

There was a regular meeting of the Board of Trustees of the Village of Clayton on Monday January 27th, 2020 at 5:30 p.m.

PRESENT:

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

ABSENT:

Jeremy Kellogg, Trustee

OTHERS:

Kevin Patenaude, Police Chief
Terry Jones, DPW Superintendent
Megan Ervay, WWTP 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.

VISTOR(S):

Matt Cooper, Project Manager, Barton & Loguidice: Presented his monthly report to the Board. The summary of the report are numbered below. This full report is filed at the Clerk's Office.

1. Wastewater Collection & Treatment Improvements Project
2. Inflow & Infiltration Study
3. FEMA Flood Damage Projects – 2017 no contractors submitted bids for this project, which mostly consist of repair and restoration of Centennial Park.
4. FEMA Flood Damage Projects – 2019
5. REDI Shoreline Projects

Matt commented that he would like to put the two FEMA projects out to bid again in hopes of contractors needing work in the winter months.

Matt Presented *Resolution 2020-01-Determining* that the proposed Village of Clayton REDI-Funded infrastructure improvements project is a Type 1 action and will not have a significant adverse impact on the environment.

Matt Cooper explained the above Resolution 2020-01 to the Board and answered all questions. He then asked for the resolution to be adopted.

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

Norma J. Zimmer, Mayor	yes
Steven Badour, Trustee	yes
Nancy Hyde, Trustee	yes
Michelle Grybowski, Trustee	yes
Jeremy Kellogg, Trustee	absent

The foregoing resolution was thereupon declared duly adopted.

RESOLUTION NO. 2020-01

**Proposed Action: Village of Clayton REDI-Funded Infrastructure Improvements Project
RESOLUTION DETERMINING THAT THE PROPOSED VILLAGE OF CLAYTON REDI-FUNDED
INFRASTRUCTURE IMPROVEMENTS PROJECT IS A TYPE 1 ACTION AND WILL NOT HAVE A SIGNIFICANT
ADVERSE IMPACT ON THE ENVIRONMENT**

WHEREAS, the Village of Clayton (Village) is proposing the **Village of Clayton REDI-Funded Infrastructure Improvements Project** (Project), located in the Village of Clayton, Jefferson County, New York; and

WHEREAS, the Project has been classified as a "Type I Action" as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, the Village of Clayton Village Board sent a letter and Part 1 of a Full Environmental Assessment Form (FEAF) on December 27, 2019 to other potentially "Interested Agencies" and "Involved Agencies" (as these terms are defined in the SEQRA Regulations found at 6 NYCRR Part 617.2), indicating the Village's desire to serve as the "Lead Agency" (as this quoted term is defined in the SEQRA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and

WHEREAS, responses from Interested and Involved Agencies were requested, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Village of Clayton Village Board serving as Lead Agency for the Project; and

WHEREAS, pursuant to the SEQRA Regulations, the Village of Clayton Village Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, and (b) examining the FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF, together with other available supporting information, to identify the relevant areas of environmental concern:

NOW, THEREFORE, BE IT RESOLVED that, the Village of Clayton Village Board hereby establishes itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that based upon an examination of the FEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Village's knowledge of the area surrounding the Project, the Village of Clayton Village Board makes the determination that the Project will not have a significant adverse environmental impact and that the Project will not require the preparation of a Draft Environmental Impact Statement; and

BE IT FURTHER RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the Village of Clayton Village Board, as Lead Agency, hereby directs the Village of Clayton Mayor to sign the FEAF Part 3 – Determination of Significance indicating that a Negative Declaration has been issued for the Project; this Resolution shall take effect immediately and will be properly noticed.

Matt Cooper, Project Manager, Barton & Loguidice – Presented and explained the Bond Resolution 2020-02. This Bond needs to be in place in order to move forward with the REDI grant funding. After discussion and questions from the Board, Matt asked the board to adopt the resolution.

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

Norma J. Zimmer, Mayor	yes
Steven Badour, Trustee	yes
Nancy Hyde, Trustee	yes
Michelle Grybowski, Trustee	yes
Jeremy Kellogg, Trustee	absent

The foregoing resolution was thereupon declared duly adopted.

RESOLUTION 2020-02

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OR A STATUTORY INSTALLMENT BOND OF THE VILLAGE OF CLAYTON IN AN AMOUNT NOT TO EXCEED \$6,268,000 THE PROCEEDS OF WHICH ARE TO BE USED TO COMPLETE STRUCTURAL REPAIRS AND IMPROVEMENTS AND REPLACEMENTS INCLUDING, BUT NOT LIMITED TO THE RIVERWALK, MARY STREET BOAT LAUNCH AND DOCK, THE VETERANS MEMORIAL DOCKS AND THE FRINK PARK REGIONAL DOCK.

BE IT RESOLVED, by the Village Board of the Village of Clayton, Jefferson County, New York, as follows:

Section 1. The structural repairs and improvements and replacements including, but not limited to the Riverwalk, Mary Street Boat Launch and dock, Veterans Memorial Docks and the Frink Park Regional Dock, are in the interest of the citizens of the Village of Clayton. The estimated cost of such objects and purpose as determined by Barton & Loguidice, D.P.C., the engineers hired by the Village, for such purposes is \$6,268,000.

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid construction is twenty (20) years, pursuant to subdivision 7 of paragraph a of section 11.00 of the Local Finance Law. It is further determined that no down payment is required pursuant to Section 107 of the Local Finance Law.

Section 3. The plan for the financing of such estimated cost is by the issuance of a Serial Bonds or a Statutory Installment Bond not exceeding \$6,268,000 and/or grant funding under the Lake Ontario Resiliency and Economic Development Initiative (REDI) and such bonds are hereby authorized to be issued therefore, pursuant to the Local Finance Law, for a period in excess of five (5) years.

Section 4. The faith and credit of said Village of Clayton, Jefferson County New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall become due and payable.

Section 5. Subject to the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes of the issuance and the sale of Serial Bonds or a Statutory Installment Bond herein authorized, including renewal of such notes, is hereby delegated to the Village Treasurer, the Chief Fiscal Officer. Such Notes shall be of such terms, form and contents and shall be sold in such a manner as may be prescribed by said Village Treasurer consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such obligations, including determining whether to issue such obligations having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said obligations, prescribing the method for the recording of ownership of said obligations, appointing the fiscal agent or agents for said obligations, providing for the printing and delivery of said obligations (and if said bond are to be executed in the name of the Village by the facsimile signature of its Village Treasurer), including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such obligations any charges for mailing, shipping and

insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such obligations shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit, or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. Upon this resolution taking effect, the same be published in full in T.I. Sun, the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 9. This resolution is subject to permissive referendum, pursuant to Section 36.00(a) of the Local Finance Law.

Section 10. This Resolution shall constitute a statement of official intent for the purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Manasseh Burt, P.E. – DANC – Presented the Board with the Verizon Contract and explained this contract in detail to the Board. The Board made the decision to go with the Binding Estimate Option – This option will lock in the amount to be charged, rather than the village paying gradually and risk being charged overages. Village of Clayton will pay the full amount of \$172,939.38 prior to the start of any work. After discussion and questions from the Board it was asked that the Board approve the signing of the Verizon Contract with the Binding Estimate Option, and after the contract is sent to Verizon the Village will then receive an invoice for payment.

Trustee Grybowski presented a **MOTION** to approve the Verizon Contract with the Binding Estimate Option, and also approved to pay the \$172,939.38 Verizon invoice when received. Trustee Badour seconded; all were in favor and motion was carried.

Manasseh Burt, P.E. – DANC – Presented a Memorandum regarding NYSDOT Utility Loop Project (D263937) Riverside Drive Sewer Laterals. The Riverside Drive Sewer Laterals – As part of the NYSDOT project, sewer laterals along a 400' section of Riverside Drive sewer main, between manhole (MH) 46 and 8 were designed to be replaced with new 6" PVC sewer laterals. The existing sewer main is 12" Clay with a cured-in-place lining (CIPP). While NYSDOT project contractors excavated portions of Riverside Drive, it was observed that the existing sewer laterals were falling apart. Due to the location of the sewer main in the bottom of a rock trench, and the close proximity of a water main, the original design of installing a new sewer lateral saddle at each location was not possible.

There were 2 options discussed with the Board, and after DANC consulted with Terry Jones, Village DPW Superintendent, they believe it is in the best interest of the Village to go with Option 1. This is the best method to resolve the issue with the sewer laterals that are currently falling apart and offers a better alternative compared with option 2. Option 2 would require the CIPP contractor to cut each lateral flush with the sewer main and provides potential for the existing CIPP lining to be damaged during the work. The NYSDOT will perform this work within their existing scope of work with the Village. This option will however require the Village to hire a CIPP contractor. The estimated cost for that work is \$50,000. The Authority recommends proceeding with this work and including the costs in the Fiscal Year 2021 Sewer budget.

Trustee Grybowski presented a **MOTION** to approve option 1 for the NYSDOT Utility Loop Project (D263937) Riverside Drive Sewer Laterals, and to include the estimated cost of this work in Fiscal Year 2021, Trustee Badour seconded; all were in favor and motion was carried.

POLICE REPORT:

Kevin Patenaude, Chief of Police - presented his activity report at the meeting, this report is filed at the Village Clerk's office.

DPW REPORT:

Terry Jones, DPW Superintendent - presented his Activity Report and Year End review for 2019. Both reports are filed at the Village Clerks office. Everything is going well with his department.

WWTP:

Meagan Ervay - WWTP Manager – presented her monthly report. This report is filed at the Village office. Meagan informed the Board that the annual assessment review of the current Water/Sewer Equivalent Dwelling Unit (EDU) assigned based on prior year consumption has been completed. Village Clerk will be sending out the notification letters in February.

REQUEST TO BE ON AGENDA:

Chris & Lori Chociey – Concerned with land-locked property at 106 Swart Ave (Seasonal Cottage). Chris Chociey and his wife Lori, came to meeting to have it on record that he is taking the necessary steps to help his case with being landlocked. He presented maps and other documents to the Board showing the investigating they have done on their own. The Board spoke with him in great length about his concerns. Although the Board understood everything he was saying, they informed him that unfortunately there was nothing they could do. However they did give him some ideas of where to go next with his concerns. At the end of the day, they will need to hire their own lawyer to solve this issue.

CONSENT AGENDA:

1. DRAFT Meeting Minutes January 13th, 2020
2. Payroll (P/R #17) – \$52,205.21
3. Abstract #16 - \$47,084.26

General Fund \$20,570.91
Water Fund \$ 8,070.98
Sewer Fund \$18,442.37

4. Capital Projects

<i>CAPITAL PROJECT</i>	<i>INVOICE #</i>	<i>AMOUNT</i>
027 – WATER SYSTEM IMPROVEMENTS		\$5,000.00
<i>Barclay Damon – Bond Counsel Services</i>	<i>5053884</i>	<i>\$5,000.00</i>

Trustee Grybowski presented a **MOTION** to approve the Consent Agenda items 1-4, as presented. Trustee Badour seconded; all were in favor and motion was carried.

CLERK:

Joanne Lenhard-Boye, Village Clerk – Presented upcoming events to the Board.

1. Badger Training – March 24th & March 25th 2020.
2. Lori Arnot – Holding a community dance for children in Municipal Building on Feb 13th 2020.
3. Sunrise Service – April 12th 2020 at Frink Park
4. The Clayton Sunset Concert Series – June 7, 14, 21, 28 – July 5, 12, 19, 26 – August 2, 9, 16, 23, 30
5. The Clayton Figure Skating Club – Year end banquet March 22nd, 2020 at the Municipal Building
6. Leconey Wedding Centennial Park – October 10th 2020.

MAYOR’S REPORT:

Announced that Jozes Gorczynski who has been a village resident for 25 years will turn 90 years old on January 31st, 2020. The Mayor will be going to their home to present a framed certificate to acknowledge his big milestone.

Budget Workshop Update: Mayor updated the public with discussions that were had at the budget workshop meeting on January 15th 2020. Tina DeNigro, with EFPR met with each department head to help them plan next year’s budget and also ask them to cut unnecessary expenses in order to increase our general fund balance.

Mayor Zimmer strongly believes that with the administrative team the village has now, we can be successful in pulling the general fund up. The Mayor spoke about some possible ways to increase revenue for the village. Property revaluations will be done by 2022. Dissolution of the Village Court would save the Village money, and would have to be done by local law subject to permissive referendum enacted to dissolve at the end of current Judge’s term in 2022. Recent discussions with Legislator Robert Cantwell about the possibility of charging occupancy tax for Airbnb’s and similar homeowner vacation rentals may help increase in Village revenue.

Mayor Zimmer informed the Board that Mark Walczyk, Assemblyman asked her to write a support letter to take to Albany so he can lobby for more CHIPS and AIM money. There was another support letter to John Peach, Executive Director to Save the River, Upper St. Lawrence Riverkeeper, who will be working with TILT in the 2020 GLRI-St. Lawrence River Trash Free Water Project Grant. The Board approved both letters.

PUBLIC COMMENTS:

Joe Chrisman questioned the Board regarding Webb Street road. He stated that someone from DOT had told him that the DOT plans for Webb Street were to only re-service the road. In past years a DOT engineer informed him that the substructure to the road was so degraded and damaged that core samples could not be collected. Trustee Grybowski assured Mr. Chrisman when this part of the project comes up, DOT will speak with the Board regarding Webb Street road.

EXECUTIVE SESSION

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 enter Executive Session at 7:05 p.m. for the purpose set forth above. Trustee Badour seconded; the motion was carried.

Trustee Badour presented a **MOTION** to close Executive Session at 7:25 p.m. Trustee Grybowski seconded; the motion was carried.

Respectfully,

Joanne Lenhard-Boye, Village Clerk