

Village of South Glens Falls
46 Saratoga Avenue, South Glens Falls, NY 12803
October 1, 2025
Regular Village Meeting @ 7:00 PM

Regular Village Board Meeting
MAYOR JOSEPH ORLOW PRESIDING
Minutes

Attendance:

Mayor Orlow
Trustee Baxter
Trustee Comstock
Trustee Middleton
Attorney Bill Nikas
Nick Havens
Harry Gutheil
CR
DCT

Clerk Treasurer Samantha Berg
DPW Superintendent Alan Dubois
Dennis Davall
Robert Ulrich
Dan Collins
Reed Antis
Jason Denno
+18566686794
User

The Mayor opened the meeting at 7:00 PM.

Pledge of Allegiance

Public Hearing

- **Motion 100125-1 for Waiving of Penalties due to Delay of Receipt - 6 Wedgewood Dr. and 43 Fairview Street:** Trustee Comstock motioned, Trustee Baxter seconded. All in favor, motion passed.
Discussion: Attorney Nikas' opinion for the record is that this waiver is appropriate under the unique circumstances stated.
Dennis Davall - 209 Main St. - felt this should be waived.
Bob Ulrich - 3 Wedgewood Dr. - felt this should be waived.
Dan Collins - 6 Wedgewood Dr. - appreciated the discussion and thanked the Board for its decision.
Motion 100125-2 to end the Public Hearing: Trustee Comstock motioned, Trustee Baxter seconded. All in favor, motion passed.

Public Forum

- **Bob Ulrich:** Regarding The Post Star article dated September 27th, he thought the new Village Board had run on the premise of working together as a team. In his opinion, the last Village Board Meeting should have been done in Executive Session and not aired for the public. He feels the public is not looking at the Village favorably.

- **Mayor Orlow:** The mayor spoke in reference to discussion that occurred during the last meeting. He stated that when he ran for Mayor, there would not be any more hiding in executive sessions. He said that he works for the people, and if he's not doing his job, the people need to know it. If the Board has a situation that isn't working, then the Board needs to work on it. The Village has three new Trustees and a new Mayor, and they need to sit down and figure out how to work together. He does not wish to operate in the atmosphere that has been here for the last four years. The Board needs to change what the public thinks about them, and they need the community to get involved. The Mayor announced more than once that the Clerk Treasurer acted more as the Mayor for the last four years, and he was thankful to have Harry. Harry Gutheil asked a lot of questions and kept the Board informed. The Mayor said he believes very strongly in the Village, and he loves our Village and wants it to do the best it can. There has been a lot of staff turnover and training for new staff. Our new Trustee, Zach Baxter, has a lot of knowledge. The Mayor later stated that his loyalties are to the Community and the staff.
- **Trustee Middleton** agreed that last week's discussion was tense. He has extremely high expectations for himself and for the outcome of this. He agrees with the Mayor that there is a learning curve and wanted this discussion to be in executive session. The Mayor chose to make it public. What came out was his opinion, and maybe not the opinion of the Board. He plans to continue to move forward, work together, and do the best he can. Trustee Middleton then said that he also works 40 hours a week, even though he's retired. He wants to be more knowledgeable, has a lot to learn, and that's why he's putting in the time. Rob Ulrich commented that Trustee Middleton has done a lot of work and that the Mayor's performance shouldn't be announced, whether positive or negative, to the public. Trustee Comstock replied that the Board wanted the meeting in executive session, but the Mayor wanted it to be public.
- **Harry Gutheil, Jr. - 23 Spring St.:** Mr. Gutheil stated that he has reached out to the Board and has not received a response. He asked the Board to consider waiting and not approving the resolution on the Engineer for the Water Sewer Study, as he thought the Board had approved one prior by pointing out the current agenda item. His concern, as a taxpayer, is that one is for \$3,000 and the other is for \$11,000, and why the Board would rescind the less expensive one. Trustee Baxter responded that the Water Sewer Committee has been working on this since May and cannot come to a decision on a balanced budget that also properly plans out for future investments without proposing large increases. The Water Sewer Committee needs professional assistance from an engineering firm that can provide a more detailed scope. This way, the Village has a designated engineering firm that can assist with the many long-term aspects that will come with this project. Samantha Berg clarified that the motion may have been incorrectly written; it is strictly for the IUP. Mr. Gutheil FOILed the warrants to see what bills the Village is paying and found a voucher for \$6,100 to pay the IRS for

penalties. Trustee Middleton responded that the error occurred because the withholdings from payroll tax were not paid from January 12, 2022 - April 6, 2022 due to a vacancy in the Clerk's Office. An invoice arrived June 29, 2025 for late fee penalties totaling \$6,145.49. Mr. Gutheil then inquired about the last meeting's statement was made that the Village lost around 1.3 million dollars of PFAS interest that could have been received from a one-time payment upfront. The Village had an opportunity to receive a lump sum PFAS payment instead of 8 annual payments, minus processing fees.

1. Grant Projects Update

a. GIGP

- i. **Motion 100125-3 to approve Change Order #2 \$759,185.81:** Trustee Baxter motioned, Trustee Middleton seconded. All in favor, motion passed.

Discussion: This represents the final changes to the contract to accommodate the additional 5 Octave meters from the contractor for the Village to install and also details that the project is under budget and able to absorb the cost of the additional meters.

- ii. **Force work - TABLED**
 1. Village Force Work - \$12,865.48
 - a. DPW - \$4,825.99
 - b. C/T - \$8,039.49
- iii. **Project Close Out - TABLED**
 1. Acceptance of Change Order #2 to allow the Mayor to sign the Certificate of Completion
 2. Budget Summary

b. CDBG Grant

- i. **Motion 100125-4 to authorize the Resolution for Advertisement to Bid of the CDBG Grant Project:** Trustee Baxter motioned, Trustee Middleton seconded. All in favor, motion passed.
- ii. Advertisement for Bid
 1. The Invitation to Bid will be published on 10/07/25, and the window will close on 10/28/25 at 11:00 am.

2. Dehumidifier Bids

- a. Two bids were received today. The tabulation and the bids have been sent to the engineers for review and suggestions - tabled.
 - i. C & L Mechanical: \$158,694.00
 - ii. Gallo Construction Corp: \$194,700.00

3. Motion 100125-5 to approve the Bills and Payroll as Audited: Trustee Baxter motioned, Trustee Middleton seconded. All in favor, motion passed.

- a. **General** - \$44,223.17
- b. **Water** - \$2,490.64
- c. **Sewer** - \$1,176.83
- d. **Payroll** -
 - i. 10/01/25 -\$25,108.46

4. AGFTC has asked the Board to review the 3 vendor proposals and provide an answer by the end of the week, so they can move forward due to the timeline and approaching weather. The Board has not had enough time to properly review the proposals.
 - i. B&L - \$19,900.00
 - ii. Labella - \$20,000.00
 - iii. MJ Engineering - \$19,800.00

5. **Motion 100125-6 to approve the Cellular Easement Agreement, subject to and including \$1,383,000.00:** Trustee Carota motioned, Trustee Middleton seconded. All in favor, motion passed.
Discussion: Attorney Nikas updated the Board with the final Cellular Easement Agreement. They will acquire an extra 500 sq.ft. of access at the tower and the Village will receive 50% of any lease agreement they sign on.

6. **Rescind Motion 050725-2: No action taken.**
Motion 050725-21 to engage an engineer to conduct a Water/Sewer rate analysis and review asset allocation of \$3,500.00 and engage Delaware Engineering to submit IUP for Baker Avenue from A 8340.403 to A 8310.411: Trustee Baxter motioned, Trustee Comstock seconded. All in favor, motion passed.

7. **Motion 100125-7 to approve June and July Financial Reports:** Trustee Middleton motioned, Trustee Baxter seconded. All in favor, motion passed.
Discussion: None.

8. **Motion 100125-8 to move back to a Pooled Water / Sewer bank Account:** Trustee Carota motioned, Trustee Comstock seconded. Trustee Baxter - no, Trustee Carota - yes, Trustee Comstock - yes, Trustee Middleton - yes, Mayor Orlow - yes. 4 Yes, 1 No: motion passed.
Discussion: The Clerk's Office would like to move back to a pooled account starting with the Water / Sewer billing season. After consultation with OSC and our bank, preparing separate deposits for each fund and each bank account is creating a lot of extra steps. With the institution of remote deposit and online payments, this will make reconciliation of accounts easier.

9. **Unpaid Sidewalk - 79 Spring Street: Motion for a Special Assessment**
 - a. Motion from the Board for a special assessment of nonpayment of a 50/50 sidewalk invoice of \$650.00. With the passing of a resolution, the assessment will be sent to the Assessor's Office for attachment to next year's taxes. **TABLED**

10. **Motion 100125-9 to approve Police Department Ammo Purchase (A3120.415 - \$469.71):** Trustee Middleton motioned, Trustee Baxter seconded. All in favor, motion passed.
Discussion: None.

11. Motion 100125-10 to approve the Water / Sewer Warrant (Water \$249,146.43/ Sewer \$218,546.37): Trustee Middleton motioned, Trustee Baxter seconded. All in favor, motion passed.

Discussion: None.

12. Motion 100125-11 to approve the 09/11/25 Meeting Minutes: Trustee Middleton motioned, Trustee Baxter seconded. All in favor, motion passed.

Discussion: None.

13. Motion 100125-12 to allow the Mayor to sign the new Mountain Medical Contract for Drug Testing: Trustee Middleton motioned, Trustee Baxter seconded. All in favor, motion passed.

Discussion: None.

14. Old Business

a. Paving Project Main Street

- i. 10/7 - 10/8 milling all of Main Street (no parking on either side of the street those 2 days)
- ii. 10/28 - 10/29 paving and hot top (no parking on either side of the street, hot top will need a couple of hours to dry)

15. New Business

- a. **IMA Cannabis Tax Distribution;** Attorney Nikas reported that after talking to Saratoga County, the Town of Moreau receives half. The Clerk Treasurer disagreed. Attorney Nikas reached out to the Cannabis Agency, and their first response was that there are 3 taxes: an Excise Tax - 9% of the Cannabis Products' Price, the Retail Excise Tax - 9% and a Local Excise Tax 4%. This Local Excise Tax is distributed to local governments based on where the Cannabis Retail Dispensary is located. 25% of it goes to the County, and 75% goes to the cities, towns, and villages within the county as a proportion of Cannabis sales. But according to the information release - in order to receive any monies, you have to have a dispensary, and the Town does not have a Dispensary. The State has not been very clear, and the departments do not converse with each other. Attorney Nikas will continue to research and reach out to the Cannabis Agency for more clarification.

16. Trustee Reports: None.

17. Mayor's Report

- a. **Motion 100125-13 to approve the Mayor's appointment of Tony Girard to the Planning Board:** Trustee Carota motioned, Trustee Middleton seconded. All in favor, motion passed.

Discussion: None.

- b. **Committee Appointments: TABLED**

18. Motion 100125-14 to adjourn the Regular Village Board Meeting and enter Executive Session at 8:13 pm to discuss PBA Negotiations and Grievance: Trustee Middleton motioned, Trustee Baxter seconded. All in favor, motion passed.

19. Motion 100125-15 to adjourn Executive Session and re-enter the Regular Village Board Meeting at 8:20 pm with no action taken: Trustee Middleton motioned, Trustee Comstock seconded. All in favor, motion passed.

20. Motion 100125-16 to adjourn the Regular Village Board Meeting at 8:21 pm: Trustee Middleton motioned, Trustee Comstock seconded. All in favor, motion passed.