

Village of South Glens Falls
46 Saratoga Avenue, South Glens Falls, NY12803
December 7th,2022
6:00 PM

Village Board Meeting & Law Firm Interview

MAYOR NICHOLAS BODKIN PRESIDING

Minutes

Attendance:

Mayor Bodkin
Trustee Gutheil
Trustee Carota
Trustee Girard
Trustee Orlow
Bob
Alan D
User 2
Denise Davall
Jim Edwards

Clerk Treasurer Berg
TJ Chagnon
Deputy Treasurer Devaux
Chief Gifford
Denise Palyo
518-415-7363
User 1
John Hoey
Megan Bassler

1. Meeting is opened at 6:00PM.
2. **Motion #120722-1** to enter Executive Session to discuss health insurance coverage with Denise Palyo and interview Towne Law Firm at 6:04PM. Trustee Girard motions, Trustee Gutheil seconds. All in favor. Clerk Treasurer Berg will also join and Trustee Orlow was not present for the Executive Session.
3. **Motion #120722-2** to adjourn Executive Session and re-open Public Session with no action taken. Trustee Girard motions, Trustee Gutheil second. All in favor, motion passes.
4. **Public Forum 7:00 p.m:** No one from the public wishes to address the Board at this time. Trustee Orlow is now present.
5. **CT Male Engineering Review:** Jim Edwards provided a review on the manhole 149-150 and sewer line repairs from KPI. CT Male provided numerous records on the matter to the Board. The condition of the sewer lines created numerous problems. In 2019, there was a televised report to repair the Village for a longer project. CT Male indicated several deficiencies. The pipe being used was outdated. Trustee Gutheil asked why CT Male did not have this information at the beginning of the project. The Mayor stated he

relayed all information he received. Jim Edwards stated receiving this information would not have changed his recommendation in the end. He also agrees with lining the pipes. Jim Edwards believes using water cured methods would be the best choice. Trustee Gutheil asked about the number of active services. Jim Edwards said he estimated 4. He also stated there are portions of the pipe that will have to be dug up and replaced. The lining system he is proposing has a 30-40 year life.

6. Grant Projects Update:

- a. **Carbon Filtration:** TJ stated the walls will be poured on the 12th, the rebar crew was behind. Trustee Gutheil has questions about the soil borings for the engineer. Trustee Gutheil wondered why we did not do soil borings from when we did designs. Trustee Gutheil does not know who is conducting the soil borings and has not received any information or findings. Trustee Gutheil is not comfortable going forward with this project. Trustee Gutheil heard from Delaware, they wanted their engineer to sign off on the project and he is unsure if that was completed. Trustee Gutheil asked if we will be doing additional borings and who will be paying for these changes. TJ said they are digging the soil out and putting walls up which will be a cost to the Village. The Mayor requested an update from the Engineer and has not heard back yet. Trustee Girard questioned why the Engineer is directing the contractor on proceeding without consulting the Village. Megan Bassler stated certain events would require the Village to receive written notification. Trustee Gutheil stated the bidders are supposed to review the site for the work being done.
- b. **GIGP:** Clerk Treasurer Berg is working on completing the additional documentation requested. The Original budget was \$50,000 and the Mayor asked if we could include some office wages. This includes the Clerk's Office administrative work along with TJ's administrative work and supervising several projects. Delaware budgeted for inspections on the work being done. Trustee Girard believes our code states our employees inspect the water meters. TJ said the company will be doing the inspections to minimize the amount of time needed to enter the residential homes. The Inspectors will document everything and provide it to the Village. When there is a problem, then the Village will go in addition. This is a significant job for the Village employees to inspect all the meters themselves. The Mayor said we still have ample opportunity to amend the budget for this project.

7. Grant Projects Disbursement Requests

a. Carbon Filtration Project Update

- i. **Motion #120722-3** to approve Jersen Pay App #3 with an additional explanation to answer Trustee Gutheils question of how the payout is broken down. Trustee Orlow motions, Trustee Carota seconds. Trustee Orlow, Trustee Carota, and the Mayor vote yes. Trustee Girard votes no, Trustee Gutheil abstains.

Discussion: Trustee Gutheil questioned the terms of supervision. He wants to know how much we have spent percentage wise so far on the project. Clerk Treasurer Berg stated the pay app does not include Delaware invoices. Trustee Gutheil wants a pay schedule on the \$150,000 disbursement. Trustee Girard votes no due to some questions being unanswered. Trustee Gutheil wants a breakdown of the supervision costs and why the cost is fluctuating and abstains due to not having these answers.

b. Sewer I&I Update

- i. **Motion to Approve KPI Pay App #3.** The Board would like to table this for Executive Session.
- ii. **Motion #120722-4** for the Mayor to sign Disbursement #13 and Jersen pay app #2 for \$213,752. Trustee Girard motions, Trustee Orlow seconds. All in favor. Motion passes.
- iii. Motion to approve KPI Pay App #2. This item has been tabled. Trustee Gutheil brings up being double billed in the past and wants to know how many active services we have. The Mayor said there was an email circulated that the company identified the error and is making a correction to the invoice.

8. **Motion #120722-5** to Approve the Bills as Audited. Trustee Orlow motions, Trustee Girard seconds. All in favor, motion passes.

Discussion: Trustee Gutheil is concerned we are more than half way through our overtime budget and wants someone to get a handle on it. Trustee Gutheil said the amount of money approved for every warrant should be reflected in the record. Trustee Gutheil wants clarification on the work being done from the outside vendor doing minutes. He believes we may be better off doing them in house. Trustee Gutheil asked about voucher #538 pertaining to gas and electric on the Police Building, it may have the wrong account code. Trustee Gutheil asked about the Firetruck vouchers and status of the Truck. The Mayor said the Truck is currently in service. Trustee Gutheil asked about the election bill being a year old. Clerk Treasurer Berg stated we never received a statement and the company never tried to collect on their end. She also stated we conducted the normal process of reviewing past records that this was indeed not paid yet.

9. **LED Lighting for DPW:** TJ stated that Hill Electric reached out regarding a National Grid Grant that the Village can receive. They are rebated to \$1 per light, this will also just pertain to the shop area and none of the offices. These lights will use half the power of the lights we currently have. TJ also said the DPW can install the lights themselves. TJ said there would be approximately 50 lights to be purchased. TJ stated the company would get the refund themselves so the Village would not have to pay the gross amount up front. This will be tabled until the next meeting for TJ to get additional information.

10. **GGFT Contract:** **Motion #120722-6** to approve the GGFT contract commencing on January 1st 2023 to December 31st 2024 with initial payment of \$6,664.00 towards initial operation expenses. Trustee Gutheil motions, Trustee Orlow seconds. All in favor, motion passes.

11. **SCADA System:** **Motion #120722-7** to approve a payment of \$2,337.00 from account G8130.404 for computer work to have the SCADA System installed. Trustee Girard motions, Trustee Orlow seconds. All in favor, motion passes.

Discussion: TJ stated the reasoning for putting internet into the First St Pump Station is to relay information to the Water Plant. They are a sole proprietor.

12. **FAZ Auditor Update:** Clerk Treasurer Berg stated the requested voided check entries

have been completed. She is currently waiting for the Auditor to finish their reconciliation and provide the next steps. Trustee Gutheil asked when this audit will be done. Trustee Gutheil asked about the Balance Sheet and the item "huge reconciliation adjustments".

13. **Minutes - 02/02/22, 02/16/22, 11/16/22:** Motion #120722-8 to approve the listed minutes when amendments and corrections are made. Trustee Girard motions, Trustee Orlow seconds. All in favor, motion passes.

Discussion: Trustee Gutheil referred to item 19 from meeting 2/02/2022 regarding a contract for a new printer and he believes it was a copier. Trustee Gutheil referred to WIIA on 02/16/2022, "reward" should be changed to award. With the same meeting there is also a motion that does not provide who made the motion. Trustee Gutheil noticed an error with a percentage rate and interpretation of his stance on a financial advisor. Trustee Gutheil would like clarification if we renewed the Retiree Supplement plan. Trustee Gutheil asked if we followed up with T-Mobile and can the time be added when Executive session is left.

14. Financial investments Discussion

- a. Motion #120722-9 to increase the limit held with financial institutions from 3 million to 5 million. Trustee Orlow motions, Trustee Girard seconds. All in favor, motion passes.
- b. Motion #120722-10 to approve NYCLASS as a financial institution and make investments with said firm. Trustee Orlow motions, Trustee Girard seconds. All in favor, motion passes.

Discussion: Clerk Treasurer Berg stated there are no penalties or fees with withdrawal. The interest is compounded and paid daily. The withdrawals and deposits are same day transactions. They only invest within municipality laws. Clerk Treasurer Berg believes NYCLASS provides the best access to withdrawing money should we need it. 3.55% is the current rate we are earning. The Mayor stated our minimum balances fluctuate based on our monthly cash flow with Glens Falls National Bank. They estimated a \$540,000 minimum balance currently, which we are not in a collection period now. Clerk Treasurer Berg said there are still entries outstanding from last year that sum a substantial amount of money. This will change our current fund balance and give a more accurate amount of what we can invest. Trustee Girard stated we can not sit and wait for direction on journal entries when we still have the money to invest. Trustee Girard thinks the money that is in question to be transferred, should be put into investing until we know where to transfer it. Trustee Girard has brought up previously that these additional funds should be invested due to the Village losing interest that can prevent taxes being raised. The Mayor said staff is working to the best of their ability in a professional manner, if the Board wishes to direct staff to do otherwise they would need a motion that passed. Trustee Girard said the Board has attempted this and the Mayor's vote denied it. The Mayor restated the motion of investing every dollar available is too vague and ambiguous. Trustee Gutheil stated he sent an email to the Mayor in regards to the Clerk Treasurer sharing the information that we are switching to account analysis. In this email Trustee Gutheil thanked the Clerk Treasurer for reaching out to the financial institution and that the CD's and US Treasury bills would give us a better yield. Trustee Gutheil wishes we do not wait until the end of December to invest in a higher yield. He believes this should have already been

done previously and we have missed out on additional earnings. Trustee Gutheil is not interested in a Financial Advisor but is starting to think we may need one. Trustee Gutheil said the Mayor is the Chief Financial Officer and has a window of time to make serious money on the balance we carry. The Mayor said whenever we are dealing with Village finances it is our responsibility to exercise and research all options with caution and due diligence. Then the Village would develop a plan with OSC and apply this. Staff is currently implementing a multi-faceted approach using CDs, NYCLASS, and money market with Glens Falls National. This will allow the Village to leverage every dollar available and earn more than 2.5% interest on average. Trustee Girard said we still have over 3 million dollars not invested. The Mayor said we have just approved to invest in NYCLASS and the amount was not disclosed due to the conversation changing. Trustee Girard asks what amount is being invested. Trustee Gutheil said the Mayor has been irresponsible regarding investments. Trustee Gutheil stated he is not blaming staff and calculated the Mayor has lost the Village \$2,100 in 9 days. The Mayor said we can not invest money that is tied up. Trustee Gutheil said it is not tied up and is listed on our bank statement. The Mayor said we need cash flow to operate day to day operations. Trustee Gutheil said the Mayor and the Board are not on the same page and believes someone with a financial background should be brought in to give the Mayor advice only because you people do not get it and the Mayor likes losing money and spending money. Trustee Gutheil referred to the month ending statements of November and that we have just under 3 and 3 quarters of a million dollars. The Mayor said we are going to invest what is prudent in a diversified manner and with the Board just approving tonight to use NYCLASS, he has not had time to calculate an accurate figure. The Mayor said 3.2 Million of funds is tied up in TD Bank. Trustee Girard said we have done nothing in two months. Trustee Gutheil is going to go through previous bank statements and calculate how much money the Mayor has potentially lost.

15. **Motion #120722-11** to approve and file DPW, Police Dept, Animal Control, and Building Inspector Reports for November. Trustee Carota motions, the Mayor seconds. All in favor, motion passes. Trustee Orlow removed himself from the meeting prior to the motion.
16. **Policy regarding the use of Village vehicles on weekend while on call:** This item will be tabled for Counsel to review.
17. **Minimum Wage Increase effective 12/31/22 per NYS law (New rate \$14.20):** The Village is acknowledging this change and they anticipate to further increase to \$15.00 in the future.
18. **Quotes for Data storage for PD:** **Motion #120722-12** to approve the purchase of Clearview data systems RICI card scan maintenance for \$400 a year from account A3120.216 PD Computer Software. Trustee Carota motions, Trustee Girard seconds. All in favor, motion passes.

Discussion: The Chief stated this is for all files such as mugshots and fingerprints to be filed in a database with New York State so they have access to them. Our current fee is \$400 a year which would stay the same unless we want additional storage for in-house which the Chief believes we do not need.

19. Motion to approve renewal for Employee Benefits

- a. **Employee Health Plan:** Motion #120722-13 to name the following two plans as options for the employees on renewal for 2023. Acknowledging that the plan that is better to the existing plan does not become the new standard of same as or better to for PBA and CSEA members. Trustee Girard motions, Trustee Gutheil seconds. All in favor, motion passes.

Discussion: Employees are currently on the Highmark Silver EX8000 plan and it is still offered with an increased premium. The other plan is CDPHP Bronze HDEPO Plan that offers more benefits at a lesser premium.

20. Verizon Cell Tower Rental Agreement: The Board will discuss this in Executive Session.

21. Old Business:

- a. Trustee Gutheil asked what we can do with Bridge lights, there are several out and of different colors. TJ stated he has given numerous options to the Board previously and believes we should do what Glens Falls did and have new lights put in. TJ said he can budget for this. Trustee Gutheil does not know why we were stuck with this bill due to it being a State Highway and the State should pay for it. Trustee Gutheil also asked about ornament lights being out. TJ stated the workers check this periodically.
- b. Trustee Gutheil asked about policy and procedures for the Police Department. The Mayor said it is a sizable document that will take the attorney an extended amount of time. Trustee Girard asked about the non-union employee manual. The Mayor said he has been reviewing several templates with staff in effort to create procedures for the new time clock.
- c. Trustee Gutheil asked about the work being done to the Water Tower in regards to the Cell company making repairs and or changes. He is requesting more information into what exactly will be done.
- d. Trustee Gutheil would like a report from the Police Department regarding active school shooter training. The Chief addressed this in the Fall previously, he has received some of the materials ordered but still waiting on more. The Chief plans on doing an active shooter drill at Oliver Winch Middle School but has not heard back and believes it will have to wait for February. The Chief currently does have a plan in place with South Glens Falls School District. The Chief said there is no policy stating other Police Departments have to help but it is assumed we would help Glens Falls and Glens Falls would help us for example. Trustee Gutheil would like our department to have riot shields. The Chief stated we are in possession of them.

22. New Business

- a. **Ending of Auctions International Truck Auction:** Motion #120722-14 to accept the bid at \$3,300 for the DPW truck at Auctions International. Trustee Gutheil motions, Trustee Girard seconds. All in favor, motion passes.

Discussion: TJ stated the Firehouse locks are an issue, over the years there has been an issuance of too many keys. He is working with Chief Corlew on current members and who has access to what keys. TJ has been talking with Center For Security and they can provide a key that can only be duplicated by that company

upon permission by Chief Corlew. They estimate it will cost less than \$500. There are currently three locks that will need to be addressed.

- b. Motion to engage RBT for auditing services.
Discussion: Clerk Treasurer Berg reached out to the firm regarding the Board's questions. The auditing firm's minimum is \$24,000. Any further research that includes large amounts of entries, the firm will provide the information to the Office and Board for addressing on how to act further. Trustee Gutheil has no interest in hiring the firm, he stated we have already spent \$32,000. He also said we had a contract to do an audit previously that was interrupted by the Mayor. Trustee Gutheil does not support an additional audit and the budget does not allow for it. This item has been tabled and no motion was made.

23. Trustee Reports:

- a. Trustee Gutheil wishes the Parade Committee to meet at some point.
- b. Trustee Gutheil keeps getting tree grant information for Arbor Day and is unavailable to address these items in the time they requested.
- c. Trustee Gutheil would like to report that Rick Leoneli is not available for six weeks but should have a replacement that is available.
- d. Trustee Gutheil mentioned a virtual meeting for Moreau Biochar on the 19th of December at 6:00PM.

24. Mayor's Report

- a. The Mayor attended a community meeting along with Trustee Orlow. This was conducted by numerous community organizations to get public's feedback on how to bring the community together. The Mayor said this meeting was very productive and another one will be held at Pine Knolls Church in January and recommends anyone to join who wishes to make a contribution.
- b. We are in the process of re-evaluating our email accounts. Some accounts are exceeding their data limit and will not be able to receive anymore information. We will evaluate different platforms to resolve the current issues.

25. **Motion #120722-15** to enter Executive Session to discuss the following items: Health Insurance Renewal, George Moss Property, Fire Company Contract, and performance of an unnamed person or persons. Trustee Girard motions, Trustee Gutheil seconds. All in favor, motion passes.

26. **Motion #120722-16** to adjourn Executive Session at 10:10PM and re-open the Public Session with no action taken. Note that Trustee Orlow was not present for Executive Session Trustee. Gutheil motions, Trustee Girard seconds. All in favor, Motion passes.

27. **Motion #120722-17** to adjourn tonight's meeting at 10:11PM. Trustee Girard motions, Trustee Gutheil seconds. All in favor, motion passes.