

Welcome Public

Mayor Gutheil then asks all to say the Pledge of Allegiance

PUBLIC MEETING
7:00 PM
AUGUST 5, 2020
MAYOR HARRY G. GUTHEIL JR. PRESIDING

Minutes

Attendance:

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

Public Forum

Bonnie Harris addressed the Board to discuss the mess at 156 Main Street. The fence is falling down on her mother’s property and there is garbage all over. This has been going on for too long and someone needs to do something about it.

Mayor Gutheil said he has had 2 other complaints about the same property this week. The Village will investigate this and go through the legal process. We have been to court twice already for this same property.

Brian Hoag of 21 Harrison Avenue addressed the Board and asked Mayor Gutheil why he can’t get a fire inspector over there to do something. Mayor Gutheil responded that today is the first day the Board was notified about him having bon fires.

Bonnie Harris wants to know if Mayor Gutheil is going to call the fire marshal and have it inspected. This issue has been going on for 3 or 4 years.

Trustee Bodkin said he thinks it is really important that they hire a code enforcement officer so they can address these complaints in a timely manner.

Mr. Hoag asked Mayor Gutheil if he has ever been over there and seen the problem. Mayor Gutheil responded that they can’t go on private property. The Board received permission from residents at 19 and 21 Harrison to have access to their property to see the problem first hand.

Trustee Girard asked Attorney Bartkowski if there is any other alternative other than going to court to address this issue. He agrees with the folks and he is frustrated with the situation.

Attorney Bartkowski said that civil remedies have been sought so they may have to look at another avenue and they can talk about this later. Especially if this is a health risk.

Mayor Gutheil said they will come up with a legal strategy and get back to them. He will also notify the police department and have someone inspect the property.

Mr. Hoag asked what he should do if he has another fire and Mayor Gutheil responded that he should call the Fire Company and the police department.

1. Approve Minutes July 15 & July 22, 2020

Motion by Trustee Girard to approve the minutes for July 15th and July 22, 2020. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

2. Set Future Meetings

3. Transfers

Mayor Gutheil said they have had unforeseen expenses so the Planning Board Contractual account is short \$609.79.

Trustee Bodkin asked what about these expenses were unexpected. Mayor Gutheil said they ended up bringing in The LA Group for opinions and had attorney fees. Trustee Bodkin thought they were working with both of these prior to the new budget.

Trustee Girard said to take the money from Contingency. He suggested moving \$5,000 for the time being.

Transfer \$5,000.00 from A1990.400 Contingency to A8020.400 Planning Board Contractual

Motion by Trustee Girard to move \$5,000 from A1990.400 Contingency to A8020.400 Planning Board Contractual. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

4. Approve Bills

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

Mayor Gutheil pointed out that the National Grid payment is high this month because a couple of invoices weren't paid last month.

5. June 2020 Financial Statements

Mayor Gutheil said he hasn't had a chance to look at them. He requested a report of the delinquent tax revenues. The Clerk will provide this report.

Motion by Trustee Bodkin to receive and file the June 2020 financial statements. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

6. Police Reform Law

Mayor Gutheil reported that this came about because of the actions taken with some of the nationwide issues. We have a FOIL request and a letter that came out this week asking to reopen negotiations with our police department. Mayor Gutheil put in a call to the Police Sergeant but he was on vacation. He would like to ask them to release the Village from this and he sent it to Larry Paltrowitz for his review.

7. July Public Works & Animal Control Reports

Motion by Trustee Bodkin to receive and file the July Public Works & Animal Control reports. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

8. 125th Anniversary

Mayor Gutheil believes the anniversary date is August 8th. He forwarded information to the Board. For the record it is the Village's 125th birthday.

9. Betar Byway (Animal Control/Geese)

The Village has been getting complaints about geese on the byway and from beyond the byway. There are geese over by the paper mill now. He asked the Board if they had any thoughts on how to deal with this.

Trustee Bodkin said that the material from DEC covered a lot of the options available. Mayor Gutheil asked how they want to address it as a Board. All to review the information and add to the agenda for the next meeting to come up with a plan.

Trustee Girard said they have had this problem in the past and should use some of the methods that Trustee Bodkin gave them. Last time they used noise to move them.

Trustee Orlow said one recommendation was to use a noise box that would simulate a predator sound.

Mayor Gutheil said he will check with the Chief and see what they have done in the past.

Mayor Gutheil asked T.J. Chagnon to order 6-10 signs "Do Not Feed Geese".

10. Reopening of Museum?

Mayor Gutheil reported he had an inquiry from Bill Hayes about reopening the museum. He asked the Board if they want to consider reopening the museum and the bathrooms.

Trustee Girard said there are no public bathrooms open during COVID-19. Mayor Gutheil said as long as the executive order stands the bathrooms will remain closed.

Bill Hayes had asked if he can open by appointment. Attorney Bartkowski said only 50% capacity is allowed and someone would need to be at the door to keep track. He couldn't take on this task by himself.

Trustee Girard said that Bill is not an employee of the Village so they have a liability by opening up the museum.

Not a good time to open up. Will tell Bill Hayes they will discuss it again later in the year. Mayor Gutheil will contact Bill Hayes to communicate the decision.

11. Tanknology Quote

T.J. Chagnon said the yearly tank tightness test is due as required by DEC. They have not raised the price and he asked the Board for approval on this quote.

Mayor Gutheil suggested Attorney Bartkowski mark up the contract to match last years.

Trustee Bodkin asked T.J. Chagnon what the deadline was on the new regulations. T.J. said NY has not adopted the new regulation yet but the Village will have to comply once they adopt it. T.J. Chagnon believes the best solution for the Village is above ground tanks.

Motion by Trustee Bodkin to approve the \$1,113.50 quote from Tanknology and authorize Mayor Gutheil to sign it with counsel's approval. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

12. Sidewalk Request 2 Haviland

Received a sidewalk request in the amount of \$1,520 for the Village and \$1,520 for the owner. T.J. Chagnon recommends approving this request.

Trustee Girard said that this address is in the work area of the grant project work and wouldn't it be covered.

T.J. Chagnon said he owns the corner lot that border's Main Street so only part of it would be covered. T.J. will let him know the Village will cover the 97 feet on Haviland and he will be responsible for the 44 feet on Main Street. Robert Flores confirmed that the entire property should be covered under the grant. T.J. Chagnon will communicate this information to the home owner.

Trustee Bodkin asked do they want to take a minute now and confirm what their intentions are to utilize the remaining grant funds.

Robert Flores said, to clarify, anything in the work area of Haviland & Wilson in the street right of way the grant would cover; sidewalks, curbs, storm sewers, sewers and paving are included.

Trustee Bodkin asked if they could include trees. Robert Flores said yes if they are planted in the street right of way.

Robert Flores said you would add this work to the Kubricky contract. Mayor Gutheil asked if they have a line item for this work. Robert said there is a contingency item.

Robert Flores would like to schedule a preconstruction meeting on Tuesday August 11th.

Trustee Bodkin said they can also include water meters as part of the grant. Robert Flores confirmed this.

Mayor Gutheil said they should have a plan and a budget.

Trustee Bodkin said if funds are available in the grant it would be nice to have uniform sidewalks that cover the total grant area.

Robert Flores said the first priority is to have enough money to do the work that was intended which is to replace the water mains but they should have a list of things they want.

Mayor Gutheil said they should have an estimate and a list of priorities.

Trustee Bodkin said that based on bids received, they have over \$200,000 available to use. He would love to see them do as much positive things that they can with the money. Improve safety with the sidewalks, aesthetics with the trees and address some of those meters they would get to save a lot of money for the Village in the long run.

Robert Flores said small items can be done with contingency but if they are talking about substantial items, it would be a change order.

T.J. Chagnon said he will talk to Mr. Daley and see if he wants to move forward or hold off and wait on the sidewalk to see what is covered. Trustee Girard said to give him the option and let him make the decision.

Robert Flores will clarify "the property" eligible no matter the street name if the address is on Haviland.

13. PBA

Already discussed.

Mayor Gutheil asked for a discussion on the well.

Robert Flores said they received the report on the well. The Part 5 report showed that the well meets all the standards and there are no contaminants that are above any of the

thresholds. DOH has said that historically there was sulfur in the well; we should include sulfur treatment as discussed at the last meeting.

T.J. Chagnon said he was thinking when they do the connection to the reservoir to leave that hydrant in play so they could always use that to flush before they use it.

Robert Flores said the well is permitted for 500 gallons per minute. They have tested it already and it is at 200 gallons per minute based on the pump that is installed today.

Robert recommends using that well before they use the 6" well. Robert said that they need the Water Department to set up the chlorine tank and the pump at the well. Will set up at the well casing. The piping will be laid to introduce it at the far end of the reservoir.

14. Water Meter Pit Follow Up

Trustee Girard asked Anthony Mantas if he has been working with T.J. Chagnon about where to put this meter. Anthony confirmed they have been working on this.

Trustee Girard asked them to finalize where they are going to put this.

Anthony Mantas asked Robert Flores to confirm and they can go ahead and order the meter. Anthony is meeting with T.J. next week and they will finalize the plan for the water meter pit follow up. They haven't committed to a location yet because they want to be sure about the water level being constant using the full volume of the pipe.

Trustee Girard would like to move forward with this.

Anthony will put the meter where the pipe is full and will have an answer by the middle of next week.

Scheduled a preconstruction meeting for Haviland and Wilson for Tuesday 8/11 for 11:00 via virtual meeting.

Motion by Trustee Girard to authorize Mayor Gutheil to sign the Kubricky contract subject to counsel's review and issue the Notice to Proceed. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

Motion by Trustee Girard to authorize Mayor Gutheil to sign contracts on the Pump Station subject to counsel's review and issue a Notice to Proceed for both the Electrical and GC contracts. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

15. WIIA Water Project

- a. Robert Flores reported that Worldwide has started mobilizing equipment and the project is underway.

Resolution from last meeting included attorney's approval and working out details with Sprint.

Robert Flores feels strongly we should issue the Notice to Proceed. Robert Flores believes the Village is exposed for delay claims for not doing it.

Mayor Gutheil reported that they had a meeting today and a representative from Sprint, Worldwide & Delaware all climbed the tower.

Anthony Mantas said that the bottom of the antenna is 11 feet above foot level at the top of the tank. Sprint agreed that their antenna will be able to be functioning. Worldwide raised issues about how they are going to raise their containment. Then Ray Koren said he will have a submittal on how to do this containment. Anthony Mantas said they can proceed on all fronts accommodating all parties.

Attorney Bartkowski said they have not heard from John Stricto.

Robert Flores noted that Sprint is not part of Worldwide's contract. If the Village chooses to make them stop then there will be consequences to this decision.

Mayor Gutheil heard at the meeting today that the plan will work out but he has not gotten the endorsement from John Stricto yet.

Robert Flores stated that Worldwide is mobilizing equipment and he is not telling them to stop unless he hears otherwise. The late fee is \$2,000 per day.

Trustee Girard said they are holding up the contractor.

Trustee Bodkin asked if they should poll the Board on signing off on this.

Trustee Bodkin thinks they should give the Notice to Proceed. Trustee Girard asked to hear from the other two trustees. Trustee Carota is ok to proceed. Trustee Orlow did not answer. Attorney Bartkowski is ok with what the Board has proposed.

Motion by Trustee Bodkin to issue the Notice to Proceed as of August 10th or sooner if Sprint signs off. Seconded by Trustee Girard. All were in favor. None opposed. Motion carried.

- b. Ray Koren had requested an extension in time in an email. He mentioned a formal standard request for extension of time which we have not received. Robert Flores said it is too early to consider this.

- c. Verizon Issue. Kevin from Verizon has repeatedly asked for an air monitoring plan that will protect their units. Ray Koren has not obliged to provide one yet. Worldwide will address the question before they set up their containment. Anthony Mantas offered to call him on the phone and tell him he needs a plan submitted.
- d. Hydrogen Generator – Mayor Gutheil said no one has addressed this.
- e. Need a calendar from Worldwide. T.J. Chagnon will need to schedule putting in the valve.
- f. Mayor Gutheil asked if the Board wants to consider raising the liability limits for a few months. Trustee Girard thinks this is a good idea. Trustee Bodkin agrees. Attorney Bartkowski said they have had quotes from Rick Leonelli. Mayor Gutheil asked if the decision is to increase by 5mil. Trustee Bodkin said the original motion was to go to 10 mil.
- g. PFOA Design. The new limits have become official; 10. All samples have been below 10. Was 200 then went to 70 and now it is 10. Need to get the design taken care of and project out to bid.
- h. There was a discussion to bid as a bid alternate. Also what to do with backwash water. Discussion about pumping it. Left to submit for SPEDS permit and pump it to the old reservoir. Submission was made and waiting to hear back from DEC.
- i. Waiting for pump quote to weigh replacing the 3rd vertical serving pump at the water treatment plant versus using pumps to pump through the carbon filter. As discussed at the last progress meeting. Waiting for the budget price on the pump.

Motion by Trustee Girard to increase insurance limits up to 10 mil. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

16. WIIA Sewer Project

a. Sewer I&I Project

Robert Flores reported that they have received bids but have not awarded the bid. Have a bid from KPI. Robert asked if the Board wants to award this contract. Trustee Girard asked about the videoing of the pipes and lining. Robert Flores said that the work taken away by force work was a bid alternate.

They are now talking about doing additional work for KPI like the manhole lining.

Mayor Gutheil asked if they could piggyback on anything. There was a discussion on piggybacking. Robert Flores said it would not be eligible for CDBG but he will verify and report back to the Board.

Attorney Bartkowski asked Mayor Gutheil if he talked to everyone about wearing masks. Mayor Gutheil said the Village should do this on their own. He believes they need signage and communication. Attorney Bartkowski said that the policy needs to be clear. No mask, no entry to the jobsite.

Mayor Gutheil said they will emphasize this at the preconstruction meeting. Attorney Bartkowski will craft a letter communicating the policy. Mayor Gutheil asked T.J. Chagnon to have signs made and post around jobsite.

Trustee Girard asked Robert to work with KPI to get some things ironed out so they can award the contract. Robert confirmed he can do this.

Motion by Trustee Girard that Delaware Engineering is setting up a meeting with the proposed contractor on the Sewer I & I project to work out certain issues and if it is worked out to the parties satisfaction then authorize Mayor Gutheil to issue the Notice of Award, Notice to Proceed and sign the contract. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

17. CDBG Project

18. Code Enforcement

Mayor Gutheil reported that they are getting complaints and need to have someone they can rely on. Are they going to share an office? How many hours per week? Are they going to double the budget or not? Will discuss this later in executive session.

Trustee Girard said they should list the complaints received. Some of these fall under the building inspector's responsibility.

- a. China Buffett complaints – T.J. Chagnon contacted the owner and she said it will be cleaned up within 10 days.
- b. 39 Jackson Avenue
- c. 156 Main Street
- d. Catherine Street
- e. Vehicle driven on byway

19. Local Law 1 of 2020

Attorney Bartkowski said we are required to notify Saratoga County when we have a local law, which the Clerk did. And Mike Valentine then asked if we were going to change the definition of utility under the zoning code as well. She reached out to The LA Group to ask them what their thoughts were.

The bigger issue is that installation of the 5G signal is not what she had anticipated.

You are installing physical devices on buildings. They are closer to each other than the

towers that we currently use for 4 G and lower devices so you need more of them and it is going to involve private buildings. There are some federal regulations out there as far as what they can look like and how much authority local government has to control where they go. This is a zoning and planning board issue for site plan review. She did not get the impression that 5G would be here anytime soon. This will take some research to do.

Trustee Bodkin suggested updating the codes to reflect current technology and try and think big picture to incorporate future technologies. He feels they should get the taxation part in place now.

Motion by Trustee Bodkin to adopt Local Law 1 of 2020. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

20. Trustee Reports

Trustee Bodkin wants to see where we stand on the letter to the hydro electric company. Attorney Bartkowski drafted the letter and the Clerk gave it to Mayor Gutheil. He doesn't have it so the Clerk will get him another copy.

No parking signs adjacent to Common Roots. In conversation with the police department, they don't have anything in the code to allow them to enforce no parking signs on West Marion Ave.

Mayor Gutheil said to have T.J. Chagnon check the code and if it's not covered we can amend our code to include them.

Attorney Bartkowski suggested putting up emergency no parking signs.

Trustee Bodkin suggested putting down striping before we get to colder weather so we don't have to work around the barriers through the winter months. T. J. Chagnon said he is planning on doing this and has already done some work.

Trustee Girard added a complaint about the vehicle being driven on the byway and they will discuss executive session.

21. Mayors Report

Mayor Gutheil attended an AGFTC meeting. They are having trouble getting drivers.

Collected \$792,000 in tax payments by end of June.

Mayor Gutheil is talking with GFNB and will be talking to Class about investments and will report back to the Board.

Had a positive change in sales tax revenue of \$7,000 over the last year for that particular month of sales tax revenue. Still down \$30,951 overall.

They asked for the PPE report and have received it from T.J. Chagnon.

Motion by Trustee Bodkin at 9:20 pm to enter Executive Session on CSEA negotiations and other CSEA business, strategy on complaints, and discuss a particular unnamed person(s) job history or qualifications. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

Executive Session – No action taken.

Motion by Trustee Bodkin at 10:05pm to end Executive Session and reopen the regular meeting. Seconded by Trustee Girard. All were in favor. None opposed. Motion carried.

Motion by Trustee Girard to authorize Mayor Gutheil to sign the CSEA Settlement Agreement as discussed. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

Motion by Trustee Girard to make a job offer to an unnamed person to do code enforcement at a rate of \$20 per hour as needed. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

Motion by Trustee Girard at 10:08 pm to adjourn the meeting. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

Meeting adjourned at 10:08 pm.