March 23, 2016
The Town Board of the Town of Clayton held their regular meeting at the Clayton Opera House, 1st Floor, located at 403 Riverside Drive, Clayton, New York with the following persons present:

David M. Storandt Jr.    Robert W. Cantwell III    Christopher D. Matthews
Mary Zovistoski    Donna J. Patchen    William Sherman (absent)
Kathleen E. LaClair

Alicia Dewey    Joseph W. Russell, Town Attorney (6:00 PM)
Ken Knapp    Gunther Schaller    Leslie Drake
Fred Bach Jr.    Larry Aubertine    Julie Brennan
Tom Brennan    Chris Bogenschutz    Julie Garnsey
Rob Campany    Pam McDowell    Jamie Lee
Michael Darou    Twyla Webb    Kevin Rarick
Jake Tibbles    Michael Docteur    Karen Lago
Greg Lago    Don Marshall    Terra L. Bach
Jenny Briot    Jeff Reinkemeyer    Sally Boss
Charles Moehs    Edwin T. Carr    Cindy Grant
Michael Parkes    Thomas Petrie    George Hillabush
Ed Oliver    Anna Forbes    Jack Stopper
Katelyn LaRose    Ted Booker    Jim Burrows
Matt Morgia    Brian Parker    David LaMora
Sharon Gamble    Gloria J. White    Bruce MacFarlene
Steve Weed    Melissa Storandt    Phil Scott
Mary Lou Tabolt    Gary V. Buck Hardy    Jim Muscato (Iberdrola)
Dan Murdie (Iberdrola)    Karen Wiley    Richard C. Wiley
Tom Tinney    Julie Tinney    Lori Durand
Diane Carr    Sue Magee    Richard H. Macsherry
Name illegible    Michael Ringer    Kevin Topa
Corinne Thomson    Ron Thomson    Kim LaRose
Destiny James    Joe LaRose    Lori Klock
Christopher Labou    Kevin Forkey    Gerald Schneeberger
Jane Sheehan    Art Gamble Jr.    Phil Randazzo
Gail Hutcheon    Deb Hunter    Don Metzger
Lee Igo    Kristine Majak    Walter Majak
Sharon Dilworth    Chris Baltz    Anna Baltz
Fred Schmidt    Larry Hutcheon    Lori Arnot
John Jepma    Joseph Walts    Rob Krone
Denise Igo    Erica Demick    Fred Matthews
Don Dilworth    David Neuroth    Norma Zimmer (Mayor)

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

Town Clerk:
Correspondence:
Notice of rescheduled “Workplace Violence Training”, for Tuesday, 3/29 at 8AM or Thursday, 3/31 at 8AM at the Concession Stand, Recreation Park.

CLDC Executive Director Kristi Dippel sent a letter of the CLDC’s significant investment and revitalization for the last 10 years concerning tourism activities.


Time Warner Cable Business Class going all-digital on April 12th.

Justices “status” reports can be made to the Town/Village Boards at their meetings. Activities include number of Vehicle & Traffic Law, Civil cases handled during a calendar month.

Received from Dept. of Taxation & Finance the Interim Certification for Timothy Ritter, Appointed Assessor.

Minutes: Motion made by Mary Zovistoski, seconded by Donna Patchen, to approve the minutes of March 9, 2016 as presented. Motion carried.

Comments on Agenda Items: None.

Workshop Discussion Items:

1. ZBA/PB Appointments and PB Chair Position: Motion made by Bob Cantwell III, seconded by Donna Patchen to appoint Doug Rogers as Chairman to replace Roland “Bud” Baril, who has retired from the position. This position expires December 31, 2019. Motion carried.

   Motion made by Chris Matthews, seconded by Mary Zovistoski, to appoint Fred Bach Jr. to the open full board seat vacated by Doug Rogers. Mr. Bach’s appointment expires December 31, 2018. Motion carried.

   This leaves the alternate position that Fred Bach held as vacant at this time.

2. Heritage Heights Parcel Purchase: A Real Estate Purchase and Sale Agreement has been written up by Atty. Joe Russell and a Map and Description has been obtained from LaFave, White & McGivern, LS, PC. Discussion led by Chris Matthews, to hold off any determinations until our next meeting. Councilman Matthews will contact Jerry Ingerson to continue further dialogue on the acquisition. Some discussion on how to pay for the property followed with no conclusion made at this time.

3. Route 12 Sewer Project Update: Rob Campany, of Fourth Coast/St. Lawrence Engineering, stated that the proceedings of Eminent Domain on March 9th have closed. Due to the considerable amount of time having lapsed, we will need to re-evaluate costs. We will need to update one (1) of the pump stations, and might have to consider looking for more funding agencies. We need to look at our options. This coming Tuesday, we will be having a conference call with EFC.

4. Justice Brick Letter of Support Request: Motion made by Mary Zovistoski, seconded by Donna Patchen to authorize Supervisor Storandt to write and sign a letter of support to obtain a higher percentage of returned fees to the local courts. Motion carried.

5. Proclamation: Motion made by Bob Cantwell III, seconded by Chris Matthews, to authorize a Proclamation honoring Bud Baril for his many years of dedicated service to the Community of Clayton and for all the Town Board and the Town Clerk to affix their signatures to the Proclamation. Motion carried.
6. **Bed Tax Discussion:** The Chamber of Commerce is conducting their 2016 regional cooperative advertising campaign. The Chamber has reported that for the last 7+ years, the Clayton Chamber and Antique Boat Museum have split the level 2 package of $5,550. Mr. Bogenschutz would like the Clayton Chamber to have their own 30 second spot and the ABM and the Hotel buy/split the Level two package. (In checking with Alexandria Bay the Bay Chamber, Boldt Castle, US Boat Tours, Bonnie Castle, Riveredge and Swan Bay are spending $43,000.) We should beef up the exposure for Clayton with the level 1 @ $9,100/$11,375. The new contract needs to be signed by Friday, April 1. This will be further discussed at the next meeting.

7. **POOL Opening:** The pool will tentatively be opening on June 13th.

8. **Legal Advice on Wind Farm Law:** Motion by Chris Matthews, seconded by Bob Cantwell III, to hire Daniel A. Spitzer, assisted by Charles Malcomb of Hodgson Russ Attorneys for advice on the Wind Law for a stipend of $10,000 that will be billed in increments of one-tenths of an hour. Motion carried.

9. **Adjournment:** Motion made by Mary Zovistoski, seconded by Bob Cantwell III, to adjourn this regular meeting at 5:29 PM. Motion carried.

10. **Public Hearings – Concurrently held – Local Law #2 of 2016 and Zoning Ordinance Amendment #38:**

The public hearing(s) were opened at 6 PM and Supervisor Storandt led the assembly in the Pledge of Allegiance. Supervisor Storandt acknowledged that Jefferson County Legislator Michael Docteur and Town of Orleans Supervisor Kevin Rarick were also in attendance at these Public Hearing(s).

****These concurrent Public Hearings will be videotaped and the videotape will be made a part of the record of the proceedings. ****

1) Tom Brennan, 14594 Danenwald Rd., Clayton and of Spring Drive Graphic, in Depauville, and former member on the previous Wind Committee showed some anticipated visuals of the Depauville area looking toward the south. The depiction showed turbines at a 626’height, which is considerably higher than the models specified in the original Horsecreek plans.

Another viewing depicted a “Gamesa” turbine at 626’ along-side several other depictions, including the Dulles State Office Bldg. at 198’, St. Mary’s Church at 125’, a 60’ tree and a two-story house at 30’, in height. Depauville being approximately eight (8) miles from the river, the largest being the turbines would be very visible to the river area.

Mr. Brennan realizes that Local Law #3 is not actually an official document of the Towns, however, it is probably more in tuned to what we need.

2) Jake Tibbles, 19859 County Route 3, LaFargeville and Executive Director of Thousand Islands Land Trust (T.I.L.T.) for the last 10 years, commended the Town on offering Local Law #2, but would also like to see a “Moratorium” placed until the update to the Comprehensive Plan could be finalized. TILT was founded in 1984 by a group of year-round and seasonal residents of the Town of Clayton who not only shared a strong love for the region, but the concern that increasing development pressure could lead to the loss of the unique habitats, diverse wildlife, and scenic beauty that is characteristic of the Thousand Islands. TILT supports the Town Board’s strong position against Iberdrola Renewables’ Horse Creek Wind Farm proposal.
Mr. Tibbles showed a visual from just north of Depauville and just outside the Overlay District from a drone hovering at 400’ and approximately ten miles from the river. The view showed to be very widespread and that the wind turbines would be very visible from far beyond the town boundaries and into the Canadian region.

3) Leslie Drake, 17704 County Route 3, Clayton, is not opposed to wind turbines, but has a concern with where Iberdrola wants to place them. He is also concerned with an Article 10 process. He was on the 2009 Wind Committee, which he felt came up with good suggestions concerning health and welfare. Renewable energy is wanted, but at what cost.

4) Katelyn LaRose, 17471 Ridge Road, LaFargeville (Town of Clayton), questioned the accuracy of the information that is being given. She mentioned Maple Ridge and that the towers do not extend at a height of 626’. There seems to be a lot of misinformation out there.

5) Greg Lago, 12975 House Rd., Clayton, agrees with and thanked the Town Board in their decision and their stance of no industrial wind for the Town of Clayton.

6) Ed Oliver, 14040 Oak Tree Lane, Chaumont (Town of Clayton), stated he also was on the Wind Committee several years ago. At that time he felt that it was more about dollars and politics than about sound levels and setbacks. He was surprised to learn that adding new windmills across our country does not necessarily remove coal burning electricity generators from use, therefore wind turbines were not as clean as thought to be. Following the committee’s research, including the inviting of experts from the field and researching numerous documents, the committee came to a consensus on a recommendation to the Town Board regarding wind setbacks and levels. This was not a stacked committee for wind, but a committee that had pro-wind, anti-wind and neutral on this issue. They recommended a plan that they felt addressed the safety issues of windmills. This would allow windmills in the overlay district but not allow them to be overly packed in an unsafe manner as the wind company had hoped for. Unfortunately, our committee recommendations were not supported by the previous town administration, and instead a plan was approved that was more in line with the developer’s wishes.

This Board seems to be looking at passing a law that would totally ban commercial windmill development within the Town of Clayton. After reading several opinion pieces in the paper, he wonders if the new strategy would hold up in the courts as the best method to protect the safety of the Town of Clayton residents. He is asking that the Board thoroughly research which will protect the town more, a total ban on commercial wind or one that sets strict and protective guidelines for any possible developments. He thanked the Board for all their time and energy that they are putting into this important local issue.

7) Jeff Reinkemeyer, Director of Renewables Development for Iberdrola Renewables, LLC from 14096 Duck Creek Rd., Helenville, Wisconsin. Iberdrola has heard that the Town is considering a wind development ban in the Town of Clayton. Iberdrola respectfully opposes this proposed ban. He also mentioned, for the record, that Atlantic Wind LLC has applications pending for three temporary wind measurement towers and that these applications were submitted under the current wind law and Iberdrola suggests that these applications should be considered out of the current law and not the proposed law, which might not be enacted prior to the Planning Board’s vote. The requested applications are for temporary towers, approximately 196’ in height. In looking at the intent of a wind ban, he feels that the Town Board is seeking to undo all the work that has been previously done to develop the current wind law without any basis or evidence to support a
change. Iberdrolas' opinion, a ban is unnecessarily restrictive and unjustified from the Town’s prior findings on this issue when existing wind related laws were enacted. Mr. Reinkemeyer suggests that the Town and Company should work together toward some derived standards for wind development to enable the Project to provide the community and the landowners the benefit from wind farm development through economic benefits.

Mr. Reinkemeyer also feels that it appears the proposed wind ban is contrary to the Town’s comprehensive plan. He is hoping that the Town will remain open to responsibly site wind development in the community by not enacting this proposed wind ban. Mr. Reinkemeyer thanked the Board for their time and consideration.

8) Jamie Lee, Brownville, NY, now lives out of the Township, but was previously a town resident and also on the 2009 Wind Committee. This is still her home area and she asks that the Town Board makes sure to have all their documentation and that it is accurate information from experts in the field. Other towns look to Clayton for their commitment and dedication to their residents in doing what is the right thing for the community. There is a lot of anxiety and emotions don’t let that sway you.

9) Phil Scott, 29760 Sternberg Road, Chaumont (Town of Clayton). Mr. Scott lives within the Overlay District. His farm is a 5th generation family home/farm. He looks at his grandchildren, who are the 5th generation and feels that the wind turbines are their future. Mr. Scott feels that there must be a way to do this. He has no problem with the MET towers and looks at the science of this project. He feels that the electricity comes from renewable resources and not everybody is against this project.

Mr. Scott feels that there are many questionable “facts” being stated. A survey of the Overlay District shows that 86% of the people south of Depauville support a wind farm and that more weight should be given those opinions of the people who actually live there. The landowners in the overlay district are a dairy, grain and soy bean growing area. One of the meteorological towers is projected to be erected on a three generational farm on the southern point in the Clayton Township. Those landowners that are interested in having their lands part of a potential wind project have rights as well. Mr. Scott also cited that there would be additional tax benefits that would be generated for the town.

Mr. Scott feels that the world as a whole, including federal and state governments, are looking toward renewable energy.

Mr. Scott hopes that the Board is progressive enough to recognize that this is the future and take advantage of the opportunity offered to us not only the financial benefit but for the sake of our future generations. He also feels that those people living in the Overlay District have no problem with a renewable energy project. Mr. Scott feels that we should look to the future of our children and grandchildren.

10) Michael Docteur, Jefferson County Legislator for District 1, comprised of Clayton and Cape Vincent, and he himself is a Cape Vincent resident, spoke that he was at a Town Board meeting a couple of weeks ago and shared a couple of maps concerning Fort Drum. He is now back to state it will be difficult for Wind Projects to receive any PILOTS. The County Legislature is pretty much in agreement, that “no” PILOTS will be acceptable in Jefferson County for Wind Projects. This is not just for his district of Clayton/Cape Vincent, but for all of Jefferson County.

The Legislators have spoken with Fort Drum and their airport (Wheeler Sack) personnel concerning the radar area and approach to their landing strip. Their feeling is that any future development would interfere with this area.

Fort Drum’s contribution to Jefferson County is approximately $1.2 billion annually and we have been fortunate enough to keep Fort Drum from being on the BRAC listing. We certainly don’t want to lose this valuable asset from this community.
Jefferson County will take a stance that any wind development will have to pay 100% tax. There will be more to come on this in the near future. Mr. Docteur will possibly have more information at the April Town Board meeting. Legislator Docteur stated he and the rest of the Legislators stand to “support” their communities.

11) Anna Forbes, 31337 Miller Rd., LaFargeville, (Town of Clayton), voiced her concern with the current Local Law protection if abolished would subject us to Article 10, where we would lose.

12) Ken Knapp, 32930 Kenney Rd., Chaumont, (Town of Clayton), was also in favor of dealing with a strong law to have impact on any wind in this area. With what we have, this company or any other can keep coming back. We need to find a middle ground to have strong regulations and not have our town changed. We want to let these companies know that they are not permitted and therefore we need to fill the loop hole. We need to look at this very carefully. Many don’t want to see this happen here.

13) Kim LaRose, 17471 Ridge Rd., LaFargeville, (Town of Clayton), opposes the wind ban as proposed by Local Law 1 of 2016. She feels that a proposed ban on all commercial wind energy in Clayton is not reasonable, and it goes beyond what is claimed to be necessary to protect the residents of this community. Ms. LaRose stated the Board previously determined that, properly sited, wind farms can provide significant benefits to the Town and the broader community and that “wind energy is abundant, renewable and nonpolluting energy source of the Town, and its conversion to electricity may help reduce dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources.” (from the 2007 law). She feels that the new proposed ban seems to be an overreaction and not rooted in the facts about wind energy development projects and that the proposed ban completely ignores the potential benefits of wind and the interests that many landowners in the community have in seeing renewable energy developed here in Clayton, both for the immediate economic impact as well as for the long term preservation of the farming community. She doesn’t feel that the wind ban is representative of the voice of many of the landowners who do support wind energy as a vital, clean, and renewable source of local power, and a positive economic development opportunity for our town.

14) Cindy Grant, 12610 House Rd., Town of Clayton, thanked the Board for taking action, however she believes that a BAN is maybe not the best way to deal with this. She would like to see the Town hire a wind energy knowledgeable lawyer and pass a six (6) months “moratorium”. Then the Town could finalize the review process of Local Law #3 of 2016, and have the citizens finish the work on updating to Town Comprehensive Plan. She had also been told that Iberdrola has been approaching landowners along the Chaumont river area corridor to extend the Horse Creek project. Ms. Grant also submitted “15 reasons wind power is vastly overrated” by John Droz.

15) Erica Demick, 66 S. Main Street, Hammond, NY spoke concerning Local Law #2. She is a business owner in Hammond, but is actively looking to buy her first home. Some of the properties she is looking at are in Clayton; second, the industrial wind energy issue is a regional matter. She believes that if any community within the Thousand Islands has industrial wind, it will hurt all the communities. Third, she was actively involved with the wind issue in the Town of Hammond and served on their local Wind Committee as secretary. Since then, she has attended national meetings about fighting wind energy. She also has looked at Local Law #3 and feels that it is simply an exceptionally well-written document. There are a wide range of people that have worked on this proposed law, i.e.: Richard Freshour – a retired Three Mile Bay attorney who has been involved with wind energy for many years; Lee Miller – a
Cortland, NY attorney who has been actively assisting in the Finger Lakes communities that are fighting wind energy; Gary Abraham – a western NY attorney who has specialized with wind energy; Dr. Dan Driscoll – who has retired from the DEC and lives near Albany. He is an acoustic engineer and an acknowledged wind energy expert; Dr. Arline Bronzaft – the Chairperson of New York City's Environmental Noise Committee and very interested in wind energy; Dr. Paul Schomer – Standards Director of the National Acoustical Society of America and has great familiarity with wind energy; Dr. Calvin Martin and Dr. Nina Pierpont, a husband and wife team, New York residents, and world-famous health experts, who have written extensively about wind energy; Jim Simon – Town of Yates, New York Supervisor. Yates is on Lake Ontario. They’re currently writing a wind law as they’re currently also being threatened by a wind energy project; Robert Aliasso, Jr. – Vice President of Stebbins Engineering & Manufacturing Co., and head of the Preservation of the Golden Crescent organization; and John Droz, Jr. – an independent physicist and renown energy expert. Mr. Droz, Jr. and his wife Elaine are New York natives who spend a lot of time in the TI region. This listing is just some of the people outside of Clayton that have contributed to Local Law #3.

Ms. Demick is here this evening to not only thank the Board for their consideration in this important local and regional matter, but to respectfully ask that the Board review the proposed Local Law #3, schedule a public hearing for it, and then pass it at the Board’s earliest opportunity. Supervisor David Storandt, Jr. again clarified that Local Law #3 is nothing that the Clayton Town Board has adopted or put forth.

16) Dr. John Jepma, 38405 State Rte. 12 E, Clayton, Town of Clayton – Dr. Jepma acknowledged that he also was a committee member of the Local Wind Committee in 2009. They had come up with good recommendations at that time. This was a very confrontational subject. This committee looked at the health issues, the noise levels and sound, the setbacks that should come into play and thought they had addressed these concerns very well.

Dr. Jepma discussed the environmental study and thought the BAN was great; however he is not a lawyer, but thinks that Local Law #3, if allowed with proper setbacks, lots of articles, and numerous references might be better than the Local Law #2 being proposed this evening. He applauded the Board, but feels that a BAN may not be more reasonable, and a new Local Law with the proper guidelines could be written during the moratorium.

17) Don Metzger – Town of Lyme, year-round tax payer for 40 years. Complimented the Town on their Web Site and the modifications to it to show great transparency. The Town of Lyme may be hosting a transmission line. Discussion of wind, if the Town does a “moratorium” it would give credence to a three (3-way) “sweep” circle. You would need 1.8 acres per turbine times the number of turbines to formulate a “sweep”. You need over 2 acres per turbine. Please give thought and hopefully the Board gives a lot of thought to this. Turbines 200 mph at the tip of the rotor. This is a huge area to be swept.

18) Gunther Schaller, 17348 County Route 5, Town of Clayton. As a matter of policy the Town Board has done a superb job. The Board has captured the attention of many people, not only here in Clayton, but around the communities of the Thousand Islands. Everyone is looking to see what Clayton does. Local Laws have some great merits. Updating the Comprehensive Plan is essential. A “moratorium” for six (6) months is needed to be able to look at the Towns procedures and make sure this is what is needed. The Town has demonstrated and acted in good faith and the residents thank you for what you’re doing.
19) David Neuroth, 16285 Hayes Rd, Town of Clayton. First and foremost he cares about the river. The health of the river maintains the Community and Environment. Everybody has to do their part. You’ve heard how dirty the turbines get as they are moving. Greenery is needed to put oxygen into the air.

20) Michael Ringer, 473 Dingman Point Rd., Alexandria Bay, however he and other family owns businesses here in downtown Clayton. Happy that the Town Board here in Clayton knows how serious industrial wind energy is and how it can undermine our community from several perspectives (like economics, health, ecosystems and property values). He feels that Local Law #2 is a long-shot at best. He has spent a lot of time talking and reading about wind energy, and feels there would be a much better chance to win this fight if there was a well-written law of regulations. Few towns have these well-written regulations however, because wind energy is complex and very technical and well beyond the understanding of the average citizen.

Mr. Ringer feels that we have a better chance with the written Local Law #3 and it hasn’t cost us a dime. Mr. Ringer’s view is that we need to take advantage of this exceptional gift by scheduling a public hearing on it and the Board pass it. He feels that the Town of Clayton will then be fully protected from the industrial wind developers.

Mr. John Droz, a Physicist, drafted Clayton Local Law 3 with the help of other people mentioned earlier. Personally, Mr. Ringer has known Mr. Droz for over 30 years and has great respect for him. Mr. Ringer feels that Mr. Droz is dedicated in his efforts, and is probably the leading authority on the wind industry in the nation. Mr. Droz has spoken before Houses of Legislature and lectured countless times across the country. He researches and questions everything and leaves no stone unturned.

21) Phil Randazzo, 122 S. Shore Drive, Clayton – Mr. Randazzo explained that he had been in business for a long time in California before retiring and moving here. They had been visiting here for many years before moving here. They came because of the beauty of Clayton and the people. As soon as they took residence here, Mr. Randazzo became involved in the Community. He has worked and owned franchising businesses for over 40 years. We need to get the very best that we can to help us fight the wind energy companies. He also has known Mr. Droz and talked with him on numerous occasions. Mr. Randazzo feels that the BAN is a great liability and what we need is a strong Local Law. Mr. Randazzo feels that John Droz is with whom we should be working, and the Local Law #3 is our best shot. The community is trying to help the Board the best that they can and he hopes that the Town Board will seek the best Wind Council they can.

22) Dave LaMora, from Cape Vincent, NY. – Mr. LaMora feels that the Town Board has determined that the influx of wind energy is not right for them. Mr. Droz is an expert that is willing to help you out. The Local Law is not going to determine this outcome; an Article 10 will.

Mr. LaMora feels that this Board has the right to determine what this community needs, not New York State. He feels that it is the Town Board’s right to protect this community.


With no further people to speak, **Motion** made by Bob Cantwell III, seconded by Mary Zovistoski, to close at 7:35 PM the Concurrent Public Hearings for Local Law #2 of 2016, a Local Law to repeal Local Law No. 1 of the year 2007, Local Law No. 1 of the year 2011 and Local Law No. 2 of 2011, and to further regulate wind energy facilities within the Town of Clayton and Amendment #38 to the Zoning Ordinance, an amendment that would remove Wind Energy Conversion Systems (WECS), Wind Energy Facility and WEFOD Wind Energy Facility Overlay District, from all locations in the current Clayton Zoning Ordinance. Motion carried.

**Adjournment:** **Motion** made by Chris Matthews, seconded by Donna Patchen, to adjourn this Workshop Meeting at 7:35 PM. Motion carried.

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Kathleen E. LaClair, Town Clerk