

Village of South Glens Falls  
46 Saratoga Avenue, South Glens Falls, NY12803  
September 21st, 2022  
7:00 PM

**Village Board Meeting**

MAYOR NICHOLAS BODKIN PRESIDING

Minutes

**Attendance:**

Mayor Bodkin  
Trustee Gutheil  
Trustee Carota  
Trustee Girard  
Trustee Orlow  
Alan Dubois  
Patricia Barody  
Megan M

Samantha Berg  
TJ Chagnon  
Kevin Ostrander  
Cooper  
Bob  
Chief Gifford  
Jim Towne  
Sgt Martin

**Public Forum 7:03 p.m.**

1. The Meeting is called to order at 7:00PM.
2. No one from the Public addresses the Board at this time. Public forum is closed at 7:03 PM.
3. Motion #092122-1 to approve the bills as audited. Trustee Orlow motioned, Trustee Carota seconded. Trustee Gutheil voted no, rest in favor. Motion passed.  
**Discussion:** Trustee Gutheil stated we are way over our budget for the FAZ bill. The Board never had a meeting with the company. He wants EFPR to enforce their contract. Trustee Gutheil stated we do not have a plan for an audit with \$30,000 invested already. Trustee Girard asked if we are getting anything else from FAZ. The Mayor stated we gave FAZ a not to exceed amount to finish the fiscal year. Samantha Berg stated we should not get anymore bills. The Mayor said the agreement has been signed and returned. Trustee Gutheil asked if there was a deadline given. The Mayor said there was not since it was not in the resolution. Trustee Gutheil said we have not filed an AUD in two years. The Mayor spoke with people from OSC and they will send a representative to assist with completing the prior AUD's. Trustee Gutheil stated we paid EFPR to do this and they cannot cancel our agreement. Trustee Gutheil would like to discuss this in the Executive Session. Trustee Gutheil stated we should have FAZ here to do the work and train our employees. The Mayor stated we found a cost effective way to resolve the issue with OSC and should not go into Executive Session to try and force a canceled

contract. Trustee Gutheil stated the Mayor canceled the audit in the middle of the contract. Trustee Girard would like the attorney to view the contract.

4. Motion #092122-2 to recognize and engage with the new attorney and accept the contract. Trustee Girard motioned. Trustee Orlow seconded. All in favor. Motion passed.
5. Motion #092122-3 to approve vacation/holiday carryover for two full time PD employees. Trustee Carota motioned, Trustee Orlow seconded. All in favor, motion passed.
6. **NRWA PFAS Cost Recovery Program:** This item has been tabled. The Mayor is waiting for Counsel to review.
7. **SIM cards for iPads - Verizon contract, need them ASAP:** Motion #092122-4 to approve Verizon contract. Trustee Carota motioned, Trustee Orlow seconded. All in favor, motion passed.
8. **Amended contract to include additional Attorney fees for Bond Counsel:** The updated contract has not been received yet and the item has been tabled.
9. **Balance Adjustment on Utility Account:** Motion #092122-5 to adjust the balance to zero, current balance is \$1,156.75. Trustee Orlow motioned, Trustee Gutheil seconded. All in favor, motion passed.  
**Discussion:** One residence in the Village is a state run facility. Prior administration had not reflected their payments in our system which current staff was able to verify they have paid. Trustee Gutheil asked if we have a procedure in place to prevent this from happening. Samantha Berg stated we are creating new procedures as well as checks and balances.
10. **COVID Policies, Mask Update:** This item has been tabled for Counsel to review.
11. **Update on Investment Directive:** Motion #092122-6 to close out the current CD's and pay the penalties associated with them, while allowing us to invest in other more competitive CD's of at least 30 days and at a rate of 2% or higher. Trustee Girard motioned Trustee Orlow seconded. Trustee Gutheil abstained, rest in favor. Motion passed.  
**Discussion:** Trustee Gutheil is just seeing these documents for the first time. Two weeks ago in the Executive Session they were given a report regarding banking and he requested copies of the proposals. Samantha Berg stated we had no formal proposals. Trustee Gutheil stated this was not what the Board was told. Trustee Gutheil believes he was not given all the information. The Mayor stated he shared all information that was available at the time. Trustee Girard asked at last Wednesday's meeting to be given the proposal letter and the Board did not receive it. Trustee Girard wants the Board's request of information to be answered more timely. Trustee Gutheil stated we have 6 to 7 million dollars in available funds. He sent out emails that we are losing \$350 a day or possibly more. Our CD's are currently at .05% and the new ones are over 3%. We have lost \$20,000 by not having the new CD's. Trustee Girard would like to see what the rate is for a 30 day CD. Samantha Berg stated we can earn more interest if we have a fee based account. There will be a minimum for the account and all surplus would earn interest.
12. **FAZ Auditor Update:** This item has been tabled.

13. **RFP for Legal and Audit Services:** Motion #092122-7 to extend the due date to November 2nd, by 2PM. Trustee Orlow motioned, Trustee Carota seconded. All in favor, motion passed.
14. Motion #092122-8 to approve 19 Harrison Avenue sidewalk request. Trustee Carota motioned, Trustee Orlow seconded. All in favor, motion passed. The cost paid by the resident is 50/50 which includes half of labor and half of materials.
15. **Minutes 11/03/2021, 11/17/2021, and 8/3/2022:** Motion #092122-9 to approve the minutes contingent upon corrections being made. Trustee Carota motioned. Trustee Girard seconded. Trustee Orlow and Gutheil abstain, rest in favor. Motion passed.  
**Discussion:** Trustee Girard believes 8/3/2022 needs grammar and punctuation cleanup. Trustee Gutheil believes some of the motions had the incorrect Trustees making motions and seconds. Trustee Gutheil provided on 11/03/2021 he intended to state he has not seen the Deputy Clerk Treasurer's application, not the Clerk Treasurer's. Trustee Gutheil would like it clarified on 11/17/2022, item 1C, should say First St Pump Station and not First Pump Station. Also on 11/17/2022, item 12, he would like to clarify he was agreeing with having the discussion offline. Trustee Gutheil stated we skip over Old Business two meetings in a row and that should be reflected in the minutes.
16. Motion #092122-10 to approve the quote to renew server licensing agreement required for cybersecurity for 3 years at a rate of \$175 total. Trustee Girard motioned, Trustee Seconded. All in favor except for Trustee Carota and Gutheil abstain for not seeing the quote. Motion passed.
17. **Old Business:**
  - A. Trustee Gutheil thought the most current minutes were being completed. Clerk Treasurer Berg provided staff is very busy with Water and Sewer collections. Trustee Gutheil asked if this meeting's minutes could be done in time for the next meeting. The Mayor provided there is currently training going on with new staff, a week long seminar, and numerous challenges that arise each day. Trustee Gutheil said we have been short staffed so long and have dug ourselves a big hole. Clerk Treasurer Berg provided it is difficult for the Deputy Clerk Treasurer Espey to complete two old minutes and one new set in time for the next meeting. The Mayor provided we meet our obligations legally by posting the audio recordings. He would like to allow staff the proper time to accurately record minutes and not be rushed.
  - B. Trustee Gutheil asked for an update on the Police Policies and Procedures Manual. The Mayor said we are waiting for Counsel's review.
  - C. Trustee Girard would like Counsel to review the water meter bid specifications.
18. **Amended contract to include additional Attorney fees for Bond Counsel:** Motion #092122-11 to authorize the Mayor to sign the agreement with Bartlett, Pontiff, Stewart, and Rhodes P.C. Attorneys at Law September 21st 2022 NYS Drinking Water State Revolving Fund amended and restated \$1,080,000 EFC drinking water facility note to the Village of South Glens Falls in the amount of \$4,045.00. Trustee Orlow motioned, Trustee Carota seconded. All in favor, motion passed.
19. **New Business:**
  - A. Trustee Gutheil stated our engineers recommended sending a letter to KPI, the Mayor provided this should be discussed in Executive Session.

**20. WIIA Water Project:**

- a. Motion #092122-12 to approve the Jersen and Delaware Pay App #1 \$319,390. Trustee Carota motioned, Trustee Orlow seconded. All in favor, motion passed. **Discussion:** The Mayor provided Counsel has reviewed this item and sent him information this evening. Trustee Gutheil asked if this is the pay app he previously had questioned if we are liable or not. The Mayor provided this is to pay for the metal building on site. Trustee Girard stated we need to make sure we have insurance. The Mayor said we received confirmation the Insurance Certificate is good and has builder's risk for up to \$1,544,500. This is the amount on the contract for the project. Trustee Girard is asking if we will be liable once we pay the pay app and the Builder's Risk will no longer be applicable. The Attorney said once we pay this, it will be liable under our insurance. Trustee Girard asked if there is Grant money left, the Mayor provided there is about \$600,000 left.
- b. Motion #092122-13 to approve Disbursement #11 for Worldwide, this is for SRF project #DO-18332 Supplemental Certificate & Defining Closing Certificate \$104,934.38. Trustee Carota motioned, Trustee Girard seconded. All in favor, except for Trustee Girard who abstained. Motion passed.

21. **Carbon Filtration Project:** TJ Chagnon provided the contractors have looked at our trees and will be returning next week. He also provided that Jersen has been moving in and marked off areas for and not for equipment.

22. **Sewer I&I Update:** This item will be discussed in the Executive Session.

23. **GIGP Update (Water Meters):** We are waiting for Counsel to review the bids specs and let us know if adjustments are needed.

**24. Trustee Reports:**

- A. Trustee Gutheil provided the Planning Board met and had a few problems on clarification and will be meeting again regarding a property on Ferry Blvd.

**25. Mayor's Report:**

- A. The Mayor and staff recently went to the NYCOM Conference and will begin implementing the new policies and procedures that were suggested.
- B. The Mayor will be sending additional information on various clean energy solutions and different energy providers.
- C. We are working on creating new laws. One is establishing a speed limit in the Village Parks. We have approved our new parking ticket structure but the tier system was not accepted by the Court. The Mayor proposes we change the fee to \$35. The Board supports this. We are also looking at updating the Nuisance and abatement laws to help the Building & Code Enforcer. This is referring to trash, cars, and other debris left out.

26. Motion #092122-14 to enter Executive Session to discuss Sewer I&I Relationship with KPI and George Moss Property at 8:43PM. Trustee Carota motioned, Trustee Orlow seconded. All in favor, motion passed.

27. Motion #092122-15 to adjourn Executive Session and reopen the Public Session with no action taken at 8:59PM. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed. Please note Trustee Orlow did not join Executive Session.
28. Motion #092122-16 to adjourn tonight's meeting. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed.