

There was a regular meeting of the Board of Trustees of the Village of Clayton on Monday, April 9, 2018, at 5:30 p.m. in the Municipal Building.

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

**ABSENT:** John Buker, Trustee

**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.

**Visitor(s):**

Jerry Golden, owner of O'Brien's Restaurant, addressed the Board regarding the recent EDU review, resulting in an increase of 6 EDUs for O'Brien's (based on actual 2017 consumption). Mayor Zimmer explained that businesses are now based on usage. Mr. and Mrs. Golden referred to correspondence received in November advising O'Brien's EDUs would be reduced from 3 EDUs to 2 EDUs as recommended in an assessment review conducted by DANC in the summer of 2016. Mr. Golden inquired whether a public hearing was held prior to changing the method of calculation. The Mayor stated it was not required to hold a public hearing, but simple resolution was sufficient.

The Village Board revised the Table of EDUs on March 12, 2018 to reduce the number of categories into a more reasonable representation of property classifications, set forth below:

**Village of Clayton Table of Equivalent Dwelling Units (EDU)  
Approved by Village Board March 12, 2018**

<b>CUSTOMER CATEGORY SUMMARY</b>	<b>CLASS</b>	<b>EDU ASSESSMENT (# EDUs)</b>
Apartment/Condo (per unit)	APT	1
Commercial	COM	Based on Prior Year Consumption
Out-of-Village Residence (Bartlett Pt. Water District)	OUT-R	1
Out-of-Village Commercial (Bartlett Pt. Water District)	OUT-C	Based on Prior Year Consumption
Residential	RES	1
Senior Housing Complex (Riverview Apartments)	SEN	Based on Prior Year Consumption
Vacant Lots (buildable, with sewer/water access)	VAC	0.25

Annual Review will be performed for categories "Based on Prior Year Consumption"  
EDUs Based on Prior Year Consumption will be calculated using an average daily consumption of 200 gals.  
EDU for establishments not listed will be determined by the Village Board

As provided in the current Table of EDUs, commercial properties are based on the prior year's actual gallons used (consumption). O'Brien's total usage (consumption) for calendar year 2017 was 455,950 gallons. Allowing for 200gpd, or 73,000 gallons/year, this computes to 6.246, rounded down to 6 EDUs. In the November letters, customers were advised that annual reviews would take place, and that there may be changes from year to year as usage varies.

Mr. Golden stated that it was his understanding that the method of calculating EDUs could only be changed after a public hearing. Mayor Zimmer responded the Village attorney has assured that was the case, and that the current EDU assessment stands.

**Police Report:**

Chief Patenaude presented the activity report. The cruise ship *Pearl Mist* will be at the Thousand Islands Regional Dock on June 1, 2018, and will stop in September on her return voyage. Adequate security and patrols have been scheduled for both dockings.

Mayor Zimmer asked Chief Patenaude to address proposed Local Law #1 of 2018 – Harbor Management. The matter of barges and scows moored in French Bay was discussed; with the Chief noting that marine construction and deliveries are historically and currently a vital part of our business structure. To alleviate complaints regarding the barge moorings, an attempt was made to moor them in Goose Bay. However, last week's extreme high winds broke loose a spudded scow and it "walked" across Goose Bay towards Washington Island. It became clear that Goose Bay is not the answer. One of the contractors has an old crane on his barge, but has advised he will remove it clean up his barge. French Bay is the best place for them to moor. These barges can spud anywhere as long as they are not a detriment to navigation; however, a white light rotating 360 degrees and is visible for one nautical mile is required if the vessels spud outside of a designated mooring area. Chief Patenaude stated that is not a viable solution, when utilization of the designated mooring area in French Bay eliminates that requirement. He agrees they are not as pretty as a sailboat, but they are necessary for the local trade economy. Last year the marine construction season was very short, so they did not move much. At this time, after speaking with several people and members of the Board, he recommends that we not proceed with adoption of the proposed local law. The Board thanked Chief Patenaude for his insight.

**DPW Report:**

DPW Superintendent Terry Jones presented the activity report. He requested Board approval to hire the following recreational attendants for the 2018 season:

<i>Rotary Park</i>	Matt, Sam	\$10.90/hr.	Start Date 05/17/2018
	Fulmer, McKay	\$10.40/hr.	Start Date 05/18/2018
	Fox, Terry	\$10.40/hr.	Start Date 05/17/2018
	Richardson, Bill	\$10.40/hr.	Start Date 05/24/2018
<i>Mary Street</i>	Campbell, Rhonda	\$10.90/hr.	Start Date 05/10/2018
	Weller, Terry	\$10.40/hr.	Start Date 05/20/2018
	Rosbrook, Bruce	\$10.40/hr.	Start Date 05/18/2018
	Soluri, Robert	\$10.40/hr.	Start Date 05/17/2018
<i>Substitute Recreation Attendant (Responsible for Grounds/Planting Areas)</i>			
	Szonn, Heidi	\$10.40/hr.	Start Date 05/10/2018

Supt. Jones noted the substitute attendant is willing to maintain plantings throughout the Village. In addition, she would act as a substitute on the docks as needed. Trustee Randazzo presented a **MOTION** to approve the hiring of Recreation Attendants as listed above. Trustee Hyde seconded; the motion was carried.

Supt. Jones provided all damage assessment documentation to FEMA prior to the April 10, 2018 deadline for submission. A diver is scheduled later in the month to evaluate damage at Centennial Park, Veterans Monument docks, the floating dock and the Regional Dock (Frink Park). As he receives more information it will be relayed to the Board.

The new Library door has been installed and works properly.

Mayor Zimmer announced there is still no word from National Grid regarding the Historic District Project. There is a meeting at NYS DOT on April 17<sup>th</sup> with all the stakeholders so it is anticipated National Grid's cost estimate will be submitted prior to that date.

**Water/Wastewater Report:**

W/WW Manager Rob Stevenson presented the activity report. He requested authorization to pay Erik Dingman's NYWEA license fee of \$160. The license is good for 5 years (\$32 a yr.). Mr. Stevenson also requested permission to send two operators to the May 1<sup>st</sup> Water/Wastewater Conference in Potsdam. The Board approved both requests.

Mr. Stevenson discussed emergency repairs required today at LS-1A. Operators temporarily solved the problem, but Mr. Stevenson contacted WD Malone to effect emergency repairs tomorrow morning. The Cape Vincent Correctional Facility has been cooperative through instituting water conservation mode; no showers tonight; shut down laundry; and pumping down their wet well. The pump station (LS-1A) has eight hours' storage capacity. Gleason Septic will pump LS-1A down until repairs are completed. Mr. Stevenson explained that the pump station has piping that is unsupported. The pump station was installed about 15 years ago; vibrations over the years contributed to the problem. This is a confined space, and we have no one qualified to work in confined spaced. He will find out tomorrow how much it will cost. This is an emergency situation so procurement policy can be waived.

**PUBLIC HEARING(S) – NOTE:** Public Hearings were held sequentially, but several ran over the allotted 15 minutes.

2018-2019 Tentative Budget: Mayor Zimmer opened the public hearing at 6:00 p.m. Public comments focused on the General Fund, inquiring about the amount included for "Interfund Transfer from Reserves," asking if that number is a "placeholder" to balance the budget. Treasurer Miller responded that this is a Tentative Budget, and the financial team will work with the Board to reduce that number to "zero." Comments included requests for "clarity and transparency," requesting

quantitative numbers rather than qualitative. Consultant services line item covers services provided by EFPR Solutions and Municipal Solutions, including accounting and fiscal advisement services. Zoning costs were discussed, with questions regarding where all legal costs are charged. The Board agreed to review this line and to allocate all legal fees to line item A01420.400 for clarity. A request was made to provide fund balance figures for the beginning of the year, projected year-end, actual year-end, and following year projection. These figures will be provided at the April 23, 2018 regular meeting. A request was made to have an EFPR Solutions representative attend a future meeting. The public hearing was closed at 6:37 p.m.

*Proposed Local Law #1 of 2018 – Harbor Management:* Mayor Zimmer opened the public hearing at 6:38 p.m. Subsequent to Chief Patenaude’s discussion of this proposed law, the Board agreed this local law no longer makes sense, and will not be acted upon. Mayor Zimmer closed the hearing at 6:39 p.m.

*Proposed Local Law #2 of 2018 – Zoning §132-24(A) – Parking Requirements:* Mayor Zimmer opened the hearing at 6:39 p.m., and provided a brief history for the basis of this proposed law. A couple of years ago this item was changed in the revised Town Zoning Ordinance, but was not changed in the Village Zoning Law. The language in this law will conform Riverwalk A and Riverwalk B districts to the rest of the districts so that there will be the same requirement for overnight parking regulations in all districts. Mayor Zimmer closed the public hearing at 6:44 p.m. It will be noted that this proposed law will be renumbered due to dismissal of the proposed harbor management law. Trustee Hyde presented the following resolution:

**RESOLUTION #2018-03**

**WHEREAS**, Local Law No. 1 of the year 2018, a local law to Amend Chapter 132 of the Code of the Village of Clayton, Zoning; 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 9, 2018, at 6:39 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 2018 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 2018, a local law to Amend Chapter 132 of the Code of the Village of Clayton, Zoning, 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 Village Clerk is hereby directed to file a certified copy of Local Law No. 1 of the year 2018 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 Hyde, 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 Grybowski	Voting Aye
Trustee Hyde	Voting Aye
Trustee Randazzo	Voting Aye

*Cable Franchise Agreement:* Mayor Zimmer opened the public hearing at 6:45 p.m. The cable franchise agreements have a term of 10 years, and it is time to review the agreement for renewal for another term. This agreement is not related to or affected by the potential undergrounding of utilities. Allen Heberling expressed concern regarding potential future loss of revenues due to the trend for people to use the internet rather than cable. Justin Taylor explained that users pay a “tax” to the cable company, and that “tax” is passed on to the municipality. Internet and phone services are covered through the Gross Utilities Tax line item. We did get them to agree to drop from the proposed 15-year term to a 10-year term. Mayor Zimmer closed the public hearing at 6:52 p.m. Trustee Randazzo presented a **MOTION** to approve the Cable Franchise Agreement as presented. Trustee Hyde seconded; the motion was carried unanimously.

**Consent Agenda:**

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

1. DRAFT Meeting Minutes March 26, 2018
2. Week #15 (P/R #21)

3.	Abstract #11 - \$24,678.93		
	General Fund	Voucher(s) A18-605 – A18-626	15,153.44
	Water Fund	Voucher(s) F18-160 – F18-164	2,640.59
	Sewer Fund	Voucher(s) G18-277 – G18-285	6,884.90
4.	Capital Projects:		
	<b>022-RIVERWALK 3</b>		<b>NONE</b>
	<b>026-SANITARY SEWER LATERALS</b>		<b>NONE</b>
	<b>027-WATER SYSTEM IMPROVEMENTS</b>	<b>ABS #36</b>	<b>\$302.50</b>
	<i>Legal – Menter Law Firm</i>	<i>Voucher(s) H027-093</i>	<i>302.50</i>
	<b>029-CLAYTON HISTORIC DISTRICT</b>	<b>ABS 28#</b>	<b>\$460.00</b>
	<i>Legal – Menter Law Firm</i>	<i>Voucher(s) H029-061</i>	<i>460.00</i>
5.	CLDC Grant Writing Services Contract – Approve Invoice dated March 29, 2018		
6.	Request for Use of Frink Park and Pavilion – Run for the River – 07/28/18 – Car-Freshner Corporation – 7 AM til 2 PM		

**Treasurer/Interim Clerk:**

Proposed Local Law #3 of 2018 – Tax Levy Limit Override: Trustee Hyde presented a **MOTION** to set the public hearing for Proposed Local Law #3 of 2018 on April 23, 2018 at 6:00 p.m. Trustee Buker seconded; the motion was carried.

**New Business:**

Historic District Improvement Project: Trustee Hyde presented a **MOTION** to approve Change Order No. 1 and payment to New Century Electric in the amount of \$5,478.00 for additional services including increased scope of work, line diagrams and estimate revisions. Trustee Randazzo seconded; the motion was carried.

Water System Improvement Project: Trustee Hyde presented a **MOTION** to approve Change Order No. 1D-01 adding 81 days to the Substantial Completion date from February 12, 2018 to May 4, 2018 and the Final Completion dates from March 14, 2018 to June 3, 2018. Trustee Grybowski seconded; the motion was carried.

Water System Improvement Project: Regarding expediting the painting and repairs to the Water Tower, Trustee Randazzo presented a **MOTION** to approve the contractor’s request to extend workdays to six (6) 12-hour days between April 16 and June 30, 2018. Trustee Grybowski seconded; the motion was carried. The fire department will submit an interim protection plan for review at this week’s progress meeting. It is our goal to be finished before July 4<sup>th</sup>. Our emergency water plan is probably easier due to the proximity of the St. Lawrence River. Work will not impact residents near the tower, and the tower’s color will remain the same.

**Old Business:**

Village Parking Plan: Trustees Grybowski and Hyde reviewed recommendations presented by a parking committee that met in 2013-2014. Trustee Hyde expressed gratitude to Twyla Webb, Dennis Honeywell, the Clayton Chamber and the CLDC for the work involved in developing those recommendations.

The following is a recap of Trustee Hyde’s report:

*The current committee’s response to those recommendations is (1) No, there will not miraculously be 50 new parking spots put in near downtown. (2) Yes, we do need a trolley, but that will not happen in 2018, predominantly due to lack of funding for the purchase of a trolley and determining how best to operate the service. A construction mitigation plan will be developed for the downtown street improvement project which might incorporate trolleys; Kristi Dippel, CLDC Executive Director, is researching possible grant opportunities.*

*The current committee recommends better communication and better signage. She showed an example of the size of the signage currently posted. It may be prudent to increase the signs, although we do not want to make our community cluttered. The committee will need to discuss this with DPW Supt. Jones and with NYSDOT regarding signs on State roads, especially on NYS Route 12 from Alexandria Bay. There is currently no signage showing the parking available at the Lions Field storage building. Greater visualization is critical.*

*Another item is a touchy subject in our community but it must be put out again and again. As we drive through our downtown area, so many of the business owners are still parking in front of their businesses! They do this day after day after day. There is no law against it, but good business practices would be not to in order to free up space for customers. Perhaps talking to each business owner individually would help. She noted that St. Augustine, Florida lots charge \$15 to park all day. Trolley fees are \$25 per person, with no senior discount. It is clear that tourists have no problem paying; it is the locals who do not appear to grasp that monopolizing downtown parking interferes with all the downtown businesses.*

*There is no “magic bullet” to solve the problem. The plan this year is to utilize larger signage. Until the final downtown project is done, it is really not possible to develop a final mitigation plan. Also, boat ramp signs need to be posted; it*

*is interesting that there are currently no signs that direct boaters to launch ramps in our community. The committee recommends boat ramp signs be posted on NYS Route 12 at Theresa Street and at the James and Mary intersection. Improved visibility of the community parking lot behind Watertown Savings Bank is also recommended. Parking regulations should be enforced so people don't leave their cars for a week on a side street while they go to an island. Our streets are narrow. Some businesses are non-retail and have parking lots, but still park on the streets. Perhaps local residents could be issued a pass. Also, deliveries will be an issue with the construction project; business owners will need to communicate with their delivery companies.*

The Board thanked Trustee Hyde for the report, and agreed to allow the committee to investigate posting larger signs. Trustee Grybowski suggested perhaps if more streets became one-way it might alleviate congestion, thus alleviating parking on both sides of the street, especially the narrower side streets. That has been discussed as part of the mitigation plan.

**Dress Code Policy:** Trustee Grybowski created a dress code to include employees wearing uniforms to present a professional appearance to the public. She stated that everyone who works for the Village is a representative of the Village; Board members have received phone calls about smoking, cell phones, etc. We want people to look as though they are proud of the Village and proud of the job and enjoy working here. She feels a dress code needs to be added to the employee handbook. Interim Clerk Miller was requested to contact EFPR Solutions for input.

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

Chris Bogenschutz, Clayton Chamber of Commerce President, reported 2,500 people through door at the Boat Show, and people were buying! He wanted to be sure the Board is aware and on top of the Town's proposed public event law. His question is since this is a joint town/village planning board, has the Town consulted with the Village at all about this law? Trustee Randazzo, speaking on behalf of the Board, stated there is no support for this proposed law from the Village. Mayor Zimmer reported the Town Supervisor told her they will form a committee to come and talk to us about the advantages of this law. She also noted it is the Village DPW and Police that will have to provide services. Mr. Bogenschutz FOILED the proposed law in November; the public hearing was held two 2 weeks ago. The Town maintains it is just a draft at this point in time. The Chamber Board feels it takes care of safety, pedestrian traffic, and fire safety concerns during each large event (Punkin Chunkin, Street Meet, etc.) along with TIERS, street closings and fire police. Last year's Punkin Chunkin event drew more attendees than ever due to national exposure. The Chamber has no issue with having a policy with a checklist, but not be a law. Trustee Hyde noted this law would create an increased cost to organizations that may not even generate income from an event. Why does the Town feel the Village is not managing itself well enough that they need to intercede? Peter Parker wants to know if there is an open meeting at the Town on Wednesday to discuss this; people need to be made aware of this draft law. Trustee Grybowski suggested the Village Board write a letter expressing we are not in favor of this law. Mayor Zimmer commended the Chamber for all the things the Chamber does, why is a law necessary? This will include Northern Flow, the Distillery, Coyote Moon – fines are in the thousands! There are many "what-if's".....will that result in a fine? It was her understanding that an open meeting was to be held on April 25<sup>th</sup>. The law is not scheduled to take effect until July.

Peter Parker – the Town Board is meeting Wednesday; perhaps the Village Board should do a resolution that the Village be included in the process. Recommended the Board do a resolution of support or non-support. Tony – it is a rough draft, not a final law. The town got a lot of push-back at the last meeting; that is when they decided to form the committee.

Mayor Zimmer discussed a request for the Board's input from ZEO Ingerson regarding the NAPA store move to Riverside Drive. A sign permit is required; existing signs can be moved to the new building with no problem; however new signs must be approved. The new sign is larger than the zoning law provides for. The old NAPA building has 146 sq. ft. of signage; the new proposed signage is less at 114 sq. ft. The sign law currently allows only 24 sq. ft. The new location is difficult to find, so signage is critical. Planning and Zoning approval would be needed. Trustee Grybowski suggested the Board provide a letter of support to approve the proposed signage. Trustee Hyde likes the new sign; although she struggles because she knows that at times businesses have gone for variances and they have said "no" to similar requests. She feels the law should be followed. Trustee Randazzo stated he "can't vote because he spends a lot of money in that store." He did say that for the Village Board to override the zoning law is not right. Mayor Zimmer suggested that if they move the old signs over perhaps he would be able to grandfather in those old signs when he transitions to a new sign. Trustee Randazzo said the owners can follow the rules and in time NAPA can use the 'grandfather' clause. In theory, whatever size the "Weather Stopper" sign painted on the building was, the new owners should be able to make a case for that. In the end, the Board strongly felt that it cannot begin to waive laws arbitrarily. The new owners should be able to get what they want without us changing or bending the law.

The Board scheduled a Special Workshop Meeting to hold a conference call with EFRP on April 12, 2018 at 9:00 a.m. to review the budget.

### **Adjournment:**

Trustee Randazzo presented a **MOTION** to adjourn the meeting at 7:47 p.m. Trustee Grybowski seconded; the motion was carried.

Respectfully Submitted,  
Geneva Phelps Miller, Interim Clerk