

November 18, 2015

The Town Board of the Town of Clayton held their regular meeting at 5:00 PM in the Town Board Room at 405 Riverside Drive, Clayton, New York with the following persons present:

Justin A. Taylor	Lance Peterson	Robert W. Cantwell III
Christopher D. Matthews	Mary Zovistoski	Kathleen E. LaClair
Atty. Joseph W. Russell	Bill Sherman	Alicia Dewey
David Storandt	Donna Patchen	Bill Garrett
Jody Garrett	Doreen Garrett	Jenna Kraeger
MemRee Byers	Ken Deedy	Pam McDowell
Andrew Wood	Terra Bach	

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

Guests: None.

Town Clerk:

Correspondence:

- Grants Action News: November 2015 issue received.
- Justice(s) Brick & Ramseier October 2015 Comptroller Report received.
- 2016 Adopted Clayton Fire District Budget received.
- Time Warner Cable notice of developments for the subscribers in the central NY Division received.

Minutes:

Motion by Councilwoman Zovistoski, seconded by Councilman Cantwell III, to approve the minutes of 11/4/2015 as received. Motion carried.

Public Comments on Agenda Items: None.

Supervisor:

Bills: Motion by Councilman Matthews, seconded by Councilman Peterson, to approve Abstract #11 in the amount of \$203,105.25 for payment. Motion carried.

Supervisor’s Report for October 2015, Bank Reconciliations & Balance Sheets:

Motion by Councilwoman Zovistoski, seconded by Councilman Peterson, to accept as presented the Supervisor’s Report, Bank Reconciliations & Balance Sheets for the period ending October 13, 2015. Motion carried.

2016 Budget:

Discussed that Auditors had been here a week doing the 2014 Audit and 2015 Audit through October 2015. Spoken comments were minimal and we’re expecting that the written review will also be minimal.

Discussed the 2016 Budget - Reviewed and changed were allocations on health insurance and HSA/HRA line items. The tax rate **did not** change and is at \$1.38 per thousand. The adjustments were made through the Fund Balance. The 2016 Budget is \$1200 under the tax cap limit.

Motion by Councilman Peterson, seconded by Councilman Cantwell III, to adopt the 2016 Budget with these changes. Motion carried. (Should be available by next week.)

Personnel:

A request has come from a Recreation Park Employee, Kenneth F. Garnsey Jr., who is requesting a 45 day leave of absence without pay starting November 19, 2015 and going until January 4, 2016. This will leave Recreation Park Manager Keith Wood down 2 employees in this time period.

Motion by Councilman Cantwell III, seconded by Councilman Matthews, to grant the leave of absence without pay to Mr. Garnsey. Motion carried.

Flooring Bids:

There were no bids submitted for either the Grindstone Island Schoolhouse wood flooring materials and installation bid or the materials & installation of commercial grade tile flooring for the Boater Service building.

Consensus of the Town Board is to re-advertise these bids as returnable on 12/28 by 2:15 pm and to be opened at that time then awarded at our Year-end meeting on 12/30 at 8 am.

General Code:

Motion by Councilman Peterson, seconded by Councilman Matthews, to authorized the Town Supervisor to sign the Authorization and Agreement with General Code for the Codification Services at an amount of \$11,774. Motion carried.

Depauville Library Update:

Buildings & Grounds Keith Wood has ordered rails and fencing for the Depauville Library project. Cost will be approximately \$10,000, which is over and above the agreed-to contribution to the project by the Town.

TIERS Project Update:

Councilman Cantwell III reported that the walls are going up on the project. The rental of the excavator was over \$858. And added gravel was used at an extra cost of \$2936.64. We're over the allotted amount that the Town had agreed to put into this project.

Transient Dock Update:

Frink – We will need to renew BANS in January 2016 & might have to look at long term financing in June 2016.

Dock details: John Dillion was there today. They hung the last panel today and rebar was put in; Friday they have scheduled a pour and will come back to put wood on the sides.

We are still waiting on appraisers since March. We have called them, but nothing as yet.

Dock Rules & Rates: Councilman Cantwell III and Councilman Matthews have sent out rate sheets to the Board. Councilman Cantwell III will have a copy sent to the State Park for their review as well. Discussion that transient docking will be for no more than 15 days at a time.

Route 12 Sewer Update:

We have spent almost \$5 million on this project to date. Atty. Russell stated that the Court is to hear tomorrow our petitions for easements. We are waiting for a new return date from the Court. We have the addresses for the final easements, however we couldn't make the serving time frame due to residents living out of the area this time of year.

Bartlett Point Water District:

Motion by Councilwoman Zovistoski, seconded by Councilman Matthews, to authorize the Town Engineer to begin a Map, Plan & Report for the Bartlett Point Water District. Motion carried.

Opera House Roof:

Discussion on getting bid proposals ready to bid now and do the work in spring 2016. It is already in the 2016 Budget to allow for a BAN for the Town Hall and the Depauville Library roof.

Motion by Councilman Peterson, seconded by Councilwoman Zovistoski, to authorizing the Town Engineer to do bid proposals for: (1) Opera House Roof and (2) Depauville Library roof. We are looking to go bid within the next 30 days; or no later than January 30th, 2016. Motion carried.

Docks-Chamber Fireworks:

The Clayton Christmas Parade Committee has sent a letter requesting permission to use the transient docking wave attenuator for the fireworks display following the 9th Annual Clayton Christmas Parade & fireworks Display to be held on December 5th at 6 pm and the fireworks immediately following the parade. Consensus of the Town Board that they would allow use of the Attenuator for the fireworks display.

Christmas Party:

Invitations have gone out for the Annual Christmas Party, this year given by Mayor Norma Zimmer and the Clayton Town Board. RSVP's should to be given to Mayor Zimmer for your attendance. Supervisor Taylor declared this a St. Lawrence Tartan night.

MD2 – Action on Application:

Supervisor Taylor advised all that he was turning the tape recorder on for review and action on the MD2 application.

Attorney Russell indicated that the Town Board had reviewed the application of the MD2 District; the Town Board had gone through the procedural course and had completed Part 2 of the SEQRA, had discussion and found that there were not any large impacts noted.

The next review was Part 3 of the Full Environmental Assessment Form and the Negative Declaration concerning Saint Lawrence Spirits, LLC Proposal to Operate a Restaurant Bar, Inn and Distillery at 38289 NYS Route 12 E in Clayton, New York. This was a 10 Page review of Part 2 and a Conclusion the Town Board as lead agency in a coordinated review under SEQRA had thoroughly reviewed all relevant materials and analyzed all aspects of the Project. For all the reasons set forth in Part 3 of the review, the Town Board determines that the Project will not result in any significant adverse impacts on the environment. Consequently, a negative declaration will be filed and notice of the negative declaration will be provided pursuant to all applicable laws and regulations.

RESOLUTION #52 OF 2015

RESOLUTION #52 OF 2015 was moved by Chris Matthews, seconded by Mary Zovistoski, to adopt the Negative Declaration pursuant to the State Environmental Quality Review Act. Taylor-aye; Peterson-aye; Zovistoski-aye; Matthews-aye; Cantwell III-aye. **PASSED.**

Attorney Russell will file this Negative Declaration with the Environmental Notice Bulletin (ENB) in a manner prescribed by the DEC, and will serve a copy thereof on each involved agency.

Discussion on landing the MD2 District zone to tax parcel 19.20-1-32.2: The Town Board has the authority to approve or disapprove. The Town Board held a Public Hearing and listened to all in attendance and those that sent in written testimony concerning the landing.

Town Board reviewed that this area has a minimum of 5 acres; the use is proper (others contested that this will devalue their property, however based on facts it has increased the land values by 83%. Upon talking with the Assessor, nothing in this area has been devalued.) The Town Board has sent this to the Joint Planning Board for review and it was sent back to the Town Board with a recommendation for approval. It was also forwarded to the County Planning Board which determined that it was of local concern only. The Town Board considered whether the distillery is an Agricultural Processing Plant under the Ordinance, and after discussing the characteristics of an Agricultural Processing Plant, determined that the distillery should not be considered an Agricultural Processing Plant.

All Board members felt confident that there are no problems with any of this application. The Board has done due diligence with this application. A proposed resolution with a detailed analysis by the Town Attorney was received and reviewed by the Town Board.

Motion by Mary Zovistoski, seconded by Bob Cantwell III, that this project satisfies the requirements to land MD2 at this location.

RESOLUTION #53 OF 2015:

RESOLUTION #53 OF 2015 was moved by Chris Matthews, seconded by Mary Zovistoski, for the Town Board of the Town of Clayton to approve the application of Saint Lawrence Spirits, LLC for an amendment to the Town of Clayton Zoning Ordinance and Map to land the MD2 District on tax parcel number 19.20-1-32.2 in the Town of Clayton. Taylor-aye; Peterson-aye; Cantwell III- aye; Matthews-aye; Zovistoski-aye. **PASSED.**

Each Board member gave a spoken and written reasoning for their rationale of how and why they voted as they did. The written comments will be attached to the minute's book.

Supervisor Taylor stated this concludes a very, very, very, long process.

Highway Superintendent Report:

-  Plows and sanders are ready.
-  The Highway has completed their tasks at the T.I.E.R.S. construction site.

Council Reports:

Supervisor Taylor stated he has just received a text from John Dillion and everything is completed at the docks.

Councilman Peterson stated he is pleased that the MD2 has been finalized on the Town Board's end. He believes the Town Board has worked very hard, has been diligent and he is confident they have done the right thing in this matter.

Councilwoman Zovistoski stated that Ken Knapp has a wonderful display at the Depauville Library and urges all to view the display.

Public submitted requests to address the Board: None.

Adjournment:

Motion by Councilman Matthews, seconded by Councilman Peterson, to adjourn this regular meeting at 6:21 pm. Motion carried.

Kathleen E. LaClair, Town Clerk