

**DRAFT**

Village of South Glens Falls  
46 Saratoga Avenue, South Glens Falls, NY12803  
October 4th, 2023  
7:00 PM

**Regular Village Board Meeting**

MAYOR NICHOLAS BODKIN PRESIDING

Minutes

**Attendance:**

Mayor Bodkin  
Trustee Girard  
Trustee Gutheil  
Trustee Orlow

Samantha Berg  
TJ Chagnon  
Alan Dubois  
User  
Jim  
Jo Jo  
Nick  
U  
Margaret Centerbar  
Cynthia Gee  
Carl Gee  
Joan Burrall  
Robert Ulrich  
Ken Scherl  
Kevin Gallagher

**Absent:** Trustee Carota

The Mayor opens the meeting at 7:01PM with the Pledge of Allegiance. The Mayor also thanked all law enforcement and search and rescue teams for their effort to resolve the missing person case. He also wished the family all the peace they can have at this moment.

**Public Forum: The Mayor opens the Public Forum at 7:03PM.**

- a. Margaret Centerbar asked about the Bridge Lights not being fixed yet. The Mayor provided a contractor has reviewed the site and we are currently working on a plan. Margaret Centerbar asked about cleaning up the two burned properties on Main St. The Mayor provided an update. Trustee Gutheil asked for copies of the correspondence for the burned residential property. Margaret Centerbar had questions on the water meter project. The Mayor provided some answers. TJ Chagnon also provided some answers. A Resident asked TJ Chagnon about sprinkler systems and TJ Chagnon provided some answers.
- b. Ken Scherl provided he is in constant contact with various law enforcement agencies regarding his issue with his neighbor on Harrison Ave. He provided his

frustration with trying to remediate the issue. The Mayor provided he has been in contact with several parties on remediating the issue. Trustee Orlow asked about the trash issue at the property and remediating it. The Mayor asked if the Board would like to have another Consolidated Board of Health meeting. Trustee Gutheil would like to get a report from the Building Inspector and meet with law enforcement to address the drug issue. Trustee Orlow provided one of his neighbors received a letter that addressed their property's condition. The Board will hold a Consolidated Board of Health meeting on October 18th at 6:00PM, present Board members support and plan to attend. The Mayor now closes the Public Forum.

## 1. Grant Projects Update

### a. Carbon Filtration

i. **Jersen response to Notice of Deficiency:** There is still no response to the Board's proposal. There was confirmation from EFC that the project needs to be closed out by the December deadline. Trustee Gutheil asked how the letter was written by the attorney to say what option we were to accept. The Mayor provided this was decided by the consensus of the Board, only Trustee Gutheil was in disagreement. Trustee Gutheil said the Engineer recommended option 3 and believes there should be more transparency. The Mayor provided contract negotiations are part of the Executive Session. Trustee Gutheil believes the Public has a right to know the Board members' stances. The Mayor believes we have been transparent throughout this situation. Trustee Girard questioned which option we chose to do and completing the project on time.

b. **GIGP:** The Mayor provided we are waiting for more information from the contractor on the Water Meter project. Trustee Gutheil had several questions and concerns about the project and software warranty.

c. **WIIA Financing Agreement:** The Mayor provided there is a financing agreement due on 10/10/2023 and he is looking for a resolution to sign it. [Motion #100423-1](#) to authorize the Mayor to sign the WIIA financing agreement, pending approval by counsel. Trustee Orlow motioned, Trustee Girard seconded. All in favor except for Trustee Gutheil who abstained. Motion passed.

**Discussion:** Trustee Gutheil asked for Counsel's opinion on borrowing the money and feels uncomfortable voting without it. For not having an opinion he will abstain. The Board discussed the possible financing amount and options.

2. **Motion to Approve the Bills and Payroll as Audited:** [Motion #100423-2](#) to approve the Bills and Payroll as Audited. Trustee Orlow motioned, Trustee Girard seconded. All in favor, except for Trustee Gutheil who abstained due to paying the energy supply company a high rate. Motion passed.

a. General - \$37,815.89

b. Water - \$23,429.60

c. Sewer - \$1385.91

d. Payroll

i. 09/20/23 - \$24,612.59

ii. 09/27/23 - \$23,955.44, \$5,729.87

iii. 10/04/23 - \$25,540.19

3. **Industrial Water Rate Discussion, Minimum and price per thousand:** The Mayor provided we currently do not have an industrial water rate and asked for the Board's opinion on establishing one. The Mayor said this would only affect one user. Trustee Girard would like to have more information and decide at a later time. The Board discussed the Essity property and the upcoming meter project.
4. **2004 F350 Dump Truck with Plow Auction results:** Motion #100423-3 to approve the bid of \$9,700 for the 2004 F350 Dump Truck with Plow. Trustee Orlow motioned, Trustee Gutheil seconded. All in favor, motion passed.
5. **PD Garage Man Door Repairs:** Item has been tabled due to the Chief being unable to attend.
6. **PD Server Replacement:** 10/10/2023 the PD servers will no longer be able to be updated and StoredTech has provided a quote to replace. The Board had several questions and would like to go to bid for this work.
7. **Hydraulic Valve Replacement:** Motion #100423-4 to approve the purchase of the Hydraulic Valve Replacement for \$1,242.30 from Alta Construction. Trustee Gutheil motioned, Trustee Orlow seconded. All in favor, motion passed.
8. **Park Vandalism:** The Mayor provided vandalism has occurred at the Sandbar Beach and Village Museum. TJ Chagnon provided he is looking into fixing the damage at the Beach and was recently made aware of the Museum.
9. Motion #100423-5 to approve park use for Timothy Burke and a bicycle ride fundraiser with the fee being waived, pending receiving the Certificate of Insurance. Trustee Orlow motioned, Trustee Gutheil seconded. All in favor, motion passed.
10. Motion #100423-6 to Receive and File the PD, DPW, Building Inspector, and Animal Control Report for September 2023. Trustee Orlow motioned, Trustee Girard seconded. All in favor, motion passed.
11. **Proposed Local Laws:**
  - (a) **Local Law #2 2023 Food Truck local law (b) Local Law #3 2023 Engine Brake Law (c) Local Law #4 2023 Parking Ticket Fee Law:** The Mayor asked the Board if they have reviewed the laws and have any interest in having a public hearing. Trustee Girard provided he has no issues with delivery services such as DoorDash. Trustee Girard also provided there is a lot more to look into regarding the Food Truck law. Trustee Gutheil has no problem with the brake law but sees trouble with enforcing it. Trustee Gutheil is not against food trucks, he believes there is some compromising to be done with the food truck law. The Board believes the food truck law needs revising. Trustee Girard asked to have a workshop separate from the regular meetings to review and discuss the laws.
12. **Old Business**
  - a. **Bridge Lighting:** TJ Chagnon has provided information to the Board and is looking for their decision on how to proceed. Contractors have looked at the lights and provided what needs to be done. Motion #100423-7 to transfer \$100,000 to Capital Reserves from unassigned fund balance for bridge lights, repair, and maintenance. Trustee Girard motioned, Trustee Orlow seconded. All in favor, motion passed.

**b. Per request of Trustee Gutheil:**

i. **PBA Contract:** Trustee Gutheil would like to discuss this in the Executive Session.

ii. **Village Fire Properties (Moss/Old China Buffet):** Trustee Gutheil asked if we are able to clean up the property. He would also like to see copies of the written communication. Trustee Gutheil referenced the previous motion #021523-13 for the Board to receive all attorney communications and believes he has not received all the correspondence. Trustee Gutheil believes this resolution is not being upheld.

**Motion #100423-8** to direct the relaying of all communications from February 15th 2023 from the attorney and all communications regarding the Moss and China Buffet properties to the Board. Trustee Gutheil motioned, Trustee Orlow seconded. All in favor, except for the Mayor who voted no due to the lack of clarification on who is being directed to relay communications and what kind of communications. Motion passed.

**Discussion:** Trustee Gutheil asked about the meeting with Boralex, the Mayor provided there was a large amount of items on tonight's agenda and he did not think it was a good time to discuss it. The Mayor provided he has sent all previous emails and current ones as they are received. The Mayor also asked who is being directed to relay the information and asked how he can relay verbal conversations. Trustee Orlow said his understanding is this motion is reinforcing the motion that was made by Trustee Gutheil in February. The Mayor's understanding is every department head has to relay all communications. Trustee Gutheil said there is a lack of transparency regarding the attorney bill.

**Motion #100423-9** to amend the previous motion to specify that all communications the Board is to be included on are from the Building Department, the Mayor, and the attorneys. Trustee Gutheil motioned, Trustee Orlow seconded. No vote was taken.

**Discussion:** Trustee Orlow provided his impression is this was to clarify the original motion and not each individual had to report. He is looking to get the general information to represent the Village in a good manner. Trustee Gutheil believes the motion he referenced from February has been ignored. The Mayor believes this motion is very specific to a particular employee, a contractor, and himself. Each has had varying degrees of conflict with board members and this could be seen as a retaliatory attack. Trustee Gutheil said he has previously asked for written communications from the Building Department and always gets a synopsis, if there is communication with a bank then the Board should see it. The Mayor said not including all departments, this singles out one individual. Trustee Gutheil said he does not have problems getting information from other departments. Trustee Orlow provided during his term as Mayor, he strongly documented his actions and was FOIL'd for them and over the last eight years it has changed. The Mayor provided he is trying to protect staff and contractors from being held to different standards than others. Trustee Gutheil asked why the Mayor does not want the Board to receive this information on a daily basis. Trustee Orlow provided he has been held to this standard, he believes Trustee Gutheil is looking for more transparency which is not accusatory and he supports this. Trustee Gutheil said there is a large amount of emails on the attorney's bill, the Mayor provided not all of them involve him.

- iii. **Fund Balance Policy:** Trustee Girard provided a workshop is needed for this.
- iv. **Police Department Policy and Procedures:** The Mayor provided this document is several hundred pages and the attorney is still reviewing it. Trustee Gutheil would like this on the agenda for each meeting, he has reviewed the several hundred papers more than once and would like to see some action on this item.
- v. **Attorney Communications (prior Board resolution) and Contract Status:** Trustee Gutheil is not sure we have counsel currently, he explained his understanding of the counsel status. A resident asked the Board about the attorney status and the Board provided more information. Trustee Gutheil said a confidential letter was released without consulting the Board. There has since been another confidential letter and he is unsure it has been released to the Public. The Mayor said at the last meeting it was stated the attorney agreed to stay on due to the circumstances, until the Village agrees to terminate the agreement or the Village does not pay them. The Board, the Mayor, and a resident further discussed the attorney situation. **Motion #100423-10** to have the whole Board interview potential law firms that are interested who would attend the public meetings for at least an hour and be more available to the Board of Trustees. Trustee Girard motioned, Trustee Gutheil seconded. All in favor, except for the Mayor who voted no for reasons previously stated, motion passed.  
**Discussion:** Trustee Girard believes we need an attorney that is present at the public meetings to help be more transparent with the public and more available to the Board of Trustees. The Mayor reviewed his recent emails from the attorney aloud. Trustee Gutheil expressed his concerns with not receiving information. The Mayor does not believe this is in the best interest of the Village to leave our current firm and look for a new one. Trustee Gutheil believes they have done good work but would like to have an attorney at the meeting.
- vi. **Air Quality Complaint:** Trustee Gutheil said there is a smell issue at the northern area of the Village and we should contact DEC to remediate the issue. The Mayor said DEC has been contacted and they are investigating the issue.
- vii. **Used Truck Purchase and Payment:** The Mayor provided the procurement policy needs to be updated. He also provided the Village recently purchased a vehicle, following the Village's procurement policy. The Village's policy is in conflict with the State's policy. Counsel provided an opinion to accept the vehicle and change the policy going forward or to return the vehicle. The Mayor provided the warrant for the truck received three signatures and the truck was purchased with the intention to amend the procurement policy to conform to the state's policy. Trustee Gutheil said the voucher was pulled at the last meeting's audit and expressed his concerns with the purchase. Trustee Gutheil asked if counsel would release their attorney client privilege letter we received on this matter. The Mayor said it has been attached to the voucher. Trustee Gutheil said we purchased an \$80,000 truck with no competition and believes the purchase was wrong. The Board discussed the proposed policy.

### 13. New Business

#### a. Per Trustee Gutheil:

- i. **Payment of vouchers not approved at Board meeting:** The Mayor provided this has already been covered at this meeting.
- ii. **Dangerous Dog Attack:** The Mayor provided the dog warden is with the Town of Moreau and our Police Chief has addressed the issue with Trustee Gutheil and himself. Trustee Gutheil provided we need a policy for when dangerous dogs are loose in the Village. The resident who was affected addressed the Board regarding the situation and her frustration. The Mayor said he will reach out to the Town Supervisor. Trustee Gutheil said he has spoken with the resident and reviewed the report, the dog warden is still working on issuing a report. Trustee Gutheil would like to have a way to notify the public when there is a dangerous dog loose in the Village, and also follow up on this situation. **Motion #100423-11** to authorize the expense of a public safety notice as needed. Trustee Gutheil motioned, Trustee Orlow seconded. All in favor, motion passed.
- iii. **Village Website:** Trustee Gutheil said the agenda section does not have the current agendas. The Mayor said we have been utilizing the Village News section and posting the agenda along with the meeting post. The Mayor said he has been looking into how to update the website. Trustee Girard provided other municipalities have websites that can answer most general questions. TJ Chagnon asked about the letter that will be sent to residents for the upcoming water meter project. The Mayor said we are waiting for the contractors to provide us a letter.
- iv. **Parade Funds for Next Year:** Trustee Gutheil said the Town has prepared their tentative budget and would like to send a letter describing how the funds have been depleting over the years. The Mayor provided he has communicated with the Town that the Village is looking for funds for the parade.
- v. **Firehouse Cleaning:** Trustee Gutheil thanked TJ Chagnon for bringing supplies to the Fire Company during their event and had questions about the Firehouse cleaning.

14. **Procurement Policy** - This item has been tabled.

15. **Trustee Reports:** Trustee Gutheil asked about the return to work policy and the Mayor provided the current policies.

16. **Mayor's Report:** There is no Mayor's report

17. **Motion #100423-12** to adjourn tonight's meeting at 9:25PM. Trustee Orlow motioned, Trustee Gutheil seconded. All in favor, motion passed.