

There was a regular meeting of the Board of Trustees of the Village of Clayton on Monday, March 12, 2018, at 5:30 p.m. 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
Rob Stevenson, W/WW Manager
Geneva Phelps Miller, Treasurer/Interim 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 then called the regular meeting to order at 5:30 p.m.

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 Buker presented a **MOTION** to enter Executive Session at 5:31 p.m. Trustee Hyde seconded; the motion was carried.

Trustee Buker presented a **MOTION** to close Executive Session and resume the regular meeting at 5:44 p.m. Trustee Randazzo seconded; the motion was carried.

Regular Meeting (Resumed at 5:45 p.m.)

Police Report:

Subsequent to the Executive Session, Kevin Patenaude, Police Chief presented to the Board Officer Cobb's resignation, effective June 1, 2018. The Board accepted the resignation with regret, recognizing Officer Cobb's many years of service. Chief Patenaude then requested permission to hire Sheldon Moot part-time to assist during the transition period while Officer Cobb prepared for retirement. Trustee Hyde presented a **MOTION** to approve hiring Sheldon Moot as a part-time officer to insure a smooth transition. Trustee Randazzo seconded; the motion was carried. Chief Patenaude will advise the Clerk of Mr. Moot's date of hire and his wage rate per the labor contract.

Trustee Grybowski expressed concerns regarding the School Crossing Guard and incidents she has heard about. Chief Patenaude stated the School Crossing Guard has apprised him of each incident, and the Chief has dealt with the offenders. Trustee Randazzo inquired about the cost of utilizing a body cam. Chief Patenaude responded that he is not an advocate of body cams, as they present a "tunnel-vision" view. However, body cams cost approximately \$1,000, according to Chief Patenaude.

Trustee Buker suggested placing a camera in the crossing guard's vehicle for a time to encourage people to think about what they are doing. Chief Patenaude will discuss this with the crossing guard to determine exactly what the problems are that the Board is hearing about, but the Chief may not be aware of. He stated this comes as quite a surprise to him, and he will follow up with the crossing guard.

DPW Report:

DPW Superintendent Terry Jones presented the activity report. Tablets will be implemented in place of the videophones currently used for Customs and Immigration check-ins. Steve Backus of Customs and Immigration will be here to inspect the two proposed sites (Rotary Park and Mary Street Dock) and to discuss the size of shelter needed to protect the tablets. Supt. Jones has been dealing with FEMA the last month or so, and requested permission to schedule an investigative dive at the Regional Dock and at the floating dock to see what type of issues may be of concern. Two quotes were obtained: (1) Paul Bidwell, Commercial Dive Solutions, \$1,650.00; and (2) Chris Hunt, Hunt, Hunt Underwater Specialties, \$1,700.00. The Board approved Supt. Jones' request. The lowest bidder, Paul Bidwell, will be contacted to perform the dive. Supt. Jones will also

obtain quotes to replace and/or repair sheet piling at the Riverwalk Access Point. Once the dive has been completed, the information will be presented to FEMA to determine what will be needed for reimbursement.

The Town plans to replace the current grates in the highway garage with cast iron grates to prevent trip hazards, and is obtaining quotes. If it is a capital expense, it will be one-third expense to the Village. If it is O&M, the cost will be split 50/50. Supt. Jones will keep the Board informed of the project cost.

Water/Wastewater Report:

W/WW Manager Rob Stevenson presented the activity report. February was a pretty good month, with only one violation due to a thaw; with no bypass pumping or overflows. The Annual Water Quality Report has been posted to the Village website, and all water customers were notified of the URL with the March 1, 2018 bill. There was a good turnout for the Preliminary Engineering Report meeting last week; proposals are due March 20th.

The Annual Water Withdrawal Report has been filed. The Village is allowed to take 440,000 gallons per day, although it is generally about half that. Last year's losses were 16.2%, with the March cycle being over 20%. There is an issue somewhere; leak detection professional will be scheduled. Doug Smorol from Rural Water has been here twice this winter, but could not find anything. Several small leaks were repaired over the winter, but there is still significant loss which must be located and repaired.

Water System Improvement Project: W/WW Manager Stevenson reported this morning residents north of the Water Treatment Plant were without water for approximately three hours. The water project contractor was installing new piping at the plant, and turned off what had been thought to be an isolation valve which would interrupt service only at the plant. However, that was not the case. At this time, there is no way to isolate the treatment plant from the main line and still have residents north of the plant able to receive water from the standpipe. We should consider installing an isolation valve at the plant for future use. Mr. Stevenson also suggested it would be a good idea either biweekly or once a month to publish a public service announcement that we are going through a water project and there may be some brief service interruptions; with possible cloudiness or discoloration as the contractor is installing the new mains and piping.

An amended bond resolution to include three additional areas in the project has been presented for Board consideration. Mr. Stevenson urged the Board to move forward with the inclusion of Washington Island, Franklin Street and Cantwell Terrace, all of which are in serious need of water distribution upgrades.

The following resolution was offered by Trustee Hyde, who moved its adoption, seconded by Trustee Buker, to wit:

AMENDMENT TO BOND RESOLUTION DATED AUGUST 24, 2015

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN THE VILLAGE OF CLAYTON IN AN AMOUNT NOT TO EXCEED \$7,400,000 THE PROCEEDS OF WHICH ARE TO BE USED FOR IMPROVEMENTS TO THE LOW LIFT PUMP STATION AND WATER TREATMENT PLANT AS WELL AS UPGRADING THE DISTRIBUTION SYSTEM WHERE IT IS EITHER UNDERSIZED OR CREATING PUBLIC HEALTH ISSUES IN THE VILLAGE OF CLAYTON.

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

Section 1. The improvements to the low lift pump station and water treatment plant as well as upgrading the distribution system where it is either undersized or creating public health issues in the Village of Clayton are in the interest of the citizens of the Village of Clayton. The estimated cost of the water system improvements as determined by the engineers hired by the Village for such purposes is \$7,400,000. This is an increase of \$900,000 from a previously adopted bond resolution dated August 24, 2015. The aforesaid increase will allow the Village to proceed with additional water main replacements in three areas of the Village on Washington Island, Cantwell Terrace and Franklin Street.

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid construction is forty (40) years, pursuant to subdivision 1 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(d)(3)(a) of the Local Finance Law.

Section 3. The plan for the financing of such estimated cost is by the issuance of serial bonds not exceeding \$7,400,000 as well as grants and low interest loans through the United States Department of Agriculture through its Rural Utility Service, and/or a New York State Water Infrastructure Improvement Act Grant, and/or the New York State Environmental Facilities Corporation 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. Annual water rents shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 5. 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 to 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 6. The validity of such bonds and bond anticipation notes may be contested only if:

Section 7. Upon this resolution taking effect, the same be published in full in the *Thousand Islands 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 8. This resolution is subject to permissive referendum, pursuant to Section 36.00(a) of the Local Finance Law.

Section 9. This amended 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.

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

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

The resolution was thereupon declared duly adopted.

Water System Improvement Project: O'Brien & Gere requested an amendment to the engineering services agreement to cover additional services relating to the Final Design Phase of the project. After negotiations, the formal amendment was submitted for Board action. After review, discussion and negotiations, the Board agreed to approve the amendment. Trustee Hyde presented a **MOTION** to approve Amendment No. 6 to the Owner-Engineer Agreement with O'Brien & Gere as follows: (1) increase Final Design Phase \$40,000.00, for a total of \$321,987.20; (2) increase Construction Phase \$29,040.00, for a total of \$349,040.00; (3) increase Resident Project Representative \$62,832.00, for a total of \$255,032.00. Items (2) and (3) were approved pending completion of the amended bond resolution authorizing the addition of three additional water mains (Washington Island, Franklin Street and Cantwell Terrace). Trustee Buker seconded; the motion was carried.

Large Meter Replacement Project: The Board reviewed the proposed change order to Contract 1D-Plumbing which would replace all manual read meters in the Village with new automated read meters. Upon recommendation by W/WW Manager Stevenson, Trustee Randazzo presented a **MOTION** to approve Change Order 1D-A authorizing Hyde-Stone Mechanicals to add the replacement of forty (40) existing water service meters with new standardized Badger water service meters of various sizes (3/4" to 3") and installation of readers for two (2) existing water services to the current Water System Improvement Project plumbing contract (1D), at a cost not to exceed \$68,241.00, to be funded by the Water Fund. Trustee Hyde seconded; the motion was carried.

Table of Equivalent Dwelling Units (EDUs): Trustee Grybowski presented a **MOTION** to approve the revised Table of Equivalent Dwelling Units (EDUs) as shown in the following table. Trustee Hyde seconded; the motion was carried.

**Village of Clayton Table of Equivalent Dwelling Units (EDU)
 Approved by Village Board March 12, 2018**

CUSTOMER CATEGORY SUMMARY	CLASS	EDU ASSESSMENT (# EDUs)
Apartment/Condo (per unit)	APT	1
Commercial	COM	Based on Prior Year Consumption
Out-of-Village Residence (Bartlett Pt. Water District)	OUT-R	1
Out-of-Village Commercial (Bartlett Pt. Water District)	OUT-C	Based on Prior Year Consumption
Residential	RES	1
Senior Housing Complex (Riverview Apartments)	SEN	Based on Prior Year Consumption
Vacant Lots (buildable, with sewer/water access)	VAC	0.25

Annual Review will be performed for categories "Based on Prior Year Consumption"
 EDUs Based on Prior Year Consumption will be calculated using an average daily consumption of 200 gals.
 EDU for establishments not listed will be determined by the Village Board

Consent Agenda:

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

1. DRAFT Meeting Minutes February 26, 2018
2. Week #11 (P/R #20)
3. Abstract #19 - \$31,390.84

General Fund	Voucher(s) A18-546 – A18-573	15,885.29
Water Fund	Voucher(s) F18-141 – F18-148	4,348.67
Sewer Fund	Voucher(s) G18-248 – G18-262	11,156.88
4. Capital Projects:

022-RIVERWALK 3	ABS #24	\$18,605.89
<i>Engineering – Fisher Associates</i>	<i>Voucher H022-050</i>	<i>18,605.09</i>
<i>Construction – M.A. Bongiovanni, Inc.</i>		
026-SANITARY SEWER LATERALS	ABS #11	NONE
<i>NBRC Grant Admin. – DANC</i>	<i>Voucher H026-xxx</i>	
027-WATER SYSTEM IMPROVEMENTS	ABS #34	\$101,822.14
<i>Legal – Menter Law Firm</i>	<i>Voucher H027-084</i>	
<i>Engineering – O'Brien & Gere</i>	<i>Voucher H027-085</i>	<i>40,000.00</i>
<i>Engineering – O'Brien & Gere</i>	<i>Voucher H027-086</i>	<i>59,176.36</i>
<i>1A-General Construction – Continental Construction</i>		
<i>1B-Electrical – SC Spencer Electric, Inc.</i>		
<i>1C-HVAC – Hyde-Stone Mechanical Contractors</i>		
<i>1D-Plumbing – Hyde-Stone Mechanical Contractors</i>		
<i>Technical Services – DANC</i>	<i>Voucher H027-087</i>	<i>2,645.78</i>
029-CLAYTON HISTORIC DISTRICT	ABS #26	\$3,479.50
<i>Legal – Menter Law Firm</i>	<i>Voucher H029-058</i>	<i>260.00</i>
<i>Legal – Hage & Hage</i>	<i>Voucher H029-059</i>	<i>2,379.50</i>
<i>NYS DOT Technical Services – DANC</i>	<i>Voucher H029-060</i>	<i>840.00</i>
5. Request(s) for Use of Municipal Building:
 - a. TOPS Function – 03/24/2018 – 8:00 – NOON
 - b. Girl Scout Service Unit – 04/07-08/2018 – 6 PM – 9 AM
6. Request for Training:
 - a. Dig Safe Course, Potsdam, NY – 03/22/2018 – Supt. Jones and D. Bogart
 - b. CPR Refresher Course, TIERS – 03/26/2018 – DPW Supt. and Staff

Treasurer/Interim Clerk:

Resignation: The Board accepted with regret the resignation of Jeri Winkler, Library Clerk, effective immediately. Ms. Winkler and her husband have returned to his home state; she will be sorely missed.

New Business:

Proposed Local Law #1 of 2018 – Harbor Management – The Board reviewed proposed Local Law #1 of 2018 to amend Chapter 85 of the Code of the Village of Clayton, Harbor Management. After discussion, it was decided to have the Village attorney further revise §85.10.2, replacing “floating domicile” with “vessel,” and to add the condition that commercial vessels will be allowed only on the East side of the Village, in Goose Bay. Attorney Russell will also be asked for guidance in sending mooring coordinates to NOAA to be included on nautical charts.

Old Business:

Animal Control: The Board discussed the Town Ordinance for animal control, as well as revising the Village animal control law. Mayor Zimmer developed a list of items to be incorporated into the Town Ordinance before it is passed. Trustee Hyde questioned the exemption clause, noting it has become very common to obtain service dog paperwork, and the exemption for all service dogs could be abused. Persons in wheelchairs would absolutely be exempted. Trustee Randazzo stated it may be beneficial to avoid being very specific in this area. After discussion the Board consensus was to remove the exemption from the list.

Mayor's Report:

Joint Justice Court Intermunicipal Agreement (IMA): The Town has prepared a new IMA, as the current agreement is expired. Mayor Zimmer noted it is the Village Board's plan to dissolve the Justice Court at the end of 2019. She met with Council Member Zovistoski to discuss the Town's concerns. The Board agreed that the Village can accommodate the Town's concerns without entering into a new IMA. To dissolve the court needs a local law and it needs to be timed appropriately. If for some reason the Justice Court is not dissolved in 2019, we can address this IMA at that time. Mayor Zimmer will convey the Board's decision to Council Member Zovistoski before the next Town Board meeting.

Bartlett Point Water District – Town Ordinance: The draft ordinance has been reviewed by several Village representatives to insure it syncs with the Village's Water Law. Attorney Russell will incorporate the changes into the Town Ordinance before its meeting on Wednesday.

Coastal Resources: Mayor Zimmer met with Barb Kendall, the director of NYSDOT Coastal Resources. They toured the downtown area. Director Kendall has been vital and involved with most of the Riverwalk grants. She was very pleased with the Riverwalk and the hotel, and noted it was nice to see how well the funding was utilized.

Clayton Local Development Corporation (CLDC): NYSDOT Coastal Resources Director Barb Kendall firmly believes the CLDC is one of the reasons the Village has been so successful in obtaining grant funding. Although the Town's budget does not fund the CLDC at the level the Village does, Mayor Zimmer expressed there is a need to insure continuity of the organization. CLDC efforts have garnered over \$12,000,000 in grant funding for property owners as well as the Village, resulting in a vastly improved downtown. At a recent tourism conference, Gary DeYoung, Director of the Thousand Islands Tourism Council, addressed a comment that "there is no reason for us [other municipalities] to apply for grants, Clayton gets them all!" Mr. DeYoung informed the group the reason Clayton is so successful at receiving grant funding is that it actively utilizes the CLDC to search for grant opportunities, and we prepares a preliminary plan with detailed information to include with the grant applications. A few municipal officials have expressed interest in exploring the possibility of working with the CLDC, which would help CLDC's bottom line. It is important to know that it is no longer possible to form a local development corporation, and we are fortunate to have an existing one, with a director, Kristi Dippel, whose extensive knowledge, history and contacts are invaluable. It would be nice to partner with other communities who have respect for what we've done. Mayor Zimmer has asked the Village attorney to determine whether an intermunicipal agreement could be entered into with other entities.

Mayor Zimmer plans to attend a meeting at Sand Bay next week to discuss the Governor's new mandate regarding tips. This is a volatile issue in the restaurant industry, and she expects a large turnout of people hoping to be able to reverse the Governor's decision. As Trustee Randazzo stated, "the long and short of it is the employee ends up paying the burden because fewer people will be hired."

Mayor Zimmer discussed the Bridge NY Grant, which reimburses 95% of the project costs. NYSDOT provided a list of fifteen approved engineers, all of whom were requested to submit preliminary plans for repairs to the bridge. Of the five responses received, Barton & Loguidice was the only local engineering firm to respond, and one of their engineers was involved with the Washington Island Bridge survey completed approximately ten years ago. The next step is to obtain letters of support and a plan from the fire department as to how they will provide fire protection while the bridge is closed. Trustee Grybowski then presented a **MOTION** to approve submitting a grant application to NYSDOT for a Bridge NY Grant to complete repairs to the Washington Island Bridge. Trustee Randazzo seconded; the motion was carried. The application is due March 29, 2018.

Mayor Zimmer scheduled a Special Budget Workshop on Thursday, April 5th at 10:00 a.m. in the Municipal Building.

Public Comment:

The Board discussed recording the meetings. Trustee Hyde stated many municipalities do this. Trustee Randazzo will obtain pricing to record the meetings digitally through our sound board on a thumb drive or stick, with the file later uploaded to the website. Mayor Zimmer noted that a short time ago a recording of the meeting was shared with the press, resulting in an inaccurate article. Mayor Zimmer wants to be sure it is clear that the written minutes are the official minutes of the meeting, and are kept on file in perpetuity. Public comments will be required to take place at the stand microphone. Trustee Randazzo stated the process should not be labor-intensive but easy to do. The majority of the Board expressed interest in pursuing this option.

Village resident Alan Heberling addressed the Board, stating that when he lived in Penfield, the school board was contentious at that time. The cable channel began broadcasting the meetings, and it had a positive effect on the tones of the

meetings. However, the down-side was people opted to stay home in the winter because they could watch on TV. He said that NYS Law is very clear about open meetings rules.

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 Buker presented a **MOTION** to enter Executive Session at 7:30 p.m. Trustee Randazzo seconded; the motion was carried.

Trustee Hyde presented a **MOTION** to close Executive Session at 8:15 p.m. Trustee Randazzo seconded; the motion was carried.

Adjournment:

Trustee Grybowski presented a **MOTION** to adjourn the meeting at 8:15 p.m. Trustee Hyde seconded; the motion was carried.

Respectfully Submitted,

Geneva Phelps Miller, Interim Clerk