

April 13, 2011

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

Justin A. Taylor

Robert W. Cantwell III

Kathy LaClair

George E. Kittle

Christopher D. Matthews

Lance Peterson

Bob Boulton

Jim Yuhas

Pat Youngs

Pam Mc Dowell (TI Sun)

Carol Reed

Sandra Marr

Alicia Dewey

Ken Knapp

Mary Lou Tabolt

Bill Moth

Duane Hazelton

Cindy Grant

Steve Witham

Robert Marr

Pledge: The regular meeting opened at 6:00 PM with the Pledge of Allegiance led by Supervisor Taylor.

Guests: None present. Jeff. Co. Legislator Docteur had a previous engagement, but had been here for a 5:00 PM meeting, not knowing the meeting had been changed to 6 PM. By phone, he reported to the Supervisor that last quarter Sales tax was up 1.29% in Jefferson County.

Town Clerk:

Correspondence:

- Received a letter from TIYLO. They will be hosting the 2nd Annual Community Cleanup & Green Fest Event on Saturday, April 30th. **(See attachment book).**
- Grants Action News – April 2011 edition. **(See attachment book).**
- Justice Clarence Giles March 2011 Comptroller Report received. **(See attachment book).**
- Justice Clifford James March 2011 Comptroller Report received. **(See attachment book).**
- Notice of invitation to Clayton Fire Dept. Annual Banquet, Sat. 4/16 starting at 6 PM. RSVP required. **(See attachment book).**
- NYS Wireless Association – notice of 2011 Trade Show & Conference, May 10-12 at Lake George. **(see attachment book).**
- Notice from NYS Education Dept. for quarterly status report on Sara Grant. **(See attachment book).**
- HCC – Midwest Claims Service, Inc. – Public Risk Claim Acknowledgement. **(See attachment book).**
- Letter from Watertown Savings Bank, March 17th thanking the Town for their business. **(See attachment book).**
- Letter from Watertown Savings Bank, April 13, Schedule of eligible Securities & interest changes to Municipal accounts effective immediately. **(See attachment book).**

Minutes:

Discussion. **Motion** by George Kittle, seconded by Bob Cantwell III, to accept the minutes of March 23rd, with the deletion of the motion under “pay options for part-time elected & appointed officials” from the minutes of March 23rd. Motion carried.

RESOLUTION #35 OF 2011:

Resolution #35 of 2011 was introduced by Lance Peterson, seconded by George Kittle, to recognize

the Town employees, who all belong to the NYS retirement system, their retire numbers and their number of days worked during a bi-weekly pay period. Taylor – aye; Kittle – aye; Peterson – aye; Cantwell III – aye; and Matthews – aye. **PASSED.**

Supervisor:

Supervisor Report:

Motion by George Kittle, seconded by Lance Peterson, to approve the March 2011 Supervisor’s Report subject to audit. Motion carried.

Bills:

Motion by George Kittle, seconded by Bob Cantwell III, to approve the payment of Abstract #4 in the amount of \$150,296.43 for the April 2011 bills. Motion carried.

KeyBank Meeting:

Supervisor Taylor and Councilman Matthews met with local representatives and Regional representative of KeyBank to look at alternatives to the Town’s Bank Account(s).

Monthly Departmental Reports:

The Town Board reviewed departmental reports from the Zoning Officer, Codes Office and the Assessor.

The Assessor has also reported that we have been notified by NYSORPTS that our Tentative Equalization Rate is 100% and that it always remains tentative pending the outcome of Grievance Day.

Grindstone Island Cemeteries Mowing Bids:

Two bids were received as follows:

Jeffery Marra	\$3900
Steven Peron	\$4300

Motion by George Kittle, seconded by Bob Cantwell III, to award the mowing/trimming and general maintenance bid to Jeffery Marra for the 2011 year based on the bid of \$3900. Motion carried.

Public Hearing: MD2 Floating District:

Motion by Bob Cantwell III, seconded by Chris Matthews, to open the Public Hearing for MD2 Floating District at 6:30PM. Motion carried.

Those in attendance included everyone noted at the beginning of these minutes.

Those speaking included: Cindy Grant, Bill Moth, Robert Marr & Ken Knapp.

Questions and/or comments were: 1. Had the “bar” description, which had been allowed by Site Plan review in the Marine Development District, been deleted from the MD2 allowed uses? Answer: Before Amendment #32, had been allowed under Site Plan, with Amendment #33, it would Only be allowed by Special Use Permit. 2. Questions of needing to know more about what is being proposed; what can & cannot happen in this area, what are the parameters. Answer: By the Town advertising and contacting immediate neighbors, this gives notice that something is changing in this neighborhood. This gives people the insight they can if they have questions, time to approach the Town and inquire what is happening around them before the actual public hearing. (The description

of Amendment #33 was read aloud along with the “permitted uses, permitted accessory uses, uses requiring Special Use Permit and uses requiring Site Plan Approval.” Comment of not needing or the perception of “spot” zoning. Comment that the Town Board is very attentive to the concerns of the Town’s people. Comment – concerns that the LWRP is followed even though it is only in Draft at This time and that everything is done through the eyes of the LWRP and Planning/Zoning laws. Concerns of proposed manufacturing coming to the area and we don’t sell ourselves to short; the success of the manufacturing business is dependent upon receiving the bid from the Federal Government, who are in danger these days of borrowing us totally out of money. Thank you for the opportunity to speak.

Motion by George Kittle, seconded by Bob Cantwell III, being no further comments from the attending public, the Public Hearing was closed at 7:00 PM. Motion carried.

Initial Action on MD2 – SEQRA (Long Form):

Motion by Lance Peterson, seconded by Bob Cantwell III, after review of Part 1 of the SEQRA Full Environmental Form, to adopt the portion and authorize the Town Supervisor to sign, and forward to Jefferson County Planning Board for their review. Motion carried.

Motion by George Kittle, seconded by Chris Matthews, after review of Part 2 of the SEQRA full Environmental Assessment Form, the project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared. Motion carried.

RESOLUTION #36 of 2011:

Resolution #36 of 2011 was introduced by George Kittle, seconded by Bob Cantwell III, a resolution to approve SEQRA for Amendment #33 to the Town of Clayton Zoning Ordinance – Marine Development 2 District. Taylor – aye; Kittle – aye; Peterson – aye; Cantwell III – aye; Matthews – aye. **PASSED.**

Code of Ethics and Financial Disclosure Form:

Code of Ethics - Discussion and Town Board recommendation to change this from a Local Law to Resolution.

RESOLUTION #37 OF 2011 was introduced by George Kittle, seconded by Chris Matthews, a resolution to amend the Town of Clayton Code of Ethics of 1970, amended in 1989, and to adopt the Jefferson County Board of Ethics as having jurisdiction of review if so needed. Taylor – aye; Kittle – aye; Peterson – aye; Cantwell III – aye; and Matthews – aye.

Financial Disclosure Form:

Motion by George Kittle, seconded by Chris Matthews, to approve the Financial Disclosure Form as submitted. Motion carried.

Discussion by Town Board that this form is to be completed by each and every Town Employee and re-filed if any changes occur after the initial filing, and to be filed with the Town Clerk.

Accident/Incident Report Form:

TABLED until after discussion with Department Heads.

Purcell and Zicari Assessment Issues:

Will go into Executive Session to discuss pending litigation of these cases at the end of the meeting.

Solar Update:

Highway Department has been plugged in for six (6) days and has made 1,000KW. Today has been overcast/rainy and we made 50 KW. The other day very sunny we were making 182 KW.

Recreation Park Draft Letter Review:

Letter and comment form has been reviewed by the Town Board for seeking input for Recreational Facility Improvements. This should be available by next week, with possible return of comments By May 1st.

Heritage Heights Memorandum of Understanding:

Motion by Chris Matthews, seconded by Lance Peterson, to authorize the Supervisor to sign the Memorandum of Understanding with the Village of Clayton concerning the 37 homes @ \$647.39 per home for a total of \$23,953.43 in the Heritage Heights Sewer District for a period between January 1, 2011 through December 31, 2011. Motion carried.

Highway Superintendent Report:

- Working on taking the plows off.
- Grading dirt roads
- Looking at summer projects, will be prioritizing and bringing back to the Town Board.
- Still hauling sand for next winter.
- Working on replacing some road signs.
- Village wide pickup will be on 5/16; Only one day pickup on streets; the Town will help under shared services.
- Going to order Salt which will take us to 120% of current contract.
- Diesel Tractor being tried out on Grindstone Island. We currently have a gas model, which is very old. We will surplus the current gas model.
- Summer hours start on 4/21 (4 X 10's).

Committee Reports:

George Kittle: Cemeteries: We just opened the bids tonight. Hoping that letters will go to both bidders.

Recognition Letters of Award: Were given to the Midgets, who won their division, at their banquet. Coach Cole will receive his Certificate at next Youth Commission meeting.

Lance Peterson: Chamber Events: The Boat Show went well; they had more participants than last year. All of the spaces were filled. Final numbers will be presented next month. A survey will go out to all the vendors to get their feedback on the show.

The Food & wine show have 47 vendors to date. Several are new to the show. The next committee meeting was held this afternoon and rack cards will be distributed to businesses.

Clayton rack cards are being distributed.

Kim is updating the Calendar of Events and all events need to be submitted in writing in order to be listed. This is the new policy.

Chamber is working on the spring newsletter. No-one has requested to advertise in this issue. North Country Express will be featured as Business of the Month.

Chamber is accepting nominations for Citizen of the Year until May 1st. Business with a Twist will be held on 4/28 at the Angel Rock Lodge from 5-7. Cape Vincent Chamber will be co-hosting the event with Clayton.

Recreation Park: Lawnmower Quotes received:

Ken Brown & Sons – John Deere 42” ZTR 28 HP	\$2399.20
Cheney tire – Gravely 2T42	22 HP \$2699.00
Gambles – Cub Cadet 42”RZT	22 HP \$2499.00

Motion by Lance Peterson, seconded by Bob Cantwell III, to purchase from Ken Brown & sons, the John Deere 42” ZTR- 28 HP at a cost of \$2399.20. Motion carried.

Solar Panels are in place and waiting for a special circuit breaker or “bucket” \$2600, to arrive in a couple of weeks.

Zamboni needs to be put out to bid, is 35 years old:

Motion by Lance Peterson, seconded by Bob Cantwell III to put the Zamboni out to bid with a minimum of \$7500 and the Town Board has a right to accept or reject all bids. Motion carried.

Lifeguards ad will be in next week’s TI Sun looking for three (3) new guards.

Pool: Will open June 10th.

Transfer Site: We will start collecting a \$2 fee for taking Electronic Components to help offset costs.

Bob Cantwell III: **Paynter Center:** Meeting is next week.

Planning Board: meeting is the first Thursday of the month.

TIYLO: 2nd Annual Green Fest is Saturday, 4/30, 8-11.

Volunteer Fair: Will be on Saturday, 5/14, from noon to 3. Free admission at the Recreation park for the event. There is a fee to rent the building. Consensus of the Town board to waive the fee.

Recreation Park: As we discussed, letter for seeking comments will be available next week.

Health Insurance Committee: The Committee is on target for recommendations to the Town Board by 5/1.

Chris Matthews: Nothing at this time.

Public Comments:

Bob Marr, Trustee for Hawn Library, thanked the Town Board for their support of the library. Hawn Memorial Library will be having an “Easter Egg” hunt on 4/24.

Ken Knapp discussed the assessment challenges and believes the precedent will outweigh over time.

Motion by George Kittle, seconded by Bob Cantwell III, to go into Executive Session at 7:42 PM to discuss pending legal matters concerning assessment challenges. Motion carried.

Motion by Chris Matthews, seconded by Bob Cantwell III, to come out of Executive Session at 8:03. Motion carried.

Motion by Chris Matthews, seconded by Bob Cantwell III, to proceed with legal action against Robert Purcell concerning proposed assessment challenge based on feedback from Board of Assessment Review Members and strong support from the public. Motion carried.

Motion by George Kittle, seconded by Chris Matthews, to adjourn this regular meeting at 8:10 PM. Motion carried.

Kathleen E. LaClair, Town Clerk