

**Regular Village Meeting  
Village of Clayton Board of Trustees  
May 24<sup>th</sup>, 2021**

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There was a scheduled Regular Meeting by video conference meeting with "GOTOMEETING APP" due to the COVID-19 Virus, with the Board of Trustees of the Village of Clayton on Monday May 24<sup>th</sup>, at 5:30 p.m. The meeting may be viewed online at [www.villageofclayton.com](http://www.villageofclayton.com) and a transcript is attached to these minutes.

***PRESENT:***

Norma Zimmer, Mayor  
Nancy L. Hyde, Deputy Mayor/Trustee  
Jeremy Kellogg, Trustee  
Joe Chrisman, Trustee  
Joanne Lenhard-Boye, Village Clerk/Deputy Treasurer  
Alicia Dewey, Treasurer/Deputy Clerk  
Terry Jones, DPW Supervisor

***ABSENT:***

Kevin Patenaude, Chief of Police

***MAYOR'S ACTIONS:***

1. Mayor Zimmer opened the meeting at 5:30pm.

***VISITOR:***

*John Condino, Senior Project Manager, Barton&Loguidice*

1. Resolution 2020-10 – SEQR for FEMA Bond Resolution

**RESOLUTION NO. 2020-10**

**Proposed Action: Village of Clayton Flood Damage Shoreline Stabilization**

**RESOLUTION DECLARING THAT THE PROPOSED ACTION QUALIFIES  
AS A TYPE II ACTION AND IS NOT SUBJECT TO FURTHER REVIEW  
UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT**

**WHEREAS**, the Village of Clayton (Village) is proposing the Village of Clayton Flood Damage Shoreline Stabilization Project (Project), located in the Village of Clayton, Jefferson County, New York; and

**WHEREAS**, a portion of the Riverwalk retaining wall and the adjacent Village Dock at Veteran's Memorial Park sustained significant damages during a storm event on October 31, 2019; and

**WHEREAS**, the Project involves the replacement of approximately 68 linear feet of the existing Riverwalk to its pre-disaster condition and replacement of the Village Dock along its original alignment; and

**WHEREAS**, the Project is classified as a "Type II Action" as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.5;

**WHEREAS**, the Project qualifies as a Type II action under 6 NYCRR

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Part 617.5(c)(2): "rehabilitation, or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part"; and

**WHEREAS**, the Project does not meet or exceed any of the thresholds established in section 617.4; and

**WHEREAS**, actions defined in 617.5(c) are not subject to environmental review under the SEQRA;

**NOW, THEREFORE, BE IT**

**RESOLVED AND DETERMINED**, that the proposed Project qualifies as a Type II action under SEQRA; and it is further

**RESOLVED**, that no further environmental review under SEQRA is required for the Project.

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

|                   |     |
|-------------------|-----|
| Mayor Zimmer      | yes |
| Deputy Mayor Hyde | yes |
| Trustee Kellogg   | yes |
| Trustee Chrisman  | yes |
| Trustee Buker     | yes |

The foregoing resolution was thereupon declared duly adopted.

2. Resolution 2020-11 - Bond Resolution -

**2021-11 BOND RESOLUTION**

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

**BOND RESOLUTION DATED MAY 24, 2021**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OR A STATUTORY INSTALLMENT BOND OF THE VILLAGE OF CLAYTON IN AN AMOUNT NOT TO EXCEED \$1,600,000 THE PROCEEDS OF WHICH ARE TO BE USED FOR STRUCTURAL REPLACEMENT AND IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE RIVERWALK RETAINING WALL, VILLAGE DOCK/WAVE ATTENUATOR, MARY STREET DOCK AND VETERAN'S MEMORIAL PARK.**

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

Section 1. The structural improvements and replacements including, but not limited to the Riverwalk Retaining Wall, the Village Dock/Wave Attenuator, Mary Street Dock, and Veteran's Memorial Park, 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 \$1,600,000.

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 \$1,600,000 and/or grant funding under the Federal Emergency Management Agency (FEMA) of up to \$1,400,000 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 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 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.

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 | yes |
| Trustee Hyde     | Voting | yes |
| Trustee Kellogg  | Voting | yes |
| Trustee Chrisman | Voting | yes |
| Trustee Buker    | Voting | yes |

The resolution was thereupon declared duly adopted.

*Matt Cooper, Barton&Loguidice P.E*

1. Matt Cooper announced the bid awards for the Wastewater Treatment Plant and Collection System Improvements.

Resolution 2020-12 – Notice of Awards WWTP Improvement Projects

**RESOLUTION 2021-12  
VILLAGE OF CLAYTON**

**RESOLUTION AUTHORIZING THE AWARD OF  
CONTRACT NO. 1A – GENERAL CONSTRUCTION  
CONTRACT NO. 1B – MECHANICAL CONSTRUCTION  
CONTRACT NO. 1C – ELECTRICAL CONSTRUCTION  
CONTRACT NO. 2 – SEWER FORCE MAIN CONSTRUCTION  
FOR THE VILLAGE OF CLAYTON  
WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM IMPROVEMENTS  
PROJECT**

At a regular meeting of the Village Board of Trustees of the Village of Clayton, held on May 24, 2021, the following resolution was adopted by the Village Board of Trustees.

**WHEREAS**, the Village of Clayton (Village) is the owner of the Village of Clayton Wastewater Treatment and Collection System Improvements Project (“Project”); and

**WHEREAS**, pursuant to New York State Municipal Law, bids for Contract No. 1A - General Construction; Contract No. 1B – Mechanical Construction; Contract No. 1C – Electrical Construction; Contract No. 2 – Sewer Force Main Construction were received, publicly opened and read aloud on May 14, 2021 at the Village of Clayton Village Office.

**WHEREAS**, the Village’s Engineering Consultant, Barton & Loguidice, D.P.C. (B&L), tabulated and analyzed the bids received, and John R. Dudley Construction Inc., ENI Mechanical Inc., S.C. Spencer Electric Inc., and North Country Contractors LLC submitted the lowest bid(s) for Contracts No. 1A, Contract No. 1B, Contract No. 1C, and Contract No. 2, respectively.

**WHEREAS**, B&L provided a letter to the Village for all four (4) contracts of the Village of Clayton Wastewater Treatment Plant and Improvements Project which takes no exception to the Village awarding; Contract No. 1A to John R. Dudley Construction Inc. for the amount \$6,127,000.00; Contract No. 1B to ENI Mechanical Inc. for the amount of \$233,880.00; Contract No. 1C to S.C. Spencer Electric Inc. for the amount of \$884,900.00; and Contract No. 2 to North Country Contractors LLC for the amount of \$624,999.00.

**NOW, THEREFORE, BE IT RESOLVED** that based on the review of bids by B&L, the Village of Clayton Board of Trustees hereby awards; Contract No. 1A – General Construction of the Village of Clayton Wastewater Treatment and Collection System Improvements Project to John R. Dudley Construction Inc. in the amount \$6,127,000.00; Contract No. 1B – Mechanical Construction of the Village of Clayton Wastewater Treatment and Collection System Improvements Project to ENI Mechanical Inc. in the amount \$233,880.00; Contract No. 1C – Electrical Construction of the Village of Clayton Wastewater Treatment and Collection System Improvements Project to S.C. Spencer Electric Inc.

in the amount \$884,900.00; Contract No. 2 – Sewer Force Main Construction of the Village of Clayton Wastewater Treatment and Collection System Improvements Project to North Country Contractors LLC. in the amount \$624,999.00;

**BE IT FURTHER RESOLVED**, that Mayor of the Village of Clayton be authorized to execute agreements for all four contacts with the above stated lowest bidders, subject to the submission of bonds and insurances by the lowest bidders and the review and acceptance of agreements, bonds, and insurances by the Village attorney and all agencies providing funding for the Project.

**WHEREFORE**, the foregoing Resolution was put to a vote of the members of the Board of Trustees of the Village of Clayton by a motion from Trustee Hyde and seconded by Trustee Chrisman on May 24, 2021, the result of which vote was as follows:

|                   |     |
|-------------------|-----|
| Mayor Zimmer      | yes |
| Deputy Mayor Hyde | yes |
| Trustee Kellogg   | yes |
| Trustee Chrisman  | yes |
| Trustee Buker     | yes |

The resolution was thereupon declared duly adopted.

***POLICE:***

*Kevin Patenaude, Chief of Police*

Submitted his activity report. This report is filed at the Village Clerk's office.

1. New Hire for Parking Attendant – Pat Youngs start date May 24<sup>th</sup> at \$12.50/hr

***Trustee Hyde made MOTION to approve new hire as presented; Trustee Chrisman seconded, all in favor; motion carried.***

***DPW:***

*Terry Jones, DPW Superintendent*

1. Presented his activity report to the Board
2. Mary St. and Riverside dock schedules – was presented to the Board
3. Mary Street condition of sidewalk – Letter will be sent to owner regarding complaint on sidewalk

***WATER/WASTEWATER:***

*Thomas Haynes, DANC*

1. Presented his monthly report to the Board

***CONSENT AGENDA:***

1. DRAFT Meeting Minutes May 10<sup>th</sup>, 2021
2. Payroll (P/R #24) 4/01/2021 to 04/14/2021 \$30,124.98
3. Abstract -05/24/2021 \$ 23,359.05

|              |             |
|--------------|-------------|
| General Fund | \$ 7,406.69 |
| Water Fund   | \$ 7,445.99 |
| Sewer Fund   | \$ 8,506.37 |

***Trustee Hyde made MOTION to approve items 1-3 as presented. Trustee Kellogg seconded, all in favor; motion carried.***

**4. CAPITAL PROJECTS:**

| <b><i>CAPITAL PROJECT'S</i></b>                  | <b><i>INVOICE</i></b> | <b><i>AMOUNT</i></b>     |
|--|-----------------------|--------------------------|
| <b><i>031- WWTP IMPROVEMENTS</i></b>             | <b><i>TOTAL</i></b>   | <b><i>\$2,043.50</i></b> |
| <i>DANC – Tech Serv 03/22/2021 to 04/30/2021</i> | <i>098929</i>         | <i>\$2,043.50</i>        |
| <b><i>032 – REDI (DOCK &amp; RIVERWALK)</i></b>  | <b><i>TOTAL</i></b>   | <b><i>\$2,889.00</i></b> |
| <i>DANC – Tech Serv 03/22/2021 to 04/30/2021</i> | <i>098934</i>         | <i>\$2,889.00</i>        |

*Trustee Hyde made MOTION to approve item #4 as presented. Trustee Kellogg seconded, all in favor; motion carried.*

**OLD BUSINESS:**

1. 708 Riverside Drive – Mayor Zimmer informed the Board that she will have Joanne Village Clerk, send out a letter in response to their request to have the village help pay for retaining wall.

**NEW BUSINESS:**

1. 2021-2022 CLDC Local Economic Agreement

*Trustee Hyde made MOTION to approve the CLDC Economic agreement as presented; Trustee Buker seconded, all in favor; motion carried.*

2. 2021-2022 CLDC Grant Writing Agreement

*Trustee Hyde made MOTION to approve the CLDC Grant Writing agreement as presented; Trustee Chrisman seconded, all in favor; motion carried.*

3. 2021-2022 Chamber of Commerce Agreement

*Trustee Hyde made MOTION to approve the Chamber of Commerce agreement as presented; Trustee Chrisman seconded, all in favor; motion carried.*

4. Alternate Planning Board Position

*Trustee Hyde made MOTION to approve Ed Higgins as the Alternate Planning Board member; Trustee Buker seconded, all in favor; motion carried.*

5. Bond Counsel Agreement

*Trustee Kellogg made MOTION to approve Bond Counsel agreement as presented; Trustee Chrisman seconded, all in favor; motion carried.*

6. Town Occupancy Tax Agreement letter – Mayor discussed this letter with the Board.

7. United States Flag Protocol Village Policy – The Board discussed whether or not to amend the Flag policy for the Village. The amendment would be to have only the American flag and Canadian flag fly on the pole at Frink Park. There was no decision made and will be discussed in future meetings.

**MAYOR'S REPORT:**

1. 150<sup>th</sup> update – Meeting June 21<sup>st</sup>, 2021 @ Fire Station – Mayor Zimmer gave an update to the Board on this meeting. She said at least 40 people attended the meeting to plan the Clayton village 150<sup>th</sup> year celebration that will take place in 2022. The planning meetings are open to the public and held on the third Monday of each month at the Clayton fire station, beginning at 5:30pm.

**PUBLIC COMMENTS:**

Resident Paul Luck spoke for the Clayton Financial Oversight Group to ask the village to create a fund balance policy for its water and sewer departments.

***EXECUTIVE SESSION:***

1. *Purpose:* *discussions regarding proposed, legal matters.*

Trustee Chrisman presented a **MOTION** to enter Executive session at 6:45p.m. Trustee Hyde seconded; all in favor motion was carried.

Trustee Hyde presented a **MOTION** to close Executive Session at 6:55p.m. Trustee Chrisman seconded; all in favor, motion was carried.

***ADJOURNMENT:***

Trustee Buker presented a **MOTION** to adjourn the meeting at 6:56p.m. Trustee Hyde seconded; all in favor motion was carried.

Respectfully,

Joanne Lenhard-Boye