

REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF WATKINS GLEN HELD MONDAY, DECEMBER 21, 2009

The public session of the meeting was called to order by Mayor Judith H Phillips at 6:00 pm. Present were Trustees Gregory A Coon, William E Smagner, Nicholas P Kelly and Wayne N Weber. Trustee Weber made the motion to exit public session and enter executive session at 6:01 pm. Trustee Smagner seconded the motion and all were in favor. Motion Carried. At 6:57 pm, Trustee Coon made the motion to exit executive session and reenter public session. Trustee Smagner seconded the motion. All agreed. Motion Carried. The public entered.

PUBLIC
SESSION -
ATTENDANCE

At 7:01pm, the Mayor led the assembled in the pledge of allegiance. Along with the above Board members, Superintendent of Utilities Mark L Specchio, Clerk/Treasurer Donna J Beardsley and Account Clerk/Typist Rhonda E Slater were present. Absent was Superintendent of Streets, Parks and Cemeteries Donald R Perry.

PUBLIC CONCERNS:

Rick Evans, current local scout leader for the Boy scouts of America, was present to request permission to host meetings at the fire station for his oldest troop boys (9-11yr olds). Currently, there are only 5 scouts in this troop. The Fire Department is presently sponsoring their unit. Fire Chief Dominick Smith, who was also present for a separate issue, expressed his support of the request. The Trustees all expressed different safety/liability issues of concern and issue of setting precedence for use of the facilities. Rick Evans informed the Board that the organization would cover the insurance for being on Village property and that guidelines would be put in place. After much discussion, Trustee Weber made the motion to allow the oldest troop of the Boy Scouts of America to use the fire station as a meeting place from now through June 2010, provided no issues arise. Trustee Kelly seconded the motion and all were in accord. Motion Carried.

PUBLIC
CONCERNS

Dominick Smith, Fire Chief, updated the Board on the warranty work being done on truck 56. He then asked permission to have a training facility placed on Village property between the firehouse and railroad tracks, at no cost to the Village. The structure would be fully portable and would be the size of a two car garage. Much discussion occurred. The Board made Clerk/Treasurer Beardsley responsible for looking into the insurance requirements for such a structure. Trustee Kelly made the motion to approve the placement of the training facility onto the Fire Station grounds pending authorization from Code Enforcement Officer Gordon Wright. Trustee Weber seconded the motion and all were in accord. Motion Carried.

JUSTICE REPORTS:

Trustee Weber made the motion to approve the Justice Report as presented by Judge McElligott for the month of November. Trustee Kelly seconded the motion and all were in accord. Motion Carried.

JUSTICE
REPORTS

DEPARTMENT HEADS' REPORTS:

Trustee Coon made the motion to approve the department heads' reports as presented to the Board. Trustee Smagner seconded the motion and all were in favor. Motion Carried.

DEPARTMENT
HEADS'
REPORTS

Superintendent Specchio informed the Board that the Village has gotten permission to move into the Shared Services Building starting this week.

Trustee Kelly made the motion for Park Manager Michelle Hyde to surplus an old cash register. Trustee Coon seconded the motion and all were in accord. Motion Carried.

CONFERENCE REQUESTS:

The Board gave their preliminary permission for Clerk/Treasurer Donna Beardsley to be a panelist for one of the classes at the Association of Towns conference to be held in New York City in February, if selected. She is currently one of three under consideration for this honor.

CONFERENCE
REQUESTS

BOARD CONCERNS:

Trustee Kelly requested clarification for hours of enforcement for the Third Street parking lot. He also briefly touched on odd/even parking enforcement.

Trustee Weber had no Board concerns.

Trustee Smagner had no Board concerns.

Trustee Coon had no Board concerns.

Clerk/Treasurer Beardsley informed the Board that the Village had sent out banking request proposals to HSBC, Community Bank, and Chemung Canal Trust Company. She gave an overview of the responses from the three banks and after some discussion the Board directed that the Village accounts be moved to Chemung Canal Trust Company starting the first week of January. This bank was willing to waive all fees, provide a better interest rate and had suitable hours of operation. Trustee Kelly made the motion to allow the Village Clerk/Treasurer to switch from our current bank, HSBC, to Chemung Canal Trust Company. Trustee Weber seconded the motion and all were in accord. Motion Carried.

Trustee Kelly made the motion to approve an add-on to the Municipal window installation project being conducted by Montour Glass. The increase would be for \$12,000 so as to include the replacement of front office windows downstairs. This increase would also be covered by the existing grant. Trustee Coon seconded the motion. All were in favor. Motion Carried.

Trustee Smagner made the motion to decline the invitation to be included in the NYPA solar incentive program. Because of the stringency of the guidelines, the program is not beneficial for our small community. Trustee Weber seconded the motion and all were in favor. Motion Carried.

Much discussion occurred, centered around a request from a representative of the Watkins Glen Harbor Hotel to abolish odd/even parking on First Street. The final decision made by the Board was to have clearer signage on First Street and to have the signage designate whether the side is considered even or odd.

Trustee Coon made the motion to approve the purchase of an army style pickup truck for the parks department and sewer department at a cost of \$700. Trustee Kelly seconded the motion and all were in accord. Motion Carried.

Mayor Phillips shared letters of correspondence from the Army Corp of Engineers requesting permission to construct a boardwalk/dock; from David Ealy informing the Village of his letter to Seneca Harbor Place for clarification on the waiving of taxes; and a letter of complaint about a boat owner. She also recommended the Board read the article in Friday's *Star Gazette* emphasizing how property tax exemptions are hurting NY.

RESOLUTIONS:

The following bond resolution authorizing the reconstruction of and construction of improvements to the Village Municipal building at a maximum estimated cost not to exceed \$1,160,705 and the issuance of serial bonds in aggregate principal amount not to exceed the aforementioned limit was approved with a motion by Trustee Kelly and a second by Trustee Coon. Trustee Coon voted in favor of the motion. Trustee Smagner voted against the motion. Trustee Weber voted in favor of the motion. Trustee Kelly voted in favor of the motion. Mayor Phillips voted in favor of the motion. The vote was 4:1 in favor of the motion. Motion Carried.

BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of not less than two-thirds of all the members of the Board) 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 municipal building and other improvements in connection therewith, including all preliminary work and necessary equipment, materials and related site work and all preliminary costs and costs incidental thereto. The maximum cost of said purpose will

BOARD
CONCERNS

RESOLUTIONS

not exceed \$1,160,705.

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 \$1,160,705 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.

BOND
RESOLUTION –
Municipal
Building

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 12(a)(1) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 25 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.

BOND
RESOLUTION –
Municipal
Building (con)

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.

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 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.

BOND
RESOLUTION –
Municipal
Building (con)

SECTION 13. This Resolution is subject to permissive referendum pursuant 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 14. If no petitions are filed in the referendum period, the Village Clerk is hereby authorized and directed 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 the Village and hereby designated as the official newspaper of the Village for such publication.

The following highway inventory update resolution for the Local Highway Listing as presented to the New York State Department of Transportation was adopted with a motion by Trustee Kelly and a second by Trustee Coon. The resolution was adopted by a roll call vote. Mayor Phillips voted in favor of the motion. Trustee Coon voted in favor of the motion. Trustee Smagner voted in favor of the motion. Trustee Weber voted in favor of the motion. Trustee Kelly voted in favor of the motion. With all being in favor, the motion was adopted. Motion Carried.

BE IT HEREBY RESOLVED by the Village of Watkins Glen for the purpose of correcting and updating the Local Highway Listing provided to the Village of Watkins Glen each year by the New York State Department of Transportation for verification of the Local Highway Inventory, we make the following corrections/changes:

Deletions: The following deletions are because 1) the particular road is no longer maintained by the Village of Watkins Glen and will therefore no longer be responsible for it; Seneca Drive Avenue from N Madison Street to the Corporate Line for a total length of 0.11 Mile

Total Mileage Deleted: 0.11 miles

DOT –
HIGHWAY
INVENTORY
RESOLUTION

MINUTES:

Trustee Weber made the motion to accept the minutes for the December 7, 2009 regular meeting of the Village Board with a date change for a meeting from November 9th to November 2nd. Trustee Coon seconded the motion and all were in favor. Motion Carried.

MINUTES

AUDIT:

Trustee Coon made the motion to accept the abstract of unaudited vouchers for December

AUDIT

21, 2009 at the following amounts:

General	\$28,738.35	Water	\$29,738.35
Electric	\$100,673.42	Sewer	\$3,105.67

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

Trustee Coon made the motion to modify the police contract to eliminate, in three sections, the reference to days, the number of hours listed remains unchanged. Trustee Weber seconded the motion and all were in concurrence. Motion Carried.

MODIFICATION
TO POLICE
CONTRACT

ADJOURNMENT:

With no further concerns brought before the Board, Trustee Coon made the motion to adjourn the meeting at 8:24pm. Trustee Smagner seconded the motion and all were in favor. Motion Carried.

ADJOURNMENT

Meeting adjourned.

Respectfully Submitted,

Rhonda E Slater