hereby is, authorized to transfer \$14,000 from account number A2665 to account number A7110.2.

Trustee Weber made the motion to approve the following Resolution. Trustee Coon seconded the motion and all voted in favor. Motion Carried.

**WHEREAS**, the Village contracted with SCT BOCES for the purchased of a new building for the Clute Park Office, and

**WHEREAS**, the Building needed finishing work done, and

**WHEREAS**, the payments for such have been made from Account AA.7180.20R, and

**WHEREAS**, the Village has an established Capital Reserve Account to cover such costs,

**NOW THEREFORE, BE IT RESOLVED** that the Village Clerk/Treasurer be and hereby is, authorized to transfer the sum of: \$17,367.85, from the Capital Equipment Reserve AA.0231-200 to General Fund Account AA.7180.20R.

Trustee Smagner made the motion to approve the following Resolution. Trustee Coon seconded the motion and all voted in favor. Motion Carried.

**WHEREAS**, the Village contracted with SCT BOCES for the purchased of a new building for the Clute Park Office, and

**WHEREAS**, the Building needed a new foundation and finishing work done, and

**WHEREAS**, the payments for such have been made from Account AA.7110.20R, and

**WHEREAS**, the Village has an established Capital Reserve Account to cover such costs,

**WHEREAS**, \$34,460.38 was accrued to last years budget resulting an overage being transferred from the Capital Equipment Reserve Account in January,

**NOW THEREFORE, BE IT RESOLVED** that the Village Clerk/Treasurer be and hereby is, authorized to correct the transfer done in January from the sum of: \$54,517.63, to the sum of \$17057.25 from the Capital Equipment Reserve AA.0231-200 to General Fund Account AA.7110.20R.

Trustee Kelly made the motion to approve the following Resolution. Trustee Weber seconded the motion and all voted in favor. Motion Carried.

**WHEREAS**, the Pavilion at Clute Park was in need of a new roof, and

**WHEREAS**, the Al's Construction was hired to replace said roof, and

**WHEREAS**, the payments for such have been made from Account AA.7110.20R, and

**WHEREAS**, the Village has an established Capital Reserve Account to cover such costs,

**NOW THEREFORE, BE IT RESOLVED** that the Village Clerk/Treasurer be and hereby is, authorized to transfer the sum of: \$26,400 from the Capital Equipment

Reserve AA.0231-200 to General Fund Account AA.7110.20R.

Trustee Smagner requested that Superintendent Specchio provide him with a copy of the warranty for repair to pavilion roof to put on file.

MINUTES:

MINUTES

Trustee Weber made the motion to accept the minutes from the April 30, 2009 Special meeting of the Board of Trustees. Trustee Coon seconded the motion. All were in favor. Motion Carried.

AUDIT:

AUDIT

Trustee Kelly made the motion to accept the abstract of unaudited vouchers for May 4, 2009 at the following amounts:

General	\$29,295.47	Water	\$5,808.77
Electric	\$21,229.10	Sewer	\$9,115.50
CVT	\$ 1,831.37		

Trustee Coon seconded the motion and all voted in favor. Motion Carried.

ADJOURN:

ADJOURNMENT

With no other business, Trustee Smagner made the motion to adjourn at 9:41 pm. Trustee Kelly seconded the motion and all agreed. Motion Carried.

Meeting adjourned.

Respectfully Submitted,

DONNA J. BEARDSLEY  
CLERK/TREASURER

