

August 26, 2009

The Town Board of the Town of Clayton held the annual regular workshop meeting at the Depauville Fire Social Hall located in Depauville, New York with the following persons present:

Justin Taylor
Lance Peterson
Kathy LaClair

George Kittle
Robert Cantwell III

Donald Turcotte
Robert Boulton

Alicia Dewey
Fred L. Matthews
Cornelia Schnauber
Sally Boss
Stephen A. Witham Jr.
Delinda Tubolino
Stu Peters
Larry Aubertine
J. Uderitz
Les Daye
Art Pundt
Andrew Wood (TILT)
Thomas Chapman
Gerald Donahue
Jerry Wetterhan
Miggy Reff
Lauri Darou
Kim LaRose
Nancy Madsen (WDT)
Bud Baril
Preston Lowe
Fred Schmitt
Tom Carr
Leona Wilkie

Jenny Burke
Mary E. Yerdon
Charles Ebbing
Cindy Grant
Patty Booras-Miller
Francis Andre'
Diane Peters
William Fearnside
Phil Scott
Heidi Kester & Eli
Lorna Pundt
Zell Steever
Betty Chapman
Jeffery Marra
Derek Forkey
Kevin Reff
Melody Recor
Tim LaRose
Marilyn Brentlinger
Karen Nadder Lago
Ed Oliver
Ken Deedy
Nancy Murphy
John Jepma

Dan Murdie
Laurence Ward
Don Metzger
Judy Tubolino
Jamie Lee
Anna Forbes
Ann Aubertine
Will Salisbury
Rose Scott
Pat Patchen
Gail Richardson
Greg Lago
Mary Donahue
Kevin Forkey
Tom Murphy
Erin Fulton
Jack Recor
Darryl Hyde
Polly Baril
Jetlin Kettea
Duane Hazelton
Mary Hamilton
Bob Shultz
Candie Pecor

The meeting opened with the Pledge of Allegiance by Supervisor Taylor.

Town Clerk:

Correspondence:

- (1) Letters from Fred Jackson, Peter & Frances Rossmassler, Joseph Ficano & two (2) e-mails from Sue Brooks Fairbrother, concerning Grindstone Island zoning. **(See attachment book.)**
- (2) Letters from Andrew Wood (TILT) & Charles Ebbing concerning Wind. **(See attachment book.)**
- (3) Notice of Time Warner Cable Franchise Fee arrival within 5 to 7 days. **(See attachment book.)**
- (4) September 2009 Northern Regional Center for Independent Living issue of Focusbility. **(See attachment book.)**

Minutes:

Motion by George Kittle, seconded by Lance Peterson, to approve the minutes of 8/12/09 as presented. Motion carried.

Recreation Park Wage Adjustment:

Motion by Lance Peterson, seconded by Donald Turcotte, to raise Christopher Badour to \$14.72 effective 8/30/09. Motion carried.

Substitute Life Guards:

Motion by Bob Cantwell III, seconded by George Kittle, to add Brian Haines & Kenneth Freitag as substitute Life Guards at a rate of \$8.00 per hour. Motion carried.

Supervisor:

Annual Audits:

Motion by George Kittle, seconded by Donald Turcotte, to do yearly internal audits of the following departments: Chief Fiscal Officer, Town Clerk/Tax Collector, and Justice Court. Motion carried.

Depauville Grant:

Alicia Dewey, Assistant to the Supervisor wrote a grant to the Lower Hudson Network in the amount of \$7487, to acquire funding to preserve the old stage curtain that was hanging in the Library. This curtain, after restoration, will be preserved in a boxed display case and hung back up in the Depauville Library.

Depauville Library Computers:

The Town Board had a request for a computer for the Depauville Library. Mr. William Grater of Grater Architects has donated two (2) used and refurbished computers to the Depauville Library.

Insurance Quotes:

Town will advertise the first part of September for competitive quotes for the Towns insurance. Packets will be available to pickup at the Town Clerks Office. We will also solicit quotes from NYMIR, and all local agencies.

Copy Machine Maintenance Quotes:

Discussion of looking into a state contract for maintenance of all our copiers through Remi. Individual vendor maintenance is very costly.

Fuel Depot:

Bob Boulton & Alicia Dewey met with TI School today and will meet again in late September. Everyone seems to agree that maintenance should be divided per useage.

Route 12E Sewer District Meeting:

Supervisor Taylor met with interested parties on 8/19/09. Thirty-one parcels have indicated that they would like to belong to the sewer district. Only a couple have expressed interest in actually connecting to the system at this time.

Bike Trail Consulting Quote:

Motion by George Kittle, seconded by Donald Turcotte, to hire Diane H. Leonard d/b/a DH Leonard Consulting for \$1100, to do a grant through NYS Parks & Recreation that is due September 14, 2009. Motion carried.

HRRRP DOT Grant:

The State DOT is soliciting information from the Town Highway Dept. looking for input of heavy access intersections for accidents. Hwy. Supt. Boulton has recently shared concerns with the State DOT concerning Rts.181/12 & Co. Rte. 54 at the Morris Tract Rd. intersection. The State is looking for funds through the Stimulus money.

CLDC/Frink:

The **Riverwalk** Ribbon cutting was last Friday, August 21st at 2 PM. A very good crowd attended & the Representatives from Albany were very impressed with the area.

BIG Grant Support:

A grant in the amount of \$1.7 million is being submitted by the CLDC for transient boat dockage. The CLDC has partnered with Town of Clayton, Village of Clayton and the Clayton Chamber of Commerce to contribute towards the local match. The CLDC Exec. Officer and a couple of CLDC members visited Kingston to review their transient docking. Kingston Officials indicated that on average a boater will spend \$67 per person into the local economy not counting the marine gas and docking fees.

Cell Phone Tower:

A permit has been issued to Verizon, to place a cell tower off the Old Town Springs Road which should aid the Hamlet of Depauville will cellular phone service.

Highway Superintendent Report:

- 1) Chaumont River Bill: Passed through Assembly & Senate which allows the Town to apply for redevelopment and improvement funding through the Local Waterfront Revitalization Program offered by the New York State Department of State. This greatly helps Depauville as a Hamlet, for funding.
- 2) Sand/Salt Shed: presently getting the foundation ready; the building is on site; permit will be obtained tomorrow; hoping to get started next week. Will be nice to have sand/salt under cover.
- 3) Frink: took out slabs; backfilled; rolled and seeded.
- 4) Mobile Map: Hwy. Superintendent Boulton & Ms. Dewey met with others last week at the County level. This is a good project for Jefferson County & surrounding towns. This will help to budget the rebuilding of roads and other projects. There are eight (8) towns in Jefferson County and Jefferson County itself that are interested in this project. We piggybacked with Lewis County so that we could get a high score in the grant application process. Town of Clayton in consortium with others will spend approximately \$3428. If we had been alone, with no grant we would have needed \$105 plus thousand, with no grant, but with a group rate would have needed \$34,280.
- 5) Shared Services: Hand shake deals are now gone by the wayside as everything needs to be documented. One contract will be used by Jefferson County Highways, DOT Region 7 & Jefferson County municipalities.

Committee Reports:**George Kittle:**

Kaitlyn Wilkie requested more youth activities for Depauville. She worked with the Clayton Youth Commission, who give funding for Kaitlyn to purchase the needed materials.

Gordon D. Cerow Recreation Park: The Cerow family has asked that the park be renamed Cerow Park. **Motion** by George Kittle, seconded by Lance Peterson to rename to Cerow Park. Motion carried. The town will look into the repainting of the sign.

Thank you to everyone in attendance this evening. Everyone has been staying on track of the issues.

Donald Turcotte:

Heritage Heights Sewer: On 9/9 there will be a “smoke testing” on the site of Heritage Heights Sewer District. The system is running well, however there are

sumps dumping into the system. We have notified all district users of the upcoming “smoke test”.

Lance Peterson:

Downtown Sound System: We have had Bob Ferris look at. He suggested that the Chamber purchase a new PA system for just in front of the stands. There seems to be an overload on the wires.

Recreation Park is applying to the Red Cross to be designated as an Emergency Shelter. This would open up the possibility for having showers at the arena.

Fourth Coast is working on energy efficiency grants for the pool. This system is now 38 years old.

Pool closed today for season.

Robert Cantwell III:

LWRP: moving forward with schedule, a little behind schedule right now; the next meeting date hasn't been set yet.

TIYLO: Meeting set for 9/10 at 6 PM.

Halloween Haunted House will be 9/30 for Adults and 9/31 for children.

Triathlon meetings are being held for next summer event(s).

Special Discussion on Wind Power:

Supervisor Taylor started the discussion by reading Discussion on Wind Power and its Application to the Town Board. (See attachment file.)

The following persons spoke for adopting the Wind Committee Recommendations: Charles Ebbing (read a prepared statement submitted under the correspondence section), Judy Tubolino (T/Orleans Wind Committee member, prepared statement, see attachment file), Ken Knapp (need to find a middle ground to compromise), Cindy Grant (prepared statement, see attachment file), Jamie Lee (T/Clayton Wind Committee member), Don Metzger (T/Lyme), Gene Donahue, Ed Oliver (T/Clayton Wind Committee member; addressed both parties), Duane Hazelton (T/Clayton Wind Committee Member), Francis Andre', Anna Forbes (prepared statement, see attachment file), Patty Booras-Miller, Fred Schmitt.

The following persons spoke against adopting the Wind Committee Recommendations: Jenny Burke (Iberdrola), Mary Yerdon, Phil Scott, Rose Scott (submitted Albert Einstein Healthcare Network Goes Green with Local, Fixed-Priced Wind Power, see attachment file), Patricia Patchen, Jerry Wetterhahn, Kevin Forkey.

Andrew Wood, Exec. Director of T.I.L.T. read an “Opposed to Wind Turbines” position statement. (**See attachment file-Correspondence**).

Nancy Murphy referenced the scientific papers that was contained on a disk she received. She questioned if the Planning Board had also received the disk.

Supervisor Taylor thanked the public for their views and for being attentive to all those that spoke.

At this time, the Town Board reviewed each of the seventeen topics of recommendation(s):

Topic 1: Sound/Noise: Audible Noise: Town Board agrees with Wind Committee recommendation.

In regards to audible noise ambient sound La90 must be measured (using ANSI or IEC Type 1 standard) preconstruction by an Independent Licensed Acoustical Engineering firm, approved by the Town of Clayton Town Board, paid for by the developer.

Topic 2: Sound/Noise: Low Frequency Noise: Town Board agrees with Wind Committee recommendation.

In regards to Low Frequency Noise (LFN), ambient sound Lc90 must be measured (using ANSI or IEC Type 1 standard) preconstruction by an Independent Licensed Acoustical Engineering firm, approved by the Town of Clayton Town Board, paid for by the developer.

Topic 3: Sound Noise: Generated Audible Sound at Non-Participating: Town Board agrees with Wind Committee recommendation.

Generated sound by Wind Energy Conversion Systems (WECS) shall not exceed ambient La90 sound level more than 5dBA at all non-participating property lines.

Topic 4: Sound/Noise: Generated LFN Sound at Non-Participating: Town Board agrees with Wind Committee recommendation.

Generated sound (LFN) by WECS shall not exceed ambient Lc90 sound level by more than 5dBC at all non-participating property lines.

Topic 5: Sound/Noise: Generated Sound at Any Public/Private Dwelling: Town Board agrees with Wind Committee recommendation.

Generated sound L90 by WECS shall not exceed 50 dBA as measures at any public and private dwellings or residences including churches, school, hospitals and libraries.

Topic 6: Noise Easements: Town Board agrees with Wind Committee recommendation.

Non-participating residents shall be allowed to sign a noise easement regarding sound levels at their property lines, but not to exceed 50 dBA at their residences.

Topic 7: Definitions: Town Board will have their Attorney review this section.

Include expanded definitions i.e.: Town of Union, WI, Town of Bethany. See attached.

Topic 8: Sound Measurement Location Requirements: Town Board agrees with Wind Committee recommendation.

Sound measurement location requirements should be done per Kamperman & James, October 28, 2008, version 2.1,pg 19.

Topic 9: Setbacks: General: Town Board accepted Wind Committee recommendation with **modification**.

All WECS shall be set back not less than 4500 ft. from the mean high water mark as established by the US Army, Corps of Engineers of the Chaumont River (downstream of the Hamlet of Depauville). **Striking** – “and the mean High-Water mark of the St. Lawrence River and also not less than 4500 ft. from the boundaries of the Village of Clayton and the Hamlet of Depauville Lighting District.”

Topic 10: Wetlands: Town Board agrees with Wind Committee recommendation.

All WECS shall be set back not less than 500 ft from NYS regulated wetlands.

Topic 11: Setbacks Participating Residences: Town Board agrees with Wind Committee recommendation.

All WECS shall be set back not less than 2.5 times their maximum height from participating residences.

Topic 12: Setback Easements: Town Board agrees with Wind Committee recommendation.

Non-participating residents shall be allowed to sign a setback easement, but not less restrictive than setbacks for participating residences.

Topic 13: Setbacks: Utilities: Town Board agrees with Wind Committee recommendation.

All EWCS shall be set back not less than maximum tower height plus 10% from any non-WECS above ground utilities located within the project boundary.

Topic 14: Setbacks: Non-Participating: Town Board agrees with Wind Committee recommendation.

All WECS shall be set back not less than 3.5 times their maximum height, but not less than 500', from all non-participating property lines.

Topic 15: Setbacks: Roadways: Town Board agrees with Wind Committee recommendation with **modification.**

All WECS shall be set back not less than 3.5 times their maximum height, but not less than 500' from the right-of-way.

Striking: "or dictated by physics."

Topic 16: Shadow Flicker: Town Board doesn't agree with Wind Committee recommendation. Town Board will let DOT weigh in.

Topic 17: Additional Comments: Town Board didn't vote on this issue stating "compliance & penalty" is all ready on our radar screen. All other listed has been addressed.

Supervisor Taylor stated this will be sent to Joe Russell to address for amendments to the Local Law. There will be no changes to the Local Law until the "Small Wind Committee" has addressed there section.

Motion by George Kittle, seconded by Donald Turcotte, to adjourn this regular workshop meeting at 8:00 PM. Motion carried.

Kathleen E. LaClair, Town Clerk