

April 8, 2009

The Town board of the Town of Clayton held their regular meeting at the Town Offices located at 405 Riverside Drive, Clayton, New York with the following persons present:

Justin Taylor	George Kittle	Donald Turcotte (Absent)
Lance Peterson (Absent)	Robert W. Cantwell III	Bob Boulton
Kathy LaClair		
Alicia Dewey	Ken Knapp	Phil Scott
Rose Scott	Ryan Wincott	Cindy Grant
Curt Dundon	Jay Lee	James Eschenberg
Shirley A. Healy	Dave Larrabee	Tom Garrett
Rita Garrett	John F. O'Neill	Charles Livingston
Tom Bogenschutz Jr.	Donald Badour	Carol Davenport
George Davenport	Harvey Hurley	Mary Elaine Costantino
Franklin Shaffrey	Peter Bourcy	David Bourcy
Geneva Phelps-Miller	Susan Healy	Jared Thisse (BCA)

The meeting was opened at 5:00 PM by Supervisor Taylor who led the Pledge of Allegiance.

Town Clerk:

Correspondence:

- Judge Clarence F. Giles Jr. March 2009 Justice report. **(See attachment file).**
- Judge Clifford James March 2009 Justice report. **(See attachment file).**
- Depauville Sewer District meeting minutes for April 3, 2009. **(See attachment file).**
- NYS-ORPS Notice of Training Requirements for John Davis for Bd. Of Assessment Review. **(See attachment file).**
- Bd. Of elections formal letter listing polling sites for the Town of Clayton for the upcoming elections. **(See attachment file).**
- Grants Action News – April 2009. **(See attachment file).**
- Goldberg Segalla, Attorneys at Law, LLP notice of Harrington, et al. v. DeSimone, et al. filing. **(See attachment file).**
- Letters from: Helen Ingerson, Jennifer Costantino, Laurie Bouchard, Bud & Cheryl Gray, Christopher & Christine Brown, Catherine Running, DeWayne & Elaine Wilkie, Jeremy & Erica Cohen, Jason Clement, Ann Hill, Marjorie NK Scott, Faye Anne Scovel, Roberta Lewis, M/M Christian Fahey, Thomas & Nancy Augliano and Arnold Crump expressing the need to change the wind law. **(See attachment file).**
- Memorandum from the Development Authority of the North Country to Water & Sewer O & M and Technical Assistance Customers concerning billing and Equipment Rental rates for year-end 3/31/2010. **(See attachment file).**
- Letter and packet of information from James D. Smith pro small wind turbines. **(See attachment file).**
- Letters received from Ronald & Raine Montante, Charles Montante, Secretary of Shady Shores Informal Assoc., Charles & Suzanne Montante and Carol Davenport in opposition to the Route 12E Sewer District. **(See attachment file).**

Re-appointment to Board of Assessment Review:

Motion by Bob Cantwell III, seconded by George Kittle, to re-appoint Michael Pavlot as a full member to the Board of Assessment Review for a five (5) year term (2008-2013). (Peterson & Turcotte – Absent). Motion carried.

Minutes:

Motion

By George Kittle, seconded by Bob Cantwell III, to approve minutes of March 25, 2009 as written. (Peterson & Turcotte-Absent). Motion carried.

Supervisor:

Supervisor Report:

Motion by George Kittle, seconded by Bob Cantwell III, to approve the Supervisor Report as presented. (Peterson & Turcotte-Absent). Motion carried.

Bills:

Motion by George Kittle, seconded by Bob Cantwell III, to approve payment of Abstract #4 in the amount of \$134,371.56. (Peterson & Turcotte-Absent). Motion carried.

Municipal Building Improvements & Additions:

USDA has responded to an email sent to them by Geneva Phelps Miller, Village Clerk/Treasurer, who notified USDA of the Village's decision to hold off on the improvement project until after it is discussed again with the Town Board. The letter from USDA, dated April 6, 2009, was from Tracy L. Sigouin, Community Programs Specialist, who informed the Village Mayor that the decision to request additional funding is the Village's decision to make. Ms. Sigouin stated that it appeared the project would need an additional \$1,263,600 in funding. **(See attachment book).**

Sand/Salt Shed:

Tabled action until the April 22, 2009 meeting.

Courtroom Status:

Bernier Carr & Associates has sent the current layout to Office of Court Administration for their review and to sign off. Office of Court Administration will make a final review before the Village & Town Boards take final action.

Fuel Depot:

There has not been a meeting as yet. The school is working on their budget at this time. The hope is to divide up the costs by mileage usage.

Highway Superintendent Report:

- Prior to the boat show the highway underwent thorough cleaning and painted the walls.
- Energy Audit: we've started replacing the lights.
- Millings from traffic light to Bartlett Point Rd (NYS Rte. 12E) will be used as a binder on one of our roads. Hoping for the NYS DOT to have this project completed by Memorial Day.
- New York State will reinstate the CHIPS funding.
- Taking down the sign in front of the Highway Garage. Signage will be on the front of the building instead. The current sign is a traffic hazard for pulling out of the driveway.
- Community Garden will not be at the Joint Highway Garage anymore.

- Village Spring pickup is coming up soon and the Town highway crews will be helping out.

Committee Reports:

George Kittle: Boat Show: Good selling and Vendors were happy.
Gross Receipts Tax: Was raised by National Grid; NYS changed the percent to be charged.
Wind Chairman having any dialog with the Town of Orleans Wind Committee is inappropriate.
Depauville Community Center: ie: Kaitlyn Wilkie letter: Spoke with Paul Barton; Youth Commission is willing to help out with some supplies. Mr. Kittle will ask Ms. Wilkie for a listing of supplies.

Bob Cantwell III: LWRP Public meeting will be Wednesday, April 29, 2009 at 7PM at the Opera House.
Recreation Park: Youth Hockey wants to extend ice usage two (2) weeks earlier and two (2) weeks at the end of the season. They have checked with Keith Wood and there is no conflict with any shows. Figure Skaters and others are also interested and would help pay. They're looking at 40 hr minimum over 5 days at \$55 per hr. This would also help with having camps, clinics and tournaments. Businesses would also benefit from the extended use. More discussion will follow concerning this request.

Public Comments:

Cindy Grant discussed wind committees and turbines. Also interested if the Wind Committee has submitted their recommendations to the Town Board. (No).

Ken Knapp discussed salt/sand shed.

Public Hearing on Route 12E Sewer:

Attendance as stated at the beginning of minutes.

Motion by Bob Cantwell III, seconded by George Kittle, to open the Public Hearing at 6:00 PM for Route 12E Sewer. Peterson & Turcotte-absent). Motion carried.

Supervisor Taylor opened the public hearing with a brief description of where the district would be located and what lead up to the possible formation of a district. At the meeting two weeks ago some questions were raised and we now have some answers to those questions. Supervisor Taylor stated that there are several parcel owners interested that he is aware of. The Town is not looking to force anyone to hookup if they don't want to. Annually there can be an enrollment period open for petition for those that decide they now want to be a part of the district. If someone doesn't want to be in the district as it is formed and later decides to hookup, they will have to pay all legal costs & fees at that time.

DEC has an issue with pollution only and would not state that you need to be in the district.

The Department of Health would force you into the district if you had a failure to your current system. Commercial violators might be forced into the district.

Ken Knapp inquired if it was necessary to have a district.

Geneva Phelps Miller, Village Clerk/Treasurer stated that at present there are 36 water uses outside the Village limits. This was done illegally many years ago and the Village is looking for a means to rectify and make legal. If this is not completed, the village and town may not be able to get future grant funding. As far as the proposed sewer district, the Village sewer system has the capacity to accept this proposed district. The Village is not looking for an all or nothing district. The system is aging and the Village is addressing the issue. What needs to be addressed now is storm water needs to be directed out to accept additional sewage acceptance.

Jared Thisse of Bernier Carr & Associates stated that this is not uncommon having a checkerboard district.

Some residents stated they would need to see some costs in order to make a decision.

Some residents were against the proposal to establish a district.

Supervisor Taylor stated that it is obvious that there is little interest, however the Town still could do the checkerboard district to accommodate those that are looking to hookup to the sewer line therefore ending up with individual users. A survey will be going out mid April/mid June. We will have another public hearing that will be advertised in the TI Sun and posted on our web site.

Motion by Bob Cantwell III, seconded by George Kittle, to adjourn the public hearing at 6:54 PM. (Peterson & Turcotte-Absent). Motion carried.

Motion by Bob Cantwell III, seconded by George Kittle, to adjourn this regular meeting at 6:55 PM. (Peterson & Turcotte-Absent). Motion carried.

Kathleen E. LaClair, Town Clerk