

There was a regular meeting of the Board of Trustees of the Village of Clayton on Monday August 9th, 2021 at 5:30 p.m.

PRESENT:

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

ABSENT:

John Buker, Trustee
Kevin Patenaude, Chief of Police

Village of Clayton CEO, and Board members met with Attorney Slye at 4:30pm at the Municipal Building, regarding Union Street issues.

“The board voted to go into executive session to consult with the attorney about the legal implications on Union Street issues. The executive session began at 4:35 and ended at 5:30 pm“.

Pledge of Allegiance/Call to Order:

Mayor Norma Zimmer led the Pledge of Allegiance and closed the executive meeting at 5:30pm and opened the regular meeting at 5:31 p.m.

VISITOR:

John Condino, Senior Project Manager Barton & Loguidice

1. Update on the REDI and FEMA projects – John gave updates on projects purposed to repair a section of the Riverwalk at the end of John Street and also the grant that would help rebuild the Mary Street public docks. He informed the Board that bids are ready to go out for these projects.
2. Board approval to advertise for bids – Asked for Board’s approval to advertise for bids.
Trustee Hyde made the **MOTION** for Barton & Loguidice to move forward to advertise for bids for the REDI and FEMA projects; Trustee Kellogg seconded all were in favor, motion carried.

REQUEST TO BE ON AGENDA:

1. Paul Luck – Fund balance policies follow up, other financial matters - Paul Luck read the concerns and requests from the Clayton Financial Oversight Group to the Board. This will be on file at the Village Clerk’s office and attached to the meeting minutes.

POLICE:

Kevin Patenaude, Chief of Police

1. Activity Report submitted for this meeting. This report is filed at the Village Clerks office

DPW:

Terry Jones, DPW Superintendent

1. Activity Report was presented to the Board. This report is filed at the Village Clerks office. Terry Jones noted that there was another red flag on the Washington Island Bridge. He was able to reduce this to a yellow flag with some work he had done to the bridge. He has reached out to Robert Cantwell County Legislator to ask for his support for the Bridge New York grant in hopes of replacing the Washington Island Bridge.
2. Town of Clayton Fuel Bid – The Board agreed to participate with the Town with the fuel bid again this year.
3. Mayor Zimmer asked Terry Jones if Anthony Ingerson could use the band stand August 15th. Board approved for Anthony Ingerson to use the band stand on August 15th, 2021.

WATER/WASTEWATER:

Thomas Haynes, WWTP Supervisor – DANC

1. Change order 8 Historic Dist. Project – This change order is in the amount of \$3,047.50 for tree stump removal on Hugunin Street.
Trustee Hyde made **MOTION** to approve change order 8, Trustee Kellogg seconded, all in favor motion was carried.
2. Generator Service – Thomas asked approval from the Board to go with the lowest bid for generator service, Kinsley came in with the lowest bid of \$6,095.00.
Trustee Hyde made **MOTION** to approve Kinsley for the Generator Service for the Water/Sewer department; Trustee Chrisman seconded, all were in favor motion carried.
3. Water Sewer account 546-1 - request from home owner to have sewer fees waived as the water did not actually enter the sewer system. After discussion with the Board, the Board decided not to waive any sewer fees.
Trustee Hyde made **MOTION** not to waive sewer fees for account 546-1, Trustee Chrisman seconded, all were in favor motion carried.
4. David Fish was at the meeting to discuss his concern on how high his water/sewer bill was for this period. The Board heard his concerns and gave permission for Thomas Haynes, to put another new meter in for him. The Board would discuss his water/sewer bill and have an answer for him by the next regular board meeting.

CONSENT AGENDA:

1. DRAFT Meeting Minutes July 26th, 2021
 2. Payroll (P/R #3) 6/10/2021 to 06/23/2021 \$33,659.85
 3. Payroll (P/R #4) 06/24/2021 to 07/07/2021 \$33,844.52
 4. Prepay Abstract – 08/04/2021 \$11,063.08
 5. Abstract – 08/09/2021 \$48,949.74
- | | |
|--------------|-------------|
| General Fund | \$15,455.61 |
| Water Fund | \$13,072.68 |
| Sewer Fund | \$20,421.45 |

Trustee Chrisman made the **MOTION** to approve the consent agenda 1-5 as presented. Trustee Kellogg seconded, all in favor; motion carried.

6. CAPITAL PROJECTS:

CAPITAL PROJECT	INVOICE #	AMOUNT
029-HISTORIC DIST PROJ	TOTAL	\$68.00
<i>Barclay Damon- Prof services thru July 2021</i>	5132072	\$68.00
030-INFILTRATION & INFLOW PROJ	TOTAL	\$2000.00
<i>Barton & Loguidice Services thru July 24th, 2021</i>	119141	\$2000.00
031-WWTP SEWER IMPROVEMENTS	TOTAL	\$7768.45
<i>Barclay Damon- Prof services thru July 29th, 2021</i>	5132057	\$380.00
<i>Barton & Loguidice Services thru July 24th, 2021</i>	119126	\$7,388.45
032-REDI IMPROVEMENT PROJ	TOTAL	\$108,625.37
<i>DANC – Tech Serv from June 28/2021 to 07/09/2021</i>	109789	\$330.00
<i>Barton & Loguidice Services thru May 22nd, 2021</i>	118189	\$36,119.90
<i>Barton & Loguidice Services thru June 26th, 2021</i>	118754	\$72,175.47

Trustee Hyde made the **MOTION** to approve the capital projects agenda item #6 as presented. Trustee Kellogg seconded, all in favor; motion carried.

NEW BUSINESS:

1. Introduce new Local Law No. 2 2021 – Cannabis Law 131 opting out. Village Clerk introduced and read aloud Local Law No. 2 2021 to the Village Board. This Local Law will be available in the Village Clerk’s office. The Board set a public hearing for this local law for August 23rd, 2021 at the Municipal Building starting at 5:30pm.
2. Resolution 2021-15 – Village Clerk announced to the Board that the Annual Audit of Village Justice was completed on August 5th, 2021 and requested the Board to adopt resolution 2021-15.

RESOLUTION NO. 2021-15

VILLAGE OF CLAYTON

A RESOLUTION TO CERTIFY EXAMINATION AND AUDIT OF VILLAGE JUSTICES 2020-2021 MONTHLY REPORTS AND ACCOUNT BOOKS

DATED: August 9, 2021

Title: A resolution to certify examination and audit of Village Justices 2020-2021 monthly reports and account books.

At a regular meeting of the Village Board of the Village of Clayton, Jefferson County, New York, held on the 09th day of August, 2021, at 5:30 p.m. prevailing time:

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

WHEREAS, in accordance with Section 2019-a of the Uniform Justice Court Act, a yearly audit is required of the Village of Clayton Justices, and

WHEREAS, the Village Board of the Village of Clayton wishes to comply with such auditing procedures,

NOW THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Clayton, Jefferson County, New York, hereby certifies that they have examined the foregoing 2020-2021 account books and audited the monthly reports of the Village Justice the Hon. William Ramseier and Hon. Walter M. Jeram Jr.

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

Norma Zimmer, Mayor	yes
Nancy Hyde, Deputy Mayor	yes
Jeremy Kellogg, Trustee	yes
Joe Chrisman, Trustee	yes
John Buker, Trustee	absent

DRI Resolution – The Village of Clayton is applying for a \$10 million NYS Downtown Revitalization Initiative (DRI) grant. This will be the fifth round offered by the state for this grant. Norma Zimmer invited any of the Board members to participate in the committee formed to brainstorm the types of projects that could improve the downtown area. This application must be received by September 15th, 2021. The Board voted on the following resolution.

**RESOLUTION 2021-16
RESOLUTION IN SUPPORT OF
NEW YORK STATE DOWNTOWN REVITALIZATION INITIATIVE GRANT
APPLICATION
FOR THE VILLAGE OF CLAYTON**

WHEREAS, the New York State Downtown Revitalization Initiative is a comprehensive approach to boosting local economies by transforming communities into vibrant neighborhoods, and

WHEREAS, a notice of funding availability for the 2021 New York State Downtown Revitalization Initiative for was announced for the current round of funding with a submission deadline of September 15, 2021, and

WHEREAS, the 2021 New York State Downtown Revitalization Initiative will invest \$200 million in up to 20 downtown neighborhoods across New York State; two downtown neighborhoods in each of the state's 10 regions economic development regions can receive \$10 million awards, and

WHEREAS, the Clayton Local Development Corporation has been working since 2019 to develop a list of possible projects for a competitive application to the New York State Downtown Revitalization Initiative, and

WHEREAS, if awarded, a Local Planning Committee comprised of local stakeholders to oversee the development of a strategic plan for the revitalization of the downtown will be formed and will work with New York State appointed consultants to develop a strategic investment plan which will identify and fund variety of projects as part of the Downtown Revitalization Initiative, and

WHEREAS, this funding would benefit the Village of Clayton by funding projects that are of economic benefit to the community, and

WHEREAS, the Village of Clayton board of Trustees fully supports the proposed funding application.

NOW, THEREFORE, BE IT RESOLVED:

That Mayor Norma Zimmer, as Mayor of the Village of Clayton, is hereby authorized to file a New York State Downtown Revitalization Application in the amount of \$10,000,000 and is authorized to execute all contracts, documents, and instruments necessary to submit said application.

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 Kellogg on August 9th, 2021, the result of which vote was as follows:

Mayor Zimmer	yes
Deputy Mayor Hyde	yes
Trustee Kellogg	<u>yes</u>
Trustee Chrisman	yes
Trustee Buker	absent

3. Town of Clayton asked the Village Board to approve the town appointment of Ron Duford as Planning Board Alternate.

Trustee Kellogg made **MOTION** to approve the town appointment of Ron Duford as Planning Board Alternate, Trustee Chrisman seconded, all were in favor motion carried.

CLERK:

1. Board approval to hire Amanda Cantwell as Deputy Clerk at \$18.00/hr., starting August 23rd, 2021

Trustee Hyde made the **MOTION** to approve hiring Amanda Cantwell as Deputy Clerk, rate of pay starting at \$18.00/hr., start date August 23rd, 2021; Trustee Kellogg second the motion, all were in favor motion carried.

2. Library Grant – Trustee Hyde made a **MOTION** to approve a letter be given to the Hawn memorial library to apply for a construction grant to make changes to the building, with the oversight of our DPW department; Trustee Kellogg seconded, all in favor motion carried.

ADJOURNMENT: Trustee Hyde presented a **MOTION** to adjourn the meeting at 6:38 p.m. Trustee Kellogg seconded; all in favor motion was carried.

Respectfully,

Joanne Lenhard-Boye, Village Clerk/Deputy Treasurer

Thank you providing this time on the (August 9, 2021,) Agenda. I (Paul Luck) am presenting the following as the spokesperson for Clayton Financial Oversight Group and will provide each of you a copy via email.

- 1) Clayton Financial Oversight Group requested in January Fund Balance Policies for the General, Water and Sewer Funds. The only policy that was adopted was for the General Fund.

In May, we requested again that policies be developed for Water and Sewer Funds. The specific questions posed at that time were: whether the Village will 1) establish documented, detailed reserves for those funds thus reducing unassigned balances, 2) end the practice of paying bills directly from reserves and 3) adopt and monitor Fund Balance Policies for Water and Sewer Funds. We ask, again, for responses to these questions.

Over the last seven months, there has been no discussion of these requests of any sort at any public meetings. *So, we are forced to raise these issues again, ask for a reply and ask a new question: How does the public engage with the Board?* We understand Freedom of Information Law (FOIL) is the preferred method of engagement but FOIL does not work in matters of questions which typically are resolved by engaging in a dialogue.

We remind you that many of you were elected on the catchwords of transparency and fiscal responsibility. Allowing a Public Comment section or being added to the agenda is a waste of everyone's time if nothing comes of the input or questions.

- 2) Clayton Financial Oversight Group performed a fund balance roll-forward for the General, Water and Sewer Funds. This analysis shows that \$553k of cash has been transferred into the General Fund. \$138k was taken from the Water Fund and \$379k taken from the Sewer Fund. \$36k is unaccounted for. Transfers between any funds should be approved in advance by the Board. However, the Sewer Fund is a "restricted" fund; any transfers require special Board authorization to comply with NYS regulation.

\$553k represents 42% of the General Fund balance of \$1.3 million. The Sewer Fund and Water Fund were reduced by 35% and 9%, respectively.

We do not recall any motions to make these cash transfers nor were the transfers reflected in the Income Statement as standard accounting practices dictate.

Freedom of Information Law typically covers requests for existing documents and, as such, is not geared for issues of this nature, i.e., questions, in this case, on the movement of cash into and out of various funds. We understand the Village may be making closing entries as part of the fiscal year-end process; however, these adjustments are all always non-cash in nature.

Therefore, we ask the Board to respond in writing, at the August 23, 2021, meeting, by providing the reasons, the specific support for the movement of this substantial amount of cash and copies of the motions and vote of who approved them.

Village of Clayton - Fund Balance Rollforward FY2020 to FY2021

	<u>FY2020</u>	<u>FY2021</u>
	<u>per AUD</u>	<u>per VoC</u>
	<u>Rollforward</u>	<u>reporting</u>
<u>General</u>		
A917 Assigned Unappropriated Fund Balance	328,249	1,296,766
	328,249	1,296,766
Revenue		2,301,980
Expenditures		<u>1,886,205</u>
Income/(Loss)		415,775
Rollforward Fund Balance		
Beginning per AUD	328,249	
Income/(Loss)		<u>415,775</u>
Expected Ending		744,024
Actual Ending per VoC reporting		1,296,766
Expected Better/(Worse) vs. Reported		<u>552,742</u>
<u>Water</u>		
FX878 Capital Reserve	459,290	459,571
FX915 Assigned Unappropriated Fund Balance	<u>880,245</u>	<u>891,437</u>
	1,339,535	1,351,008
Revenue		670,606
Expenditures		<u>521,297</u>
Income/(Loss)		149,309
Rollforward Fund Balance		
Beginning per AUD	1,339,535	
Income/(Loss)		<u>149,309</u>
Expected Ending		1,488,844
Actual Ending per VoC reporting		1,351,008
Expected Better/(Worse) vs. Reported		<u>(137,836)</u>
<u>Sewer</u>		
G882 Reserve for Repairs	484,280	484,560
G915 Assigned Unappropriated Fund Balance	<u>515,420</u>	<u>208,736</u>
	999,700	693,296
Revenue		1,032,877
Expenditures		<u>960,595</u>
Income/(Loss)		72,282
Rollforward Fund Balance		
Beginning per AUD	999,700	
Income/(Loss)		<u>72,282</u>
Expected Ending		1,071,982
Actual Ending per VoC reporting		693,296
Expected Better/(Worse) vs. Reported		<u>(378,686)</u>
Net B/(W) all funds - unexplained		<u>36,220</u>