

## October 12, 2016

The Town Board of the Town of Clayton held their regular meeting in the Town Board Room located at 405 Riverside Drive, Clayton, New York with the following people present:

David M. Storandt Jr.  
Mary Zovistoski  
Kathleen E. LaClair

Robert W. Cantwell III  
Donna Patchen (Absent)

Christopher D. Matthews (Absent)  
William Sherman

Alicia Dewey

Linda Brown  
Justin Taylor  
Scott McDonald

Don Lingenfelter  
Cindy Grant  
Dan Murdie

Gunther A. Schaller  
Pam Mc Dowell  
Rob Campany

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

**Guests:** None

### Town Clerk:

#### Correspondence:

- ✓ Letter from Avangrid Renewables, LLC concerning name change from Iberdrola Renewables, LLC.
- ✓ Comprehensive Plan Committee notice of Public Meeting, Thursday, October 13, 2016 from 3:30-5:00 p.m. in the Town Board Room.
- ✓ Justice(s) Brick and Ramseier Comptroller report certificate for September 2016.
- ✓ Ag & Markets – Dog Control Officer Inspection Report completed on 9/15/2016. Report indicates DCO services were rated “Satisfactory”.
- ✓ Charter Communications – updates for the Central New York area.
- ✓ Legal Notice – Notice of Public Sale from Thousand Islands Bridge Authority at Collins Landing. Sealed bids will be received until 10 A.M., Thursday, October 13, 2016.
- ✓ Land Use Law Q & A: for Planning Boards, ZBAs and Zoning Enforcement Officers – Monday, October 24<sup>th</sup> at 6:30 – 8:30 p.m. at the Jules Center Amphitheater, Room 6-002 at Jefferson Community College.
- ✓ Received Depauville Library meeting minutes of October 4<sup>th</sup>.
- ✓ Zoning and Planning Course at the Village of Alexandria Bay Municipal Complex, 110 Walton Street. Reservations encouraged by Oct. 5<sup>th</sup> for a fee of \$40 with walk ins fee of \$50 at the door.
- ✓ Letter received from Jefferson County Department of Insurance, Bethany Cheever. Please inform your Town Employees that as soon as they are injured while at work, to please notify the person in charge or the town clerk. At that point that person must get the C2F to Jefferson County Self Insured.
- ✓ Jefferson County Planning review of Town of Clayton Wind Law Update, September 28, 2016.
- ✓ Jefferson County Office of Superintendent of Highways, Jim Lawrence concerning the road closure over County Route 54 from Factory Street in the Hamlet of Depauville to Van Alstyne Road from Sept. 26<sup>th</sup>, 7 a.m. until Sept. 28<sup>th</sup> at 4 p.m. or until work is completed.

- ✓ Save the River, Lee Willbanks, Executive Director about the completion of their water quality testing for the 2016 Beach Watch Program. Water samples were tested each week for E. coli bacteria by Converse Laboratories in Watertown, NY. All swimming areas remained safe this season.
- ✓ NYS DEC informing of new primary contact person, Paula Jacobs, Environmental Engineer for the Depauville Sewer District Treatment Plant.
- ✓ Received a copy of the completely signed Amendment to Intermunicipal Agreement of September 16, 2016 for Termination of the Coordinated Assessment Agreement with Town of Cape Vincent and Town of Clayton.

**Minutes: Motion** made by Mary Zovistoski, seconded by Bob Cantwell III, to accept the minutes of September 26, 2016 as submitted. Matthews & Patchen - Absent. Motion carried.

**Public Comments on Agenda Items:** Cindy Grant spoke on Wind. Ms. Grant distributed a written letter and is asking that the “Wind Law” be structured like Cape Vincent’s total zoning ordinance and customized to fit the Town of Clayton. If the Board won’t consider making an all-inclusive zoning ordinance Ms. Grant is asking that the Town of Clayton’s wind law be a “Renewable Energy Ordinance of 2016” which would tie in with the wordage in our proposed Comprehensive Plan. Ms. Grant also distributed a map from Iberdrola which they filed August 22 on the PSC Horse Creek site. This project has been increased in size from the original plan, coming as close to the Village of Clayton with turbines within 2 miles or less. They are now proposing a setback measurement of 6 times the turbine height to protect the residents from ice throws.

**General Discussion Items:**

**Bills/Transfers:**

**Abstract #10 of 2016: Motion** was made by Mary Zovistoski, seconded by Bob Cantwell III, to approve payment of Abstract #10 of 2016 in the amount of \$311,948.25. Matthews & Patchen – Absent. Motion carried.

**Add Account Codes: Motion** made by Bob Cantwell III, seconded by Mary Zovistoski, to close out codes CD9750.60 Roof PJT BAN-Principal; CD9750.70 Roof PJT BAN-Interest; and to transfer \$375,641.40 from a total \$487,100 out of the RW6000.10 (leaving \$111,458.60), to amend Budget to actual (accounting for cash receipt from Dec 2015 after budget was adopted). Matthews & Patchen – Absent. Motion carried.

**Supervisor’s Report for September, Bank Reconciliations and Balance Sheets: Motion** made by Mary Zovistoski, seconded by Bob Cantwell III, to approve the September 2016 Supervisor’s Report, Bank Reconciliations and Balance Sheets. Matthews & Patchen – Absent. Motion carried.

**Comprehensive Plan Update:** The Town/Village Comprehensive Plan Committee will be meeting tomorrow afternoon, October 13, 2016 at 3:30 p.m. to 5 p.m. here in the Town Board Room to finalize edits to the Joint Comprehensive Plan. The Committee members will conduct a final review of the document in preparation of presenting it to the respective municipalities for legislative action. This is not a public hearing.

**Transient Dock Update:** We’re still working on RW2.5. The opinion of Counsel is that there are still things that are needed. Mr. Campany stated that there is a final as-built copy to submit. Everything could take as much as 6-8 weeks to finalize. Everyone is looking for this project to be finalized before

the end of the year. Fourth Coast is pretty much done; Audit of this project begins this coming Monday, 10/17/16, in the Town Board Room.

**Grindstone Island Schoolhouse Flooring:** The Recreation Park crew are patching the floor at the Grindstone Island Schoolhouse. We're still trying to firm up a Contractor to put the finishing on the floor.

**TIPAF Agreement Update:** We have received a letter from Kristina Randazzo Ives, TIPAF Board President. Their Board has had some review and discussion, however not every one of their Board members was present at that time and they are asking if they can have until November 15<sup>th</sup> if possible, to further review.

**Bartlett Point Water District Update:** This is still a work in progress. We're waiting for some feedback from the Village on this project.

**Local Law 5 of 2016:** Supervisor Storandt has communicated with Ben Wisniewski at Lippes. Everyone has been kept up-to-date with minutes of the public hearing (Attorneys, local Planning Board, County Planning, etc). Lippes is gearing up for a challenge.

Mr. Wisniewski has indicated that there isn't much to report for the last few weeks. They have reviewed additional correspondence from John Droz. The correspondence is highly critical of LL5. County Planning considers the Droz Law unique at best and could be susceptible to legal challenge. Iberdrola could argue that the law is not really a zoning law, not authorized by state statute, and therefore void.

Mr. Wisniewski acknowledged that they have also been working with Jeff Baker (attorney for Iberdrola) to hammer out a stipulation in the moratorium case.

Mr. Wisniewski has also been corresponding with Atty. Joe Russell regarding how to best use the breathing room we have obtained through our settlement with Iberdrola. Both attorneys' consensus we should use the additional time to make changes to Local Law 5.

Mr. Wisniewski suggested that the Town should use their time to review the public comments, Droz comments, and the Iberdrola comments, and then make changes to the current version of LL5 where appropriate.

**Dog Control:** Supervisor Storandt discussed the ongoing issues with the liability of dog control expense and service history with the county. Four towns have indicated that they are leaving the county system and going to a private dog control officer (DCO). It is believed that with those four towns leaving this pushes costs to the remaining towns upward 52%. For Clayton alone, that takes expenses from \$18,587 to \$28,361 (+\$10K) aside from other base inflation costs. Supervisor Storandt is looking at other options. He has had discussions with Scott Aubertine, Supervisor at Lyme, who's also looking into other options. If we happen to leave the county, we have to notify the county by the end of October of our decision. We would have November/December to gear up for a January 2017 start. Supervisor Storandt will draft a letter to the County within the next couple of weeks and we will discuss this at our second meeting of 10/26.

**Route 12 Sewer Status:** Supervisor Storandt has met in September with Attorneys about two weeks ago. We have heard nothing from USDA as yet. Looking for some dialogue within the next couple of weeks. We want to get this out to bid for this coming summer. We have had several calls from people in the district questioning when this project will start; we're hoping that something starts this fall. We can't get any more money until this project is started. We will need to draw on Rural Development. There is a question of when we need to reconcile – end of the year. We might have to set up time for a BAN.

**Clean Energy Communities Program:**

Discussion on items including:

- Bench Marking Buildings:
- LED Street Lights: Depauville Lighting District & Heritage Heights Lighting District.
- Unified Zoning:
- Energy Code Enforcement: Best Practices free training on 10/25.

**Docks:** Justin Taylor reported that this coming weekend will be the end of this season. Bathrooms were the most widely utilized (not only boat transient but also Riverwalk users). Mr. Taylor will do a "formal" report for the Town Board. The longest boat that docked was 113'. Two "pedestals" were broken. We fixed them and the people that broke them were billed and the town was reimbursed. No problem.

Mr. Taylor reported that the Village restaurants and other retail saw good sales and added income as people would come back to their boats with many bags in tow. Some purchases were even delivered.

Mr. Taylor stated that the new registration is in place and bookings will be done electronically. You should see in the 2017 budget the staffing and marketing requests.

Councilman Cantwell stated that for the first year of operations a good job was done and everything went smoothly.

**Highway Superintendent Report:**

-  Stated paving Ellis Road.
-  We have ordered a new sander.
-  Depauville Trash pick-up is scheduled for Monday, October 24<sup>th</sup>.
-  Coast Guard trailer and oil boom, is at the Highway Garage for the duration and ready to go if needed.

**Council Reports:**

Mary Zovistoski: Chamber of Commerce Citizen of the Year Dinner is tomorrow night.

Bob Cantwell III: 5<sup>th</sup> Annual Punkin Chunkin is this coming weekend on Saturday, starting at 9 A.M. and going until ?, at Frink Park Pavilion.  
Recreation Park - Ice is in – use starts this Friday.

**Public:** Don Lingenfelter inquired as to the use of the Occupancy Tax money and was there any idea of how much was taken in this year. In 2016 funding was about \$55,000.  
He also inquired about funding for the upcoming fishing tournaments. Some dialogue would be referred to Patty Ritchie's Office.

**Workshop Meeting Discussions:** Route 12 Sewer, Reed Point Sewer, Bartlett Point Sewer, Wind Law on October 26, 2016.

**Budget Workshop Meetings:** This Monday and Tuesday, both starting at 7:00 a.m. and on Friday (if needed) at 7:00 a.m.

**Adjournment:** Motion was made by Mary Zovistoski, seconded by Bob Cantwell III, to adjourn this regular meeting at 6:03 p.m. Matthews & Patchen – Absent. Motion carried.

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**Kathleen E. LaClair, Town Clerk**