

There was a regular meeting of the Board of Trustees of the Village of Clayton on Monday, April 25, 2016, at 6:30 p.m. in the Municipal Building.

**PRESENT:**

Norma Zimmer, Mayor  
Tony Randazzo, Trustee  
Jeral Forger, Trustee  
John Buker, Trustee

**ABSENT:**

Shauna Sherboneau, Trustee

**OTHERS:**

Kevin Patenaude, Police Chief  
Jeff Overstrom, W/WW Manager  
Terry Jones, DPW Superintendent  
Geneva Phelps Miller, Treasurer  
Michelle E. Gaeta, Clerk

**Community Residents:**

See sign-in sheet (on file in Clerk's office)

**Pledge of Allegiance/Call to Order:**

Mayor Norma Zimmer led the Pledge of Allegiance and opened the Meeting at 6:30 p.m.

**Police Report:**

Police Chief Kevin Patenaude presented the department activity report and the following:

- Meter attendants will start work on May 12<sup>th</sup>.
- Dog Control Report March 15-April-15 2016

**DPW Report:**

Superintendent Jones presented the activity report and the following:

- Alternate Side Parking in Downtown Business District
- Street Sweeping May 1st through September 30<sup>th</sup>.
- **MOTION** by Trustee Forger to approve hiring the following Seasonal Dock Attendants at the approved rates:  
The notion was seconded by Trustee Buker; the motion was carried.
  - Louie Montante
  - Samuel Matt
  - Hannah Fulmer
  - Terry Weller – will be in charge of the Mary Street Dock
  - Robert Schultz
  - William Richardson
- Mary Street Dock Electrical Upgrade Project Update – Dow will look into the issues on Wednesday
- Divers Clean Up Schedule for May 14th for the Rotary Park and Downtown areas. A **MOTION** by Trustee Forger to approve purchase lunch for the divers seconded by Trustee Randazzo; the motion was carried.
- Thank you to TILYO for their Earth Day Clean Up
- Correspondence was read commending the efforts of the DPW staff and Town staff for their facility cleanliness and professionalism during the Boat Show.

**W/WW Report:** Waste Water Manager Overstrom presented the activity report, and the following:

- The bids are out for smoke and dye testing
- The Village Spill Prevention Report, the chemical bulk storage tank. **MOTION** by Trustee Forger to approve the Spill Prevention Report, seconded by Trustee Buker; the motion was carried.

**Treasurer Report:** Treasurer Miller presented and discussed the following:

- 2016-2017 Budget: Treasurer Miller reported the annual constitutional tax limit report and the tax levy cap calculation were filed with the New York State Office of the State Comptroller, along with a copy of the 2016-2017 Tentative Budget. NYS Law requires these documents be filed at least ten (10) days prior to adoption of the annual budget. Trustee Buker presented a **MOTION** to the following amendments to the tentative budget prior to final adoption:

2016-2017 Library Fund Budget Changes Approved Subsequent to Tentative Budget Hearing and Prior to Adoption		
REVENUES	TENTATIVE BUDGET	ADOPTED BUDGET
L02705.000	1500	2500
L05031.001	1560	0
EXPENDITURES	TENTATIVE BUDGET	ADOPTED BUDGET
L07410.101	23228	25350
L07410.102	20020	17160
L07410.103	18200	10712
L07410.105	3000	4450
L07410.106	3468	3470
L07410.107	1750	1200
L07410.110	0	6240
L07410.410	3000	2600
L07410.411	0	1360
L07410.439	0	5000
L07410.440	8000	7600
L07410.442	2000	2100
L07410.446	2360	1300
L07410.451	0	50
L09010.800	9000	8000
L09030.800	5163	5330
L09055.800	150	150
L09950.900	0	2000
L09950.903	0	2000

Trustee Buker then presented a **MOTION** to adopt the 2016-2017 Budget as revised. Trustee Forger seconded; the motion was carried by unanimous vote. A copy of the adopted budget will be filed with the NYS Comptroller's Office within thirty (30) days as required by law.

- 2016 Tax Warrant 2016 Tax Warrant: Trustee Forger presented a **MOTION** to approve the 2016 tax warrant, as follows:

For the General Fund	<b>\$1,177,262.00</b>
For Water Relevy	<b>8,198.01</b>
For Sewer Relevy	<b>7,765.90</b>
For Snow Shoveling	<b>550.00</b>

Being for all purposes a total of **\$1,193,775.91**

Trustee Randazzo seconded; the motion was carried.

- 2016-2017 Water/Sewer Rates - **MOTION** by Trustee Forger to approve the 2016-2017 Water/Sewer Rates, seconded by Trustee Buker; the motion was carried.
- 2015-2016 Budget Revisions – discussion about minimal changes, tabled to the next Board meeting
- 2015-2016 Water/Sewer Relevy: The 2015-2016 unpaid water/sewer accounts will be forwarded to the Jefferson County Clerk’s Office for inclusion on the 2016 Village taxes. Mayor Zimmer reported the grand total to be relevied is \$16,513.91 including water, sewer, and snow shoveling services. Trustee Forger presented a **MOTION**, 2nd by Trustee Buker to approve the 2015-2016 Water/Sewer Relevy.
- Clarification of TI Sun Article – Ms. Miller clarified, corrected and explained some information in the article regarding the 2016-2017 Budget
- Minimum wage increase for our area: December 31, 2016 it will increase to \$9.70. The increases will phase in over 5 years. Paid family leave will be a deduction from the employee, it will not be a cost to the Village
- Of 14 North Country villages, 11 have a higher property tax rate than the Village of Clayton.

Public Hearing Local Law #1 of 2016 Mayor Zimmer opened the public hearing at 7:14 p.m. Treasurer Miller noted the proposed local law is identical to the law passed for the last four fiscal years. The Board noted that the law will afford protection to the Village in the event any tax levy limit calculation errors are detected by the State Comptroller in the future. The local law is valid one year only (the upcoming 2016-2017 fiscal year). There being no further public comments, Trustee Forger presented a **MOTION** to close the public hearing at 7:17 p.m. Trustee Buker seconded; the motion was carried.

The Board then completed the SEQR short form. Trustee Buker presented a **MOTION** to declare this a negative declaration, an unlisted action under the SEQR law. Trustee Randazzo seconded; the motion was carried unanimously. Trustee Forger then presented the following resolution for Board consideration:

**RESOLUTION #2016-03**

**WHEREAS**, Local Law No. 1 of the year 2016, a local law to override the tax levy limit established in General Municipal Law §3-c; and

**WHEREAS**, notice of the Public Hearing was duly published in the official newspaper for the Village of Clayton as required by law, and

**WHEREAS**, on April 25, 2016, at 7:00 p.m., a Public Hearing was duly held at the Municipal Building, Mary Street, Clayton, New York, and all persons interested in the subject of Local Law No. 1 of the year 2016 were provided an opportunity to be heard;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Clayton that Local Law No. 1 of the year 2016, a local law to override the tax levy limit established in General Municipal Law §3-c, is hereby deemed adopted and approved, effective upon filing with the Department of State as required by the provisions of the Municipal Home Rule Law.

The Clerk-Treasurer is hereby directed to file a certified copy of Local Law No. 1 of the year 2016 with the Office of the Secretary of State as required by Section 27 of the Municipal Home Rule Law.

The foregoing Resolution was offered by Trustee Forger and seconded by Trustee Randazzo and upon a roll call vote of the Board of Trustees was duly adopted as follows:

Mayor Zimmer	Voting Aye
Trustee Buker	Voting Aye
Trustee Forger	Voting Aye
Trustee Randazzo	Voting Aye
Trustee Sherboneau	ABSENT

**Consent Agenda Items:**

**MOTION** by Trustee Forger, 2<sup>nd</sup> by Trustee Randazzo, to approve the Consent Agenda as follows:

- Meeting Minutes April 11, 2016 with minor corrections
- Payroll # 23 \$36,058.58
- Abstract #22 – \$77,159.86
  - General Fund                      Vouchers A16-590 through A16-611                      22,259.90
  - Water Fund                              Vouchers F16-208 through F16-214                      17,652.19
  - Sewer Fund                              Vouchers G16-286 through G16-298                      37,247.77

- Municipal Property Usage Requests:
  - Frink Park Pavilion: Wedding Ceremony October 1, 2016 from 3:30-4:30PM
  - Bandstand and Bleacher (and Platform for Arena): Lions Club June 24-26, 2016
  - Regional Dock: May 2, 2016 4:00-9:00PM Uncle Sam/ NYS Tourism Conference Attendees

**Public Comment (Non - Agenda Items):**

General questions and discussions about the following:

- Smoke and dye testing
- Wet Weather Operations Plan
- NYS 970L Sewer Lateral Improvement Project: burying the lines, the cost impact on those not in the project scope versus those who are, the benefits, the pros and cons, pride and the next generation, the signatures by the business owners for the project costs, grant clarifications, tourism, step-by-step process, debt amortization, working with the State regarding Webb Street, keeping James street in the project scope, and total Project costs.

**Clerk Report:**

Village Clerk Michelle Gaeta presented the following:

- Bond Resolution #2016-02: NYS 970L Sewer Lateral Improvement Project - tabled from April 11 Board Meeting as the MOTION vote was three out of five members, it requires four.

The following resolution was offered by Trustee Forger, who moved its adoption, seconded by Trustee Randazzo, to wit:

**BOND RESOLUTION DATED APRIL 25, 2016  
A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS NOT EXCEEDING  
\$770,000.00 FOR THE VILLAGE OF CLAYTON SEWER LATERAL IMPROVEMENTS  
PROJECT IN CONJUNCTION WITH THE NYSDOT 970L ROAD PROJECT**

BE IT RESOLVED, by the Village Board of the Village of Clayton, Jefferson County, New York, as follows:

Section 1. The Sewer Lateral Improvement Project in conjunction with the NYSDOT 970L Road Project, in the Village of Clayton, in the interest of its residents, is hereby authorized at a maximum cost of \$770,000.

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid force main replacements and generator is forty (40) years; pursuant to subdivision (a)(4) of Section 11.00 of the Local Finance Law. It is further determined that no down payment is required pursuant to Section 107(d)(3)(d) of the Local Finance Law.

Section 3. The plan for the financing of such estimated cost is by a grant through the United States Department of Agriculture through its Rural Utilities Service and/or the issuance of serial bonds not exceeding \$770,000 of said Village, hereby authorized to be issued therefor pursuant to the Local Finance Law, for a period in excess of five (5) years.

Section 4. The faith and credit of the Village of Clayton, Jefferson County, New York is hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall annually be levied on all sewer users of said Village, sewer rents sufficient to pay the principal of and interest of such bonds as the same become due and payable.

Section 5. All other matters, except as provided herein relating to such obligations, including determining whether to issue such obligations having substantially level or declining annual debt service and all matters related thereto, prescribing whether to manual or facsimile signatures shall appear on said obligations, prescribing the method for the recording of ownership of said obligations, appointing the fiscal agent or agents for said obligations, providing for the printing and delivery of said obligations (and if said bond are to be executed in the name of the Village by the facsimile signature of its Village Treasurer), including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such obligations any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such obligations shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object of purpose for which said Village is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit of proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, a summary of the same be published in the *Thousand Island Sun* the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 8. This resolution is subject to permissive referendum.

Section 9. This amended resolution shall constitute a statement of official intent for the purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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

Mayor Zimmer	Voting Aye
Trustee Buker	Voting Aye
Trustee Forger	Voting Aye
Trustee Randazzo	Voting Aye
Trustee Sherboneau	ABSENT

The resolution was thereupon declared duly adopted.

- Email Ransomware - discussed the severity of the computer virus and the protocol should a computer become infected.

#### **Committee Reports: NONE**

#### **New Business:**

- Discuss mobile home park license fees. **MOTION** by Trustee Forger to increase the annual fee to \$250.00, effective June 1, 2016, seconded by Trustee Buker; the motion was carried.
- Planning Board –**MOTION** by Trustee Randazzo, seconded by Trustee Buker to appoint Tyler Forger as an alternate member to complete the term of John Kehoe (resigned), term expiring 12/31/2016. The motion was carried.
- Joint Zoning Board – **MOTION** by Trustee Randazzo, seconded by Trustee Buker to appoint Michael Ingerson as a Board member to replace Don Bell, term expiring 12/31/2017; the motion was carried.
- PIVOT First Quarter Statistics review
- Code Enforcement Officer regarding a violation letter to property owner on Strawberry Lane, this is the same violation every year. The Board will table this to the next meeting pending an update from the Code Enforcement Officer.

#### **Old Business:**

- TI Inn – Mayor Zimmer addressed the TI Inn regarding the legal costs for previous lawsuits, and advised if they wanted further information they may put in a FOIL request. A discussion was had regarding the TI Inn being a legal matter.
- Discuss docks and moorings pricing, employee scheduling, flyer/brochure. **MOTION** by Trustee Forger to increase the fees. Trustee Randazzo seconded; the motion was carried.

#### **Mayor's Report:**

Mayor Zimmer reported the following:

- Library meeting – 2,400 visitors were recorded in March at the Library. They had 2 programs plus the Easter Egg Hunt with 200 participants. Debbie Hunter has been named as a new member of the Library Board.
- A quote for the electric will be in on April 29<sup>th</sup>.

**Executive Session:**

Trustee Forger presented a **MOTION** to enter into Executive Session at 8:10 pm to discuss Collective Negotiations and Legal Matters. Trustee Randazzo seconded; the motion was carried.

Trustee Forger presented a **MOTION** to close the Executive Session at 8:35 pm. Trustee Buker seconded; the motion was carried.

**Adjournment:**

Trustee Forger presented a **MOTION** to adjourn the meeting at 8:36 pm. Trustee Buker seconded; the motion was carried.

Respectfully Submitted,

Michelle E. Gaeta, Clerk