

**Welcome Public**

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

Minutes

**Attendance:**

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

**Public Forum:**

Amanda Erickson who owns the home at 21 Harrison Avenue told the Board she would like an update as to what is going on with the George Moss property.

Mayor Gutheil asked John Hoey to address the question. John said he has been out to the property and has given the attorney photos and his report.

Amanda Erickson said she has been complaining and sent in photos for the past 4+ years and she needs answers. She has been told by the Mayor for 2 years there is no Code Enforcement Officer, there is no attorney, we don't have the people to take care of it and she would like answers. She wants to know when the trash is going to be cleaned up.

Mayor Gutheil said this complaint has been through 2 administrations and the Village has spent in the range of \$10,000 trying to enforce codes. They have been to 2 courts, Town Court and Supreme Court and discussed in executive session a strategy to address the problem. The new Code Enforcement person has been out and given a report to the attorney.

Amanda Erickson has spoken to the Supreme Court and has been told they ruled against him and the Village has to send them back the paperwork.

Mayor Gutheil said they will have the attorney speak to the issue once she comes on the line tonight.

Trustee Bodkin agrees with the neighbors and would like to receive some solid advice from the attorney so they can move forward.

1. Approve Minutes September 16, 2020

Mayor Gutheil wants to add something to what he said on Page 2. In 9.a., He would like to add the bulk of *the inside of the tank* is done.

Motion by Trustee Bodkin to approve the minutes with this one change for September 16, 2020. Seconded by Trustee Girard. All were in favor. None opposed. Motion carried.

2. Set Future Meetings

Trustee Girard and Mayor Gutheil have started interviews for the Police Chief position and would like to set a meeting for short list interviews. Trustee Bodkin asked him to share the advertisement with the Board and asked if he posted the salary range for the position. Mayor Gutheil replied he did not and they can discuss the salary range tonight in executive session.

Trustee Girard suggested having the Chief train the two sergeants on what he does prior to leaving.

Tentative Special Meeting is scheduled for Thursday 10/15 at 6:30.

3. Transfers – None.

4. Approve Bills

Mayor Gutheil said there is a bill from the lawyer that had emails from Trustee Bodkin and he couldn't approve it because he didn't know about it.

Trustee Girard said that the Mayor gives a summary of what was said and the attorney gives email information in detail. Trustee Bodkin said he would rather see communication in writing verses a verbal communication.

Motion by Trustee Girard to approve bills as audited. Seconded by Trustee Carota. Trustee Bodkin abstained. All others were in favor. Mayor Gutheil voted yes. None opposed. Motion carried.

5. September Public Safety, Public Works & Animal Control Reports

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

6. 50/50 Sidewalk Program 13 Reynolds, 14 Riverview, 71 Spring & 122 Hudson

Mayor Gutheil said they have 4 contracts tonight \$800 resident cost for 13 Reynolds, \$550 resident cost for 14 Riverview, \$1,250 resident cost for 71 Spring Street and \$760 resident cost for 122 Hudson.

Motion by Trustee Girard to approve these requests and authorize Mayor Gutheil to sign the agreements. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

**Public Forum** – Update from Attorney Bartkowski on the George Moss property.

Attorney Bartkowski said she spoke with Ms. Erickson earlier in the week. John Hoey had given her a report with pictures for her to look over and take the next steps. Civil law suits were frivolous. Foreclosures are stayed until November 1<sup>st</sup>. Moss's stuff is on Amanda Erickson's property. Attorney Bartkowski told her that she has the right to remove it.

Amanda Erickson said that Attorney Bartkowski told her she is going to file the paperwork with the courts this week.

Attorney Bartkowski said they didn't get anywhere with the courts the 2<sup>nd</sup> time around. And that Amanda Erickson can hire her own attorney and file her own complaint against him. Attorney Bartkowski said she will call Amanda Erickson tomorrow.

7. CHIPS

Mayor Gutheil said we have received 3 quotes to replace the 2006 Loader. He looked up auction prices on loaders and asked T.J. Chagnon some questions. T.J. Chagnon said the model capacity is just about the same but a different model number; quote is for a 2020. (It was found out later, after this meeting, that it is actually a 2021 model.)

T.J. Chagnon recommends the John Deere. All three quotes are under state contract.

Trustee Carota said he thinks they should move on the lowest one or the John Deere.

T.J. Chagnon said money will come out of CHIPS. Expend all EWR funds and take the balance off of CHIPS.

Motion by Trustee Carota to purchase the Nortrax John Deere 544L for \$159,846 with a \$47,000 trade in allowance for a price of \$112,876. Seconded by Trustee Girard. All were in favor. None opposed. Motion carried.

8. Fire Company Contract

Mayor Gutheil said he has received a budget and audit from the Fire Company. The reason for the delay is they have been waiting for their budget and audit.

Attorney Bartkowski said last years contract was for \$74,970 and this year's budget included a 2% increase.

Trustee Girard asked Attorney Bartkowski why they have to do a motion when they have already adopted a budget with a 2% increase. He added that \$1,000 was approved for the cancer benefit and \$76,469 was budgeted for the contract.

Trustee Bodkin did not receive a copy of last years signed contract and would like one. Attorney Bartkowski said she will send him both.

Motion by Trustee Carota to authorize Mayor Gutheil to sign the contract once it is signed by the Fire Company changing the dollar amounts as discussed and the date subject to attorney's approval. Seconded by Trustee Girard. All were in favor. None opposed. Motion carried.

9. Sales Tax Revenues

Mayor Gutheil said the Board wanted this back on the agenda. They had discussed in executive session strategies on the loss of sales tax revenues. The Board wanted to report they are going to continue to monitor. At this point it would not be necessary to consider layoffs, alternate weeks or more drastic things.

The Mayor Gutheil had a spreadsheet done comparing last year's totals to this year's showing a running total. They are behind \$35,283 for June through September from last year.

10. Tri County Literacy Center

Mayor Gutheil received a letter requesting funds. The Board has chosen not to fund.

11. Quote PFOA/PFOS Testing

T.J. Chagnon reported that the Phoenix quote is for \$355. The Alpha quote is \$305 per quarter. We have an account with Phoenix but will need to set one up with Alpha if we choose to go with their quote.

Trustee Bodkin asked how quickly they could work through the contract process. His concern is they have a deadline for the November testing.

Mayor Gutheil said the safe way would be to use Phoenix for this next one.

Decision was to go with Phoenix for the next testing. Attorney Bartkowski can do mark ups to the Alpha agreement and report back to the Board on or before the next meeting.

12. Police Department Upper Roof

Mayor Gutheil reported they found out there are leaks in the upper roof and have a quote from Monahan & Laughlin for the upper roof.

T.J. Chagnon said there is a lot of water coming into the PD doing damage to inside walls and light fixtures. They could be looking at paying more for not reacting quickly. Mayor Gutheil said he is in favor of getting it done. Attorney Bartkowski said it is an emergency.

Motion by Trustee Girard to approve the quote from Monahan and Laughlin for the upper roof for \$30,000 budgeted in A1621.400 plus \$800 balance and insulation to come out of Contingency A1990.400. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

### 13. Trees

Mayor Gutheil said they need to address dangerous trees and plant new trees. He asked Trustee Carota if he had a chance to talk to anyone about new trees.

Trustee Bodkin said he has looked into it. A basic red maple is around \$300. He asked if the DPW crew could plant those bare root trees. T.J. Chagnon said they haven't before but could learn. Trustee Bodkin said that they suggest the trees are planted within the first 72 hours of delivery.

Trustee Bodkin suggested one species for under the power lines and one for other areas. The grant will pay for tree replanting on that project.

T.J. Chagnon informed the Board they have to remove a tree down on 1<sup>st</sup> Street to do repairs.

### 14. WIIA Water Project

#### a. Water Tank Update

Plan is to start on the exterior tomorrow. They are sampling inside the building and outside the tank tomorrow. Scheduled progress meetings for every Monday. They put extra men on the project so they can get the work done.

There was a discussion on cathodic protection. This helps when dealing with bare metal.

Trustee Girard said since they are rehabbing the tank they don't need that system and Robert Flores said, yes, that is correct.

Atlantic Testing is scheduled to show up to the site tomorrow. They have to collect samples for 3 days during the blasting period. It is an 8 hour test.

Trustee Girard asked what point the penalty clause goes in to effect. Robert Flores said final completion is November 1<sup>st</sup>.

Mayor Gutheil said the first pay app came in from Worldwide. Delaware will be processing this through Supplemental Certificate #3.

Mayor Gutheil asked if the Board still wants the water testing done daily. Trustee Girard would like it on a daily basis.

T.J. Chagnon said that the meter reads in 1,000 gallon increments.

b. Carbon Filtration Project

Robert Flores said the Village and Attorney Bartkowski have the specs for review. They had submitted for a SPDES application. They have looked at it and called Robert Flores and they will not issue a SPDES permit. Robert said they could leave it as a bid alternate and later decide if the DPW can do some of this work.

c. Water Pit Meter – Conduit has been purchased and starting to layout where they are going to lay the conduit. Waiting on Robert Flores for recommendation for meter to purchase.

15. WIIA Sewer Project

a. Sewer I&I Bid – Kenyon Pipeline

Robert Flores asked does the Board want to award to KPI and if so, what to award? KPI will hold their price but lost the contractor for sewer repairs. They are still trying to find someone to do this work for the same price it was bid.

Mayor Gutheil said he would like to see them get some of the lining and cleaning done but doesn't want to hold things up.

Robert Flores said the CCTV and lining work would be a straight forward project.

Mayor Gutheil asked Attorney Bartkowski if they can award the contract.

Robert Flores said if it is just CCTV work the Village can handle this traffic control for CCTV. He will circulate a recommended award with those changes discussed.

Mayor Gutheil said they will need to know on the lining with the section by Stewarts, will this be a separate traffic control or would the Village do it?

Motion by Trustee Bodkin to approve contract for new award as discussed. Seconded by Trustee Girard. All were in favor. None opposed. Motion carried.

b. Pump Station

Robert Flores said the onsite work is planned for November.

The electrical contractor did not send in his schedule because he has to coordinate his schedule with the general contractors and he just received theirs.

16. CDBG

a. Haviland & Wilson Update

Robert Flores said there is an issue with MWBE and processing payments. TCK does not have a MWBE and doesn't want to submit for a waiver. We are not supposed to pay him until he has one.

Are we going to waive the EFC requirements or hold TCK to it?

Attorney Bartkowski spoke with the WBE contractor and was able to convince her to change her status to add those codes to her primary part instead of her secondary part. They are waiting to see if they took it immediately or still have to process.

She understands EFC is not going to approve her use. She doesn't know if Kubricky is eligible for a waiver since work started.

Trustee Carota asked why is the WBE an issue if it is a CDBG project.

Robert Flores said that both funding agencies are attached to the project. If they make the Haviland & Wilson project completely CDBG it could have potential problems later on.

Attorney Bartkowski said they had a conference call with Tom, Harry, Robert, Mary H. and EFC. They indicated that the waiver is possible since their supplier was previously approved but just recently taken off the list.

Delaware Engineering drafted the waiver and sent it to Kubricky. Attorney Bartkowski said he could still hire her and pay her. His supplier is working on getting recertified but it is up to Tom Kubricky to complete the waiver.

Attorney Bartkowski said that Tom Kubricky said if he gets a waiver then it would appear he is discriminating.

The Village can't issue a payment until this issue has been satisfied. Meeting is set up tomorrow at 9:30 with Tom to discuss again.

Trustee Bodkin is concerned and wants to preserve the relationship with Tom Kubricky because he has done a lot of good work.

Robert Flores believes they should try to convince him to submit the waiver.

Robert Flores said the other issue is the additional work. Need to know if there is a conflict with the proposed storm sewer line.

Mayor Gutheil said he looked at the video of Haviland and it looks like National Grid has a gas line that protrudes through our sewer line.

T.J. Chagnon has spoken to National Grid and has a meeting scheduled for 1pm tomorrow.

Robert Flores said they have the sewer lines to reline and they have storm sewer and catch basins to go with it. They are waiting for prices on trees, waiting for prices on sidewalks and curbs and making the intersection ADA compliant.

Mayor Gutheil said Robert Flores said the sidewalks have to be 5 feet for ADA compliance. Robert Flores said you can go 4 feet if you have enough passing lanes and you can say that driveways are passing lanes.

Trustee Bodkin said the price becomes different if we start and stop sidewalks verses doing it from one end to the other.

Trustee Girard said if the home owner doesn't want a sidewalk, then they don't get a sidewalk. He believes 4 feet is fine.

On Haviland and Wilson, Robert Flores proposes they consider paving the road and doing the final milling and paving in the spring.

Trustee Girard is fine with this. Trustee Bodkin and Mayor Gutheil are fine with this. Mayor Gutheil said owners on both streets need to get this information.

Mayor Gutheil said they can do some of this work under time and materials. The Board is fine with this.

Robert Flores asked that someone let him know what kind of trees. The Board is fine with red maple.

#### 17. Trustee Reports

Trustee Bodkin received correspondence from the Code Enforcement Officer and he would like the Board to consider a local law to address garbage put out on the side of the road. How long should this be allowed to sit out there on the side of the road?

Trustee Carota recommends that no materials be left on the side of the road after garage sales. Trustee Girard agrees.

Trustee Carota said nothing should be left out on the side of the road unless it is brush.



Since this is not addressed in the code they asked the village attorney to research local law language to address this concern and report back to the Board. Attorney Bartkowski will research language or draft her own and report back to the Board.

Trustee Girard asked Attorney Bartkowski to include language stating that no homeowner is allowed to bring garbage in to their yard. Hope that they can eliminate this problem that they constantly have. Attorney Bartkowski replied yes.

Trustee Girard said he went online today and did the sexual harassment training Part 1 and Part 2. Trustee Carota explained there are three remaining things he needs to do. The paperwork is on the back table in the boardroom. He needs to sign the attendance sheet, sign the acknowledgement sheet and fill out the questionnaire.

Trustee Girard highly recommends deep cleaning the conference room after all the trainings are done. It is his understanding that they were not wearing masks during the training. It is his understanding CDC guidelines say you still have to have a mask on at a distance of 6 feet.

Trustee Carota stated he doesn't believe masks are required if they are 6 feet apart. Trustee Girard said yes they do have to; he looked up the guidelines before the meeting.

Trustee Carota state they are only requiring staff to wear a mask if they are within 6 feet of each other.

Trustee Carota said there were 12 people in the training today. Attorney Bartkowski asked if they were able to have them be 6 feet apart and if they had a way to enter and exit without passing each other. She feels it is an awfully small room for people to be in without masks. And she would agree with the need for deep cleaning again now.

Mayor Gutheil suggested using the same firm that did the deep cleaning last time and have them come in again.

Trustee Carota said we have another training scheduled for tomorrow and one for next Tuesday.

The Clerk Treasurer asked if all staff could do the training online. Trustee Carota replied that under the circumstances this would be allowed as long as all the paperwork is filled out and if anyone has any questions they can ask him.

It was agreed that staff can do this training online on YouTube, NYS Sexual Harassment Training Part 1 and Part 2.

## 18. Mayors Report

Mayor Gutheil said the Fire Chief has asked about cleaning again at the fire house. At one time they wanted to do their own cleaning. Does anyone object to having Michelle Ross start cleaning again at the fire house? No one had any objections.

Mayor Gutheil asked John Hoey to call and give him a report on some of the other complaints that they have had. John Hoey replied that he would.

Mayor Gutheil would like to add more money to some of the reserve funds.

He had a letter from Boralex they are celebrating their 30<sup>th</sup> anniversary.

Motion by Trustee Bodkin at 9:27 pm to enter Executive Session to discuss the Police Chief anticipated vacancy, the CSEA contract negotiations and the anticipated complaint from CSEA. Seconded by Trustee Girard. All were in favor. None opposed. Motion carried.

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

**Executive Session** – No action taken.

Motion by Trustee Bodkin at 10:11 pm to adjourn the meeting. Seconded by Trustee Girard. All were in favor. None opposed. Motion carried.

Meeting adjourned at 10:11 pm.