

PIN 7752.96
Clayton Village Project Update with Village Officials
Meeting Agenda
February 23, 2017

Attendees (initial next to name to confirm attendance)

Norma Zimmer, Clayton Village Mayor	Steve Kokkoris, NYSDOT Regional Director
Tony Randazzo, Clayton Village Trustee	Bob Curtis, NYSDOT Reg. Design Engineer
Michelle Grybowski, Clayton Village Trustee	Ernie Reape, NYSDOT Asst. Reg. Design Engr.
Nancy Hyde, Clayton Village Trustee	Brian Baxter, NYSDOT Utilities Engineer
John Buker, Clayton Village Trustee	Mark O'Connor, NYSDOT Project Designer
Terry Jones, Clayton Village DPW	Scott Docteur, NYSDOT Director of Planning
Carrie Tuttle, DANC	Steve Gagnon, NYSDOT Project Engineer
Sean Hennessey, NYSDOT	

Meeting Agenda / Notes in Blue

- Welcome / Introductions (New Village Board Members)
- Recap of November DOT letter to village with rock removal issues
 - We discussed how the change to location of the vaults and conduits was essentially driven by new information regarding the hardness of the rock present and the difficulty in removing it while still protecting the buildings in the historic district. Part of our design approval process must include provisions to protect the historic buildings from damage. This is a requirement from the State Historic Preservation Office and the Federal Highway Administration. The project will include restrictions that limit the allowable vibrations and monitor the vibrations during construction. There is a cost increase associated with this.
- Letters & email communication with village moving forward
 - The village was informed that the DOT works almost exclusively on an electronic communication basis with other State and Federal agencies. We consider communication with signatures scanned into PDF form to be considered final. Most of our partner agencies do not use hard paper copies in the mail. The village should consider future emails with signed / scanned documents to be final, we may continue to send paper originals as a courtesy. At the village request, the DOT will try to include all of the village trustees on the email correspondence that contain official letters or major changes along with the village clerk.
- Village Update on current status of plans to bury overhead utilities.

- Summary of any Village communications with the 4 utility companies
- The village stated they have been concentrating on the bonding and legal issues and have not had any meetings with the communication companies since early last year. They have had a meeting with National Grid in the past few months and Grid has attended several board meetings. The priority for the village now is to start to coordinate with the utility companies.
- Progress or decisions made, etc.
- The village wanted to discuss the progress of the water and sanitary sewer design. DANC would like to review the current design. The design of those two systems is essentially complete, based on the requests and previous feedback from the village and consulting firm OBG. We will provide the village with preliminary plans of those facilities so they can review.

National Grid

- Some of the recent articles mentioned possible litigation between the village and National Grid over cost responsibilities.
 - How does the village envision this playing out as we move forward?
 - How does the village differentiate paying for the upgrades with the bonding, having National Grid pay out of pocket, or having National Grid place a tariff on customer bills? National Grid brought this up in Feb 17 letter.
 - The village has not had much communication with the utility companies but will be working on this in the near future. They are waiting for guidance next week from attorneys to determine the best path forward.
- We have concerns that National Grid will be willing to move forward if there is litigation pending, and may need to wait until legal issues are worked out. We will be discussing National Grid's position with them. It is typical that in pending legal cases, the litigants are barred from talking to each other without the presence of attorneys. This situation would impede the design efforts.
- The DOT stressed that our position is that we can not move forward with our design under the risk of having to stop again due to legal issues. The DOT needs to be kept up to speed on progress with the utility companies and requests that we be included in any utility meetings.

Telecommunication Companies:

In terms of where the village stands with Verizon, Time Warner & Westelcom, when we met in June 2016 we were informed DANC was researching the legality issues associated with the communication facilities and which company is entitled to what in terms of replacement of facilities, etc. It was noted that the village did not want to own the communication conduit system, since they are not in a position to be able to maintain it.

- How does the new utility law impact the 3 telecommunication companies? Is the cost responsibility with the village or the telecom companies? Would a tariff be issued to customers by those companies as well?
- Are there potential legal issues with telecom companies?

- Who will own / maintain / lease the conduit / vault network necessary for those 3 companies? Village owned? Verizon owned? Joint ownership? DANC owned?
- The village discussed options where either the village or DANC would own the telecommunication vault network. Either option would have to be discussed with attorneys as well as passed by either village board or DANC board of directors.
- The 3 telecommunication companies need to work together with a common utility design engineer to provide us with details, requirements, specifications, etc. We are not in a position to attempt to blend 3 separate designs together with varying needs and specifications. The village should contract with a utility design engineer to coordinate the needs of all companies and hand off a combined design to the DOT.
- The village agreed that they will consider having a third party engineering firm or possibly DANC engineers coordinate the telecom design and hand off to DOT.
- There was once discussion about using a conduit liner between companies so one shared service conduit could be provided into each building as opposed to 3 or 4 conduits. Is this still a feasible option?
- The village would like to pursue this option as well

Village Lead:

The village needs to continue to take the lead coordinating with the 4 utility companies to come up with a conceptual plan to underground all of the wires.

- Are all of the companies in agreement with funding responsibility decisions?
- How long will it take each company to provide a design to the DOT?
- The village was under the impression that the DOT would start the project design once the village passed the bonding for the utilities, we clarified that the September 2016 letter that suspended work stated that we also needed consensus from the utility companies along with the village. DANC requested that we start the design efforts again, but we stressed that the village needs to take the lead with the utility companies until all of the legal issues and payment responsibilities are worked out. We also need designs from each company so we can determine how to incorporate. The DOT is not willing to continue design efforts at risk of not being able to complete the design in a timely manner, and send the project out to bid. We have also reassigned all of the engineering staff to other projects so we have to determine when we can get staff reassigned to work on this project. The village requested that the DOT send a list of items we need from utility companies in order to move forward, that list will be compiled and forwarded to the village.

Customer Hookups:

How will the final customer connections be made for the 4 affected companies?

- Will each property owner be required to accomplish the conduit installation through their foundation? Or will the village hire one contractor to drill into each basement and connect conduit through foundation? DOT does not want to work on/in private buildings or make changes to foundation walls.

- If the village hired one contractor to drill through foundations and install a conduit(s) with cap we could simply connect to it during highway contract. The foundation work could potentially be completed in advance of DOT contract under highway work permit.
- What steps will be taken to ensure property owners make internal upgrades and connections in order to abandon overhead connections? The DOT project can't be completed until the lines are abandoned and the poles removed. We don't want to be delayed on project completion if property owners don't follow through with switching over to underground connections in a timely manner.
- The village will be looking into these options. They have already hired an electrician to survey all of the basements to determine what needs to happen internally.

Moving Forward:

When the 4 utility companies are able to provide relocation plans, and all involved parties are in agreement regarding those plans including funding responsibilities we can evaluate and discuss a new design / construction schedule. We will need some assurances that everyone is working towards a common goal and that we won't be faced by major roadblocks that delay the design again.

We asked how the village would be scheduling meetings with the utility companies. Either all together in a larger meeting or meeting with each company privately. DANC stated that they need to discuss the plans to move forward with legal counsel to determine best course of action. The DOT would like to stay involved in any future meetings.

The DOT is also willing to attend any future village board meetings to answer questions related to the DOT project , the village will look into which meeting that might be most helpful and let us know.

As recorded by Steve Gagnon

Respectfully Submitted,

Michelle E. Gaeta, Clerk