

September 14, 2016

The Town Board of the Town of Clayton held their regular meeting in the Town Board Room located at 405 Riverside Drive, Clayton, New York with the following people present:

David M. Storandt Jr.
Mary Zovistoski
Kathleen E. LaClair

Robert W. Cantwell III
Donna Patchen

Christopher D. Matthews
William Sherman (Absent)

Alicia Dewey

Norma Zimmer, Mayor

Joe Russell, Atty.

Sue Magee
Jim Muscato
Gayle Cady
John DeForest
Jan Hampton

Bob Schrader
Scott McDonald
Jim Kenney
James S. Gutt
Anthony Malavenda

Pam McDowell (TI Sun)
Art Cady
Carrie Tuttle, DANC
Christopher Hopper
Katherine Dickson

Pledge of Allegiance: Supervisor Storandt opened the regular meeting at 5:00 p.m. and led the assembly in the Pledge of Allegiance.

Town Clerk:

Correspondence:

- ✓ Received from NYS DEC our Permit for a five (5)-years to mine sand and gravel from a 30-acre parcel of land owned by us on Crystal Springs Rd. (County Route 4).
- ✓ KIMCO Steel Sales, Ltd. – prices effective 9/12/16 for shreddable, picked up will be \$25.00 per GT.
- ✓ Depauville Free Library invitation to the 5th Annual Summer Squeeze on Saturday, September 17th. Pie Contest, making Apple Cider, announcing winners of the Pauline Flick Jam and Pickle Contest, a creative contest for Children (writing competition), will be announced at 10:30, along with the pie contest winner. Falconer Rick West, The Bird Man and his Birds of Prey will be there.
- ✓ Charter Communications keeping us apprised of developments affecting Time Warner customers. Adding and ceasing certain scheduled changes.
- ✓ Justices Ramseier and Brick Comptroller report certifications for August, 2016.
- ✓ Depauville Sewer Board meeting minutes of September 8th.
- ✓ Notice of Public Hearing on the inclusion of viable agricultural land within certified agricultural districts before the district's established review periods. Tuesday, September 20, 2016 at 5 p.m. at the Jefferson County Building, 175 Arsenal Street, Second Floor Conference Room. Landowners requesting to add 14 parcels, 559 acres of viable agricultural land through the annual inclusion process.
- ✓ Received signed Emergency Shared Services Agreement from NYS Dept. of Transportation.
- ✓ A copy of a Mined Land File for Thousand Island Ventures LLC. Their permit expires April 19, 2020.
- ✓ Conboy, McKay, Bachman & Kendall, LLP concerning Procedural Issues and Concerns with a Van Reenen Application in the Village of Clayton.

Minutes: Motion was made by Chris Matthews, seconded by Donna Patchen, to accept the minutes of 8/24 with one addition. Motion carried.

Public Comments on Agenda Items: None.

General Discussion Items:

Bills & Transfers: Motion made by Donna Patchen, seconded by Chris Matthews, to approve the payment of Bill #790 thru #889, Abstract #9 of 2016 in the amount of \$214,292.37. Motion carried.

Supervisor's Report (August, 2016), Bank Reconciliations & Balance Sheets:

Motion was made by Mary Zovistoski, seconded by Bob Cantwell III to accept the Supervisor's Report for August, 2016. Motion carried.

Grindstone Island Schoolhouse Floor Bids: No "Bids" were received. Keith Wood will be instructed to contact our Contractor of record to see if he would like the job.

Transient Dock Updates: A "revenue spread sheet" was prepared by Justin Taylor. We will use this to estimate expenses and income for the 2017 budget year.

2016 Internal Audit: Motion was made by Bob Cantwell III, seconded by Mary Zovistoski, to accept the Internal Audit Report for all departments. Motion carried.

Budget Workshop Dates Set: Motion was made by Mary Zovistoski, seconded by Donna Patchen, to set a pre-tentative date of Tuesday, September 20th @ 7:00 AM, other meetings will be Monday and Tuesday, October 17th & 18th and Friday, October 21st (if needed) all at 7:00 AM. Motion carried.

Motion was made by Bob Cantwell III, seconded by Mary Zovistoski, to take a 10 minute break, as we can't start our first Public Hearing until 5:30PM. Motion carried.

Public Hearings:

5:30 P.M. – Local Law #4 of 2016 – Residency: Motion was made by Donna Patchen, seconded by Bob Cantwell III, to open the Public Hearing for Local Law #4 of 2016 at 5:30 PM, a local law to Abolish the Residency Requirement for the Town Code Enforcement Officer. Motion carried.

There were no attending public wishing to speak on this matter. Mr. Ingerson sent a letter to the Town Board explaining the reason for moving to Cape Vincent.

Motion was made by Chris Matthews, seconded by Bob Cantwell III, to close the public hearing at 5:33 PM. Motion carried.

Motion made by Chris Matthews, seconded by Mary Zovistoski, to declare this a Type II action under the SEQRA Law. Motion carried.

Motion was made by Chris Matthews, seconded by Mary Zovistoski, to approve this Local Law #4 as presented. Motion carried.

Motion made by Bob Cantwell III, seconded by Mary Zovistoski, to close this portion of the meeting at 5:32 pm for a 20 minute break until the next Public Hearing at 6 PM. Motion carried.

6:00 P.M. – Local Law #3 of 2016: - Termination of Coordinated Assessment Program: Motion was made by Mary Zovistoski, seconded by Donna Patchen to open the Public Hearing at 6:00 PM for Local Law #3 of 2016, a local law to Terminate the Coordinated Assessment Program between the Town of Clayton and the Town of Cape Vincent, New York upon the conclusion of the 2016 Roll and as of the Commencement of the 2017 Roll. Motion carried.

Motion was made by Mary Zovistoski, seconded by Chris Matthews, to declare this a Type II Action under the SEQRA Law and to close the public hearing at 6:03 PM. Motion carried.

Motion was made by Donna Patchen, seconded by Bob Cantwell III, to approve Local Law #3 of 2016. Motion carried.

Motion was made by Bob Cantwell III, seconded by Mary Zovistoski, to adjourn this meeting for 20 minutes, until time for the next public hearing at 6:30 p.m. Motion carried.

6:30 P.M. – Bartlett Point Water District Formation: Motion was made by Bob Cantwell III, seconded by Mary Zovistoski, to open the Public Hearing for the Formation of the Town of Clayton Bartlett Point Water District at 6:30 p.m. Motion carried.

Supervisor Storandt started by explaining the reasoning for the district and that there were 39 existing users of the Village water service and 21 additional users that can receive water service or inherently receive fire protection benefit in the district.

Public included:

- 1) Jim Ganter) for 20.13-1-12.8: Wanting to make sure that he would be able to have water at both his “storage building” and “house” on a separate parcel 20.13-1-12.12.
- 2) Gentleman (MJSP Realty LLC, 20.13-1-11) In favor of the district, clarified Village parcels’ water service requirements with Carrie and Norma.
- 3) Gentleman from the Community Church: inquiring about the EDU’s being assessed for their large parcel: He was told that the parcel has one (1) EDU – standard residence that will be assessed. He had no problem with that.
- 4) Jan Hampton: (20.13-1-12.6): stated she would not be having any water hook-up at her “storage building”. She would be assessed as a vacant parcel at 0.25 EDU = ¼ unit X 4 per year. She would end up paying \$93.00 per year.
- 5) Joan Carter (20.13-1-44.92)(not present) had indicated they were not interested in being in the district. They had good a quality & quantity private well.

There were no further comments from any attending public.

Supervisor Storandt indicated that originally the cost was thought to be about \$603 per year. Now, because the Village has more favorable financing in place, the annual cost has reduced to \$544 per EDU.

The SEQRA Parts II were reviewed and the Supervisor was authorized to sign the Negative Declaration.

RESOLUTION #58 OF 2016:

RESOLUTION #58 OF 2016 was introduced by Mary Zovistoski, seconded by Chris Matthews, a resolution to adopt the Negative Declaration (SEQRA) for the Town of Clayton Bartlett Point Water District. Storandt – aye, Cantwell – Aye, Matthews – aye, Zovistoski – aye, Patchen – aye. **PASSED.**

RESOLUTION #59 OF 2016:

RESOLUTION #59 OF 2016 was introduced by Chris Matthews, seconded by Bob Cantwell III, a resolution for the Establishment of the Town of Clayton Bartlett Point Water District. Storandt – aye, Cantwell - aye, Matthews – aye, Zovistoski – aye, Patchen – aye. **PASSED.**

Motion was made by Mary Zovistoski, seconded by Bob Cantwell III, to close the Public Hearing at 6:53 p.m. Motion carried.

[The meeting was moved upstairs to the 1st Floor of the Opera House at this time for the next Public Hearing.]

OPERA HOUSE:

7:00 P.M. – Local Law #5 of 2016 and concurrent Zoning Amendment #39: Industrial Wind (Held on 1st Floor of the Opera House):

Attendance Sign in:

Christopher Hopper	Anthony Malavenda	Gerald A. Smith
Don Metzger	Kathleen Dillon	Edward Coleman
Ken Knapp	Francis Andre	Marcus Wolf
Scott McDonald	Cindy Grant	Nina Hopper
Sue Magee	Katharine Dickson	Patricia Ferguson
Jamie Lee	Gunther Schaller	Tom Carr
Dolores Bowser	Michael Ringer	Dave Lamora
James S. Kenney	Edwin Carr	Diane Carr
Ron Thomson	Seann Coffee	Scott Discourt
Gayle Cady	Art Cady	Morgan Matthews
John Jepma	Fred Matthews	Anne Aubertine
Larry Aubertine	Chris Spiker	Alex Valverde
Kevin Rarick		

Motion was made by Mary Zovistoski, seconded by Bob Cantwell III, to open this concurrent Local Law #5 of 2016 and Zoning Amendment #39: Industrial Wind hearings at 7 p.m.

Speakers:

1. Christopher Hopper – Mr. Hopper submitted written comments. Mr. Hopper, a husband and father of four, is a land owner on the Van Alstyne Rd., who would be surrounded on three sides by Avangrid’s newly released overlay district and stated that he is a proud citizen of Clayton since 2005. Mr. Hopper is grateful to be able to speak before the Town Board. He is deeply concerned with the long term risks associated with the proposal, and the forceful tactics used by the Developer, which he feels are hostile. He believes that if there is any hope of securing the safety of our families, then it must be done with the passing of a proper protective Local Wind Law.

Mr. Hopper had previously read Droz's proposed LL #3 and the newly proposed Local Law #5. As a professional audio engineer, he feels that LL #5 has some significant shortcomings which are cause for serious concerns.

Mr. Hopper has concerns that the term "infrasound" has been omitted from Local Law 5. Peer-reviewed studies show that energy waves below the range of human hearing can be extremely harmful, and should play a central role in determining whether or not these massive turbines are detrimental to the health of our residents.

The 10 Decibel Exception in the noise section as well as the WEF Setback Easement Allowance in a subsequent section both permit potentially harmful conduct of the Developer by allowing them to take advantage of unsuspecting citizens. This is a precedent -setting mistake, and his advice to the Board is to remove both sections in their entirety.

Lastly, in section 10-5, the LWEF Real Property Value Protection Plan, he argues that impact studies and assessments of home values at the five-mile distance skew the more dramatic losses of those closer to the turbines, like his, and undermine the arguments against the biased property studies funded by the wind industry. He strongly recommends that the property value guarantee be kept to a two-mile minimum.

Earlier this year, the Developer appealed to the State when it pledged to pursue Article 10 the moment citizens objected. This summer, the Developer filed legal action against the Town's temporary Moratorium. These are not marks of a company who is seeking the betterment and welfare of our populous, but one who is only satisfied in prevailing in its own agenda regardless of what citizens it rolls over.

Mr. Hopper is pleading with the Town Board to pass the strongest local wind law possible, which will only happen if the multiple errors with the proposed Local Law 5 are fixed, and sympathetic wind energy experts are aggressively consulted. The Developer is relying on experts, so why shouldn't we?

Mr. Hopper thanked the Town Board for their time and listening.

2. Scott McDonald – Submitted written comments. Mr. McDonald is a Senior Business Developer for Avangrid Renewables LLC, and resides in Clifton Park, NY. He is making these comments on behalf of Atlantic Wind, LLC, a development company wholly-owned by Avangrid Renewables.

Mr. McDonald contends that their written submission on Local Law #5 demonstrates that it is essentially a ban on wind development in the Town of Clayton. While their detailed written comments elaborate on specific comments and concerns on the law, he would like to briefly discuss their reasoning as well.

In looking at the findings allegedly supporting the law's wind ban, he feels that that the Town Board is relying on misstatements of facts, irrelevant studies and outdated information. On its face, he feels that the Town has relied on information supplied to it by outsiders with a specific anti-wind bias and that the Town has not looked into the information itself in a balanced and fair manner. He feels that the resulting law imposes standards that are without justification, do not protect human health or the environment and completely fail to balance the interests of the many landowners in Town that support wind development and the many benefits it brings. The effective ban is unnecessarily restrictive and unjustified. In fact, Atlantic Wind was not contacted regarding the standards in the law and the Town

did not attempt to work with us to identify methods of addressing any identified concerns which would have served the interests of everyone in town.

Atlantic Wind has stated before, it makes more sense for the Town and the company to work together toward reasonable, objectively-derived standards for wind development within the Town to enable the Project to provide the community and the landowners the opportunity to benefit from wind farm development through economic benefits associated with the project, such as direct payments to host landowners, tax payments to the Town and schools, construction and permanent jobs, and other long-term economic opportunities.

These important benefits would be helping the farmers and others that are struggling; the economic activity associated with the wind farm will assist in sustaining agriculture, preserving open space and the rural character of the town.

These benefits are why many municipalities have embraced wind development and have thrived, in some cases with wind providing significant benefits to municipal budgets in communities otherwise struggling to attract sustainable commercial development.

In conclusion, the proposed wind law ignores the moral responsibility for every community in New York and around the country to do its part with respect to critically thinking about energy resource and the manner in which we generate electricity, and the impact the continued use of fossil fuels and other non-renewable energy sources will cause from the climate change effects on the environment and natural resources of our communities.

Mr. McDonald stated the Town has an opportunity to assist in achieving this goal and make important decisions about the sustainability of our energy resources. And, as we work through the early stages of development of the Project and eventually, Article 10 siting process, they hope there are opportunities to discuss with the Town more details regarding the Project, how they can responsibly site it, and issues and concerns the Town may have so that they can be addressed in the Article 10 process. With that in mind, they respectfully request that the Town remain open to responsibly sited wind development in the community by not enacting this law which in reality is a proposed wind ban.

3. Jamie Lee – No written comments submitted. Ms. Lee thanked the Town Board for viewing the original law presented. She urged the Board to use all experts and Wind Lawyers that you have access to.

4. Ken Knapp – No written comments submitted. Brownville/Limerick resident. The majority of the Town of Clayton residents do not want this development. We have been threatened with Article 10 by the developers, who obviously have a lot of money to make on this development. Article 10 threatening makes it difficult to take the developers at face value. In the township, there are only a handful of people that do want this. No one has come up with a reasonable law that takes care of every aspect. Some critics were advocates for these wind people.

Mr. Knapp stated he will support what action the Town Board takes. He also stated that we have to fight for the environment that we want. This community have to do what we feel is best for us.

5. Gerry Smith – No written comments submitted. Mr. Smith is an ornithologist from Pickney, New York, Lewis County. Mr. Smith is concerned with the potential impact on our flying critters. He

applauded the Town for the Town of Clayton Law and Comprehensive Plan that he had read from the Web Site. He wondered if the FAA –“intermittent light” portion could be added to this law. He has a “DO NO HARM” attitude toward critters and habitat.

Mr. Smith applauds the Town of Clayton for taking the lead in this action, basically for all the communities. Mr. Smith also said that Jefferson County has also stated that they will not allow such a development in the North County as well.

6. Cindy Grant – Submitted written comments – Town of Clayton Resident. Ms. Grant stated that “our town already uses Solar Energy!” On Monday she had visited the Jefferson County Clerk’s Office and there are only 44 families across the four towns that use solar.

Ms. Grant explained that Iberdrola has already shown what kind of a neighbor they are. If you Google – Iberdrola gets sued, you will see the trouble they’re already in. She exclaimed that we should all take a trip to Libya to check this out for ourselves.

She believes that a pre-testing and post-testing for both water and radon gas for quality and quantity should take place within the placement area of the proposed turbines at various intervals. The enforcement would be: the wind companies would pay for 3 wind noise measuring devices that the Town of Clayton holds in their possession and the Town Enforcement Officer could place them in any residence where there is a reported issue(s). The Wind Company is not to be told where the devices are so that they can’t “trim the sails or adjust the turbine blades to make less noise.” If after 48 hours the wind developer can’t adjust the noise to become below standards then the offending wind turbines will be shut down from 8 pm to 8 am so that the residents can get needed sleep at night.

Ms. Grant also believes there should be a “Complaint & Resolution Board”. If a complaint or problem can’t be easily solved within 48 hours, then the Enforcement Officer should call together the Officials. The “Complaint/ Resolution Board would be made up of 1 Town Board Member, 1 Planning Board member, 1 ZBA member and 2 town citizens (that do not have a signed wind contract or a family member with a conflict). This board’s power could include ordering the shutdown of offending turbine(s).

And lastly, Ms. Grant believes that the Town Board should not put wind in a law of its own; instead put all renewable energy into their own Ordinance ie: The Town of Clayton Renewable Energy Ordinance. It would include Wind, Solar, Geothermal and any other Renewable Energy forms.

7. Ed Coleman – No written comments submitted – Three Mile Bay resident. Mr. Coleman acknowledged that he is a Physics & Engineering Major. Renewable Energy is important, however this project could be obsolete before it even is built or shortly thereafter. We could all end up the losers at that point. We would have a project that isn’t what we really need and a possibly abandoned eyesore.

8. Kathleen Dillon – Written comments submitted – Three Mile Bay resident. Ms. Dillon cited several areas where Local Law 5 knowingly reduces the health, safety, and welfare protections proposed in Droz’s Local Law #3. Example: They stuck in provisions to allow the developer to bribe unwitting citizens. One place this happens is in section 8-2.4.2 part 2 of LL5, where the Town officially blesses an astounding 50% reduction of turbine setbacks. This is an extremely bad idea. And why would the Town prohibit no setback “relief” from roads, where people are only momentarily getting close to industrial turbines – yet allow it for citizens who live near them 24/7, 365 days a year?

Why would the Town prohibit a wind developer to bribe an uninformed citizen, to sign away their rights by agreeing to what we know is an unsafe setback distance? How is that consistent with the State's Constitutional, which says that local legislators have an obligation to look out for the health, safety and welfare of its citizens?

If the current land owner sells their property: why should the future owner be victimized? Is the Town going to require the seller to reveal to the buyer that they have agreed to a less-than-safe setback distance? Can the Town be held liable for that lack of disclosure – since the Town gave its blessing to a higher risk arrangement?

If this a rental property: should the owner be given the right to subject their tenants to increased health risks? Will the Town obligate landlords to include in their lease the fact that there could be a health issue with renting this short-setback property? Again, can the Town be held liable for that lack of disclosure- since they gave their official approval to higher risk agreement?

Ms. Dillon feels that this is a Pandora's Box. Once the Town allows a 2600± foot setback exception, the developer or court could ask: why not 2000 feet, or 1000 feet, or 500 feet? This could undermine the entire setback provision of LL5.

Lastly, once the Town opens the door for allowing citizens to abdicate their rights, the developer will then leverage other parts of the wind law to permit similar foolishness; ie: A citizen wants to accept a bribe from the developer in exchange for giving up their "Property Value Guarantee" rights. The Town has agreed to the principle of citizen's giving up their setback rights, how would they be able to object to that?

This item (and similar one in the noise section) should be entirely removed. Neither of these is about doing a better job of protecting the health, safety and welfare of residents of the community. She pleaded with the Town Board to consult with true energy experts and come back with a properly updated version of Local Law #3.

9. Don Metzger – Written notes submitted - Chaumont resident. Mr. Metzger thanked the Town Board for taking on this Project basically for Clayton, but also the neighboring four towns of Cape Vincent, Lyme, Brownville and Orleans.

Mr. Metzger asked the Town Board to look at page 3, section 6-8: look at last wording 2000 Hz, this is insidious & dangerous. He also discussed FAA Radar Radio Controlled Light.

He feels that this is the biggest project deal to come along since the Glaciers over 12,000 years ago; the opening of the Seaway in 1959; Blizzard of 1976 and reactivation of the 10th Mountain Division at Fort Drum in the 1980s, and the devastating & crippling Ice storm January 1998.

Predominant evidence of the Thousand Islands include 14 of 22 towns are in the cross hairs of the Wind Companies. This is approximately 64% of Jefferson County.

Infrastructure that will be needed consist of miles of access roads, and construction and reconstruction of the roads to get to the accesses, operations maintenance area, lay down staging areas, huge reinforced concrete foundations, cement batch plants, miles and miles of collection feeder lines, High

voltage transmission lines, interconnection substations, met towers, turbine towers. Problems will be stray voltage inside the area that will need to be investigated and radon menacing that you can't see, hear or smell. Turbine Crip – will need to look at production capacity. (There is poor production of electricity at Lewis County.)

Mr. Metzger stated that Kathleen Dillon and Ed Coleman, a Physicist are both employees of 3MB.

Also Mr. Metzger questioned if there were 25 pages or 22 pages to the state filing.

Mr. Metzger discussed that at Cape Vincent there was a proposal for a 115-volt Transmission Line, which now is a moot point as that developer left the area.

Mr. Metzger also acknowledged that what happens here in Clayton also has consequences in the neighboring towns concerning the health, safety & welfare. He again thanked the Town Board for taking on this project.

10. Gunther Schaller – Submitted written comments. – Town of Clayton resident. Mr. Schaller started by saying that he appreciated the opportunity to comment of the proposed LL#5, but actually regretting that he was commenting on the proposed law today.

After a false start to deal with Horse Creek and the attempt to ban the wind project the Town recognized the need for a time out and adopted a moratorium on wind development for six-months to develop a Comprehensive Plan. The Town promptly got sued. Iberdrola did not appreciate the fact that you could have gone 12 months, as the County Planning Board suggested, instead of the six months.

Both the Town Board and the Comp Committee did a phenomenal job putting the project on a fast track. However Mr. Schaller doesn't believe the plan is quite right yet and a hearing on the Comp Plan has not been held as yet. Mr. Schaller believes that the Wind Law needs to happen after the Comp Plan has been completed. He is worried that this delay could be costly to the town.

Mr. Schaller urges the Board to gather the comments and suggestions from this hearing tonight and to pass them on to the legal team for review. Once the issue of the moratorium litigation is over, and the comp plan has become the law of the land, then it will be time to take another look at proposed LL#5.

Also, he encourages the Board to extend the moratorium another couple of months to make sure it is right. I'm submitting specific suggestions to the board in writing, some very critical.

Mr. Schaller indicated that he would rather stick with the existing law than to pass the proposed law as it is right now. The applicant could hardly say they didn't know about the 2007 law and its amendments. To ask the PSC to override the provisions of the long established wind law would get them nowhere. Don't let the developer bully you to act before you are good and ready.

We will live with the consequences for many years to come, so will our children and grandchildren.

Mr. Schaller's suggestions to modify Clayton Law #5:

- Make numbering hierarchy consistent. No parentheses i.e.: 9-2.6.3.a should be 9-2.6.3.1
- 8-2.4.2 Setbacks: 1.a LWEF must "maintain" 1.0-mile setback. Turbines are attached to the ground and once built will stay put unless subject to catastrophic failure. Is this how we wish to

deal with turbine collapse? Change the setback to 5 times the turbine height. Add definition for setbacks! (Measure from the furthest horizontal extension of any part of the facility, such as base, tower, blade etc. reason: a 500' turbine with a 30' clearance to ground can have 235' blades mounted on nacelles attached to a 16' diameter tower. Total horizontal extension would be 243' from the center of the base. Begin setbacks from this point!) Define what the setback is measured to: property lines, dwellings, outbuildings including, excluding leaseholders? This needs to be clarified. How about roads, wetlands, streams?

- 2.2 Setback easements for neighbors not hosting turbines. How can Clayton close its eyes to property owners signing away their rights? Right for damages, loss of development rights. How does this provision relieve the town from the duty to protect the health and safety of their residents?
- 2.4 no building permits to be issued! This is taking of property rights! (The issue of property right impacts deserves closer scrutiny!) Consider additional setbacks of 2.0 miles to neighboring towns, to villages and hamlets; 1 mile setback to recreation facilities, libraries, schools (incl. Amish!) churches and cemeteries.
- 8-2.4.1.2.f spell out hours (7AM-7PM) daytime hours could be 04:30 – 21:30 in summer!
- 8-2.4.2.a LWEF 500' maximum height. Orleans and Lyme have 400' height limits. Why not make it consistent?
- 8-2.7.2 require radar-controlled aviation warning lights.
- 8-2.7.5 wind turbine operator shall repair leaks of fluids upon notification within 48 hours.
- 8-2.9 LWEF Property Value Protection. This section states 2 miles, 10-5 states five miles.
- 9-2.4.2 setbacks easements (define). LWEF Safety Zone: add to definitions 1300' radius around center of turbine base not to be entered unless absolutely necessary (Vestas employee manual) Add section: Penetration of LWEF Safety Zone for farming or recreational activities is not considered "absolutely necessary" and shall be restricted for the protection of owners, employees and other individuals. Developer and/or owner shall fence the LWEF Safety Zone or place warning signs. Assessors shall include LWEF Safety Zones in the calculation of acreage adjustment for agricultural assessment.
- 9-2.6.6.a Dug wells? (Who has a dug well?) make it more generic and define bedrock well water! Also: wells located within setback radius? There shouldn't be any homes in setback area and subsequently no wells!
- 9-2.6.8 Decommissioning: Town should set the standards and not leave it to the developer!.
- 9-7.6 or within the LWEF boundary. (SWEF appears to require greater notice!) LWEF notice should be 2 miles radius.
- 10-5 Real Property Value Protection Plan: consider a two or three tier system: (0-2 miles; 2-5 miles; 5-10 miles) By breaking up the areas the relative impacts they will be confined to the respective zone, not diluting the effect on the closest properties. How about a real property tax protection plan? (rationale: if a tier 3 property worth \$1 million loses 5% in value it will reduce the tax base by \$50,000; The owner of a property assessed at \$100,000 in tier 1 with a 25% value reduction reduces the tax base by \$25,000; not only the tax rate has to go up to maintain current expenditure levels, the tier 1 owner has to pay more in actual dollars to make up for the shortfall of tier 3 taxes.) In addition, there may be mortgage issues with highly leveraged homes. Lenders may require additional principal payments. Owners may walk away from homes not just because of noise and other impacts, but because the homes may be under water.

Additional issues to be included in wind law:

- 7-day notice to zoning officer re: bat and bird kill? Not good enough. The carcasses will be gone.
- Safety shut down mechanisms to be automatic and manual.
- Traffic control construction period (school buses, morning and evening commuter traffic).
- Time of construction 7AM – 7 PM.
- Produce existing interconnection agreement prerequisite for permit.
- Radon detection and mitigation.
- Snowmobile and ATV trail restrictions (avoid LWEF Safety Zone).
- Follow Lyme setback to Chaumont River (2 miles).

11. Ron Thomson – No written comments submitted. Alexandria Bay, NY - Mr. Thomson thanked the Town Board for all their efforts they have been putting in place. He acknowledged that the legal bills must be staggering and it would be nice if the other townships share some of the expense as this is a fight for all of these communities as well.

Mr. Thomson spoke of John Droz and that he has brought a lot of items to the forefront line by line. Mr. Thomson was sure that Mr. Droz' comments had been passed on by us to our lawyers so that they could be commented on. He thanked the Town Board for getting everything posted on their Web Site for Community people to be able to follow. We now have LL#5 v/s Droz's LL#3. This is bound to hold you up more there by eroding the Moratorium deadline.

As a whole, Mr. Thomson feels that Article 10 is unreasonable and is an encroachment on us at the local level and Home Rule.

12. David Lamora – No written comments submitted. – Mr. Lamora works in Clayton and lives in Cape Vincent. Mr. Lamora is very encouraged that the Town of Clayton's Comp Plan, as read by him off the Web Site, is a 1st class ordinance. He feels that the Comp Plan is written to not allow turbines and that the committee and Town Board have listened to you citizens as to what they want and more specifically, not want.

He feels that the Board should consider first what your Comp Plan says and work after on the proposed Local Law. Have your backup material ready to process your Local Law.

Supervisor Storandt advised the attending public that NYS PSC Horse Creek and all documentation is on the Town Web Site. Please read and present your comments to the PSC as well as the Town Board..

Other written documentation was received concerning the Comp Plan and Local Law #5 includes: Kate Dickson (LaFargeville); Mary Popovich, Amy Popovich, R. Schuyler Van Ingen (TI Park); Patricia Booras-Miller & Francis Andre (LaFargeville address); William Sullivan (Clayton), Sue Magee (Clayton), Edwin & Diane Carr (Clayton); Jasper & Leona Wilkie (Depauville); Theresa Getter (Depauville); Amber O'Conner (T/Clayton); Thomas Carr (T/Clayton); Jane H. Leahy (Clayton); Charles Ebbing X2; Gunther Schaller (Lucky Star Farm); Joseph W. Russell acknowledging that Atty. Dennis C. Vacco, letter on Local Law 5 protects the Residents of the Town of Clayton; Edward Oliver (Clayton); Dan Murdie (Atlantic Wind); Larry Aubertine; Kenny Knapp; Wayne Haefele; Richard Wiley; Robert L. Neulieb, Ph.D. in engineering sciences & Marilyn Neulieb, M/S. biology; Atlantic Wind comments of Joint Comprehensive Plan; Jim Steyaart; Jefferson County (Wind Law update letter).

Motion was made by Chris Matthews, seconded by Bob Cantwell III to close the public hearing at 8:17 pm. Motion carried.

Motion was made by Mary Zovistoski, seconded by Bob Cantwell III, to adjourn the meeting at 8:17 pm.

Kathleen E. LaClair, Town Clerk