

Pledge of Allegiance

PUBLIC MEETING

OCTOBER 19, 2016

7:00 PM

MAYOR JOSEPH ORLOW PRESIDING

Trustee William Hayes
 Trustee Anthony Girard
 Trustee Peter E. Lemery
 Trustee Timothy Carota

Michael Muller, Attorney

Minutes

Trustee Lemery moved to approve the minutes from the October 5, 2016 with the request from Trustee Carota that he be listed as “absent”; Trustee Hayes seconded the motion. The Board unanimously approved.

Bills

Trustee Hayes moved to approve the bills audited tonight; seconded by Trustee Carota and the Board unanimously approved.

FY 2016-2017

FY 2016-2017

	<u>Vouchers 92729-92776</u>
General Fund	\$ 26,285.26
Water Fund	183,676.81
Sewer Fund	<u>1,170.92</u>
Total	\$211,132.99

	<u>Voucher 92713</u>
Community Deve	<u>\$15,000.00</u>
Total	\$15,000.00

AGENDA

1) Water/Sewer Projects Update

1. Well Rejuvenation – Trustee Girard stated there was no update at this time.
2. Prospect Street Project – Trustee Hayes stated that he would give an update on the project. The pressure testing of the lines went well and has passed validation. The piping

is now being chlorinated/disinfected and once that is completed, samples will be taken to the Department of Health for approval. When the approval happens the contractors will start at the north end of the Prospect Street and proceed with the connections to the existing systems. There will be water outages in different areas during the final tie-in. Everyone affected will be notified prior to the outage of water at their residence.

Most of the pipes at the Beach road project are already placed in the ground. A field order for the project will be discussed tonight. The Village employees have also been working on the project. The Village DPW found an old water main in the woods that feeds water to the water plant and then into the tower.

Ms. Phyllis Miyauchi asked how long the water will be off during the tie in process.

Trustee Hayes said it should only be a one day process.

1. Field Order – Work without changes in Contract Price or Contract Times

This is for the installation of three additional 14 inch valves on Beach Road. Two existing 14 inch valves will be replaced at the intersection of Beach Road and the Betar By-Way with new 14 inch butterfly valves. One 14 inch butterfly valve will be added at the connection to the existing water main on the northern end of the work. The cost of this will be under the original contract of \$405,000.00 as part of the \$20,000.00 contingency. Harry Gutheil stated that he looked at the contracts and he is wondering how the cost got to \$17,000.00 when the valves are only quoted at \$4,000.00 per piece. Trustee Hayes stated that he thinks they were counting on the Village to provide the cup links and other necessary nuts and bolts. Mr. Gutheil

asked if the coupling were included in the original contract and what the cost was. Trustee Girard stated that the original price has a unit price for the valves and are there are other items needed for that part of the project. Trustee Lemery stated that he would think that this is a fair price. Trustee Hayes stated that there was no need for a motion needed since this is covered under the contract price. Mr. Gutheil asked if he understood it correctly and that the coupling would be \$1,700.00 per valve. Trustee Lemery stated that with everything included, this is an accurate price. Trustee Girard stated that he would like to verify the price. He would also like to verify the mileage on Modification #2.

2. Change Order – Is a No Cost Extension to the Project

The only thing involved in the change order is the extensions of time to November 18, 2016. Then in the spring 2017 they will return to do the landscaping. The paving will take place this year.

3. Chazen Companies – Proposal for Profession Services – Modification #2

This modification is for the inspectors to be on site during the Beach Road project. Department of Health sets the requirements for the inspectors to be on site. The cost for a 4 week extension is \$17,000.00. Trustee Hayes stated he will follow up tomorrow on the mileage charges. Trustee Girard stated that he is not sure if the Village should approve this modification without the exact number. Trustee Hayes stated that this is an upset number and will not be more than \$17,000.00. Trustee Girard asked if this could wait until the next meeting. Trustee Hayes stated yes. Trustee Carota asked what 4 weeks this covers. Trustee Hayes stated that it starts October 24- November 18, 2016. Trustee Carota stated that this will be in effect no

matter what because the extension starts on Monday and the next Board meeting is not until November 2, 2016. Attorney Muller stated that the opinions of those wishing that this be postponed until the next meeting need to be respected and that a conditional resolution should not be considered with the designation of two making the decision. The Board agreed to table this item to the next meeting. Trustee Girard stated that he is comfortable with everything that has been said. Mr. Harry Gutheil stated that this looks like another project with a big cost overrun, and asked if the Board was considering adding another \$17,000.00 in engineering fees. Trustee Hayes stated inspection fees are the reason for the increase and the inspections fees will only be paid when the inspectors are on site. Mileage was discussed and Trustee Girard stated that all mileage billing will be billed from the Queensbury office and if mileage has been billed from other locations of the engineering offices, it will be adjusted. Mr. Gutheil stated that he is curious on what the completion date was. Trustee Hayes stated October 21, 2016 was the original date. Mr. Gutheil stated that the contractors have not preformed what was agreed upon in the first contract. Mr. Gutheil also stated there is a \$1,000.00 a day penalty. Trustee Hayes and Trustee Girard stated they were not aware of the \$1,000.00 penalty. Mr. Gutheil then stated that he thinks someone needs to find out exactly where the project is at. Trustee Lemery stated that even with the additional \$17,000.00, the Village is still within the contracted price. Trustee Lemery then stated that he himself is not going to rush a contractor and if they need additional time then the Village needs to grant them that time, especially since it is not costing the Village any more money. Mr. Gutheil stated that they are not complying with the original contract time. Mr. Gutheil then

stated that in the past he has asked that the bills audited state the amount of the bills if the bills are really being audited per the terms of the contract. Trustee Hayes stated that the bills audited tonight include a bill to Casale Inc. for \$176, 285.80 Mr. Rick Daley, DPW Forman stated that unfortunately he does agree with Mr. Gutheil and feels that the Prospect Street of the project is not completed to what was contracted for. Trustee Girard stated they are not going to make the original deadline date and if there is a \$1,000.00 penalty he is not aware of that; so if there is to be a penalty then it will be looked at and enforced. Mayor Orlow then asked if there was any additional discussion on this item. There was none.

2) Brigid Martin – Over grown and possibly sick wild life population

Mayor Orlow stated that Ms. Brigid Martin was present with questions regarding the wildlife situation in the Village. Ms. Martin stated that she wanted to reach out to the Village Board to see what the Board was doing to guarantee the safety of the Village resident because of the recent fox attack on a 4 year old boy. She asked if the Village has an over grown population of healthy/unhealthy wildlife and whether the Board is being proactive instead of reactive. She questioned the fact that the Village has had budget cuts and if money was not an issue in the Village would the Village be handling this the same way. She has talked with several residents and they really want to feel safe in their yards and walking the by-way. She did comment that the Animal Control officer does submit detailed reports about people leaving cat food out and other specific details. She is asking the Board if the wildlife will be getting worse or getting better. Mayor Orlow stated that as in any community we share our outdoor space with the wildlife and everyone needs to be sensible about that. Mayor Orlow then stated that he has Ed Robbins, Animal Control Officer and Kevin Judd, Police Chief present

tonight to help answer any and all questions about the incident last week and how the Village should proceed with the wildlife issues. A resident in the apartment complex had heard that when the Village police were shooting at the animal, they shot into the den and his concerns were whether the people in the area were safe. Chief Judd stated that the police responded to a call on October 12th in which a gentleman was attacked by a fox in his back yard. On October 13th there was another call placed to the police regarding a child that had just been bitten in the Water Tower Apartment area. Chief Judd and Patrolmen Gifford responded and what they were told was that the child was bit in the thigh by a fox that was hiding under a car and when it can out from under the car it charged forward at the child. Chief Judd scoured the area and then came upon the fox; at that time three shots were fired by Chief Judd to try to hit the animal. There were no people around when the shots were fired and all shots were fired into a wooded area. There were no findings that the shots fired hit the fox. A den was located but no shots were fired into the den nor did the chief or patrolman get close enough to the den to see if anything was inside it. Mayor Orlow asked the Board if they thought in any way the Chief acted restless in this situation. The Board responded with (NO). Trustee Hayes stated that every year Tanglewood school has a student day at the gazebo park and last week one of the classes were scheduled to do the same thing they have done in the past; except this year the bus dropped them off at the gazebo park instead of letting them walk the by-way from the DPW garage to the gazebo park. Chief Judd stated that the reminder of the day in which the incident happened the police patrolled the by-way and scoped out the wood area. Chief Judd stated that there was no shooting into a den so the rumor has it. Trustee Lemery stated that he feels that the response to the incident was well handled and he would not have expected less. Ms. Martin stated that Trustee Lemery needs

to understand that there was a posting in February that stated “you can’t walk on the trails”. One of the best things that the Village has is the river front so she would like to know what the Village is going to do to protect the children, adult and the dogs. She stated that people are concerned and that they should be able to walk from the Gazebo to the Beach and 4 year old should be able to walk out the front door without being tackled to the ground. Ms. Martin then commented about the skunk population in the Village and the cost for a private company to come in and removed them. Trustee Lemery stated that rounding up the skunks would be like rounding up the squirrels. Ms. Miyauchi stated that she has two dogs and she makes sure she does not let her dogs out at night because there is wildlife out there, and it will always be out there. She also places moth balls around her yard. She walks the by-way every day and she carries with her pepper spray, an umbrella and air horn. Ms. Karen Potter was present and asked how Ms. Miyauchi would handle a rabid fox. Ms. Potter then stated she lives in a wildlife refuge (cat, shunks). The little boy that was bitten smelt of a skunk and she knows that we all have to live with nature. Ms. Miyauchi stated that there are ways to have the animals move on. Mr. Ed Robbins, Animal Control officer stated that he has been doing his job for about 40 years. We get animals because of a trail that leads from the Village to the mountain. Some of the animals are here one day and gone the next. To address the rabies issue he suggest the people walking the trail need to be cautious and alert to what is going on around you. He stated that he will walk the trail at night to learn where all the animals are. Foxes have a trait and can be removed but they will come back. The skunks have always been an issue and will unfortunately continue to be a nuisance because people have bird feeders, leave garbage out and leave food for cats out. Mr. Robbins stated that if an animal is carrying rabies it could be weeks before they show signs. He also stated

that there are special traps that need to be used and he needs a small game license in order to do his job. He is hoping that this particular fox that bit the 4 year old in the Water Tower Village Apartment area is dead. Ms. Darlene Cardinal was present and described the attack of the 4 year old boy. She describes how the fox charged the little boy and dragged him to the ground as the parents were trying to get the fox off the boy. She stated that this was a frightening event and there was no chance for the family to know what was happening. Mr. Robbins stated that from his experience and what was described to him, the fox was rabid and was near death. Ms. Martin stated that the family is still shaken from the experience and she does not claim that people are not doing their job, but the people of the Village want to know they can go outside and be safe. Mr. Robbins stated that he does not know the answer but a dog as a family pet can turn vicious and no one knows why. Mr. Robbins stated the beginning of this year there was a rabid cat; in which he was able to catch and have disposed. Ms. Martin brought up the fact that Mr. Robbins asked for more money to perform his job for the Village. The Village sought other options which were more expensive and then gave Mr. Robbins an increase in his contractual pay and also gave him additional equipment. Ms. Martin asked Mr. Robbins what resources he needs that he does not have. Mr. Robbins stated that at this time he cannot comment. Mayor Orlow stated to Ms. Martin that what Mr. Robbins does for the Village has great value and yes the Board did approve an increase in his contractual pay after they researched what other organizations had to offer. Mr. Robbins did say that the Village needs money in the health budget. All cats go through the health department and this can be expensive. Ms. Martin asked if Saratoga County could help with the cost. Mr. Robbins stated that they do help to a certain point. Mayor Orlow stated that the South Glen Falls/ Town of Moreau Department of Health Board are working on the

feral cats. Municipalities do not have the right to spend money on cats. There is a volunteer group in the Village that is helping with the feral cats problem. Darlene Cardinal stated that there is a supposed den in her back yard; so at this point what can the Village do. Mr. Robbins stated that they can remove the den but the fox will build another one. It was suggested that the complex owner put up a fence between the tree line and the back of the apartments. Ms. Cardinal also stated that there are two foxes that walk by the apartment build every day, and she was not sure if Mr. Robbins was aware of that. Mr. Gutheil suggested that the Village may want to do something about an over effect if that is the case and if there is animal that is acting rabid them maybe shut down the by-way for a week or so. Mayor Orlow stated that the police and the animal control officer will continue to patrol the area. He then asked if there were any additional comments on this at this time. There were none.

3) 2011 Ford Police Car

Mayor Orlow stated that he has spoken with Chief Judd regarding this item and Chief Judd stated that he would ask a minimum of \$2,500.00 for the car. Trustee Lemery moved to approve the sale of \$2,500.00 “as is condition” and for advertisement to be placed by auction international or whatever company the DPW has used in the past.; seconded by Trustee Girard and the Board unanimously approved. The sealed bids will be opened at 7:00 pm on November 16, 2016 at the public meeting.

4) 3 Lydia St - Water Bill

Mayor Orlow stated that Mr. Sweet built a new home at 3 Lydia Street and he is asking that a water/sewer charge be waived based on the home still being vacant. After a discussion regarding this it was stated that on July 19, 2016 the water was turned and then the meter was

read in mid-September that showed little usage. Village policy is when the water turn-on fee is paid an account is created at that time in the utility system for all future billings. Therefore this would fall under the 25,000 gallon minimum and they would be charged the minimum rate. Trustee Lemery moved to deny the request; seconded by Trustee Carota and the Board unanimously approved.

5) 30 Haviland Avenue - Water/Sewer Bill adjustment (2 family to 1 family)

Joe Patricke, Building Inspector verified that in May 2016, 30 Haviland Avenue was no longer a 2 family resident and therefore the water bill for the October 2016 bill period should have reflect only one water/sewer billing. The October 2016 bill has now been adjusted to reflect a one family residential billing and the homeowner will be contacted of the change.

6) Anissa Jacox – Fire Company Membership

Trustee Carota moved to acknowledge of the Fire company membership for Anissa Jacox; Trustee Hayes moved to second the acknowledgement.

7) Betar By-Way Request- Cheri Dempsey, Science Teacher from Oliver W. Winch Middle School

This request was denied do to the present wildlife problems in the area, but if she would like to choose a later date the Board would review the request.

8) Financial Statement – September 2016

Trustee Girard moved to approve the September 2016 financial Statement; seconded by Trustee Carota and the Board unanimously approve.

9) Verizon-Telecommunication Equipment Upgrade

Mayor Orlow stated Verizon has issued a building permit to the Village which include internal upgrades to the wireless system on the water tower. Mayor Orlow will speak with Building Inspector Joe Patricke and report more back to the Board at a later date.

10) SEDC 2016 Annual Member Investment

Trustee Carota moved to approve the expense of \$1,000.00 for the 2017 SEDC membership; seconded by Trustee Lemery and the Board unanimously approved. Trustee Girard would like to see the Village participate more but it would have to be a Board member that does not work full-time.

11) Account Transfer:

Trustee Hayes moved to approve the following transfer:

- | | | | | |
|----|-----------|----|--------------|------------|
| 1. | A3120.404 | CE | Radio Repair | \$1,600.00 |
| 2. | A3120.214 | CE | Police Car | \$1,600.00 |

Trustee Lemery seconded the motion and the Board unanimously approved.

12) Animal Control Report – attached to Item #2 of the agenda

13) Trustee’s Report

Trustee Hayes – There will be a continued Zoning Board hearing on October 20th for further discussion on 113 Saratoga Ave.

Tanglewood Elementary School 4th grade school group will visit museum and Coopers Cave on October 24th. They will also have lunch in the gazebo area.

Trustee Lemery – He would like to complement the DPW and the contractors working on the Prospect Street project. He was very pleased to see how the DPW handled a water main break in Prince William Court and the courtesy and respect that they show each other as well as the residents of the neighborhood.

Trustee Girard – The Planning Board met on October 12th. Chairmen David Linehan will be contacting Attorney Muller soon to review /update the by-laws.

Trustee Carota – None

14) Mayor Report – on file

Public Forum

Mayor Orlow stated that he would open the meeting for public discussion

Mr. Wayne Bruce was present and would like to know why all Department Heads do not attend the Village Board meetings. He feels that Mr. Patricke as the Building Inspector/Code Enforcer should be present to answer any questions the audience may have and to give a report of the Village activities. He said that he thinks the Board does a good job as well as all of the departments but the one position that does not submit a monthly report is the Building/Code Department. Mayor Orlow stated that he will speak with Mr. Patricke.

Ms. Brigid Martin stated that she would like to suggest naming the new bath house that will be built at the Sand Bar beach area after Retired Mayor Robert Phinney. It was stated that this would be a Town project, but Mayor Orlow stated he would support the idea.

Ty Worbel asked if the park concerts will be part of the budget next year. Mayor Orlow stated that there will be concerts next year. He has been seeking sponsors and has already spoken with some bands. Mr. Gordon Hadsell of the Eagles Club was present and stated that they will be sponsors of the concerts next year. Mayor Orlow stated that he has Hayes and Hayes Group and several other interested people.

Mr. Gordon Hadsell also stated that the Eagle's Club will be holding a haunted house fundraiser for two local families and then in November he will be holding fund raisers for the wounded warriors.

Mayor Orlow asked the audience if there were any additional questions or comments. Attorney Muller then asked the Village Board to enter into an executive session for a litigation matter.

At 8:25 Trustee Hayes moved to approve the Board to recess into an Executive Session with possible action taken at the end. Trustee Lemery seconded the motion and the Board unanimously approved.

At 8:45 pm Trustee Carota moved to close the public meeting with no action from the Executive Session ; seconded by Trustee Hayes and the Board unanimously approved.

Clerk-Treasurer