

April 6, 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.
Mary Zovistoski
Kathleen E. LaClair

Robert W. Cantwell III
Donna J. Patchen

Christopher D. Matthews
William Sherman

Gunther A. Schaller
Jeanne Mottis
Dan Murdie
Fred L. Matthews
Julie Garnsey

Cindy Grant
Ken Knapp
Jeff Reinkemeyer
Mike Ringer

Ted Booker, WDT
Phil Randazzo
Chuck Climer
Pam McDowell, TI Sun

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

Town Clerk:

Correspondence:

- Notice of “Free Household Hazardous Waste Collection Days”, sponsored by the Development Authority of the North Country, Jefferson County and the NYS Dept. of Environmental Conservation. Scheduled for Saturday, June 4th from 9am-1pm and Saturday, October 1st from 9am-1pm at the Jefferson County Highway Dept., 21897 County Route 190 (Outer Main Street) Watertown, NY.
- Notice of Opera House roof project starting April 5th.
- Letter of Support from the Coalition for the Preservation of the Golden Crescent and the 1000 Islands Region in regards to Wind Energy.
- E-Mail from Gunther Schaller (3/27/16) – Wind Energy.
- E-Mail from Michael Ringer (3/25/16) – Thank you for dedication to protect the health, safety and well-being of the Clayton community - Wind Energy.
- Letter from Rodney Kester – objecting to proposed Local Law #2 of 2016.
- E-Mail from Gunther Schaller (3/30/16) – copy of letter sent to John Droz concerning Article 10.

Minutes: Motion made by Bob Cantwell III, seconded by Chris Matthews, to approve the minutes of March 23, 2016 with the following changes: #10 Re-word 2nd paragraph to “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.” #16, last sentence should be: “...BAN may **not** be more reasonable... Motion carried.

Public Comment on Agenda Items: None.

General Discussion Items:

Bills & Transfers – Motion made by Mary Zovistoski, seconded by Bob Cantwell III, to move approval and payment of Abstract #3 of 2016 to the last meeting of the month (4/27/16). Motion carried.

Authorize prepayment(s):

Motion made by Mary Zovistoski, seconded by Bob Cantwell III, to pre-pay Tioga - \$50,752.74 and Continental Construction - \$25,052.49. Motion carried.

Supervisor's Report:

Motion made by Donna Patchen, seconded by Chris Matthews, to move approval of the March 2016, Bank Reconciliations & Balance Sheets to the last meeting on 4/27/2016. Motion carried.

Heritage Heights Sewer Property: Mr. Ingerson had some conditions of sale that he wanted made a part of the conveyance of property. Councilman Matthews had not had any contact with Jerry Ingerson concerning the conditions. Councilman Matthews doesn't feel that this needs to be written in and that it would not be enforceable. Over all Councilman Matthews feels that this is not an issue.

Motion by Bob Cantwell III, seconded by Chris Matthews, to purchase the property now and acquire the financing. Motion carried.

Discussion of BAN and re-payment by end of this fiscal year; The Board will table further discussion until the 4/27 meeting.

Planning Board & Zoning Board of Appeals:

Resignation: Motion made by Donna Patchen, seconded by Mary Zovistoski, to accept John Kehoe's resignation with thanks and gratitude for serving his community for many years on this board. Motion carried.

Councilman Cantwell III would like to see some acknowledgement with a "Proclamation" for Mr. Kehoe. The rest of the Board agreed.

Appointment: Motion made by Bob Cantwell III, seconded by Chris Matthews, to appoint Tyler Forger as an alternate to the Planning Board to replace Fred Bach's unexpired term, to end 12/31/21. Motion carried.

Dock Attendant Rate: Motion made by Chris Matthews, seconded by Mary Zovistoski to set the rate for a Dock Attendant at \$10 per hour. Motion carried.

Annual Bids: Supervisor Storandt and Alicia Dewey will be looking at the annual bidding vendors and getting them aligned for a common anniversary date.

Attenuator Fencing: Reviewed proposal from Acts II Construction, Inc for furnishing and installing a 42' in height iron fence sub-contracted with Alpine Fence for a total of \$3,668.00. The fencing is to alleviate a small drop off area near the attenuator. Tabled until the 4/27 meeting.

Riverwalk Pavers: Reviewed and discussed purchasing pavers for the area near the Boater Services Building. Consensus of the Board is to keep consistent with the other pavers already used on the rest of the Riverwalk.

Cleaning debris: TIYLO has asked as part of their community service, if they could have permission to pick up debris on the towns easement along the river at the Boater Service Building and in front of the Harbor Hotel. The Town Board agreed to their request.

Local Law #2 of 2016:

Current: Motion made by Mary Zovistoski, seconded by Bob Cantwell III, to **withdraw** Local Law #2 which is a proposed 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. Motion carried.

Local Law #2 of 2016 (New): Councilwoman Zovistoski stated that we need to carefully and deliberately review all of the information we have received from our March 23rd public hearing. As a result, I would like to **introduce** the new Local Law #2 of 2016 a Local Law to Establish a Moratorium on Applications for the Review and Approval of Permits for Wind Energy Facilities within the Town of Clayton.

Motion made by Mary Zovistoski, seconded by Chris Matthews, to **schedule** a public hearing on the new Local Law #2 of 2016 (Moratorium) for Wednesday, April 20th at 6:00 PM. Motion Carried.

Motion made by Mary Zovistoski, seconded by Bob Cantwell III, to instruct Town Attorney Joseph W. Russell to forward a copy of the new Local Law #2 of 2016 (Moratorium) to the County Planning Board for their review. Motion carried. Supervisor's Office will forward to the Town Planning Board.

Part 1 of the Long Form EAF- Moratorium on Application for Permits to Construct Wind Energy Facilities: Motion by Mary Zovistoski seconded by Bob Cantwell III, to accept Part 1 of the long form EAF – Moratorium on Application for permits to construct Wind Energy Facilities and to authorize the Town Supervisor to sign Part 1 of the long form EAF. Motion carried.

Supervisor's Report:

Frink Redevelopment: We have finally received two Appraisal Reports for the Clayton Riverwalk Easement. (1) North Country Management, Ltd., for market value in fee simple estate, as-is and as of December 28, 2012 in the amount of \$2,260,000; market value in fee simple estate, after the acquisition and as of December 28, 2012, is \$1,200,000 and value of the acquisition (301 Webb St.) as of December 28, 2012, is \$1,060,000. (2) Armstrong Appraisals, for market value of the fee simple estate interest as of December 28, 2012 is \$1,255,000.

Supervisor Storandt acknowledged that these can be utilized for part of the NYS Parks Riverwalk grant.

Highway Superintendent's Report:

-  This week we have gone to 4-10 hour days.
-  The new Depauville Sewer District generator has been received and in use.
-  We have been hauling sand.
-  The guard rails have been fixed.
-  CPR training will be next Tuesday.
-  Boat Show this week-end. Currently we're cleaning out the barn and they will be moving in tomorrow.
-  Have taken water samples from the four corners at NYS Rt. 12 and County Route 5. Results will be available in 7-10 days from Converse Labs.

Council Reports:

Cantwell: Reviewing the By-laws at the Paynter Senior Center.

Matthews: No issues at Recreation Park.

Zovistoski: Chamber of Commerce Advertising Campaign slight discussion and will hold for our 4/27 meeting.

Discussion of Bed Tax revenues use.

Patchen: Planning Board meets tomorrow night.
ZBA met a couple of weeks ago and approved one application.

Public Submitted Requests to Address the Board:

Cindy Grant – Thank you for fighting so hard to protect our town from industrial wind turbines. She feels that hundreds of industrial wind turbines would destroy the beauty of our area, as well as negatively affect the health, safety and welfare of the citizens who live here.

Ms. Grant is glad this board is moving ahead on hiring an experienced wind lawyer. She feels that Clayton should also be working with Orleans, Lyme and Brownville.

Ms. Grant had met John Droz Jr. a few years ago and feels that he is a remarkable person who has been willing to help any community to defend themselves, for free. Other local citizens that have also know Mr. Droz for many years asked him to review Clayton’s three local wind laws. Mr. Droz concluded that those laws were seriously out-of-date. She feels that he and many other locals have worked hard to develop a local wind law to protect our town, that is temporarily called LL 3. Ms. Grant is hoping that the town hires an experienced wind lawyer soon and hopes that this lawyer will support this LL#3.

Ken Knapp is hoping that the board will work the other towns. This process can be main-streamed by collaborating together. He feels that Local Law 3 would be the best answer.

Phil Randazzo feels it’s surprising that anyone thinks a wind energy moratorium makes sense. Also he feels a moratorium would give the pro-wind forces time to engage in a strong propaganda campaign. Clarkson Henderson study states the \$40 million in property value loss due to their nearby wind project and North Carolina State University study – 80% of tourists would not come back to a vacation area near an industrial wind project.

Mr. Randazzo continued that a moratorium would likely result in the town setting up a wind committee. That committee, Mr. Randazzo stated, will also have pro-wind members. He feels that the end result is that a committee wind law will be a weak, watered down collection of compromises.

Mr. Randazzo feels that there should be no compromise when it comes to protecting the health, safety and welfare of the community, its businesses and its environment.

Mr. Randazzo thinks the only benefit of a moratorium would be for the Town to have time to write a wind law. He feels that this is already written by a committee of experts (Local Law #3) and he feels that it does an extraordinary job at providing all these protections.

Mr. Randazzo feels that the proper plan of action now is for Clayton, Alexandria Bay, Orleans and Hammond (1) have their Town Board set up a public Hearing on Local Law #3, as soon as possible; (2) have their Town Board do a proper, thorough interview of attorney candidates, and select one as soon as possible.

Michael Ringer wanted to first thank the Town Board, and our Town Supervisor David Storandt, who have asked questions and reached out for expert advice. He feels that this industrial turbine complex has the potential to destroy Clayton, its people, the beautiful landscape and tourism industry, to mention a few.

Mr. Ringer acknowledged that Iberdrola is a billion dollar industry, and their driving force is making lots of money. This is money they will make at the expense of the people in the Town of Clayton.

Mr. Ringer stated that we have proposed a law; Local Law 3. It isn’t a law, it is a proposed law. This law has been reviewed by numerous lawyers that your Board is familiar with. These lawyers have endorsed it as the best law that they have seen and even ideas from within this community were asked for and included.

Mr. Ringer stated he is not in favor of a moratorium and reiterated the comments by Mr. Randazzo. He feels that this will be too much time for Iberdrola to work up a defense and bring pro-wind advocates. He feels that propaganda, in every form will be available. He feels here in Clayton it will split our community.

Mr. Ringer would like to see a public hearing as soon as possible for Local Law 3. He feels that it is the best document that is available.

Anne Kernan of Alexandria Bay spoke, voicing her approval of Local Law 3.

Ron Thompson of Alexandria Bay thanked the Town Board for their efforts and taking the lead for other communities. Mr. Thompson is going to approach the Town of Alexandria Bay and asked them to get behind Clayton and offer any assistance, so that we can make this a collaborative effort.

Adjournment: Motion made by Chris Matthews, seconded by Mary Zovistoski, to adjourn this regular meeting at 6:00PM. Motion carried.

Kathleen E. LaClair, Town Clerk