

DRAFT

Village of South Glens Falls
46 Saratoga Avenue, South Glens Falls, NY12803
February 21st, 2024
7:00 PM

Village Board Meeting

MAYOR NICHOLAS BODKIN PRESIDING

Minutes

Attendance:

Mayor Bodkin
Trustee Gutheil
Trustee Carota
Trustee Orlow
Trustee Girard
Counsel William Nikas

Matthew Espey
TJ Chagnon
Alan Dubois
Cheryl Lawyer
Jim
Nick
Thomas Wade
Dennis Davall
William Ramsey
Tim Pease
John Rivers
Cindy Trombley
Elliott Fuller
Alex Portal
518-744-3500

Absent: Trustee Orlow

The Mayor opened the meeting at 7:00PM and led with the Pledge of Allegiance

1. Public Forum

- a. Cindy Trombley addressed the Board regarding the water meter project and the current infrastructure on Hudson St. She also brought up possible grants for water infrastructure projects and asked the Board what they are looking into. Cindy discussed the current issues with the water quality at her residence. Elliott Fuller discussed the water quality at his residence and asked how the infrastructure will be improved. The Mayor provided the Village has invested a lot over the last few years into water infrastructure improvements. The Village is engaged with the Department of Health regarding the discoloration of the water on Hudson St and what the Village's options are. The Mayor said with the Village pursuing a WIIA Water grant, the Village could not pursue financing for other projects.

There is now another round of grants and our engineers are working on applying for a grant. TJ Chagnon said they could do direct flushing in the problem area. DEC has directed them to do direct flushing on Ferry Blvd which could have caused problems on Hudson. TJ Chagnon said this is the first he has heard of issues in this area and recommends they reach out to him when it is problematic, he will work on flushing this area soon. TJ Wade asked if the meters are guaranteed for all residents, the Mayor said yes. He provided he has the same issues further down the road as the residents who came forward.

- b. Dennis Davall asked about the Moratorium regarding Saratoga Biochar on the agenda tonight. Counsel provided it is not necessary in the Village at this point. Counsel said a local law is being worked on to prohibit waste being brought in.
- c. Tim Pease addressed the Board on behalf of the SGF Fire Company. He asked who the Village Board liaison is and when the contract will be addressed. The Mayor said it will be discussed in Executive Session and Trustee Carota said he is the liaison but typically work goes through the whole Board, Trustee Carota further said it is okay for the Fire Company to contact him. Counsel said he has received a letter, outlining certain provisions the Fire Company would like revised. Tim Pease said be aware this is the 2023 contract and the 2024 contract will be coming soon.

2. Grant Projects Update

a. Carbon Filtration

i. Contingency Request - Spring Electric:

Discussion: Trustee Gutheil said discussion will be necessary with the engineers. He also said the insurance says Glens Falls on the paperwork, the Mayor said they are going to correct this. Trustee Gutheil said this project is being hung up, there have been some issues and change orders will be coming. The Mayor said we will wait for engineers to respond with a recommendation. The Mayor provided Bond Counsel submitted an invoice. This will be tabled to allow the Board to audit the invoice. Trustee Gutheil asked if this is the bond we are closing and the Mayor said yes. Trustee Gutheil asked for an update on his question for where funds were disbursed, the Mayor provided Samantha and Counsel are working on this. The Mayor said EFC told us to close at the amount we did. Trustee Girard said we received a letter from EFC and the engineers stating we did not need to borrow more money. The Mayor said this letter proceeded the months at the end where the terms were changed. Trustee Girard said we borrowed more money than we needed to and should have the funds to earn interest and not pay interest. Trustee Gutheil wants to know if the interest we are paying is what was received for the total amount of the bond, we should have this money invested and earning interest. The Mayor said it is being worked on. Legal Counsel provided Bond Counsel should have the answer to these questions. Trustee

Gutheil said we are losing money not having this invested. The Mayor said this has been difficult to determine due to commingling two grants. Trustee Girard said we know how much the CDBG grant is since it is closed, this should make it simple to find out the difference. Trustee Gutheil said we should know where the funds are going. The Mayor said he addressed these questions to Bond Counsel and they said we needed to dive deeper into the pay applications and this is what we are working on. Trustee Gutheil would like to see the communications regarding this topic. Legal counsel said they could reach out to Bond Counsel.

b. GIGP

i. Disbursement Request #4: Motion #022124-1 to approve disbursement request #4, \$6,635 to Delaware Engineering and \$1,177.32 to Village of South Glens Falls. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed.

1. Delaware Engineering - \$6,635.00 VSGF - \$1,177.32

Discussion: Trustee Gutheil asked if the force account funds are for the mailing of letters and the Mayor said it is. Trustee Gutheil said mailings used to be done by our staff and asked if we solicited for quotes. The Mayor said we have used them in the past for water communications and billing, this is additional communications. Trustee Gutheil said this letter should have gone out with the past water bill. The Mayor said adding more paper to the mailing would still increase the postage and staff used to have to come in on the weekends to complete it. Now a company can complete it in one day. Trustee Gutheil said he is trying to save the Village money and have staff do it in house. The Mayor asked if he would like a motion to pay staff overtime to do the mailing. Trustee Gutheil said he does not believe staff came in on the weekends to do this.

2. Approved Materials for subcontractor distribution:

Trustee Gutheil asked if it is okay the contractor has our logo on their mailing. Counsel provided it is okay. Trustee Gutheil does not feel comfortable with this. Trustee Girard is concerned people may not reply and is not sure how effective this will be. Trustee Gutheil questioned wording in the letter, saying the meter is at no cost to the resident, TJ Chagnon said replacement of the meter will be funded by the Village per code. Provided the resident was not neglecting the meter. Trustee Gutheil believes the failure to make an appointment would result in an estimated bill is falsely written on the letter. The Mayor and TJ Chagnon discussed how the future rates will be determined.

3. **Transfers:** **Motion #022124-2** to approve the transfer \$20,000 from A3120.100 to A3120.103. Trustee Gutheil motioned, Trustee Girard seconded. All in favor, motion passed.

a.	A 3120.100	A 3120.103	\$20,000.00	Part Time Payroll
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- i. **To cover through EOY**

4. **Motion to Approve the Bills and Payroll as Audited:** **Motion #022124-3** to approve the bills as audited. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed.

a. **General - \$7,674.10**

b. **Water - \$2,713.47**

c. **Sewer - \$122.44**

d. **Payroll**

i. **02/07/24 - \$22,117.14**

ii. **02/14/24 - \$42,998.84 (incl. retro)**

5. **Minutes 02/07/2024:** **Motion #022124-4** to receive and file minutes 02/07/2024. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed.

6. **Authorize Mayor to sign updated Engagement Letter for Napoli Skolnik:**

The Mayor said he has shared an engagement letter to the Board for Napoli Skolnik. Counsel provided this settlement is payable over 10 years, Napoli Skolnik wants this to be amended to receive their legal fee paid up front. Counsel said the defendant could go bankrupt in 10 years and the Village would lose money. Counsel recommended to pay the legal fees as payments are made. This will be tabled for Executive discussion.

7. **Fire Truck Repair:** The Mayor said the truck was out of inspection. It was inspected and failed, the Village was able to find a vendor to service the truck and it is now back in service. TJ Chagnon asked if we are now responsible for Truck maintenance, the Fire Company used to maintain it. Tim Pease provided it is in the contract. TJ Chagnon said we need to come up with a set plan on how to proceed with the new task. The Mayor said with an emergency vehicle out of service, he took it upon himself to be sure it was fixed as soon as possible. The Mayor thanked TJ Chagnon for helping to facilitate this process and we will work on finalizing the procedure in the future

8. **PD New Hire:** The Mayor provided the Village offered a letter of employment to a new Police recruit and it was returned unsigned. This will be discussed in the Executive Session.

9. **SHMD Proclamation:** **Motion #022124-5** to approve the SHMD proclamation, declaring March 1st and 2nd, South High Marathon Dance Weekend. Trustee Gutheil motioned, Trustee Girard seconded. All in favor, motion passed.

10. Paid Family Leave: The Mayor provided if this was offered to the DPW then all employees will have to be offered this option. This will be discussed in Executive Session. TJ Chagnon asked if it can be opted out, the Mayor provided the employees contribute to this and if they opt in to the benefit then all employees can receive it. Trustee Gutheil does not believe we should impose this if not all employees want it.

11. Public Health Officer Discussion: The Mayor provided the Town of Moreau Board has potentially found an individual who would serve as a Public Health Officer and wondering if the Village is interested in splitting the cost. Trustee Gutheil believes we should go back to a consolidated health board like in the past. Counsel provided that by having our own Board, we can take action more swiftly.

12. NYCOM letter to the governor for funding: Motion #022124-6 to adopt the NYCOM Letter Resolution and authorize the Mayor to sign it. Trustee Gutheil motioned, Trustee Girard seconded. All in favor, motion passed.

13. Discussion - Moratorium per attorneys inquiry re. Saratoga Biochar: This item will be tabled.

14. Ferry Blvd Infrastructure/Water Quality: The Mayor provided we have not received anything back from the engineers.

15. Exempt Salary Employee Discussion: Trustee Gutheil provided a month ago we were notified the FLSA minimum threshold was raised and the Board granted increases to two employees mid fiscal year. He said we found out we are exempt from having to do this and made a motion last meeting to rescind the increase. Trustee Gutheil believes this is unfair to other employees and not good fiscal policy. Trustee Gutheil makes the same motion at tonight's meeting to rescind the salary increases, no second, motion is tabled. Trustee Girard would like to talk about this in Executive Session.

16. Old Business

- a. **Bridge Lighting:** The Mayor provided the Bridge Lighting RFP was sent out
- b. **Meeting Schedule with CPAs 03/06/24, 6:00pm:** A meeting with the CPAs has been scheduled. The Board discussed possibly changing the date.
- c. Trustee Gutheil asked for an update on Essity, the Laundromat, and the Moss property. The Mayor said there is no new business for Essity. Counsel provided a demolition company has been picked by TD Bank for the Moss property, they are waiting to hear from the account executor to proceed.
- d. Trustee Gutheil requested conversation on the carbon filtration and what

type of media we are purchasing. He would like to discuss this further in Executive Session regarding the contract.

- e. Trustee Gutheil asked for an update on backwashing and to have a conversation with the engineers.
- f. Trustee Gutheil asked about CSEA correspondence, this will be discussed in Executive Session
- g. Trustee Gutheil asked for an update on a grant writer. The Mayor said he has not gotten any new information. The Mayor would like to pursue a grant for 22 Main St, this is a brown field site that can be acceptable for a grant. Trustee Girard said we have other brown site areas and businesses that could also use this grant. Counsel gave insight into the grant application and funding. The Mayor asked if the Board is interested in approaching the property owner about applying, Trustee Girard and Gutheil would like to reach out to more than one business owner. Counsel provided we can sponsor two applicants. The Board mentioned Abbot's and the Dugout restaurant.
- h. Trustee Gutheil asked if there is anything new about Humana, the Mayor said there is no new news as of today.
- i. Trustee Gutheil asked for an update on the Sewer bond. The Mayor said the Village can close at anytime prior to the scheduled closing, but we still have grant funds available. The closing date is in December. TJ Chagnon described some of the sewer work they have been doing.
- j. Trustee Gutheil asked about the Police Policy and Procedures Manual, the Mayor said the labor attorney is still reviewing.
- k. Trustee Gutheil asked if the request from an employee would be discussed in Executive Session. The Mayor said yes.
- l. Trustee Gutheil asked about the notice from the EPA and if anyone had thoughts. The Mayor said Finch Paper is operating at permitted levels. Trustee Gutheil would like to install state air monitors. The Mayor will ask Congressman Tonko about any possibilities.
- m. Trustee Gutheil said he has received a notice about National Grid coming to trim or cut trees and wanted the rest of the Board to be aware.
- n. Trustee Gutheil had questions about the budget calendar and terminology. The Mayor said the plan is to file on the 20th and give it to the Board as well.
- o. **Motion 022124-7** to establish the Village of South Glens Falls Board of Trustees opposition of the Saratoga Biochar project permit and BUD determination until there is a greater degree of scientific study regarding the health and safety of the citizens. Motioned by Trustee Gutheil, seconded by Trustee Girard. All in favor, motion passed.

17. New Business: No new business at this time.

18. Trustee Reports:

- a. No Trustee reports at this time.

19. Mayor's Report:

- a. The Mayor has received a letter from the Common Roots Foundation regarding their opposition on the Saratoga Biochar Application, the Mayor also has one of his own that will be sent out as well.
- 20.** A member of the public presented estimates they received for a new sound system to be used at the park and other events in the Village. This item will be presented at the next meeting.
- 21.** **Motion #022124-8** to enter Executive Session at 8:48PM to discuss the Fire Company contract, PD new hire, contractor and warranty issues for Carbon Filtration, exempt salary employee discussion, and engagement letter for Napoli and Skolnik. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed.
- 22.** **Motion #022124-9** to adjourn Executive Session and reopen the Public Session at 10:08PM. Motioned by Trustee Girard, seconded by Trustee Carota. All in favor, motion passed.
- 23.** **Motion #022124-10** to increase The Superintendent of Public Works Salary by \$3,000, effective retro active date of January 1st, 2024. Trustee Girard motioned. Trustee Carota seconded. Trustee Girard, Carota, and Gutheil vote yes. Motion passed.
Discussion: Trustee Gutheil will vote yes due to believing the increase of salary for employees was not fair to others and the Superintendent of Public Works taking new responsibility. He would like going forward that salary changes are made during budget times.
- 24.** **Motion #022124-11** to adjourn tonight's meeting at 10:11PM. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed.