

There was a regular meeting of the Board of Trustees of the Village of Clayton on Monday June 10, 2019 at 5:30 p.m. and public hearing at 6pm in the Municipal Building.

PRESENT:

Norma Zimmer, Mayor
Nancy L. Hyde, Trustee
John Buker, Trustee
Michelle T. Grybowski, Trustee
Tony Randazzo, Trustee

OTHERS:

Kevin Patenaude, Police Chief
Terry Jones, DPW Superintendent
Megan Ervay, W/WW Manager
Joanne Lenhard-Boye, Village 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 5:30 p.m.

Police Report:

Chief Patenaude presented the Activity Report to the board. Report is filed at the Village Clerks Office.

DPW Report:

Terry Jones DPW Supervisor was on vacation and John Farmer DPW Forman presented the Activity Report. This report is filed at the Village Clerks Office.

WWTP:

WWTP Supervisor Megan Ervay updated the board with her monthly report. She updated the board on the filters at the water treatment plant. There is one filter that is still leaking and the other is no longer operational. There are steps that are being taken to resolve the on-going problem. Representatives of the equipment manufacturer, Sepromatic have been on site to visit the water treatment plant trying different repairs but so far they have all failed. Megan will keep the board up to date on this process.

Consent Agenda:

1. DRAFT Meeting Minutes May 28th, 2019
2. Payroll Week 21 (P/R #26) – \$65,004.40
3. Abstract #26 - Prepay – May 31st 2019 - \$7,649.11
4. Abstract #26 – May 31st 2019 - \$30,653.01
 - General Fund \$ 7,267.01
 - Water Fund \$13,549.36
 - Sewer Fund \$ 9,836.61
5. Capital Projects

CAPITAL PROJECT	INVOICE #	AMOUNT
029- HISTORIC DISTRICT		\$5802.57
<i>MUNICIPAL SOLUTIONS</i>	<i>12074</i>	<i>\$5774.27</i>
<i>PETTY CASH POSTAGE</i>		<i>28.30</i>
022-RIVERWALK 3		\$2,245.60
<i>MUNICIPAL SOLUTIONS</i>	<i>12339</i>	<i>\$2,245.60</i>
027-WATER SYSTEM IMPROVEMENTS		\$140.96
SPDES PERMIT# NYR11B978	9990000390715	\$140.96

Trustee Randazzo presented a **MOTION** to approve the Consent Agenda 1-5, as presented. Trustee Hyde seconded; the motion was carried

Public Hearing

Mayor Norma Zimmer opened the public hearing meeting at 6:00 p.m.

Local Law #2
To amend Chapter 132 of the Code of the Village of Clayton-
Zoning

Section 1. Statutory Authority. This local is enacted pursuant to the authority of Article 7 of the Village Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York.

Section 2. Purpose and Findings. The Board of Trustees of the Village of Clayton has determined that it is in the best interest of the Village to enhance the pedestrian and bicycling areas throughout the Village of Clayton in an effort to promote bicycling and walking for health, exercise, transportation and recreation. It is the purpose of this law to accomplish the same.

Section 3. Enactment. §132-10 of the Code of the Village of Clayton is hereby amended by adding the following definition thereto: Bicycle/Pedestrian Trail Facilities. An improved path or trail that is physically separated from motor vehicle traffic by an open space or barrier and either within the street right of way or within an independent right of way which is intended for pedestrian use or use by bicycle or other non- motorized means of transportation.

Section 4. Article IX of Chapter 132 of the Code of the Village of Clayton is hereby amended by adding the following section thereto: 132-71. Bicycle/Pedestrian Trail Facilities shall be a permitted use in all zoning districts within the Village of Clayton.

Section 5. Separability This local law is adopted subject to a permissive referendum, and shall become effective upon filing with the Department of State as required by the Municipal Home Rule Law following the expiration of the permissive referendum period, in the event a referendum is held following the approval thereof by the voters of the Village of Clayton.

Section 6. Effective Date. This Law shall take effect after filing with the New York Secretary of State by the provision of the Municipal Home Rule Law.

The question of the adoption of the foregoing Local Law #2 was duly put to a vote on roll call, which resulted as follows:

Mayor Zimmer	Voting yes
Trustee Buker	Voting yes
Trustee Grybowski	Voting yes
Trustee Hyde	Voting yes
Trustee Randazzo	Voting yes

Local Law #2 was thereupon declared duly adopted.

Local Law #3 2019

A local law to require property owners within the Historic District of the Village of Clayton to perform necessary improvements to permit connection of undergrounded utilities to service their properties.

Section 1. Purpose. The Village Board of the Village of Clayton enacts this local law to require property owners within the Historic District to be serviced by undergrounded utilities to make the necessary improvements to their properties to provide for the service connection of the utilities to be made; to provide for the Village to contract for such improvements to better facilitate the connection in order to minimize service interruption; to levy the cost of such improvements against the individual properties; and to provide for special assessments to recover the cost associated there with together with debt service.

Section 2. Authority. This local law is enacted pursuant to the authority granted by article IX the New York State Constitution, Section 10 of the New York Municipal Home Rule Law and sections 4 – 412, 4-414, 5-516 and 5-516 of the New York Village Law.

Section 3. Findings. The Village Board of the Village of Clayton finds and declares that:

By enacting Local Law number 2 of the year 2016, the Village Board of the Village of Clayton determined that the undergrounding of utilities within the Village of Clayton Historic District is necessary for the protection of the order, conduct,

safety, health and well-being of the personnel and property located therein, as well as enhancing the physical and local environment, and promoting the local economy and local aesthetics of the Villages Historic District Shopping District.

Pursuant to the requirements of local Law number 2 of the year 2016, the Village Board of the Village of Clayton has heretofore entered into contracts with the public utilities furnishing services within the Village of Clayton to complete the undergrounding of the utilities within the Historic District.

In order for the undergrounded utilities to be connected to the individual properties within the Historic District certain improvements must be made to those properties pursuant to the utilities' specifications.

Section 10 of the Municipal Home Rule Law, and Sections 4 – 412 and 4-414 of the Village Law, authorize the Village Board to make improvements to private properties in the interest of public safety, health, comfort and general welfare where the owner is required to make such improvements and fails to do so, and the cost of such improvements may be levied, assessed, and collected as provided by local law.

Section 4. Requirement to Ready Property for Utility Service Connection. Each property owner within the Historic District that is to be serviced by undergrounded utilities is required to perform the necessary work to their properties to permit the service connection of the utility to their buildings pursuant to the specifications of the individual utility companies.

Section 5. Village to Perform Work at Owner's Expense. It is hereby determined that in order to facilitate the connection of the individual properties, minimize service interruption, and coordinate with the individual utilities it is in the overall public interest for the Village to contract for the improvements with a single contractor in order to install utility service to the private properties at the property owner's expense for those property owners that have acquiesced to such work by providing access easements to the Village.

Section 6. Authorization. The Village Board of the Village of Clayton is hereby authorized to enter into a contract to perform the installation of the service connections to individual properties within the historic district whose owners have provided the Village with access easements for such purpose.

Section 7. Expense allocation. The cost of the service connection installation and any other work required or requested to be performed on the individual properties shall be levied against such properties and collected as provided in this local law.

Section 8. Collection of expense. In the event a property owner fails to remit full payment to the Village for the cost levied against its property, at the time of levy, the cost attributable to such property together with the pro rata share of any debt service on any borrowing by the Village to pay therefor shall be paid in annual installments and placed on the Village's tax bill for such property, and shall be collected in the manner in which Village taxes are collected.

Section 9. Severability. Should any provision of this local law be declared by any court, administrative body, or board, or any other government body or board having jurisdiction thereof to be unconstitutional, invalid, preempted, void or otherwise applicable, for any reason, such determination shall not affect the validity of this local law as a whole or any part thereof other than the part so declared to be unconstitutional, invalid, preempted, void, or otherwise applicable.

Section 10. Effective date. This local law shall take effect immediately upon filing with the Secretary of State as required by the municipal home rule law.

The question of the adoption of the foregoing Local Law #3 was duly put to a vote on roll call, which resulted as follows:

Mayor Zimmer	Voting yes
Trustee Buker	Voting yes
Trustee Grybowski	Voting yes
Trustee Hyde	Voting yes
Trustee Randazzo	Voting yes

Local Law #3 was thereupon declared duly adopted.

Trustee Grybowski presented a **MOTION** to end public hearing at 6:20 pm; Trustee Buker seconded; the motion was carried.

Clayton Local Development Corporation (CLDC) – Grant writing services agreement for June 2019-May 2020 Trustee Hyde presented a **MOTION** to approve the CLDC Grant writing services agreement not to exceed \$10,000.00 as presented, Trustee Grybowski seconded; the motion was carried

Clayton Local Development Corporation (CLDC) – Economic Development agreement for June 2019-May 2020 Trustee Buker presented a **MOTION** to approve the CLDC annual agreement not to exceed \$10,000 as presented, Trustee Randazzo seconded; the motion was carried

Clayton Chamber of Commerce agreement – To handle publicity, advertising, & professional marketing services for the Village of Clayton for June 2019-May 2020 for no more than \$26,000. Trustee Hyde presented a **MOTION** to approve the Clayton Chamber of Commerce agreement as presented, Trustee Buker seconded; the motion was carried

Mayor's Report:

Clayton Local Development Corporation (CLDC) would like to form a DIR committee. It is a long process, and this would be for 2020 – 2021, need to have support of Town and Village to get the frame work to move forward. Mayor Zimmer will be going to the Town meeting June 12th and will bring this up for Town's approval, and then present at the joint Town/Village meeting scheduled for September 9th, 2019.

Trustee Hyde presented a **MOTION** to form a DIR committee in conjunction with Town of Clayton. Trustee Randazzo seconded, the motion was carried

Trustee Grybowski presented a **MOTION** to enter into Executive Session at 6:30 pm; Trustee Buker seconded; the motion was carried.

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 Grybowski presented a **MOTION** to close Executive session at 7:10 pm, Trustee Hyde seconded, the motion was carried.

Respectfully submitted,

Joanne Lenhard-Boye, Village Clerk