

There was a regular meeting of the Board of Trustees of the Village of Clayton on Monday, June 25, 2018, at 5:30 p.m. in the Municipal Building.

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

ABSENT: Michelle Grybowski, Trustee

OTHERS: Kevin Patenaude, Police Chief
Terry Jones, DPW Superintendent
Megan Ervay, W/WW Manager
Geneva Phelps Miller, Treasurer/Interim Clerk
Joanne Boye, Deputy Clerk (PT)

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):

Girl Scout Representatives addressed the Board, requesting permission to place boxes throughout the Village over the winter in order to assist those in need of mittens, hats, scarves, etc. The boxes will be available for use by all in the community, at no cost. The Board approved the request, noting that this is a worthwhile undertaking by the Girl Scouts.

Joe and Libby Churchill addressed the Board regarding their lot on the corner of East Line Road and James Street. They purchased the lot in 2009 as a commercial lot, and have attempted to sell it, but two purchase offers fell through due to the cost of connecting to water and sewer. DPW Supt. Jones stated that they can hook into the water main on East Line Road by submitting an application for a new water connection to the Village office. Discussion continued regarding connecting to the Village sewer, which runs on the opposite side of James Street (NYS Rt. 12), and would need to be directional bored to make the connection. DPW Supt. Jones suggested they check into whether a variance could be granted for a septic tank and leach field since it is cost-prohibitive to directional bore under the State highway, perhaps up to \$10,000 to \$15,000. There is one other resident in the Village who does not have Village sewer for the same reason. It is not unprecedented here; that seemed to be the most logical answer. Another option might be to tie into the neighbor's line. A manhole would be required, and easements and potential infringements should be considered. Trustee Randazzo inquired whether it is a code issue. Mayor Zimmer stated the Village cannot pay to put the service in for an individual property. Mr. and Mrs. Churchill said they will investigate installing a septic system. Mayor Zimmer stated she would check with the zoning officer and get back to them.

Police Report:

Chief Patenaude presented the activity report. The department is busier with the increase in visitors. Golf carts on sidewalks in some areas are a concern. The officers stop them and inform them that is not allowed, which seems to be effective. Mayor Zimmer inquired whether Chief Patenaude had any concerns about the upcoming Charity Poker Run. His only concern was that the event be done in good taste and suitable for the community. If the event is not in the spirit of this community or participants get out of line, the officers will take care of it.

Chief Patenaude referred to golf cart usage, noting the rule of common sense should prevail; carts are similar to ATVs and snowmobiles, and all are prohibited on State highways. The Village is not a registering or licensing authority, so "special plates" are not an option. He encourages anyone with any of those vehicles to put a triangle sign on the back for added safety.

Owners of vehicles parked downtown overnight are again reminded to adhere to the posted street sweeping schedule. Vehicles parked on the wrong side of the street will be ticketed. It was suggested that landlords include in their leases expectations regarding parking, cleaning up after pets, the street sweeping schedule, in order to improve compliance.

DPW Report:

DPW Superintendent Terry Jones presented the activity report. He has been requested to assist in moving the UPS box located in front of the former law offices on John Street. Mayor Zimmer stated that is not our call; it is owned by UPS and it is up to them. A resident suggested if it is relocated, it should be at the Village offices as a service to the community, and perhaps a FedEx drop box as well. It would be convenient for residents to have them at an easily accessible location. The Board agreed. Supt. Jones updated the Board on the status of the FEMA funding application, and assistance by Barton & Loguidice in the process.

Water/Wastewater Report:

W/WW Manager Megan Ervay presented the activity report.

Water System Improvement Project: Ms. Ervay stated that NYSDOH has approved the James Street water main. Several change orders were presented, which are basically “housekeeping” change orders, with minimal impact on the total project costs, but allowing minor adjustments. Ms. Ervay noted that the change orders have been reviewed and approved by the funding agency. After consideration, Trustee Hyde presented a **MOTION** to approve the following change orders as presented:

- a. CO #1A-1 Continental Construction, Inc – (27,038.71)
- b. CO #1B-1 SC Spencer Electric – 0.00
- c. CO #1C-2 Hyde-Stone – 0.00
- d. CO #1D-2 Hyde-Stone – (726.00)
- e. CO #2-1 Global Contraction & Painting, Inc. – 88,060.00
- f. CO #3-4 WD Malone – 6,497.82

Trustee Buker seconded; the motion was carried.

Large Water Meter Replacement Project: Ms. Ervay presented a change order for Hyde-Stone to cover the cost of installing an additional meter not on the original list. Trustee Hyde presented a **MOTION** to approve Change Order #D-B in the amount of \$676.26 as submitted by Hyde-Stone. Trustee Buker seconded, the motion was carried.

Ms. Ervay and Ms. Miller will develop a draft letter to residents who have not yet complied with smoke & dye testing violations, and will work to wrap up that project.

Resident Phil Beattie asked whether the line that runs under the water will be replaced as part of the Washington Island water main replacement (included in the Water System Improvement Project). Ms. Ervay stated she will contact the engineer to obtain an answer to Mr. Beattie’s question and will report her findings to the Board.

Ms. Ervay reminded the Board that this week is Chief Operator Keith Lalonde’s last full week. Mr. Lalonde is retiring, and his last day is July 3rd. A gathering at the Knights of Columbus hall is scheduled Friday from 4-7 PM.

Request(s) to be on Agenda:

Twyla Webb again requested cost estimates submitted by the utility companies for the Historic District Project. Mayor Zimmer reiterated that the final cost estimates have not yet been received. Negotiations with the utilities are ongoing; once all cost estimates are received, the final project budget will be prepared and available to the public. This has been explained to the public many times since the project’s first draft budget was shared.

Ms. Webb’s second request was as follows: “Would you please tell us how many Board members other than Norma and Tony attended the meeting at Ed Higgins’ office on Monday the 18th? Trustee Randazzo stated that he did not attend that meeting. The Jeep she saw there belonged to another individual. Trustee Randazzo then expressed his extreme agitation with the fact that Ms. Webb appears to be tracking Board members’ vehicles, stating he is offended that a member of the public feels it necessary to create unfounded accusations based on incorrect data. He stated this is ridiculous and unwarranted behavior, and wants this activity to be “on the record.”

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 June 11, 2018
2. Week #25 (P/R #2)
3. Abstract FYE #2 (2017-2018) - \$95,923.84
 - General Fund Voucher(s) A18-745 – A18-755 13,089.98
 - Water Fund Voucher(s) F18-199 – F18-202 74,516.80
 - Sewer Fund Voucher(s) G18-346 – G18-349 8,317.06
4. Abstract #1 (2018-2019) – Vouchers #18-22
 - Library Fund 2,121.11
5. Abstract #2 (2018-2019) – Vouchers #23-45 – \$88,410.79
 - General Fund 85,757.77
 - Water Fund 1,486.95
 - Sewer Fund 1,165.07
6. Capital Projects:

022-RIVERWALK 3	ABS #27	\$24,147.93
<i>Engineering – Fisher Associates</i>	<i>Voucher H022-055</i>	<i>24,147.93</i>

026-SANITARY SEWER LATERALS	ABS #5	\$496.00
<i>NBRC Grant Administration – DANC</i>	<i>Voucher H026-013</i>	<i>496.00</i>
027-WATER SYSTEM IMPROVEMENTS	ABS #39	\$194,558.75
<i>Menter Law Firm</i>	<i>Voucher H027-105</i>	<i>260.00</i>
<i>Hyde-Stone Plumbing – Pay App #6</i>	<i>Voucher H027-106</i>	<i>4,137.25</i>
<i>Hyde-Stone HVAC – Pay App #6</i>	<i>Voucher H027-107</i>	<i>5,130.00</i>
<i>SC Spencer Electric, Inc. – Pay App #7</i>	<i>Voucher H027-108</i>	<i>6,146.50</i>
<i>Global Contracting & Painting – Pay App #1</i>	<i>Voucher H027-109</i>	<i>178,885.00</i>
029-CLAYTON HISTORIC DISTRICT	ABS #31	\$19,419.77
<i>Menter Law</i>	<i>Voucher H029-068</i>	<i>\$1,220.00</i>
<i>Legal – Hage & Hage</i>	<i>Voucher H029-069</i>	<i>11,985.00</i>
<i>Barton & Loguidice – Consultant</i>		<i>4,294.00</i>
<i>NYS DOT TSA – DANC</i>	<i>Voucher H029-070</i>	<i>1,920.77</i>

7. Request for Use of Pavilion – Wedding – 09/07/2018 - 4-6pm
8. Request for Use of Lions Field – TICS Modified/Varsity Football
9. Training – NYS Archives – Document Scanning Essentials – 07/31/2018/ 9-Noon – J Boye – No Charge

Treasurer/Interim Clerk:

Water/Sewer Billing Collection Notice: Bills will be mailed on July 1, 2018, with payment due on or before August 6, 2018, without penalty. After August 6, 2018, a 10% penalty will be assessed to all unpaid accounts. The final date for payment will be September 6, 2018. After September 6, 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, September 25, 2018.

July 2018 Water/Sewer Billing Notice: The Board approved the Clerk’s Office request to place the following information on the reverse side of the July 2018 water/sewer bills:

July 1, 2018

The Village of Clayton Board of Trustees wishes to remind all water customers of the Village’s procedure for turning water on/off, preparing for the winter months or any extended absence, and consequences for customers whose meters are damaged by failure to follow Village Code.

The cost to replace damage to meters caused by not following the Village Code will be billed to the customer.
 See § 128-6. D below.

Customers or their approved contractors (see list below) must arrange for a work order by calling the Clerk’s office (315-686-5552) at least 48 hours in advance of the date service is requested. Either the customer or their contractor **must be present** at the time the Village operator turns the water on or off.

Contractors are not permitted to turn water on or off at the shutoff. See § 128-5.1. B below.

Thank you for your understanding and cooperation.

Clayton Village Board of Trustees

**VILLAGE OF CLAYTON STANDARDS
 APPROVED CONTRACTOR LIST
 FOR WATER/SEWER CONNECTIONS**

CONTRACTOR	ADDRESS	PHONE
Bach & Co.	11176 Cty Rte 9 Clayton, NY 13624	(315) 686-3083
Bearup Construction	PO Box 255 Clayton, NY 13624	(315) 686-4459
Pete Mellon	41041 Smithering Hts. Rd. Clayton, NY 13624	(315) 686-3256
Hazlewood Mechanicals	703 Brooks Dr. Clayton, NY 13624	(315) 686-2160
W.D. Bach Excavating & Consulting, LLC	PO Box 434 Clayton, NY 13624	(315) 686-5555
Charles Fram	27910 Simpson Rd. Redwood, NY 13679	(315) 405-1142
Steven J. Hall	PO Box 909 Cape Vincent, NY 13618	(315) 654-3691

Excerpts from the Village of Clayton Code are set forth below:

[§ 128-5.1. Water service disconnection and reconnection.](#)

[Added 2-23-1998 by L.L. No. 1-1998]

B. No unauthorized persons shall be permitted to open or shut any fire plug, hydrant, gate, shutoff or stop cock attached to any Village water meter.

§ 128-6. Payment and billing.

[Amended 8-10-1984 by L.L. No. 3-1984; 3-28-1989 by L.L. No. 2-1989; 2-23-1998 by L.L. No. 1-1998]

D. Each property owner shall be charged for repairs to meters based upon the cost of the labor provided by the Village at the prevailing rates in effect for the Village plus the cost of materials. In addition, each property owner shall be charged for tapping a water main to install a water service in accordance with the schedule and rate then in effect as published by the Village of Clayton.

Outside User Agreement for Water Service: Ms. Miller discussed the current agreement with an outside user, Tony Malavenda, who will now be included in the newly-formed Bartlett Point Water District, and requested the Board rescind the agreement. After discussion, Trustee Hyde presented the following resolution for Board consideration.

**RESOLUTION #2018-07
TO RESCIND OUTSIDE USER AGREEMENT FOR WATER SERVICE**

WHEREAS, the Village of Clayton entered into an Outside User Agreement for Water Service (Agreement) with Anthony Malavenda, Bartlett Point, LLC, 28 Cross Road, Syracuse, NY 13224, as approved at a regular meeting of the Board of Trustees held on August 23, 2013; and

WHEREAS, pursuant to said Agreement, the Village of Clayton agreed to provide water service to premises owned by Anthony Malavenda located at 39447 Bartlett Point Rd, Clayton, NY; and

WHEREAS, on May 16, 2013, Mr. Malavenda deposited with the Village of Clayton the sum of One Thousand Dollars (\$1,000.00) as security for the privilege of receiving water service from the Village of Clayton;

WHEREAS, said Agreement is no longer applicable due to the formation of the Town of Clayton Bartlett Point Water District; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Clayton that the said Agreement, dated May 16, 2013, is hereby rescinded, and is therefore no longer in effect; and it is also

RESOLVED that the above-described security deposit in the amount of One Thousand Dollars (\$1,000.00) shall forthwith be returned to Mr. Malavenda.

The foregoing Resolution was offered by Trustee Hyde, seconded by Trustee Buker, 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	ABSENT
Trustee Hyde	Voting Aye
Trustee Randazzo	Voting Aye

New Business:

Water System Improvement Project: After review, Trustee Hyde presented a **MOTION** to approve Amendment No. 7 to the engineering services agreement with O'Brien & Gere in the amount of \$29,600 to cover additional services and modification of payment and time of completion. Trustee Randazzo seconded; the motion was carried.

Riverwalk 3: After review, and as recommended by the grant administrator (CLDC), Trustee Hyde presented a **MOTION** to approve Supplemental Agreement No. 3 to NYSDOT Project D034855 for the Clayton Riverwalk 3 (Historic District) Project, to transfer the remaining right-of-way (ROW) funds (\$40,876 - \$30,657 Federal) to the Construction Phase to reduce the current shortfall, and authorizing Mayor Zimmer to execute the agreement on behalf of the Village. The total project costs are broken down as such (75% Federal; 25% Local):

Design I-IV = \$160,000; Federal share = \$120,000
Design V-VI = \$57,000; Federal share = \$42,750
ROW = \$144,498; Federal share = \$108,374
Construction/CI = \$1,387,502; Federal share - \$1,040,627

Trustee Randazzo seconded; the motion was carried.

New Business:

Water System Improvement Project: The Board discussed proposed amendment to the Technical Services Agreement (TSA) with The Development Authority of the North Country. The amendment expands the scope of the TSA to administer all engineering, grants, MWBE reporting and funding agency requirements in connection with the three additional water mains

approved by the Board. DANC will act as project manager for that portion of the project. Trustee Buker then presented a **MOTION** to approve Amendment No. 3 to the DANC TSA at a cost not to exceed \$10,000.00. Trustee Randazzo seconded; the motion was carried. Trustee Buker did express concern about the contingency balance left in the project budget.

Old Business:

Charity Poker Run: Bobby Cantwell presented a plan for the event. Mayor Zimmer stated the Board needs to be sure everyone is agreed on what is being requested. The plan is for three boats to come down Webb Street and three on James Street, then trailers will be parked between James and John Street, facing opposite ways. Riverside Drive intersections with Webb Street and Merrick Street will remain open to traffic. Mr. Cantwell said boats will remain on the trailers, and will be parked downtown, kind of half on and half off sidewalk. Emergency access will be maintained. The Board asked that when the boats are ready to leave, they all should exit on James Street to avoid confusion at the Opera House.

Use of Frink Park and the Pavilion Thursday, July 19 through Sunday, July 21 is requested. AquaMania is a presenting sponsor and requested permission to park a trailer there for the duration of the event. The Thursday night concert has been cancelled. Mr. Cantwell stated there may be some music, but it will not be loud.

Mayor Zimmer inquired what is expected of the Village at the Mary Street Dock. Mr. Cantwell stated perhaps 18 boats will raft together. Most plan to be on the south side of the dock, and will raft if possible. The first 100 feet of the north side will remain open for the fire boat, with the remainder available to participants in the event. Overnight boats will be on south side.

Mr. Cantwell admitted the event has been in the planning stages for a year or so. Mayor Zimmer expressed the Board's desire to have a representative on the committee in the future so that requests can be addressed as they come up, and the Village Board is better informed. Mr. Cantwell stated he has spoken with Chief Patenaude regarding use of Rotary Park Dock Saturday, July 21st from 11-2. He has also had conversations with the Dockmaster and the DPW Superintendent. It is inappropriate to approach Village personnel directly without presenting a formal request to the Board outlining the specifics of the event, and in a timely fashion. None of these requests were presented to the Board until approximately 6 weeks before the scheduled event, and having a Board member on future event committees will improve communications.

Trustee Buker then presented a **MOTION** to accept a fee of \$3,000 for use of the Mary Street Dock as described above, and \$360 for use of the launch ramp. It is important to note that the Village is providing additional police coverage, as well as additional manpower for cleanup and waste disposal along with the venue. Trustee Randazzo seconded; the motion was carried. Mayor Zimmer will prepare an informal written agreement so that all parties understand what is expected and what is being provided.

Mayor's Report:

Mayor Zimmer discussed correspondence received from Ogdensburg City Manager, Sarah Purdy, requesting a letter of support for their Consolidated Funding Application in the amount of \$4.6 million to assist with improvements to the City's aging wastewater treatment plant. The Board was in full agreement to provide the letter of support.

Mayor Zimmer was pleased to report that the land exchange between Dr. Hyde and the Village affecting Frink Park boundaries has been passed by both the Senate (S8536) and the Assembly (A11183). It has taken a long time, but the bill is finally on the Governor's desk awaiting his signature, which will complete the alienation process.

The transfer of the keys to the McDermott residence, which was built through the Homes for Our Troops program, was beautiful. Many visited from Mr. McDermott's home town and his parents came from Tennessee. The Thousand Islands Central School students sang beautifully, the Fire Department and American Legion were represented as well. It is a beautiful home and the family will make a nice addition to our community. Mayor Zimmer was disappointed that no members of the press attended the event.

Public Comment:

In response to a query as to why there was no public comment taken at this meeting, Mayor Zimmer noted this is not a public hearing, where public comments are accepted and even encouraged. However, regular board meetings are meant to conduct the business of the Village in an open manner, but need not allow comments from the public.

Adjournment:

Trustee Randazzo presented a **MOTION** to adjourn the meeting at 7:19 p.m. Trustee Hyde seconded; the motion was carried.

Respectfully Submitted,

Geneva Phelps Miller, Interim Clerk