

**DRAFT**

Village of South Glens Falls  
46 Saratoga Avenue, South Glens Falls, NY12803  
September 6th, 2023  
7:00 PM

**Regular Village Board Meeting**

MAYOR NICHOLAS BODKIN PRESIDING

Minutes

**Attendance:**

Mayor Bodkin  
Trustee Girard  
Trustee Gutheil  
Trustee Carota

Samantha Berg  
TJ Chagnon  
Alan Dubois  
Kevin Ostrander  
Nick  
U  
Lori McFarren  
User  
Jim  
John Hoey  
Jeanne Gutheil  
Margaret Centerbar

**Absent:** Trustee Orlow

1. **Public Forum:** The Mayor called the meeting to order at 7:00PM and opened the public forum.
  - a. John Hoey asked for an update on the China Buffet fire. The Mayor provided Kevin Ostrander is working with several contacts on addressing the site and possible remediation.
  - b. Margaret Centerbar asked about another property that had a fire on Main St several years ago, the Mayor and Kevin Ostrander provided the bank is in possession of this home and they are working on cleaning up the property. Margaret Centerbar asked about a property on Harrison Ave and that the condition is not pleasant. Kevin Ostrander provided the status on this property. The Mayor and Trustee Gutheil provided some information as well. She further commented on several properties around the Village and their condition. Public Forum is closed.

## 2. Grant Projects Update

### a. Carbon Filtration

i. **Jersen response to Notice of Deficiency:** The Mayor provided we have received a response on the replacement of materials with three proposals. The options are to receive a credit, provide trim fix, or replace existing panels. Trustees Girard and Carota would like to see if the Village can get a higher credit amount, then would consider option 1 and 2. Trustee Gutheil is not interested in option 1 and supports option 3. This item will be tabled for the Executive Session. Counsel is not satisfied with the response for damage on the GACC control panel and this will be discussed further in Executive Session.

b. **GIGP:** There is a meeting tomorrow with Ferguson regarding the GIGP meter project.

### c. Sewer I&I

i. **Project Completion Certificates:** **Motion #090623-1** to allow the Mayor to sign the project completion certificate SRF Project No. C5-7505-01-00, 1st Street Pump Station Upgrades. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed.

ii. **Motion #090623-2** to allow the Mayor to sign the project completion certificate SRF Project No. C5-7505-01-00, Sanitary Sewer Cured-In-Place-Pipe (CIPP) Lining. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed.

3. **Motion to Approve the Bills as Audited:** **Motion #090623-3** to approve the bills as audited. Trustee Carota motioned, Trustee Girard seconded. All in favor except for Trustee Gutheil, motion passed.

**Discussion:** Trustee Gutheil asked about the rate for the energy supply company we are receiving. Trustee Gutheil asked about the Ipad usage being zero on the Verizon bill, TJ Chagnon has not set the device up yet. Trustee Gutheil asked about the cleaning bill and that we should work on preventing the bathrooms from being abused. Trustee Gutheil will vote no unless his bills in question were separated.

4. **Historical Society - Veterans Banners:** Jeanne Gutheil presented to the Board on behalf of the Moreau Historical Society regarding Banners for Veterans along Village streets. They are looking for the Village's support and described the process for getting them. **Motion #090623-4** to partner with the Historical Society and the Bentley House if they decide to move forward with Veteran Banners. Trustee Girard motioned, Trustee Carota seconded. Trustee Gutheil abstained, rest in favor. Motion passed.

5. **Mandatory Training for Water Department:** **Motion #090623-5** to allow two DPW employees to attend lab training with Troy Water Treatment Plant for \$200 total, from account FX8320.410. Trustee Gutheil motioned, Trustee Girard seconded. All in favor, motion passed.

6. **Water Tower Update:** The Mayor would like to look into pressure washing the water tower. TJ Chagnon provided he is looking into this.

7. **Water Main Repair on 08/23/23:** The Mayor provided we had issues with a water main break in the Pruyn Crest area and there was a lot of undue stress. DOH is going to help us meet MOA for water supply during these emergency situations. TJ Chagnon provided his thoughts on helping to prevent this in the future. DOH is going to meet with the Village and the Town to help reach an agreement.

“Due to the Town of Moreau Supervisor ‘s initial refusal to supply water to Pruyn Crest, we experienced unnecessary delays and overtime expenses. NYSDOH is willing to assist in reaching an MOA with the Town of Moreau. Water supply in a time of crisis should never become a political tool or be exploited for financial gain. We need to ensure that our DPW Superintendent and its employees have the ability to quickly respond to emergencies to ensure safe potable water for our residents in coordination with NYSDOH and other neighboring agencies.” *Mayor Bodkin*

8. **PD Garage Man Door Repairs:** The Chief provided the Police Department needs a new Garage man door. Trustee Gutheil would like to table this item until the next meeting to get more information.

9. **Update of Local Laws:**

- a. **Local Law #2 2023 Food Truck local law:** The Mayor is proposing a new law to allow food trucks to operate more reasonably in the Village. Trustee Carota supports the concept. Trustee Gutheil does not want to take business away from local restaurants but is open-minded to the law.

- b. **Local Law #3 2023 Engine Brake Law:** Trustee Carota supports this. Trustee Gutheil supports the concept but has not read the proposed law yet.

- c. **Local Law #4 2023 Parking Ticket Fee Law:** The Mayor asked the Board their thoughts on a fee for parking tickets. Trustee Gutheil would like to hear counsel's opinion on having the fee be “as set by the Board”

**Motion #090623-6** to hold a public hearing at the next regular scheduled meeting at 7:01PM for Local Law 2, 3, & 4 of 2023. The Mayor motioned, Trustee Carota seconded. The Mayor and Trustee Carota voted yes, Trustee Gutheil and Girard abstained. Motion does not pass.

10. **Mayor’s memo to the Board:** The Mayor provided last meeting has provided some challenges. He asked everyone to be aware of their actions and how the impact others. He has issued a letter to the Board relaying this information. Trustee Gutheil would like to discuss this in Executive Session, the Mayor said his statement is public record. See attachment A for the Mayor’s memo.

11. **Attorney discussion - Motion to amend contract:** The Mayor provided we received a letter from the attorney to modify the terms of the agreement to not require counsel to attend Village Board meetings. Trustee Gutheil asked for clarification, Trustee Carota does not believe it is the best but is necessary to get opinions from counsel currently. Trustee Gutheil believes this should be discussed in Executive Session.

**Motion #090623-7** to approve the amendment to the attorney contract. Trustee Carota motioned, The Mayor seconded. Trustee Gutheil voted no, Trustee Girard abstained, Trustee Carota and the Mayor vote yes. Motion did not pass. The Mayor provided counsel’s notice of 30 days to terminate service is recognize. See attachment B for the Attorney’s letter.

**12. Fire Company New Members:** The Mayor thanked the individuals for volunteering and supporting the community.

- a. David Tilford
- b. Alexander LaPointe
- c. William Hesse Jr.

**13. PBA Contract:** This will be discussed in Executive Session.

14. **Motion #090623-8** to receive and file DPW, Police, Building Inspector and Animal Control Reports. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed. **Motion #090623-9** to place truck #3 on Auctions International. Trustee Girard motioned, Trustee Gutheil seconded. All in favor, motion passed.

**15. Old Business:**

- A. Trustee Gutheil asked if we had any communications with Essity. The Mayor said he had to reschedule a meeting with Congressman Tonko to address this. He has been unable to reach an individual from the company to address the situation.
- B. Trustee Gutheil asked about Bridge Lighting. TJ Chagnon said we have received a proposal from the engineers to set up bid specs. Trustee Gutheil would like to have an electrical firm look at the situation. TJ Chagnon has provided a vendor who is under county contract who can fix the lights for time and material. Trustee Gutheil would like to contact the vendor. The Mayor said we received two quotes from vendors who provide the fixtures.
- C. Trustee Gutheil asked where we are on a Financial Advisor, the Mayor provided he has reached out to several firms and they are reluctant to advise the Village.
- D. Trustee Gutheil provided several years ago he met with the Chief regarding policy and procedures and asked for an update. The Mayor said the labor attorney is reviewing the policy and procedure packet.

**16. New Business:**

- A. Trustee Girard would like to thank the CPA firm for coming in and thanked Samantha Berg along with her staff for the work done.

**17. Trustee Reports:** There are no Trustee reports at this time.

**18. Mayor's Report:**

- A. The Mayor is working on the Non-Union Employee Handbook and will provide it to the labor attorney per the Board's request to review.
- B. The Mayor was able to identify a lock system that is programmable to lock on a schedule for around \$300 total. Trustee Gutheil and Girard support the idea but question how to address the bathrooms being vandalized as well. The Mayor proposed installing cameras. Trustee Carota and Trustee Girard support this.
- C. The Mayor provided we are coming into snow season and how there are some residents who struggle to remove snow from their sidewalks. He proposes to the Board allowing residents to apply for relief under the pretenses of financial or physical limitations. The DPW could assist when they have time to do so. TJ Chagnon provided this could turn into too many residents applying and they are already pressed for time during snow storms. TJ Chagnon provided several other questions and concerns. Trustee Carota does not support paying someone to shovel resident's sidewalks or the idea of Village employees shoveling resident's sidewalks. Trustee Girard stated he does not believe if the person is disabled or

elderly should not receive a fine or citation for not shoveling the sidewalk.

19. **Motion #090623-10** to enter Executive Session to discuss the Jensen contract, PBA contract, the Attorney contract, and the letter from the Mayor to the Board of Trustees at 8:25PM. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed.
20. **Motion #090623-11** to adjourn Executive Session and reopen the Public Session at 8:54PM with no action taken. Trustee Girard motioned, Trustee Carota seconded. All in favor, motion passed.
21. **Motion #090623-12** to adjourn tonight's meeting at 8:54PM. Trustee Girard motioned, Trustee Carota seconded. All in favor, motion passed.

**Attachments:**

**A. The Mayor's memo**

"I have to say following last night's meeting and executive session, I feel as though the line has been clearly crossed yet again. I have tried several times to write to all of you, requesting that we end the cycle of conflict. We all have sworn an oath when taking office and we have all been trained and have acknowledged the Village's workplace policies.

As elected officials, we should hold ourselves to a higher standard and I expect each of us to represent the best qualities of those we represent. Due to our inability to function professionally, our valued staff members have been drawn into our conflict, further creating disruption and liability to the day-to-day operations of Village business. Our professional associates have repeatedly been the brunt of criticism and treated inappropriately. There is a professional way to conduct business and accomplish the necessary business/actions without resorting to behavior that violates our code of conduct and oaths of office. Our inability to hold ourselves accountable and justifying actions that violate policy is inexcusable.

I feel strongly that our attorney is owed an apology for how she was treated. There may be other staff members that need the same. It is in the best interest for all involved to end the dysfunction and conflict. "Nicholas Bodkin, Mayor"

**B. Attorney's letter**

Dear Village Trustees:

The purpose of this letter is to either re-establish a slightly different relationship with the Village Board as your Village Legal Counsel or to terminate this professional relationship.

Our treatment by certain Trustees has become unacceptable and we are not prepared to tolerate it any further. We enjoy working for the Village and have no problem continuing as Village Legal Counsel if desired by a majority of the Village Board, but we are not prepared to perpetuate mistreatment by Trustees any longer. All of the other municipalities we represent treat us with the utmost respect and professional courtesy and we have no interest in continuing attendance at Village Board meetings at which this is not the case.

There are two possible ways to deal with the situation. First we can amend our Agreement to indicate that our attendance at Village Board meetings will no longer be required. If this is the path chosen, then we can continue to perform the work for you without attending any meetings. While possibly not ideal, we are aware of similar arrangements elsewhere which have been successful. Second, unless the first choice we just identified is supported by a majority of the Board, we intend to resign as Village Legal Counsel and this correspondence constitutes our 30-day notice as provided for in our Agreement for legal services.

Please let us know which option you wish to choose. Thank you.

Very truly yours,

MILLER, MANNIX, SCHACHNER & HAFNER,  
LLC

Mary Elizabeth Kissane      Mark Schachner