

**April 21, 2010**

The Town Board of the Town of Clayton held a Special Meeting for the purpose of three (3) Public Hearings at the Town Offices, Riverside Drive, Clayton, NY with the following person present:

Justin Taylor  
Lance Peterson

George Kittle  
Robert W. Cantwell III

Donald Turcotte  
Kathy LaClair

Alicia Dewey  
Lawrence P. Ward  
John S. Forkey  
Pam McDowell (TI Sun)  
Delina E. Tubolino  
Gloria J. White  
Jenny Burke (Iberdrola)  
Karen Nadder Lago  
Charles Matthews  
Roland (Bud) Baril (PB)  
Mark Schwartz  
DL Rowe  
Duane C. Hazelton(PB)  
Brenda Patch  
Janet Campbell  
Jill Shultz  
Jae Lee (WDT)  
Ken Deedy  
Margaret Fabend  
Phillip Scott  
David Moffatt  
Ronald Duford (PB)  
Eileen Slate  
Gary King  
Carol Kemp  
Michelle Calhoun  
Michael Pavlot(BAR)  
Don Metzger  
Fred L. Matthews  
Cassin Forkey  
David McCarter  
Norma Zimmer(Mayor)  
Jeremy Cohen  
Jack Thompson  
Gail Torres  
Janet Sullins

Ann Aubertine  
Anna Couch  
Cindy Grant  
Chancey Forkey  
Mary Lou Tabolt  
Ken Knapp  
Nolan Knapp  
Gregory Lago  
Jacob Tibbles  
Les Drake (ZBA)  
Judy Strock  
Bruce Rosbrook  
Gail Hutcheon  
Linda L. Brown  
Arthur Campbell Jr.  
Bob Shultz  
Patricia Patchen  
Mary Burke  
William T. Fearnside  
Sam J. Matthews  
Charles Moehs  
Bethel M. Day  
Harry Slate  
Kevin Forkey  
Winnie Edwards  
Sydney Sullivan  
Anna Forbes  
Veronica Pecor  
Marilyn Brentlinger  
Don Newtown  
Thomas H. Murphy  
Mary E. Yerdon  
Sam Forkey  
Terry Thompson  
Rob Campany(TE)  
Candie Pecor

Larry Aubertine (PB)  
Henry LaClair (ZEO)  
Ernest Amyot  
Patty Booras-Miller  
Marcus Forkey  
Dan Murdie (Iberdrola)  
Derek Forkey  
Michael Matthews  
Dennis Parker  
Steve Witham  
Terence Strock  
Cynthia Hazelton  
Larry Hutcheon  
Donald E. Lingenfelter  
James Brown  
Paul E. Heckmann (PB)  
DL Withington  
Marcia J. O'Neill  
Thomas R. Grant  
Amy Moffatt  
Sally Boss  
Andrew Wood (TILT)  
Richard Spencer  
Shirley Carpenter  
Jerry Wetterhahn  
Harold Carpenter (ZBA)  
Jamie Lee  
James Pecor  
John W. Jepma  
Ed Oliver  
Roger Howard  
Valarie Korczakowski  
David Storandt(ZBA)  
Richard Torres  
August Withington  
Diane Clark

Supervisor Taylor opened the meeting at 6:00 PM with the Pledge of Allegiance.

**Rules for Public Hearings:**

Supervisor Taylor posted and read the Rules for Public Hearings, after which he inquired if anyone had any question concerning the rules. There were none.

**Public Hearing - Amendment #31 to the Town of Clayton Zoning Ordinance:**

**Motion** by George Kittle, seconded by Robert W. Cantwell III, to open the public hearing For Amendment #31 to the Town of Clayton Zoning Ordinance at 6:08 PM. Motion carried.

Ken Knapp & Ken Deedy spoke in “support” of the amendment.

The following people had signed up to speak, but declined when called upon: Donald Lingenfelter, Charles Matthews, Michael Matthews, Sarah Boss, and Richard Spencer.

**Motion** by Lance Peterson, seconded by Donald Turcotte, being no further persons to speak, to close this public hearing at 6:13 PM. Motion carried.

**Public Hearing – Amendment #32 to the Town of Clayton Zoning Ordinance:**

**Motion** by Donald Turcotte, seconded by Robert W. Cantwell III, to open the public hearing for Amendment #32 to the Town of Clayton Zoning Ordinance at 6:14 PM. Motion carried.

Ken Knapp spoke in favor of the amendment citing that he was a member of that Committee; the Committee had some small hurdles when doing the review, that the hurdles were necessary and the outcome was reasonable.

John Forkey spoke against the amendment citing it was already too restrictive and that it didn't need to be more restrictive.

**Motion** by George Kittle, seconded by Lance Peterson, being no further public comments, to close the public hearing at 6:16 PM. Motion carried.

**Public Hearing – Local Law #1 of 2010 amending Local Law #1 of 2007:**

**Motion** by George Kittle, seconded by Lance Peterson, to open the public hearing of Local Law #1 of 2010 Amending Local Law #1 of 2007 at 6:18 PM. Motion carried.

Supervisor Taylor started with a coin toss for position of would speak first. Kevin Forkey called “heads” and “tails” came up. Mr. Jepma stated he would like to speak last.

Kevin Forkey started by wishing everyone a “Happy Earth Day” and stated he had a slide show presentation with comments and a copy of “Wind Turbine Sound and Health Effects, An Expert Panel Review that he distributed to each of the Board members . Mr. Forkey was representing the pro-wind view for those landowners that are “Friends of Wind and not in favor of changing the Local Law to make it more restrictive. Mr. Forkey realized the time, effort and dedication the Town

Board had committed to the project. He thanked everyone in attendance for their attention and consideration. He began with the economics and how that would improve our community, touching on one time benefits and long term benefits. Depiction of the current project layout with the existing zoning law and a depiction which included the recommendations were also shown. Mr. Forkey submitted results from a Jefferson County College survey and study of Maple Ridge Wind Farm. The same company would be doing the Horse Creek Wind Farm. He discussed property values and getting signatures for the petition. **(See attachment file).**

Other Pro-Wind Speakers “against changing” included: John Forkey, who is hoping for three (3) turbines on his land. He doesn’t feel that anti-wind people should tell him that he can’t have turbines on his property just because they don’t want to see them. The money that is put back into this community will help all taxpayers here. He considers this a positive for the whole township. The money that is paid to him directly will go to putting up houses for his children, who won’t have to move away and will be spending their hard earned money in this area. Mr. Forkey urges the Town Board not to make the Local Law more restrictive.

Jenny Burke, Applicant for Iberdrola – Should leave the Local Law as it is. Iberdrola is one of the leaders in this industry and the Federal and State governments allows this activity and encourages the Wind turbines. The States SEQR process is used to address any safety issues and should be followed. Iberdrola has a good record with the Maple Ridge Wind Farm. Should look at the economic breakdown of that system. She believes that the Committee is excessive with what changes they’re looking for. Thank you for allowing her to speak and for your consideration.

Bruce Rosbrook, Clayton landowner/taxpayer and Training Director EJATC of Watertown (Electrical Joint Apprenticeship Tri-County) spoke citing that 20 years ago everyone was worried about cell towers. Change is needed to help us grow. Change helps keep the economics viable in our Communities. Our local school is looking at cutting 20 jobs out of our next budget year. Growth in our Community will help keep our children here after they graduate, as jobs will come as part of the growth. He congratulated Kevin Forkey for depicting this in his presentation. Mr. Rosbrook stated that he is a Training Director for International Brotherhood of Electrical Workers Local 910(IBEW910) in Watertown. These people are a skilled trade and good workers. Along with them is Local 1249, which are the linemen. This project is 229,000 man hours and \$7 million of wages for our area. New dollars are needed in our area. Years ago we had Frink’s and Graphic Controls that provided employment for our area. Those are no longer here. Mr. Rosbrook also cited an article that was in the April 2010 issue put out by the Greater Watertown Chamber of Commerce, written by Dave Mance Concerning the State Senate-Energy Valley of NYS which stated that Wind Farms are critical to the Economic future of the area; they will create jobs and help to lower the tax burden. Mr. Rosbrook believes that the calculations were done to eliminate this project and urges the Town Board to refuse the wind changes. He thanked the Board for the time and considerations.

John Jepma, Committee member of the proposed changes, thanked the Board for the allowing him to speak for the committee and for the openness of the Town Board to discuss these issues. Dr. Jepma complimented Kevin Forkey as he gave a great presentation. He also believes that you can find evidence to support either side on this issue. He stated that over the past several years, the Board had been inundated by information on the pros and cons of wind. That was not going to be debated this evening. Last fall, the Town Board voted to accept recommendations of the Citizen’s Wind Committee which determined that changes should be made to the Local Law concerning wind turbine placement. The committee was formed after concerns arose regarding the wind law. The

committee included: pro-wind land owners, anti-wind, local business men and women, teacher, retirees and Mr. Cantwell a Town Board member. The charge was to review the Local Law and see if it needed to be revised regarding sound and setbacks and this was to be decided on science. There was no debate as to whether wind energy was good or bad; or whether you were for or against it. You were to focus on if a Wind Farm were to be built, how should the turbines be sited. The Committee reviewed many scientific studies and articles, amongst them: Tocci and Cavanaugh, an independent firm hired by the town to review law. They recommended changes; the sound level should be based on an increase over ambient. Kamperman and James also recommended increase over ambient. Other reports were also reviewed. After several months, a 100% consensus was reached. Those recommendations were all based on scientific unbiased data and is the “proposed” new law currently in the hands of the Town Board. This still allows for turbines, but requires the Wind Companies to set them properly to protect the overall well being of the residents. Dr. Jepma stated that you can still be pro-project and vote to accept the new law. Dr. Jepma stated that he and many others also here tonight, also support these changes. Dr. Jepma stated that there are a few items left over from the initial law that need to be adjusted and a copy of which has been submitted to the Town Board already. Dr. Jepma stated he also recommends adding increased fines for non-compliance and adding home buyout clauses if a home is not able to be sold within a certain time frame. He thanked the Board for giving time to speak and for all their time and hard work.

Other people to speak “for changing” included : Ken Knapp who stated that he was proud of the way everyone has behaved and that our community hasn’t been ripped apart like other communities. Everyone has expressed the views, and not everyone will be happy with the outcome. The petition That was submitted had approximately 150 names, this doesn’t represent the whole township. This is the biggest change in many years for this area and probably for many years to come. Ultimately, the Committee did their job and was trying to present the right thing for our community, that being health and safety. Our community has a strong spirit. He’s proud of our Town and the elected officials. Mr. Knapp feels that without a reasonable doubt that the Town Board should “pass” the recommendations.

Patty Booras-Miller introduced herself and stated she was presenting a letter signed by both her and her partner to the Town Clerk and asked that it be distributed to the Town Board.

Jamie Lee, stated she served on the Wind Committee. She stated that after she took away the emotion part, she could see what needed to be focused on and that was the ambient sound level and the setbacks. She stated that money comes and goes, but the health and emotion stays. She decided that the health and safety of the people was what needed to be the focal point. She urged the Town Board to pass the recommendations.

Kevin Forkey and John Jepma waived their right(s) to rebuttal.

**Motion** by Lance Peterson, seconded by Robert W. Cantwell III, closed the public hearing at 7:17 PM. Motion carried.

Supervisor Taylor stated that this was a “public hearing” night for all three (3), meaning that “public” input was taken. All three public hearings have been closed. There will be no further public input when the Town Board meets to vote.

**Motion** by Donald Turcotte, seconded by George Kittle, to hold the 4/28/10 meeting at 5:00 PM at the Village Municipal Building due to Renzi's Food Show being held at the Opera House and parking constraints for the Town Board meeting. Motion carried.

**Motion** by George Kittle, seconded by Donald Turcotte, to vote on all three (3) issues at next weeks (4/28) meeting. Motion carried.

Supervisor Taylor informed the attending that a "super majority" vote would be needed if the Town Board voted to amend any portion of the Local Law. A petition has been received an excess of 20% of the land mass required had signed. This is now being verified to see if the petition is valid. If a change is amended, we will need four (4) affirmative votes to change.

Supervisor Taylor complimented the people who spoke at the public hearings, that they had done an "outstanding " job of presenting the viewpoints.

Supervisor Taylor thanked all the people who had served of the committees and those for providing input to the public hearings.

**Motion** by George Kittle, seconded by Robert W. Cantwell III, to adjourn this special meeting at 7:22 PM. Motion carried.

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Kathleen E. LaClair, Town Clerk