

There was a special meeting of the Board of Trustees of the Village of Clayton on Wednesday, July 18, 2018, at 8:00 a.m. in the Municipal Building.

**PRESENT:** Norma Zimmer, Mayor  
Nancy Hyde, Trustee  
John Buker, Trustee  
Michelle Grybowski, Trustee  
Tony Randazzo, Trustee (arrived at 8:08 a.m.)

**ABSENT:** None

**OTHERS:** Joe Russell, Village Attorney  
Pam McDowell, *TI Sun*  
Marcus Wolf, *Watertown Daily Times*  
Members of the Public: Justin Taylor, Peter Parker, Betsy Wheaton, Paul Luck

**PURPOSE:**

Mayor Norma Zimmer led the Pledge of Allegiance and called the special meeting to order at 8:00 a.m. The purpose of the meeting was to discuss proceeding with the Clayton Historic District Improvement Project.

Mayor Zimmer began by recalling it has taken us five years to get to this point. National Grid submitted its cost estimate to the committee on May 10<sup>th</sup>, in one lump sum. That estimate was rejected and returned to National Grid, requesting a more detailed breakdown of the costs. The most recent submittal was broken into five lump sums, with National Grid referring to PSC Rule 32.2 giving National Grid proprietary rights to project costs, and allowing to refuse detailed disclosure.

The construction portion of National Grid's estimate has been incorporated into the project budget. To cover the soft costs, the Village will request PSC to approve a surcharge on Village resident's electric bills. At this time, it is estimated the monthly surcharge may range from \$2.54 to \$4.45, with the surcharge to begin after project completion, running for 30 years. However, the project committee will continue negotiations with National Grid in an attempt to decrease the "soft costs" in the coming weeks.

Trustee Grybowski then presented a **MOTION** to begin the process with NYS Public Service Commission (PSC) to pay for the soft costs under negotiation with National Grid through a surcharge on National Grid electric bills. Trustee Hyde seconded the motion. Upon roll call vote, the motion was carried unanimously.

Mayor Zimmer again stated the Village will continue to seek additional grant funding to reduce the final costs.

The next order of business was to complete paperwork required by NYS Dept. of Transportation (NYSDOT) in order to incorporate the Village's portion of the Clayton Historic District Improvement Project into the NYS State 970L Project.

Trustee Hyde presented a **MOTION** to approve Resolution #2018-11, authorizing payment in the amount of \$1,526,000 to the State for requested underground electric and telecommunication work, and authorizing Mayor Zimmer to execute Agreement 5B with NYSDOT. Trustee Buker seconded; the motion was carried unanimously. The text of the resolution is attached to these minutes.

Trustee Randazzo presented a **MOTION** to approve Resolution #2018-12, authorizing payment in the amount of \$869,000 to the State for requested sanitary sewer work, and authorizing Mayor Zimmer to execute Agreement 6B with NYSDOT. Trustee Grybowski seconded; the motion was carried unanimously. The text of the resolution is attached to these minutes.

Trustee Hyde presented a **MOTION** to approve Resolution #2018-13, authorizing payment in the amount of \$915,000 to the State for requested water main work, and authorizing Mayor Zimmer to execute Agreement 7B with NYSDOT. Trustee Buker seconded; the motion was carried unanimously. The text of the resolution is attached to these minutes.

Trustee Hyde presented a **MOTION** to approve Resolution #2018-14, to perform underground utility work on private property in coordination with utility betterment work on a State DOT contract. Trustee Buker seconded; the motion was carried unanimously. The text of the resolution is attached to these minutes.

Trustee Randazzo presented a **MOTION** to perform water and sewer work in conjunction with the State DOT project, with the costs to be included under the Water System Improvement Project and the Sanitary Sewer Laterals Project, and authorizing Mayor Zimmer to execute Agreement 8B with NYSDOT. Trustee Hyde seconded; the motion was carried unanimously.

Mayor Zimmer reported that Westelcom's agreement has been submitted, at a cost of zero dollars. Although the Cost Reimbursement Agreement with National Grid is still in negotiations, she proposes the Board agree to the construction cost figure. Trustee Randazzo presented a **MOTION** to approve the Construction Reimbursement Agreement (CRA) with National Grid for construction costs of \$1,494,359.00 only. Trustee Buker seconded; the motion carried unanimously.

Mayor Zimmer thanked Attorney Russell for his assistance in bringing us to this point. She will deliver certified copies of the resolutions and the signed agreements to the Watertown office of NYSDOT this afternoon, in time for tomorrow's deadline.

Trustee Hyde reported CLDC has researched and collaborated with Gary DeYoung in order to put together a construction mitigation grant application. She has provided Board members with a copy of the application, and requests the Board act at the next regular meeting (July 23, 2018) in order to meet the CFA grant application deadline of July 27<sup>th</sup>. The grant would be for \$120,000, with the Village share being \$30,000. This type of grant has worked in some places. Perhaps the Village could request \$30,000 in bed tax money from the Town to cover its share. It is critical to assist downtown businesses to keep them alive and prospering during the two-year construction period. Trustee Grybowski noted that if businesses struggle, that also affects the Village as a whole.

**ADJOURNMENT:**

There being no further business, Trustee Hyde presented a **MOTION** to adjourn the meeting at 8:35 a.m. Trustee Buker seconded; the motion was carried.

Respectfully Submitted,



Geneva Phelps Miller  
Treasurer/Interim Clerk

**RESOLUTION BY THE VILLAGE OF CLAYTON  
COUNTY OF JEFFERSON, STATE OF NEW YORK  
FOR AUTHORIZING PAYMENT TO THE STATE  
FOR REQUESTED UNDERGROUND ELECTRIC & TELECOMMUNICATION WORK**

Resolution # 2018-11

**WHEREAS**, in connection with the contract for the reconstruction of NYS Route 970L, Clayton Village, S.H. 5403, Jefferson County, by Resolution For Incorporating Underground Electric, Telephone and Cable TV, Conduit & Vault System (#2016-01), adopted on February 8, 2016, requested and authorized the State Department of Transportation to proceed with the necessary arrangement to install Underground Electric, Telephone and Cable TV, Conduit & Vault System, with the cost of said Underground Electric, Telephone and Cable TV, Conduit & Vault System work in connection therewith to be borne by the Village of Clayton, and

**WHEREAS**, the Village Board desires that the said Underground Electric, Telephone and Cable TV, Conduit & Vault System, the village share of which based on the "additional cost" method is estimated to cost \$1,526,000 be replaced at the sole expense of the Village of Clayton, in connection with the above mentioned State contract, as set forth in the plans and proposal for said project.

**NOW, THEREFORE**, it is

**RESOLVED**, that pursuant to Section 10, Subdivision 27 of the New York Highway Law, the sum of \$1,526,000 is hereby appropriated to cover the cost of the Underground Electric, Telephone and Cable TV, Conduit & Vault System, and the Village Treasurer is hereby authorized and directed to deposit such sum with the State Comptroller within ten (10) days of letting, and be it

**FURTHER RESOLVED**, that a copy of this resolution be filed with the State Comptroller and with the State Commissioner of Transportation; it being understood that upon completion of the said highway project in the Village of Clayton, the Commissioner of Transportation of the State of New York shall transmit to this Village Board a statement showing the actual costs and expenses of such work and shall notify the Village Treasurer of the amount due from or to be returned to the Village, as the case may be, and that any sum due the State of New York shall be paid by the Village of Clayton within ninety (90) days after the date of transmittal of said statement, and the funds therefore shall be raised according to the statutes in such cases made and provided; and be it

**FURTHER RESOLVED**, that the Village of Clayton will own and maintain said Underground Electric, Telephone and Cable TV, Conduit & Vault System subsequent to the construction thereof; and be it

**FURTHER RESOLVED**, that the clerk of the Village of Clayton is hereby directed to transmit five (5) certified copies of the foregoing resolution to the following address:

Stephen G. Gagnon, P.E.  
Design Project Engineer  
New York State Department of Transportation  
317 Washington Street  
Watertown, NY 13601

**RESOLUTION BY THE VILLAGE OF CLAYTON  
COUNTY OF JEFFERSON, STATE OF NEW YORK  
FOR AUTHORIZING PAYMENT TO THE STATE  
FOR REQUESTED MUNICIPAL SANITARY SEWER WORK**

**Resolution # 2018-12**

**WHEREAS**, in connection with the contract for the reconstruction of NYS Route 970L, Clayton Village, S.H. 5403, Jefferson County, by Resolution for Incorporating Sanitary Sewer work (#2014-14), adopted on November 24, 2014, requested and authorized the State Department of Transportation to proceed with the necessary arrangement to install Sanitary Sewer work, with the cost of said Sanitary Sewer work in connection therewith to be borne by the Village of Clayton, and

**WHEREAS**, the Village Board desires that the said Sanitary Sewer work, the village share of which based on the "additional cost" method is estimated to cost \$869,000 be replaced at the sole expense of the Village of Clayton, in connection with the above mentioned State contract, as set forth in the plans and proposal for said project.

**NOW, THEREFORE**, it is

**RESOLVED**, that pursuant to Section 10, Subdivision 27 of the New York Highway Law, the sum of \$869,000 is hereby appropriated to cover the cost of the Sanitary Sewer work, and the Village Treasurer is hereby authorized and directed to deposit such sum with the State Comptroller within ten (10) days of letting, and be it

**FURTHER RESOLVED**, that a copy of this resolution be filed with the State Comptroller and with the State Commissioner of Transportation; it being understood that upon completion of the said highway project in the Village of Clayton, the Commissioner of Transportation of the State of New York shall transmit to this Village Board a statement showing the actual costs and expenses of such work and shall notify the Village Treasurer of the amount due from or to be returned to the Village, as the case may be, and that any sum due the State of New York shall be paid by the Village of Clayton within ninety (90) days after the date of transmittal of said statement, and the funds therefore shall be raised according to the statutes in such cases made and provided; and be it

**FURTHER RESOLVED**, that the Village of Clayton will own and maintain said Sanitary Sewer subsequent to the construction thereof; and be it

**FURTHER RESOLVED**, that the clerk of the Village of Clayton is hereby directed to transmit five (5) certified copies of the foregoing resolution to the following address:

Stephen G. Gagnon, P.E.  
Design Project Engineer  
New York State Department of Transportation  
317 Washington Street  
Watertown, NY 13601

**RESOLUTION BY THE VILLAGE OF CLAYTON  
COUNTY OF JEFFERSON, STATE OF NEW YORK  
FOR AUTHORIZING PAYMENT TO THE STATE  
FOR REQUESTED MUNICIPAL WATER MAIN WORK**

**Resolution #** 2018-13

**WHEREAS**, in connection with the contract for the reconstruction of NYS Route 970L, Clayton Village, S.H. 5403, Jefferson County, by Resolution For Incorporating Water Main work (#2015-04), adopted on April 27, 2015, requested and authorized the State Department of Transportation to proceed with the necessary arrangement to install Water Main Work, with the cost of said Water Main work in connection therewith to be borne by the Village of Clayton, and

**WHEREAS**, the Village Board desires that the said Water Main work, the village share of which based on the "additional cost" method is estimated to cost \$915,000 be replaced at the sole expense of the Village of Clayton, in connection with the above mentioned State contract, as set forth in the plans and proposal for said project.

**NOW, THEREFORE**, it is

**RESOLVED**, that pursuant to Section 10, Subdivision 27 of the New York Highway Law, the sum of \$915,000 is hereby appropriated to cover the cost of the Water Main work, and the Village Treasurer is hereby authorized and directed to deposit such sum with the State Comptroller within ten (10) days of letting, and be it

**FURTHER RESOLVED**, that a copy of this resolution be filed with the State Comptroller and with the State Commissioner of Transportation; it being understood that upon completion of the said highway project in the Village of Clayton, the Commissioner of Transportation of the State of New York shall transmit to this Village Board a statement showing the actual costs and expenses of such work and shall notify the Village Treasurer of the amount due from or to be returned to the Village, as the case may be, and that any sum due the State of New York shall be paid by the Village of Clayton within ninety (90) days after the date of transmittal of said statement, and the funds therefore shall be raised according to the statutes in such cases made and provided; and be it

**FURTHER RESOLVED**, that the Village of Clayton will own and maintain said Water Main subsequent to the construction thereof; and be it

**FURTHER RESOLVED**, that the clerk of the Village of Clayton is hereby directed to transmit five (5) certified copies of the foregoing resolution to the following address:

Stephen G. Gagnon, P.E.  
Design Project Engineer  
New York State Department of Transportation  
317 Washington Street  
Watertown, NY 13601

**RESOLUTION BY THE VILLAGE OF CLAYTON  
COUNTY OF JEFFERSON, STATE OF NEW YORK  
TO PERFORM UDERGROUND UTILITY WORK ON PRIVATE PROPERTY  
IN COORDINATION WITH  
UTILITY BETTERMENT WORK ON A STATE DOT CONTRACT**

Resolution # 2018-14

**WHEREAS**, in connection with the contract for the reconstruction of NYS Route 970L, Clayton Village, S.H. 5403, Jefferson County, by Resolution For Incorporating Underground Electric, Telephone and Cable TV, Conduit & Vault System (#2016-01), adopted on February 8, 2016, requested and authorized the State Department of Transportation to proceed with the necessary arrangement to install Underground Electric, Telephone and Cable TV, Conduit & Vault System, with the cost of said Underground Electric, Telephone and Cable TV, Conduit & Vault System work in connection therewith to be borne by the Village of Clayton,

**NOW, THEREFORE**, it is

**RESOLVED**, that pursuant to Section 10, Subdivision 27 of the New York Highway Law, the village agrees to perform conduit installations on private property, including through basement foundations, prior to July 1, 2019 for all properties affected by the undergrounding of utility services in the contract for the reconstruction and improvement of NYS Route 970L, Clayton Village, to allow the State to connect to those private conduits with proposed conduits within the State Right of Way, and let it be

**FURTHER RESOLVED**, that the final location and depth of the conduits on private property will be confirmed prior to the installation of said conduits in a meeting between the State and it's contractor, and the Village and it's contractor, and let it be

**FURTHER RESOLVED**, that the Village's contractor shall follow all applicable DOT policies relating to working within the State Highway Right of Way, including the need to obtain a highway work permit, and shall schedule their work in coordination with the State's contractor, and let it be

**FURTHER RESOLVED**, that the clerk of the Village of Clayton is hereby directed to transmit five (5) certified copies of the foregoing resolution to the following address:

Stephen G. Gagnon, P.E.  
Design Project Engineer  
New York State Department of Transportation  
317 Washington Street  
Watertown, NY 13601