

October 14, 2009

The Town Board of the Town of Clayton held their regular meeting in the Town Board Room at the Town Offices with the following persons present:

Justin Taylor
Lance Peterson
Kathy LaClair

George Kittle
Robert W. Cantwell III

Donald Turcotte
Bob Boulton

Jim Yuhas
Ken Knapp
Pam McDowell (TI Sun)
John Forkey

Alicia Dewey
Cindy Grant
Derek Forkey
Chancey Forkey

Duane C. Hazelton
Fred L. Matthews
Kevin Forkey
Ken Deedy

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

Town Clerk:

Correspondence:

- Justice Clarence F. Giles September 2009 Comptrollers report. **(See attachment file).**
- Justice Clifford James September 2009 Comptrollers report. **(See attachment file).**
- Grants Action News for October 2009. **(See attachment file).**
- Northern New York Library Network Sessions. **(See attachment file).**
- Depauville Sewer District minutes for October 2009. **(See attachment file).**
- Letters received from Ken Deedy, Phyllis Schwartz, Arthur Couch, Charles Ebbing & Dan Churchill. **(See attachment file).**
- Thousand Islands Land Trust (T.I.L.T.) issue of Reflections. **(See attachment file).**
- Annual Inspection of Depauville Sewer District Wastewater Treatment Facility statement of compliance. **(See attachment file).**

Minutes:

Motion by George Kittle, seconded by Lance Peterson, to accept the minutes of September 23rd as written. Motion carried.

Resolutions:

Resolution #43 was offered by Lance Peterson, seconded by Donald Turcotte, to support the convening of a Non-Partisan, Grassroots "People's Convention to Reform New York" in 2011, as opposed to waiting for 2017. Taylor-aye; Kittle-aye; Turcotte-aye; Peterson-aye; Cantwell III-aye.

Resolution #44 was offered by George Kittle, seconded by Donald Turcotte, to authorize the Supervisor of the Town of Clayton to enter into an agreement with the Development Authority of the North Country (DANC) for further services related to Global Positioning System Training and GIS Dataset Development. Taylor-aye; Kittle-aye; Turcotte-aye; Peterson-aye; Cantwell III-aye.

November Meeting Changes:

Motion by George Kittle, seconded by Lance Peterson, to hold our first regular bill paying meeting on November 4th, 2009 at 5:00 PM. Motion carried.

Motion by George Kittle, seconded by Donald Turcotte, to move the Budget forward to Preliminary and hold a Public Hearing on Wednesday, November 4th at 5:30 PM. Motion carried.

Motion by George Kittle, seconded by Lance Peterson, to cancel the November 11, 2009 and November 25, 2009 meetings. Motion carried.

Supervisor:**Supervisor Report:**

Motion by Bob Cantwell III, seconded by Donald Turcotte, to approve the monthly Supervisor's Report for September 2009 as presented. Motion carried.

Bills:

Motion by George Kittle, seconded by Bob Cantwell III, to pay Abstract #10 in the amount of \$391,545.15. Motion carried.

Sand/Salt Shed Height Variance:

Town Board discussion of Governmental Immunity from Zoning concerning the sand/salt shed height. The following nine factors were weighed during the discussion:

- 1) The nature & scope of the instrumentality seeking immunity: The Town Highway Dept. is seeking to build a sand/salt building to protect the sand/salt from the elements.
- 2) The encroaching government's legislative grant of authority: There is no encroaching government involved and the Town Board can declare immunity from their zoning if it is for the good of the community.
- 3) The kind of function or land use involved: The function of land & use has been the piling of sand and salt for winter use on snow and icy roads.
- 4) The effect local land use regulation would have upon the enterprise concerned: The sand/salt building will aid in the prevention of the salt dissolving or leaching into the ground from the elements.
- 5) Alternative locations for the facility in less restrictive zoning areas: There is no better site.
- 6) The impact upon legitimate local interests: The ultimate goal is to save tax dollars from eroding away very expensive materials and prevent any soil or water contamination either on or off site.
- 7) Alternative methods of providing the proposed improvement: This is the best method for preservation.
- 8) The extent of the public interest to be served by the improvements: Provide better winter time road management against ice and to preserve soil and water from contamination.
- 9) Intergovernmental participation in the project development process and an opportunity to be heard: The only government affected is the Town of Clayton who is trying to take all precautionary steps for the betterment of the community.

Motion by George Kittle, seconded by Bob Cantwell III, to declare the Town of Clayton Sand/Salt Shed height under governmental immunity and issue a no negative impact statement for the project. Motion carried.

Asbestos Removal at Arena:

Analysis has been completed a month ago. Quotes have been put out for asbestos removal at the arena. Looking for the quotes to be returned soon. Consensus of the Board is for the Supervisor to award as soon as possible to get the job done.

ZBA Appointment-Alternate:

Motion George Kittle, seconded by Lance Peterson, to appoint Dale MacLaughlin as an Alternate member to the Joint T/V Zoning Board of Appeals. Motion carried. The Village will make their appointment on October 26th.

Removal of Fuel Tank at Depauville:

DEC is looking at tank #1, which hasn't been used in years. Tank #2 has been removed. Supervisor Taylor has asked Lu Engineers to look at the request from the DEC and give us back input and work plan. Possibly the Town forces can remove the tank ourselves as we're certified.

Code Enforcement Report-September 2009:

Supervisor distributed a copy of the Code Enforcement report for September to the Board members. Not quite self-sustaining as yet, but getting closer.

State Fire Convention:

Consensus of the Town Board is to place an ad in the State Fire Convention Booklet for \$150.00.

Preserve America Community:

The Town of Clayton has received a letter signed by first lady Michelle Obama, announcing that the town has been designated a Preserve America municipality. This will give the Town additional grant opportunities. Preserve America is a federal initiative that encourages community support in efforts to preserve cultural and natural heritage. Alicia Dewey, Assistant to the Supervisor had filed for this designation.

Highway Superintendent Report:

- State Snow & Ice contract will be coming through this week.
- Will be working on Depauville Sewer in the Spring.
- Uniform contract is up the end of November. Will be seeking quotes.
- Screening of sand is complete.
- Currently working on the Wood Road.
- Salt Shed paving done on the inside and perimeter of the outside. Need to grade away from the building.
- Helped with "smoke testing" at Heritage Heights. Will need to address manholes. Should officially communicate with the property owners and send a copy of the report to each.

Committee Reports:

- George Kittle:** The **Civil War Cemetery** on Grindstone wasn't kept up with this year. Looking at doing an agreement with each person that we have mow, they would submit a work sheet with their voucher for payment.
Lion's Field: Received a notice from the Village Mayor for a meeting on Thursday, October 22nd at 6:00 PM at the Village Municipal Building for discussion of improvements at the Lion's Field.
Transfer Site: We need to be getting the word out on being closed on Thursday at the Transfer Site starting in January, 2010.
Frink dockage: Would rather see this marketed in "as is condition". If we didn't get any grants to do capital improvements, don't want to be using increasing local taxes to do these improvements.
Letters from Grindstone Island: The Town is not even at a point where we have changed or will change the zoning ordinance. We wouldn't be changing just to do a change.
- Donald Turcotte:** **Depauville Sewer:** Read the last paragraph of a report concerning the Depauville Sewer which had great praises for Sewer Operator/Highway Superintendent Bob Boulton.
Depauville Library: Letter received from Jan Larrow, on behalf of the Depauville Library Board of Trustees. Discussion followed and Supervisor Taylor will correspond with the Library.
Route 12E Sewer: We're waiting for private local contractors to send quotes for putting in the "grinder system."
- Lance Peterson:** **Arena Zamboni Room:** Letter received declaring the "citation" issued was in error on the Zamboni Room. Suggested that possibly a sign be placed overhead of the door concerning low clearance.
Zamboni: Keith Wood, Rec. Park Supervisor is looking at a used Zamboni in the Syracuse area for parts.
Asbestos: Once professionally removed from area would like to start dismantling the furnace.
Sign: Need to get quotes for the repainting of "Cerow Recreation Park" sign.
Letter Received from Chamber of Commerce: Concerns of Cerow Recreation Park allowing overnight camping for some shows. Discussion followed. The Town will charge competitive rates in the future.
Chamber of Commerce Invoice Received: Will be paid at next bill paying meeting for advertising costs for the period January 1 through October 6, 2009.

Fall Banquet: Was held October 8th at Foxy's Restaurant. Good turnout.

Car Show: Had over 190 entries.

Clayton Visitor Guides for 2010: Have ordered 8200 copies.

Bob Cantwell III: **TIYLO:** 1st Annual Monster Mash & Halloween Bash, Haunted House & Costume Dance will be held at the Clayton Opera House. Adults will be Friday, October 30th: with Haunted House 7-9 PM, Costume Dance 9 PM; Saturday, October 31st, free kids Haunted House & Trick-or-treats. **LWRP:** Committee met with the Planning Board and revised verbiage and then forwarded to EDR. EDR will than get back to the Planning Board for implementation for going forward.

Public:

Kevin Forkey submitted folders of materials to the Town Board. He asked that all information submitted this evening also is considered. He understands that people are frightened of turbines and just change in general. He inquired if a petition he is getting signatures on had any deadline. He has secured well over 20% of signatures based on land acreage in the overlay district.

Councilman Kittle stated out of respect to everyone present, if someone is taping they should announce they're using a recording device.

Ken Knapp stated that he is not in opposition to wind turbines; however he knows there are more than two sources of information available and that any science information is debatable.

Motion by Lance Peterson, seconded by Bob Cantwell III, to adjourn this regular meeting at 6:35 PM. Motion carried.

Kathleen E. LaClair, Town Clerk