

There was a regular meeting of the Board of Trustees of the Village of Clayton on Tuesday November 12, 2019 at 5:30 p.m.

PRESENT:

Norma Zimmer, Mayor
Nancy L. Hyde, Trustee
John Buker, Trustee
Michelle T. Grybowski, Trustee
Steven Badour, Trustee

ABSENT:

Megan Ervay, WWTP Manager

OTHERS:

Kevin Patenaude, Police Chief
Terry Jones, DPW Superintendent
Joanne Lenhard-Boye, Village Clerk
Alecia Dewey, Treasurer

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.

TREASURER:

Alicia Dewey, Treasurer – Discussed the option to outsource Public Sector HR Consultants LLC to implement, revise and keep the Village of Clayton's Employee Handbook updated. Alicia had a draft agreement with a scope of work handout that she gave to the Board to review. The Board will review this and find out if there is a line item in the budget that would cover this cost. This will be tabled until a later board meeting.

POLICE REPORT:

Kevin Patenaude, Chief of Police presented his activity report at the meeting, this report is filed at the Village Clerk's office. Wants to start early on enforcing the law that it is illegal to plow, push or snow blow snow into the road.

DPW REPORT:

Terry Jones - DPW Superintendent presented his Activity Report. This report is filed at the Village Clerks office. Home Land Security and Emergency Management was in the village November 12th 2019 to assess some of the damages that were in the village. Also the damage on the Riverwalk will be assessed. Terry is hoping that they can bypass FEMA and go right to the State with this so the work can be done quicker. The forecast for water levels are going to be higher than they were last spring which will create the problem of getting these repairs done.

There were no bids put in for the last FEMA project damage repairs. This bid may have to go to outside contractor entities, being that all our local contractors are months out to schedule. Christmas decorations will be up in time for the tree lighting event.

WWTP:

Meagan Ervay - WWTP Manager – was not present at this meeting and Manasseh Burt, I.E Project Engineer (DANC) gave the board updates for Meagan. The standpipe status for the water system - Standpipe is halfway full, operators are going to attempt increase the rate of flow into the tank to expedite the filling in the remainder of the tank.

The water treatment plant update – Last week O'Brien and Gere sent contractors a letter regarding the filter status, and an additional letter regarding the high lift pumps requesting information on their intentions to immediate the ongoing issues. No response has yet been received.

VISITOR:

Manasseh Burt, I.E Project Engineer (DANC) – Presented Amendments #3, #4 and #10 for the Board to approve.

Manasseh Burt, I.E Project Engineer Presented Amendment #10 – O'Brien & Gere Water System Improvements Project for an amount of 62,400.00 for additional design.

**RESOLUTION 2019-12
AMENDMENT 3
DEVELOPMENT AUTHORITY OF THE NORTH COUNTRY
TECHNICAL SERVICES AGREEMENT FOR
NEW YORK STATE DEPARTMENT OF TRANSPORTATION STATE ROAD 970L
ELECTRICAL & SEWER LATERAL IMPROVEMENT PROJECT**

The following resolution was offered by Trustee Hyde, who moved its adoption, and Trustee Badour, seconded

WHEREAS, the Development Authority of the North Country (Authority) and the Village of Clayton (Clayton) entered into an Agreement dated December 12, 2014 for an amount not to exceed \$5,000 to provide technical support services for utility betterments that the Village has elected to include in the NYSDOT State Road 970L reconstruction and resurfacing project, and

WHEREAS, the Village authorized Amendment No. 1 on December 12, 2016 to increase the Authority's scope of work by include the coordination of the project on behalf of the Village, to work with funding agencies, utility companies, NYSDOT, and the Village's engineer and local/special/bond counsel to progress the project through final design over an approximate two year period for an additional expense of \$45,000, and

WHEREAS, the Village authorized Amendment No. 2 on November 26, 2018 to increase the Authority's scope of work by include the coordination of the bidding, construction administration, and construction observation for private property electrical and telecommunication facilities in the area of reconstruction, which is expected to span over a two year period (2019-2020), for an additional expense of \$40,000, and

WHEREAS, there has been a time delay due to the rebidding of the NYSDOT project which has changed the project from a 1 year project to a 2 year project and extended the deadline into 2021. The NYSDOT contractor has also uncovered additional issues with sewer mains, water service laterals, and storm water systems which require action on the part of the Village to work with the NYSDOT and their contractor to address the issues that are found, and

WHEREAS, the Village has requested the Authority to work on their behalf with the NYSDOT to determine solutions for the problems that arise and make recommendations to the Village for addressing the unforeseen conditions, and

WHEREAS, this additional work will increase the Authority's level of effort, resulting in additional expenses of \$40,000, bringing the not to exceed amount of the contract to \$130,000.

NOW, THEREFORE, the Authority and the Village agree to amend the amount of the agreement to \$130,000.

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

Mayor Zimmer	Yes
Trustee Buker	Yes
Trustee Grybowski	Yes
Trustee Hyde	Yes
Trustee Badour	Yes

The resolution was thereupon declared duly adopted

**RESOLUTION 2019-13
AMENDMENT 4
DEVELOPMENT AUTHORITY OF THE NORTH COUNTRY
TECHNICAL SERVICES AGREEMENT FOR
WATER TREATMENT SYSTEM IMPROVEMENT PROJECT**

The following resolution was offered by Trustee Buker, who moved its adoption, and Trustee Badour, seconded.

WHEREAS, the Development Authority of the North Country (Authority) and the Village of Clayton (Clayton) entered into an Agreement dated March 12, 2012 for an amount not to exceed \$5,000 to provide preliminary engineering services related to the review of preliminary engineering documents for the Clayton Water System Improvement project; and

WHEREAS, the Village completed a final Preliminary Engineering Report (Water System Assessment, O'Brien & Gere August 2013, updated May 2015), and

WHEREAS, the Village passed a Bond Resolution on August 24, 2015, completed SEQR on September 2, 2015; and

WHEREAS, the Village authorized Amendment 1 on September 14, 2015 to expand the Authority's scope of services to include project management and fiscal coordination tasks related to the design phase of the project for an additional expense of \$20,000, and

WHEREAS, the Village received state and federal funding to minimize user fees to complete the necessary infrastructure improvements in 2016, and

WHEREAS, The Village issued Notice of Award letters to contractors on June 19, 2017 and requested the Authority expand its scope of services to include project management and fiscal coordination tasks related to the construction phase of the project, and
WHEREAS, the Village authorized Amendment 2 on June 26, 2017 to increase the Authority's level of effort, resulting in additional expenses of \$20,000, bringing the not to exceed amount of the contract to \$45,000, and

WHEREAS, the Village authorized Amendment 3 on June 11, 2018 to increase the Authority's level of effort by \$10,000 due to an extension of the duration of the project through October 31, 2018 to complete standpipe improvements and December 31, 2019 to complete water system improvements as municipal betterments being completed in conjunction with the New York State Department of Transportation Route 970L project, bringing the not to exceed amount of the contract to \$55,000, and

WHEREAS, the standpipe work was not completed in 2018 as anticipated with Amendment 3 and was delayed until Fall 2019, and the water system improvements being done as municipal betterments being completed in conjunction with the New York State Department of Transportation Route 970L project has been delayed to 2021 and the Village has requested additional services to be performed that will extend the project completion date into June 2021, and these additional services will result in additional expenses of \$20,000.

NOW, THEREFORE, the Authority and the Village agree to amend the amount of the agreement to \$75,000.

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

Mayor Zimmer	Yes
Trustee Buker	Yes
Trustee Grybowski	Yes
Trustee Hyde	Yes
Trustee Badour	Yes

The resolution was thereupon declared duly adopted

**AMENDMENT#10
 TO OWNER-ENGINEER AGREEMENT
 Village of Clayton
 Engineer: O'Brien & Gere Engineers, Inc.
 Project: Water System Improvements**

Description of Modifications: 1. Modify Exhibit A (Engineer's Services) as follows: a. In subparagraph A1.05-A.24 (Construction Phase), ADD the following subparagraphs: "j. (Amendment No. 10) Standby Generator at Water Treatment Plant (WTP) – Design an exterior, pad-mounted, diesel-fueled standby generator with skintight (*i.e.*, non-walk-in), sound-attenuated enclosure, sized to run two (2) high lift pumps plus remaining WTP electrical loads, 24-hour fuel storage, and equipped with automatic transfer switch. Generator will be located south of existing Lagoon. Prepare and negotiate change order with Contract No. 1B (Electrical), review shop drawings and other submittals, and provide administration and support during construction. k. (Amendment No. 10) Hydrant Replacements – Prepare and negotiate change order with Contract No. 3 to replace up to ten (10) fire hydrants within Village, as identified by Owner. Provide limited field support during hydrant replacements (Owner will perform inspection during construction). l. (Amendment No. 10) Support in Connection with Contract No. 2 Time Extension – Provide contract administration support services associated with extension of Contract No. 2 (1-MG Standpipe Rehabilitation) completion date from June 23, 2019 to November 30, 2019 (Change Order No. 2-3). m. (Amendment No. 10) Support to Address Contract No. 1A DE Filter Issues – Provide additional engineering and contract administration support services associated with DE Filter leaks and optimization of filter 'air bump' backwash operation, and closeout of Contract No. 1A (General). This task includes an allowance of 108 hours to provide inspection and coordination during replacement of filter vessels, if required."b. In paragraph A1.05-B, DELETE the last sentence in the paragraph (previously amended by Amendment No. 9), and SUBSTITUTE THEREFOR the following: "Engineer's amended budget is based on remaining construction contracts being complete and ready for final payment as follows:

- Contract No. 1A (General) by February 28, 2020
- Contract No. 1B (Electrical) by June 30, 2020
- Contract No. 2 (1-MG Standpipe Rehabilitation) by November 30, 2019
- Contract No. 3 (Water Distribution) by December 31, 2019"

2. Modify Exhibit C (Payments to Engineer) as follows:

- a. In Compensation Packet BC-2, subparagraph C2.01-A.4, DELETE total compensation amount "\$587,272" (thru Amendment No. 9), and SUBSTITUTE THEREFOR "\$649,672". Also, DELETE Construction Phase compensation amount "\$549,372" (thru Amendment No. 9), and SUBSTITUTE THEREFOR "\$611,772".

Level	Title/Classification	Hourly Rate
II.3	Architect 3 Engineer 3 Scientist 3	\$148
III.1	Manager 1	\$170
III.1	Construction Manager 1	\$148

- b. In Appendix 2 to Exhibit C (Standard Hourly Rate Schedule), DELETE Hourly Rate for several job titles/classifications and SUBSTITUTE THEREFOR the following:

Agreement Summary:

Original agreement amount:	\$ 574,400
Net change for prior amendments:	\$ 902,222
This amendment (Amendment No. 10) amount:	\$ 62,400
Adjusted Agreement amount:	\$ 1,539,022

Change in time for services (days or date, as applicable): thru June 30, 2020

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C. Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

Amendment #10 was offered by Trustee Buker, who moved its adoption, and Trustee Badour, seconded. The question of the adoption of the foregoing Amendment #10 was duly put to a vote on roll call, which resulted as follows:

Mayor Zimmer	Yes
Trustee Buker	Yes
Trustee Grybowski	Yes
Trustee Hyde	Yes
Trustee Badour	Yes

The Amendment was thereupon declared duly adopted

CONSENT AGENDA:

1. DRAFT Meeting Minutes October 28th, 2019
2. Payroll Week #43 (P/R #10) – \$40,640.19
3. Abstract #11 - \$48,820.45
 - General Fund \$23,891.49
 - Water Fund \$ 3,978.20
 - Sewer Fund \$20,950.76

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

4. **Capital Projects:**

<i>CAPITAL PROJECT</i>	<i>INVOICE #</i>	<i>AMOUNT</i>
026 – SANITARY SEWER LATERALS		\$136.00
<i>Barclay Damon – Professional Services 08/2019</i>	<i>5011353</i>	<i>\$136.00</i>
029 – HISTORIC DISTRICT		\$58,176.15
<i>DANC – NYS DOT Technical Services 09/09/2019-10/04/2019</i>	<i>082886</i>	<i>\$4,998.20</i>
<i>Barclay Damon – Professional Services for Bond Counsel</i>	<i>5044200</i>	<i>\$5,000.00</i>
<i>New Century Electric Payment App No. 4</i>	<i>Payment App No. 4</i>	<i>\$48,177.95</i>
031 – WWTP & COLLECTION SYSTEM		\$114,746.36
<i>Barton & Loguidice – Sewer Improvements</i>	<i>106348</i>	<i>\$111,968.26</i>
<i>DANC – Technical Services 09/09/2019-09/24/2019</i>	<i>082889</i>	<i>\$411.00</i>
<i>DANC – Technical Services 07/29/2019-09/06/2019</i>	<i>082047</i>	<i>\$2367.10</i>

Trustee Hyde presented a **MOTION** to approve the Consent Agenda #4, as presented. Trustee Buker seconded; motion was carried.

CLERK:

Certification of Unpaid Taxes:

Joanne Lenhard-Boye, Village Clerk presented to the Board the report for unpaid taxes for the year ending May 31st 2020. The Board reviewed the report and agreed to move forward. Trustee Buker presented a **MOTION** to approve returning the unpaid taxes to Jefferson County for collection, in the sum of \$56,893.97. Trustee Grybowski seconded; the motion was carried.

Approval for public notice for Annual Meeting December 2nd, 2019:

The Board approved for the Village Clerk to place an ad in the TI Sun newspaper for the annual meeting being held on December 2nd, 2019 at 5:30pm, in the Municipal Building.

The Village Clerk asked the Board to approve the purchase of a new desk for a more ergonomic sitting arrangement. After a brief discussion the Board agreed to approve for Village Clerk to look into a chair first to see how that helps.

NEW BUSINESS:

Approval to transfer Library’s money per the adopted 2019-2020 budget

The Board approved to transfer the annual amount of \$34,000.00 into Library fund in one lump sum.

MAYORS REPORT:

Mayor Zimmer announced an email invitation from Assemblyman Mark Walczyk to attend flood meeting. This meeting will be held November 14th, at 1pm with representatives from the Army Corps of Engineers and representatives of the IJC’s Lake Ontario/St. Lawrence River Board. The meeting will take place at the Dobiski Center 100 Riverside Avenue, Ogdensburg, NY.

Friday November 15th, at 9:30am the REDI Grant committee is going to meet in Alex Bay. Hoping to get some new guide lines on how this is all going to work out.

Mayor Zimmer will be in Albany on November 20th and Engineer plans will be due by February 24th 2019. Village of Clayton’s Christmas parade will be December 7th, and the theme is Christmas Memories.

Trustee Buker presented a **MOTION** to close the regular meeting and enter into executive session at 6:35pm. Trustee Hyde seconded; motion was carried.

Discussions regarding proposed, pending or legal matters were discussed in executive session

Trustee Hyde presented a **MOTION** to close executive session at 6:55pm, Trustee Buker seconded; motion was carried.

Respectfully submitted,

Joanne Lenhard-Boye, Village Clerk