

Village of South Glens Falls  
46 Saratoga Avenue, South Glens Falls, NY12803  
January 4th, 2023  
6:00 PM

**Regular, Special, and Executive Village Board Meeting**

MAYOR NICHOLAS BODKIN PRESIDING

Minutes

**Attendance:**

Mayor Bodkin	Nick
Trustee Gutheil	Nick
Trustee Carota	Nick
Trustee Girard	Bob
Clerk Treasurer Berg	Bob
TJ Chagnon	John Hoey
Alan Dubois	User
Engineer Anthony Mantas	Dennis Davall
	Ben Vaillancourt

Absent: Trustee Orlow

1. Special Board Meeting is called to order at 6:00PM.
2. **Motion #010423-1** to enter Executive Session to discuss possible engagement for legal services. Trustee Carota motions, Trustee Girard seconds. All in favor, motion passes.
3. **Motion #010423-2** to adjourn the Executive Session and reopen the Special Public Session with no action taken at 7:07PM. Trustee Carota motions. Trustee Girard seconds. All in favor, motion passes.
4. **Motion #010423-3** to adjourn the Special Session. Trustee Carota motions, Trustee Girard seconds. All in favor, motion passes.  
**Note:** Trustee Orlow was absent for both sessions.
5. The Mayor opens the Public Meeting and forum at 7:09PM
  - A. John Hoey asked when the Village Caucus will be. The Mayor said the Republican Caucus will be on January 16th, 2023.
  - B. (Please note there were technical difficulties with the recording and the audio begins again with Dennis Davall's comments)
  - C. Dennis Davall said that instead of making mandated repairs to a 16 year old truck they should look at a new one. Repairs like this are foolish and he would like the Board to consider the possible ramifications if we do not fix the lights on our side

of the Bridge, there is only three lights working currently. Dennis asked if the Board will wait for the remainder of lights to fail or continue to argue over the responsibility of replacement. Dennis then said the Mayor and Trustees are elected officials and they share a common primary responsibility to the residents of the Village. Trustee Gutheil said he has been trying to have the lights fixed for years, Dennis asked TJ if he has gotten a quote before. TJ said he suggested sharing a contract that Glens Falls already has. The Mayor said we will work to have this in the budget for next year and agrees they need to be fixed. TJ said none of our employees are electricians and this job needs a Certified Electrician. TJ said Hour Electric has told him they would do the job for time and materials, they will have to come in and decipher the problem. TJ said the estimate would be time and material for fixing all the lights. TJ believes replacing the lights is the best route to try and match the new lights that Glens Falls put in. The Mayor and the Board would like to go to bid for replacing the lights on the Bridge. The Mayor believes Glens Falls had National Grid subcontractors do the work.

- D. No one else from the Public wishes to address the Board at this time. The Mayor closes the Public Forum and opens the Public Meeting.

#### 6. Grant Projects Update:

- a. Carbon Filtration: [Motion #010423-4](#) to accept the change order recommended by Delaware Engineering in the amount of \$23,285.32 to allowance #2 of the contract. Trustee Carota motions, the Mayor seconds. All in favor except Trustee Gutheil who abstains. Motion passes.

**Discussion:** Trustee Gutheil asked what this is going to settle and says there is other claims outstanding totaling about \$60,000. The Mayor said this is the amount our Engineers believe to be valid. Trustee Gutheil said they could charge more and all we have is a hole dug or footing and a crosswall. Trustee Gutheil thinks we wrote checks for close to 3 quarters of a million dollars. Trustee Gutheil said we have not seen the pad location for the tank.

(Please note there were more technical difficulties at this time, Trustee Gutheil had a few more comments not recorded. The Mayor acknowledged the technical difficulties and started a new meeting link.)

The Mayor restarted the meeting and provided the question on the floor was whether or not we have 45 Days to respond to the bid. Anthony said the contractor is obligated to hold their bid for 45 calendar days. The Mayor asked if we could get an extension on not having clarification on some items. Anthony said this has been done in the past and should not be a problem. Anthony provided we have until January 28th to make a decision or request extension. The Board will request an extension. Anthony provided an update on the Sewer Project. The Village has previously sent a letter to the contractor regarding the warranty and they responded. The Mayor said this will be discussed in Executive Session. Anthony sent an email to the Board regarding some comparisons in the AMI and AMR. Anthony is asking the Board to review what he sent. He is recommending purchasing ball valves from the bid alternate. Anthony provided that AMI has a few advantages over AMR. Anthony said AMR is becoming obsolete and it may be more cost effective to do the AMI system now instead of 5-10 years if AMR becomes obsolete. Trustee Gutheil asked why this is brought up again and if anything changed. Anthony said nothing materially was changed.

Anthony was just presenting his analysis to the Board to help in their evaluation. Trustee Gutheil asked about the Sewer I & I Filtration Project. Trustee Gutheil said December 23rd we pumped 300,000 gallons for water and 750,000 gallons for sewer and this does not look right. TJ said certain days this will happen because some of the water is distributed and some is sent to storage. TJ said Sewer is not on a 24 hour cycle and is reported at the time our employee measures it. Trustee Gutheil brought up the amount we are spending on I & I and is hoping we are saving money and making gains. Anthony agrees with TJ that Sewer and Water is hard to compare due to how they are reported. Anthony said the AMI system would have all this information in a database and could answer these questions. Anthony left the call.

**7. Fire Company would like to address the Board:** Ben Vaillancourt, a Board Member from the South Glens Falls Fire Department addresses the Board. Ben asked the Board about the status of the 2022 contract. The Mayor said he is waiting for the President to provide some more documents and information. The Mayor said this is the only pending matter and the Board has authorized signing the contract once these documents are received. Ben would also like to have a meeting scheduled with the Fire Department Board and the Village Board. Ben said another issue is the delay in response from the Mayor of sometimes months. The Mayor is unaware of what he has not responded to, The Mayor stated he has several messages to the Fire Chief that the Mayor has not heard back from. The Mayor searched his email and the latest was an email in September that the Mayor did respond to. The next communication was the Village Board reaching out to the Fire Department and the Fire Department never responded to the Village.

**8. Transfers: Motion #010423-5** to approve the transfers as presented. Trustee Carota motions, Trustee Girard seconds. All in favor, motion passes.  
**Discussion:** The Mayor said he has setup time with the Office to review revenues and expenditures to make one large transfer and not these monthly transfers. Trustee Gutheil said last meeting he suggested calculating the cost of these bills for the next five months. Clerk Treasurer Berg said they are working on this but, due to the holidays, there has not been time to accurately calculate the larger transfers. The Mayor said with the phone system, things that were tied to the security system were budgeted for buildings and not telephone.

1/4/23			
G 8130.404	G 8130.403	\$103.79	Sewer Phone
A 1325.413	A 1325.405	\$126.65	CT Phone
FX 8340.403	FX 8320.402	\$50.34	Water Pump Phone
A 1325.413	A 1325.407	\$300.00	Transcriptions

**9. Motion #010423-6** to approve the bills as audited. Trustee Carota motions, Trustee Girard seconds. All in favor, motion passes.  
**Discussion:** Trustee Gutheil said we still have high overtime with the Police Department and we will have a problem at the end of the fiscal year. Trustee Gutheil asked about a bill in May for a course that was scheduled for a previous employee. Clerk Treasurer Berg provided the bill was in May but the course was in September so our new employee took the course in place. Clerk Treasurer Berg also said they saved the bill for this fiscal year since that is when the class was taken.

10. **Common Roots Request: Waiver of Notice Letter to State Liquor Authority:** The Mayor said normally this requires a 30 day notice for the Public to provide feedback, but the Mayor said Common Roots has already gone through the Site Plan review and had a Public Hearing and notice. The Mayor feels the Public had the opportunity to provide feedback. Nothing from the Public Hearing was relevant to the State Liquor Authority. Trustee Gutheil asked if they will have liquor in both buildings and The Mayor said yes, both buildings are similar in operations. **Motion #010423-7** to authorize the Mayor to issue a waiver and supporting documentation for Common Roots Notice Letter to the State Liquor Authority. Trustee Carota motions, Trustee Gutheil seconds. All in favor, motion passes.
11. **Orbital Fire (PII Protect):** The Mayor said emails have started going out from PII Protect. The Mayor, Clerk Treasurer Berg, and Deputy Treasurer Devaux met with Orbital Fire to amend the issues with the service. All users have been reset and accounted for. Trustee Gutheil said he has gotten nothing from Orbital Fire. The Mayor said it is from PII Protect which is an Orbital Fire System. The Mayor would like to ask everyone to keep working on their Cyber Security and staff will look into errors for not receiving emails.
12. **FAZ Update:** Clerk Treasurer Berg said we have received an email advising of the final cash balances and this will require some entries to move funds to the correct accounts. Clerk Treasurer Berg said we do not have enough funds so will have to liquidate some money from NYCLASS to complete the entries then can reinvest into NYCLASS. Trustee Gutheil said he has not seen any of the year end numbers. The Mayor said year end numbers are not available until these entries are made. Trustee Gutheil would like all the backup from FAZ showing the discrepancies. Trustee Gutheil asked how much money are we short and Clerk Treasurer Berg said she does not have it in front of her but believes it is more than \$20,000. The Mayor said this is not that we are short of money but funds just need to be allocated correctly. This problem has arose due to the investments we have made. Trustee Gutheil believes we had \$1,306,000 in checking accounts. Clerk Treasurer Berg said that amount is for all three accounts and water and sewer checking does not factor into the pooled account that contains water and sewer funds. Clerk Treasurer Berg said we have about \$890,000 in our pooled account, the amounts in water and sewer checking cannot be considered due to already being moved and allocated for. Trustee Gutheil asked why we don't use the pooled account. Clerk Treasurer Berg said there is not enough funds. Clerk Treasurer Berg said we will move the NYCLASS funds to the pooled account to make the entries. At this point the numbers for cash balance should be accurate and the Village will reinvest in NYCLASS.
13. **Motion #010423-8** to approve ordering a new Dump Truck. Trustee Carota motions, Trustee Girard seconds. All in favor, Motion passes.  
**Discussion:** The Mayor said there has been some question on where the funds will come from, information has been shared with the Board. TJ said the following accounts and balances for CHIPS is \$178,045.02, EWR is \$43,086.60 for a total of \$221,131.62. TJ said our budget will have to be amended because CHIPS is only budgeted at \$150,000, if the budget is amended to \$221,131.62 it can be applied to the sweeper. This will leave us short of funds for the sweeper that is \$259,000. TJ does have about \$140,000 in Street Sweeper maintenance that will not be needed if we purchase a new sweeper. Trustee Gutheil said we are dipping into reserve funds and this should be done

at budget time. Trustee Gutheil said we are reaching down into all these separate accounts, spending everything else. Trustee Gutheil said our reserve fund will not be left for next year. Trustee Gutheil thinks the truck should be budgeted for next year. The Mayor said we are accepting the bid that can provide us the truck within a more reasonable time frame. Trustee Girard asked why we are voting on this now when the truck will not be purchased and received in 6 months. Trustee Girard believes this should happen next fiscal year. The Mayor said we can approve the purchase now and at the end of the year we can encumber more funds to DPW major equipment. Trustee Girard said we should just give permission to order and budget the funds next fiscal year. TJ provided there may be extra funds in some repairs accounts that can be moved to street maintenance equipment. TJ said we will not have to pay until at least 6 months. Trustee Gutheil asked for an updated CHIPS amount. TJ provided it is \$178,045.02. TJ said the budget will have to be amended.

14. **Motion #010423-9** to amend the budget accounts, CHIPS for \$178,045.02, EWR for \$43,086.60 for a total of \$221,131.62. Trustee Girard motions, Trustee Carota seconds. All in favor, motion passes.
15. **Motion #010423-10** to accept and file DPW, Police, Building Inspector and Code Enforcement, and Animal Control Report for December 2022. Trustee Carota motions, Trustee Gutheil seconds. All in favor, motion passes.

**16. Old Business:**

- A. Trustee Gutheil said the bank statements showed we are not earning interest. Clerk Treasurer Berg called the bank and setup a meeting to go over the compensating balance required for the accounts. Once this is determined, anything above the balance will be invested at 3.1 percent interest rate. Trustee Gutheil asked why we were not earning interest. Clerk Treasurer Berg said we converted to account analysis and this required the bank to stop and review our accounts to determine a minimal balance. Anything above this balance will be invested. Trustee Gutheil asked why we don't put these funds in NYCLASS for 4 percent. Clerk Treasurer Berg said we will have to transfer the money back and this would complicate the accounts. Trustee Gutheil said we should have liquid money invested at 4 percent.
- B. Trustee Gutheil asked where we are with Humana and have our employees been contacted. The Mayor said the insurance brokers are working on the rollout which will take about 3 months. Trustee Gutheil thought this would of been done in January. The Mayor said we were told March Initially. The Mayor said the program is notifying the employees properly. Trustee Gutheil said we are saving \$17,000 and the employees can save money too. Clerk Treasurer Berg said documents were sent to Humana and were told for a March effective date, they would need to be given our information in December. Clerk Treasurer Berg Humana and CDPHP will send letters to the retirees, advising there plans have been changed. The Mayor said there will be no gaps in coverage and any former employee with questions should contact the Office. Trustee Gutheil said we should have a meeting with the retirees. The Mayor said we can request this from the broker.

17. **New Business:** There is no new business at this time.

**18. Trustee Reports:**

- A. Trustee Girard said Trustee Gutheil and himself have met with a representative of a CPA firm along with Clerk Treasurer Berg. Trustee Girard believes this will be beneficial for the Clerks Office. Trustee Girard would like to set up something monthly with the CPA firm to assist with monthly financials. The Mayor asked if they will do our audit as well. Trustee Girard said they will be doing and end of year review. The Board will also review the financial work from the Clerk's Office. Trustee Girard said neither of these reviews are official audits. Trustee Gutheil would like to see what the proposal exactly says. They will be giving a proposal after talking with Clerk Treasurer Berg on the condition of our books. Trustee Gutheil said they will not do an actual audit. Trustee Gutheil stated the firm is Lutz, Selig, and Zeronda CPA's, their representative they met with is Mary Mackrell.

**19. Mayor's Report:**

- A. January 12th at 6:00PM will be a meeting for the Parade Committee.
  - B. There was an engineering conference to review the water treatment plant upgrades.
  - C. The Mayor had a meeting with EFC to review finance options for any open projects or possible projects we can qualify for in the future. There is bill funding for general supplement lead services and emerging contaminants. These projects are typically 5 years and we should begin looking at them.
20. **Motion #010423-11** to engage with Miller, Mannix, Schachner, and Hafner, LLC as general counsel commencing on 1/1/2023 to 12/31/2023 unless there is a 30 day notice to terminate the agreement with a maximum rate of \$240 an hour. The Board will evaluate the service at 3 months. Trustee Carota motions, Trustee Girard seconds. All in favor, motion passes.
- Discussion:** The Mayor said the Board will try its best to control the expenses. The Mayor asked that all employees and contractors go through the Mayor's Office first to communicate with the attorney. The Mayor said we will hold meetings at 6:00PM prior to the normal scheduled meeting, this meeting will be labeled "Attorney Client Privilege Conference".
21. Trustee Gutheil asked if we have a plan on retrieving our records and we should have a good inventory record for the new law firm. The Mayor is going to make a trip to Saratoga to retrieve records once available.
22. **Motion #010423-12** to adjourn tonight's meeting at 8:39PM. Trustee Carota motions, Trustee Girard seconds. All in favor, motion passes.