

Village of South Glens Falls
46 Saratoga Avenue, South Glens Falls, NY12803
December 20th, 2023
7:00PM

Regular Village Board Meeting Minutes

Minutes

Attendance:

Mayor Bodkin
Trustee Gutheil
Trustee Carota
Trustee Girard
Counsel William Nikas

Samantha Berg
TJ Chagnon
Alan Dubois
Glen
Jim
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User
Alex Portal
Cheryl Lawyer
Cam Cardinale
Lucas Smith
Kevin Gallagher

Public Forum: Kevin Gallagher addressed the Board regarding the Fire Company contract and Police Department contract. He asked how long the Fire Company contract has been expired. The Mayor explained there were contractual concerns that took time to resolve. Kevin Gallagher provided the Village's contract with the Police Department is also expired and he has brought this up at previous meetings. He believes both contracts are very important to the Village. Counsel provided that the Police Department continues to work as they normally do. The contract came up for renewal and they had legitimate disputes, both sides are working on resolving the disputes. Kevin Gallagher believes this is why the Police Department cannot retain or hire new Officers. He is concerned for Public Safety in the Village with the contracts not being resolved. Trustee Gutheil asked about an update on the Fire Company contract. The Mayor provided he has signed the contract and there is a check cut, we are waiting for the Fire Company to sign the contract. The Fire Company postponed their meeting earlier today. The Mayor and Trustee Gutheil discussed the meaning for the meeting and the Mayor said he was unsure what the Fire Company's intentions were for the meeting. Trustee Gutheil believes we should know the purpose of a meeting before scheduling one.

1. Grant Projects Update

a. Carbon Filtration: Motion #122023-1 to approve the terms of the proposal and authorize counsel to negotiate the final settlement agreement based on the terms of receiving a \$30,000 credit and waiver of all prior notice of claims. Subject to Boards approval upon final documentation. Trustee Carota motioned, Trustee Girard seconded. All in favor, except for Trustee Gutheil who voted no. Motion passed.

Discussion: The Mayor provided the proposal to the contractor has been accepted. The terms are receiving a \$30,000 credit for exterior panel damage. Trustee Gutheil is concerned if all claims will be dismissed. Counsel provided all other claims will be dismissed. Trustee Gutheil did not support this option and will be voting no. Trustee Gutheil voted no due to spending over a million dollars for a building that the manufacturer acknowledged having defective materials.

b. GIGP: TJ Chagnon provided the container that will house the meters is being delivered January 2nd. The process will begin to start once the meters are delivered. The Mayor said he has not seen any more communications regarding Ferguson and Delaware communicating to the Public. TJ Chagnon believes the letter should come from the Village. Kevin Gallagher provided he will not allow anyone in his home unless it is on the Mayors letterhead. Trustee Girard agrees with TJ Chagnon and he has been asking for months about the letter being finished. Trustee Gutheil said this letter should have gone out a long time ago, he also provided information about the letter the Village of Corinth used for their meter project. Trustee Gutheil believes it will be a surprise to some residents. The Mayor provided we are waiting for a firm start date and to be able to send credible and tangible information to prevent multiple mailings that would cost hundreds of dollars. Trustee Gutheil said the letter could have gone out with the last water bill. The Mayor provided once we have all the proper information from the contractor and engineer, our staff can compose a letter. TJ Chagnon suggested putting out a formal letter saying we are beginning the project and what the residents options are, then the contractor can send their own letter of the official start date. TJ Chagnon provided more information that can be put on the letter. TJ Chagnon is concerned about the residents not being informed enough on the project if only the contractor sends a letter. The Mayor provided we are waiting for information from the contractor and engineer and will add our information as well. TJ Chagnon provided January 2nd the meters will be dropped off and they will want to begin.

c. Sewer: Trustee Gutheil asked if the sewer loan has been closed, Samantha Berg provided the attorney has not responded back to her. She has attempted contacting them twice since the last meeting.

2. Transfers: Motion 122023-2 to approve the transfers as presented. Trustee Carota motioned, Trustee Girard seconded. All in favor except for Trustee Gutheil who abstained. Motion passed.

12/20/2023			
A 1990.400	A 1430.405	\$1,300.00	NON UNION LABOR ATTORNEY
A 1640.410	A 1640.415	\$75.65	DPW BACKGROUND CHECKS

3. **Motion #122023-3** to approve the bills as audited, removing the payroll warrant. Trustee Carota motioned, Trustee Girard seconded. All in favor except for Trustee Gutheil who abstained. Motion passed.
Discussion: Trustee Girard believes the dates are incorrect for the payroll warrant. Trustee Gutheil said we need to look at the rates on the National Grid bills, also the Police Station should not be on a demand meter. He also said we should look at the Van Buren pump station bill due to it being significantly higher than other pump stations. Trustee Gutheil asked about the CPA voucher, Samantha Berg provided it was just received after the warrant was already prepared.
 - a. **General - \$28,829.59**
 - b. **Water - \$4,771.07**
 - c. **Sewer - \$1,746.17**
4. **Minutes (12/06/23): Motion #122023-4** to approve the minutes from 12/06/23. Trustee Carota motioned, Trustee Girard seconded. No vote, the Board will vote on this for the next meeting.
Discussion: Trustee Girard believes important information the Trustees are saying is being left out of the minutes. Trustee Gutheil said there is no response to his question on closing the zero interest loan. He thought we were receiving and filing reports from the department heads. There is also no record of vote for adjourning the meeting.
5. **Motion #122023-5** to allow the Mayor to sign the agreement for Positive Pay at GFNB pending receiving a written statement from Glens Falls National Bank stating there are no fees. Trustee Carota motioned, Trustee Girard seconded. All in favor except for Trustee Gutheil who voted no. Motion passed.
Discussion: Trustee Gutheil said this came across as no fees and he sees fees on the agreement. Samantha Berg provided that due to our account analysis, we will not pay fees. Trustee Gutheil said it looks like a transfer of liability and the Village is taking on additional liability because we perform certain acts. He is concerned with the language and indemnification. Counsel suggested getting an additional letter from Glens Falls National stating there will be no fees. Trustee Gutheil will not support and wants to do an RFP for banking services.
6. **Empire Safety membership: Motion #122023-6** to authorize the Mayor to sign the membership agreement with Empire Safety. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed.
Discussion: The Mayor is looking to enroll the Village in Empire Safety. They help in training for employee safety and provide resources to improve safety. The cost is \$60 a year. Trustee Girard has no problem with the \$60. He also said our insurance company already provides safety training, he does not see a lot of information about Empire Safety. Trustee Girard believes we should utilize our insurance that we already are paying for. The Mayor said he has been in contact with our insurance and their representatives recommended Empire Safety. Trustee Girard asked why the Board was not informed about the Mayor communicating with the insurance company. Trustee Gutheil said the price is minimal and he supports safety training, but we should utilize services we already pay for. Trustee Gutheil also could not find much information on Empire Safety. He will support the \$60 for one year but if he does not see the value in the program, he will not support the renewal.

7. **Ferry Blvd Infrastructure/Water Quality:** The Mayor provided this has been talked about last meeting. TJ Chagnon said the DPW has done more extensive flushing and has sampled the problematic area, it has been narrowed down to an area between two hydrants where the issue is. DOH is looking for an action plan. TJ Chagnon suggested ice pigging the area and having the engineers weigh in on the situation. The Mayor asked if home filters would help, TJ Chagnon provided this would require the Village to replace the filters and he would have to research for the right filter. The Mayor asked the Board via email if there was interest in doing an RFP for pipe replacement or repair, he asked the Board again if they are interested. Trustee Girard said we should try the ice pigging that TJ Chagnon suggested as soon as possible. TJ Chagnon said we should first give all the information Alan has been collecting to our engineers for them to review. Trustee Gutheil asked about the distance between hydrants that was emailed being 1,000 to 3,000 feet. TJ Chagnon said this was an error and the distance is less than that. A resident asked what the MCL level is. TJ Chagnon provided it is .3 milligrams per liter and we are at .5 to .6 in the located area.

8. **Motion #122023-7** to accept and recognize the resignation of Patrolman Michael Gailor. Trustee Gutheil motioned, Trustee Girard seconded. All in favor, motion passed. The Mayor thanked Patrolman Michael Gailor for his service to the Village and wished him luck in his future place of employment.

9. Old Business

a. **Bridge Lighting:** The Mayor provided counsel has received further information on this project and is reviewing such. TJ Chagnon said we want to standardize with the fixtures Glens Falls has on their side. He believes the Board wanted to go to bid for fixtures and the wiring, then use the Warren County contract for installation. Trustee Gutheil would like to bid for the installation to see if it comes in lower than the county contract. Counsel provided there needs to be reasoning why the Village wants particular fixtures from a particular manufacturer. TJ Chagnon said he believes it is so we can match the light fixtures Glens Falls has put in on their side.

10. New Business

a. **Repair on Village fire truck:** **Motion #122023-8** to approve the repair estimate for the Village fire truck. Trustee Carota motioned, Trustee Girard seconded. Trustee Gutheil abstained and the rest are in favor. Motion passed.

Discussion: The Mayor provided there is a repair needed for the fire truck for \$5,556.27. This is an estimate. Trustee Girard asked why they are not following the procurement policy of receiving three quotes. The Mayor said they only provided one quote. Counsel provided the procurement policy is one of the issues in the contract, the Fire Company submitted this under an emergency repair which does not need three quotes. Counsel provided it is up to the Board to decide if it is an emergency repair or not. Trustee Gutheil said we have already received a previous repair for \$10,000 and this problem has been ongoing. He asked what preventative measures are being taken. Trustee Girard said it is difficult to determine emergency repairs for the fire truck, how is the Village going to work with someone who will constantly bypass the procurement policy. Trustee Girard also said he certainly does not want to go without fire protection so this puts the Board in a difficult situation. Counsel believes this is the result of past practices and discourse may be required between the Board and the Fire Company. The Board could also hire someone to review if the repair is an

emergency. Counsel provided that with his short time working with the Village, a lack of communication between the Fire Company and the Village has been a long standing issue that resulted in this situation. Counsel said there are other vendors to fix the truck and Samantha Berg provided she has reached out to two. Trustee Gutheil wants another opinion. Trustee Girard will vote yes due to being the deciding vote and not wanting to put the citizens in danger with no fire protection. He will not support a purchase like this again in the future. Trustee Gutheil said we should look into a back up truck and talk to the Town. The Fire House has more than the Village truck in service. There are multiple Fire Companies nearby that can help as well. Trustee Carota said they possibly could have gotten three quotes but did not relay the information. TJ Chagnon provided he has seen simple purchases such as batteries being purchased at higher prices than what the Village is purchasing them at. He asked that they reach out to him to help get better pricing. He also provided he follows the procurement policy and scrutinizes every penny that is spent for his department. Trustee Girard said there is not enough money in the account currently and transfers will have to be made. Trustee Girard is discouraged by the photos shared of the Fire Company bathroom. If the public saw them, they may wonder what kind of people are there that would put the bathroom in poor condition. Samantha Berg provided the repairs account for the truck is now empty, calculating in the previous \$10,000 repair.

Motion #122023-9 to transfer \$4,000 from A3410.201 to A3410.404 and \$1,556.27 from A3410.409 to A3410.404. Trustee Girard motioned, Trustee Carota seconded. Trustee Gutheil voted no due to having 5 more months left of the fiscal year, rest in favor. Motion passed.

- b. **Motion #122023-10** to approve voucher #24000384 for \$1,775.92 and voucher #24000383 for \$500. Trustee Carota motioned, Trustee Girard seconded. Trustee Gutheil voted no, rest in favor. Motion passed.

Motion #122023-11 to transfer \$261.57 3410.409 to 3410.404. Trustee Girard motioned, Trustee Carota seconded. Trustee Gutheil voted no, rest in favor. Motion passed.

- c. **Farmer's Market Discussion:** The Mayor asked the Board how they feel about having a Farmer's Market by the Gazebo and possibly making some repairs to the building there. Trustee Girard suggested having it somewhere else until we have grant funds to repair the building. The Mayor provided we received a grant in the past for \$100,000 to have a wash bay at the DPW and has not been used. The mayor can ask if the funds can be reallocated to fix the building for the Farmer's market. Trustee Girard has an issue with this, he would like to see the grant funds be reallocated to the Carbon Filtration project debt, he has asked this for several years. Trustee Girard asked about other grant money for sidewalk improvements, the Mayor said he was told these funds could not be reallocated and we would still have to use them for sidewalk improvements. Trustee Gutheil said we are taking on substantial debt and have interest on debt we did not need to borrow. Trustee Gutheil said discussion was dropped for a soft storage building, we should look at real priorities. Trustee Girard asked the Mayor to go to the politician to see if the funds can be reallocated before the Board makes a decision. Trustee Girard and Gutheil would like the funds to be allocated to more

important projects such as carbon filtration and public water. Trustee Carota said it is a good idea to secure these funds but the Farmers Market may not be the best use. Counsel asked who writes the grants and the Board provided we do not have a grant writer. The Engineers do them as needed or requested. Trustee Gutheil said we hired the firm because they had a great grant writer but the Village has stopped applying. The Mayor said the Village has applied for more grants on the water projects but were not eligible.

- d. **Rebuilding Together Saratoga County Support Letter:** Motion #122023-12 to give Rebuilding Together Saratoga County a letter of support on behalf of the Village. All in favor, motion passed.

Discussion: The Mayor provided they are looking for a letter of support from the Village. Trustee Girard said this is a great organization and he supports this.

11. Trustee Reports

- a. Trustee Gutheil said there is grant money available for trees, he would like to work on creating a tree inventory that would comply with the grant. The Mayor said the Village would have to adopt more specific legislative language into Village Law. The Board supports pursuing the tree city designation and grant funds.
- b. Trustee Gutheil asked if we will receive the electronic files from former counsel. The Mayor provided Attorney Bartkowski's estate was unable to access the electronic files due to encryption. The Mayor is unaware of any more records being sent than what has already been sent. Current Counsel said they can not confirm what they haven't received and there is other stuff to receive. Trustee Gutheil asked if they will receive all electronic communications from former counsel. Current Counsel said former Counsel represented they have received all information and to not worry about it and start fresh.
- c. Trustee Gutheil asked about the SWPP. TJ Chagnon provided that National Grid is sending a check to cover expenses of the engineer's review. Trustee Gutheil said he had provided documentation for a training reimbursement agreement and asked the Board and Counsel to review.
- d. Trustee Gutheil asked about FLSA notifications, we have not been notified of any changes.
- e. Trustee Gutheil asked about the trail grant and when the Village will receive reimbursement. TJ Chagnon provided Sam and Molly have compiled all the information needed and sent it to Saratoga County.
- f. Trustee Gutheil asked about an update on the audit. Samantha Berg provided we have been working with the audit firm and it is ongoing. They will be scheduling a visit sometime early next year as well as the CPA.
- g. Trustee Gutheil asked about the China Buffet demolition and if the work correlates with our engineers recommendations. The Mayor provided the Demolition will be leaving the footings of the buildings. Due to the property owner doing the work this is allowed since they still comply with codes. Trustee Gutheil said we paid an engineer for their recommendation. Counsel provided a state agency is overlooking the project as well. Trustee Gutheil asked if the brush on the property will be addressed, counsel said to consider property maintenance code to address the issue. Counsel provided the Village now has a Code Enforcement Officer who thinks they can set fines, this should be done through the Justice court and issued by a Judge. Trustee Gutheil is asking if this can be addressed with our current code. The Mayor provided the current Code Enforcer

has not issued any fines, just notices. Counsel stated the fines have to be set by a Justice Court. Counsel acknowledged no fines have been issued but the Code Enforcer had suggested they could issue fines. Counsel suggested adopting New York State property maintenance code can make this much more efficient for all parties. Trustee Gutheil did not support a full time Building Inspector and Code Enforcer and this would almost guarantee the Village would have to have one so he will abstain. [Motion #122023-13](#) to hold a Public Hearing for the adoption of the property maintenance code on January 17th 2024 at 7:01PM. Trustee Carota motioned, Trustee Girard seconded. All in favor except for Trustee Gutheil who abstained. Motion passed.

12. Mayor's Report

- a. The Mayor provided he will work on having a workshop for tree planting with Rebuilding Together Saratoga County.
 - b. [Motion #122023-14](#) to appoint Dennis Davall to fulfill the remaining term of Caroline Sweeney for the Planning Board. Trustee Carota motioned, Trustee Gutheil seconded. All in favor except for Trustee Girard who abstained. Motion passed.
 - c. The Mayor asked if the Board is okay to not have a Village Board Meeting on January 3rd due to the Holidays. Trustee Carota is okay with this, Samantha Berg provided the last two warrants were front loaded and we should be okay on bills until the 17th of January. Trustee Gutheil is okay with this, with the understanding a meeting can still be called if needed.
 - d. Counsel asked the Mayor for more information on Insurance coverage for the Public Health Officer. Counsel asked about gross utility receipts tax for Boralex, Samantha Berg provided she sent the firm's position to counsel that they believe they do not have to pay the tax. Counsel provided he referenced the property maintenance code to the entity managing 156 Main St and they had no promise to proceed. Counsel further provided the heirs are now starting a State proceeding and will begin to do the best they can to remediate the property. TD Bank filed a foreclosure and there are three heirs who have not created an estate, leaving the ownership still in George Moss. This has caused the delay in remediation. The Heirs are now designating a fiduciary to proceed with remediating the process.
13. [Motion #122023-15](#) to enter Executive Session at 8:42PM to discuss PD new hires, Property Complaint, and PBA Contract. Trustee Carota motioned, Trustee Girard seconded. All in favor, motion passed.
14. [Motion #122023-16](#) to adjourn Executive Session and reopen the Public Session with no action taken at 9:18PM. Motioned by Trustee Carota, seconded by Trustee Girard. All in favor, motion passed.
15. [Motion #122023-17](#) to adjourn tonight's meeting at 9:18PM. Motioned by Trustee Carota, seconded by Trustee Girard. All in favor, motion passed.

Please note the Board Meeting for 1/3/2024 is canceled and the next meeting will be 1/17/2024