

**Regular Village Meeting
Village of Clayton Board of Trustees
August 22nd, 2022**

Page 1 of 6

There was a Regular meeting of the Board of Trustees of the Village of Clayton on Monday August 22nd, 2022, at 5:30 p.m.

PRESENT:

Norma Zimmer, Mayor
Nancy L. Hyde, Deputy Mayor
Joe Chrisman, Trustee
John Buker, Trustee
Tony Randazzo, Trustee
Terry Jones, DPW Supervisor
Thomas Haynes, WWTP Supervisor, DANC
Joanne Lenhard-Boye, Clerk

ABSENT:

Kevin Patenaude, Chief of Police

Pledge of Allegiance/Call to Order:

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

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. Terry Jones updated the Board with his activity report. This report is filed at the Village Clerk's office. Terry informed the Board of 2 major leaks that the Village had this week. Terry was out on vacation and John Farmer and his department did a fantastic job getting these leaks fixed.

Mayor Zimmer shared a letter sent from Debbie Septhon who was the Village Mayor in 2002. She congratulated the Village on their historic 150th celebration. Debbie acknowledged current Mayor Norma Zimmer for her many years of focus, dedication, and hard work that she has given to the community. Debbie also said that just as it takes good leaders to set the tone, it also takes the work of many to implement the daily tasks to make it happen. Debbie congratulated Terry Jones, and Chief Patenaude along with Marshall Green and Erik Dingman for their years of service. The Village looks great and feels safe because of your dedication, well done gentleman.

WATER/WASTEWATER:

Thomas Haynes, WWTP Supervisor – DANC –

1. Monthly report – Thomas gave the Board updates from his monthly report. This report is filed at the Village Clerk's office.
2. Water Application – 39447 Bartlett Point Road – Thomas informed the Board that this parcel was subdivided from one parcel into two parcels. They are asking the Village to allow them to hook up to village water and have two water meters and two service laterals. Village Code 128-5.3 states that no property owner shall allow water to be supplied from his premises to another property except upon special permission. Board discussed in great detail, and decided for further investigation, to table the discussion until the next meeting.
3. Water Application – 14838 East Line Road – Thomas explained to the Board this parcel is technically in the Town of Clayton and not within the Village limits, however this is a different situation. The water main and the curb stop is on the property. This was installed in 1982 as part of a water project, and the past owner agreed to this if he was allowed to hookup to the water main if needed. The Board discussed this situation and decided to agree to let the present owner hookup to the main water line and have the water department install a meter being that this was the agreement when it was installed in 1982 on the property.

Trustee Buker made **MOTION** to allow homeowner at 14838 East Line Road to tie into the water main and have the water/sewer department install a meter, Trustee Hyde seconded, all were in favor, motion carried.

VISITOR'S:

Barton&Loguidice: Dave Powers, Project Engineer

1. Change Order No.1 – Wastewater Treatment and Collection Imp Project – This change order was discussed with the Board. The change order is a decrease from \$5,004,750.00 to \$4,999,750.00. Trustee Hyde made **MOTION** to accept change order No 1 for a decrease of 5,000.00 dollars, Trustee Buker seconded, all were in favor, motion carried.
2. Review SEQR parts 2 and 3 for Water Main and Intake Project. – The Board reviewed the SEQR parts 2 and 3 with Dave Powers and approved.
3. Resolution 2022-13 – Negative declaration for Water Main and Intake Project –

RESOLUTION NO. 2022-13

Proposed Action: Village of Clayton Water Main and Intake Replacement Project

RESOLUTION DETERMINING THAT THE PROPOSED VILLAGE OF CLAYTON WATER MAIN AND INTAKE REPLACEMENT PROJECT IS A TYPE 1 ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

WHEREAS, the Village of Clayton (Village) is proposing the Village of Clayton Water Main and Intake Replacement Project (Project), located in the Village of Clayton, Jefferson County, New York; and

WHEREAS, the Project has been classified as a “Type I Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, the Village of Clayton Village Board sent a letter and Part 1 of a Full Environmental Assessment Form (FEAF) to other potentially “Interested Agencies” and “Involved Agencies” (as these terms are defined in the SEQRA Regulations found at 6 NYCRR Part 617.2), indicating the Village’s desire to serve as the “Lead Agency” (as this quoted term is defined in the SEQRA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and

WHEREAS, responses from Interested and Involved Agencies were requested, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Village of Clayton Village Board serving as Lead Agency for the Project; and

WHEREAS, pursuant to the SEQRA Regulations, the Village of Clayton Village Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, and (b) examining the FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF, together with other available supporting information, to identify the relevant areas of environmental concern:

NOW, THEREFORE, BE IT

RESOLVED that, the Village of Clayton Village Board hereby establishes itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that based upon an examination of the FEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Village’s knowledge of the area surrounding the Project, the Village of Clayton Village Board makes the determination that the Project will not have a significant adverse environmental impact and that the Project will not require the preparation of a Draft Environmental Impact Statement; and

BE IT FURTHER RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA/SERP, the Village of Clayton Village Board, as Lead Agency, hereby directs the Village of Clayton Mayor to sign the FEAF Part 3 – Determination of Significance indicating that a Negative Declaration has been issued for the Project; this Resolution shall take effect immediately and will be properly noticed.

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

Mayor Zimmer	Yes
Trustee Hyde	Yes
Trustee Chrisman	Yes
Trustee Buker	Yes
Trustee Randazzo	Yes

The foregoing resolution was there upon declared duly adopted.

4. Resolution 2022-11 – Bond Resolution for Water Main and Intake Project – Dave Powers recommended that the Board pass the Bond Resolution in order to proceed with various grant applications. The Village Clerk will post this resolution subject to permissive referendum in the TI Sun within 10 days of adopting the resolution.

2022-11 BOND RESOLUTION DATED AUGUST 22, 2022

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OR A STATUTORY INSTALLMENT BOND OF THE VILLAGE OF CLAYTON IN AN AMOUNT NOT TO EXCEED \$8,234,000 THE PROCEEDS OF WHICH ARE TO BE USED FOR THE WATER MAIN AND INTAKE REPLACEMENT PROJECT INCLUDING BUT NOT LIMITED TO THE REPLACEMENT OF ALL EXISTING DETERIORATED DISTRIBUTION MAINS AND DUCTILE IRON PIPE AND INSTALL A NEW HIGH-DENSITY POLYETHYLENE (“HDPE”) WATER INTAKE IN THE ST. LAWRENCE RIVER.

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 for the water main and intake replacement project including, but not limited to the replacement of all existing deteriorated distribution mains and ductile iron pipe and install a new high-density polyethylene (“HDPE”) water intake in the St. Lawrence River 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 \$8,234,000.

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 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 \$8,234,000 as authorized by this resolution. Such serial bonds or statutory installment bond authorization under this resolution shall be offset and reduced dollar for dollar by the amount of any grants or other contributions received in connection with these specific objects or purposes. The proposed maturity of the bonds shall be 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. Provisions shall be made annually in the budget of the Village by appropriation for the amortization and redemption of the bonds to mature in such year and the payment of interest due in such year. Annual taxes and sewer 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. 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	Yes
Trustee Hyde	Yes
Trustee Chrisman	Yes
Trustee Buker	Yes
Trustee Randazzo	Yes

The resolution was thereupon declared duly adopted.

REQUEST TO BE ON AGENDA:

1. **Joe Orobona** – Presentation on Airbnb’s and their impact on communities – Resident Joe Orobona addressed the Board regarding concerns over the lack of regulations for the short-term rental properties in our community. The impacts that Airbnb’s have are decreasing our housing market, hurt existing hotels and motels, noise levels past curfew and parking to name a few. The Village cannot legally ban short term rentals, but municipalities can regulate where they are located and can place restrictions on them. Mayor Zimmer informed Mr. Orobona that the Village Board will be putting together a letter with these concerns and sending to Jefferson County.
2. **Marty Muggleton/Keith Caughlin, Attorney** – 708 Riverside Drive wall. – Resident Mr. Muggleton and his attorney Keith Caughlin came to the meeting to address the Board, and to request that the Village rebuild a large section of a retaining wall that is on his property at 708 Riverside Drive. They both believe that the Village owns this wall. The Muggleton’s family trust would also like some input on the scheduling of work and appearance of the wall. Board members did not acknowledge whether the village owns the area at the wall, and they did not comment to rebuild this wall.

CONSENT AGENDA:

- | | |
|---|----------------------------|
| 1. DRAFT Meeting Minutes August 08 th , 2022 | |
| 2. Payroll (P/R #6) 07/21//2022 to 08/03/2022 | \$ 35,695.80 |
| 3. Teamsters H&H September payment | \$ 12,823.00 |
| 4. Abstract -08/22/2022 | |
| General Fund | \$ 10,870.73 |
| Water Fund | \$ 3,239.59 |
| Sewer Fund | <u>\$ 13,419.48</u> |
| Total | <u>\$ 27,529.80</u> |

Trustee Hyde made **MOTION** to approve items 1-4 from above consent agenda, Trustee Randazzo seconded; all were in favor; motion carried.

5. **Capital Projects** **\$ 32,997.20**

Trustee Hyde made **MOTION** to approve item 5 capital projects, Trustee Randazzo seconded; all were in favor; motion carried.

CLERK:

1. Resolution 2022-12 - Justice Court Audit – Joanne Lenhard-Boye, Village Clerk presented the Justice Court Audit for 2022. The Board reviewed this Audit and decided to do a roll call vote to adopt Resolution 2022-12 as follows:

RESOLUTION NO. 2022-12

VILLAGE OF CLAYTON

A RESOLUTION TO CERTIFY EXAMINATION AND AUDIT OF VILLAGE JUSTICES 2021-2022 MONTHLY REPORTS AND ACCOUNT BOOKS

DATED: August 22, 2022

Title: A resolution to certify examination and audit of Village Justices 2021-2022 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 22nd day of August 2022, at 5:30 p.m. prevailing time:

The following resolution was offered by Trustee Hyde, who moved its adoption, seconded by Trustee Buker, 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 2021-2022 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 roll call vote, which resulted as follows:

Norma Zimmer, Mayor	yes
Nancy Hyde, Deputy Mayor	yes
Tony Randazzo, Trustee	yes
Joe Chrisman, Trustee	yes
John Buker, Trustee	yes

The foregoing resolution was thereupon declared duly adopted.

2. Saturday December 3, 2022 – Request to use Municipal building for Juried Craft Show – Board approved
3. NYCOM Fall Training – Board approved for Amanda Cantwell, Deputy Clerk to attend the Fall Training in Saratoga New York from September 12th, 2022, to September 16th, 2022.

MAYOR:

1. Mayor Zimmer announced to the Board and public that she has been speaking with the Chamber of Commerce about the Christmas parade held in early December, and they hope to make the parade bigger and better than ever.
2. Mayor Zimmer asked the Board to consider having National Grid supply power to the outlets on the poles that were installed in the village to use for decorations. She also informed them that it may not be worthwhile since National Grid will not authorize the village to drill or weld any hardware into the poles. This may make it difficult to hang anything from them. She also informed them that the cost would be \$2,000.00 per year for this usage. The Board discussed this and decided to table this until next meeting.

ADJOURNMENT:

Trustee Hyde presented a **MOTION** to adjourn the meeting at 7:10 p.m. Trustee Buker seconded; all in favor motion carried.

Respectfully,

Joanne Lenhard-Boye, Village Clerk