

There was a regular meeting of the Board of Trustees of the Village of Clayton on Monday, September 11, 2017, at 5:30 PM in the Municipal Building.

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

ABSENT: None

OTHERS: Kevin Patenaude, Police Chief
Terry Jones, DPW Superintendent
Jeff Overstrom, W/WW Manager
Geneva Phelps Miller, Treasurer/Interim Clerk

VISITOR(S): None

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 called the regular meeting to order at 5:30 p.m.

Executive Session:

Trustee Buker presented a **MOTION** to enter Executive Session at 5:30 p.m. to discuss pending litigation and personnel matter(s) regarding specific individual(s). Trustee Hyde seconded; the motion was carried.

Trustee Hyde presented a **MOTION** to close Executive Session at 5:40 p.m. Trustee Grybowski seconded; the motion was carried.

Police Report:

Kevin Patenaude, Police Chief, presented the activity report. Upon recommendation of Chief Patenaude, Trustee Grybowski presented a **MOTION** to approve hiring Ed Beerman, Jim Flanders and Pat Youngs as School Crossing Guards for the 2017-2018 school year at the approved rates. Chief Patenaude noted several changes made at crossings sites, including the use of cones to designate the crossing areas. Chief Patenaude will also obtain STOP signs with flashing lights.

Chief Patenaude requested permission to hire an additional part-time police officer to allow more efficient management of overtime hours. Trustee Hyde presented a **MOTION** to approve the hiring of Shawn Bulger as a part-time police officer. Trustee Buker seconded; the motion was carried.

Discussion was had regarding New York State regulations prohibiting smoking on Village property, including in Village vehicles. Chief Patenaude stated he has reminded his department employees of the prohibition, including not smoking during working hours. Employees may smoke on breaks, but not while on the job.

In response to growing concerns regarding traffic speed within Village limits, Chief Patenaude requested permission from the Board to order an electronic sign, mounted on a trailer, from Kustom Signals Inc. The sign is designed to read speeds on approaching vehicles, and Chief Patenaude feels it will not only act as an effective education device, but is also portable enough so it could be used in construction areas as well. The Board agreed the issue of speeding will never be totally solved, but this is a good start to reduce speed. The equipment is classified as a traffic control device and is approved for use on public highways. Chief Patenaude noted the purchase is at state contract price, with a five-year warranty included in the purchase price.

DPW Report:

DPW Superintendent Terry Jones presented the activity report. Paving on Graves Street will be completed this week, and he has posted additional signs to remind drivers of the Village's 30 mph speed limit. Dock attendants are completing the season, however staffing at Rotary Park docks will continue through mid-October. He expressed his appreciation for the great attitude and efforts of the dock staff despite the difficult season.

The Fall Brush Pickup flyer has been amended this year. Residents are requested to separate leaves from brush, making it easier to pick up. The DPW crew has been doing periodic runs on Fridays this summer to assist with pickup of river

debris and wind damage. Trustee Grybowski announced that Jazz Fest performers will be at the Frink Park Pavilion on September 21st from noon until 5:30 p.m.

Water/Wastewater Report:

W/WW Manager Jeff Overstrom presented the monthly activity report. The Wastewater Treatment Facility Emergency Response Plan (ERP) was updated following annual review (new board members, contacts, plan holders, etc.). The original is on file in the Clerk's office. An updated Spill Response Plan was also provided; updated to reflect new board members and minor editorial changes. Mayor Zimmer requested Mr. Overstrom draft a letter in response to Mr. Cooper's request to connect to the Village force main, noting issues with overcoming pressure. A copy of the letter will be provided to the Town Board and to the Joint Planning Board. Mr. Overstrom noted the project does include options for a septic system. All questions about the smoke and dye testing results should be directed to W/WW Overstrom.

Consent Agenda:

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

1. DRAFT Meeting Minutes August 28, 2017
2. Payroll #7 (Week #37)
3. Abstract #7 - \$26,556.42

General Fund	Voucher(s) A18-215 – A18-244	14,262.55
Water Fund	Voucher(s) F18-048 – F18-053	1,494.13
Sewer Fund	Voucher(s) G18-080 – G18-094	10,799.74
4. Capital Projects

27-Water System Improvements (#25)	Voucher(s) H027-048 thru H027-050	5,716.93
29-Clayton Historic District (#17)	Voucher(s) H029-038 thru H029-039	1,532.50

Clerk Report:

EDU Changes: The final account tabled from the August 14th and August 28th meetings has been resolved. After conferring with W/WW Overstrom and the Assessor, Ms. Miller reported the following:

Account #308 (H Riverside LLC): The Assessor reported there are seven units in the building, which corresponds to information provided by the property owner. Therefore, the account will continue to be classified as Mixed Use/Commercial, and assessed at 7 EDUs.

General Code Publishers E-Code: General Code Publishers E-Code allows for posting of public documents on the hosted website. This option might be something to consider for future development.

Water-Sewer Billing: Shutoff notices were mailed September 11, 2017, with termination scheduled for September 26, 2017.

2017-2018 Budget Revision: As discussed with Chief Patenaude earlier, Trustee Grybowski presented a **MOTION** to approve the transfer of funds from the K-9 Reserves to the General Fund in the amount of \$6,500 to purchase a SMART 650 trailer from Kustom Signals Inc. Trustee Buker seconded; the motion was carried.

New Business:

Training: NYS Dept. of Environmental Conservation is offering a webinar on September 14, 2017. The topic is “Building Flood Resiliency at the Local Level” and is offered free of charge..

Clayton Historic District Improvement Project: Trustee Hyde presented the following resolution for Board consideration:

RESOLUTION #2017-19

**AUTHORIZING ORNAMENTAL LIGHTING SELECTION
FOR CLAYTON HISTORIC DISTRICT PROJECT**

WHEREAS, the Village of Clayton is proceeding with a Historic District Improvement project which will involve the removal of overhead electrical and telecommunication wiring and the removal of utility poles in project area; and

WHEREAS, part of the project will involve the replacement of standard National Grid street lighting within the project area with historic district lighting that is more aesthetically pleasing and consistent with the Village's intent to improve the historic district area; and

WHEREAS, as part of this project the Village was tasked with selecting the style of ornamental lighting they would like to be included in the project and to determine whether the Village will be responsible for lighting maintenance or to continue with the Village's current practice of leasing the lighting infrastructure from National Grid; and

WHEREAS, a Committee of Village stakeholders evaluated alternatives and provided a recommendation to the Village board and is recommending the Village proceed with the following: 1) that the Village continue to lease lighting from National Grid since the Village does not have the equipment or labor resources to properly maintain and service new lighting infrastructure; and 2) that the Village will utilize the Armory Square Aluminum Lighting Pole with accessory outlet option with the Edgewater Luminaire without crowns with a flag pole attachment for their new ornamental lighting.

NOW, THEREFORE, BE IT RESOLVED that the Village Board does hereby accept the Committee's recommendation and authorize and direct the Mayor to execute any and all documents necessary between National Grid and the NYS Department of Transportation to incorporate the Village's selection for ornamental lighting into the Historic District Project.

The foregoing Resolution was offered by Trustee Hyde, and seconded by Trustee Grybowski, 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	Voting Aye
Trustee Hyde	Voting Aye
Trustee Randazzo	Voting Aye

This resolution shall take effect immediately.

RESOLUTION #2017-20

CLAYTON HISTORIC DISTRICT PROJECT RESOLUTION AUTHORIZING VILLAGE PROJECT TEAM

WHEREAS, Local Law Number 2 of the Year 2016, titled Historic District Utility Installation Law, was duly adopted by this Board on November 14, 2016, requiring all utility lines within the Historic District of the Village of Clayton to be undergrounded, and

WHEREAS, the undergrounding of utility lines within the Historic District is being accomplished in connection with a road reconstruction project of certain portions of the New York State Highway within the Village of Clayton which is being designed by the New York State Department of Transportation ("NYS DOT") (the "Project"), and

WHEREAS, the NYS DOT is coordinating the overall design of the utility undergrounding with design input from the respective utility companies and representatives of the Village of Clayton, which coordination requires frequent communication between the NYS DOT and representatives of the Village, and

WHEREAS, in order to facilitate communication in connection with the road reconstruction and utility undergrounding this Board desires to designate its committee for communications in connection with the Project.

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Clayton as follows:

1. A Committee is hereby established to represent the Village of Clayton with respect to communications between the Village of Clayton, the NYS DOT and the utility companies comprised of the following representatives of the Village:

- A. Norma Zimmer, Mayor
- B. Carrie Tuttle, Development Authority of the North Country
- C. Joseph Russell, Attorney for the Village of Clayton
- D. J. K. Hage, Utility Counsel for the Village of Clayton

2. A communication protocol is hereby established by this Board directing all communications between the NYS DOT, the utility companies and the Village to the above-referenced Committee only. In addition, all communications shall be directed to each and every member of the Committee.

3. This Resolution shall take effect immediately.

A motion to adopt the foregoing resolution was made by Trustee Grybowski and seconded by Trustee Buker, and upon a roll call vote of the Board was duly adopted as follows:

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

This resolution shall take effect immediately.

RESOLUTION #2017-21

**CLAYTON HISTORIC DISTRICT
TELECOMMUNICATIONS INFRASTRUCTURE OWNERSHIP**

WHEREAS, Local Law Number 2 of the Year 2016 was duly adopted by this Board on November 14, 2016, titled Historic District Utility Installation Law, requiring all utility lines within the Historic District of the Village of Clayton to be undergrounded, and

WHEREAS, the undergrounding of utility lines within the Historic District is being accomplished in connection with the reconstruction of certain portions of the New York State Hwy. within the Village of Clayton, and

WHEREAS, upon completion of the undergrounding and the road reconstruction project the New York State Department of Transportation will turn ownership of the State Highway within the village of Clayton to the Village, and

WHEREAS, the utilities involved in the undergrounding project include, in addition to National Grid, the telecommunications companies which provide service within the Village of Clayton, and the Project involves the installation of conduits manholes for access thereto (the "Telecommunications Infrastructure"), and

WHEREAS, in order to facilitate maintenance and repair of the individual telecommunications transmission lines subsequent to undergrounding it has been suggested that the Village assume ownership of the Telecommunications Infrastructure.

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Clayton as follows:

1. The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter.
2. Upon completion of the underground installation of the Telecommunications Infrastructure the Village of Clayton shall assume ownership of the undergrounded Telecommunications Infrastructure.
3. This resolution shall take effect immediately.

A motion to adopt the foregoing resolution was made by Trustee Hyde and seconded by Trustee Buker and upon a roll call vote of the Board was duly adopted as follows:

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

This resolution shall take effect immediately.

Water System Improvement Project: In light of additional legal services required in connection with the easements required to commence construction, the following resolution was presented:

RESOLUTION #2017-22

AMENDING LEGAL SERVICES AGREEMENT

WHEREAS, on October 13, 2015, the Village of Clayton entered into a Legal Services Agreement (the "Agreement") with Menter, Rudin and Trivelpiece, P. C. ("Attorney") to perform legal services in connection with certain improvements to the Village of Clayton water treatment system (the "Project"); and

WHEREAS, although the Agreement contemplated that the Attorney would perform necessary title work in connection with easement acquisition, the extent of the work required to obtain all necessary easements and the duration of the Project was not anticipated at the time the Agreement was entered into, and the scope of the Attorney's work in connection with the project has far exceeded the anticipated scope when the Agreement was entered into; and

WHEREAS, subsequent to the Agreement being entered into, the Attorney's hourly rate for municipal representation has increased; and

WHEREAS, as a result of the foregoing it is necessary to amend the Agreement to fairly compensate the Attorney for the expanded scope of services in connection with the acquisition of easements.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Clayton as follows:

1. The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter.
2. The Amended Legal Services Agreement between the Village of Clayton and the Attorney presented to the Board and attached hereto as Exhibit "A" is hereby approved, and the Mayor is authorized to enter into that the Amended Agreement on behalf of the Village of Clayton.
3. This resolution shall take effect immediately.

A motion to adopt the foregoing resolution was made by Trustee Grybowski and seconded by Trustee Buker, and upon a roll call vote of the Board was duly adopted as follows:

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

Subsequent to the adoption of Resolution #2017-22, Trustee Grybowski presented a **MOTION** to approve the Amended Legal Services Agreement between the Village of Clayton and Menter, Rudin & Trivelpiece, P.C., increasing the agreement to an amount not to exceed \$20,000, and authorizing Mayor Zimmer to execute the document on behalf of the Village. Trustee Buker seconded; the motion was carried.

Old Business:

None

Mayor's Report:

Riverwalk 3: Mayor Zimmer reported on the meeting held last week; hopefully the contractor(s) will be able to start this fall. They are hoping to get 6-8 weeks of work done. However, at this time there is no definitive starting date at this time.

Bass Tournament: Mayor Zimmer reported 95 boats participated in the tournament. Two local teens were able to act as co-angler, and did very well. The tournament director is new this year, but stated he was pleased with the facilities and services, and feels Clayton has the best family-oriented facility he has ever seen.

The annual Street Meet car show as well as a boat poker run are scheduled this weekend. The Mayor, Carrie Tuttle, Jeff Overstrom are meeting with the new NYS Dept. of Environmental Conservation representative on the 27th of this month. The cruise ship was hugely successful – they took 2 buses to the Coyote Moon grape farm early in the morning, then brought them back downtown to shop. Many of the passengers complimented the Village.

Remembrance: Mayor Zimmer noted that today is the 16th anniversary of 9/11, a day that should never be forgotten..

Joint Town/Village Meeting: The next joint meeting is scheduled for September 27, 2017 at 6:00 p.m. in the Town boardroom

Paynter Senior Center: Trustee Grybowski, the liaison to the center, reported the new director is a former history teacher, and offers many new ideas and activities. The center is trying to increase participation by the senior housing residents and get them involved with the many activities offered. A bus will be available for Jazz Fest weekend to take people downtown and back to the Center, at no cost to the riders. There is a knitting group, a book discussion group, and several craft groups, and musicians are invited to play at the Center.

Hawn Memorial Library: Trustee Hyde, the liaison to the library, reported Ellen Weissman, an author living in Three Mile Bay, will hold a book presentation tomorrow night at 5:00 p.m. Mayor Zimmer inquired whether the library will bring back the scarecrows that were displayed throughout downtown. Trustee Hyde reported the Handweaving Museum used to sponsor the program, but she will bring it up at the library board meeting next Tuesday.

Public Comment:

None

Adjournment:

At 6:54 p.m., Trustee Grybowski presented a **MOTION** to adjourn; Trustee Randazzo seconded; the motion was carried.

Respectfully Submitted,

Geneva Phelps Miller, Interim Clerk