

March 13, 2013

The regular meeting of the Town Board of the Town of Clayton was held in the Town Board Room, 405 Riverside Drive, Clayton, NY with the following people in attendance:

Justin A. Taylor

George Kittle

Lance Peterson

Robert w. Cantwell III

Christopher D. Matthews

Bob Boulton

Kathy LaClair

Alicia Dewey

Michael Docteur (J.C. Legislator)

Urban Hirschey (CV T/Suprv.)

Brooks Bragdon (CV, Dep. Suprv.)

Rob Company, T. Engineer

Rolly Churchill (TI Rescue)

Pam McDowell (TI Sun)

Cindy Grant

Dan Throop

John Timmerman

Opening & Pledge of Allegiance:

Supervisor Taylor opened the regular meeting at 5:00 PM by leading the assembly in the Pledge of Allegiance.

Guests:

Michael Docteur, Jefferson County Legislator discussed the Assistant District Attorney resigning from his position. Legislator Docteur is looking forward to spring like weather. Frink property: Mr. Docteur acknowledged that the Town of Clayton and the CLDC should be commended on a job well done.

Urban Hirschey, Town Supervisor from Cape Vincent, thanked the Board for the invitation to speak at their meeting, stating that we were neighbors and shared the school and river. For 18 years, prior to moving to Cape Vincent, he was a Board Member of the IDA and another board in Carthage. The controversy with the Wind Turbines has been the worst and has literally paralyzed the Town of Cape Vincent. He showed a map with 124 siting's of 500' tall wind turbines in the Town of Cape Vincent. He questions the long term hope for the river area. If this project should go through, the turbines need to be significantly smaller. Supervisor Hirschey is requesting that the Town Board of the Town of Clayton send a letter of support, to the PSC, asking that they recognize Home Rule and requesting that the Siting board take a look at the Towns Zoning and Comprehensive Plans when making their decisions. Supervisor Hirschey left copies of four (4) letters. Supervisor Hirschey stated that the Public Service Commission (PSC) is listening to us and he requested that this Board if they so agreed would draft a letter to go to the PSC to let them know our feelings.

Brooks Bragdon, Deputy Supervisor of Cape Vincent, stated that even though there are some differences between Cape Vincent and Clayton, certainly this Board, due to the number of sitings within this township, has a personal stake. Cape Vincent is trying to work through the process with BP; however BP doesn't care to work thru the process and a few letters of support, including from all stake holders will help all to take a responsible look. Councilman Bragdon suggested that the Town of Clayton request a visual simulation, to scale, of the 500 foot tall turbines. Sending a letter to BP would let them know that this township also wants to be involved in this process. Mr. Bragdon left a sample letter and stated that this is all part of the Article 10 process.

Route 12 Sewer Project Status & Single Audit Action/SEQRA Lead Agency:

SEQRA Lead Agency:

Motion by George Kittle, seconded by Bob Cantwell III, to declare lead agency of the Route 12 Sewer Project. **Motion carried.**

Motion by Chris Matthews, seconded by Bob Cantwell III, to adopt and accept Part I of the SEQRA as complete and authorize the Town Supervisor to sign. **Motion carried.**

Fiscal Advisor:

Two quotes were received: Fiscal Advisor and Marketing not to exceed \$8,000 and Municipal Solutions (Jeff Smith) not to exceed \$19,000.

Motion by George Kittle, seconded by Lance Peterson, to accept the lowest bidder of Fiscal Advisor and Marketing at a sum not to exceed \$8,000 for professional services related to the Route 12 Sewer, subject to USDA review. **Motion carried.**

Single Audit Accounting Firms:

Three quotes were received: Bowers & Company (2013) \$12,000 & (2014) \$12,400 for a total of \$24,200; Stackle & Navarra (2013) \$11,000 & (2014) \$11,000 for a total of \$22,000 and Crowley & Halloran (2013) \$7,800 & (2014) for a total of \$15,800.

Motion by George Kittle, seconded by Lance Peterson, to accept the lowest bidder of Crowley & Halloran at a total of \$15,800 for professional services related to the Route 12 Sewer subject to USDA review. **Motion carried.**

Recreation Park Project Status:

Discussion of Zamboni room staying in same location, Referee room and adding "boards" to the wish list. Councilman Cantwell III to meet with Rob Company sometime next week to work out details of a Proposal to disseminate to local engineering and architectural firms for submittals.

Town Clerk:

Correspondence:

- Justice(s) Clarence F. Giles and Clifford James monthly report to the NYS Comptroller. **(See attachment file.)**
- Time Warner Cable: listing of programmers that are due to expire. **(See attachment file.)**
- Time Warner Cable: supporting documentation regarding the current franchise fee due. **(See attachment file.)**
- Time Warner Cable: notice of a necessary adjustment to recent franchise fee payment. **(See attachment file.)**
- Town of Clayton Zoning Officer's monthly reports for January and February 2013. **(See attachment file.)**
- Rotella Grant Gazette – March 2013 issue. **(See attachment file.)**
- Assessor Denise Trudell – Revaluation Update. **(See attachment file.)**

Minutes:

Motion by George Kittle, seconded by Bob Cantwell III, to approve the minutes of 2/27 as written. **Motion carried.**

Public Comments on Agenda Items:

Cindy Grant addressed the Board concerning the Stake Holders Process.

Pam McDowell, TI Sun asked for clarification to a response to Cape Vincent Supervisor Urban Hirschey.

Supervisor:

Supervisor's Report:

Motion by George Kittle, seconded by Chris Matthews, to accept the Supervisor's Report for February. **Motion carried.**

Budget Amendments:

Motion by Chris Matthews, seconded by Bob Cantwell III, to approve the following budget amendments:

Modified Accounts:

- GT 8130.40 Route 12 Sewer District Formation Contractual: add budget of \$5,350,000
- GT 5730.00 Route 12 Sewer district Formation BAN: add budget of \$500,000
- GT 3990.00 Route 12 Sewer District Formation State Aid: add budget of \$4,850,000
- GT 4990.00 Route 12 Sewer District Formation Federal Aid: add budget of \$500,000

New Accounts:

- A 1110.42 Court – Due to NYS Comptroller

Motion carried.

Bills:

Motion by George Kittle, seconded by Lance Peterson, to approve Abstract #3 of 2013 in the amount of \$384,944.47. **Motion carried.**

Zoning Ordinance Updates:

We will ask ZEO LaClair and Chairman Bud Baril to attend our workshop meeting on March 27th to discuss the changes to the Zoning Ordinance that they have recommended to the Town Board.

Frink Update:

Approximately 90 – 100 people attended the Krog/Hart/Clayton Harbor Hotel presentation that took place on the 3rd floor of the Opera House, Thursday, March 7th. A few questions were asked after the presentation. The crowd was very respectful and welcoming. The Frink property papers were signed over to the new owners a day or so before the presentation.

Highway Superintendent Report:

- 🗑️ **CHIPs State Budget Update:** Received email from NYSAOTSOH's that the Governor's proposed budget kept CHIP's/Marc funding flat for a sixth straight year at \$403m. The attendance at the Local Roads Advocacy Day of over 550 members registered seems to be having the desired impact. The Senate and Assembly have introduced their one house budget bills and hopefully we are in good shape. The Assembly added \$15 million and the Senate added \$100 million for CHIP's having the Assembly Majority give us any recognition of the need for an increase is huge. Walking into the final budget negotiations between the Assembly, Senate and Governor we will have two of the three participants calling for an increase in CHIPs funding. The NYSAOTSOH are optimistic CHIPs can get an increase in the range of \$50-\$70 million. They will keep the Highway

Superintendents informed and thanked the Hwy. Superintendents for having their voices heard through the Advocacy Day. The NYSAOTSOH's are also asking that they Superintendents reach out to the State Legislators and thank them and ask them to keep fighting to increase CHIPs funding.

-  KIMCO has sent a notice that due to the increased demand for scrap, and improved pricing, by the consuming mills, they are advising us that the following price increase for material generated at our facility effective March 1, 2013 will increase to \$210.00 GTON.
-  Truck 80 – has been torn down and currently rebuilding the sander. Also getting the truck ready for summer work.
-  Cold Patching – doing one trip around the town.
-  Grandall - fixing water problems.
-  Boom Mower is currently out working back brush.
-  Working on the Recreation Park truck.

Public Hearing: Ambulance District

Motion by Chris Matthews, seconded by Bob Cantwell III, to open the Public Hearing for the Ambulance District at 6:07 PM. **Motion carried.**

Supervisor Taylor directed that this was a public hearing to seek public input for placing establishing an Ambulance District that would cover the Town, which would allow the Town to segregate the town's payments for the service from the general fund and offer more transparency. The town can only be responsible for the property listed within the town and outside of the Village of Clayton. About six months ago we started this discussion of separating TIERS out of our budget line. The average cost would be \$.25 be per \$1,000 of assessment for the availability to have an ambulance.

Resident Dan Throop inquired of the yearly budget and state of the TIERS equipment.

Rolly Churchill, TIERS Director, explained that we are well equipped. We will need to evaluate older equipment and budget for the replacement of our equipment. TIERS has an operating budget of approximately \$356,000 per year. Clayton pays \$105,000 and Orleans contributes \$80,000 per year. Volunteers will continue to dwindle and budgeting to replace these volunteers will also need to be put in place.

Councilman Peterson discussed the town could keep a reserve fund in for the "equipment replacement fund". That was thought to be a good idea.

TIERS ambulance is having their 10th anniversary this year and is ranked a #1 ambulance service.

No further questions or comments.

Motion by George Kittle, seconded by Chris Matthews, to close the public hearing at 6:19 PM **Motion carried.**

RESOLUTION NO. 35 OF 2013:

RESOLUTION NO. 35 OF 2013 was introduced by Bob Cantwell III, seconded by Lance Peterson, a resolution subject to a permissive referendum to establish an Ambulance District within the Town of

Clayton for the benefit of all property and property owners within the Town. Taylor – aye, Kittle – aye, Peterson – aye, Cantwell III – aye, Matthews – aye. **PASSED.** Note – The Village will be asked to pass a similar resolution including the boundaries of the Village not that we have completed this action.

Council Reports:

George Kittle: Time to consider Grindstone Island mowing of the Cemeteries. Haven't spoken with the Marra's to see if they are still interested. This will be going out to bid and we will make sure they are notified.

At the Krog presentation, didn't attend, however did have comments back, that it was very disruptive with bringing in the food while the presentation was going on. FYI, in the future, For courtesy sake, the food should be brought in before or by a different means of entrance and not during a presentation.

Lance Peterson: Rec. Park: Ice will be coming off this next Monday.
Boat Show: will move in on 4/12 and out on 4/15.

Bob Cantwell III: NYS Corrections: As part of the 2009 Workforce reduction act inmates are being pulled back in from helping local communities unless they can show a need. NYS Corrections Officers union would like a letter of support from the municipalities for service provided to the community by inmate's work force program. The consensus was that we would draft a letter for Deputy Supervisor Kittle to sign from the Town to DOCCS.

Chris Matthews: Nothing for this evening.

Motion by George Kittle, seconded by Lance Peterson, to go into Executive Session at 6:25 PM for purpose of discussion of personnel issues. Town Clerk, Highway Superintendent and Supervisor's Assistant requested to stay in attendance. **Motion carried.**

Motion by George Kittle, seconded by Chris Matthews, to come out of Executive Session and adjourn this regular meeting at 8:00 PM. **Motion carried.**

Kathleen E. LaClair, Town Clerk

