

**Welcome Public**

PUBLIC MEETING  
7:00 PM  
NOVEMBER 4, 2020  
MAYOR HARRY G. GUTHEIL JR. PRESIDING

Minutes

**Attendance:**

Mayor Gutheil	Attorney Bartkowski at 9:00
Trustee Bodkin	Clerk Treasurer Kelleher
Trustee Carota	Highway Maintenance Supervisor Chagnon
Trustee Girard	Robert Flores
Trustee Orlow	Anthony Mantas
Chief Gifford	

**Public Forum:** None

1. Set Future Meetings - None

2. Transfers – None

3. Approve Bills

Mayor Gutheil said his questions have been answered. The Village will receive reimbursement from the grant for voucher #382 on the Sewer I&I project.

Motion by Trustee Orlow to approve bills as presented. Seconded by Trustee Carota. Trustee Bodkin abstained. All others were in favor. None opposed. Motion carried.

4. October Public Safety, Public Works & Animal Control Reports

Motion by Trustee Bodkin to receive and file the October Public Safety, Public Works & Animal Control reports. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

5. 50/50 Sidewalk Program 34 Marion Avenue

Have a request for sidewalk program at 34 Marion Avenue for \$666 Village cost and \$666 property owner cost.

Motion by Trustee Orlow to approve this request and authorize Mayor Gutheil to sign the agreement. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

6. Mountain Medical

Mayor Gutheil asked T.J. Chagnon to give a report on this.

T.J. Chagnon said Mountain Medical is who we contract with if there is an accident or suspicion. North East Testing is the consortium. A 3<sup>rd</sup> party can't purchase the queries from the federal government for the Village. All DPW staff need to set up a registration and log in account with the federal government. Once we purchase the queries then North East Testing can do the search of the CDLs and report back to the Village.

North East Testing comes on sight so it is less time consuming for the staff. Saratoga Hospital is now setting up an occupational health department in Queensbury but you will have to send the guys to their location for testing.

Mayor Gutheil suggested getting prices from Saratoga Hospital and compare the prices.

Trustee Carota asked if T.J. Chagnon has to go to the hospital with the staff for testing. T.J. Chagnon said yes if there is suspicion or an accident but not for random testing. Will add this item to the agenda for the next meeting.

7. New Fire Company Member

Motion by Trustee Carota to acknowledge new Fire Company member Austin Reynolds. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

8. Police Reform & Reinvention Collaborative

Mayor Gutheil said the Police Reform & Reinvention Collaborative is going to turn out to be a lot more work and time consuming than originally expected. He has received information from NYCOM and there is a webinar coming up on the topic. Chief Gifford brought Mayor Gutheil the policy manual from the police department that they will need to go through.

Will need to move this agenda item on down to a future meeting.

9. American Water Works Class

Request from Public Works to send Rick Daley and Alan Dubois to a class in Ballston Spa on December 3<sup>rd</sup> at a cost of \$80 each.

Motion by Trustee Orlow to approve this request. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

10. Charles Granger

Charles Granger addressed the Board. He said that he had explained to the Mayor why he requested to be on the agenda because of a Stop Work Order he received.

Mayor Gutheil said they are aware of his complaint that he received a notice but it wasn't signed.

Mr. Granger wants to know what two councilmen told the Building Inspector to issue the notice.

Mayor Gutheil said the Building Inspector has the authority to issue those and the Board is not made aware of them unless it becomes a problem.

Mr. Granger said that all he was doing was removing equipment from his building. The Building Inspector told him that there were two emails sent to him.

Charles Granger read the email he sent to Mayor Gutheil regarding the phone call he received from the Building Inspector. He has a complaint about our procedures and asked again which two Board members sent the email.

Mayor Gutheil said he has no recollection of sending an email like that.

Trustee Orlow said he hasn't received an email and would like to receive a copy.

Charles Granger then read an email from Trustee Bodkin regarding the Zoning Board meeting.

Mayor Gutheil said Trustee Bodkin made repeated attempts to reach the Zoning Board Chair. Mayor Gutheil was able to talk to Jim Phair about scheduling a meeting right away. He wanted to make sure it was done legally and advertised properly. The last he heard was that they were trying to coordinate a meeting this Thursday but he wasn't able to coordinate a time yet with the attorney and to make sure Mr. Granger was available for the meeting.

Trustee Bodkin sent out an email today to follow up asking if the Chairperson for the Zoning Board of Appeals had reached out to any of them and no one has heard from him.

Mayor Gutheil told Mr. Granger he will discuss this with the Building Inspector. They are trying to get a meeting set up and make sure it was done right. Mayor Gutheil said the Village Board doesn't get involved with planning and zoning issues. The Zoning Board and Planning Board are separate entities from the Village Board.

Mayor Gutheil repeated that they are trying to get a meeting scheduled for him. They need to know who is to determine if the application is complete so that a hearing can be scheduled.

Mayor Gutheil has asked the Zoning Board Chairman to call a special meeting to address this. He has to coordinate with the attorney.

Mr. Granger wants to know why he got the Stop Work Order. Mayor Gutheil will ask the Building Inspector and he will report back to Mr. Granger.

Mayor Gutheil told Mr. Granger he can FOIL the emails.

11. Fire Truck Repair

Mayor Gutheil reported they have received a repair estimate from Bulldog for the fire truck for \$1,306.00.

Motion by Trustee Bodkin to approve these expenses. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

12. Trees

Mayor Gutheil said he put the trees back on the agenda and asked the Board where they are on this and asked for a report from the Tree Committee.

Trustee Carota offered to send out a request for trees from 3 different vendors. He has some recommendations on locations and asked the Board to let him know if they have any suggestions.

Mayor Gutheil said they need to know what species and what diameter. He would like to see them get some trees planted.

Trustee Orlow offered to assist Trustee Carota.

Trustee Bodkin had also researched this and believes the vendor from the western part of the state had competitive pricing.

13. WIIA Water Project

a. Water Tank Update

Robert Flores said they are getting close to completing the exterior blasting and priming. They have about another 2 weeks' worth of work to finish. It depends on weather.

Robert Flores said testing samples have been sent out. One sample outside while blasting did detect lead in the air and when compared to the 8 hour OSHA exposure limit standard it was below the exposure limit. There will be more tests coming. Hopefully they will be done by the end of this week with blasting.

Air sampling results were emailed to the Board on Monday. They are going to be on site tomorrow at 8am. They need to get in at 8am, noon and 4pm. Want to test for more elements and maybe they can do this on Friday.

Trustee Orlow is in favor of testing for whatever will provide a safe environment. Trustee Girard is in favor of testing for mold. Trustee Bodkin and Trustee Carota both agree.

Robert Flores said they started storing some paint materials at the fire department. Worldwide is expecting to finish the week before Thanksgiving.

- b. Worldwide Industries Pay App #2  
Robert Flores recommends paying this Pay App #2.

Motion by Trustee Orlow to approve Pay Application #2 for Worldwide Industries as presented. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

- c. Carbon Filtration Project  
Robert Flores said they are waiting on comments from the Village on the plans and specs. Mayor Gutheil said he is waiting to go over his comments with Attorney Bartkowski. He will go over some of his questions with Robert Flores.

#### 14. WIIA Sewer Project

- a. Pump Station Update  
Robert Flores reported that work is progressing.

Mayor Gutheil asked Robert Flores about talk he heard regarding moving a transfer box outside of the building down at the sewer plant.

Robert Flores said they want to correct code violations at the small building that houses the electrical and control panels. Currently have the transformer below the panel and generator transfer switch underneath the disconnect. By installing the transformer outside they will not be in violation of the code. He said it would be weather rated panels and they could make this a locked unit.

- b. O'Connell Electric Pay App #1  
Motion by Trustee Orlow to approve Pay Application #1 for O'Connell Electric. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

- c. Sewer I & I Update  
Robert Flores reported that he sent out a Notice of Award that KPI has signed and returned the NOA. Next step is to prepare the 3 sets of contract documents for Attorney Bartkowski to review and Mayor Gutheil to sign.

Motion by Trustee Carota to accept the \$6,000,000 Umbrella insurance from KPI. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

#### 15. CDBG

- a. Haviland & Wilson Update  
TKC has submitted a revised WBE plan that needs Mayor Gutheil to sign so she can submit it. Mayor Gutheil said he didn't have any of the attachments so he couldn't sign. Robert Flores will follow up tomorrow.

Robert Flores asked if we want to wait for approval from EFC to make payment to Kubricky.

Mayor Gutheil doesn't feel comfortable with the position the Village has been put in. He is looking for recommendation from the professionals. Robert Flores suggests they stay on course and submit pay applications to EFC.

b. Kubricky Pay App #3

Robert Flores recommends approving Pay App #3 for Kubricky.

Motion by Trustee Orlow to approve Pay Application #3 for Kubricky contingent on approval of the waiver. Seconded by Trustee Bodkin.

Roll Call:

Trustee Orlow, Yes

Trustee Bodkin, Yes

Trustee Girard, No

Trustee Carota, Yes      Motion carried.

c. Bid for the Storm Water, Sidewalks & Trees

Robert Flores has prepared plans and specs to put this job out to bid.

Mayor Gutheil doesn't like the estimate number.

Robert said any inspection would be submitted as an extra cost. The Village will have to come up with the money for the engineering costs and inspections. Mayor Gutheil said they didn't budget for this.

Robert Flores will give the Board estimated costs.

Trustee Girard said he would like to know what the engineering costs are before they proceed. Trustee Bodkin agrees. Robert Flores said the engineering costs would be somewhere in the neighborhood of \$3,000. It is possible to have T.J. Chagnon do the inspection. Normal rates for inspection are around \$90 per hour.

Trustee Girard said this is possibly approximately \$13,000 extra cost. T.J. Chagnon doing the inspection would be eligible for Force Work reimbursement.

All would come out of the General Fund. And the additional \$3,000 would need to come out of Contingency.

Motion by Trustee Girard to accept advertising the bid with the engineering fees not to exceed \$3,000. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

16. Trustee Reports

Trustee Girard asked about cleaning the office. Mayor Gutheil said they are waiting for the contract from Attorney Bartkowski.

There was a discussion about putting the heat back on in the office. Decision to turn it on.

Trustee Bodkin followed up about the letter to the hydro company. Mayor Gutheil said Attorney Bartkowski is going to send it out on behalf of the Board.

Trustee Bodkin said they had a quote for moving electrical wires down by the water plant for carbon filtration.

T.J. Chagnon had gotten a work order price from National Grid.

Robert Flores said the quote from National Grid could be included as an allowance in the bid.

T.J. Chagnon said not to forget they have to get with National Grid to deal with the new right away. He will find the email and resend it to Attorney Bartkowski and Mayor Gutheil.

Trustee Bodkin asked if they are all set with the purchase of the loader. Mayor Gutheil said he was waiting for Attorney Bartkowski to go over the warranty. He said it is a 1 year warranty for everything then the next 2 years is another warranty that is purchased.

T.J. Chagnon said he needs the PO signed in order to proceed and that the extended 2 year warranty is included in their bid for free. Trustee Bodkin doesn't see anything that changes the motion that was approved. The entire Board is ok with this.

Trustee Girard asked where they are with the contract on the PD roof. Mayor Gutheil said Attorney Bartkowski emailed him a new exhibit.

Trustee Bodkin asked about the Zoning Board of Appeals situation. He is very concerned about this situation and he would hope the Board will take some action. This will be discussed later in executive session.

#### 17. Mayors Report

Mayor Gutheil said he received a report from John Hoey today.

He received a letter from the people who own Top Notch Storage. Their sewer bill for this billing period is \$588.40. They are using around 11,000 gallons every 6 months for irrigation. They paid the flat rate or minimum a year ago and this may have been a mistake.

T.J. Chagnon thought he could get the Town to put in a meter to separate the irrigation. T.J. said the owner told him that he has 1 tenant and did do a lot of irrigation this summer.

It was suggested that he buy his own meter for the sprinkler only. T.J. Chagnon would have to read this meter separate and is willing to do this.

Trustee Girard is fine with this as is Trustee Bodkin and Trustee Orlow. T.J. Chagnon will notify Mr. Vittengl.

T.J. Chagnon reported that he is getting prices from other vendors for new pumps for the Leland Street pump station.

Mayor Gutheil said they had an appeal on a FOIL request. The Clerk Treasurer has sent out the original request. Mayor Gutheil will send out a letter regarding satisfying the FOIL and the Board won't take any action on the appeal.

Utilization Plan update to the Board. In the first 4 months we have used \$8,945.75 so we are within budget. Decision to email this report to the Board monthly.

Letter from Cypress Creek looking to buy land or lease land to put up a solar farm. They inquired about the 37 acres down on Beach Road.

Trustee Girard asked if it was allowed in our code and would that mean they could get the energy for Village buildings. Mayor Gutheil will copy the Board and Attorney Bartkowski on the letter.

Trustee Bodkin does not think this is a good idea. Mayor Gutheil said it is nothing he would be interested in either.

T.J. Chagnon suggested the property between the pump station and the cemetery on William Street.

Motion by Trustee Bodkin at 9:22 pm to enter into Executive Session to discuss an unnamed person(s) performance and an incident that happened at the Village. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

Motion by Trustee Bodkin at 10:57 pm to end Executive Session and reopen the regular meeting. Seconded by Trustee Girard. All were in favor. None opposed. Motion carried.

**Executive Session** – No action taken.

Motion by Trustee Bodkin at 10:58 pm to adjourn the meeting. Seconded by Trustee Girard. All were in favor. None opposed. Motion carried.

Meeting adjourned at 10:58 pm.