

**DRAFT**

Village of South Glens Falls  
46 Saratoga Avenue, South Glens Falls, NY12803  
August 16th, 2023  
7:00 PM

**Regular Village Board Meeting**

MAYOR NICHOLAS BODKIN PRESIDING

Minutes

**Attendance:**

Mayor Bodkin	Samantha Berg
Trustee Girard	TJ Chagnon
Trustee Gutheil	Alan Dubois
Trustee Carota (Joined at 7:34PM)	Kevin Ostrander
	Mary Kissane
	John Hoey
	Alex
	Nick
	Jim
	U

**Absent:** Trustee Orlow

1. **Public Forum:** The Mayor called the meeting to order at 7:00PM and opened the public forum.
  - A. John Hoey had several questions regarding the fire at the China Buffet building. Kevin Ostrander provided he has been working with the County and insurance company on moving forward with this property. John Hoey also brought up a business's building on Main St that could potentially injure somebody. Kevin Ostrander believes the property owner is addressing this. Public Forum is closed
2. **Grant Projects Update**
  - a. **Carbon Filtration:** Notice of Board resolution has been submitted to the contractor. The Mayor provided we have not heard back from the contractor. TJ Chagnon said the time to complete this project is closing. The Mayor said the Engineers are working with the contractor on moving forward. TJ Chagnon would like to know when the contractor plans to return.
  - b. **GIGP**
    - i. Budget Amendment: Budget adjustment based on bid response to ball valves, Amount - \$1,275,764.00 (decrease of \$164,817.56). Trustee Gutheil believes the Board approved an award for ball valves which none of the bidders met bid specifications.

**Motion #081623-1** to approve change order #1 as presented for the GIGP project due to change in wage rates. The Mayor motioned, Trustee Girard seconded. The Mayor and Trustee Girard voted yes, Trustee Gutheil abstained. Motion failed.

Discussion: Trustee Gutheil would like counsel's opinion on the change order that is a no cost change. The Mayor stated the State provided in writing this is a zero cost change. The Mayor provided this will delay the construction and hopefully we can come to terms at the next meeting

**c. Sewer I&I**

i. **Project Completion Certificate for First St Pump Station, Project No. C5-7505-01-00:** Trustee Girard and Guthiel believe the completion dates are incorrect. Trustee Girard and Gutheil had some questions and would like to table this until the next meeting.

d. **CDBG Closeout:** The Mayor provided the project is complete and the bank account has a balance of \$10, this account will be closed and allocated to the general fund.

3. **Motion to approve the bills as audited:** No motion, this item has been tabled. Discussion: Trustee Gutheil believes some of the vouchers will not pass an audit test. Trustee Gutheil had questions about the energy bills for the DPW building and the charges should be reviewed for accuracy. He believes we should be part of a consortium. The Mayor provided the Board approved the preapproval of ACH's at the Organizational Meeting. Trustee Gutheil does not believe this should continue and if there are any agreements with USG & E, they should be terminated.

4. **Final tax collection date per Saratoga County request will be October 15th:** Clerk Treasurer Berg provided the date in the past did not allow the County enough time to complete their tasks.

5. **Discussion re.22-24 Main Street:** Trustee Gutheil would like to have an Executive Session on this item. Counsel provided this may not qualify for an Executive Session. Kevin Ostrander provided the information he has at this time and can create a summarized status report of phone calls he has had. Trustee Gutheil and Girard had more questions and would like to receive information in writing.

**Note:** Trustee Carota joined the meeting at this time (7:34PM)

6. **21-22, 22-23 Board Audit General Village Law S4-408:**

Discussion: Trustee Gutheil said he has been bringing this up for months that we need an audit and the Mayor provided the AUD's have just recently been filed. Trustee Gutheil believes we have a 3 year audit contract and the Mayor provided that the company terminated the agreement due to the situation of the books. Trustee Gutheil does not remember it this way and asked why they put in partial work and did not complete it. The Mayor provided this is a question for the company. The Board supports hiring a professional to conduct the audit. The Mayor will work on an RFP.

a. Pursuant to Village Law Section 4-408(e), the board of trustees must audit, or cause to be audited by an officer or employee of the village or by a certified public accountant or a public accountant engaged for that purpose, the treasurer's annual financial report and supporting records. In other words, a village is not required to engage

the services of an external auditor to perform an audit. Rather, the board can conduct its own audit of the village's finances and records. In the event the village does engage the services of an outside auditor, General Municipal Law § 35 requires municipalities to file with the OSC a copy of any report of an external audit or management letter received by the municipality within 10 days of receipt. Audited villages are also authorized to prepare a written response to the audit's findings and recommendations, and provide a copy of the written response to the OSC. Also, within 10 days after the filing of the audit with the clerk, public notice must be given by the clerk that an audit was undertaken and that a written response may be prepared by the village board.

7. **Common Roots Construction Update:** The Mayor provided they will be moving forward with a Certificate of Occupancy. He also provided that some landscaping had occurred on Village property throughout construction. Common Roots is willing to move the landscaping materials or gift them to the Village.  
**Motion #081623-2** to accept the donation of landscaping materials that are on Village property. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed.  
**Discussion:** Trustee Gutheil believes there is communications that all Board members have not seen from the Mayor and Counsel of both parties, he would like to discuss this in Executive Session. Counsel provided how to proceed with this item. Kevin Ostrander provided the landscaping goes 3 feet over the rear setback. TJ Chagnon stated he did not tell Common Roots where to place the landscaping material. Trustee Gutheil will vote yes based on Counsel's comments.  
  
**Motion #081623-3** to request an indemnification for the property the landscaping is located and for the parking lot of Common Roots and their patrons. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed.  
**Discussion:** Trustee Gutheil believes we should define the boundaries of the parking lot, TJ Chagnon said they are currently working on this, he also provided more entities than Common Roots use this parking lot.
8. **Motion #081623-4** to allow the Mayor to sign the appropriate documentation to renew Humana Health Insurance. Trustee Girard motioned, Trustee Gutheil seconded. All in favor, motion passed.
9. **NYCOM Fall Training School:** Clerk Treasurer Berg provided one staff member is on leave and their return will dictate who can go to the training. We are looking to have two employees attend. **Motion #081623-5** to approve two employees to attend, as long as the employee on leave returns before the training. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed.
10. **County Waste & Recycling Customer Agreement:** **Motion #081623-6** to accept County Waste & Recycling Customer Agreement subject to Counsel's review and approval. Trustee Gutheil motioned, Trustee Girard seconded. All in favor, motion passed.  
**Discussion:** The Board had several questions on the contract. Clerk Treasurer Berg and the Mayor provided more information.
11. **NY Rural Water Association Training:** **Motion #081623-7** to send 2-4 DPW employees to a free NY Rural Water Association Training. Trustee Gutheil motioned, Trustee Girard seconded. All in favor, motion passed.
12. **2 Ton Electric Chain Hoist Quotes:** **Motion #081623-8** to approve the quote for a two ton electric chain hoist from Fastenal for \$4,228.00 from A1644.407. Trustee Carota motioned, Trustee Gutheil seconded. All in favor, motion passed.

13. **DPW Truck:** [Motion #081623-9](#) to approve the purchase of the 2022 F-550 for \$87,692 as presented and allow the Mayor to sign all documents necessary, funds will come from Equipment Reserve. Trustee Carota motioned, Trustee Girard seconded. All in favor except for Trustee Gutheil who voted no due to not establishing fair value. Motion passed.

**Discussion:** TJ Chagnon provided a quote for a 2022 F-550 with a plow. The truck has 7,646 miles and the full price is \$87,692, truck only is \$69,477. The Board had several questions about the truck and funds, TJ Chagnon provided more information. Trustee Gutheil believes we should go to bid.

14. **PFOS Recovery Information Update:** The Mayor provided we filed with the law firm to be a part of a class action lawsuit. He has requested the engineers to send a breakdown of all costs associated with treating PFOS in our systems. Trustee Gutheil had questions on the engineers report and the Mayor provided more information.

#### 15. **Old Business**

- a. Following the completion of the two prior year AUDs, The Village's banking institution has approved our application for a Village Credit Card. (limit of \$5,000). Trustee Gutheil asked when the application and limit amount was approved. The Mayor provided it was approved a year or two ago to get a credit card for the Village. The Board discussed the limit of the card. [Motion #081623-10](#) to decrease the limit of the Village credit card to \$3,500. Trustee Girard motioned, Trustee Gutheil seconded. All in favor except for the Mayor who abstained. Motion passed.
- b. Trustee Gutheil would like to pass a local law that minutes be prepared and distributed within two weeks of a Board meeting and one week within an Executive Session. Counsel provided the video recording is available within two weeks and this follows the law. Trustee Gutheil provided he has correspondence that written minutes need to be prepared within two weeks. The Board discussed approving the minutes. [Motion #081623-11](#) the Board will approve all minutes moving forward. Trustee Carota motioned, Trustee Gutheil seconded. All in favor except for the Mayor who voted no due to the law not requiring approval. Motion passed.
- c. [Motion #081623-12](#) to approve the minutes from 08-02-23. Trustee Carota motioned, no second.
- d. Trustee Gutheil stated he had researched that the Board can pass a resolution allowing a Trustee to take action when dialed in remotely.
- e. Trustee Girard asked about receiving notice of when there is no Police coverage. The Mayor said staff is working on generating a schedule that is accessible to the Board. John Hoey asked why we are struggling to fill shifts and the Mayor provided more information. Trustee Gutheil asked for a report why the Police car is not striped. The Mayor provided the Chief has been out of the Office recently, the Board would like an update from the Chief. Trustee Gutheil had a question about repairs on a car.

#### 16. **New Business**

- a. Trustee Gutheil would like to have a meeting with the appropriate people regarding bank statements to review his questions.
- b. TJ Chagnon would like to meet with the Water and Sewer Committee to meet with 120 Water once more. Trustee Gutheil would like to get them the history of

Essity's water and sewer account.

- c. Trustee Gutheil asked about the ball valves and if we are getting stainless steel. TJ Chagnon provided this will become property of the homeowner when installed.
- d. Trustee Gutheil asked if a letter will be sent out to homeowners about the meter project. The Mayor provided he is working on this and waiting to hear from the contractor on more information. TJ Chagnon provided his thoughts on meter installation.

**17. Trustee Reports**

- a. There are no Trustee Reports.

**18. Mayor's Report**

- a. The Mayor is working on identifying decision makers and formulating a relationship with Essity to identify the future opportunities of the site.

19. **Motion #081623-13** to enter Executive Session to discuss a particular performance of an unnamed person or persons at 8:47PM. Trustee Gutheil motioned, Trustee Carota seconded. All in favor, motion passed.

20. **Motion #081623-14** to adjourn Executive Session with no action taken and re-open the Public Session at 9:38PM. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed.

21. **Motion #081623-15** to adjourn tonight's meeting at 9:39PM. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed.