

January 12, 2011

ANNUAL MEETING

The Annual Meeting of the Town Board of the Town of Clayton was held at the Town Offices with the following present:

Justin Taylor	George Kittle (Absent)	Lance Peterson
Robert Cantwell III	Christopher D. Matthews	Robert Boulton
Kathy LaClair		
Jim Yuhas	Alicia Dewey	Duane C. Hazelton
Ken Knapp	Leg. Mike Docteur	Jamie Lee
Pat Youngs	Cindy Grant	Pam McDowell

Supervisor Taylor opened meeting at 5:00 p.m. with the Pledge of Allegiance.

Supervisor:

Administrative Appointments:

Association of Towns Delegate: George Kittle
Alternate Delegate: Justin Taylor
Deputy Supervisor: George Kittle
Town Accountant: MaryAnn Yuhas
Supervisor's Assistant: Alicia Dewey
Assessor's Clerk: Tricia Cassidy
Historian: Norm Wagner

Board Appointments:

Heritage Heights Sewer Board: Tom Turgeon, Joseph Kehoe, Theresa Christensen and Dennis Baldwin.

Depauville Sewer Advisory Board: Cornie Schnauber, Jasper Wilkie, Keitha Huchzermeier, Donald Seymour and Lynn Schnauber.

Consolidated Health Board: Cornie Schnauber, Justin Taylor, Norma Zimmer and Dr. Grybowski.

Consolidated Health Officer: Dr. Stephen Grybowski.

Motion by Lance Peterson, seconded by Chris Matthews, to approve the above Administrative and Board Appointments. Kittle-absent. Motion carried.

Other Appointments:

Registrar: Kathleen E, LaClair, Town Clerk
Deputy Registrar: Janet Sullins, Deputy Clerk
Budget Officer: Justin A. Taylor, Supervisor
Zoning Enforcement Officer: Henry LaClair
Assistant Zoning Officer: Richard Ingerson
Building Codes Officer: Richard Ingerson
Town Constable: Charles Solar
Depauville Sewer Operator: Robert Boulton
Depauville Sewer Collector: Kathleen LaClair, Town Clerk
Depauville Librarian: Connie Haver
Fishery Advisory Board: Keith Dasno, if vacancy is available

Town Board Committees:

George Kittle: Purchasing; Cemeteries; Personnel; Libraries
Lance Peterson: Chamber of Commerce; Frink Redevelopment; Cerow Recreation Park/Transfer Site
Bob Cantwell III: Paynter Center; Highway; Joint Boards
Chris Matthews: Youth Commission; Sewer Districts

Motion by Chris Matthews, seconded by Bob Cantwell III, to approve the above appointments. Kittle-absent. Motion carried.

Town Clerk: Town Clerk Kathy LaClair appointed Janet Sullins as Deputy Clerk and Deputy Registrar.

Town Facility Rates:

Transfer Site – rates will remain the same as last year.

Cerow Recreation Park - \$25/day increase for shows; \$550 flat fee for weddings; Ice Rates for 2011-2012; \$60/hr for contract; \$80/hr for the Old Timers; \$85/hr for Community non-contract; & \$110/hr for Outside non-contract.

Motion by Bob Cantwell III, seconded by Chris Matthews, to approve the above appointments. Kittle-absent. Motion carried.

ANNUAL RESOLUTIONS:

RESOLUTION NO. 1 OF 2011 offered by Chris Matthews, 2nd by Bob Cantwell III, a resolution to adopt “Roberts Rules of Order” as Town Meeting Rules. Taylor - aye, Kittle - absent, Peterson - aye, Cantwell III- aye, and Matthews – aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 2 OF 2011 offered by Chris Matthews, 2nd by Bob Cantwell III to establish 2 regular meetings per month of the Town Board of the Town of Clayton, 2nd & 4th Wednesdays of the month at 5:00 p.m. at the Town Hall and an end of the year meeting on or before December 31, 2010. Taylor - aye, Kittle - absent, Peterson - aye, Cantwell III-aye, and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 3 OF 2011 offered by Chris Matthews, 2nd by Bob Cantwell III, establishing that the second meeting in July will be held on Grindstone Island and the second meeting in August will be held in Depauville. Taylor-aye; Kittle-absent; Peterson-aye; Cantwell III-aye and Matthews-aye.

RESOLUTION NO. 4 OF 2011 offered by Chris Matthews, 2nd by Bob Cantwell III to designate the Thousand Islands Sun as official Town of Clayton newspaper. Taylor - aye, Kittle - absent, Peterson - aye, Cantwell III – aye, and Matthews-aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 5 OF 2011 offered by Chris Matthews, 2nd by Bob Cantwell III, to establish rates of pay for salaried and hourly employees, also stipulating all Town employees to be paid on a bi-weekly basis. Taylor - aye, Kittle - absent, Peterson - aye, Cantwell III – aye, and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 6 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson that any “New Hire” Town employee must be reflected in the Town’s minutes, name and wage information inclusive. Justin Taylor - aye, George Kittle - absent, Lance Peterson - aye, Bob Cantwell III –aye, and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 7 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson for the following persons to be paid by voucher:

- Zoning Board members - \$25.00 per mtg. (Chairman \$750 per yr.)
- Planning Board members - \$25.00 per mtg. (Chairman \$1500 per yr.)
- Jay Slate - \$12.00 per/hr. laborer
- Grindstone Mowing: Town Board per annual bid
- Richard Matthews - \$10.00 per/hr. mowing G.I. Schoolhouse

Taylor - aye, Kittle - absent, Peterson - aye, Cantwell III – aye, and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 8 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson for Mileage rate for 2011 will be \$.51 cents per mile for any Town Business, and to automatically default to the IRS rate and schedule at any time of change by them. Taylor - aye, Kittle - absent, Peterson - aye, Cantwell III – aye and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 9 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson to adopt Key Bank, Community Bank, Watertown Savings and Citizens Bank of Cape Vincent and Municipal Investment & Bonding Agency, and HSBC as Town Banks, Supervisor to invest money's in interest bearing accounts on a competitive basis. Taylor - aye, Kittle - absent, Peterson - aye, Cantwell III – aye and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 10 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson for authorization for the Town of Clayton Supervisor to sign checks or in his absence the Deputy Supervisor. Taylor - aye, Kittle - absent, Peterson - aye, Cantwell III – aye and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 11 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson for Supervisor to sign an agreement between the Village of Clayton and the Town of Clayton, a Library Service Agreement for the Hawn Memorial Library, the Town agreeing to pay Village of Clayton the sum of \$9,000.00 on or about February 15, 2010. Taylor - aye, Kittle- absent, Peterson - aye, Cantwell III – aye and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 12 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson, to authorize the Town Supervisor to sign the “Chamber of Commerce Agreement” for \$9,400.00. Taylor - aye, Kittle - absent, Peterson - aye, Cantwell III- aye and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 13 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson a resolution authorizing the Town Supervisor to sign the Bed Tax contract between the Town and the Clayton Chamber of Commerce. Taylor – aye; Kittle – absent; Peterson – aye; Cantwell III- aye and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 14 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson for Supervisor to sign the contract with the Paynter Center for \$5,000.00 for Senior services. Taylor - aye, Kittle - absent, Peterson - aye, Cantwell III – aye and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 15 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson, a resolution to authorize the Town Supervisor to sign a contract with Thousand Islands Emergency Rescue (T.I.E.R.S.) for \$100,000 for expenses related to Emergency Services within the Town of Clayton. Taylor-aye, Kittle-absent, Peterson-aye, Cantwell III-aye, and Matthews-aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 16 OF 2011 OFFERED BY Bob Cantwell III, 2nd by Lance Peterson, a resolution to authorize the Town Supervisor to sign a contract with the Thousand Islands Museum for \$2,500 for expenses related to housing the Town Historian. Taylor-aye, Kittle-absent, Peterson-aye, Cantwell III-aye, and Matthews-aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 17 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson, to authorize the Town Supervisor to sign a contract with the Clayton Local Development Corporation (CLDC) for \$10,000 for expenses related to economic development within the Town of Clayton. Taylor-aye, Kittle-absent, Peterson-aye, Cantwell III-aye, and Matthews-aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 18 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson to appoint Robert J. Company, as Town Engineer per agreement of \$90/hr. Taylor -aye, Kittle - absent, Peterson - aye, Cantwell III – aye and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 19 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson to appoint Joseph Russell from Menter, Rudin, and Trivelpiece Law Firm, as Town of Clayton attorney in the amount of \$175.00 per hour. Taylor - aye, Kittle absent, Peterson - aye, Cantwell III – aye and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 20 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson to adopt the Investment Policies & Guidelines of the Town of Clayton from 1989 and as revised in 1999. Taylor - aye, Kittle - absent, Peterson - aye, Cantwell III – aye and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 21 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson to adopt the Town of Clayton procurement policy as dated January 1, 1997. Taylor - aye, Kittle -absent, Peterson -aye, Cantwell III –aye and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 22 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson, a resolution for adoption of other Town policies: Drug & Alcohol policy; Town Building Emergency Action Plans; Municipal Cell Phone Use Policy; Smoking policy; Code of Ethics; \$600 Flexible Benefits Plan policy; and Cell Phone Reimbursement policy. Taylor-aye, Kittle-absent, Peterson-aye, Cantwell III-aye, and Matthews-aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 23 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson, for a Zoning & Planning Fee schedule for the Town adopted January 5, 2005. Taylor-aye, Kittle-absent, Peterson-aye, Cantwell III-aye and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 24 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson, for a Code Enforcement Fee Schedule of 3/26/2008, revised by motion on 10/8/2008. Taylor-aye, Kittle-absent, Peterson-aye, Cantwell III-aye and Matthews-aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 25 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson to comply with the requirements of the NYS Environmental Quality Review Act and the regulations promulgated there under (SEQR). Taylor - aye, Kittle - absent, Peterson - aye, Cantwell III – aye, and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 26 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson that any employee of the Town of Clayton wishing to travel to schools, seminars or other Town related business and who expects to be reimbursed for their expenses shall obtain prior permission from the Town Board. Taylor - aye, Kittle - absent, Peterson - aye, Cantwell III – aye and Matthews - aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 27 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson a resolution for the Town Board and The Village Board of Clayton to support the combining of their individual Zoning Regulations and Local Waterfront Revitalization Program by the Joint Planning Board of the Town and Village of Clayton. Taylor -aye, Kittle - absent, Peterson - aye, Cantwell III – aye and Matthews-aye. **(SEE RESOLUTION BOOK.)**

RESOLUTION NO. 28 OF 2011 offered by Bob Cantwell III, 2nd by Lance Peterson a resolution for the Town of Clayton Tax Collector to keep up to \$5.00 over payment of town taxes submitted and to pool said money and use to compensate for under payment amounts tendered. Taylor – aye, Kittle – absent, Peterson – aye, Cantwell III – aye and Matthews-aye. **(SEE RESOLUTION BOOK.)**

Status of Pending Litigation(s):

There is no pending General Litigation.

Assessment Litigation:

Lanzione (2209 and 2010): The parties have advised the Court that they have been unable to reach a settlement. The Judge assigned to this matter, Judge McGuire, is retiring. This matter will likely be transferred to Judge Gilbert who will assign a trial date. Mr. Lanzione has been speaking directly with Denise Trudell in a continuing effort

to resolve this matter. Ms. Trudell has provided Lanzione with a final settlement offer but has not yet received a response from Lanzione. Our appraiser is completing an audit of Lanzione business records and then will move forward to complete the trial appraisal in anticipation of trial. We will continue to move forward with trial preparations unless and until Lanzione advises that he will accept our settlement offer.

Ten Acres (2010):

The parties have reached a settlement agreement and are working now to finalize the Stipulation of Settlement and Order for submission to the Court.

Cotraccia (2010):

The parties are in active settlement negotiations. We have also served Petitioners with a Demand for a Verified Bill of Particulars. Petitioner has not yet provided a response to same.

Zicari (2010):

The parties are in active settlement negotiations. Petitioners have provided a Bill of Particulars. However, the Particulars were not verified and contained various discrepancies. We have written to opposing counsel in this regard.

Purcell (2010):

The parties are unable to reach a settlement agreement in this matter. The Town is considering whether to obtain a trial appraisal from Todd Thurston, or proceed to trial using the appraiser who performed the preliminary appraisal. The Town is waiting to hear from the School District as to whether they will contribute to the cost of the appraisal. Petitioner is anxious to file a note of issue and has resisted doing same at the Assessor's request. I believe that he will file same within the next two weeks.

Town Supervisor's Annual Message:

Review of the Annual Town Message was completed by Supervisor Taylor. The message in its entirety is located on the Town Web Site.

Motion to close the Annual Meeting by Lance Peterson, 2nd by Chris Matthews at 5:23PM. Kittle-absent. Motion carried.

Kathleen E. LaClair, Town Clerk