

May 10, 2006

As Amended

The Town Board of the Town of Clayton met in the Town Board Room with the following present:

Robert W. Cantwell Jr.	George Kittle	Justin Taylor
Donald Turcotte	Bonnie Rose	Bob Boulton
Kathy LaClair		
Nicole Cornaire	Keith Wood	Jude Seymour
Steve Dorr	Rob Company	Mike Badour
Dave Clark	Les Drake	

Supervisor Cantwell opened the regular meeting at 5:00 PM.

Town Clerk:

Correspondence:

- Judge Clarence Giles report for April 2006. **(See attached report.)**
- Judge Clifford James report for April 2006. **(See attached report.)**
- Memo from Jim Lawrence, Jefferson County Highway Superintendent has closed to traffic Bridges G010, G011, on Depauville Road over Buttermilk Creek, Town of Clayton. **(See attached.)**
- Memo from Clayton Volunteer Fire Department, Inc. inviting Board members to sit on the reviewing stand, Sunday, June 11th @ 1PM for the Northern New York Volunteer Fireman's Convention parade. **(See attached.)**
- Received the Town of Clayton Fire District meeting agenda for 5/10/06 and minutes from their previous meeting. **(See attached.)**
- Clayton Opera House Events Schedule for 2006. **(See attached.)**
- Memo from Town off Henderson looking for interested parties in Digital Towpath Web site. **(See attached.)**
- Notice of Funding Award/Request for Proposals for the 2006 Home Program from North Country HOME Consortium with \$1.453 million available. **(See attached.)**
- Insurance Services Office, Inc. resurveying communities and areas which have public fire protection. Looking to gather information needed to determine a public protection classification, which may be used to develop property insurance premium calculations. **(See attached.)**
- Letter from Devine Tarbell & Associates, Inc. dated 4/21 on behalf of Erie Boulevard Hydropower L.P., Licensee for the Black River Project. They submitted audio recordings. **(See attached.)**
- Letter from G. Jeffrey Haber, Executive Director of Associations of Towns informing us of a policy regarding the participation of State Troopers in the plea bargain process of traffic tickets in town justice courts. Assoc. of Towns is urging us to register our objection to this mid-

- budget year policy change and urge its suspension until its fiscal impact on local budgets can be measures and ameliorated. **(See attached.)**
- Letter from Jefferson County Youth Bureau dated 5/1/06 for applying for funding for 2007 in addition to the annual allocation. Application needs to be completed and returned to Youth Bureau by 6/16/06. **(See attached.)**
 - Letter dated 5/9/06 from USDA-Rural Development Manager Carol McDonald in regards to Civil Rights Compliance Review.

Minutes:

Motion made by George Kittle, 2nd Bonnie Rose, to approve minutes of the April 26, 2006. Motion carried.

Points of Interest:

- Dan Murdie, PPM representative will be addressing the Board at our Workshop meeting on May 24th.
- Several persons have inquired of the possibilities of a sewer district on the Alexandria Bay – NYS Route 12 extension.
- Received a call from Direct Energy who is an approved National Grid energy affiliate.

Recreation Park ¾ Ton Pickup:

Supervisor Cantwell stated that Board action is need to ratify the expense of \$21,157.00 for the purchase of the Rec. Park ¾ Ton Pickup from State Contract. The only additional expense would be a hitch, 2nd battery and a snow plow.

Motion by George Kittle, 2nd by Don Turcotte to purchase a 3/4-Ton pickup from State Contract. Motion carried.

Resolution #31 of 2006 offered by George Kittle, 2nd by Bonnie Rose to approve filing a grant application with the NYS Office of Parks, Recreation and Historic Preservation for funds to assist in the Clayton Opera House Renovation. Robert W. Cantwell aye, George Kittle aye, Justin Taylor aye, Donald Turcotte aye and Bonnie Rose aye. **(See Resolution Book.)**

Resolution #32 of 2006 offered by Donald Turcotte, 2nd by George Kittle, to approve filing a grant application with the NYS Department of State (Division of Coastal Resources) for funds to assist in the Clayton Opera House Renovation. Robert W. Cantwell Jr. aye, George Kittle aye, Justin Taylor aye, Donald Turcotte aye and Bonnie Rose aye. **(See Resolution Book.)**

Resolution #33 of 2006 offered by Bonnie Rose, 2nd by Donald Turcotte, to take action on an Environmental Quality Review Action (SEQRA) short form for the Clayton Opera

House HVAC project. Robert W. Cantwell Jr. aye, George Kittle aye, Justin Taylor aye, Donald Turcotte aye, and Bonnie Rose aye. **(See Resolution Book.)**

Resolution #34 of 2006 offered by George Kittle, 2nd by Bonnie Rose, to recognize Town of Clayton employees, who all belong to the New York State Retirement System. Robert W. Cantwell Jr. aye, George Kittle aye, Justin Taylor aye, Donald Turcotte, and Bonnie Rose aye. **(See Resolution Book.)**

Public:

Mike Badour stated he had dialog with the Zoning Enforcement Officer (ZEO) on April 23rd concerning outdoor furnaces. Mr. Badour takes exception that a zoning permit is needed for outdoor furnaces. ZEO LaClair stated his (LaClair) interpretation of the Zoning ordinance indicated that a permit is required. ZEO LaClair advised Mr. Badour to go ahead with his project until a legal interpretation was received from the Town Attorney. If the attorney agreed with the ZEO's interpretation, ZEO LaClair would and did send paperwork for Mr. Badour to complete and submit for his permit. Mr. Badour indicated that he is not against permits, but doesn't see anything pertaining to outdoor furnaces in the ordinance and doesn't feel a permit is warranted. Mr. Badour also stated that there are approximately 10 others with outdoor furnaces that have not received a permit, and feels that he is being singled out. He has located his furnace way past any setbacks so as not to be encroaching on his neighbors. Mr. Badour feels he shouldn't be required to spend \$30.00 to get a permit when others don't have a permit.

ZEO LaClair had given each board member a packet concerning this problem, of which a copy was also sent to Mr. Badour. **(See attached.)**

Supervisor Cantwell indicated to Mr. Badour that he was not the first to have to comply. In 1997 Mt. Zion Church in Depauville applied for a variance to place an outdoor furnace closer to the lot line than was allowed by the ordinance and also obtained a permit. Supervisor Cantwell also stated the information received from the ZEO also indicated that if the furnace was put in a legal existing out building, a permit would not be required.

Councilman Taylor indicated that this board should ask the Planning Board to look into and give a good definition of outside furnaces as an amendment to the Zoning ordinance.

Les Drake wanted clarification that the resolution the Town Board was doing, was to set a public hearing date for a Moratorium on Wind Turbines & Wind Towers.

Recreation Park Chiller:

Rob Campany of Bernier, Carr & Associates stated that last year at the start up of the chiller at Recreation Park, there had been many problems. The Town Board authorized a temporary fix. This chiller is the original that was installed in 1973/74. It is now time to update and look at changing the type of refrigerant. Mr. Campany presented some preliminary figures to the board. An estimate is approximately \$275,000. Some of this

might be refundable thru NYSERDA if we apply. The timeline for replacement is about 23-24 weeks.

Motion made by Donald Turcotte, 2nd by Bonnie Rose, to proceed with the bidding process, short of awarding a contract and also make application for the NYSERDA funding. Motion carried.

Resolution #35 of 2006 offered by Justin Taylor, 2nd by George Kittle, to set a public hearing date for June 14, 2006 @6:30 PM, to hear all persons in regard to setting a 180-Day (6 Months) Moratorium on Wind Turbine & Wind Farms in the Town of Clayton so that a clear definition and guidelines can be established for inclusion in the Town Zoning Ordinance. Robert W. Cantwell Jr. Aye, George Kittle aye, Justin Taylor aye, Donald Turcotte aye and Bonnie Rose aye. **(See Resolution Book.)**

Waiving Death Certificate Fee:

Motion by George Kittle, 2nd by Justin Taylor, to waive the \$10.00 fee to Jefferson County District Attorneys Office for a death certificate needed for a criminal investigation. Motion carried.

Supervisor's Report:

Motion by George Kittle, 2nd by Bonnie Rose, to approve the Supervisor's Report for April 2006 as presented. Motion carried. **(See attached.)**

Bills:

Motion by George Kittle, 2nd by Bonnie Rose, to approve abstract #5 of 2006 as amended; paying voucher #519 thru #638 in the amount of \$100,427.11. Motion carried. **(See Abstract .)**

Interim Office Space Discussion:

Supervisor Cantwell stated he inquired at Northern Physical Therapy. They have 1300 sq. ft. of space with an access on Webb Street. This could be costly as petitions and floor covering would be needed. Prior meetings, Supervisor Cantwell had indicated that he had checked with Justice Giles on the Municipal Building for the Justices and there had been no headway for that space. He has also put a call in to the Knights of Columbus Grand Knight, but so far they have not connected.

Board member Taylor indicated that a face to face discussion should be made with the Village Mayor on a possible temporary relocation at their facility.

Supervisor Cantwell stated he had no problem with a preliminary talk with the Mayor on that topic.

Highway Superintendent:

1. Back at Frink's today removing concrete. It takes 2-21/2 minutes to load a truck. We have Town of Clayton, Brownville and Orleans trucks hauling the concrete.
2. Currently have one (1) truck left to get back on line.
3. Trailer bid did go to Walldroff. The trailer should be here end of June.
4. Dig Safely Seminar will be 5/17 in Canton. We will be sending Candie. **Motion** by Bonnie Rose, 2nd by Donald Turcotte, to approve Candie Pecor to attend this school and allow reimbursement for mileage. Motion carried.
5. Superintendent Boulton is spear heading a letter writing campaign for an unfounded mandate that is currently a bill in the Assembly asking to set up a commission under the DEC to govern material that gets dispensed on the highways and materials that must be covered.
6. Road Tour – Everything went well. Superintendent Boulton stated that it is good the Board sees what has been completed and what funds will be needed on roads to be done in the future.
7. Have put an ad in the paper for an employee. Four (4) responses have been received. Three (3) didn't have CDL licenses or equipment expertise, one (1) did and has been hired. Steve Busby has been hired. **Motion** by Bonnie Rose, 2nd by George Kittle, to hire Steve Busby at \$11.50 per hour and also approve the health premium to start and be paid on the June abstract. Motion carried.
8. Zipper demonstration will be 9 AM at the County Highway Garage tomorrow, then following we will be working at County Route 125.

Committee Reports:

Bonnie Rose:

- Nothing to report from the Paynter Senior Center.
- Hawn Memorial Library – Police Chief Kevin Patenaude, Officer Robin Pierce and Cosmo held a Drug Awareness Program for a dozen or so people.
- Highway Dept. speaking of Zipper demonstration, Town of Lisbon has one. Also she enjoyed the road tour as it was very informative.

George Kittle:

- Chamber of Commerce rescheduled their meeting to next Thursday the 18th.
- Youth Commission: Kyle Barton is resigning as of the 1st of June.
- Clarification was needed: Is it alright for the youth commission to go ahead with the creation of a Booster Club. Yes. A booster club needs their own by-laws as they're a stand alone entity unlike the Youth Commission, which is a part of the Town & Village.

- Also wondering if Keith Wood or his staff can paint the lines on the fields as opposed to using lime. Supervisor Cantwell indicated that the Youth Commission should check directly with Mr. Wood.
 - How does the Village re-appointments of one year to the Zoning & Planning Boards affect us? We have appointed are members according to the current Intermunicipal Agreement. We don't believe any other appointments contrary to the IMA would be legal.
- Justin Taylor:
- GIS: Nothing heard yet.
 - Discussion with Jim Kenney at CFS in Depauville, they would be willing to help us with training, etc. with the GIS.
 - Asset Disposal: Haven't completed anything more. Might want to explore quoting steel pickup at the Transfer Site on a 6 months fee basis.
 - Consolidation: \$200,000 award should be here in May. Hoping to make the best use of the award.
 - Inquiry of any surveys having been returned for the NYS Route 12E/Bartlett Point. Discussion.
 - Dock Committee Report: The Village will be entering into a 25 year lease for \$200,000 with the Seaway Authority. Bids are out and due back to the Village on 5/23. They're hoping to award the 1st week of June and be done by the 1st of January 2007.
- Donald Turcotte:
- Heritage Heights Sewer District functioning properly.
 - Depauville Sewer District: completed a walking tour, of the collection system, three (3) manholes and bed #1. Good for another 30/40 years.
 - Depauville Community Center: Library Board getting ready to renovate the bathrooms. The Town will provide specs and code and remove debris to landfill.
 - Rec. Park/T. Site: Getting pool ready to open. Transfer Site doing a great job.
 - Land next to the landfill, we should enter into a discussion about purchasing this. Negotiate closure of that mine.

Workshop Meeting: Dan Murdie – Wind Turbines & Wind Farms

Motion by Bonnie Rose, 2nd by George Kittle, to adjourn this regular meeting at 7:30 PM. Motion carried.

Kathleen E. LaClair, Town Clerk