

April 20, 2016

The Clayton Town Board held a Public Hearing on the 1st floor of the Opera House to hear all persons concerns on Local Law #2 of the year 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. The following people were present:

David M. Storandt, Jr. Mary Zovistoski	Christopher Matthews Donna Patchen	Robert W. Cantwell III Kathleen E. LaClair
Alicia Dewey Diane Carr Cindy Grant Jim Muscato, Atty. Iberdrola Julia Botoro Meg Ringer Chuck Climer Anne M. Kernan Pam McDowell, TI Sun	Gunther Schaller Edwin Carr Jenny Briot, Iberdrola Gary "Buck" Hardy Helen Kimball Sue Magee Debra A. Climer Jack Stopper Julie Garnsey	Don Metzger Ken Knapp Dan Murdie, Iberdrola Fred L. Matthews Michael Ringer Chris Spiker, WWNY TV Phil Randazzo Melissa Storandt Kevin Rarick

Opening: Supervisor Storandt opened the meeting at 6:00 PM and led the assembly in the Pledge of Allegiance.

Motion was made by Bob Cantwell III, seconded by Mary Zovistoski, to open the Public Hearing at 6:03 PM, to hear all persons concerns on Local Law #2 of 2016. Motion carried.

Supervisor Storandt read the text of 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.

There is hereby established a moratorium on applications for the review and approval of permits for Wind Energy Facilities as that term is defined in Town of Clayton Local Law #1 of 2011 as amended, within the Town of Clayton. During the moratorium period, no applications for the review and/or approval for the siting, construction or placement of Wind Energy Facilities within the Town of Clayton shall be accepted and no review of proposed Wind Energy Facilities shall be conducted or continued, and no final determination in connection therewith shall be made by the Planning Board, and no permits therefore shall be issued.

The period of the moratorium established by this Local Law shall be six (6) months from the effective date of this Local Law.

The Local Law shall take effect upon the filing with the Secretary of State as required by the Municipal Home Rule Law.

The following persons spoke:

Jenny Briot – Manager of Renewables Development for New York and New England for Iberdrola Renewables LLC, and making comments on behalf of Atlantic Wind, LLC. Ms. Briot thanked the Board for the opportunity to speak. They have submitted more formal comments, but would like to briefly summarize their reasons for opposing the proposed Local Law #2 of 2016.

It is their understanding that the Town is considering a moratorium within the Town and that it follows the previously introduced law banning wind within the Town. The justifications for these new laws is unclear to them, as they have already clarified what she feels as misstatements that have been made by others in regard to potential height of turbines proposed by Atlantic Wind. She stated that the Town has an existing wind law that was recently revised in 2011, that sets forth the standards for wind energy development. The potential project would be required by State law to proceed through Article 10; an Application would not be filed, at the earliest, until next year. Ms. Briot feels the extraordinary action of imposing a moratorium is not necessary.

Ms. Briot feels that the moratorium is very broad and appears to include temporary met towers, including pending applications. These applications were submitted under the current wind law, are compliant with those standards currently in the Town Zoning Code and they should be granted by the Town a permit once the current process is completed. This application is for temporary data collection towers, approximately 196 ft. in height that no have potential of having a significant adverse impact on environmental issues and are exempt from SEQRA. She feels that there is no reason to single out temporary met towers or treat differently than other similar permanent commercial uses such as telecommunication facilities.

Therefore there is no justification to not let them put up the temporary Met Towers as they are not a permissible basis for the moratorium against Wind Farms.

The Company would like to continue a constructive dialogue with the Town and work together toward objectively derived standards for wind development however in the meantime, the Company asks that they be allowed to proceed with collecting their data. The important benefits should not be overlooked, such as direct payments to host landowners, tax payments to the Town and schools, construction and permanent jobs, and other economic opportunities. Atlantic Wind, LLC is looking at this potential project to help in the global fight against climate change, and asking the Town to consider doing the same. Atlantic Wind, LLC is committed to developing a clean renewable energy resource that will mitigate the continued generation of electricity from dirty fossil fuel sources.

Ms. Briot, respectfully request the Town remain open to responsibly sited wind development in the community by not enacting the proposed moratorium. If the Town feels that the moratorium is necessary, they request that the Town clarifies that the moratorium does not apply to met towers, which are temporary uses with little to no potential impact consistent with being classified a Type II action under SEQRA. This would enable the Company to proceed with the necessary data collection and, at the same time, work with the Town to reassess its wind development standards and also concerns the Town may have with respect to wind development within their town.

Ken Knapp, Clayton resident, stated he is in favor of the moratorium. He feels this will give some time to review the Comprehensive Plan and zoning. Also, a moratorium is not new to NYS, as other areas have also enacted moratoriums concerning wind development. It is up to the Town of Clayton to determine proper development within our township and not Iberdrola or the State of New York. He hopes the developer will respect our wishes.

Mr. Knapp also had issues with wind turbines as it relates to several flyways and endangerment to that habitat.

Cindy Grant, Clayton resident, thanked the Supervisor and Town Board for taking a strong stand against letting Iberdrola come in and destroy our town. She also thanked them for all their hard work to find out all the many negative and detrimental effects that this potential wind farm would have on the township. Ms. Grant also thanked the Board for proposing a six month moratorium (time out), instead proceeding through this process. Thank you especially for putting the health, the safety and the welfare of our citizens first in their decisions.

Phil Randazzo, Clayton resident, discussed that a brief moratorium might be necessary. We have two directions in which to proceed: Direction #1: Clayton can be just one of several Thousand Islands region towns; the leadership says hiring a good attorney is a good idea, but only interviews one or two quality candidates; waits weeks for region consensus before making a decision on these limited attorney choices; then allows the Attorney to dictate the direction the Town will take regarding the wind energy matter; chooses the moratorium route, where there is a false sense that the community has a lot of time to "get this right"; listens to the attorney who advises major changes to the proposed wind ordinance (LL#3); the Clayton waits weeks for region consensus before making a decision on the wind law; then consults with their wind energy expert, but accepts the group think; LL#3 then becomes LL#4, a diluted version) and then sets up a public hearing for LL#4 and then passes LL#4 in about 6 months. Direction #2: Clayton is the leader of the Thousand Islands region of towns; realizes the paramount significance of hiring the best attorney and quickly interviews at least four top quality candidates; Clayton doesn't wait for the other towns, but makes a decision on the best of these four choices; Clayton appreciates the fact that the attorney is a valued employee, who will follow the wished of the Town; Clayton will understand the urgency of moving forward towards passing a quality regulatory wind law; ask their newly hired attorney what minor modifications are needed in the proposed LL#3 to optimize it; and after consulting with the wind energy expert, officially publishes an updated version of LL#3 on their website, sets up a public hearing for LL#3 and passes LL#3 in May.

Mr. Randazzo also spoke of loss assessments, which would have implications of who is going to pick up the burden if the property values go down; we lose tourism, and which means we lay off employees. This all has a trickle-down effect. We will want to compromise and will lose ground.

Mr. Randazzo feels that this all takes too much time and the leadership and direction needs a good wind law now.

Michael Ringer, Clayton business owner, lives in Alexandria Bay. Thank you to the Supervisor and Town Board. Moratorium sounds good, but how quickly will the law be in place? He is worried that having six (6) months, that everyone will procrastinate. The longer we wait the more time Iberdrola will have to organize. He is looking for Local Law #3 to be passed in May.

Mr. Ringer feels that wind turbines threaten to destroy the landscape, river views and most importantly the lives and homes of the people of our region. Mr. Ringer reiterated Mr. Randazzo concerning the lost property values to our region. He is concerned about the gag order that restricts anyone with a lease ever talking about wind turbines.

Mr. Ringer concurred with the fact that we have a responsibility to look for renewable energy, but renewable energy that is effective. He cited that in New York State the overall average production of wind turbines is only about 23%. That can produce approximately 1000 kilowatts, but the wind doesn't always blow, or it blows too hard, or there is an ice storm. He feels that if the Board votes for a moratorium, they should keep in mind that we really don't have six months to play around with this

dilemma and everyday gives Iberdrola the advantage. The Town and the TI Region are all depending on the Town Board in this serious matter.

James A. Muscato II, Iberdrola Atty., from Young/Sommer LLC, didn't wish to speak, but had submitted a letter for the Town Board members and asked that it become a part of the record.

Gunther Schaller, Clayton resident, discussed the moratorium. Mr. Schaller stated he had heard good comments from Mr. Randazzo, Mr. Ringer, Mr. Knapp and others. In all probability we won't have the chance to dictate or own future the courts will do that for us.

When NYSERDA first laid out the process for large scale wind development it made the following observation. Comprehensive planning is essential to ensure that regional wind development is consistent with a community's values and objectives. Ultimately, the community may or may not decide to pursue wind development, nevertheless, either approach will benefit from implementing a comprehensive plan. How things change when politicians emasculate home rule to further their ambitions, as with Article 10. However, absent any case law that substantiates the claim that article 10 is all powerful, Mr. Schaller still puts faith in the notion that some legal principals will survive current State administration. That's the reason for timeout in Clayton.

We need to replace the obsolete comp plan with an up to date document that spells out the vision of the community for the future. The moratorium gives a chance for those to look at and make changes to the Comprehensive Plan.

E-mails were received from the following people who were in favor of the Moratorium:

Patricia Booras-Miller, Francis G. Andre

Judy E. Tubolino

Ray Kimball

Art Gamble, Sharon Gamble

Diane Carr, Edwin Carr

Billy Sullivan

Susan Magee

Helen Kimball

Greg Lago

John & Amber O'Conner

Jasper & Leona Wilkie

Steve & Theresa Getter

Motion made by Mary Zovistoski, seconded by Chris Matthews, being no one further wishing to speak made a motion to close the public hearing at 6:33 PM. Motion carried.

Supervisor Storandt thanked everyone for their comments. The Board is not able to make their decision this evening as they have not yet heard back for the Town/Village of Clayton Planning Board or from the Jefferson County Planning Board, who will review at their meeting on the last Tuesday of the month. The Board will review everything they have and take into consideration the remarks from County Planning before making a determination. Thank you for coming.

Motion made by Bob Cantwell III, seconded by Donna Patchen, to adjourn this meeting at 6:35 PM.

Kathleen E. LaClair, Town Clerk