

REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE  
VILLAGE OF WATKINS GLEN HELD MONDAY, JULY 20, 2009

Prior to the public session, the Board held an executive session that began at 7:00 pm.

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 of Utilities Mark L Specchio, Superintendent of Streets, Parks & Cemeteries Donald R Perry, Police Chief Thomas R Struble, Clerk/Treasurer Donna J Beardsley and Account Clerk/Typist Rhonda E Slater. Absent was Trustee Gregory A Coon. There were approximately 6 people in attendance.

PUBLIC  
SESSION -  
ATTENDANCE

PUBLIC CONCERNS:

Trustee Kelly made the motion to approve the request made by Beth Clark and Jane Daum, from the Lake Country Players group, to host their 2<sup>nd</sup> annual zombie walk in the Village of Watkins Glen on Oct 17, 2009. The route will head down Franklin Street this year. Trustee Smagner seconded the motion. All agreed. Motion Carried.

PUBLIC  
CONCERNS

Bill Depree, of 307 5<sup>th</sup> St, was present to request sewer credit for filling his children's pool and watering his yard. Mayor Phillips stated that he may want to speak with Superintendent of Utilities Mark Specchio to discuss options, such as the installation of a submitter or taking the readings himself, to obtain credit. Mr. Depree also asked about the possibility of sewer flow meters, to which Trustee Kelly explained the inaccuracies of such meters.

David Wyre returned to discuss his previously requested water/sewer bill credit. Trustee Kelly spoke up stating that since his request, the Village water department has done an in-house test of the meter, which came back that the meter was working properly. He further explained that the meter could be sent out to an independent testing facility, but he would have to pay for the test regardless of the results. Superintendent Specchio stated that the test runs about \$100. David Wyre replied that he would like to move forward with the independent test for accuracy. Superintendent Specchio informed him that the results should be back by the next Board meeting.

JUSTICE REPORTS:

Trustee Smagner made the motion to approve Judge Dugo's and Judge McElligott's reports of activities for the month of June. Trustee Weber seconded the motion and all were in favor. Motion Carried.

JUSTICE  
REPORTS

POLICE DEPARTMENT REPORT:

Trustee Smagner made the motion to approve the Police Department report for June. Trustee Kelly seconded the motion and all were in accord. Motion Carried.

POLICE  
DEPARTMENT  
REPORT

Trustee Kelly made the motion for Police Chief Struble to hire a part-time parking monitor for the summer parking enforcement. Trustee Smagner seconded the motion and all were in favor. Motion Carried.

Trustee Kelly then made a motion to increase the pay rate from \$13.00/hr to \$15.00 for part-time patrolmen who have 10 or more years of service with the Village Police Department. At this time, only one patrolman, David Novinsky, qualifies. Trustee Weber seconded the motion and all were in accord. Motion Carried.

Trustee Smagner then made the motion to appoint Christopher Cady as a part-time police officer to replace Tobias Smalley. Trustee Weber seconded the motion and all were in favor. Motion Carried.

POLICE HIRE

DEPARTMENT HEADS' REPORTS:

The following new brush/leaf pickup policy was discussed by the Village Board, a copy of which is to be placed on or in the next utility bill and to be placed on the Village website.

DEPARTMENT  
HEADS'  
REPORTS

The Village of Watkins Glen will continue to pick up brush and small tree limbs at the convenience of the Street Department. Brush and limbs must be placed near the curb (out of the street) for pick up. Small brush must be placed in the paper bags issued by the Village Office, with a limit of 6 bags

per pick up. Please DO NOT place rocks, stones, bricks etc. in the bags. Any bag weighing more than 30 pounds will not be picked up by the Village crews. Limbs must be cut to a length of 10 feet or less and have a diameter no larger than 4 inches, with a limit of 10 limbs per pick up. If you have a larger quantity that you would like to dispose of, you are welcome to utilize the Lend-a-Truck program. The forms are available at the Village office. If you have any questions or concerns, please contact the Village Office at 607 535-2736.

Superintendent Specchio informed the Board of a possible water main break in the upper system, on the main line between the Padua tank and Orchard Ave.

Trustee Smagner made the motion to approve the Department Heads' reports as presented to the Board. Trustee Weber seconded the motion and all were in favor. Motion Carried.

Trustee Kelly made the motion for Park Manager Hyde to hire Lindsey Burchell at \$7.25/hr, beginning July 6<sup>th</sup> as a summer recreation counselor. Trustee Smagner seconded the motion and all were in agreement. Motion Carried. PARK HIRE

After some discussion, Trustee Smagner made the motion to approve a request from County Administrator Tim O'Hearn to waive the parking fees at Clute Park for the County employee picnic on Saturday, August 15, 2009. This is contingent upon the Village receiving payment of the \$75 deposit for use of the pavilion. Trustee Weber seconded the motion. All were in favor. Motion Carried.

A request for the waiver of a \$7.51 late fee from Thomas Merrill was approved with a motion by Trustee Weber. The payment was mailed on the due date from out-of-state and arrived late. Trustee Kelly seconded the motion and all were in accord. Motion Carried.

The following sewer credit requests were approved with a motion by Trustee Smagner, a second by Trustee Weber and all being in favor. Motion Carried.

Pool Filling Sewer Credits – Village of Watkins Glen						SEWER CREDITS
Acct #	Name	Readings		# of Units	Credit Requested	
D1090	Thomas Donovan	18642	18713	1	\$4.50	
B0350	James Powers	9410	9585	2	\$9.00	
C0030	Michael Powers			7	\$31.50	
E0130	Edward Augustine	1931	3178	17	\$76.50	
D1380	Donald Ely	1661.8	1672.2	10	\$45.00	
F0450	David Miller	2659.5	2680.9	21	\$94.50	
G0380	Dorothy Cogsdill	2192.8	2194.9	2	\$9.00	
H0300	Ralph Larson	2341	2652	4	\$18.00	
H1440	Santi Conti	1218	1575	5	\$22.50	
F1220	Donna Beardsley	1080.7	1081.8	1	\$4.50	
G0740	Kenneth Eldridge	922.5	924.3	2	\$9.00	
D0520	Joe Orbin	1919.8	1930.7	11	\$49.50	
C0140	Terry Parish	1974.3	1981.4	7	\$31.50	
Pool Filling Sewer Credit Requests - Town of Dix						
T0280	Bill Murrell			20000	\$182.00	
T0590	Ed Menio			1492	\$13.58	
T0230	Brian Lotz			1840	\$16.74	
Water Leak Sewer Credit Requests						
E0920	Mary Simiele - hot water tank			4	\$18.00	
B0820	Kenneth Smith - broken water pipe			60	\$414.00	

**CONFERENCE REQUESTS:**

Trustee Smagner made the motion for Clerk/Treasurer Donna Beardsley and Deputy Clerk Naomi Kingsley to attend the NYS GFOA Central Region Summer Seminar in Geneva, NY at a cost of \$125/person on Aug 13, 2009. Trustee Kelly seconded the motion and all were in favor. Motion Carried.

CONFERENCE REQUESTS

Trustee Kelly made the motion for Superintendent of Utilities Mark Specchio and Water Department Supervisor Harley Connelly to attend a NYRWC meeting in Penn Yan on Aug 13, 2009 at a cost of \$30/person. Trustee Weber seconded the motion. All were in concurrence. Motion Carried.

BOARD CONCERNS:

Trustee Kelly had no Board concerns.

BOARD  
CONCERNS

Trustee Weber had one contractual item dealing with the Town of Dix for executive session.

Trustee Weber then requested that Superintendent of Streets, Parks & Cemeteries Don Perry to cold patch the intersection of Rte 409 and Scenic Place.

Trustee Weber also had one contract negotiations item for executive session.

Trustee Smagner requested an update on the Clute Park sign that is to be completed by the boy scouts.

Trustee Smagner then asked for an update on last year's Italian Festival, specifically the outstanding bill for the carnies. He also asked about the need for this year's deposit. Clerk/Treasurer Beardsley informed him that she has drafted a letter explaining what will be required of the Wheelock Company and it will be sent, pending Board approval.

Trustee Smagner informed the Board that he has spoken with Sewer Department Superintendent David Burt regarding the property owners at 601 Decatur St and 210 East Sixth Street and their noncompliance with the smoke testing repairs deadline. Superintendent Specchio replied that the Village will go through the Code Enforcement Officer Gordon Wright to enforce the issue.

Clerk/Treasurer Beardsley read a thank you letter from Carol Sutterby for the Village's assistance during their July 4<sup>th</sup> festival.

Trustee Weber made the motion to approve payment of the annual contract with STCRP&DB for thirty days of computer related technical services from June 1, 2009 to May 31, 2010 for a sum of \$4,325.10. Trustee Smagner seconded the motion and all were in favor. Motion Carried. It was noted that the fee for this service will increase for the next fiscal year.

Trustee Gregory A Coon entered at 8:53pm.

Clerk/Treasurer Beardsley read a letter from JoAnn Fratarcangelo, President of the Schuyler County Task Force on Child Abuse requesting that the Clute Park pavilion rental fees be waived for their Strong Kids/Safe Kids event on Sept 26, 2009 at Lakeside Park. Discussion followed. Trustee Smagner made the motion for the pavilion fee to be waived, but that the minimum grounds fee of \$50, per the new events policy, be charged. Trustee Kelly seconded the motion. Trustee Smagner voted in favor. Trustee Kelly voted in favor. Trustee Coon voted in favor. Trustee Weber voted against the motion. The vote passed with a 3-1 in favor of the motion. Motion Carried.

Clerk Beardsley informed the Board that Attorney Ealy and our insurance agent both reviewed and approved of the temporary easement that the Finger Lakes Railroad requested that the Village sign until the permanent easement is completed. Trustee Smagner made the motion to approve the Mayor's signing of the temporary railroad easement and Trustee Weber seconded the motion. All voted in favor. Motion Carried.

Clerk/Treasurer Beardsley had three items for executive session.

A memo from Julie Metzger was read to the Board in which she requested permission to erect a memorial bench in Glenwood cemetery. Mayor Phillips stated that they would need to know where it would be placed and would like her to consult with Superintendent Perry.

L C Witford, a company working for DOT to fix the bridge on Fourth Street, submitted a consent form to use part of Clute Park to store equipment while working on the bridge to Park Manager Hyde. The Board referred the matter to Attorney David Ealy.

Superintendent of Utilities Mark Specchio had one personnel issue for executive session.

Police Chief Thomas Struble had no Board concerns.

Superintendent of Streets, Parks & Cemeteries Don Perry had no concerns.

Mayor Phillips discussed several upcoming meetings with the Board members.

Mayor Phillips informed the Board that she had received another survey request letter from ISO and that she would ask our Code Officer to respond to the request.

Mayor Phillips had an executive session negotiations matter.

She then brought forward a payment #3 request for Edger Enterprises for work done on the CVT. Superintendent Specchio informed her that the work has not yet been completed and the retainer payment cannot be made.

RESOLUTIONS:

The following Justice Court Assistance Program resolution was approved with a motion by Trustee Kelly, a second by Trustee Coon and all being in favor. Motion Carried.

RESOLUTIONS

BE IT RESOLVED, that the Board of Trustees of the Village of Watkins Glen, New York hereby authorizes the Village Clerk to complete and submit the grant application for the 2009 Justice Court Assistance Program and does further authorize Mayor Judith H. Phillips to sign said grant application certifying the information contained therein.

JCAP GRANT

Trustee Smagner made the motion to approve the following resolution establishing regulations for the Municipal parking lots within the Village. Trustee Weber seconded the motion. Trustee Smagner voted in favor. Trustee Weber voted in favor. Trustee Kelly voted in favor. Trustee Coon voted against the motion. The motion passed with a 3-1 vote in favor of the motion. Motion Carried.

WHEREAS, The Village of Watkins Glen currently owns the parking lot that is located between Fourth and Fifth Streets and the parking lot that is located on Third Street; and

MUNICIPAL  
PARKING LOTS  
hourly parking  
regulations

WHEREAS, The Village is desirous of setting regulations for both parking lots pursuant to the current needs and demands for use of those parking lots; and

WHEREAS, The parking lot located between Fourth and Fifth Streets has had and will continue to have two hour timed limits for all parking spaces in that lot. There will also be not less than two spaces designated for handicapped parking in that lot; and

WHEREAS, The parking lot located on Third Street will now have two hour timed limits for all parking spaces in that lot. There will also be not less than two spaces designated for handicapped parking in that lot; and

WHEREAS, The Village Street Department will post signs in both Village owned parking lots to inform the public of the time restrictions in each lot; and

WHEREAS, The Village of Watkins Glen Police Department will enforce all parking restrictions in both municipal parking lots.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Watkins Glen does hereby direct the Village Street Department to immediately install the proper signs in both parking lots and does further direct the Village Police Department to immediately begin enforcing the parking restrictions in both parking lots.

The final resolution of the evening, a Bond Resolution for reconstruction of and construction of improvements to the Village water system was approved with a motion by Trustee Weber, a second by Trustee Coon and all being in one accord. Motion Carried.

BOND  
RESOLUTION –  
RAW WATER  
INTAKE

BE IT RESOLVED, by the Village Board of Trustees (the “Board”) (by the favorable vote of not less than two-thirds of all the members of the Board of Trustees) as follows:

SECTION 1. The specific purpose (hereinafter referred to as “Purpose”) to be financed pursuant to this resolution is the reconstruction of and construction of improvements to the Village water system including, but not limited to, the construction of a new water supply intake extending approximately 600 feet into Seneca Lake, the replacement of the existing water supply intake and the installation of a new pump station, including all preliminary work and necessary equipment, materials and site work and all preliminary costs and costs incidental thereto. The maximum cost of said purpose will not exceed \$1,145,000.

SECTION 2. The Village Board of Trustees plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$1,145,000 of the Village, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received including, but not limited to, a USDA Rural Development grant of approximately \$300,000.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. Unless paid from other sources, there shall annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Village’s “official intent” to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate

the bonds authorized by this resolution, and any notes issued in anticipation thereof as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

BOND  
RESOLUTION –  
WATER  
SYSTEM (con)

SECTION 11. The Village has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project financing agreement prepared by the New York State Environmental Facilities Corporation (“EFC”) (the “SRF Project Financing Agreement”). The Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or  
  
(b) if the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication of this notice, or
2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 14. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six (6) conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten (10) days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the referendum period, the Village Clerk is hereby authorized to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in said Village and hereby designated as the official newspaper of said Village for such publication.

MINUTES:

Trustee Smagner made the motion to accept the minutes for the June 15, 2009 regular meeting of the Village Board along with the June 19, 2009 special meeting of the Village Board. Trustee Weber seconded the motion and all were in favor. Motion Carried.

MINUTES

AUDIT:

AUDIT

Trustee Coon made the motion to accept the abstract of unaudited vouchers along with the add-ons, for July 20, 2009 at the following amounts:

General	\$142090.46	Water	\$24,214.52
Electric	\$220,049.95	Sewer	\$187630.67
Cap. Projects - CVT	\$3760.38		

Trustee Weber seconded and all were in favor. Motion Carried.

EXECUTIVE SESSION:

EXECUTIVE  
SESSION

Trustee Smagner made the motion to exit public session and enter executive session at 9:21pm for the aforementioned items. Trustee Weber seconded the motion and all were in accord. Motion Carried.

Trustee Weber made the motion to end executive session and return to public session at 10:06 pm. Trustee Smagner seconded the motion and all voted in favor. Motion Carried.

With no further business to be brought before the Board, Trustee Kelly made the motion to adjourn at 10:07 pm. Trustee Weber seconded the motion and all were in favor. Motion Carried.

ADJOURNMENT

Meeting adjourned.

Respectfully Submitted,

Rhonda E Slater

