

May 8, 2013

The regular meeting of the Town Board of the Town of Clayton was held in the Town Board Room, 405 Riverside Drive, Clayton, NY with the following people in attendance:

Justin A. Taylor	George E. Kittle	Lance Peterson
Robert W. Cantwell III	Christopher D. Matthews (absent)	
Bob Boulton	Kathy LaClair	
Michael J. Docteur, Jeff. Co. \ Leg.	Alicia Dewey	Larry Aubertine
Duane C. Hazelton		
Nancy Donahue	Gene Donahue	Ken Knapp
Jae Lee, WDT	Delina Tubolino	Marian L. Vaadi
Ann Aubertine	Mary Lou Tabolt	Cindy Grant
Gregory Lago	Pam McDowell	Paul Luck
Steve Weed		

Meeting Opening & Pledge of Allegiance:

Supervisor Taylor opened the regular meeting at 5:00 PM and led the assembly in the Pledge of Allegiance.

Guest:

Michael J. Docteur, Jefferson County Legislature discussed the previous nights' board session: The closing of Whispering Pines Adult Home on Outer Coffeen Street and transition of those residents to the new Samaritan Adult Home on outer Washington Street. Also the County is applying for a grant to replace one older canine in the Sheriff Department.

Town Clerk Correspondence:

- ✓ Notice from DEC: Transitioning a new Automated Licensing System (DECALS) by 1/1/14. There will be training later this year. They are discontinuing the scanners and receipt printers. The Town will need to furnish our own computer for selling sporting licenses with new system & continue using our own internet provider. **(See attachment file.)**
- ✓ TILT- Reflections booklet – Spring 2013. **(See attachment file.)**
- ✓ Notice from DEC – commencing enforcement action against French Creek Marina, LLC regarding dredging and placement of fill without a permit, and storm water violations. **(See attachment file.)**
- ✓ Highway Dept. Notice 10 hour days start April 22nd. **(See attachment file.)**
- ✓ Rural Features – Spring 2013 issue. **(See attachment file.)**
- ✓ Justice Giles – April 2013 Comptrollers' Report. **(See attachment file.)**
- ✓ Jefferson County Soil & Water Conservation District – 4-hr. Erosion & Sediment Control Training for contractors – May 16th @ Cornell Co-operative Extension. Registration is at 8AM; class starts at 8:30; ends at 12:30. **(See attachment file.)**
- ✓ Time Warner – agreements soon expire. **(See attachment file.)**
- ✓ Zoning Officer monthly report for April 2013. **(See attachment file.)**
- ✓ Depauville Sewer District Minutes of 5/2/13. **(See attachment file.)**
- ✓ Assessment Notification: +\$800,000 for Frink Site- Riverwalk; tax exempt. **(See attachment file.)**

- ✓ NYS – DEC: Inspection Report(s) Transfer Site & Land Clearing Debris Landfill – no violations. Inspections were on March 22nd. **(See attachment file.)**
- ✓ Jefferson County Planning & Tug Hill Commission – Land Use Workshop training session, Wed., 5/29 @ JCC for Zoning & Planning Dept. **(See attachment file.)**
- ✓ National Grid Customers Summit on Tues., 5/14, 8 AM – 11:45 AM. Watertown-Ramada Inn. **(See attachment file.)**
- ✓ Justice James – April 2013 Comptroller Report. **(See attachment file.)**

Minutes:

Motion by Bob Cantwell III, seconded by George Kittle, to approve the minutes of April 10, 2013 as written. Matthews – absent. Motion carried.

Public: Comments on Agenda Items:

None

Supervisor's Report:

Motion by George Kittle, seconded by Lance Peterson to accept the Supervisor's Report for April 2013. Matthews – absent. Motion carried.

Bank Reconciliations: No questions or comments.

Bills:

Motion by George Kittle, seconded by Bob Cantwell III, to pay abstract #5 of 2013 in the amount of \$136,819.00. Matthews – absent. Motion carried.

Budget Amendments:

None.

Ambulance District – Final Order:

Motion by Lance Peterson, seconded by George Kittle, approving the following:

**Final Order of the Town of Clayton
Establishing an Ambulance District**

The Town Board of the Town of Clayton hereby ORDERS as follows:

It is hereby ORDERED, that as all of the requirements under law have been complied with by this Town, that an ambulance district shall be formed constituting all of that territory encompassing the entire Town of Clayton which lies outside of the Village of Clayton. The maximum amount to be expended annually by the Town for such ambulance services paid for through the ambulance district shall be \$129,924.20.

Matthews – absent. Motion carried.

Mowing Bids:

No bids were received from the advertisement placed in TI Sun.

T.I.L.T.: Jake Tibbles, Executive Director of TILT, knowing that the Town did not receive any bids for the mowing, has submitted an e-mail bid for \$4,150 for mowing the Grindstone Island cemeteries and would be available to start immediately. This is the same amount as the last couple of years.

Motion by George Kittle, seconded by Bob Cantwell III, to accept Jake Tibbles bid from TILT at \$4150.00 with the proper submission of Certificate of Insurance submitted. Matthews – absent. Motion carried.

Assessment Update:

The Town Board received a Memo from Denise Trudell, IAO concerning Jeffrey Levitt – Murray Island-Tax Map 12.07-1-14.1. The Levitt assessment in 2012 was \$606,200 and the Petitioner has demanded \$575,000 to settle the lawsuit. Mrs. Trudell has agreed to the figure and has instructed our attorney of her determination. **Motion** by Bob Cantwell III, seconded by Lance Peterson, to authorize the settlement of the lawsuit for \$575,000. Matthews – absent. Motion carried.

Mrs. Trudell has also indicated that there is still one other lawsuit pending. Ronald Chisamore- tax Map #20.47-3-62, Rivershore Dr. This assessment is \$330,000 and Mr. Chisamore has demanded \$291,300. The Assessor has countered at \$300,000 to settle this lawsuit and is waiting to see if the party agrees. **Motion** by Bob Cantwell III, seconded by George Kittle, to settle this lawsuit if the Petitioner agrees to the \$300,000 stipulation. Matthews – absent. Motion carried.

Revaluation:

Mrs. Trudell advised the Town Board that this process is going pretty smoothly. 1700 parcel notices were mailed out with an increase value of \$21,000,000. This is attributed to a lot of little changes with increase mostly in the land values.

Recreation Park Project Status:

The Board agreed that this item shall remain on the 2nd meeting of the month agenda as a topic of discussion. We're currently looking at other options of things to do at the park.

Hotel & Transient Dock Updates:

A Zoning Permit was issued today. The owners were looking at the site today with Bach & Co.. They're hoping to open by May 2014. The Final design is due: May 10/2013, and out to bid by June or July 1st, 2013. Krog and ATM are having weekly talks for coordination and discussions recently were on the core samples that were taken a while back.

B.A.N. Review:

Salt Shed - \$100,000 will be paid by July 2013.
Route 12 Sewer – will go to long term financing.

Citizen of the Year:

The Chamber of Commerce has selected Mayor Norma Zimmer as this year's recipient of the Citizen of the Year Award.

Local Government Conference(s):

Supervisor Taylor indicated that a conference will be held on June 12th from 8-4 PM. This will be on fiscal issues. Supervisor Taylor extended an invitation to Paul Luck to attend with him.

Government Finance Meeting at Sackets Harbor on June 14th, at a cost of \$95/\$150 for Alicia Dewey to attend. **Motion** by Bob Cantwell III, seconded by George Kittle, to approve Alicia Dewey to attend the meeting on June 14th. Matthews – absent. Motion Carried.

St. Lawrence Engineering, D.P.E. - Rob Company:

Rob Company has changed his business name to St. Lawrence Engineering, D.P.E. and has submitted two (2) agreements, one for the NYS Route 12 Sewer and the other for Town engineering Services Contract Assignment so that they can reflect the reassignment from his former business name.

Motion by Lance Peterson, seconded by Bob Cantwell III, to authorize the Town Supervisor to sign these agreements. Matthews – absent. Motion carried.

Grant Award:

LWRP Hamlet Revitalization Program with the Towns of Clayton/Lyme/Orleans. Town will be the Lead Agent and committee members will be appointed soon.

River Hospital Board of Trustees:

Alicia Dewey has been appointed to the River Hospital Board of Trustees.

Depauville Sewer:

The Depauville Sewer Board Minutes discussed that a certain commercial business is getting pumped more than others and not according to the Depauville Sewer Ordinance. The discussion resulted with the Town Board asking that a letter be sent to the Commercial User advising that after the first time pumping that a bill will be generated to the owner for any other pump outs not paid by the Depauville Sewer Account.

Highway Superintendent – Robert Boulton:

-  Frink Site – Removal of the decorative stone(s) from this site tomorrow to Graves Str. Parking lot.
-  Cleaning roadside, picking trash and cleaning County Bridges.
-  Four personnel attended the aerial & fork lift training in Watertown today.
-  Village Wide Pick-up will begin on Monday.
-  Applying “rust lock” on the trucks
-  The stock pile is being used on the Eliss Road.
-  Parking Lot 54'X54' on Graves Street by arena – It is recommended by the Highway Superintendent to have the site paved this year.
-  Helipad w/access road – has a four (4) month turn around for archeological study.

Public Hearing: Amendment #36 to the Clayton Zoning Ordinance:

Motion by Bob Cantwell III, seconded by Lance Peterson, to open the Public Hearing at 6:00 PM for Amendment #36 to the Clayton Zoning Ordinance, which is for various housekeeping changes to the ordinance, IE: orientation, punctuation, spelling, etc. and also adding definition of Bunkhouse.

Two town residents had question concerning Bunkhouses and what kind of septic was used.

Motion by George Kittle, seconded by Bob Cantwell III, to accept Part I of the SEQR and to take Lead Agency. Matthews – absent. Motion carried.

Motion by Lance Peterson, seconded by George Kittle, to adjourn the Public Hearing until feed back has been received from Jefferson County, which should be by 5:30 on 6/12. Matthews – absent. Motion carried.

Committee:

George Kittle: Consideration of discussions with DPAO on some of their concerts; we would need to discuss this with Keith Wood. Keith has already had a dialog with DPAO about outside concerts.

Mr. Kittle feels that a response is needed in connection with last week's "Letters to the Editor". Generally I don't engage in back & forth conversation as a result of a "letter to Editor". I also don't usually answer a question without thinking about it, especially if I'm not sure. I usually say, I'm not sure but let me check and I'll call you back". This allows me the time to look up the facts or to make sure I'm answering the exact question that was presented.

In today's world, people often will twist around the words or somehow manipulate what you said to make it either benefit them, or make it to the detriment of the person answering.

I also never usually respond to certain authors of letters to the editor because I feel it is a tool, often used by someone with an opposing view point to make statements. Statements that don't have to be defended, nor do they have to be true.

This led me to think about a recent letter written. I assumed that all the information was clear at the meeting, each person had an opportunity to speak, and when speaking was treated with the utmost respect and acknowledged as so.

The point, we all know there is "information" and there is often the information to support opposing viewpoints. Often there is even expert testimony representing two (2) distinct sides.

Where the problem arises is in the presenting of either,, A: "misinformation" or B: "disinformation". Similar but different misinformation is defined as- "to supply with false or misleading information". Disinformation is defined as - "deliberately providing false information."

Mr. Kittle thinks that the letter written was "disinformation". The author is intelligent enough to write it clearly and simply enough for all to understand, but the problem is, it is false.

In this last TI Sun, there were two letters that asked questions:

1) What has happened to public accountability in Clayton?

Response: public accountability is alive and well in Clayton.

2) Many residents had been led to believe that the Horse Creek wind project proposed by Iberdrola Renewables had been placed on indefinite hold and had died a natural death.

Response: Natural death – nothing has changed.

3) Assumed that the local officials would keep the public informed.

Response: The Town Board has been very open and will continue to be open.

4) The Supervisor never felt it necessary to inform his constituents that he had received a notice from the Public Service Commission back in December.

Response: It was in the minutes, public was in attendance to our meeting, press coverage.

5) Supervisor has several times made the point that the state's assumption of ultimate electric generation siting authority under Article X has taken the matter out of local hands.

Response: Basically, that's what Article X does.

6) Another comment concerned meetings with representatives of Iberdrola and the Supervisor, Planning Board Chairman and ZEO.

Response: This is their job to meet with people that are looking to start up businesses in the area. You can't just not meet with someone, you have to be able to listen. Other businesses include the hotel and people that are looking to develop other potential business in the area.

Mr. Kittle wants everyone to remember that this process has been going on a very long time. We've had multiple meetings, large public forums in Depauville, and at the Opera House. It was voted on, the company was granted permission (via a split vote) and the speed at which they move is entirely out of the Town's hands.

The Supervisor has always kept not only the board but the public informed. We allow everyone to make presentations and speak.

If anyone has any questions, ever, please contact the Supervisor or any Board Member. We will make every effort to get you a factual answer.

An attack on the Supervisor or questioning his integrity is also an attack on all Board Members.

Planning Board Vice Chairman Larry Aubertine stated that last Thursday night after the Planning Board meeting he and Chairman Baril stated for better than a half hour trying to get facts out to those that were attacking them concerning Iberdrola.

Lance Peterson: To continue from Councilman Kittle – Let there be no mistake, nothing gets passed by just one person. It takes the whole board, by majority, to pass something. We thought this was all put behind us and this had died a slow death. Someone else makes this decision now; it has to go past this Town Board to the Article X process.

-Mayor Norma Zimmer has been awarded the 2013 Chamber Citizen of the Year. The dinner will be at the Clipper Inn on May 30th. The price is \$28 for adults/\$14 for 12 & under. Cocktail hour will be from 5:30 – 6:30 with a sit down dinner beginning at 6:30. You can RSVP by May 22nd by calling the Chamber office or register on-line.

-The Chamber has hired Barbara Peterson to help out with the events and summer office duties. Brooke and Alex will also be working for the summer.

-The Goodwill Day Memorial service will be May 18th at 1PM with the parade beginning at 2PM. There will be t-shirts for sale in the office for purchase.

-The next Business with a Twist will be held on May 16th from 5-7PM at the River Golf Adventures & Clayton Distillery. TI winery will also be providing the wine for the event. Please RSVP.

-The Platoon committee continues to meet as well. They continue to receive many donations for the Platoon; the next meeting is May 23rd at 9:30AM.

-Food & Wine planning is going extremely well. We are full this year and many businesses are still asking to register. The Chamber continues to meet on a monthly basis. The next meeting is May 16th at 9:30 AM. Nancy and I went to the arena and have decided on a new "entrance plan", hopefully this will make the admission into the building flow better.

-Punkin Chunkin committee continues to meet on a bi-weekly basis. The t-shirt design is almost confirmed. There will be two (2) different designs, one for the BBQ and one for Chunkin. The Chamber will order them soon so we can begin selling by Memorial Day weekend. Many sponsors have come forward so far for the event and additional sponsors for the BBQ. Registration forms are available on the Chamber website.

Discussion concerning signage for the Bartlett Point Road. Congestion of parking on the side of the road by the public using the walking path at Zenda.

Bob Cantwell III: Paynter Senior Center meeting was canceled.

TIYLO: Having a luncheon with Congressman Owens on May 20th.

Parking Committee: has suspended at this time. The Committee had asked the Village to do some upgrading at the Lion's parking area and they're not receptive to the idea.

Letter has been received from the TI School District: Not in favor of giving up a portion of land for parking across from the Castle Ice Cream Shop; are willing to discuss a portion of land on Graves Street near #2 Fire Station.

Health Insurance Committee will be reconvening to discuss Obama Care and how this impacts us.

Public:

Paul Luck had submitted a couple of questions:

- 1) Please provide an update on the Krog project progress: e.g., what permits have been pulled, when will construction start? These questions were discussed earlier in the meeting and not needed to be revisited.
- 2) Requesting that the Town Board change their meeting time to 6 or 7 pm to afford access to those who work out of town time to get to them from say Watertown. In prior years, the Town Board meeting was scheduled for 7 PM with no end in sight past midnight. Each one here starts the day between 5AM and at present end 7PM or after. That makes for a long day in itself. To

start our meetings at 7 PM, instead of 5 PM, would make for an even longer day for all concerned. Information concerning agenda items can be obtained by calling the office.

Mary Donahue submitted and verbally discussed Wind and her concerns about the proposed Horse Creek Windfarm. After reading the environmental Impact Statement on the Iberdrola Renewables website, there were issues that worried her. (See attachment file.)

Cindy Grant submitted and verbally discussed Wind. She first apologized to Councilman Kittle and the rest of the Town Board and insisted that they were not listed as a concern, but that the Supervisor has had numerous e-mails with Jenny Briot and her lawyer. Any questions should have been made to Chairman Gary Brown of the NYS Dept. of Service Commission. Mrs. Grant feels that it is inappropriate for the Supervisor to be asking the applicant for information. Ms. Briot has been over to the Town of Orleans and is now talking about wind turbines that will be 497' tall. (See attachment file.)

Motion by George Kittle, seconded by Bob Cantwell III to adjourn this regular meeting at 6:52 PM. Matthews – absent. Motion carried.

Kathleen E. LaClair, Town Clerk

May 22, 2013 - Meeting Cancelled due to lack of agenda.