

Welcome Public

Mayor Gutheil then asks all to stand for the Pledge of Allegiance

PUBLIC MEETING

7:00 PM

APRIL 1, 2020

MAYOR HARRY G. GUTHEIL JR. PRESIDING

Minutes

Attendance:

Mayor Gutheil	Attorney Bartkowski
Trustee Bodkin	Highway Maintenance Supervisor Chagnon
Trustee Carota	Clerk Treasurer Kelleher
Trustee Girard	
Trustee Orlow	

Public Forum

1. Approve minutes from March 18th
 Motion by Trustee Orlow to approve the minutes for March 15, 2020 and March 18, 2020 with one change to add Trustee Orlow in attendance on March 18th. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

2. Set Future Meetings
 Mayor Gutheil said they have to set a public hearing and need a workshop to have a preliminary budget to send to the public hearing.

Now that we have the water and sewer warrant we can reduce the amount of fund balance and increase revenues. Mayor Gutheil suggested having a workshop before April 9th so there is time to get the ad in the paper by April 10th.

Mayor Gutheil said the tentative budget will be on the counter when the ad hits so the public has a chance to review it and attend the public hearing. He asked the Board how are they going to conduct the public hearing.

Attorney Bartkowski thinks that the meeting can be held outside or by Go to Meeting. The Board is in agreement to conduct the meeting via Go to Meeting.

Trustee Girard suggests going with Mayor Gutheils tentative budget; just make minor changes and adopt this budget. And then have the same language as the state, if revenues don't come in then we will have to make cuts and amend the budget as the year goes on. Trustee Orlow would support this recommendation.

Mayor Gutheil stated use the same revenues and expenditures for the general fund but make a change in the sewer revenues so we don't appropriate as much fund balance. Will review in agenda item #9.

Decided to schedule a public hearing for the tentative budget on April 15th at 6:55 pm.

Motion by Trustee Orlow to set a public hearing for the tentative budget for April 15th at 6:55 pm via teleconference with Go to Meeting. Seconded by Trustee Girard. All were in favor. None opposed. Motion carried.

Need to talk about when and how they are going to meet on the CSEA negotiations. Mayor Gutheil will get a memo from the labor attorney with items for discussion for the Board.

The organizational meeting is scheduled for April 6th. Since the Village didn't have an election this year we can move this meeting to April 15th. The Board agreed to move the organizational meeting to April 15th.

3. Transfers

Need for a transfer on the sewer account. There was enough budgeted over all but a need to transfer within the 400 accounts. Board agreed to have the Clerk do the journal entry to transfer \$8,032.00 from G8131.402 GF C.E. Sewer O&M to G8131.403 GF C.E. Treatment Facility O&M.

4. Approve Bills

Motion by Trustee Orlow to approve bills as audited. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

Mayor Gutheil wants to talk to the police department about overtime on the payroll.

5. Workforce Reduction Update

Mayor Gutheil said we have one week on and one week off for DPW staff. We want to comply with the executive order. The office staff has been extremely busy.

A lot of construction has stopped but anything essential will be going on. Most people are complying with the executive order. There is a \$10,000 fine if they keep working.

Attorney Bartkowski said Matt French was going to give them a list of all open permits. Mayor Gutheil will contact Matt French and get a report for the Board.

Mayor Gutheil told TJ Chagnon that the DPW staff has to be doing essential work. If he runs out of essential work, he will have to make an adjustment to comply.

6. Spring Water Sewer Warrant

Mayor Gutheil said the water and sewer bills did go out on schedule and thanked the staff.

Motion by Trustee Orlow to approve the Spring Water Sewer warrant. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

7. March Public Safety, Public Works and Animal Control Reports

Motion by Trustee Orlow to receive and file the March Public Safety, Public Works and Animal Control Reports. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

8. Underpayment of Franchise Fees

Attorney Bartkowski sent a memo to the Board today saying she did not see anything specifically on hydro but she would propose they should be taxed under the provisions for water or electricity. Trustee Bodkin agrees.

Attorney Bartkowski stated that the Village probably is not receiving franchise fees for all of the utilities that operate or provide services inside the Village limits. Receiving some franchise tax fees but not all.

They are supposed to provide a copy of their tax return to the Village so we can verify the tax paid is correct. Anyone who doesn't file or files late has a 5% penalty. Trustee Bodkin verified this can go back 3 years.

Trustee Bodkin asked Attorney Bartkowski if they should make an update to include transmission through the air to cover 5G wireless and she said yes.

Mayor Gutheil suggested asking the ones that have been sending in payment to give us a final return.

Attorney Bartkowski said the Village code says mains, pipes or wires. It doesn't say air.

Trustee Bodkin said we may have to amend the code to encompass wireless. Attorney Bartkowski and Mayor Gutheil agree with Trustee Bodkin.

The Clerk Treasurer will reach out and request that 3 years tax returns be filed with the Clerks Office so we can verify we are getting paid the proper amounts.

Attorney Bartkowski said they have to be registered with the Public Service Commission so this is one way we can find out the ones that aren't paying but are doing something in our area. She will look into this and draft a letter citing the section of law or regulation.

Motion by Trustee Orlow to start the process recommended by legal. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

9. Tentative Budget

Mayor Gutheil said we already decided what to do on this item earlier in the meeting. He is going with \$204,000 on metered rents and \$284,000 on unmetered rents and would reduce the fund balance by the difference. He increased the revenues based on the warrant and drop fund balance to \$45,972 from \$110,772. This is his best estimate at this point.

10. Water Contract Town of Moreau

Mayor Gutheil said the Board authorized him to sign the agreement with only one change of the date. At the Town Board Meeting they referred this to their engineer. Attorney Bartkowski did get a hold of the Town's attorney and confirmed this.

Trustee Bodkin has had a brief conversation with one of the councilmen about their concerns. How long would the project go on for? Trustee Bodkin explained that the Village would like to expedite the process so the Village is not spending more money than they are receiving.

Mayor Gutheil believed we would be using our own water but have the ability to have the option to purchase water from the Town.

Trustee Bodkin asked Robert Flores to write a summary letter to the Town with an explanation of what he anticipates the need from the Town to be including a timeline of the need. Robert Flores agreed.

Trustee Bodkin said that as soon as he gets this report from Robert Flores he will get it over to the Town for their review.

11. WIIA Water Project / CDBG

Mayor Gutheil said he received approval for release of funds letter from Homes and Community Renewal dated March 30th so now we can do the projects and award the water contract.

Delaware Engineering recommends doing the complete project by accepting the low bid from Worldwide Industries.

Trustee Bodkin asked if all the lead would be removed. Robert Flores said yes the intent is to get rid of the lead.

Robert Flores said Worldwide Industries has been doing this work for over 20 years. They checked references and past projects and there is no reason not to accept their bid.

Trustee Bodkin asked when they will be ready to start. Robert Flores said as soon as we provide a notice of award they can provide us with a schedule.

Mayor Gutheil has concerns on how the bid specs read. If the job gets stopped by the federal government he doesn't want to see the Village have to pay for who knows how long. Need to have an understanding that the Village isn't going to have the cost if the virus comes in to play.

It is best not to start the project until we know what is happening. Can we issue notice of award and they agree to hold their bid until we see where this is going?

Robert Flores said that contractors are asking for relief from damages if they don't complete on time. If something happens with an executive order to stop work you can't hold them liable. But they should be responsible to return equipment, etc.

Robert Flores recommends awarding the contract now and then worry about the notice to proceed when we have more information.

Trustee Girard said they have a short period of time for painting anyway. Only have July, August and September because it starts to get cold in October.

Motion by Trustee Orlow to do a notice of award of the contract to Worldwide Industries to do a complete project full blast to bare metal both inside and out for \$1,355,500.00 subject to counsel's approval. Seconded by Trustee Girard. All were in favor. None opposed.

Roll call:

Trustee Carota, yes

Trustee Bodkin, yes

Trustee Girard, yes

Trustee Orlow, yes

Mayor Guthiel, yes

Motion carried.

Mayor Gutheil said want to get the well on line and need a timeline from Robert Flores. Robert said plan is to submit to the state at the end of April and probably June timeline to have the well approved. Mayor Gutheil does not find this schedule acceptable. Since we don't have a signed contract with the Town for water this is even more relevant.

Trustee Girard asked where they are with the bid for the sewer project. Robert Flores is asking the board for permission tonight to advertise the bid.

Mayor Gutheil asked Robert for a legal ad but hasn't received it.

Motion by Trustee Girard to authorize Delaware Engineering to advertise the bid for the sewer project. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

Trustee Girard asked Robert Flores about the delay in the villages projects. Mayor Gutheil told Robert if you can't get this work done reasonable soon please let them know.

Mayor Gutheil said the supplemental certificate still has some errors in it and he is working with Mary at Delaware Engineering today. This is the first payment request to EFC and it is important that we get it right. We have some work to do between now and the next meeting.

Motion by Trustee Girard to authorize Shannon Kelleher to sign the supplemental certificate subject to the Mayor and counsels review and approval of the corrected supplemental certificate. Seconded by Trustee Orlow. All were in favor. None opposed.

Roll Call:

Trustee Bodkin, yes

Trustee Carota, yes

Trustee Girard, yes

Trustee Orlow, yes

Mayor Gutheil, yes

Motion carried.

12. Trustees Reports

None

13. Mayors Report

Letter from Trustee Bodkin that the parade has been cancelled and all invited have been notified. Clerk to notify the press so people aren't anticipated.

There is a sink hole developing on Route 9 near Baker Avenue. T.J. Chagnon will reach out to Rural Water to see if they can get a camera.

Truck bids came in for the 2009 ½ ton pickup truck for \$2,275. It has 107,000 miles and is a 4WD that is drivable as a 2 wheel drive.

Trustee Girard said that since it is the 1st time it went out to bid and it was out for only 2 weeks, he suggests leaving it on for a couple more weeks.

TJ Chagnon said we can reject it and place a counter offer.

Mayor Gutheil was hoping for \$3,000 to \$3,500.

Trustee Bodkin said the rust on the truck could be driving the price down.

Trustee Girard would like to see at least \$3,200.

Mayor Gutheil recommended placing a counter offer at \$3,500.

Hach Chemicals agreement is up 14% and expires at the end of April. TJ Chagnon couldn't see what the quote was. Add this to the agenda for the next meeting.

Mayor Gutheil suggested signs at the byway entrances on social distancing. Trustee Orlow thinks this is a good idea. Have had complaints of public gatherings and the police have had to address this social distancing issue.

T.J. Chagnon said he will put something up.

Decision to have the police department keep their eyes on the businesses and enforce the executive order on social distancing. Mayor Gutheil will talk to the Chief about this and report back next meeting.

Executive Session – none

Motion by Trustee Orlow at 8:31 pm to adjourn the meeting. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

Meeting adjourned at 8:31 pm.