

There was a regular meeting of the Board of Trustees of the Village of Clayton on Monday, January 28, 2019, 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

OTHERS: Kevin Patenaude, Police Chief
Terry Jones, DPW Superintendent
Megan Ervay, W/WW Manager
Joanne Lenhard-Boye, Village Clerk

VISTOR(S): Anthony M. Young, P.E. Barton & Loudice
David C. Powers, I.E. Barton & Loudice
Matt Cooper Engineer Barton & Loguidice
Carrie Tuttle, Director of Engineering DANC

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):

Anthony Young updated the Board with a report he handed to everyone that had a list of items he discussed for the Wastewater Collection & Treatment Improvements Project: First he updated the Board on where we are at with the Wastewater Collection & Treatment Project that was scoped out in the Engineering report to apply for several sources of funding last summer. They were able to secure at this point a \$2,207,500 grant. He informed Board that there is a meeting scheduled with NYS DEC on February 4th, 2019 at 1:30 p.m. at the Watertown DEC Office. At this meeting they will be discussing what steps they plan on taking at this point now that we have given them the report, identified the potential improvements and addressed the CSO issues and when and how they will adjust our permits for SPEDS renewal September 2019. They also want to talk about funding. They have again verbally indicated that because we are going to make these changes and they see we are moving forward that we would likely be eligible and able to secure more grant funding, but there can be no promises at this point being that it will be a few months down the road.

Anthony went into the pieces that needed Board approval, and started with the Long Term Control Plan Update. This report will be Clerk Certified and filed at the Village Office at 425 Mary Street.

Trustee Hyde presented a **MOTION** to approve the Long Term Control Plan Update, Trustee Randazzo seconded; the motion was carried.

The question of the Long-Term Control Plan Update foregoing Board approval was duly put to a vote on roll call, which resulted as follows:

Norma Zimmer, Mayor	Voted	Yes
John Buker, Board Member	Voted	Yes
Tony Randazzo, Board Member	Voted	Yes
Michelle Grybowski, Board Member	Voted	Yes
Nancy Hyde, Board Member	Voted	Yes

The following Resolutions were presented to the Board for approval

**RESOLUTION 2019-01
DEVELOPMENT AUTHORITY OF THE NORTH COUNTRY
TECHNICAL SERVICES AGREEMENT FOR
WASTEWATER SYSTEM IMPROVEMENT PROJECT
WITH THE
VILLAGE OF CLAYTON**

The scope of services that may be performed by the Authority consists of several phases as follows:

Funding/Financial Administrative Assistance: Provide assistance with budgets, financial report preparation, progress reports required by funding agencies, preparation of drawdown requests, review of supporting documentation required for project, etc. as requested by Mayor. Assist Village with completion of M/WBE and other mandatory funding agency project reporting requirements. Coordinate with funding agencies, Village's attorney, and engineers to complete documentation necessary for short-term and long-term financing.

Design Phase: Serve as Village’s professional consultant to review engineering documents and ensure that proposed design meets operational needs of the facility and the municipality.

Construction Administration Phase: Provide assistance to Village Clerk/Treasurer, and Board members with various project related tasks including coordination with legal counsel, engineers, funding agencies, regulatory agencies, fiscal consultants and other interested parties.

Project Startup: Review project start-up documentation to ensure that spare parts, operation/maintenance manuals, as-built drawings, asset inventories, GIS maps, preventative maintenance schedules, and standard operating procedures are in place and accurately reflect facility improvements for sustainable operation and maintenance.

Note: The scope of services may be adjusted as the work progresses, by mutual consent of the parties.

The Village shall pay the Authority for such services at the labor hour burdened rate for the specific job classification performing the services as indicated in Table 1; provided, however, that the total cost of such services shall not exceed \$50,000. This agreement will terminate when the scope of services is completed or at which time the Village elects to discontinue services. The Authority shall bill monthly upon invoices properly itemized and supported, and payment thereof shall be made by the Village within 30 days of receipt of each invoice.

Employee Wage Rate	Standard	Overtime
Engineering Manager	\$110	NA
Assistant Director of Engineering	\$80	NA
Project Engineer	\$77	NA
Controls Engineer II	\$80	NA
Environmental Coordinator	\$77	\$100
GIS Supervisor	\$75	NA
GIS Specialist	\$55	\$69
Administrative Associate	\$62	\$76

The Village shall provide the reasonable support services of its attorney, Clerk and other staff as appropriate to assist in implementing the project and shall assign a person as point of contact with the Authority.

The Authority shall carry general public liability insurance in the customary amounts and coverages maintained on its general operations, and shall name the Village as additional insured on the liability policy.

The Village shall carry general liability insurance in the customary amounts and coverages maintained on its general operations, and shall name the Authority as additional insured on the liability policy.

The Village will at all times indemnify and save harmless the Authority against all liabilities, judgments, costs, damages, expenses and attorney’s fees for loss, damage or injury to persons or property resulting in any manner from the willful malfeasance or negligent acts or omissions of the Village, its agents or employees pertaining to the activities to be carried out pursuant to the obligations of this Agreement. The Authority will at all times indemnify and save harmless the Village against all liabilities, judgments, costs, damages, expenses and attorney’s fees for loss, damage or injury to persons or property resulting in any manner from the willful malfeasance or negligent acts or omissions of the Authority, its agents or employees pertaining to the activities to be carried out pursuant to the obligations of this Agreement.

The Authority shall use reasonable diligence to provide the services herein required, but shall not be liable to the Village for damages, breach of contract, or otherwise, for failure, suspension, diminution, or other variations of service occasioned by any cause beyond the control of the Authority. The Village will not be liable in the event of a breach beyond their control. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in its sovereign or contractual capacity, fires, floods, epidemics, riots, strikes, civil disturbance, quarantine, restrictions, or inability to obtain equipment or supplies.

All accounts, reports and other records generated by the Authority or required under this Agreement, in the performance hereof, shall be open to inspection and audit at all reasonable times by the Village. Such records shall be retained by the Authority for a minimum of seven years following the expiration or earlier termination of this Agreement or an extended agreement.

The parties acknowledge that the Authority has undertaken and may undertake various projects unrelated to this Agreement. It is the intent of the parties that this Agreement, the service provided hereunder and all payments, accounts receivable and equipment resulting from or required by such service shall be separate from and independent of all unrelated projects and activities of the Authority. The Village shall have no right to, or claim upon, the assets, insurance proceeds or income of the Authority other than those associated with the performance of this Agreement, in satisfaction of any claim by the Village arising hereunder. A similar restrictive clause is contained and will be provided in all service agreements made by the Authority with others.

The Authority is an independent contractor with the Village and this Agreement does not create and shall not be construed as creating a relationship of principal and agent, landlord and tenant, or employer and employee.

No waiver by Village or Authority of any breach of any term, covenant or condition contained in this Agreement shall operate as a waiver of such term, covenant or condition itself, or of any subsequent breach thereof. This Agreement shall be construed and enforced in accordance with the laws of the State of New York. If any provision of this Agreement shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and shall continue to be valid and enforceable to the fullest extent permitted by law.

This Agreement contains the entire agreement of the parties and may be modified or amended only by the written mutual agreement of the parties.

All notices required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if sent by certified or registered mail, return receipt requested, postage prepaid.

Trustee Hyde presented a **MOTION** to approve the Technical Services Agreement for Wastewater System Improvement Project, Trustee Grybowski seconded; the motion was carried.

The question of the Technical Services Agreement for Wastewater System Improvement Project foregoing Board approval was duly put to a vote on roll call, which resulted as follows:

Norma Zimmer, Mayor	Voted	Yes
John Buker, Board Member	Voted	Yes
Tony Randazzo, Board Member	Voted	Yes
Michelle Grybowski, Board Member	Voted	Yes
Nancy Hyde, Board Member	Voted	Yes

The foregoing resolution was there upon declared duly adopted

RESOLUTION #2019-02
VILLAGE OF CLAYTON VILLAGE BOARD
AUTHORIZATION AND APPROPRIATION OF LOCAL MATCH FOR THE NYS ENVIRONMENTAL
FACILITIES CORPORATION ENGINEERING PLANNING GRANT FOR THE PRELIMINARY ENGINEERING REPORT FOR
INFILTRATION AND INFLOW STUDY

WHEREAS, the Village has been notified of the award of a \$100,000 Engineering Planning Grant (EPG) by the New York State Environmental Facilities Corporation (NYSEFC) for a Wastewater Engineering Study (the Project); and

WHEREAS, NYSEFC requires a 20% local match of the total project cost; and

WHEREAS, the total fee for the Scope of Service proposed by Barton & Loguidice, D.P.C., the Village's Consulting Engineer, for preparing the requisite Preliminary Engineering Report is \$120,000; and

WHEREAS, the 20% local match for this grant is \$20,000, which the Village will pay through the Sewer Budget; and

WHEREAS, the Village previously passed Resolution #2018-09 authorizing this local match of \$20,000. **NOW, THEREFORE, BE IT**

RESOLVED that the Village of Clayton authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for Infiltration and Inflow project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the grant award of \$100,000. The source of the local match, and any amount in excess of the required match, shall be from the Sewer Budget. The maximum local share appropriated subject to any changes agreed to by the Village of Clayton Board of Trustees shall not exceed \$20,000 based upon a total estimated maximum project cost of Hundred Twenty Thousand Dollars (\$120,000). The Village of Clayton Board of Trustees may increase this local match through the use of in-kind services if necessary.

The question of adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

Norma Zimmer, Mayor	Voted	Yes
John Buker, Board Member	Voted	Yes
Tony Randazzo, Board Member	Voted	Yes
Michelle Grybowski, Board Member	Voted	Yes
Nancy Hyde, Board Member	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

RESOLUTION # 2019-03
VILLAGE OF CLAYTON VILLAGE BOARD
DESIGNATING VILLAGE MAYOR TO EXECUTE
THE NYS ENVIRONMENTAL FACILITIES CORPORATION ENGINEERING
PLANNING GRANT AGREEMENT
FOR THE PRELIMINARY ENGINEERING REPORT FOR THE
INFILTRATION AND INFLOW STUDY

WHEREAS, the Village of Clayton (Village) submitted a Consolidated Funding Application (CFA) for an Infiltration and Inflow Study (Project); and

WHEREAS, the Project has been selected to receive an Engineering Planning Grant (Grant) up to \$100,000 through the New York Clean Water State Revolving Fund (CWSRF) program;

WHEREAS, certain agreements, contracts and other documents are required to be executed by the Village in order to secure the EPG Funds; and

NOW, THEREFORE, BE IT RESOLVED that the Village Mayor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Village of Clayton's obligations under the Engineering Planning Grant Agreement.

BE IT FURTHER RESOLVED, that this Resolution shall take place immediately. The question of adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

Trustee Hyde presented a **MOTION** to approve this Resolution, Trustee Randazzo seconded; the motion was carried.

The question of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

Norma Zimmer, Mayor	Voted	Yes
John Buker, Board Member	Voted	Yes
Tony Randazzo, Board Member	Voted	Yes
Michelle Grybowski, Board Member	Voted	Yes
Nancy Hyde, Board Member	Voted	Yes

The foregoing resolution was there upon declared duly adopted.

RESOLUTION #2019-04
VILLAGE OF CLAYTON VILLAGE BOARD
DETERMINATION THAT THE PROPOSED INFILTRATION AND INFLOW STUDY IS A TYPE II ACTION UNDER SEQR AND
WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

WHEREAS, the Village has been notified of the award of an Engineering Planning Grant (EPG) by the New York State Environmental Facilities Corporation (NYSEFC) for an Infiltration and Inflow Study (the Project); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations at 6 NYCRR Part 317 (the "Regulations"), the Village desires to comply with SEQRA and the Regulations with respect to the Project; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law;

NOW, THEREFORE, BE IT RESOLVED that the Village of Clayton hereby determines that the proposed engineering report for the Infiltration and Inflow study is a Type II action in accordance with 6 NYCRR Section 617.5(c) (27) which constitutes the conduction of concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary for the formulation of a proposal for action and is therefore not subject to review under 6 NYCRR Part 617.

Trustee Randazzo presented a **MOTION** to approve this Resolution, Trustee Buker seconded; the motion was carried.

The question of adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

Norma Zimmer, Mayor	Voted	Yes
John Buker, Board Member	Voted	Yes
Tony Randazzo, Board Member	Voted	Yes
Michelle Grybowski, Board Member	Voted	Yes
Nancy Hyde, Board Member	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Police Report:

Chief Patenaude presented the activity report. He then discussed the bad weather and the fact that it was difficult to determine which sidewalks have been shoveled and which ones have not. The Post Office has given a list on some sidewalks they were concerned with last week. Once they get a final report on which sidewalks Terry Jones DPW department will get together on taking care of these sidewalks. Chief Patenaude also let the board know that he is in process of looking for getting grant money in the new police vehicle budget. Mayor Zimmer presented Chief Patenaude with his 30 years of service certificate. "Job well done".

DPW Report:

DPW Superintendent Terry Jones presented the activity report. He informed the Board that his department had a busy Martin Luther King weekend with plowing and snow removal. They hauled snow from the North side of Riverside Drive, for the Lions Field sled run.

Terry Jones handed out the National Grid Small Business Program Financial Summary report for Centennial Park, Village of Clayton Sewer Plant, and Village of Clayton Hawn Memorial Library for the Board to review. This report was discussed and was mentioned by Terry Jones that we may want to wait for the new budget before any decisions are made.

Terry Jones presented a check from Rotary Club for \$1,000.00, proceeds from donations for the upkeep of the Riverside Drive restrooms at Rotary Park.

Truck 26 is down. Has an ignition issue. Did some investigating and this is all under warranty. Hoping they are not down too long being that we have some snow coming in the near future.

Toby Monica will be back to work starting January 29th 2019. Terry Jones thanked Trustee John Buker and Trustee Nancy Hyde for helping him do the interviewing for the laborer needed in his department. They narrowed it down to six applicants and called back four for a second interview. They all agreed to offer Dale Seymour the laborer job for DPW department at the rate of \$15.14/hr. starting Monday February 4th, 2019.

Trustee Grybowski presented a **MOTION** to approve the hiring of Dale Seymour DPW Laborer at \$15.14/hr., Trustee Hyde seconded; the motion was carried

Water/Wastewater Report:

Megan Ervay, W/WW Manager presented her monthly report at the last Board meeting, but wanted to discuss what the activity has been these past few weeks. They did the backwashing and think there is a valve sticking somewhere. They will be troubleshooting this issue next week. This took everyone by surprise, and have narrowed it down to a couple of spots. They will just need everyone there in order to get this all sorted out.

The New feed pumps are making terrible noise, and this sounds as though it could be a bearing issue. These are brand new pumps and should not be having issues already. This is going to be addressed next week.

Megan Ervay went on to discuss the pigging of the intake and working with the Diver to see where we are with this. Diver is waiting to see what the weather is doing he may be able to do this from shore.

Had meeting with PESH regarding chlorine gas safety. SOP was developed and approved by PESH. Village is taking necessary safety precautions to ensure operators are safe while handling chlorine gas.

Last week Megan Ervay took Trustee Hyde around the Water plant. Trustee Hyde mentioned that this was very informative. Megan Ervay put the offer out to the rest of the Board to come and see what goes on at the plant.

Consent Agenda:

Trustee Buker presented a **MOTION** to approve the Consent Agenda 1-3, Trustee Hyde seconded; the motion was carried.

1. DRAFT Minutes – January 14th, 2019
2. Payroll Week #3 (P/R #17) – \$59,891.41
3. Abstract #16 – Vouchers #1417-1426,1427-1451 – \$141,362.75

General Fund	\$114,673.84
Water Fund	\$3,780.19
Sewer Fund	\$8,284.04
Library Fund	\$367.25

Trustee Hyde presented a **MOTION** to approve the Capital Project invoices, Trustee Randazzo seconded; the motion was carried.

<i>CAPITAL PROJECT</i>	<i>INVOICE #</i>	<i>AMOUNT</i>
027-WATER SYSTEM IMPROVEMENTS		\$39,067.78
<i>O'Brien & Gere – Invoice</i>	<i>60233-49</i>	<i>\$15,557.71</i>
<i>Continental Construction Contract 1A</i>	<i>Pay App 10</i>	<i>\$21,732.12</i>
<i>DANC</i>	<i>75593</i>	<i>\$981.53</i>
<i>Inline Services Inc.</i>	<i>0030055-IN</i>	<i>\$796.42</i>
029-NYS DOT HISTORIC DISTRICT IMPROVEMENTS		\$14,422.48
<i>Hage & Hage</i>	<i>4380/4427</i>	<i>\$10,566.50</i>
<i>DANC</i>	<i>74750/75596</i>	<i>\$3,855.98</i>

Trustee Grybowski presented a **MOTION** to approve the Audit report for 2017-2018 fiscal year ending May 31, 2018, Trustee Hyde seconded; the motion was carried.

Pastor Earl LaLone requested by email to have the Easter Sunrise Service at Frink Park again this year. This will be on April 21st, 2019 at 5:30am

Trustee Grybowski presented a **MOTION** to approve Easter Sunrise Service at Frink Park, Trustee Hyde seconded; the motion was carried.

Barclay Damon LLP Legal Service Agreement for the Wastewater Infrastructure Project was discussed and needed to be approved by the Board. Mayor Zimmer went over a few things regarding this agreement and Trustee Hyde presented a **MOTION** to approve the Legal Service Agreement, Trustee Buker seconded, the motion was carried.

New Business:

Board authorized Mayor Zimmer to sign new contracts with Teamsters with the changes negotiated with the Union, for 2019-2022 Police and DPW.

Mayor Zimmer requested Board approval so she could send a support letter to Assemblyman, Mark Walczyk and Senator Patty Ritchie, strongly opposing the Governor's proposal in the 2019-20 Executive Budget that would eliminate AIM funding for villages and towns whose AIM amount is less than 2% of their 2017 all funds expenditures. This was approved by the Board

Adjournment:

Trustee Grybowski presented a **MOTION** to enter Executive Session at 6:37 p.m. for the purpose set forth below. Trustee Buker seconded; the motion was carried.

Executive Session:

Purpose: Discussions regarding proposed, pending or current Legal matters_

Trustee Grybowski presented a **MOTION** that we will not go into Land Use Dispute, Trustee Randazzo seconded; the motion was carried.

Trustee Grybowski presented a **MOTION** to close Executive Session at 6:55 p.m. Trustee Hyde seconded; the motion was carried.

Respectfully submitted,

Joanne Lenhard-Boye
Village Clerk