

There was a Regular & Public Hearing meeting of the Board of Trustees of the Village of Clayton on Monday April 10th, 2023, at 5:30 p.m.

PRESENT:

Norma Zimmer, Mayor
Nancy L. Hyde, Deputy Mayor
John Buker, Trustee
Allen Heberling, Trustee
Joanne Lenhard-Boye, Village Clerk
Amanda Cantwell, Treasurer
Terry Jones, DPW Supervisor

ABSENT:

Tony Randazzo, Trustee
Kevin Patenaude, Chief of Police
Thomas Haynes, WWTP Supervisor, DANC
Jefferey Mosher, WWTP Supervisor, DANC

Pledge of Allegiance/Call to Order:

Mayor Zimmer led the Pledge of Allegiance and opened the Public Hearing at 5:30 p.m.

Mayor Zimmer introduced Amanda Cantwell as Village Treasurer.

PUBLIC HEARING (5:30 p.m.):

1. *Local Law #1 of 2023 – Tax Levy Limit Override* - Village Clerk read Local Law No. 1. There were no public comments on this matter.
2. *VOC Tentative Budget 2022-2023* – Mayor Zimmer asked the public if anyone wanted to speak on this matter. Paul Luck, who is a resident of The Village of Clayton spoke to the Board regarding his concerns with the preliminary budget. These concerns will be filed with the final minutes.

There being no further comments from the public Mayor Zimmer closed the Public Hearing at 5:40 p.m.

REQUEST TO BE ON AGENDA:

1. Justin Taylor, Member of Town of Clayton Fire Department discussed and requested that the Village opt-in for the Village of Clayton to provide a 10% property tax exemption to volunteer firefighters and volunteer ambulance workers (L 2022, ch 670, § 1). He believes that this law was introduced by the State to encourage more volunteerism. Volunteers who have had their positions for at least two years and are property owners within the village would qualify.

The law took effect immediately and can be implemented by all local governments. Real Property Tax Law § 466-a allows for an exemption of up to 10% of the assessed valuation of the primary residence of volunteer firefighters and/or volunteer ambulance workers. The law allows each entity of local government (e.g., county legislature, city council, school board, town board, village board, board of fire commissioners) to adopt a local law opting into the exemption.

Notably, the new law also provides that the property tax exemption becomes permanent to the volunteer firefighter/ambulance worker homeowner after 20 years of service so long as

the residence remains the volunteer's primary residence. The law also allows localities to extend this tax exemption for the lifetime of a surviving, un-remarried spouse of a deceased volunteer. For this exemption to apply to an un-remarried spouse, the deceased volunteer must have served for at least 20 years and received the exemption for the subject property prior to his or her death. In the event of a line-of-duty death of a volunteer, an un-remarried spouse is eligible to have the partial tax exemption remain so long as the deceased volunteer was an enrolled member of a volunteer fire company or ambulance service for at least five years and, as above, received the exemption for such property prior to the line-of-duty death.

The Board had some questions for Justin and then decided to take this into consideration and introduce the local law at another meeting.

POLICE:

Kevin Patenaude, Chief of Police

1. *Activity Report* - was submitted to Board. This report is filed at the Village Clerks office.

DPW:

Terry Jones, DPW Superintendent

1. *Activity Report* – was presented to Board. This report is filed at the Village Clerks office. Terry also mentioned to the Board that he has his crew training for the mandatory Mining, Safety and Health Administration training at J.C.C on May 19th and May 20th. He explained that he will send 3 different employees each day so that the Village still has two employees available for daily duties. The Board had a few questions for Terry, one being about the opening of the Mary Street Dock. Terry commented that the dock looks great and should be all set to open by Memorial Day Weekend, however the wave attenuator near Riverside Drive and the large floating dock may not be in place until the beginning of July, but the floating docks at Rotary Park will be available.

Trustee Hyde made **MOTION** to approve the consent agenda **1-4**; Trustee Heberling seconded; all were in favor motion carried.

CONSENT AGENDA: (Motion)

1. DRAFT Meeting Minutes March 27th, 2023
2. Payroll (P/R #22) 03/02/2023 to 03/15/2023 \$ 36,709.63
3. Audited Prepay Abstract -04/04/2023 \$ 847.13
4. Audited Abstract -04/10/2023
 - General Fund \$ 11,331.83
 - Water Fund \$ 6,307.79
 - Sewer Fund \$ 19,007.53
5. Audited Capital Projects: \$202,422.64

Trustee Hyde made the **MOTION** to approve audited abstract item **#5** Capital Projects as presented; Trustee Heberling seconded, all in favor; motion carried.

OLD BUSINESS:

1. *Resolution 2023-05* – Trustee Buker made **MOTION** to offer resolution 2023-05 – A Resolution that the Village of Clayton intends to take over the proposed infrastructure to support the construction of the residential subdivision off from James Street; Trustee Hyde seconded.

RESOLUTION 2023-05

Resolution that the Village of Clayton intends to take over the proposed infrastructure to support the construction of the residential subdivision off from James Street

The foregoing Resolution was offered by Trustee Buker, and seconded by Trustee Hyde,

WHEREAS, tax map number 20.63-1-20.1 owned by French Creek Properties, LLC is proposed to create a 22-lot subdivision for Residential development.

WHEREAS, the developer plans to install sanitary sewers, a pump station, storm sewer and a water main throughout the park within the ROW & Easements which is intended to be taken over by the Village once installed with the following conditions:

*The infrastructure will be installed meeting Village specifications and as approved by the Village Engineer, DPW, DANC, DEC, and DOH

WHEREAS, once construction is complete and infrastructure is inspected and accepted by the Village and Village Engineer the Village will assume ownership and maintenance duties of the infrastructure (not including the road).

NOW, THEREFORE, BE IT RESOLVED by the Village of Clayton's Board of Trustees that the proposed utility infrastructure is intended to be taken over by the Village of the above referenced Development.

Upon a roll call vote of the Board of Trustees of The Village of Clayton was duly adopted as follows.

Mayor Zimmer	Voting	yes
Deputy Mayor Hyde	Voting	yes
Trustee Randazzo	Voting	absent
Trustee Hebreling	Voting	yes
Trustee Buker	Voting	yes

NEW BUSINESS:

1. SEQR for Local Law No. 1 - Trustee Hyde made **MOTION** to approve the short-form SEQR for Local Law No. 1 of 2023 Tax Levy Limit Override which declared a Negative Declaration to the community; Trustee Buker seconded; all were in favor motion carried.
2. Resolution 2023-03 – To Adopt Local Law #1- 2023 Override Tax Levy

RESOLUTION #2023-03

Local Law No. 1 Override Tax levy limit for Fiscal Year 2023-2024

The foregoing Resolution no. 2023-03 was offered by Trustee Hyde, and seconded by Trustee Buker

WHEREAS, Local Law No. 1 of the year 2023, a local law to override the tax levy limit established in General Municipal Law §3-c; and

WHEREAS, notice of the Public Hearing was duly published in the official newspaper for the Village of Clayton as required by law, and

WHEREAS, on April 10th, 2023, at 5:30 p.m., a Public Hearing was duly held at the Municipal Building at 425 Mary Street, Clayton, New York, and all persons interested in the subject of Local Law No. 1 of the year 2023 were provided an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Clayton that Local Law No.1 of the year 2023, a local law to override the tax levy limit established in General Municipal Law §3-c, is hereby deemed adopted and approved, effective upon filing with the Department of State as required by the provisions of the Municipal Home Rule Law.

The Clerk is hereby directed to file a certified copy of Local Law No. 1 of the year 2023 with the Office of the Secretary of State as required by Section 27 of the Municipal Home Rule Law.

Upon a roll call vote of the Board of Trustees was duly adopted as follows:

Mayor Zimmer	Voting	yes
Deputy Mayor Hyde	Voting	yes
Trustee Randazzo	Voting	absent
Trustee Heberling	Voting	yes
Trustee Buker	Voting	yes

3. Resolution 2023-06 – NYCLASS Municipal Cooperation

RESOLUTION 2023-06
Municipal Cooperation Resolution

The foregoing Resolution was offered by Trustee Buker, and seconded by Trustee Hyde,

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis;

WHEREAS the Village of Clayton wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019;

WHEREAS the Village of Clayton wishes to satisfy the safety and liquidity needs of their funds;

Now, therefore, it is hereby resolved as follows:

That Amanda Cantwell, Treasurer/Deputy Clerk of Village of Clayton is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019.

Upon a roll call vote of the Board of Trustees was duly adopted as follows:

Mayor Zimmer	Voting	yes
Deputy Mayor Hyde	Voting	yes
Trustee Randazzo	Voting	absent
Trustee Heberling	Voting	yes
Trustee Buker	Voting	yes

4. Cowbell Cyber Insurance renewal 2023-2024 – Trustee Hyde made MOTION to approve the annual renewal for Cyber Insurance for the period of 05/31/2023 to 05/31/2024 in the amount of \$2,297.00; Trustee Heberling seconded; all were in favor motion carried.
5. Low Lift Bartlett Point Apartment Lease – Trustee Hye made **MOTION** to approve the new annual lease for the low lift apartment located at 113 Bartlett Point Road in Clayton for the term date of 06/01/2023 to 05/31/2024 for a monthly rate of \$1,300.00; Trustee Buker seconded; all were in favor, motion carried.
6. iTouch Biometrics – Quote for Live Police Scanner – Trustee Hyde made **MOTION** to approve the police department to purchase a new police scanner as stated in the quote from iTouch Biometrics for \$23,970.00 and to transfer money from line item A3120.100 to A3120.200 from FY 2023 budget; Trustee Buker seconded; all were in favor motion carried.

CLERK:

1. Lori Arnot – Request to use the Municipal Building for Dance of all age groups- May 12th, 2023 from 4pm to 8:30pm. Board approved.
2. Amend Meeting Minutes 02/27/23, page 4 request to be on agenda (Tracy Brabant Village resident requested the Board look at amending Zoning Code § 132-80.
Trustee Hyde made **MOTION** to amend the above meeting minutes; Trustee Buker seconded, all in favor; motion carried.

MAYOR'S COMMENTS:

1. Mayor Zimmer updated the Board regarding a letter that NYCOM sent to the Governor to convey our support for a dedicated funding stream for municipalities that operate their own water and sewer system. Establishing a dedicated funding source will ensure that our public water system are both safe and reliable without having to compete for limited resources or add to the property tax burden.

ADJOURNMENT:

Trustee Hyde presented a **MOTION** to adjourn the regular meeting at 6:45 p.m. Trustee Buker seconded; all in favor motion carried.

Respectfully,

Joanne Lenhard-Boye, Village Clerk