

DRAFT

Village of South Glens Falls
46 Saratoga Avenue, South Glens Falls, NY12803
February 22nd, 2023
7:00 PM

Special Village Board Meeting

MAYOR NICHOLAS BODKIN PRESIDING

Minutes

Attendance:

Mayor Bodkin
Trustee Gutheil
Trustee Orlow
Trustee Girard

Samantha Berg
TJ Chagnon
Chief Gifford
Bob
Alan Dubois

Absent:

1. The Meeting is called to order at 6:30PM.
2. **Motion #022223-1** to award Ferguson Waterworks in the amount not to exceed \$1,127,423.00 pending the acceptance of the clarifications and acknowledgments to modifications to the bid exceptions as presented by the Village Engineers to the contractor and that the contractor agrees to hold the original bid price as presented. Trustee Orlow motioned. The Mayor seconded. The Mayor and Trustee Orlow vote yes, Trustee Girard and Gutheil vote no. Motion does not pass.

Discussion: Trustee Gutheil believes the motion should be tabled. He said we have not heard from our insurance broker, no written legal opinion, the engineers rejected the last bid for not being able to determine the most responsible bidder. Trustee Gutheil said now we have a bidder who put in all kinds of exceptions and changes. Trustee Gutheil they should bring their changes to the engineers to make an addendum and then allow the other bidders to have these changes. Trustee Gutheil has spoken with a couple of people who use these meters, someone said the D5 is better than the D3. He asked if we are getting older or newer technology. Trustee Gutheil said some people are replacing meters in less than 10 years. Trustee Gutheil asked if anyone here knows if the meter heads will be compatible with our new meters or if we have to purchase about 170 extra new meters. The Mayor said the meters Trustee Gutheil is referring to are different from the meters we are using. Trustee Gutheil said he called the references he was given. The Mayor provided the meters have a 10 year warranty. The Mayor provided legal has reviewed and provided their opinion at the last meeting but not a written opinion. Trustee Gutheil is not comfortable with a verbal opinion and wants to know what

they based their opinion on. Trustee Girard asked when you make a decision do you go in not knowing what the answers are to the questions, this is what he is being asked to do tonight. Trustee Orlow said we have had lawyers and engineers, he believes these questions should have been answered. Trustee Orlow said this project has been going on for 2 years. 7 years ago new meters were presented and not supported. Trustee Orlow believes we need new meters and hopes we have enough knowledge by now. Trustee Gutheil asked if Trustee Orlow knows how much water rents will have to be increased and how much debt has been taken on. Trustee Orlow said Pruyn Crest should have had meters because it is fair and equitable. Trustee Orlow is pro meters. Trustee Gutheil is not against meters, he is concerned about how much we will spend. Trustee Girard said he needs to know what the increase in water rent will be. Trustee Girard also said there is a population in the Village that are on a fixed income and is concerned this will hurt that population and cause them to maybe sell. Trustee Girard provided that when we have excess water not used is released into the Hudson River if storage is full. Once we get meters and people conserve water, that water conserved will go into the Hudson River. This might help us or it might not, the increase in rates may hurt the fixed income population. Trustee Girard said our largest base is residential, they will be the ones who end up seeing the increases. Trustee Girard provided the Carbon Filtration project, purchasing media, and times needed to backwash the sewer are all costs that we are unsure of. Trustee Girard would be happy to make a decision if he knew the answers to these questions. He also provided the engineers in the past have provided information that was false, regarding the need for soil samples. For these reasons Trustee Girard is hesitant. Trustee Orlow said for the amount of time and effort put into this, the information regarding the impact to the residents, should be present. Trustee Orlow provided after 7 years of working on this project the information should have been received, he also said it will not be cheaper today or down the road and we should act on it soon. The Mayor said we had the responsibility to develop a plan to install water meters by a certain date. The Mayor said we cannot establish new rates until the meters have been in place and we have water usage data. The Senior Citizens who use less than the 25,000 gallons should not be paying for 25,000 gallons. The Mayor provided we have questions from the Engineers and Legal, unfortunately it is not in writing because this costs money and time. The Mayor provided we are past the timeline in which the bidder has the responsibility to hold the bid. Trustee Girard said the board asked for an extension, but the engineer did not request one. The Mayor said he was told that going back and asking for an extension will be hard to get a yes. Trustee Gutheil asked who followed up with Rick Lionelli from group one. The Mayor said he followed up with them and they did not get back to him. Trustee Gutheil said we have to give them time to answer us. The Mayor said we are mandated to have meters in the future and it will be an embarrassment if we lose the Million Dollar Grant. Trustee Girard said he is not trying to let this go by and believes we still have time. Trustee Gutheil said we have 3 years to complete this. Trustee Gutheil believes we should change engineers or go back and look at other engineering firms. Trustee Gutheil believes we did not accept the proposal we should have and we have now spent almost triple as much to get to where we would have been with the other proposal. Trustee Gutheil is in favor of paying for the work done to date on the meter project and letting them finish the Carbon Filtration project. He believes \$120,000 for engineering fees on a water meter project is absurd. Trustee Girard believes we are financing more than \$500,000. He is concerned we will be taking on more debt than anticipated and should have more accurate numbers to make answers. The Mayor said we do have some resources in CD's and cash that can offset the debt services, allowing us to finance less. The Mayor said we have \$1,339,194.05 in water unassigned. Trustee Girard said we will still be taking on too

much debt. Trustee Gutheil said we have a new cost, carbon media, and after a year we could spend over \$100,000 to replenish it. Trustee Orlow asked who was negligent and why do we not have the information present that is needed to pass this motion. Trustee Gutheil is not comfortable having several contingencies to cover the previously talked about issues, this will put the issues in the engineer's and legal's hands. Trustee Orlow strongly believes this needs to move forward. Trustee Girard would like to table this until next wednesday to give time to resolve these issues. The Mayor will authorize the Attorney to produce their opinion in writing. Trustee Girard asked why the Engineer and the Attorney's disagreements have not been sent to Ferguson. Trustee Girard is not comfortable having contingencies on a contract over a million dollars. He wants to know Ferguson's response to the Engineer's letter. Trustee Girard believes we should have had an extension on accepting the bid and does not trust the engineer firm. Trustee Gutheil is concerned about the level of advocacy we get. Trustee Girard does not want to kill this project, but he is not willing to trust someone who has not done what was requested.

Motion #022223-2 to have the Engineers send a letter with exceptions noted to the lowest responsible bidder, asking for an extension to next week or greater. Receive an opinion from the Insurance Broker and an opinion from the Attorney in writing, in time for the next meeting. Trustee Girard motioned, Trustee Orlow seconded. All in favor except for Trustee Gutheil who voted no.

Motion #022223-3 to adjourn tonight's meeting. Trustee Orlow motioned. Trustee Girard seconded. All in favor motion passed.

Discussion: Trustee Girard is worried about who is listed as the lead person. TJ said they do not want it to be a superintendent but someone of a different title. This would be the person TJ reaches out to if there is a problem. Trustee Girard said this lead person should be designated. Trustee Gutheil would like an explanation on why the word low lead is mentioned. TJ said our specs do not say lead free.