

Village of South Glens Falls  
46 Saratoga Avenue, South Glens Falls, NY12803  
December 21st,2022  
6:30 PM

**Village Board Meeting**

MAYOR NICHOLAS BODKIN PRESIDING

Minutes

**Attendance:**

Mayor Bodkin	User
Trustee Gutheil	Bob
Trustee Carota	Bob
Trustee Orlow	Alan D
Trustee Girard	Bob
Matthew Espey	John Hoey
TJ Chagnon	Dennis Davall
Attorney Megan Bassler	Bri Burlow
Attorney Jim Towne	

1. The Special Meeting is opened at 6:36PM. **Motion #122122-1** to enter Executive Session to discuss an attorney's application. The Mayor motions, Trustee Girard seconds. All in favor. Motion passes. Please note all in attendance for the Special and Executive Meeting is Mayor Bodkin, Trustee Girard, and Trustee Gutheil.
2. **Motion #122122-2** to adjourn the Executive Session at 7:04PM and re-open the Public Session with no action taken. Trustee Gutheil motions, Trustee Girard seconds. All in favor motions passes.
3. **Motion #122122-3** to reconvene the Regular Open Meeting at 7:05PM. Trustee Orlow motions, Trustee Carota seconds. All in favor motion passes.
4. The Mayor takes attendance and asks if anyone from the Public would like to address the Board at this time.
  - A. Dennis Davall addresses the Board regarding the George Moss property that was burned down two years ago. He asks why the Board discusses this item behind closed doors and the Public cannot be informed. The Mayor stated that this item bears potential litigation matter against the property itself. The legal strategy in how to address the property requires legal opinion. Trustee Gutheil stated this property is now under an estate which complicated the matter further. Trustee Gutheil also stated their was a judgment and lien against the property, then the fire occurred which changed what the Village can and cannot do legally.

- B. Dennis Davall brought attention to the previous meeting and the discussion for where to invest around 3.5 Million. He then asks why there is so much attention to investing this large amount of money, but the Board cannot come up with money to fix the bridge lights. Trustee Gutheil said he agrees with Dennis and brought this up at several meetings. Dennis Davall said Trustee Gutheil held this up for thinking the State should fund this. Dennis Davall said Glens Falls fixed their lights so why can't our Village fund this. Trustee Orlow supports Dennis Davalls stance. Trustee Gutheil said he still believes the State should pay for this. Trustee Gutheil said we now plow the sidewalks on Route 9. Dennis Davall said he will be discussing sidewalk code enforcing at the next meeting.
5. No one else wishes to address the Board at this time. Public Forum is closed
6. **Grant Projects Update:**
- a. **Carbon Filtration:** The Board will discuss this in Executive Session with Counsel. Trustee Gutheil would like their opinion on the change orders we received. He believes the Contractor is no longer doing any work until they hear our response to the change orders. He would also like the Engineer's interpretation on the change orders too.
- b. **GIGP submissions and Pay App discussion for Engineering:** The Mayor stated we sent out bids for the GIGP project and have responses. Total cost of the bids for AMI were \$1,642,220.00, \$1,226,036.04, and \$2,548,092.38. Total Cost of the bids for AMR were \$1,690,212.81, \$1,103,674.27, \$2,504,611.78. The Mayor reminds the Board that the Village has a 1 Million Dollar grant that can be used towards this project. The AMR system has a potential cost of \$330,000-\$500,000. AMI would be around \$128,000. AMR would require the Village to have equipment to drive a truck around the Village to read the meters electronically. AMI would read the meters every 15 minutes with features including high flow, low flow, freezing or tampering notifications, and automatic remote shut off. At this time Delaware has \$24,000 in invoices towards this project which have not been paid. The Mayor asked the Board if they wish to pay the outstanding amount for work completed out of contingency and if they want to vote on a bid. Trustee Gutheil cannot believe we have billings of \$25,000 and we are going to re-bid. Trustee Gutheil thought some items we were not going to be charged for. Trustee Gutheil said we had a proposal for \$7,500 to do this work. Trustee Gutheil voted against awarding the contract for \$123,400, now we are invoiced \$25,000 with no contract to do the job. The Mayor stated the proposal was around \$9,000 and was incomplete in comparison to the others. Trustee Gutheil said the proposal from CT Male took us through the bid phase and thats where we are now. The Mayor said they did the bid phase but not the legwork associated with the bid phase. Trustee Gutheil believes this should be discussed in Executive Session. Trustee Gutheil stated no way should we be spending close to \$125,000 on a meter project for engineering. The Mayor stated the State will withdraw the grant if the Board does not make a decision in 30 days. Trustee Girard makes a resolution we use the AMR system and adjust the budget to be sent in to be more affordable for the Village. The Village currently has a budget for \$1,333,000 for the GIGP project. Trustee Girard said we will be higher than that due to force work and contingency. Trustee Girard said there is the base fee 1.12 Million, the engineering fee is \$123,400, legal is \$8,000, outside service \$1,739.65, force work is \$88,002, Contingency is \$115,000. The total the Budget will be amended to \$1,448,815.88. **Motion #122122-4** to authorize the Mayor to

sign the grant agreement to secure funding and modify the budget to \$1,448, 815.88 pending attorney review and satisfaction of the concerns emailed earlier today. Trustee Girard motions. Trustee Carota seconds. All in favor, motion passes.

Discussion: Trustee Gutheil asked how are we going to pay for this. Trustee Girard said it can come from fund balance. The Village's exposure would be about \$400,000. The Mayor said the Village left their finance options open and can choose to pursue cash payment, short term, long term, or what seems appropriate with the circumstances at the time. Trustee Gutheil hopes we do not spend anywhere near this amount, he hopes we do not need contingency, and we should look at cutting engineering costs. Trustee Orlow questioned the system chosen and Trustee Girard added that many municipalities around us use this system and had positive feedback. Trustee Gutheil is concerned with the spread in the bids due to a million dollar difference between two. Trustee Gutheil said we need to ensure we get quality meters that will last. TJ Chagnon said the Town uses these meters and they have only run into battery issues.

**Motion #122122-5** to pay past due invoices to Delaware Engineering out of contingency with the plan to reimburse contingency once submitted through EFC. \$24,562.50. Trustee Orlow motions. The Mayor seconds. All in favor except Trustee Gutheil who abstains. Motion passes.

Discussion: Trustee Gutheil stated we spent way more money than we should have to date.

## 7. Grant Projects Disbursement Requests:

- a. **Carbon Filtration Project Update:** The Mayor and Board would like to discuss the items below in Executive Session. Trustee Gutheil wants to see daily field reports, soil boring reports, what firm did the work, what is the cost. Trustee Gutheil would like an update on these items.
  - i. **Motion to approve Jersen Pay App #4**
  - ii. **Motion to approve Disbursement Request #13**
    1. **Jersen Pay App #2**
    2. **Jersen Pay App #3**
    3. **Delaware Engineering Invoices 10/18/22 & 11/29/22**
- b. **Sewer I&I Update:**
  - i. **Motion #122122-6** to approve Disbursement Request #13, KPI Pay App #2 for \$19,026.41. Trustee Orlow motions, Trustee Carota seconds. Trustee Gutheil and Girard vote no. Trustee Orlow, Carota, and the Mayor vote yes. Motion passes.

Discussion: Trustee Gutheil voted no due to the amount of work done should be audited.
  - ii. **Motion #122122-7** to approve KPI Pay App #3 for \$1,491.50 subject to KPI accepting the contract from counsel with 5 year warranty and maintenance. Trustee Carota motions, Trustee Orlow seconds. Trustee Girard and Gutheil vote no. Trustee Orlow, Carota, and the Mayor vote yes. Motion passes.

Discussion: Trustee Gutheil asked what happens after year five, the contractor goes out of business or sells. Trustee Gutheil stated we don't have a letter of credit or a bond. Trustee Gutheil said one of the pay apps had work done for a period that no work was actually done, this was the engineer discovering they under billed us. Trustee Gutheil believes we

need an audit of how many feet they actually did for lining. Trustee Gutheil has a problem with the number of cut outs. Trustee Gutheil does not want to over pay and wants a count of how many services should have been cut out. Trustee Girard and Gutheil voted no due to not having a letter from an attorney on how we are protected. Attorney Towne provided that to get protection, it will cost more for things such as a bond or letter of credit.

**8. Transfers:**

FX 8340.403	FX 8320.402	\$66.56	Water Pump Phone
A 1640.407	A 1640.405	\$49.33	StoredTech
A 1325.409	A 1325.405	\$98.82	CT Phone
A 1325.402	A 1325.407	\$35.63	Transcriptions

**Motion #122122-8** to approve the transfers as presented. Trustee Orlow motions, Trustee Carota seconds. All in favor. Motion passes.

**Discussion:** Trustee Gutheil stated these budget accounts will be depleted at the end of the year and we should look at making long term transfers and not transfers to carry us to the next meeting. The Mayor said staff is aware of this and is working on presenting a long term approach at the next meeting.

**9. Motion #122122-9** to Approve the Bills as Audited. Trustee Orlow motions, Trustee Carota seconds. All in favor except for Trustee Gutheil who abstained for reasons listed below. Motion passes.

**Discussion:** Trustee Gutheil asked why we are paying for checks and deposit slips and believes the bank should pay for this due to the basis point we are at and amount that is currently deposited in the bank. Trustee Gutheil stated we have excessive overtime continuing. The Mayor stated we are still down two full time officers. The Mayor asked Trustee Gutheil why he hasn't sent a memo out or will he let this continue. The Mayor asked Trustee Gutheil should we provide service or not provide service. Trustee Gutheil stated we need to recruit new officers and there are currently officers we paid for equipment and they are not working. Trustee Gutheil brought up Voucher #593 for Accudata. He referred to the contract stating jurisdiction of any disputes go to Nassau County, the contract has not been changed and has now been signed so if we have disputes we will go to court in Nassau county. He wishes this was changed before the contract was signed. Trustee Gutheil said voucher #551 for CT Male could be eligible for a grant. Trustee Gutheil wants the transcription of minutes clarified with the vendor. Trustee Gutheil then stated voucher #559 has quarter billing but the company does not say which quarters we are paying for, he wants these bills to clarify this. Trustee Gutheil said our National Grid bills are all over the place with numerous rates and we should look into Consortium or other cheaper alternative. Trustee Gutheil said voucher #569 for RingSquared had taxes on it and is not sure if we should be paying that portion. Trustee Gutheil stated the bills for IT Services are substantial and we need to get an opinion if we need to go to bid.

**10. LED Lighting for DPW:** TJ Chagnon provided a quote earlier today. The Village cost is \$35 (\$1 per light) and they will just have periodical checks that we are putting an effort

into changing the lights to receive the grant. [Motion #122122-10](#) to approve the purchase of LED lighting for DPW. Trustee Girard motions, Trustee Orlow seconds. All in favor, motion passes.

11. The Mayor brought attention to the new LED lights at Village Hall and the good work that has been done. Trustee Gutheil asked about what we need to do to fix the electrical box for the outlet the wreath is plugged into. TJ Chagnon stated he has proposed hiring electricians and denied. TJ Chagnon brings up again the Hour Electric contract they have with our neighboring municipalities. TJ Chagnon said this has been a problem for years. Trustee Gutheil asked who the Grounds and Buildings Committee is. TJ Chagnon provided that two Board members are on this committee and once he is directed to fix this he will have someone complete the work.

**12. Saratoga County Planning and Zoning Conference 2023:** [Motion #122122-11](#) to approve the expense of sending any Planning/Zoning Board members, the Mayor, Code Enforcement Officer, and any other member. Trustee Gutheil motions, Trustee Orlow seconds. All in favor, motion passes.

**13. [Motion #122122-12](#)** to approve the most competitive bid for a new truck with the funds coming out of unassigned revenues. Trustee Orlow motions, Trustee Carota seconds. No vote was taken.

Discussion: TJ Chagnon said the bid with the higher price would have the truck available in 6 months, the other bid would be a waiting list for over a year. The current truck is coming onto 19 years old and has been used for daily operations. TJ Chagnon would like to award the contract to the local company that will also get the truck to us sooner. Trustee Gutheil believes this could come out of CHIPS. TJ Chagnon believes this account may be depleted with the purchase of the Sweeper. Trustee Gutheil believes we should go out to bid ourselves and look around at other municipalities contracts. Trustee Gutheil said we should look at buying used. The Mayor brought up our procedure of having the funds already allocated for a purchase the Village approves. The Mayor said we will have to budget to take this amount out of our fund balance. TJ Chagnon stated the Village will have to make a decision by January 13th. The Board will table this item for the next meeting.

**14. Policy regarding the use of Village vehicles on weekend while on call:** Counsel is still reviewing this item, it will be tabled for next meeting.

**15. [Motion #122122-13](#)** to approve renewal for Employee Benefit Plan for MVP. Trustee Girard motions, Trustee Orlow seconds. All in favor, motion passes.

Discussion: The Mayor stated there were no employees who elected this plan but for purposes of still honoring the contract with unions as a plan that was previously offered, the Village should still vote on it. Trustee Gutheil asked if we got an opinion on offering this to the union employees and are we okay. Attorney Towne provided that he recommended we vote to approve this plan still.

**16. Medicare plan discussion:** Trustee Gutheil previously requested research into this plan. The Mayor said our broker was able to negotiate a very competitive plan. Attorney Paltowitz reviewed this plan to ensure it is same or comparable to the existing plan. Trustee Gutheil wants the Village to communicate with current users of the plan to ensure safe transition. [Motion #122122-14](#) to approve the changing of our Medicare plan for retirees. Trustee Girard motions, Trustee Orlow seconds. All in favor, motion passes.

17. **Motion #122122-15** to enter Executive Session at 8:14PM to discuss PBA negotiations, Health Insurance Renewal, George Moss Property, Fire Company Contract, Verizon Lease Renewal, potential litigation/action and invite both counsels to this session. Trustee Carota motions, Trustee Orlow seconds. All in favor, motion passes.
18. **Motion #122122-16** to end Executive Session at 9:37PM and adjourn the Public Session with no action taken. Trustee Orlow motions, Trustee Girard seconds. All in favor. Motion passes.
19. **Motion #122122-17** to approve the Fire Company Contract pending the proof of proper insurance per contract conditions. Trustee Orlow motions, Trustee Girard seconds. All in favor, motion passes.
20. **Motion #122122-18** to approve Jersen pay app 2 for \$212,239.50 and pay app 3 for \$128,250. Trustee Orlow motions, Trustee Carota seconds. All in favor except for Trustee Gutheil who abstains. Motion passes.  
Discussion: Trustee Gutheil thinks the supervision line should be negotiated by our engineer
21. **Old Business:**
  - A. Trustee Gutheil asked how much idle cash we have. The Mayor said he sent a summary last Friday. The Mayor said we the total is around 3 Million for the three funds.
22. **New Business:**
  - A. Trustee Gutheil relayed to the Board there is a Retail Cannabis application coming to the Planning Board in January.
  - B. Trustee Gutheil provided that Trustee Girard and Gutheil will be meeting with an accounting representative from a firm to discuss options for training.
  - C. Trustee Gutheil provided that Cheryl Lawyer sent an email requesting our budget amount for the Memorial Day Parade. The balance in the account that can be used should have around \$3,000-\$4,000. The Board is okay with spending up to \$3,000-\$3,500 once the Board confirms with the office the exact amount available. Trustee Gutheil asked who is going to be on the parade committee. The Mayor believes Trustee Gutheil and Orlow are on this committee. Trustee Orlow sent an email that he will not be working on behalf of the Village but he will be working on behalf of the Community Center. Trustee Gutheil asked if anyone else wants to work on this and no one responded.
  - D. Trustee Gutheil asked why Anthony wants a budget workshop, Trustee Gutheil would like a Special Meeting so they can have action. Trustee Gutheil believes we may have bigger claims from the contractor.
23. **Motion #122122-19** to end tonight's meeting at 9:47PM. Trustee Orlow motions, Trustee Carota seconds. All in favor, Motion passes.