

There was a regular meeting of the Board of Trustees of the Village of Clayton on Monday, February 26, 2018, at 5:30 p.m. in the Municipal Building.

PRESENT: Norma Zimmer, Mayor
John Buker, Trustee
Michelle Grybowski, Trustee
Nancy Hyde, Trustee
Tony Randazzo, Trustee

ABSENT: None

OTHERS: Kevin Patenaude, Police Chief
Terry Jones, DPW Superintendent
Rob Stevenson, W/WW Manager
Geneva Phelps Miller, Treasurer/Interim 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 then called the regular meeting to order at 5:30 p.m.

Police Report:

Kevin Patenaude, Police Chief, presented the activity report for Board review. All is going smoothly with the department. Sidewalks remaining obstructed have been cleared from snow by the DPW (24 walks). Chief Patenaude continues to meet with School Superintendent Bashaw in an effort to determine the most effective solution to the traffic pattern at Guardino Elementary.

DPW Report:

DPW Superintendent Terry Jones presented the activity report for Board review. A water main break on Franklin Street was repaired fixed within six hours, with a very brief service interruption to three or four residences. FEMA meeting was held last week; with a two-month window to obtain price quotes. Supt. Jones will need to arrange for a diver to check the Thousand Islands Regional Dock Frink Park dock and the seawall by Veterans' Monument. The Rotary Park restroom will be open by March 1st.

Visitor(s):

Carrie Tuttle, DANC consultant, was present to present an update on the Water System Improvement Project and the Annual EDU Review Assessment. EDUs are a means of collecting a fixed amount of revenues for fixed costs (staff; chemicals; utilities; debt service, etc.). This allows the Village to collect a large portion of billing from fixed revenues, based on prior year's revenues. A portion of the revenue will come from usage, which is a variable amount.

Dr. Tuttle noted that pursuant to the 2016 EDU update recommendations, decreases in EDUs were implemented in November 2017. Accounts receiving an increase in EDUs were notified but implementation was delayed until July 2018. Now that 2017 actual consumption totals are available, the February 22, 2018 memo presented includes updated recommendations for Water/Sewer EDU changes utilizing 2017 consumption figures. In addition, the current Table of Equivalent Dwelling Units (Table of EDUs) was reviewed. As a result of three full years' of accurate consumption data (due to the meter replacement project), it is now possible to consolidate the exhaustive class listing into a more concise list, eliminating the "subjectivity" that was included in the former numerous categories. An updated Table of Equivalent Dwelling Units will be prepared for Board action. One new classification is Senior Housing, which will establish the billing on prior year's usage rather than on units, as they are unique from a traditional apartment building.

After discussion, Trustee Grybowski presented a **MOTION** to approve changes in EDUs based on the February 22, 2018 memo prepared by DANC, with changes to be effective with the July 2018 water/sewer billing. Trustee Hyde seconded; the motion was carried. Affected customers will be notified by mail of the impending changes.

Water System Improvement Project: W/WW Manager Rob Stevenson provided a project update, noting that the project is on schedule and within budget. He presented Change Order 1D-1 under Contract 1D-Plumbing (Hyde-Stone Mechanical Contractors, Inc.) in the amount of \$3,196 to relocate existing plant water, potable water, and air plumbing mounted on wall in conflict with proposed Process Control Panel and MCC at the Water Treatment Plant. USDA-RD has reviewed and approved the change order. Trustee Randazzo then presented a **MOTION** to approve Change Order 1D-1, Plumbing, not to exceed \$3,196.00, authorizing Mayor Zimmer to execute the change order. Trustee Buker seconded; the motion was carried.

The original capital improvement project bids included three additive bid items for additional water mains, designed in the initial engineering report. However, the current project budget does not provide for these three items. Recent, frequent main breaks now show it is imperative to include these with the current project. Contractors have confirmed they will honor the bid pricing; Dr. Tuttle reached out to USDA-RD to determine whether additional grant funding would be available should the Board decide to proceed. If ALL three additives are approved, there is potential for further grant funding, but it is not guaranteed. The table below shows the proposed costs for each main.

| CONSTRUCTION | ALL ADDITIVES WITH GRANT | ALL ADDITIVES WITH LOAN |
|--|---------------------------------|--------------------------------|
| Additive Bid #1 – Washington Island \$227,971 | 227,971 | 227,971 |
| Additive Bid #2 – Franklin Street \$317,046 | 317,046 | 317,046 |
| Additive Bid #3 – Cantwell Terrace \$368,343 | 368,343 | 368,343 |
| TOTALS | 913,360 | 913,360 |
| ADDITIONAL LEGAL/ADMIN & DESIGN | | |
| Assume 15% | 137,004 | 137,004 |
| CONTINGENCY | | |
| Assume 10% of Construction | 91,336 | 91,336 |
| Total Recommended Bond Resolution Amendment | 1,141,700 | 1,141,700 |
| Number of Water EDUs | 1,308 | 1,308 |
| Estimated Additional Rate Impact per Year | \$19 | \$33 |
| Proposed USDA-RD Funding Scenario | | |
| Grant | 500,000 | 0.00 |
| Loan | 641,700 | 1,141,700 |
| Term | 38 yrs. | 38 yrs. |
| Rate | 2% | 2% |
| Annual Payment | \$24,269 | \$43,180 |

Should the Board decide to proceed with the additive(s), the engineering services agreement would need to be amended and a change order approved. Village’s bond counsel would draft an amended bond resolution; approval process is typically about 60 days. Timing of this is relevant because contractors will be starting up work again soon. The bond process must be complete before approving a change order. The figures provided above are approximate. The local USDA-RD office has made a national request to see if there is money available to offset this project.

Supt. Jones discussed issues with the system on Washington Island. A month or so ago, the water main was no longer able to be looped due to the number of breaks (3 breaks in 2 weeks). DPW installed a valve on other end to isolate section so there is a 100-foot section of dead main, which can cause chlorine residual issues. The island main is now a priority over the other two. Cantwell Terrace consists of 1-inch copper line feeds to three houses and a boat storage facility. As time passed and additional lots sold, this is not sufficient feed those homes. Bay Lane is a dead end and should be tied into Cantwell Terrace to form a loop. Franklin Street has been experiencing some water pressure issues. The old main has particles forming on the inside of the 6-inch main, which has probably reduced the actual interior to about 4 inches. Hydrants in the area do not have much volume and cannot provide enough pressure. Although there are other areas of concern, these three are the most critical due to numerous breaks. Supt. Jones recommended now is the time to address them, while the contractors are on-site.

Mayor Zimmer agreed with the DANC comment that any of these projects alone would not qualify for grant funding. Bundling them makes the project more likely to receive grants. If we don’t do this before the contractor leaves, it will result in a considerable amount of additional funding in future bidding and construction costs. Now is the time to proceed with the bond resolution.

Trustee Grybowski inquired if we are digging up roads to replace piping, will the roads be resurfaced or just restored. Supt. Jones replied if the mains are replaced, then the roads paved, there wouldn’t be any issues for quite some time.

Former Village Trustee Joe Orobona noted that if we don’t proceed now, it will have to be done anyway, and without contractors on-hand who will honor the current bid price. It would cost more in the future, and he recommends we proceed. Mr. Orobona worked with Ms. Tuttle to develop the EDU system of billing, and recognizes that the original categories and classes were a “shot in the dark.” With time and now using real-time data we can adjust those and make them more appropriate for users. We are finally at the point where we can utilize that accurate data.

Trustee Buker agrees that this is the time to proceed. He would like to know what additional projects would be included in the future. Ms. Tuttle responded the preliminary engineering report (PER) included a table that lists and prioritizes all water mains scheduled for replacement. Other areas were defined in the PER, which is on file in the Clerk’s office.

After discussion, the Board agreed to consider an amended bond resolution, perhaps at the next regular meeting. Ms. Tuttle will contact Village bond counsel to prepare the amended bond resolution.

Ms. Tuttle then discussed a request from O’Brien & Gere for an amendment to their contract for additional costs for out-of-scope design services, including requests for coordination of ROW work; coordinating with funding agencies; additional

meetings required for town district formation, and work performed to assist in obtaining easements. The initial request submitted was significantly higher than the one distributed tonight. This is a revised request totaling \$56,700, which would be deducted from contingency funds. They did provide additional services, but there may be some room for us to make a counteroffer. Mayor Zimmer recommended we should counter with \$40,000. They started at \$88,000 plus and are now at \$56,700. Carrie thinks this current offer is reasonable and fair. Norma's issue is that they did not request permission to incur the additional charges. Carrie feels the remaining request is reasonable – she did negotiate it down from \$88,733 to this \$56,700. Norma noted they were of great help on the easements; talked to people in person. Trustee Grybowski feels \$40,000 is too low. Trustee Hyde and Trustee Buker agreed with the counteroffer of \$40,000.

Water/Wastewater Report:

W/WW Manager Rob Stevenson presented the activity report. The water project is proceeding on schedule. WD Malone will be here next week, beginning at French Creek Bridge.

Consent Agenda:

Trustee Randazzo presented a **MOTION** to approve the Consent Agenda, as presented. Trustee Hyde seconded; the motion was carried.

1. DRAFT Meeting Minutes February 12, 2018
2. Week #9 (P/R #19)
3. Abstract #18 - \$32,330.50

| | | |
|--------------|------------------------------|-----------|
| General Fund | Voucher(s) A18-525 – A18-545 | 13,549.26 |
| Water Fund | Voucher(s) F18-133 – F18-140 | 6,763.03 |
| Sewer Fund | Voucher(s) G18-237 – G18-247 | 12,018.21 |
4. Capital Projects:

| | | |
|--|----------------|--------------------|
| 022-RIVERWALK 3 | ABS #23 | \$650.00 |
| <i>Engineering – Fisher Associates</i> | | |
| <i>Bond Counsel – Hrabchak & Gebo</i> | | |
| 026-SANITARY SEWER LATERALS | ABS #11 | |
| <i>NBRC Grant Admin. – DANC</i> | | |
| 027-WATER SYSTEM IMPROVEMENTS | ABS #33 | \$56,750.00 |
| <i>AquaLogics – SCADA System</i> | | |
| <i>Legal – Menter Law Firm</i> | | |
| <i>Engineering – O'Brien & Gere</i> | | |
| <i>IA-General Construction – Continental Construction</i> | | |
| <i>IB-Electrical – SC Spencer Electric, Inc.</i> | | |
| <i>IC-HVAC – Hyde-Stone Mechanical Contractors</i> | | |
| <i>ID-Plumbing – Hyde-Stone Mechanical Contractors</i> | | |
| <i>Technical Services – DANC</i> | | |
| 029-CLAYTON HISTORIC DISTRICT | ABS #25 | \$4,661.00 |
| <i>Legal – Hage & Hage</i> | | |
| <i>Legal – Engineering Consultant Barton & Loguidice</i> | | |
| <i>NYS DOT Technical Services – DANC</i> | | |
5. Request(s) for Use of Frink Park/Riverwalk Pavilion
 - a. Summer Sunset Concert Series – Sunday Nights – 06/03/2018 through 08/26/2018

Treasurer/Interim Clerk:

Water/Sewer Billing Collection Notice: Bills will be mailed on November 1, 2017, with payment due on or before December 5, 2017, without penalty. After December 5, 2017, a 10% penalty will be assessed to all unpaid accounts. The final date for payment will be January 5, 2018. After January 5, 2018, water service will be terminated *with no further notice*, and an additional \$50 charge will be assessed. In order to restore service, payment must be made to the Village of Clayton by **cashier's check, cash or money order (no personal checks)** during business hours only. There will be an additional \$75 charge if service is requested to be restored outside of normal business hours. Shutoff Day is Tuesday, January 23, 2018.

Annual Review of Consumption/EDUs: Harris Computer Systems, the software provider, is developing an SQL inquiry which will allow data to be retrieved from FlexiBill (water/sewer billing software) and exported to a spreadsheet which can then be provided to DANC for integration with the GIS system. This will aid in the annual review of EDUs, and will also allow the spreadsheet to reflect the most recent owners of each property.

Mobile Home Park License: The owner is working to renew the NYS Dept. of Health permit for his mobile home park. Once that has been received, the Village will issue the current license to operate the mobile home park.

New Business:

Cable Franchise Agreement: The Board reviewed Attorney Russell's response to a review of the proposed Cable Franchise Agreement submitted by Charter/Spectrum (formerly Time Warner Cable). Correspondence will be sent to Charter/Spectrum reflecting items the Village wishes to include or change in the proposed agreement.

Old Business:

Calendars for Elected Officials: Board members were reminded that 3-month calendars are due by the end of March. This is to satisfy the New York State Retirement requirement to set a "standard day" for elected officials.

Joint Justice Court Intermunicipal Agreement (IMA): Mayor Zimmer requested input after review of the proposed Joint Justice Court IMA. A clause should be included that will nullify the agreement in the event the Village court is dissolved.

Mayor's Report:

Washington Island Bridge: Mayor Zimmer met with the engineer that assessed the bridge in 2008. Funding is available similar to what the Village obtained for Riverwalk 3. The application is due March 29th; a resolution will need to be acted upon by the Board; and final application is due in April.

Riverwalk 3: The NYSDEC and Army Corps permits have been extended in the event the project is not completed by the end of May. Construction should resume very soon.

Public Comment:

Mr. Heberling noted several properties that need to take care of their yards as a result of accumulation of pet waste over the winter months. Trustee Randazzo noted there are several locations throughout the Village with waste bags, and the problem does tend to improve during the better weather.

Paul Luck recalled an article he read earlier this year that one of the Board's 2018 goals was to improve transparency. He asked the Board consider recording meetings and making them available in an on-line format so the contents of the meetings are available in entirety.

Twyla Webb inquired whether there is any news from NYSDOT on the Historic District Project, and when they will let us know. Mayor Zimmer responded hopefully we will have figures by the end of March, but she is not sure yet. It is in DOT's hands.

Executive Session:

Purpose: The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Trustee Buker presented a **MOTION** to enter Executive Session at 7:25 p.m. Trustee Hyde seconded; the motion was carried.

Trustee Buker presented a **MOTION** to close Executive Session at 8:09 p.m. Trustee Grybowski seconded; the motion was carried.

Adjournment:

Trustee Hyde presented a **MOTION** to adjourn the meeting at 8:10 p.m. Trustee Buker seconded; the motion was carried.

Respectfully Submitted,

Geneva Phelps Miller, Interim Clerk