

Welcome Public

DRAFT

Village of South Glens Falls
46 Saratoga Avenue, South Glens Falls, NY12803

July 5,2023

7:00 PM

Village Board Meeting

MAYOR NICHOLAS BODKIN PRESIDING

Minutes

Attendance:

Mayor Bodkin
Trustee Carota
Trustee Gutheil
Trustee Orlow
Trustee Girard

Samantha Berg
Nick
TJ Chagnon
Alan Dubois
Jim
Kevin Ostrander
Alex
Dennis Davall
User

Absent:

Public Forum 7:00 pm: The Mayor opens the meeting at 7:00PM and leads with the Pledge of Allegiance. The Mayor opens the public forum

- A. Dennis Davall announced he had hired Tree Care by Stan Hunt last fall. He provided the company did not do the work they agreed on and damaged the sidewalk, the only follow up he had is the company provided some topsoil to his lawn. Dennis also referenced account A9901.0914, DPW Major Equipment Reserve. He said \$62,316 was proposed for the budget, but in the last meeting there is discussion of purchasing a Trench Box. He does not understand why this account cannot pay for this equipment. The Mayor explained what funds can be used for certain purchases. Dennis has no further comments and thanks the Board. The Mayor closed the public forum.
1. **Grant Projects Update**
 - a. **Carbon Filtration:** The Mayor asked the Board how they want to proceed. The options are replacement or credit due to ineffective or damaged materials. Trustee Gutheil said this should be replaced, we should go out

to bid for a new building, the panel box should be covered by insurance. Trustee Orlow supports replacing along with Trustee Gutheil. Trustee Gutheil said when the defect was found, this should have been stopped. **Motion #070523-1** to instruct the engineer to pursue the replacement of the damaged panel box and the siding. Trustee Orlow motioned, Trustee Gutheil seconded. Trustee Carota, Orlow, and Gutheil vote yes. The Mayor and Trustee Girard vote no. Motion passes.

Discussion: Trustee Girard said this is probable, but we may have to pay for labor. The Mayor supports getting a credit to not incur additional costs. Trustee Girard agrees with the siding but should get a credit for the box. The Mayor said additional cost could come from possible litigation and electrical work. Trustee Gutheil asked why the cost would come to us. The Mayor said it will come down to litigation.

b. GIGP

- i. **Delaware Pay App - \$7,807.50:** **Motion #070523-2** to approve the Delaware pay app for \$7,807.50. Trustee Carota motioned, Trustee Orlow seconded. All in favor, except for Trustee Gutheil who voted no. Motion passed.

Discussion: Trustee Gutheil did not support this last meeting.

Trustee Gutheil asked is it true we spent over \$33,000 in engineering costs for the water meter project but have not put one meter in yet. He voted against the contract previously.

- ii. **VSGF - \$142.70 (Reimb Post Star Nov. 22):** **Motion #070523-3** to improve reimbursement to Post Star for advertisement at \$142.70 under GIGP expenses. Trustee Carota motioned, Trustee Orlow seconded. All in favor, motion passed.

Discussion: Trustee Gutheil asked if these are the only expenses we can collect under the force account. Samantha Berg said this is what they are presenting at this time.

- iii. RFP for ¾" Ball Valves has been published. Bid opening will be 7-18-23 at 1:00 p.m.

- c. **Sewer I&I:** The Mayor does not have any updates at this time.

- 2. Legal Ads, using additional newspapers:** The Mayor said The Post Star, our official paper, is decreasing the frequency of publishing. He is recommending we establish a different newspaper. There is discussion of possible newspapers and time limits on posting for certain meetings. Trustee Gutheil said the advertising for the other papers is very expensive and doubts they distribute locally. Samantha Berg submitted a legal ad on the 3rd and it would take 8 days until it is posted, restricting the time limit for bids to be received. Samantha believes the rates are similar between other papers, Trustee Gutheil said this is not what his experience was in the past. There is discussion about posting online and the legality of the posting. **Motion #070523-4** to use the Saratogian for publishing the RFP for ball valves legal ad and look further into possibly using another newspaper in the future. Trustee Carota motioned, Trustee Carota seconded. All

in favor except for Trustee Gutheil who voted no. Motion passed.
 Discussion: Trustee Gutheil said the grant covers a million dollars and the contract is a million three thirty something, he believes the tax payers are going to be on the hook for several hundred thousands dollars. Samantha Berg added this can be covered under the grant administrative force account and this cost is \$85. Trustee Gutheil thinks we should extend the bid date. The Mayor said the bid date is set to prevent the contractor to associate delays with lack of action by the Village. Trustee Gutheil said 6 months ago he tried to have the Board go to RFP.

- 3. **Transfers:** **Motion #070523-5** to approve the Insurance transfer for \$1,985.89. Trustee Gutheil motioned, Trustee Carota seconded. All in favor, motion passed. **Motion #070523-6** to approve the two attorney transfers as presented. Trustee Carota motioned, Trustee Orlow seconded. All in favor except for Trustee Gutheil who voted no. Motion passed.

Discussion: The Board and Samantha Berg discuss the reasoning for the attorney contract transfers.

7/5/2023	2023-2024			
A 1990.0400	A 1910.400	\$1,985.89	INSURANCE - ADDED CYBER LIABILITY	
7/5/2023	2022-2023			
A 1430.402	A 1420.401	\$1,300.00	ATTORNEY CONTRACT	
A 1430.403	A 1420.401	\$392.00	ATTORNEY CONTRACT	

a.

4. Motion to Approve the Bills as Audited:

a. 2022-2023

- i. General Fund - \$7,725.52: **Motion #070523-7** to approve the bills as audited for \$7,725.52 for the 2022-2023 fiscal year general fund. Trustee Carota motioned, Trustee Orlow seconded. All in favor except for Trustee Gutheil who abstained. Motion passed.

b. 2023-2024

- i. General Fund - \$47,191.44:
- ii. Water Fund - \$19,378.92:
- iii. Sewer Fund - \$3,154.05: **Motion #070523-8** to approve the 2023-2024 fiscal year bills as audited. Trustee Carota motioned, Trustee Orlow seconded. All in favor except for Trustee Gutheil who voted no. Motion passed.
 Discussion: Trustee Gutheil will vote no because he has questions on some of the bills. Trustee Gutheil asked if Voucher #50 was one of the Healthcare bills we pay in advance then ask for a credit later. The payroll warrants are showing an employee working 57 and a half hours, this is not good for the employee or the Village. Trustee Gutheil does not approve voucher #53 due to paying in advance.

Trustee Gutheil said the income and expense report does not show rent from the contractor, he would also like to go over year end stuff due to seeing not collecting certain revenues. Trustee Gutheil will vote no on #1036 due to the attorney bill being too high. Trustee Gutheil will not support #1039 which was for oil for a truck, this should have gone through TJ. Samantha Berg provided this is for the Fire Company and they did not come to the Village to purchase.

5. Trail Grant Budget Code

- a. A 7110.407 - \$10,000 fund from Contingency A 1990.400: **Motion #070523-9** to transfer \$10,000 from A1990.400 to A7110.407 for related expenditures. Trustee Orlow motioned, Trustee Carota seconded. All in favor, motion passed.

Discussion: The Board discussed which accounts to use.

- 6. Minutes 04/05/2023, 04/20/2022, review and approve:** Motion #070523-10 to approve minutes 04/05/2023 and 04/20/2022. Trustee Carota motioned, Trustee Carota seconded. All in favor except for Trustee Girard who abstained and Trustee Gutheil who voted no. Motion passed.

Discussion: Trustee Gutheil will not vote on meetings that are a year old. He asked why do we not have the most current meeting. The Mayor said the audio files satisfy open meeting law, paper versions do have to be published but not in the two week time limit. Trustee Gutheil disagrees, he said the audio satisfies the posting requirements. The law still stands and is in the article the Mayor distributed. Trustee Gutheil said he spoke with an attorney twice from NYCOM that we do not meet legal requirements. Trustee Gutheil thinks we should have our minutes timely.

- 7. 50/50 Sidewalk Contracts, review and approve:** **Motion #070523-10** to approve the 50/50 sidewalk contracts for 3 Baker Ave, 22 Fifth St, 30 Stewart Ave, 21 Wilson Ave, 12 Riverview, 5 Hamilton St, 95 Main St, and 19 Wilson Ave. Trustee Gutheil motioned, Trustee Orlow seconded. All in favor, motion passed.

- 8. Vibratory Power Concrete Screeder, review quotes:** TJ Chagnon provided reasoning for needing a vibratory power concrete screeder. **Motion #070523-11** to approve the purchase of a vibratory power concrete screeder from Amazon for \$971.48. Trustee Gutheil motioned, Trustee Carota seconded. All in favor, motion passed.

Discussion: Trustee Gutheil had several questions and TJ Chagnon answered them.

- 9. Saratoga County DWI Contract, review and motion to approve:** The Mayor provided the attorney is going to reach out to the County to make a few adjustments to the contract.

10. **Motion #070523-12** to accept and file DPW, PD, Building Inspector/Code

Enforcement and Animal Control Reports for the month of June. Trustee Carota motioned, Trustee Orlow seconded. All in favor, motion passed.

- 11. Trench box quote review, review and approve:** Motion #070523-13 to approve and purchase a Trench Box from National Trench Safety for \$18,230 from fund balance. The Mayor motioned, Trustee Orlow seconded. All in favor except for Trustee Gutheil who voted no. Motion passed.

Discussion: TJ Chagnon provided the one from National Trench Safety is the most appropriate. Trustee Gutheil said we keep ignoring the budget process. He sees the need to need one about once a month and should have an intermunicipal agreement with a neighboring municipality. TJ Chagnon sees the DPW using one about 5 times a month. Trustee Gutheil would like the old trench box to be auctioned, TJ agreed.

- 12. Social Media policy, motion to approve:** Motion #070523-14 to approve the Social Media Policy. Trustee Carota motioned, Trustee Orlow seconded. Trustee Carota and the Mayor vote yes, Trustee Orlow abstained, Trustee Gutheil and Girard voted no. Motion does not pass.

Discussion: The Mayor provided the policy has been reviewed and edited by counsel. Trustee Girard believes updating the website could be a better option. The Mayor said staff has indicated this as well and looking into it, this will come with a cost. Trustee Girard believes having a website that is easier to use for the public is better. He will be a no because he believes we should upgrade the website. Trustee Gutheil will be voting against the resolution, he believes it is a mistake and we are going in blind. He believes we do not need it. It says we are endorsing this concept and there are too many pitfalls. He does not see the back and forth in the policy. Trustee Gutheil has several more comments why he will not support the resolution. The Mayor provided who could post to the social media site. Kevin Ostrander provided his opinion. TJ Chagnon had questions regarding the policy and his employees. Samantha Berg provided more clarification on the policy. Trustee Girard asked if staff will have Social Media on their computers. The Mayor said yes, for Village purposes. Trustee Gutheil asked if the Clerks Office can handle this task. Samantha Berg provided it is minimal work.

13. Old Business:

- A. Trustee Gutheil asked what we are going to do about the complaints we received about the air. Trustee Gutheil said it was regarding the smell from Grand Blvd and we should find out the source. TJ Chagnon said DEC contacted him and they are looking into it. We are not having a sewer issues.
- B. Trustee Gutheil said he received an email regarding PFAS and it seems we are not signed up. The Mayor said we are enrolled.
- C. Trustee Gutheil asked if we can get the weeds cut and do something with China Buffet. He asked for copies of something explaining the situation. Kevin Ostrander explained it is under investigation and he does not

receive a lot of information. He has tried contacting the owners and has not gotten a response. Trustee Gutheil said he has seen nothing and would like to see the paper trail. Trustee Orlow said he has been asked about the China Buffet and the Moss property and told the residents it is in the works. Kevin Ostrander said he has spent a lot of time on the Moss property and the bank now has the property and is likely looking for a contractor. Trustee Gutheil said he should have received this information.

Motion #070523-15 to allow any Board member that wants to talk to the attorney, has the ability to call the attorney's office. Every Board member is copied on all emails between counsel and the Mayor and vice versa. Trustee Gutheil motioned, Trustee Girard seconded. All in favor, except for the Mayor who voted no.

Discussion: Trustee Gutheil said this was designed to run everything through the Mayor and our costs tripled and we are not informed. Trustee Gutheil said he called the attorneys office regarding a concern and she billed us and didn't return his call. The Mayor said this could be an Executive Session discussion. Trustee Gutheil said he asked for an Executive Session and the Mayor voted no. Trustee Gutheil said when he calls the attorney and they bill us for it, he should have a returned call. This should not be on the bill. The Mayor said we have clear boundaries in our agreement with the law firm and they have followed them to the letter. The Mayor said when we get a larger bill, is the Board prepared to pay and exceed the amount budgeted for the year. Trustee Girard said the Board should be allowed to talk to the attorney. The Mayor said this was why they had attorney client privilege meetings.

- D. TJ Chagnon provided National Grid will provide \$25 per light fixture on the Bridge. The electrical company is working on getting the rock bottom price for the light fixtures. TJ will provide the Board with an update when he has further pricing information. Trustee Gutheil asked why do we not have a price on rewiring. TJ Chagnon provided this will be time and material, the contractors are not sure what work will have to be done. TJ Chagnon said he can get a price for rewiring the whole thing, this may need bid specs. Trustee Gutheil asked if we can mow China Buffet, TJ Chagnon said it is a hazardous site but he can look into doing the curb and sidewalk.

14. New Business:

- A. TJ Chagnon said a new employee will begin the 17th. He would also like to promote a current employee to foreman due to the current foreman retiring.

15. Trustee Reports:

- A. Trustee Gutheil asked about the financial advisor, the Mayor provided he has reached out and had no response. The Mayor will reach out again and to an additional one.

16. Mayor's Report:

- A. **Summer Concert Series has begun:** The Mayor thanked the Chamber of Commerce, DPW, and everyone who worked on the concerts.
- B. Next LDC meeting 7-26-23 at 5:30: Any businesses interested in obtaining assistance can write a letter of intent and fill out an application at the Clerk's office.
- C. There will be no meeting on the 19th this month. The Mayor asked that bills be prepared earlier and that three Trustees will be able to sign for the bills.

17. Dennis Davall asked about the situation of the minutes. The Mayor provided that we are in a busy time for Property Tax.

18. **Motion #070523-16** to enter Executive Session to discuss Employment advancement opportunity, inviting TJ Chagnon at 8:29PM. Trustee Carota motioned, Trustee Orlow seconded. All in favor, motion passed.

19. **Motion #070523-17** to adjourn the Executive Session at 8:33PM and reopen the Public Session with no action taken. Trustee Carota motioned, Trustee Orlow seconded. All in favor, motion passed.

20. **Motion #070523-18** to promote Nick Havens to Foreman. Trustee Carota motioned, Trustee Orlow seconded. All in favor, motion passed.

21. **Motion #070523-19** to adjourn tonight's meeting at 8:35PM. Trustee Carota motioned, Trustee Orlow seconded. All in favor, motion passed.