

**REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE  
VILLAGE OF WATKINS GLEN HELD TUESDAY, AUGUST 20, 2019**

**PLEDGE OF ALLEGIANCE**

The public session of the meeting was called to order at 6:01 pm by Mayor Luke Leszyk who led the assembled in the pledge of allegiance. Present were Mayor Luke Leszyk, Deputy Mayor Louie Perazzini, Trustee Anthony Fraboni, Trustee Laurie DeNardo, Trustee Nan Woodworth, Superintendent of Public Works Terry Wilcox, Sergeant Brandon Matthews, Village Clerk Lonnie Childs and Treasurer Rhonda Slater. Also present were Street Supervisor Kenny Barber and Park Manager Michelle Hyde. There were approximately eleven other persons in attendance.

**PUBLIC HEARING**

**Proposed Local Law - Short-Term Rental Moratorium**

The public hearing was opened at 6:03pm with a motion by Trustee Anthony Fraboni, a second by Trustee Laurie DeNardo and all being in favor.

The law, if adopted, would go into effect once confirmation is received by the Village that the law has been filed with the State. The Village will continue to accept applications for short-term rentals until said filing. The Village of Watkins Glen Planning Board will review the current status of short-term rentals and their effect on the Village as a whole, as well as their locations and effect on the surrounding neighborhoods before changing the existing law and lifting the moratorium. There were a few Village residents who expressed their approval of the proposed local law, while others expressed their concern for property owners trying to sell their homes who may experience more difficulty if the law goes into effect. Trustee Laurie DeNardo made the motion to close the public hearing at 6:18pm. Trustee Nan Woodworth seconded the motion. The Board then voted on the motion to close and all were in favor. Motion Carried.

Trustee Anthony Fraboni then made the motion to adopt the following Local Law #5 of 2019 amending the zoning code to allow for a short-term moratorium. Deputy Mayor Louie Perazzini seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

Section 1. This Local Law is enacted pursuant to the Village Law of the State of New York and the Municipal Home Rule Law of the State of New York.

Section 2. The purpose of this Local Law is to amend Local Law No. 4 of 2016, as amended, to provide for a temporary moratorium on the growth of short-term rentals (STR's) in the Village pending the development and adoption of one or more local laws designed to regulate and govern the growth of short-term rentals in the Village. This Local Law is a land use regulation.

Section 3. This Local Law shall supersede and suspend those provisions of the Zoning Ordinance of the Village of Watkins Glen and New York State law which require the Planning Board and/or the Village Code Enforcement officer to accept, process and approve certain land use applications within certain statutory time periods.

Section 4. The Village Board has made the following legislative findings:

- A. It is necessary to enact a moratorium for a reasonable timeframe to permit the Village adequate time to draft suitable land use regulations governing the growth of short-term rentals, which regulations will benefit the Village as a whole.
- B. There is a valid public purpose in the adoption of such a moratorium because if the Village allows unrestricted growth of short-term rentals, the goals of the Village

Comprehensive Plan will be undermined and the general nature of the community may be dramatically changed.

- C. Because of the potential of unrestricted growth of short-term rentals to change the general nature of the community, the advantages to the community at large in adopting the moratorium greatly outweigh any potential hardships to landowners.
- D. A period of twelve (12) months from the effective date of this Local Law will provide the Village a reasonable amount of time to develop and adopt local laws designed to regulate and govern the growth of short-term rentals in the Village, but such time is no longer than absolutely necessary for the municipality to develop and adopt such local laws.

Section 5. Local Law No. 3 of 2018, as amended, is hereby amended to add the following new Section 9.34.7:

9.34.7 Temporary Moratorium on Issuance of Short-Term Rental Approvals.

- A. Notwithstanding any other provision of the Zoning Code to the contrary, beginning on the effective date of Local Law No. 5 of 2019, and continuing until the earlier of: (1) a date which is twelve (12) months from the effective date of Local Law No. 5 of 2019; or (2) the effective date of a Village Board resolution stating that the need for the moratorium contained in this Section 9.34.7 no longer exists, no application for a permit, short-term rental permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Village-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Village of Watkins Glen, for the construction, establishment, or use of operation of any land, body of water, building, or other structure located within the Village of Watkins Glen for a short-term rental.
- B. This moratorium and prohibition shall apply to all real property within the Village of Watkins Glen, and all land use applications for the siting or creation of short-term rental units within the Village of Watkins Glen.
- C. Under no circumstances shall the failure of the Village Board of Watkins Glen, the Zoning Board of Appeals of the Village of Watkins Glen, the Planning Board of the Village of Watkins Glen, or the Code Enforcement Officer for the Village of Watkins Glen to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate, or other Village-level approval referred to in Section 9.34.7 above constitute an approval of any application therefor.
- D. Notwithstanding the above, nothing contained in this Section 9.34.7 shall prevent the Village or any of its boards, agencies or representatives from modifying any approval referred to in Section 9.34.7(A) if such valid approval was issued prior to the effective date of this Section 9.34.7, except that no such modification of an existing approval shall result in a more intensive use of the building, structure or premises to which such approval relates.

- E. Nothing contained in this Section 9.34.7 shall be deemed to prevent the reconstruction of a building, structure or premises used as a short-term rental in the event of casualty or act of God, provided that, as of the effective date of this Section 9.34.7, such building, structure or premises had been legally used for a short-term rental, and further provided that any reconstruction shall be substantially similar in physical dimension, area coverage and location to the building, structure or premises which existed prior to said reconstruction.
- F. During the stated term of this legislation, unless the stated term hereof shall be modified or abridged by the Village Board, this moratorium shall supersede any contradictory local law, ordinance, regulation or Zoning Code provision.
- G. If a landowner desires to apply for relief from the restrictions imposed by this Section 9.34.7, such landowner shall make such application under Article 11 of the Zoning Code.

Section 6. The invalidity of any section, clause, sentence, or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts;

Section 7. This Local Law shall take effect immediately upon filing with the New York Secretary of State.

#### **PUBLIC BE HEARD**

Barb Cook was present to request better construction zone signage for Magee Street. Upon discussion, the Board opted to close Magee Street for the duration of the project.

Karen Stewart discussed Board members recusing themselves should there be a conflict of interest when voting or while on sub-committees. The Board reassured her that this practice was being upheld.

Stacy Gray brought up the topic of personally made signs that are being placed in the Village right-of-way, such as “No Parking”, “Customer Parking Only” or “B N B Parking” and asked if they can/should be removed. Sergeant Brandon Matthews assured those present that the signs are not enforceable and no one would be ticketed or asked to move if parked there. She then requested that “No Parking” signs be installed along the east side of South Madison Ave and the east side of South Madison Ave as it is in our Local Law that parking is prohibited in these areas. Discussion followed.

Peter Widynski then addressed the Board regarding the quality of workmanship being displayed in the Franklin Street and Sidewalk Reconstruction Project expressing his concern that the Village will be stuck with sub-par construction for the next twenty /thirty years. Thomas Hoy chimed in addressing the yellow turning arrows at Franklin Street and Fourth Street, as well as the crossing buttons. Trustee Laurie DeNardo stated that she has spoken with the State and there are no plans to turn the yellow turning arrows into working turning lanes with green arrows as their recent studies have shown that it would not improve traffic flow.

Lastly, Karen Stewart asked about parking issues. Trustee Laurie stated that she would like to see the issue addressed during the Downtown Revitalization Initiative (DRI) Zoning Project.

#### **APPROVAL OF MINUTES**

Minutes for Regular Meeting August 6, 2019

Trustee Anthony Fraboni made the motion to approve the minutes for the regular Board of Trustees meeting held on August 6, 2019, with spelling error correction. Trustee Nan Woodworth seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

## REPORTS

### [Parks Report; Streets Report; Water Report; Sewer Report; Electric Report; Superintendent Report](#)

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

## VOTING ITEMS

### [New Hires](#)

#### [Motor Equipment Operator – Streets Department](#)

Trustee Laurie DeNardo made the motion to hire Christopher LaRoux as a Motor Equipment Operator at a rate of \$15.78/hr. effective August 26, 2019. Deputy Mayor Louie Perazzini seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

#### [Keyboard Specialist – Municipal Office](#)

Trustee Nan Woodworth made the motion to hire Sarah Watson as a Keyboard Specialist at a rate of \$14.00/hr. effective August 19, 2019. This is a provisional position until the civil service exam is completed in the future. Deputy Mayor Louie Perazzini seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

#### [Part-Time Laborer – Parks Department](#)

Trustee Anthony Fraboni made the motion to hire Jonathan Seaman as a part-time Laborer for the Parks Department at a rate of \$11.50/hr. effective August 26, 2019. He has been working for the Village this summer under the Schuyler County work program, but the program has ended and the Parks Department would like to keep him on staff. Trustee Laurie DeNardo seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

### [Server Refresh](#)

Trustee Laurie DeNardo made the motion to purchase a SuperMicro Server from SCT Computers at a cost of \$7,520.00 to replace the current five-year-old server. Deputy Mayor Louie Perazzini seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

### [4Guys Invoice – Fire Truck Repair](#)

Trustee Anthony Fraboni made the motion to pay 4Guys Fire Trucks for repair of the 2011 Spartan Custom Pumper Truck that was damaged November 27, 2018 in the amount of \$99,190.54. The Village has been reimbursed by our insurance company for all but \$6,835.90 for estimate PA-19-37, which is still under review. Chief Derek Bacon will be taking the check in person when they go to do the final walk-thru and pickup. Should there be any outstanding issues at that time, the check will not be turned over for payment. Trustee Nan Woodworth seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

### [Approve and Sign Master DRI Contract #C1001302 \(\\$2,005,487.00\)](#)

Trustee Nan Woodworth made the motion to approve and have the Mayor sign all corresponding documents in conjunction with the DRI Contract #C1001302 awarded in the amount of \$2,005,487.00. This contract will consist of the following projects: East Fourth Street Pedestrian and Cyclist Improvements, Gateway Signage, Zoning Updates and LaFayette Park Upgrades. The Village is going to request that the contract be amended to include the following: 1) combine the MBE and WBE into a 30% overall goal instead of 15% each; 2) allow for design/build and not solely design/bid/build as it could potentially save the Village time, money, and reporting in the long run; and 3) allow for the funds to be adjusted between projects and/or additional improvements should there be an excess of funds in one category or another upon completion. Trustee Anthony Fraboni seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

## M/WBE & EEO Policy Statements

Trustee Laurie DeNardo made the motion to adopt the following M/WBE & EEO Policies for the Village of Watkins Glen as it pertains to any and all State-funded projects for the Village of Watkins Glen. Trustee Nan Woodworth seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

### MINORITY /WOMEN-OWNED BUSINESS ENTERPRISES

This organization will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participations goals set by the State for that area in which the State-funded project is located, by taking the following steps:

- (1) Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.
- (2) Request a list of State-certified M/WBEs from AGENCY and solicit bids from them directly.
- (3) Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.
- (4) Where feasible, divide the work into smaller portions to enhanced participations by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.
- (5) Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.
- (6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

### EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

- (a) This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on state contracts.
- (b) This organization shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex disability or marital status.
- (c) At the request of the contracting agency, this organization shall request each employment agency, labor union, or authorized representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization's obligations herein.
- (d) Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. Contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to nondiscrimination on the basis of prior criminal conviction and prior arrest.

- (e) This organization will include the provisions of sections (a) through (d) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the State contract

### Jet Ski Special Event Application

Trustee Anthony Fraboni made the motion approve the East Coast Water Cross Jet Ski special event application. The event will be held Saturday and Sunday, August 24-25, 2019 at Clute Memorial Park. Trustee Laurie DeNardo seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

### CONFERENCE REQUESTS

#### Southern Tier New York Water Works Operator's Conference – September 18, 2019

Trustee Laurie DeNardo made the motion for Water Supervisor Martin Pierce and Water Maintenance Mechanic John Rekczis to attend the Southern Tier New York Water Works Operator's Conference on September 18, 2019 at the Hammondsport Fire Department in Hammondsport, NY at a fee of \$40.00/person. Trustee Nan Woodworth seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

### AUDIT

#### General Audit

Trustee Laurie DeNardo made the motion to approve the regular audit in the following amounts. Deputy Mayor Louie Perazzini seconded the motion.

General	\$20,996.79	Sewer	\$37,778.58
Electric	\$5,311.48	Water	\$1,838.53
Padua Tank Project	\$309,547.50	CDBG Water Grant	\$22,105.00

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

#### JPC Audit

Trustee Anthony Fraboni made the motion to approve the JPC audit in the amount of \$1,084,152.18. Trustee Nan Woodworth seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

### BOARD CONCERNS

#### Resignation – Part-Time Police Officer

Trustee Laurie DeNardo made the motion to accept the resignation of part-time Police Officer Jason Marzan effective August 24, 2019. Trustee Nan Woodworth seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

#### Glen Lake Apartments Update

Trustee Nan Woodworth updated the Board on the Glen Lake Apartments construction project. Glen Lake Apartments has applied for a 501c-3 non-profit business status that will be affiliated with both the Watkins Glen Housing Authority and the Ithaca Housing Authority, but will have a higher income base level. Construction is set to begin late fall/ early spring.

#### Two-Hour Parking

The Board discussed the desire to designate the south side of Ninth Street as two-hour parking. Mindi Beheydt expressed her concern with this change as it would affect her tenants at 806 N. Decatur Street who park on Ninth Street. Discussion followed. No actions were taken.

#### Lum Property Easement Request

The Village Board discussed a request from the Attorney for Marlene G. Lum property located at 326 S. Madison

Ave. for the Village to provide a quit-claim deed to Marlene G. Lum for said property. Part of the home, as well as other improvements, currently encroach into Madison Avenue. Village Attorney David Ealy recommended that the Village could provide an easement, but that a quit-claim would not be prudent. Trustee Anthony Fraboni made the motion to provide an easement for the encroachments and to forgo a quit-claim deed. Trustee Laurie DeNardo seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

#### [Kayak Launch Final Grant Disbursement](#)

Trustee Laurie DeNardo made the motion to declare the kayak project complete and to submit for the final grant disbursement in the amount of \$8,174.75. Deputy Mayor Louie Perazzini seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

#### [EXECUTIVE SESSION](#)

Trustee Nan Woodworth made the motion to exit public session and enter executive session at 7:56 pm for two personnel issues. Trustee Anthony Fraboni seconded the motion and all were in favor. Motion Carried.

#### [ADJOURNMENT](#)

With no further business to come before the Board, Trustee Laurie DeNardo made the motion to exit executive session and adjourn the meeting at 8:20pm. Deputy Mayor Louie Perazzini seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

Meeting Adjourned.  
Respectively Submitted,

Rhonda E Slater