

Present:	Mayor (via Zoom)	William Peeler
	Deputy Mayor	Tim Healey
	Trustees	Lynn Dumar, Randy Wellman
	Clerk Treasurer	Christine Kearns
	Code Enforcer	Stan Waddle
	Street & Water Commissioner	Christopher Weaver
	Village Attorney (via Zoom)	Michael Albanese
	Public	Sal Riggi, Scott Sprague, Lyndsay Lombardoni (via Zoom)

Mayor Peeler Called Meeting to Order and Salute to Flag at 6:41 p.m.

Correspondence: 2/14 NYS Dept. of Health – Notice of Violation for Water Supply
2/14 Charter Communications – Annual Franchise Fee Payment
2/22 NY Rural Water Assoc. – 43rd Annual Meeting
2/22 Montgomery Co. Treasurer – Mortgage Tax
2/22 NYS Dept. of Health – 2022 Water Quality Monitoring Requirements
2/23 Email from Patrice Birner – Grave Marker Permission Request
2/28 Erie Canalway – 2021 Annual Report
3/4 Town of Mohawk Fire District – cc of Letter to Montgomery Co. Sheriff

Minutes from Previous Meeting(s): February 15, 2022, Regular Meeting Motion to approve as written by Mayor Peeler, Second by Trustee Healey, with all in favor

Public: Sal Riggi on behalf of the Park Committee – Suggested start looking at booking activities for the park, things are booking up quick; Asked when the new pizza place will open and what is being done with the old laundry mat; Stated On Track Nutrition store is doing well.

Mayor Peeler: Election on the 15th, 2 positions open no candidates, Randy Wellman is running as a Write-In; **Trustee Healey** – Asked Scott Sprague if he was interested in running as a write-in, Mr. Sprague replied yes.

Mayor Report: Had some meetings while in town; Meet with the Library, They are looking for a new location in the Village, During the meeting found out that they have a 5 year license for showing movies, Willing to partner with the Village to show family friendly movies every week in the park, Need a projector and screen, Suggested the Library could sell refreshments; After the 4th Celebration is moving along, Skeeter Creek will perform, petting zoo coming back, Crosby & Staddle will perform, looking for sponsors, will put together a list for donations, Cost of fireworks will be split with the speedway, Looking for volunteers and vendors, Possibly increase the vendor price; Possibly increase the fee for the Use of Facilities; Need to hire someone to clean restrooms, stay closed during races; Looking to have a Market in the park on Saturday mornings from 7:00am – Noon and music on Friday nights; Met with Prime Engineering regarding the flood mitigation, dam at the reservoir and a Main Street Grant to help with the facades on the Main St row buildings and the stone wall; Move forward with finishing up the bathhouse, spread soil to get it seeded; Montgomery County had high usage at the Broadway building, **Commissioner Weaver** stated 192,200 for past 6 months, average use is 52,000, Higher usage from having to flush their system because of the water leak, sand and dirt got into it causing them to have to flush it.

Motion by Mayor Peeler, Second by Trustee Dumar with all in favor to bill Water Sewer account #55 for their average usage of 52,000 gallons for the current billing dated April 1, 2022.

Mayor Report cont.: Received a quote from Borderline Excavation and Fence for gates at the parking lot, 1 16' wide and 1 36' wide by 4' high slide gates with 2" galv. chain link mesh on galv. frames for \$12,625.00. Openers and locks not included, will hold off on them; Need signs at the parking lot for

vehicles left after events that they will be towed at owner's expense; After the 4th Event is free, will have a charge for parking; Need to move forward with bond to pay Laberge, some of the meter project and the flood mitigation/dam project; Looking to purchase the touchscreen kiosk to be installed at the bathhouse, Montgomery County Tourism to reimburse the Village.

Motion by Mayor Peeler, seconded by Trustee Healey with all in favor to transfer \$15,000.00 from the Park & Waterfront account to the General Fund for purchase of a touchscreen kiosk for the waterfront

Motion by Mayor Peeler, seconded by Trustee Wellman with all in favor to allow the placement of a DAR ground stake marker at the gravesite of Rev. Abraham Van Horne III who is buried in Caughnawaga/Fonda Cemetery.

Resolution #3-2022 Approval of 2022 – 2023 Fonda Fultonville Joint Waste Water Treatment Plant Proposed Budget (Tabled from Jan 10 meeting)
Offered by Mayor Peeler, Second by Trustee Healey

Approval of the Fonda Fultonville Joint Waste Water Treatment Plant Proposed Budget for FY 2022 – 2023 as presented.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows

Name	Aye	Nay	Abstained	Absent
Mayor Peeler	X			
Trustee Dumar	X			
Trustee Wellman	X			
Trustee Healey	X			

Resolution #4-2022 Transfers Requested for FY 2021-2022
Offered by Trustee Healey, Second by Trustee Dumar

General Fund			
To	Amount	From	Amount
A1010.4 Legislative C/E	8.00	A1210.2 Mayor Eq	8.00
A1410.402 Clerk-Supplies	150.00	A1410.403 C/E Training	150.00
A1910.4 Insurance C/E	2,106.00	A9040.8 Workers Comp Ins	2,106.00
A3620.1 Bldg & Firecode P/S	5,510.00	A7110.202 Park Eq - Playground	5,510.00
A3620.4 Bldg & Code C/E	7.00	A1990.4 Contingency Acct	7.00
A5110.401 Street C/E Fuel	800.00	A5110.404 Streets C/E	800.00
A5142.102 Snow Removal P/S O/T	515.00	A5142.403 Snow Removal C/E Tarps	515.00
A5142.402 Snow Removal CE	263.00	A5142.403 Snow Removal C/E Tarps	263.00
A5182.4 Street Lighting CE	2,300.00	A5182.2 Ornamnt Streetlights	2,300.00
A7110.1 Park P/S Labor1	5,070.00	A7110.104 Summer Labor 2	795.00
		A8810.1 Cemetery P/SLabor1	1,400.00
		A1620.1 Building PS Laborer 1	1,500.00
		A8170.101 Street Clean P/S Lab1	600.00
		A5110.103 StrAdm PS Flower MF	775.00
A7110.102 Park P/S Laborer2	3,165.00	A1620.102 Building PS Laborer 2	750.00
		A8810.102 Cemetery PS Labor2	1,700.00
		A5110.103 StrAdm PS Flower MF	715.00
A7110.103 Summer Labor 1	213.00	A7110.104 Summer Labor 2	213.00
A7110.4 Parks C/E	5,310.00	A7110.202 Park Eq - Playground	5,310.00

A7110.402 Parks Internet	800.00	A7110.202 Park Eqt - Playground	800.00
A7110.403 Parks Utilities	1,100.00	A7110.202 Park Eqt - Playground	1,100.00
A7550.4 Celebr(After4th) C/E	1,432.00	A7110.202 Park Eqt - Playground	1,432.00
A8140.403 Park St Storms CE	803.00	A1990.4 Contingency Acct	803.00
	29,552.00		29,552.00

Water Fund			
To	Amount	From	Amount
FX1910.4 Muni Insurance Water	1,011.00	FX1990.4 Contingency	1,011.00
FX8330.203 Purif Eqt	30.00	FX8330.2 Purification Equipment	30.00
FX8330.403 Purif C/E - Labtests	1,400.00	FX8330.2 Purification Equipment	1,400.00
FX8340.402 T&D Meters	4,050.00	FX9040.8 Workers Comp	4,050.00
FX8340.202 T&D Eqt port gen*lig	460.00	FX8340.2 Trans&Dist Eqpt(radio)	460.00
	6,951.00		6,951.00

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows

Name	Aye	Nay	Abstained	Absent
Mayor Peeler			X	
Trustee Dumar	X			
Trustee Wellman	X			
Trustee Healey	X			

Resolution #5-2022 FY 2021-2022 General Fund Budget Amendment
Offered by Mayor Peeler, Second by Trustee Wellman

Amend the current 2021 – 2022 General Fund Budget to appropriate \$8,044.00 to account A7550.4 Celebr(After4th) C/E and increase account A2705 Donations by \$8,044.00.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows

Name	Aye	Nay	Abstained	Absent
Mayor Peeler	X			
Trustee Dumar	X			
Trustee Wellman	X			
Trustee Healey	X			

Resolution #6 -2022 Transfers Allowed to Close Out FY 2020-2021
Offered by Mayor Peeler, Second by Trustee Dumar

To allow the Clerk Treasurer to transfer between subsidiary accounts within funds to close out Fiscal Year 6/1/2020-5/31/2021

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows

Name	Aye	Nay	Abstained	Absent
Mayor Peeler	X			
Trustee Dumar	X			
Trustee Wellman	X			
Trustee Healey	X			

Mayor Peeler – Street and Water Commissioner Weaver would like to replace the smaller John Deere

Tractor, did some research and found that he could use CHIPS funds for the purchase, CHIPS balance as of 1/1/2022 is \$65,267.00, received a quote from United Ag & Turf for \$29,975.00; Mayor would like to get all the excess equipment, tools, etc. together and have a sale this summer.

Trustee Healey asked if 3 bids were needed, **Street & Water Commissioner Weaver** stated no that it was municipal contract price.

Motion by Mayor Peeler, Second by Trustee Dumar with all in favor to approve the use of CHIPS funds to purchase a new John Deere tractor from United Ag & Turf in the amount of \$29,975.00

Mayor Peeler turned the meeting over to Deputy Mayor Healey

Street & Water Commissioner Report: Written, asked if there were any questions, **Trustee Dumar** asked when the spring cleanup dates were, **Clerk Treasurer Kearns** state April 30th and May 7th; **Trustee Dumar** then asked what the election times were, **Clerk Treasurer Kearns** stated 12pm – 9pm; **Sal Riggi** commented about the low spots on Hogans Alley and Railroad St., **Trustee Dumar** commented that the dip on Upper Prospect St. is getting bad, **Street & Water Commissioner Weaver** stated they had put some cold patch on it already and would add more; Spoke to Mayor Peeler already, would like the Village to become a member of the American Water Work Association (AWWA), they conduct classes in Saratoga for contact hours, fee is \$389/year, **Trustee Healey** asked if there were any classes for Code Enforcement, **Street & Water Commissioner Weaver** stated he wasn't sure, **Trustee Healey** then asked **Code Enforcer Waddle** if he was up on his hours, **Code Enforcer Waddle** stated he was working on it, been taking classes; **Street & Water Commissioner Weaver** stated his license and Labore Cyr's is up in 2023 and Laborer Gray's is up in 2024.

Mayor Peeler returned to the meeting and **Deputy Mayor Healey** turned the meeting back over to the Mayor.

Motion by Mayor Peeler, Second by Trustee Dumar with all in favor to authorize membership into the American Water Works Association.

Motion by Mayor Peeler, Second by Trustee Healey with all in favor for the Clerk Treasurer to increase the association dues in the Water Budget by \$385.00 to include membership into American Water Works Association.

Street & Water Commissioner Weaver would like to rent a stump grinder for a week, cost was \$600.00 last year pricing.

Code Enforcer Report: Written, Pizzeria was given their Certificate of Occupancy, they are waiting on the final inspection from the NYS Department of Health, former laundry mat is looking for a contractor and business to occupy the space.

Sewer Plant Report: **Mayor Peeler** stated that our DPW crew fixed a water leak at the sewer plant, **Street & Water Commissioner Weaver** had a discussion with Sewer Plant Board Chairperson Park regarding the cost of the repair, Chairperson Park thought the line was Village property, Commissioner Weaver told him anything past the curb is resident's property, Mayor Peeler would like to charge the sewer plant for the parts to fix the leak.

Motion by Mayor Peeler, Second by Trustee Healey with all in favor to invoice the Fonda Fultonville Joint Waste Water Treatment Facility for the cost of the parts to fix the water leak.

Trustee Reports: **Trustee Healey** stated he will have a meeting of the not-for-profit groups on the 19th to draw dates for parking cars during the races, will let them know that the bath house bathrooms will be available for their use. **Commissioner Weaver** asked if it was possible to have all the locks keyed the

same at the bath house, **Mayor Peeler** stated once the wifi is working the locks can be controlled that way.

Audit of Bills: pre-approved, by Motion Mayor Peeler, Second by Trustee Dumar with all in favor

	General	Water	Sewer	Total
Pay #3 2/18	2,336.23	2,091.34	65.39	4,492.96
ss med eft 2/21	178.72	159.99	5.00	343.71
Pay #4 2/25	2,824.64	2,080.57	65.39	4,970.60
ss med eft 2/28	216.08	159.16	5.00	380.24
National Grid		58.74		58.74
CDPHP	1,736.63	1,736.63		3,473.26
National Grid	960.89	1,485.44		2,446.33
Spectrum/Time Warner	84.99			84.99
NBT Credit Card	21.60			21.60
Charter Communication	370.01			370.01
USPS	54.00	116.00		170.00
Pay #1 3/4	2,543.51	2,533.97	135.82	5,213.30
ss med eft 3/7/22	194.57	193.85	10.39	398.81
Pay #2 3/11	2,468.41	2,110.44	65.39	4,644.24
ss med eft 3/14	188.85	161.46	5.00	355.31

Abstract #10 Motion by Mayor Peeler, Second by Trustee Wellman with all in favor

General	Water	Sewer	Total
81,677.53	5,602.45	0.00	87,279.98

2017 EFC Grant Water Improvements Payment Motion by Mayor Peeler, Second by Trustee Healey with all in favor

1018	KB Group of NY Inc.	Inv #34	6,315.00
1019	Jablonski Excavating Inc	Payment App #3	301,150.00

Clerk-Treasurer Report: Written report attached

Motion by Mayor Peeler, Second by Trustee Dumar with all in favor to enter Executive Session at 8:10 pm for the purposes of Litigation and Personnel.

Motion by Mayor Peeler, Second by Trustee Dumar with all in favor to exit Executive Session at 9:03 pm

Actions per Executive Session:

RESOLUTION No. 7 of 2022_A RESOLUTION: (1) Approving and Adopting a Settlement Agreement and Release with Laberge Engineering & Consulting Group, LTD. (“Laberge”); (2) Authorizing Mayor William Peeler to execute the Settlement and Release with Laberge for and on behalf of the Village of Fonda; and (3) Confirming and Ratifying Contracts performed by Laberge

At a Meeting of the Village Board of Trustees of the Village of Fonda (“Village Board”), held at the Municipal Building, 8 E. Main Street, Village of Fonda, on the 14th day of March, 2022, at 6:00 p.m., Village Mayor, William F. Peeler called the meeting to order and at such meeting, seconded by Trustee Wellman, moved the following Resolution:

WHEREAS, the Village of Fonda is a party to an Intermunicipal Agreement with the Village of Fultonville establishing the Fonda-Fultonville Joint Sewer Board (“FFJSB”) to operate a joint wastewater system; and

WHEREAS, contracts were entered into with Laberge for professional services in connection with the following capital improvement projects to the wastewater system (the “Projects”) undertaken as part of a

compliance plan in accord with a Consent Order with the New York State Department of Environmental Conservation:

Project No. 2012009 NYSDEC Order on Consent
Project No. 2013103 FFJSB Waste Water Improvement 2013
Project No. 2015039 FFJSB 2014 CBD Grant – Sewer
Project No. 2016144 FFJSB 2017 Sewer Improvements

WHEREAS, Laberge commenced an action captioned *Laberge Engineering & Consulting Group, Ltd. v. Fonda-Fultonville Joint Sewer Board, Village of Fonda, and Village of Fultonville*, in Supreme Court of the State of New York, County of Montgomery, Index No. 2019-0872 seeking payment of fees for its services with respect to the Projects (the “Action”); and

WHEREAS, it was the intent of the Village of Fonda that the FFJSB retain Laberge for services in connection with the Projects, and Village of Fonda authorized Laberge to perform those services in exchange of payment;

WHEREAS, the Village Board has determined it is in the best interest of the Village of Fonda to settle the Action with Laberge under the terms and conditions of a Settlement Agreement and Release, which annexed hereto as Exhibit “A” and made a part hereof;

NOW THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Fonda as follows:

The recitals set forth in the Whereas clauses above are incorporated herein by reference.

The contracts entered into with Laberge in connection with the above-referenced Projects are hereby ratified and confirmed retroactive to the date of their execution.

The Settlement Agreement and Release annexed hereto as Exhibit “A” is hereby approved and adopted by the Village of Fonda;

The Trustees of the Village of Fonda hereby authorize and direct the Mayor of Fonda (William Peeler) to execute this the Settlement and Release for and on behalf of the Village of Fonda, and to take such steps as are necessary to fulfill the Village of Fonda’s obligations under the Settlement Agreement and Release and to pay the monies due thereunder to Laberge.

The resolution was put to vote and adopted as follows:

Board Member	Aye	Nay	Abstained	Absent
Mayor Peeler	X			
Trustee Dumar	X			
Trustee Healey	X			
Trustee Wellman	X			

SETTLEMENT AND RELEASE AGREEMENT

THIS SETTLEMENT AND RELEASE AGREEMENT (this “Agreement”), dated March __, 2022, by and between Laberge Engineering & Consulting Group, LTD. (“Laberge”), a New York domestic business entity having a place of business at 4 Computer Drive West, Albany, New York 12205, and the Village of Fonda, New York, a municipality organized under the laws of New York State (“Fonda”). Laberge and Fonda are sometimes referred to herein, individually, as a “Party” and, collectively, as the “Parties.”

RECITALS

WHEREAS, Laberge commenced an action captioned *Laberge Engineering & Consulting Group, Ltd. v. Fonda-Fultonville Joint Sewer Board, Village of Fonda, and Village of Fultonville*, in Supreme Court of the State of New York, County of Montgomery, Index No. 2019-0872 (the “Action”) by the filing of a summons and complaint; and

WHEREAS, Laberge and Fonda desire to settle the Action as between them to avoid the expense and delay associated with litigating the same; and

WHEREAS, the Trustees of the Village of Fonda have authorized this Agreement and have further authorized and directed the Mayor of Fonda (William Peeler) to execute this Agreement for and on behalf of the Village of Fonda, pursuant to VILLAGE RESOLUTION NO. 1 of 2022, annexed hereto as Exhibit “A”;

NOW, THEREFORE, in exchange for the mutual promises and consideration set forth herein, the Parties hereby agree to settle the Action as follows:

Payment. Fonda shall pay to Laberge the lump sum of SIXTY THOUSAND AND 00/100 (\$60,000.00) DOLLARS, (the “Payment”), as full and final settlement of the Action, by certified check or immediately available funds, on or before February 15, 2022.

The Payment shall be delivered to Laberge at 4 Computer Drive, Albany, New York 12205 on or before the due date. The check shall be payable to the order of Laberge Engineering & Consulting Group, LTD.

Release.

A. Release of Laberge. Except as necessary to enforce this Agreement, Fonda, on behalf of itself and its elected officials, employees, agents, successors, representatives, subsidiaries, affiliates, heirs and assigns, do hereby remise, release and forever discharge Laberge, its shareholders, officers, directors, managers, agents, employees, affiliates, subsidiaries, successors, representatives, heirs and assigns, of and from all manner of actions, causes of action, claims, suits, debts, premiums, assessments, deficits, sums of monies, accounts, covenants, contracts, agreements, promises, damages, judgments and demands whatsoever, in law or in equity, that either Fonda, or any of its elected officials, shareholders, employees, agents, trustees, subsidiaries, affiliates, successors, representatives, heirs and assigns ever had, now has, or which it hereafter can, shall or may have, upon or by reason of any matter, cause or thing whatsoever from the beginning of the world to the execution of this Agreement including, but not limited to, all matters embraced within or related to the Action.

B. Release of Fonda. Except as necessary to enforce this Agreement, Laberge, on behalf of itself and its officers, shareholders employees, agents, successors, representatives, subsidiaries, affiliates, heirs and assigns, do hereby remise, release and forever discharge the Village of Fonda, and each of its elected officers of and from all manner of actions, causes of action, claims, suits, debts, premiums, assessments, deficits, sums of monies, accounts, covenants, contracts, agreements, promises, damages, judgments and demands whatsoever, in law or in equity, that Laberge or any of its heirs or assigns ever had, now has, or which it hereafter can, shall or may have, upon or by reason of any matter, cause or thing whatsoever from the beginning of the world to the execution of this Agreement including, but not limited to, all matters embraced within or related to the Action. This release does not apply in any respect to the Fonda Fultonville Joint Sewer Board or the Village of Fultonville.

No Applicability to Joint Sewer Board or Village of Fultonville. It is agreed and understood by the Parties that neither the Fonda-Fultonville Joint Sewer Board nor the Village of Fultonville are parties to this Agreement, nor are they intended beneficiaries of this Agreement. The Payment made herein is on

behalf of Fonda only. As such, nothing in this Agreement is intended to diminish, release, discharge, alter, assign, or otherwise affect Laberge's rights, claims, or causes of action against the Fonda-Fultonville Joint Sewer Board and the Village of Fultonville in the Action. It is agreed that Laberge's right to recover the full amount of its money damages, costs, attorneys' fees, interest, and other relief against the Fonda-Fultonville Joint Sewer Board and/or the Village of Fultonville is unaffected by this Agreement.

The Parties agree that this Agreement is in full satisfaction of the pro rata share of the Village of Fonda's liability to LaBerge for this particular legal action pursuant to the current Fonda-Fultonville Joint Wastewater Treatment Plan Agreement, but in no way affects the liability of the Joint Sewer Board or Village of Fultonville to Laberge.

Partial Discontinuance. Upon the execution of this Agreement, the annexed Affidavit, and the timely delivery of the Payment, Laberge's legal counsel shall sign a Partial Stipulation of Discontinuance, with prejudice, discontinuing the Action against the Village of Fonda only.

Joint Drafting. This Agreement is a product of arms' length negotiations and advice of legal counsel. Accordingly, no term of this Agreement or any ambiguity found to exist therein should or shall be construed against any Party by reason of that party being or being deemed to be the draftsman thereof.

Governing Law and Jurisdiction. The execution, interpretation and performance of this Agreement shall be governed by the internal laws of the State of New York without regard to such State's conflicts of law or choice of law rules and principles.

Amendment and Modification. This Agreement may be amended, modified or supplemented only by written agreement signed by both Parties.

Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. This Agreement may be executed and such signature transmitted by fax, e-mail or other electronic means, with the same binding effect as original ink signatures.

Entire Agreement. This Agreement embodies the entire agreement and understandings of the parties hereto in respect to the subject matter hereof. The parties acknowledge that no party has made any, or makes any promises, covenants or understandings other than those expressly identified herein.

Dispute. The parties agree that, in the event of a breach of this Agreement, the substantially prevailing party (as determined by the court) shall be entitled to recover all of its reasonable attorneys' fees, expert fees, costs and disbursements from the other party that may be reasonably incurred in enforcing this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and delivered as of the date first above written.

Laberge Engineering & Consulting Group, LTD.

By:

Village of Fonda

By:
Exhibit A

Motion by Mayor Peeler, Second by Trustee Healey with all in favor to amend the Village of Fonda Employee Handbook, section “Paid Time Off” for part time employees, to

“900 hours to be based on anniversary year. If hours worked in previous year is at least 900, employee is granted 5 days Paid Time Off on anniversary date, to be used in current year”

Motion by Mayor Peeler, Second by Trustee Healey with all in favor to authorize 5 days Paid Time Off to Deputy Clerk Treasurer Denofrio once hours worked have been verified by Clerk Treasurer Kearns

Next meeting(s): Organizational Meeting: Monday, April 11, 2022, 6:00 pm

Regular Monthly Meeting: Monday, April 11, 2022, 6:30 pm

Adjournment: Motion by Mayor Peeler, Second by Trustee Wellman with all in favor at 9:10 pm

Respectfully submitted,

Christine Kearns
Clerk Treasurer