

**April 28, 2010**

The Town Board of the Town of Clayton held their regular meeting in the Village Municipal Building, at 425 Mary Street, Clayton, New York, 13624 with the following persons present:

Justin Taylor	George Kittle	Donald Turcotte
Lance Peterson	Robert W. Cantwell III	Bob Boulton
Kathy LaClair		
Joseph W. Russell (T/Atty.)	Alicia Dewey	Patty Booras-Miller
Anna Forbes	Steve Witham	Cindy Grant
John S. Forkey	Chancey Forkey	Bud Baril (PB)
Norma Zimmer (Mayor)	Dan Murdie (Iberdrola)	Kevin Forkey
Larry Aubertine (PB)	Anne Aubertine	Mary E. Yerdon
Phillip Scott	Elaine Wilkie	Duane C. Hazelton (PB)
Sam J. Matthews	Jamie Lee	Marilyn Buntlinger
Ken Knapp	Pamela McDowell (TI SUN)	Tom Tinney
Julie Tinney	Jerry Wetterhahn	Bruce A. Rosbrook
Rob Company (TE)	Jake Tibbles	Michelle Calhoun
Derek Forkey	Doreen Slocum	Andrew Wood
John Jepma	Greg Lago	Mary Burke (VT)
Kory Robbins	Jay Lee (WDT)	Jill Shultz
Bob Shultz	Fred L. Matthews	Dave McCarter

Supervisor Taylor opened the regular meeting at 5:00 PM with the Pledge of Allegiance.

**Town Clerk:**

**Correspondence:**

- 4/20/10 DANC sent notice of their Water/Sewer Billing & Equipment Rental Rates FYE 3/21/11. **(See attachment file.)**
- Copy received of The Greater Watertown-North county Chamber of Commerce welcoming the Town & Employees as members to their Chamber. **(See attachment file.)**
- Notice of Motion to Intervene regarding the proposed Great Bend & the Felts Mills Hydroelectric Project on behalf of American Whitewater. **(See attachment file.)**
- Received the May 2010 "Points North newsletter of the Northern New York Library Network. **(See attachment file.)**
- Notice from Town of Alexandria of a public hearing to be held on 5/12 @ 6:00 PM for hearing oral or written comments regarding Local Law #1 for 2010 to Amend & Reinstate the present Zoning Ordinance. **(See attachment file.)**
- Received TILTreks & Talks 2010 – upcoming events. **(See attachment file.)**

**Minutes:**

**Motion** by Bob Cantwell III, seconded by Donald Turcotte, to approve the minutes of 4/14 with one (1) word change. Motion carried.

**Motion** by George Kittle, seconded by Lance Peterson, to approve the minutes of the Special Hearing on 4/21 as written. Motion carried.

**Public Comment on Agenda Items:**

Supervisor Taylor stated that we have five (5) requests to speak concerning "agenda items." Because the public hearing was closed last Wednesday evening at the conclusion of the Public hearing, no comments will be received this evening concerning "Wind or Wind related topics." When called upon, if the comments that have anything to do with wind discussion, the Board request that that you respectfully decline comment.

The following people were called upon and declined comment: John S. Forkey; Cindy Grant; Elaine Wilkie; Anna Forbes. Ken Knapp respectfully said "thank you."

**Supervisor:****Agenda:**

**Motion** by George Kittle, seconded by Lance Peterson, to approve the agenda as presented. Motion carried.

**Highway Truck Bid Opening:**

1992 Ford Pickup: Bid #1: Mike Strouse -\$400; Bid #2: Kevin Patchen - \$251.

1992 Chevy Pickup: Bid #1: Kevin Patchen - \$50; No other bid.

1997 Ford Utility Truck: Bid #1: Steve Dorr - \$101.55; No other bid.

9' Frink Poly Plow: Bid #1: Steve Dorr - \$25. No other bid.

Highway Superintendent Boulton stated that the sale is to "surplus" out old equipment and is sold in "as is condition."

**Motion** by George Kittle, seconded by Lance Peterson, to sell the 1992 ford pickup to the high bidder of Mike Strouse for \$400 and to sell the three pieces of equipment to the lone bidders of each, being the 1992 Chevy Pickup to Kevin Patchen for \$50; 1997 Ford Utility Truck to Steve Dorr for \$101.55; and the 9' Frink Poly Plow to Steve Dorr for \$25. All sales are to be paid by cash, certified check, or money order made payable to the "Town of Clayton" and paid at the Town Clerk's Office. Payment and pickup of equipment on or before May 13<sup>th</sup>. Motion carried.

**Letter to Governor concerning "CHIPS" funding:**

Highway Superintendent Boulton asked the Town Board if they would send a letter to Governor Patterson concerning his statements of taking away a portion of the "CHIPS" money for local use to help balance the State Budget.

**Motion** by Bob Cantwell III, seconded by George Kittle, for Supervisor Taylor to draft a letter to the Governor from the Town Board concerning the taking of money away from Towns & Villages out of the "CHIPS" fund. Motion carried.

**Reappointment B.A.R. & Planning Board:**

**Motion** by Lance Peterson, seconded by Bob Cantwell III, to reappoint Chris Matthews to the Board of Assessment review for a five year term ending 09/30/2014. Motion carried.

**Motion** by George Kittle, seconded by Donald Turcotte, to appoint John Davis to fill the unexpired term of Everett Foster, which ends 9/30/2011. Motion carried.

**Motion** by George Kittle, seconded by Bob Cantwell III, to appoint Roger Howard as an "alternate" to the Bd. of Assessment Review, term ending 9/30/10. Motion carried.

**Motion** by Lance Peterson, seconded by Donald Turcotte, to appoint Charles Burlingame as an "alternate" to the Bd. of Assessment Review, term ending 9/30/2010. Motion carried.

**Motion** by Lance Peterson, seconded by Bob Cantwell III, to reappoint Preston Lowe to the Joint T/V Planning Board for a seven (7) year term ending 12/31/2016. Motion carried.

**Cemeteries Bids:**

**Motion** by Donald Turcotte, seconded by Lance Peterson, to reject all bids that were submitted on 4/14/10. Motion carried.

**Motion** by George Kittle, seconded by Donald Turcotte, to have Jeff Marra mow all Grindstone Island cemeteries, he is to be paid by voucher, \$3600 per season, and he will have his own Certificate of Insurance. Councilman Kittle or Councilman Peterson will get his mower(s) to the island for him. Motion carried.

Keith Wood & Recreation Park employees will maintain mainland cemeteries.

**Highway Superintendent Report:**

- Highway Superintendent Boulton thought that possibly TIYLO & TILT might help us do a cleanup at all the Town cemeteries, as we are currently behind for this year.
- Mitigation Application has been received and forwarded to Rob Campany for completion. This needs to be filed by June 11<sup>th</sup>.
- Salt purchase: We're allowed an extra 20%; this was ordered at \$59.49/T and has arrived. The early purchase was to hedge off impending higher prices later in the year and this was a good price to purchase at.

**Committee Reports:**

**George Kittle:** Had just discussed Cemeteries.

**Donald Turcotte:** Nothing to report for this evening.

**Lance Peterson:** Business with a Twist, tomorrow night (4/29) 5-9 PM Boat ride with Clayton Island Tours.  
Recreation Park - Pool Cover should be here in 5-6 weeks.  
Recreation Park - Roof will be completed within the month.

**Robert Cantwell III:** TIYLO – Nice job by Alicia Dewey and Committee for the Green Cleanup days. There was a good turnout for public participation.  
LWRP – Still at legal review by Dept. of State.

**SEQRA RESOLUTIONS:**

Supervisor Taylor indicated that Town Attorney Joseph Russell had prepared the SEQRA documents (Parts I & 2) and the Negative Declaration for Amendment #31 to the Zoning Ordinance, Amendment #32 to the Zoning Ordinance and for Local Law #1 of 2010, for the Town Board. The Board has reviewed these documents and the following votes are listed for each:

**RESOLUTION #33 OF 2010:**

**RESOLUTION #33 OF 2010** was offered by George Kittle, seconded by Lance Peterson, a resolution to approve SEQRA as pertaining to Amendment No. 31 to the Town of Clayton Zoning Ordinance, which amendment will clarify certain existing definitions and existing regulations relating to fences, and agriculture and rural uses consistent with the rural open space characteristics of Grindstone Island and will establish the use regulations and dimensional requirements for projects

within the new district. This resolution determines that this action is a Type 1 action under the SEQRA Law; the Town of Clayton is the only agency with jurisdiction by law to fund, approve or directly undertake this action and that coordinated review of the action is neither required nor necessary; The Town of Clayton shall be the lead agency under SEQRA, and as such adopts the findings, conclusions and rationale relating to the probable environmental impacts of the action contained within the Environmental Assessment form and Negative Declaration-Notice of Determination of Non-Significance, and authorizes the Town Supervisor to execute the EAF and file the Negative Declaration-Notice of Non-Significance in accordance with the applicable provisions of law. This Resolution shall take effect immediately. Taylor-yes; Kittle-yes; Turcotte-yes; Peterson-yes; Cantwell III-yes. Resolution **PASSED**.

**RESOLUTION #34 OF 2010:**

**RESOLUTION #34 OF 2010** was offered by Lance Peterson, seconded by Robert W. Cantwell III, a resolution to approve SEQRA for Amendment No. 32 to the Town of Clayton Zoning Ordinance, which amendment will permit the siting of Small Wind Energy Conversion Systems and Wind Measurement Towers, as those terms are defined within the proposed amendment, anywhere within the Town of Clayton subject to the receipt of a Wind Energy Facilities permit pursuant to the requirements of Local Law No. 1 of the year 2007, as amended. This resolution determines that this action is a Type 1 action under SEQRA Law; the Town of Clayton is the only agency with jurisdiction by law to fund, approve or directly undertake this action and that coordinated review of the action is neither required nor necessary; The Town of Clayton shall be the lead agency under SEQRA, and as such adopts the findings, conclusions and rationale relating to the probable environmental impacts of the action contained within the Environmental Assessment form and Negative Declaration-Notice of Determination of Non-Significance, and authorizes the Town Supervisor to execute the EAF and file the Negative Declaration-Notice of Non-Significance in accordance with the applicable provisions of law. This Resolution shall take effect immediately. Taylor-yes; Kittle-yes; Turcotte-yes; Peterson-yes; Cantwell III-yes. Resolution **PASSED**.

**RESOLUTION #35 OF 2010:**

**RESOLUTION #35 OF 2010** was offered by George Kittle, seconded by Robert W. Cantwell III, a resolution to approve SEQRA as pertaining to the amending of Local Law No. 1 of the year 2007 (Wind Energy Facilities). This resolution determines that this action is a Type 1 action under SEQRA Law; the Town of Clayton is the only agency with jurisdiction by law to fund, approve or directly undertake this action and that coordinated review of the action is neither required nor necessary; The Town of Clayton shall be the lead agency under SEQRA, and as such adopts the findings, conclusions and rationale relating to the probable environmental impacts of the action contained within the Environmental Assessment form and Negative Declaration-Notice of Determination of Non-Significance, and authorizes the Town Supervisor to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law. This Resolution shall take effect immediately. Taylor-yes; Kittle-yes; Turcotte-No; Peterson-yes; Cantwell III-yes. Resolution **PASSED**.

**RESOLUTION VOTE FOR APPROVAL:**

**Amendment #31:**

**RESOLUTION #36 OF 2010** was offered by Robert W. Cantwell III, seconded by Lance Peterson, a resolution approving Amendment No. 31 to the Town of Clayton Zoning Ordinance. Taylor-yes; Kittle-yes; Turcotte-yes; Peterson-yes; Cantwell III-yes. Resolution **PASSED**.

**Amendment #32:**

[Discussion led by Councilman Kittle concerning some change of language & overall height & having a law that is enforceable. Councilman Kittle offered that Amendment #32 needs to be reworded and reworked.]

**RESOLUTION #37 OF 2010** was offered by Donald Turcotte, seconded by Lance Peterson, a resolution approving Amendment No. 32 to the Town of Clayton Zoning Ordinance. Taylor-No; Kittle-No; Turcotte-No; Peterson-No; Cantwell III-No. Resolution **DEFEATED**.

Supervisor Taylor stated that before taking the final vote, on the following resolution, each Councilperson would have an opportunity to read a prepared statement concerning their position on how they were voting.

Supervisor Taylor, Councilman(s) Kittle and Peterson read prepared statement(s) **(See attachment file)**; Councilman(s) Turcotte & Cantwell III, had no prepared statements but thanked everyone for all the dedication to the various committees, the civility of everyone involved and asked for civility as we move forward to the future.

**Local Law #1 of 2010:**

[Atty. Russell informed the Town Board that due to receiving the “petition” of 54% land mass owners or 5991.19 acres in the Wind Overlay of petitioners a super majority vote, a 4-1 vote, would be needed to pass Resolution #38 in order to approve.] [Supervisor Taylor stated that Jefferson County Planning Dept. calculated the 5991.19 acres of the Wind Overlay district signatures, potential siting area left in that district to construct wind turbines is 135.63 acres. A super majority is four (4) affirmative votes.]

**RESOLUTION #38 OF 2010** was offered by Robert W. Cantwell III, seconded by Lance Peterson, a resolution to approve Local Law #1 of 2010, entitled a Local Law to amend Local Law No. 1 of the year 2007 (Wind energy Facilities). Taylor-No; Kittle-Yes; Turcotte-No; Peterson-Yes; Cantwell III-Yes. **(Needing 4 affirmative votes to pass, this Resolution is DEFEATED.)**

**MOTION** by George Kittle, seconded by Robert W. Cantwell III, to adjourn this regular meeting at 6:15 PM. Motion carried.

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Kathleen E. LaClair, Town Clerk