

Village of South Glens Falls  
S46 Saratoga Avenue, South Glens Falls, NY 12803

October 5th, 2022

7:00 PM

**Village Board Meeting**

MAYOR NICHOLAS BODKIN PRESIDING

**Attendance:**

Mayor Bodkin  
Trustee Carota  
Trustee Girard  
Trustee Gutheil  
Samantha Berg  
Alan D

Kevin Ostrander Jr.  
TJ Chagnon  
Attorney Jim Towne  
Police Chief Gifford  
JM

Absent: Trustee Orlow

**Public Forum 7:00 PM:** The Mayor opens the meeting and public forum at 7:00PM. No one from the public wishes to address the Board at this time.

**2. Transfers:**

A1420.401 to A1430.405	\$1,000	Non-union labor attorney
A1990.400 to A5410.402	\$1,700	Sidewalks

Motion #100522-1 to approve the transfers as presented. Trustee Carota motioned, Trustee Girard seconded. Trustee Carota and Trustee Girard voted yes, Trustee Gutheil abstained, Mayor Bodkin voted yes. Motion passed.

Discussion: Trustee Gutheil stated he would not support taking money out of contingency this time of year for sidewalks and the account should be "a wash." Samantha Berg said it will never be "a wash" in expenditures because the money would go into the revenue account. Trustee Gutheil said the budget should be adjusted. Trustee Girard said OSC should be asked if the revenue account could provide the funds.

**1. Motion to Approve the Bills as Audited:** Motion #100522-2 to approve the bills as audited. Trustee Carota motioned, Trustee Girard seconded. All voted yes, motion passed.

Discussion: Trustee Gutheil stated the record should show that the \$75 voucher for the proposed line has been changed to reflect that charge.

**3. Training Opportunity for Water Department:** Motion #100522-3 to approve two DPW employees to attend Adirondacks Waterworks' Conference for \$65 each. Trustee Gutheil motioned, Trustee Carota seconded. All Trustees and the Mayor voted yes. Motion passed.

Discussion: TJ Chagnon stated he wanted Alan and John attend the Adirondack Waterworks Conference Fall Workshop at \$65 each. TJ Chagnon will not attend as he will be off.

**4. Retirement Training Opportunity for Clerks Office:** Motion #100522-4 to send Samantha Berg to retirement training. Trustee Girard motioned, Trustee Gutheil seconded. Trustee Gutheil, Girard and Carota voted yes as did Mayor Bodkin. Motion passed.

Discussion: Samantha Berg said right now it is wait listed, but there is a training session in Guilderland regarding deductions, etc. she would like to attend.

**5. NRWA PFAS cost Recovery Program:** Motion #100522-5 to submit paperwork to participate in the NRWA PFAS cost Recovery Program. Trustee Girard motioned, Trustee Carota seconded. All voted yes, motion passed.

Discussion: Mayor Bodkin said Counsel had a chance to review the program and recommended the participation of the Village. Trustee Gutheil asked if this is just to register us and we are not apart of the class action. Counsel provided this is just to sign up for the program but we may be involved later with class action.

**8. Authorization to sign the MOA for unnamed PD employees:** Motion #100522-6 for the Mayor to sign the MOA for unnamed PD employees. Trustee Carota motioned, Trustee Girard seconded. Trustee Carota, Girard, and Gutheil voted yes as did Mayor Bodkin. Motion passed.

Discussion: Trustee Gutheil asked why it was unnamed and not public information. Mayor Bodkin said it cannot be reported out until it is signed. Counsel agreed. After passing, the names of Sgt. Jason Martin , \$478.40, and Sgt. Todd Multhroup, \$1,435.20, were mentioned as the individuals and the amounts. Item awaits PBA signature.

**6. PD Tactical Gear Quotes:** Motion #100522-7 to purchase PD Tactical Gear. Trustee Carota motioned, Trustee Girard seconded. All Trustees voted yes, Mayor Bodkin voted yes. Motion passed.

Discussion: Chief Gifford said this relates to the body armor, helmet and there is a shield proposal included. Trustee Gutheil asked for an amount for the record and what account the funds would come out of. Chief Gifford stated the lowest prices for the shield was \$3,995 through Federal Eastern who fitted the officers for body armor. Two sets of steel plate, helmet, and tactical bag at \$760.55. Entry tools are separate. Mayor said funds will come out of PD safety 426. Chief Gifford said all officers have been fitted for vests; it may take 6 weeks to get them.

**7. Payroll System Update:** Motion #100522-8 to purchase Accu-Data payroll software from A1325.202 for \$7,277.40 annual maintenance cost pending Counsel approval of the contract. Trustee Girard motioned, Trustee Carota seconded. Trustee Girard amended his motion. Trustee Carota seconded. All voted yes, motion passed.

Discussion: The pros and cons of each system are outlined. All municipalities spoken to had positive remarks. The third choice is Samantha Berg's favorite as it can do retirement accounting, alleviate manual do overs, and can be "tweaked" to fit the needs of the Clerk's office. Trustee Girard asked how it would help save time in payroll. Samantha Berg said less manual entry would be involved. Trustee Girard

asked how it will be paid for; Samantha Berg said the funds would be moved from software account A1325.202 to A1325.422, a new account for payroll processing, in the amount of \$3,000. Trustee Gutheil asked which one was being purchased and for how much. Samantha Berg stated the amount was \$3,000. Trustee Gutheil said the \$3,000 was only for the rest of the year; how much was a full year. Samantha Berg said \$7,277.40. Trustee Girard asked if there would be a price increase in January. Trustee Gutheil asked if the term was from October or would be for the fiscal year. Samantha Berg said she would have to see the contract. Trustee Gutheil voted yes based on the research the Clerk treasurer has given the Board.

**9. COVID Policies, mask update:** Discussion: Counsel was asked to review the current guidelines. Masks are only required in healthcare facilities. The Board had no issue removing the "Mask required" sign from the doors of the Village Hall.

**10. Update on Investment Directive- Mayor Bodkin and Clerk Treasurer Berg:** Samantha Berg said the Board had spreadsheets on the funds sent to the new bank. She added additional checking account funds were discussed being added to the investments. The Mayor mentioned Clerk Treasurer Berg wanted to have cash flow analysis complete and finish up with NOA and FAZ before becoming overzealous in buying funds. Trustee Girard said the audit had nothing to do with the cash flow. Trustee Gutheil asked about a maturity date. Trustee Gutheil said more money should be invested and thousands of dollars are lost from not managing cash effectively. Trustee Girard said he would like to see it happen in the next 30 days.

**11. FAZ Auditor Update:** Samantha Berg said she got a small amount of adjustments today.

**12. Minutes- 12-01-2021, 12-15-2021:** Motion #100522-9 to accept minutes 12/01/2021 and 12/15/2021. Trustee Carota motioned, Trustee Girard seconded. Trustee Girard amended motion to include spelling/grammatical corrections. Trustee Carota agreed. Trustee Gutheil voted no, Trustee Carota voted yes, Trustee Girard abstained, Mayor Bodkin voted yes. Motion does not pass.

Discussion: Trustee Gutheil said there were typographical errors. He added there was a motion nearly a year ago to condemn a building on Main Street. Clerk Treasurer Berg said Mr. Ostrander could address that. Trustee Gutheil had an issue with the 12-15-2022 minutes not saying his opinion while the Mayor's opinion was mentioned. He added his point that the other departments needed quotes was not in the record and he expected it to be, and he would be voting no on the minutes. Samantha Berg asked how to fix it; Trustee Girard said if the Trustee said it, it should be in the minutes. Samantha Berg said she would have the minutes gone over again. Trustee Gutheil stated he appreciated it because he valued his reputation. The Mayor said he never directed anyone on how to do the minutes; Trustee Gutheil said he was not saying he did. Trustee Girard said he listens to the back and forth comments and the point is whoever is doing the minutes has to be fair and accurate.

**13. DPW, PD, Animal Control Report for September 2022:** Motion #100522-10 to receive and file DPW, PD, Animal Control Reports for September 2022. Trustee Carota motioned, Trustee Girard seconded. All voted yes, motion passed.

Discussion: Trustee Gutheil asked if the Building Inspector's report would be included. The Mayor said it was separate. TJ Chagnon stated KPI has asked to do the blackout; an outside contractor would be needed to satisfy state requirements. He stated he would need to know how the Board wanted him to proceed, whether forced labor method for grant money for which he would need to know "the whole ball of wax." Trustee Gutheil asked what the engineer said; TJ Chagnon stated the engineer said it would be beneficial due to state deadline of the 30th. Trustee Girard asked if the other hole was brought up; TJ

Chagnon said yes and the only thing he mentioned to KPI was the Tapo Group. Trustee Gutheil said the contractor should take care of its faulty work. Counsel said to have KPI step up to the plate. The consensus of the Board was have KPI do the work.

TJ Chagnon added that Common Roots are planning tying in on an 6" water line by boring under the road to their existing water line. TJ Chagnon said he had no issue as there would be a meter on both sides of the road; he suggested granting an easement across the road. Common roots would be responsible for maintenance and upkeep in the future. He added DOH to approve and engineers should look at the line, if there would be an inspector on the job or just when they cross the road. Mayor Bodkin asked Kevin how much this deviated from the original signed mylar. Kevin stated he would have to look and see; he asked why they were doing it that way. TJ Chagnon said it would be a cleaner source and the Village would not have to put a 6x6x6 tee into old infrastructure as well as shut off water, work at night, and shut down Rte. 9. Counsel asked to see it plotted out. Trustee Gutheil said he did not know how DoH would react having two parcels and one tap; he added Counsel and DoH needed to look into it. Trustee Girard said a contract should be written up. Trustee Gutheil asked if they needed an easement. Supt. Chagnon said it was on their property. Counsel said to have Common Roots contact their attorney.

**16. Curb cut proposal and Sidewalk agreement:** Motion #100522-11 to approve sidewalk/curb work for 5 Edgewood Dr. Trustee Carota motioned, Trustee Girard seconded. All voted yes, motion passed.

Discussion: TJ Chagnon stated there was a sidewalk for Craig Harris and curb cut for Jim Baker on Edgewood to widen the driveway. Mr. Ostrander asked a question about why a sidewalk had failed with DOT twice. TJ Chagnon said one issue was a percentage grade of handicap ramp, the second was quality. Trustee Gutheil asked about the sidewalk on Spring St. TJ Chagnon said he would do it with the last pieces.

**14. Building Inspector Report and Discussion:** Mr. Ostrander said he finished Code Enforcement Training a couple of weeks ago. Rich has been let go. Certificate of Occupancy has been added to the report. Permits are good; water site will be revisited. Violations and citations for unregistered vehicles, debris, etc. are being undertaken now that he is certified. China Buffet is on the list. He stated he is sending out notifications regarding the new laws passed with 30 day remediation.

**a. Fees:** Commercial/industrial Permit and Certificate of Occupancy permit fees of sometimes \$3,000 are too high. Per square foot cost of perhaps \$.30 per foot would be more appropriate. Change of use price of \$250 minimum would be better at per square foot also and would allow Mr. Ostrander to "get a foot in the door".

**b. Revenue Generation Opportunities:** Mr. Ostrander added there was no fire compliance in the Village. Every business needs an annual fire compliance inspection. It may not generate revenue but it can offset the cost of doing the job. He added offering competitive rates for home inspections, offering services to senior residents, and offering services to military residents. The Mayor asked about liability; Mr. Ostrander said it was a yes/no thing, but he has insurance through his NY State licensing. Trustee Gutheil would like to speak about this in Executive Session.

Recommendation; Start doing fire inspections, permit adjustment, including transient merchant (food truck) permit.

Discussion: Trustee Girard said food trucks are not encouraged in order to assist the Village restaurants. Trustee Gutheil told Mr. Ostrander to put the request in writing for review.

Mr. Ostrander mentioned the George Moss estate, and that under normal circumstances an inspector could condemn it. Since it has been three years it is now a sanitation issue which must deal with the health department. Trustee Gutheil said it was getting into a litigation issue which should be addressed in Executive Session.

Mr. Ostrander said he was getting calls about a tenant/landlord interaction problem, borderline code enforcement, borderline health department and there is a gap. Trustee Gutheil said the town abandoned consolidated health.

**15. Recognize new Fire Company member:** Kara Gutowski was welcomed. Trustee Gutheil asked if it was the Fire Department or Fire Company. Mayor Bodkin said it was Fire Company Inc.

**17. Bicycles in the PD Garage:** Motion #100522-12 to donate abandoned bicycles to Mr. Giorgianni. Trustee Girard motioned, Trustee Carota seconded. All voted yes, motion passed.

Discussion: Trustee Gutheil asked if the Village owned the bicycles; would they have to be declared surplus property. Counsel said it could be looked into. TJ Chagnon said the bikes were abandoned. The Chief said they check that none of them were stolen

**18. PD Furnace issues:** Motion #100522-13 to approve low bidder, C&L Mehcanical, to replace the PD heat system. Trustee Girard motioned, Trustee Carota seconded. All voted yes, motion passed.

Discussion: Chief Gifford requested quotes from several local companies for both repairs and replacement. Trustee Gutheil said he would be happy to replace the squirrel cage at the original estimate. He does not know what kind of shape the heat exchanger is in; there was no sense putting \$1,600 in repairs in a \$600 replacement. TJ Chagnon said the parts alone were over \$1,000. Trustee Gutheil said he had squirrel cages repaired for \$500-\$600. He added he was told the fan was not working and asked if there was more wrong. Mayor Bodkin said there was PD building repairs with \$3,400. Clerk Treasurer Berg said this was an example of unforeseen expense. PD body armor was mentioned by Trustee Girard. Trustee Girard said something inaudible then added \$5,000 was reimbursable. He said there was \$13,000 in the account. He added he would go with the lowest bidder to replace. Mayor Bodkin said \$3,483.89 would be taken out of A3120.412 repairs and the balance of \$1,166.11 out of A3120.200 Equipment. Trustee Girard said whatever was left in the account.

**19. Old Business:** Trustee Gutheil said some of the grant money the Village will get requires single audit and should be looked into. He said he would be surprised if the CDBG grant did not require it. Mayor Bodkin said it was part of the RFP process. Samantha Berg said she had zero submissions for an audit right now. Trustee Girard said he did not think the village put in for this audit. Trustee Gutheil said at least the Village can show the attempt was made to obtain one. He added he had been saying this for a year. Trustee Gutheil said other municipalities should be contacted; Samantha Berg said she did. Trustee Gutheil said there was an obligation to get an audit done since grants usually require one.

Trustee Gutheil said there was money in the budget and he wanted to plant more trees since it was a good time of year to plant them. Mayor Bodkin said there was \$3,000 for new trees.

Trustee Gutheil asked about putting the truck on auction. He also asked about the bridge, and lights being changed to LED. He added Glens Falls looks nice, ours does not. Trustee Girard asked if Glens Falls electrician would do the work. TJ Chagnon said no one wants to touch it. Trustee Gutheil asked about changing a water meter; TJ Chagnon said when the contract is awarded and make the large users a priority. TJ said he also provided a quote for a new meter and could install it now if the Board wishes

Trustee Girard and Carota support replacing the meter now. Trustee Gutheil asked what the Board wanted to do about the email he received about tree city. Mayor Bodkin said he sent it to the tree committee.

Trustee Gutheil brought up sewer filtration and repairs; he wanted to sit down with the engineers and go over the video. TJ Chagnon said he had his men pop a manhole and look and everything is flowing. Trustee Gutheil asked what if they had to go in with a cutter; TJ Chagnon said a root cutter would not be used. Trustee Gutheil wanted to know what would happen if roots got in. TJ Chagnon said he would have to dig. Trustee Gutheil said on the legal end there is no engagement letter. He said the box of stuff is nothing compared to what it should be.

Trustee Gutheil asked about the audit firm that billed the Village approximately \$5,000. Mayor Bodkin said there has been no further communication. Trustee Gutheil asked if the Village was going to "sit on it" and when will the Village get an audit done. Mayor Bodkin said the RFP is supposed to be open on November 2nd.

**20. New Business:** Trustee Gutheil said there had been a complaint which he forwarded to the Board and he assumed the office kept a record of complaints.

Trustee Gutheil asked about a stop sign in an intersection that had none and about a local law passed. TJ Chagnon said the only thing done was the HDPE. He then asked the Village had we received the one Attorney Bartkowski filed with the Secretary of State. Mayor Bodkin said Deputy Clerk Treasurer Matthew Espey filed 1, 2, and 3 of local law of 2022. Trustee Gutheil asked if the one on Brentwood had ever been done. Trustee Gutheil said we have been aware this intersection does not have an established right of way and need to act towards it. TJ Chagnon said stop signs could be put up but would not be enforceable. Mayor Bodkin authorized TJ Chagnon to put them up. Trustee Gutheil said if a local law has not been filed it should be put on a list.

Trustee Gutheil asked if anyone had seen the video of the sewer line for Haviland and Wilson. He asked TJ Chagnon if he had seen it, to which he replied he could look.

Motion **#100522-14** to take the funds budgeted for reserves, 9901.0901 \$40,000, 9901.0914 \$40,000, 9901.0915 \$40,000, and 9901.0916 \$15,000 totaling \$135,000 and get them into CDs within two weeks. Trustee Gutheil motioned, Trustee Girard seconded. All voted yes, motion passed.

Discussion: Samantha Berg said labeled accounts have to go into separate CD's. Trustee Gutheil said that was all right.

Trustee Gutheil wanted to acknowledge for the record Chief Gifford has an appointment and wanted to be brought up to speed. Mayor Bodkin said he was going to do that in the Mayor's Report.

**21. Carbon Filtration Project Update**

**22. Sewer I & I Update:**

**23. GIGP Update:** Mayor Bodkin said the bid deadline is 10-26-2022 at 2 PM.

**24. Trustee Reports:** Trustee Gutheil said the Planning Board met and approved the lot line adjustment.

**25. Mayor's Report:** Mayor Bodkin said, as Trustee Gutheil mentioned, Chief Gifford's status as Provisional Chief was satisfied on him taking and passing the Civil Service test according to the terms of the original resolution and became fully tenured Chief. The Mayor thanked and congratulated him.

the Mayor asked if the old printer that is in the back room could be moved to another location. Trustee Gutheil asked if it was to be thrown away. The Mayor said he would like to get rid of it so the space could be freed up. Trustee Gutheil wanted to know specifically what was to be done with it. TJ. Chagnon said it would be thrown away.

Clerk Treasurer Berg said the office had received a tax payment from a large business that was too late for one penalty but too early for a second and if she should accept the payment as is. Trustee Girard asked if the business would be billed the difference; Samantha Berg said she could not reach anyone at their corporate headquarters. Trustee Gutheil wanted to know what the law said and the postmark. Samantha Berg said the postmark was not close. Trustee Gutheil said he did not think partial tax payments could be accepted. Trustee Girard said to send it back. Samantha Berg asked if she should re-levy. Trustee Girard said yes. Trustee Gutheil asked about the final date; Samantha Berg said the end of the month. Trustee Gutheil asked if it was the bill for about \$30,000. Clerk Treasurer Berg said yes.

**26. Executive Session:** Mr. Ostrander was invited in to talk about the George Moss property. Towne Law will be discussed, and the letter for KPI.

Motion **#100522-14** to go into Executive Session at 8:48PM. Trustee Carota motioned, Trustee Gutheil added particular employment history of an unnamed person or persons to be discussed. Trustee Carota amended his motion. Trustee Girard seconded the amended motion. All voted yes, motion passed.

**27.** Motion **#100522-15** to end Executive Session with no action taken and re-enter public session at 9:29PM. Trustee Carota motioned, Trustee Girard seconded. All voted yes, motion passed.

**28.** Motion **#100522-16** to authorize Mayor to sign engagement letter for towne law firm PC Attorneys at Law at same terms previously stipulated with prior counsel Susan Bartkowski. Trustee Gutheil motioned, Trustee Girard seconded. All voted yes, motion passed.

**29.** Motion **#100522-17** to adjourn tonight's meeting at 9:30PM. Trustee Carota motioned, Trustee Girard seconded. All voted in favor, motion passed. Meeting is adjourned.