



REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF WATKINS GLEN HELD TUESDAY, FEBRUARY 16, 2021

PLEDGE OF ALLEGIANCE

The public session of the meeting was called to order at 6:04 pm by Mayor Luke Leszyk. Present were Mayor Luke Leszyk, Deputy Mayor Louie Perazzini, Trustee Nan Woodworth, Trustee Bob Carson, Superintendent Terry Wilcox, Village Clerk Lonnie Childs, and Treasurer Rhonda Slater. Also present was Electric Supervisor Minard LaFever. Absent was Trustee Laurie DeNardo. The meeting was held via ZOOM online video conferencing in compliance with COVID Executive Order 202.92. There were approximately twenty-three other persons in attendance.

VOTING ITEMS – Part 1

Bond Resolution – Water System Upgrades

Deputy Mayor Louie Perazzini made the motion to approve the attached Bond Resolution authorizing a water system capital improvements project at an estimated maximum cost of \$21,500,000 and authorizing the issuance of serial bonds pursuant to the local finance law to offset any grant funds. Trustee Bob Carson seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

Water System Improvements Project CDBG Public Hearing and Grant Submittal Resolution

Deputy Mayor Louie Perazzini made the motion at approve the following resolution. Trustee Nan Woodworth seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

WHEREAS, the Village of Watkins Glen is eligible to apply for funding for the proposed Water System Improvements Project through the Office of Homes and Community Renewal's Community Development Block Grant (CDBG) Public Infrastructure Program; and

WHEREAS, in order to apply for a Community Development Block Grant (CDBG) to help fund the Water System Improvements Project a public hearing is required prior to submittal of the grant application; and

WHEREAS, the Village Board desires to pursue 2020 Community Development Block Grant (CDBG) funding in the amount of \$1,250,00 to assist in the completion of the proposed improvements;

THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Watkins Glen finds the proposed improvements to the public water system to be in the public interest; and

BE IT RESOLVED, that the Village Board authorizes a public hearing be held to discuss the submission of a Community Development Block Grant (CDBG) application for the 2020 program year.

BE IT FURTHER RESOLVED, that the Village Board of the Village of Watkins Glen fully supports the Community Development Block Grant application and authorizes Larson Design Group to execute the application and all related forms and documents.

PUBLIC HEARING

CDBG Grant Application for Water System Upgrades

Trustee Nan Woodworth made the motion to open the public hearing on the CDBG Grant Application at 6:06 pm. Deputy Mayor Louie Perazzini seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

Amanda Ratchford, with Larson Design Group, presented the public with a power point presentation regarding the CDBG grant that explained how the program is designed, how it works and what portion of the water system upgrades the grant will be used to complete. The Grant, if awarded, will help the Village of Watkins Glen complete phase one of the water project, which includes upgrades to the water intake and water processing portions of the water system. There were no comments or questions from the public.

PUBLIC BE HEARD

There were no comments from the public.

APPROVAL OF MINUTES

Minutes for Regular Meeting February 2, 2021

Trustee Bob Carson made the motion to approve the minutes for the Regular Board of Trustees meeting held on February 2, 2021. Deputy Mayor Louie Perazzini seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

DEPARTMENT REPORTS

Deputy Mayor Louie Perazzini made the motion to approve the department heads reports. Trustee Nan Woodworth seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

VOTING ITEMS – Part 2

Retraction of Supplemental Peaking Power Application

The Village of Watkins Glen was informed that all other Municipalities have backed out of the Supplemental Peaking Power offer from the New York Power Authority due to the lack of information and communication surrounding the offer. Not wishing to be the only participating partner, Trustee Nan Woodworth made the motion for the Village to retract and the Mayor to sign an agreement with NYPA declining participation in the Supplemental Peaking Power Agreement. The agreement will be offered again at a later date, at which time the Village can then opt in. Deputy Mayor Louie Perazzini seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

Officer Complaint Policy

Deputy Mayor Louie Perazzini made the motion to approve the following Officer Complaint Policy. The reason to implement such policy labeled above is to provide honesty, accountability, professionalism and transparency between the community members and the Watkins Glen Police Department for the purpose of building honest and positive relations. This policy is also part of the New York State Police Reform and Reinvention Collaborative plan issued by Governor Andrew Cuomo as an executive order. Trustee Bob Carson seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

DOCUMENTING AN OFFICIAL OFFICER COMPLAINT

Attached to this document is an “*officer complaint form*”. This form is to be fully completed by the complainant, as well as by the officer taking the official written complaint. The officer who is taking the official written complaint may NOT be the same officer the complaint is in reference to. In the case there is no other officer on duty at the time the official complaint is to be generated, the

complainant must wait and see the Sergeant in Charge at their next possible convenience. There is to be an incident created within our IMPACT blotter system to document the complaint. Additional pages or paperwork must be attached with the complaint and the paperwork must be given to the Sergeant in Charge as soon as possible.

THE INVESTIGATION INTO THE OFFICER COMPLAINT

Once the Sergeant in Charge obtains the official complaint, the official internal investigation begins regarding the officer complaint. The investigation will have several parts to ensure the complaint is handled properly and honestly. The Sergeant in Charge will first contact any witness' regarding the complaint and if needed will have them come to the office to complete a statement regarding the incident. The sergeant in Charge will then begin an in-depth investigation into the matter to include reviewing body camera footage, speaking to and obtaining statements from a witness, checking security footage and more.

After reviewing the information provided and details available, the Sergeant in Charge will then make a determination whether or not there was any misconduct, concerning behavior or actions, regarding the matter which the complaint was generated. The Sergeant in Charge will either find the complaint against the officer FOUNDED or UNFOUNDED.

MOVING FORWARD WITH A FOUNDED *or* UNFOUNDED COMPLAINT

Once the Sergeant in Charge has made a decision regarding the official officer complaint, if FOUNDED, the Sergeant in Charge will then present the complaint and all information gathered and provided to the Village Board of Trustees as a whole (5 members). The Sergeant in Charge will explain his findings as FOUNDED. The village Board will then vote individually whether they believe the complaint to be FOUNDED or UNFOUNDED. If three or more Trustees vote FOUNDED, the complaint will be deemed FOUNDED. If three or more Trustees vote UNFOUNDED, the official complaint will be UNFOUNDED.

If the Sergeant in Charge deems the complaint to be UNFOUNDED, the incident and complaint will then be brought in front of TWO of the Village Board members. A select and designated TWO board members will be part of the "officer complaint investigation team". At this time, the Sergeant in Charge will then provide his opinion and findings to the members and explain his reason for the complaint to be UNFOUNDED. The two board members will then determine/vote if there is sufficient reason/evidence to have the complaint be FOUNDED or UNFOUNDED. If the Sergeant in Charge and BOTH board members deem the complaint to be UNFOUNDED, the complaint goes no further and will ultimately be considered UNFOUNDED. This will mean the complaint will still be documented as an official officer complaint obtained in IMPACT, though the complaint will not be placed into the officer's file and there will be no disciplinary to follow.

In the event the Sergeant in Charge deems the complaint UNFOUNDED and BOTH designated board members deem the incident to be FOUNDED, the procedure will move forward as listed below in 1AB.

In the event the Sergeant in Charge deems a complaint against an officer to be UNFOUNDED and at least ONE of the board members on the officer complaint investigation team determines the same complaint to be UNFOUNDED, the official officer complaint will be officially UNFOUNDED and there will be nothing further moving forward with the complaint. The complaint will not be placed into the officers file and there will be no possible disciplinary action taken as a result of the officer complaint.

1AB The Village Board of Trustees will be provided all information, statements, videos, body camera video and findings which were obtained during the internal investigation. After

each board member completes their review of the incident, they will vote individually on whether they believe the complaint to be FOUNDED or UNFOUNDED. There must be a “majority rule” finding to determine whether the complaint is FOUNDED or UNFOUNDED. The vote will result in a 3-2 finding in the closest case scenario in favor of either FOUNDED or UNFOUNDED. Again, if three (or more) of the five voters deems UNFOUNDED, the complaint will officially be ruled as UNFOUNDED and there will be no disciplinary against the officer and nothing will be in the file of such officer in question. If three (or more) of the five board members deem FOUNDED, the complaint will be officially FOUNDED and the officer will face possible disciplinary action. At minimum the complaint will be filed and documented into the officer’s official file.

COMPLAINT AGAINST THE SERGEANT IN CHARGE

In the event an official complaint is made against the Sergeant in Charge, the official officer complaint form will still be completed by the complainant and officer taking the complaint, though not to be received by the Sergeant in Charge. The Sergeant in Charge will then obtain and provide all the relevant paperwork and body camera video to the Mayor. The Mayor can move forward with determining how to proceed or if to proceed.

SEXUAL OR PHYSICAL ABUSE TO INCLUDE EXCESSIVE FORCE OR OTHER MORE SERIOUS COMPLAINTS AGAINST AN OFFICER

In the event a complaint is lodged against an officer which alleges either sexual abuse, whether verbal or physical, physical abuse or other more serious allegations, the complaint will be immediately brought to the Mayor’s attention. The Sergeant in Charge, Mayor, and possibly village board members will then decide if immediate disciplinary action (to include suspension) is necessary while the allegations are investigated.

TIME FRAME FOR RECEIVING COMPLAINTS AGAINST AN OFFICER

Any complaint which the Sergeant in Charge deems to be minor, must be received within one week from the alleged incident. Sexual or physical abuse complaints, or other more serious complaints, can be received without any time frame restriction. The Sergeant in Charge will use discretion to deem the complaint minor or major and can get the opinion of the Mayor if need be.

[Resolution to Transfer Funds to the Joint Activity Reserve Account](#)

Trustee Nan Woodworth made the motion to approve the following resolution to transfer funds. Deputy Mayor Louie Perazzini seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

WHEREAS, the Village of Montour Falls and the Village of Watkins Glen have entered into an inter-municipal agreement; and

WHEREAS, the Intermunicipal Agreement requires that monies be placed in a reserve account for the purposes of renewal and/or replacement of short-lived capital assets;

BE IT RESOLVED, that the Village of Watkins Glen Treasurer be authorized to increase account JT.0231.000 Capital Reserves and decrease account JT.0201.000 General Savings by \$188,000, respectively.

[Post Open Position – Water Treatment Plant Operator Trainee](#)

Deputy Mayor Louie Perazzini made the motion for Village Clerk Lonnie Childs to post the soon to be vacant position of Water Treatment Plant Operator Trainee for the Village of Watkins Glen at a rate of \$14.76/hr. Trustee Bob Carson seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

[Post Position – Parks and Event Center Manager](#)

Trustee Nan Woodworth made the motion to post the Parks and Event Center Manager position for the Parks Department with salary commensurate with experience. Trustee Bob Carson seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

[Post Positions – Temporary Seasonal Laborer Positions](#)

Deputy Mayor Louie Perazzini made the motion to post the Temporary Seasonal Laborer positions for the Parks and Streets Departments at a rate of \$12.50/hr. Trustee Nan Woodworth seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

[Approval for the Village Clerk to Post Existing Union Positions](#)

Trustee Nan Woodworth made the motion to approve the Village Clerk to post existing union positions as they are vacated at the rates of pay dictated by the corresponding union agreements. Deputy Mayor Louie Perazzini seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

[LOSAP Point Amendment Resolution](#)

Deputy Mayor Louie Perazzini made the motion to approve the following resolution amending the Village of Watkins Glen volunteer firefighter Service Award Program point system for periods when special response rules are in effect during the COVID 19 pandemic of 2020. Trustee Bob Carson seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

WHEREAS; as authorized by Article 11-A of the New York State General Municipal Law the Board of Trustees of the Village of Watkins Glen established a Service Award Program for active volunteer firefighter members of the Watkins Glen Fire Department; and,

WHEREAS; active volunteer firefighters earn Service Award Program service credit under the volunteer firefighter Service Award Program Point System adopted by the Board of Trustees of the Village of Watkins Glen and,

WHEREAS, in response to the outbreak of Novel Coronavirus, COVID-19, NYS Governor Andrew Cuomo declared a STATE DISASTER EMERGENCY and issued EXECUTIVE ORDER 202 OF 2020. In response to the STATE DISASTER EMERGENCY New York State fire districts, towns, villages, cities and/or their volunteer fire department/company officials adopted Special Response Rules restricting volunteer firefighter responses to emergency responses and/or restricting the holding of activities for which points could be earned during the STATE DISASTER EMERGENCY; and,

WHEREAS, the adoption of the Special Response Rules has affected the ability of active volunteer firefighters to earn points in service award programs; and,

WHEREAS; in recognition of the negative effect the adoption of these Special Response Rules has on the ability of active volunteer firefighters to earn service credit during the term of the State Disaster Emergency under service award program point systems, New York State legislators and Governor Andrew Cuomo enacted legislation intended to prevent active volunteer firefighters who would have earned service award program service credit from failing to earn a year of service award program service credit during the term of the State Disaster Emergency due to the adoption

of Special Response Rules; and,

WHEREAS, this legislation, Chapter 113 of the Laws of 2020 of the State of New York, authorizes the Village of Watkins Glen Board of Trustees to adopt a resolution to amend the Village of Watkins Glen Volunteer Firefighter Service Award Program point system by adding a new category to the point system under which up to five (5) points per month (prorated for periods of less than one month) may be awarded to active volunteer firefighters during the period when the Special Response Rules are in effect; and,

WHEREAS, should the Board of Trustees elect to adopt such a resolution, Chapter 113 of the Laws of 2020 of the State of New York, provides that the adoption of such resolution does not require approval of Village residents at a Village election.

Now, Therefore, BE IT RESOLVED, That:

The following new category be and hereby is added to the Village of Watkins Glen volunteer firefighter Service Award Program Point System:

COVID-19 State Disaster Emergency

In response to the COVID-19 State Disaster Emergency, the Village Board of Trustees and the Watkins Glen Fire Department's governing board adopted Special Response Rules under which the activities for which active volunteer firefighters could earn points under the Village of Watkins Glen volunteer firefighter Service Award Program point system were reduced effective as of April 1, 2020. All volunteer firefighter activities will continue to be reduced until the Special Response Rules are rescinded by the Village Board of Trustees and Watkins Glen Fire Department's governing board. From the effective date of the adoption of the Special Response Rules to the effective date that such Rules are rescinded, all active volunteer firefighter members of the Watkins Glen Fire Department shall be awarded three (3) points per month with such number of points prorated for periods of less than a complete month. In no event shall points be awarded to active volunteer firefighters in accordance with Chapter 113, after February 22, 2021, unless NYS Governor Andrew Cuomo once again extends Executive Order 202 of 2020.

As soon as administratively feasible after the adoption of this resolution by the Village Board of Trustees, active volunteer firefighter members of the Watkins Glen Fire Department shall be given a written Notice of Amendment which announces the adoption and includes an explanation of this additional category to the point system. As soon as administratively feasible, following the rescission by the Village Board of Trustees and the Watkins Glen Fire Department of the Special Response Rules, a second Notice of Amendment shall be given to active volunteer firefighters stating the effective date that the Special Response Rules were rescinded, and indicating the number of points to be awarded to each active volunteer firefighter during the period when the Special Response Rules were in effect.

Since this amendment to the Village of Watkins Glen volunteer firefighter Service Award Program points system is intended to prevent active volunteer firefighters who would otherwise have earned

service award program credit under the point system during the State Disaster Emergency from failing to earn credit in the calendar years during when the Special Response Rules are in effect, the adoption of this resolution is expected to have little if any effect on the annual cost of the Village of Watkins Glen volunteer firefighter Service Award Program.

All other provisions of the Village of Watkins Glen Volunteer Firefighter Service Award Program shall not change as a result of the adoption of this resolution and the program shall continue to be administered by the Village of Watkins Glen in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time.

CONFERENCE REQUESTS

Southern Tier Law Enforcement Academy – Ethan Mosher

Deputy Mayor Louie Perazzini made the motion to approve Sergeant-In-Charge Ethan Mosher to attend the Southern Tier Law Enforcement Academy’s course in Police Supervision to be held by Corning Community College, Corning, NY from February 8-26, 2021 at a cost of \$300.00. This is a DCJS 105-hour certified course. Trustee Bob Carson seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

AUDIT

General Audit

Deputy Mayor Louie Perazzini made the motion to approve the general audit dated February 12, 2021 in the following amounts:

| | | | |
|------------------------|--------------|----------------|-------------|
| General | \$61,630.04 | Sewer | \$299.19 |
| Electric | \$9,991.40 | Water | \$8,165.79 |
| Joint Activity (CVWRF) | \$10,290.70 | LWRP #1 | \$84,565.19 |
| LWRP #2 | \$218,712.24 | OPRHP | \$36,798.24 |
| DRI Projects | \$124,492.00 | SCADA Upgrades | \$8.70 |

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

Online Audit

Trustee Bob Carson made the motion to approve the online audit for the NYS fines and fees payment for December in the amount of \$3,464.00 and for January in the amount of \$6,267.00. Deputy Mayor Louie Perazzini seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

JPC Audit

Deputy Mayor Louie Perazzini made the motion to approve the JPC audits for the months of January and February, in the amount of \$732,384.05. Trustee Bob Carson seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

Trustee Bob Carson left the meeting at 6:30 pm.

BOARD CONCERNS

Notices of Resignation – Zachary Ricci

The Board accepted the resignations from Water Treatment Plant Operator Trainee Zachary Ricci effective February 19, 2021.

[Executive Order 202.92](#)

Governor Cuomo's executive order 202.92 extending Executive Order 202.1, which authorizes public bodies to meet remotely is set to expire February 26, 2021. Barring any new extensions, the March 2, 2021 regular meeting of the Board of Trustees will resume in person at the Municipal Building, 303 N Franklin St.

[PUBLIC HEARING - Revisited](#)

[CDBG Grant Application for Water System Upgrades](#)

Trustee Nan Woodworth made the motion to close the public hearing on the CDBG Grant Application at 6:33 pm. Deputy Mayor Louie Perazzini seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

Deputy Mayor Louie Perazzini made the motion to approve moving forward with the grant application. Trustee Nan Woodworth seconded the motion. The Board then voted on the motion to approve and all were in favor. Motion Carried.

[EXECUTIVE SESSION](#)

Trustee Nan Woodworth made the motion to exit public session and enter into executive session at 6:35 pm for one Water Department personnel item and one pending litigation matter. Deputy Mayor Louie Perazzini seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

[ADJOURN](#)

With no further business to come before the Board, Deputy Mayor Louie Perazzini made the motion to adjourn at 7:18 pm. Trustee Nan Woodworth seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

Meeting Adjourned.

Respectively Submitted,

Rhonda E Slater