

Welcome Public

PUBLIC MEETING
7:00 PM
DECEMBER 16, 2020
MAYOR HARRY G. GUTHEIL JR. PRESIDING

Minutes

Attendance:

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

Public Forum: None.

1. Approve Minutes December 2, 2020
Motion by Trustee Carota to approve the December 2, 2020 minutes. Seconded by Trustee Girard. Trustee Bodkin abstained. Trustee Orlow abstained. Mayor Gutheil voted yes. All others were in favor. None opposed. Motion carried.

2. Set Future Meetings – None.

3. Transfers
Are currently short in the Village Building Repairs account and will need to replace the hot water heater in the men’s room.

Transfer \$1,000 from A1990.400 Contingency to A1621.400 Village Building repairs
Transfer \$637.92 from A3120.200 PD Equipment to A3120.420 PD Equipment Support
Transfer \$1,000 from A1990.400 Contingency to A8010.400 ZB Contractual Expense
Transfer \$1,000 from A1990.400 Contingency to A8020.400 PB Contractual Expense

Motion by Trustee Girard to approve these transfers. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

4. Approve Bills
Mayor Gutheil said that on the G-Suite account they are paying for people who are not using their email account. Hopefully by next meeting they can come up with a plan that is more cost effective and eliminate some accounts.

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

5. November Financial Statements

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

6. Section 504 Accessibility Grievance Procedure

Attorney Bartkowski said this applies more to people visiting the village clerk's office. If there is an issue they would go into the clerk's office and fill out the form. The Clerk will give the form to the Mayor who will respond within 20 days if the Village is compliant or not. Matt French did an inspection of all the village buildings. He found one issue that has already been remedied. A memo was drafted and will be part of the Administrative Plan.

7. HCR Section 3 Housing Compliance

Attorney Bartkowski said this appears in two places. This involves reaching out to people in low to moderate income families and businesses for procurement transactions. We have to have this policy in place when we are bidding. She read the prepared resolution. Attorney Bartkowski said we can search the portal to see if anyone is even reasonably close.

8. Procurement Policy

Attorney Bartkowski said that OCR requires certain language be contained in this policy so they need to amend the current procurement policy. First thing it requires is a statement that the Village is an equal opportunity employer. This information goes out on all of the ads for employment. It is part of the bid specs and states that pursuant to Article 15 of the Executive Law the Village will not discriminate against any employee or applicant for employment based on race, creed, color, sex, national origin, sexual orientation, age, disability, genetic pre disposition, carrier status or marital status.

The second one basically says the same thing excepts adds it is an equal opportunity for minorities and women and that the Village will not discriminate based on those same classes and will undertake and continue existing programs for affirmative action to insure that minority group members and women are afforded equal employment opportunities without discrimination. Which the Village is already doing. The third one is the same language.

Motion by Trustee Girard to approve all 3 resolutions; HCR Section 3 Housing Compliance, Section 504 Accessibility Grievance and Procurement Policy. Seconded by Trustee Orlow. All were in favor. None opposed.

Roll Call:

Trustee Bodkin, yes

Trustee Girard, yes

Trustee Carota, yes

Trustee Orlow, yes

Motion carried.

9. Mountain Medical

Attorney Bartkowski is reviewing this agreement and will give her recommendation.

10. WIIA Water Project

a. Water Tank Update by Robert Flores

1. Tank was turned over for use by the Village on December 4th so by contract that is the Substantial Completion date. There is a form that needs to be signed by Mayor Gutheil. Mayor Gutheil would like Attorney Bartkowski to review the form prior to his signing.

Robert Flores said that final completion is when you pay them the last amount. Anniversary inspection is sometime less than 12 months from the substantial completion date. As discussed earlier in the week, they would like this to be done by September in case there is correction work to be done before the winter months.

2. Have to address items on the punch list. Delaware Engineering looked at the roofs and found staining on the village office roof and on the firehouse roof. The question is did this break the surface of the roof. Robert Flores reported that they identified the problem and asked the contractor how they would remedy. The contractor will take the first step and clean the roof. They expect this to happen next week. D.E.C. did give the green light today to have the contractor pick up the waste.

Trustee Girard asked Robert Flores to forward the communication from D.E.C. for our files. Anthony Mantas report that he spoke to Steve Paszko on the phone today who gave permission. Trustee Girard requested follow up in writing to the Village.

Mayor Gutheil said if the waste is not hazardous waste the Village won't have to sign the manifest when it goes out and won't need an EPA number.

3. Mayor Gutheil reported that the Village had a contractor inspect the village office roof but they have not inspected the metal roof at the Fire Company.

Robert Flores reported that they have a roofing contractor coming up to inspect the Firehouse roof to give their recommendation.

Trustee Bodkin wanted to note the damage to one of the LED lights on the building. Mayor Gutheil said that Worldwide has a preconstruction video and perhaps they could take a look at that.

T.J. Chagnon thought perhaps it was damaged when the containment fell.

Anthony Mantas said he is not aware that the damage to the light was during construction but it is possible. Possibly with the covering or uncovering of the generator.

Both Trustee Girard and T.J. Chagnon said the light was working prior to construction when they would park out back for Board meetings.

Delaware Engineering will add it to the punch list and follow up. Robert Flores asked for copies of the pictures that T.J. Chagnon took during the contractor's inspection of the roof. Anthony Mantas also took pictures.

4. Provisions for liquidated damages.

Robert Flores stated that December 4th was the substantial completion date but October 4th was supposed to be the substantial completion date. And that the contract has provisions for liquidated damages. So as far as closeout he asked the Board if they want to enforce liquidated damages or do a contract extension which will make the liquidated damages go away. Mayor Gutheil said this would involve the attorney and would be an executive session item.

Mayor Gutheil said they will need to know what the additional costs were and asked Robert Flores if Delaware has any information or documentation on how much time they lost due to the virus. Robert did not know anything specific but will check.

One punch list item is grass because it was covered for a couple of months. Offered to give credit to Worldwide and our Public Works guys could seed it in the spring.

5. Robert Flores reported in the soil samples before and after the project that they did detect elevated levels of lead but they were below the thresholds of contamination. So there is no removal of soil needed.

Mayor Gutheil doesn't feel it would be inappropriate to have additional soil samples taken. They don't want to inherit problems down the road. Robert Flores said they could take additional samples so everyone will know what the facts are. He will follow up on what it would cost to take 3-5 more samples.

6. Mayor Gutheil is not satisfied with fencing on the roof. There is rusted pipe railings and could end up with rust stains on the new paint job. Trustee Bodkin said that the Board discussed replacing this. Robert Flores said that when the tank project was rebid, replacing the railing was taken out.

Trustee Girard commented that when that was taken down, if they were notified of the condition of the fencing the Board would have approved replacing it.

Robert Flores asked the Board if they want to ask Worldwide for a price to replace it. The simplest way is to have Worldwide do the work.

Mayor Gutheil said it is a shame it didn't come up before they left the site. They will discuss with the Village Attorney in Executive Session.

Mayor Gutheil asked Robert Flores what the additional cost incurred was by the contractor going over 2 months. Robert Flores said that Delaware had given the Village a not to exceed figure for construction administration and that the extended cost to Delaware is more than \$8,000.

b. Supplemental Certificate #5

Robert Flores recommends the Village Board approve Pay Application #4 for Worldwide Industries in the amount of \$434,000. The work that has been completed is what is reflected in the pay application. Robert Flores agrees with the 90% completion at the time the pay application was submitted.

Mayor Gutheil doesn't see any reason not to pay them.

Robert said they first identify the punch list and then the Village can hold back twice the value of the punch list. Mayor Gutheil said they really don't know until they know if there is damage to the roof. Robert said if they did damage it was damage incurred vs. work not completed.

Robert suggested submitting the pay application to the state because ultimately they will be owed the money.

Attorney Bartkowski said that withholding payment is certainly a motivator. And that the problem with submitting now is that CDBG is going to look at how long money will remain in your account. Mayor Gutheil pointed out this is EFC not CDBG.

Trustee Bodkin noted there was a significant amount of trash left on site. And trash over the bank as well. Robert Flores will add this to the punch list.

Robert said the safest thing from the village's perspective is to pull the pay app until the roof is resolved.

Attorney Bartkowski said they can talk about it some more in executive session.

c. Carbon Filtration Project

Robert Flores asked if the Board is ready to authorize advertising the bid on this project. Attorney Bartkowski reported she was not able to get in touch with Mayor Gutheil to discuss this. They will set up a time for tomorrow and report back to the Board.

Mayor Gutheil feels they could set the bid opening date and any issues could be addressed in an addendum.

Trustee Girard thinks they should set a bid date now since this has been delayed several months.

Robert Flores will circulate the advertisement with a bid date of January 28th at 1:30 pm and will add the phrase by appointment.

Mayor Gutheil wants to be sure we can accommodate contractors if they want to view the plans since Village Hall is still closed to the public.

Motion by Trustee Bodkin to advertise for bids for the Carbon Filtration project. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

11. WIIA Sewer Project

a. Pump Station Update

Robert Flores said they have 2 pay applications. One for MCJ Construction for \$80,750.00 and one for O'Connell Electric for \$25,532.20. Robert Flores said work is proceeding and reported what the submittals entailed in the disbursement section.

Mayor Gutheil inquired about a change done and T.J. Chagnon reminded the Board that the electrician brought up the fact that the Village was not in compliance with code which is the reason for the change to move the auto transfer switch outdoors in a weather tight box. There is \$20,000 in allowance on the electrical contract.

b. Supplemental Certificate #5 Clean Water

Motion by Trustee Bodkin to approve Supplemental Certificate #5. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

c. Sewer I & I Update

KPI contracts need to be signed. Mayor Gutheil has 3 binders with the signed contracts at Village Hall. Mayor Gutheil and Attorney Bartkowski will discuss tomorrow.

12. CDBG

a. Haviland & Wilson Update

Trustee Girard does not want to hold up payments any longer to Kubricky and asks the Board to approve Pay Application #4 tonight so they don't have to wait for the first meeting in January.

Mark Blauer reported that the approved resolutions and the administrative plan will be submitted tomorrow along with Pay Application #3 and Pay Application #4 for Kubricky Construction.

Motion by Trustee Girard to approve pay application #4 for Kubricky Construction. Seconded by Trustee Bodkin. All were in favor. None opposed. Motion carried.

Mark Blauer reported he will submit the Administrative Plan tomorrow now that he knows the 3 resolutions were approved tonight. He will also include the ADA self-assessment signed by Matt French.

b. Haviland & Wilson Improvements Bid Results

Robert Flores reported on the bids received.

They are able to do the base bid and a couple of alternates in order to use the remaining CDBG funds. He asked if the Board wanted to award the bid.

Trustee Bodkin said it looks like they have enough money to take care of the infrastructure stuff and no money to cover the aesthetic stuff, the ADA compliance, the curbs, sidewalks, trees and he thinks this is a priority for Village projects.

Robert Flores said the trees, the new sidewalks and very limited amount of replacing existing sidewalk is beyond the grant funds.

Mayor Gutheil said he thinks they can do better on the prices if it was bid differently and eliminate \$20,000 – \$40,000 just on the cold patch on all but one of the bidders. He does not support awarding the bid.

Trustee Bodkin has talked with some residents in the area and it is important to them to get some of these aesthetic things in place. So with the numbers in front of them now, he can't support awarding the bid at this time. He would like to see them bidding the job again, more clearly, so it represents summertime work.

Trustee Girard agrees with Mayor Gutheil and Trustee Bodkin.

Mayor Gutheil does not think they need \$1,000 trees either. Trustee Girard agrees.

Trustee Girard thinks the traffic stuff shouldn't be a line item and the size of the trees should be smaller. Don't need the cold patch so it can be removed. Trustee Girard will be happy to work with Mayor Gutheil on this.

Mayor Gutheil thinks they need to work on this and get it back out to bid.

Trustee Bodkin wants to make sure they don't omit something that restricts them from the ability of having some of the staff do some force work to cut some expense.

Anthony Mantas said to help reduce costs they could get a clearer picture for the number of linear feet of new sidewalks. Some residents do not want a sidewalk in front of their house.

May need to do a mailing to the residents of those two streets asking if they want the sidewalk. The Clerk will draft letter to the residents of those two streets asking if they want to opt out of a sidewalk in front of their house. Also ask them to respond within a certain date. The bid pricing cost per lineal square foot is between \$70-\$80.

Trustee Girard said they should get a price of what it would cost for them to do it.

Motion by Trustee Girard to reject all bids for the Haviland and Wilson Improvements project. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

13. Trustee Reports – None.

14. Mayors Report

Mayor Gutheil said Monahan & Laughlin did look at the roof of village hall.

He had an AGFTC Meeting. There have been some changes in some of the capital projects.

Mayor Gutheil got a letter from Employee Assistance program. They want to continue to work with the Village.

Mayor Gutheil got a letter from NYS Union and Police Association regarding repeal of Civil Rights Law 50a. Decision to defer this to Attorney Paltrowitz.

Request for proposal for cleaning services still needs to go out. The Clerk will send out the RFP and add that vacuums will require HEPA filters. Village office was cleaned by All Pro.

Need to discuss when they want staff to get back in the building. Everyone back in the building now or alternate one person working in the office at a time. Decision to keep the building closed to the public and get through until after the New Year to be on the cautious side and have 1 person working in the office at a time. Shannon will handle this schedule.

Letter from LaBerge Group. They are interested in doing some CDBG grant applications.

Motion by Trustee Bodkin at 9:27 pm to enter into Executive Session to discuss the particular work performance of an unnamed person(s), potential hires at the police department and CSEA negotiations. Seconded by Trustee Orlow. All were in favor. None opposed. Motion carried.

Motion by Trustee Orlow at 10:58 pm to end Executive Session and reopen the regular meeting. Seconded by Trustee Bodkin. Trustee Bodkin, Trustee Orlow and Trustee Girard voted in favor. None opposed. Motion carried.

Executive Session – No action taken.

Motion by Trustee Orlow at 10:58 pm to adjourn the meeting. Seconded by Trustee Bodkin. Trustee Bodkin, Trustee Orlow and Trustee Girard voted in favor. None opposed. Motion carried.

Meeting adjourned at 10:58 pm.