

December 20, 2018

Regular Town Board Meeting

Present: Supervisor Edward Bender, Councilman Alan Wood, Councilman Dan Wiley, Councilman Marty Mason, Councilman Paul Aubertine, Highway Superintendent Bill Pond, Keith Brass and approximately 43 people.

Supervisor Bender called the meeting to order at 6pm with the pledge of allegiance. Supervisor Bender called for a motion to adjourn to Executive Session to interview candidates for the vacancies on the Planning and Zoning boards. Councilman Wiley made a motion to adjourn to Executive Session at 6pm for the purpose of interviewing candidates, seconded by Councilman Mason. All members voted AYE.

Councilman Wood made a motion to adjourn the Executive Session at 6:35pm, seconded by Councilman Mason. All members voted AYE.

Councilman Mason made a motion to open the Public Hearing regarding the adoption of the revised zoning law at 6:35pm, seconded by Councilman Aubertine. All members voted AYE.

Supervisor Bender invited Richard Macsherry, a member of the planning board, to speak regarding the zoning law updates. Mr. Macsherry informed the board that the Jefferson County Planning Department had several questions and concerns on the draft that was sent to them. He said that they told him they will not vote on this until their questions are address, which will be after the New Year. He said that he does not advocate voting on the draft law because of this.

Supervisor Bender addressed the residents with his concerns that some of the people in attendance have not attend or served on boards to help Cape Vincent. Some residents said that they felt insulted and resented the comment made.

Debra Suller – Deb thanked the planning board members for their efforts with their work in drafting the revised zoning law. She said that she would like to volunteer as a proof reader for the final copy before printing. She asked if any of the comments made at the public hearing would be brought to the planning board, and if the town board would consider the changes before going to the planning board.

Donna Essigian – Donna said that she felt the public hearing had gotten off on a bad foot. She said that she serves on several boards and committees. She said that there are a lot of citizens who cannot serve, but they still care about their community. Donna said that she considers herself an active citizen, and she was not aware of the many changes proposed in the revised law. She said that she has reviewed several minutes and there were no minutes regarding the meetings and changes to the zoning law. She said that she did attend the December 12 meeting of the Planning board. Donna had several questions regarding the changes and submitted her concerns to the Town Clerk and Board members. She said that she has heard residents talk that Neil Habig from Apex has been seen in town and visited the town offices. She asked the board if they have had any communication with any company promoting agricultural or commercial wind. She reminded everyone that 2019 is an election year for Supervisor and board members.

Dean White – Dean said that he is a tax payer, attends village meetings, and is a board member on several different boards. He said that he is on the LWRP board and is concerned how the new zoning law may impact their grant efforts. He is concerned that if commercial wind farms are allowed in the township that their efforts to secure grant funding for the LWRP will be lost. He talked about Article X and the strict guidelines.

Christine Stark – Christine said that she is a new resident and she wonders why the board would want to change the laws. She said that she is concerned that if the law is accepted, the ascetics of the town would be changed. Christine said that she will attend more meetings, and she asked why the board scheduled the public hearing at a time when the seasonal residents are gone.

John Mrowka - John said that he has just built a house on the Tibbetts Point Road. He said that he and his wife waited to move here until the town settled the wind issues. Once they found out that there were not going to be any commercial wind development here, they purchased land and built their house. He said that they decided on Cape Vincent because it is such a pristine place. He said he could not understand why the board would want to dig up old wounds. He said that he would like to know why the planning board changed the decommissioning rules for the turbines. He said it is important to have a good decommissioning plan. He asked the board to consider holding off on their decision to accept the draft until the seasonal residents come back. He asked if there were any influences that are pushing this through now. He said the board has to govern for the people.

Councilman Aubertine expressed his concern. He said that the changes in the law for smaller wind towers are totally different and he said that no one is talking about bringing back commercial wind farms.

Richard Macsherry said that he would like everyone to know that they are welcome to attend a planning board meeting to address thoughts and concerns. He said he was an advocate who fought very hard to keep industrial wind farms from locating in Cape Vincent, so he wonders why people would think he would change now. He is still trying to protect Cape Vincent. He said there is nothing sinister going on.

Councilman Wiley said that the planning board has been working on this for over a year. He said that he would constantly hear complaints that our law is too strict, and he is happy that the draft law has loosened the reigns. He said that he wanted to see a change in the setbacks. He said they needed to tweak things. Councilman Wiley said the board is working hard to build up Cape Vincent, he added that that he does not want commercial wind farms.

Elizabeth Brennan – Liz asked Mr. Macsherry if they looked at the old LWRP for ascetics. She said that the town and village are working on a joint Comprehensive Plan/LWRP, and a lot of the old will be in new. She said that the scenic resources are very important to the community. Liz read from the Comprehensive Plan. She told Mr. Macsherry that it will create a problem if the new zoning law does not reflect what is in the Plan. She asked him about the suggestions from the Jefferson County Planning Board. She asked him if the suggestions could be put on line.

Mr. Macsherry said that there is a difference in that the planning board is creating a law, and that she is referencing a plan.

Councilman Aubertine asked Liz to direct her questions to the board, not Mr. Macsherry.

Michelle Oswald – Michelle said that he was insulted by the Supervisor's opening comments. She said that it is very hard for the town to get people to serve on boards, and felt that the lack of appreciation from the board may be a reason. She said that videotaping the meetings benefits a lot of residents. She said that she does not want the town to dig up old memories and go down the road again with regard to wind farms. Michelle said that she is also concerned with the changes in the SWECS, she said that raising the height limit concerns her. She said that if allowed you would see one house after house. Mr. Macsherry told her that they are only allowed if there is a need.

Patty Lalonde – Patty told the board that she opposes the provision in the draft. Patty said that she is not happy that the board held the public hearing when the seasonal residents are not here, and she asked that they hold off on their vote until a time when the seasonal residents can voice their opinion.

Jerome Lalonde – Jerome read a letter from Laura Teuchtler. Laura's letter addressed her concerns that the amendments to the zoning law for SWECS is too relaxing, that in the past year round and seasonal taxpayers did research to help prevent the negative impacts of wind development in Cape Vincent and she asked the board to hold off on their decision until more people can attend.

Jerome submitted a copy of Laura's letter to the town clerk along with letters from he and his wife; Deborah Fogarty; John Stiefel; Judith Andrews; Nancy Garnsey; Lianne and Gerald Leddy; Mary Ellen Volzer; Thomas and JoAnn Hall.

Lynn Miller – Lynn said that she wanted to address the Supervisor. She said that she had stayed away from meetings in the past because it was brutal and she knew her presence was not going to help. She said that she does feel a bit better after attending tonight's meeting, and she said that she wanted to have people get involved. Lynn said that she did not want the town to become divided again. She also expressed her concern for the birds. She asked the board to make sure the process is done right.

Supervisor Bender said that the public hearing is held so that the board can hear comments. He said that he would like to table the public hearing until the board has all the ducks in a row.

Councilman Aubertine made a motion to adjourn the public hearing at 7:24pm, seconded by Councilman Wood. There was the following discussion. The board talked about resuming the public hearing in April or May and will give plenty of notice on the date, time and location. All members voted AYE.

Councilman Wood made a motion to open the regular meeting at 7:23pm, seconded by Councilman Mason. All members voted AYE.

Privilege of the floor

Donna Essigian – Donna said that she would like to thank the board for the productive conversation. She stressed the need for better communication and that the draft zoning law should be on the website.

She thanked the planning board for their efforts, and she knows they worked very hard on the law. She said that Cape Vincent is a small community and that the author that visited the library was very impressed with the community.

Councilman Aubertine asked Donna where she had heard that Neil Habig was in town. He said he has not heard this. Donna said that she heard it from three different people, and that she could not confirm it.

Elizabeth Brennan – Liz said that it would be helpful to her if the planning board would write their rationale after each change to draft zoning law. She would like them to do this and have this posted on the website.

The board told her this was not part of the planning board's job to give their rationale and if she had a particular question she should attend a meeting to ask them.

Liz asked if she was correct in thinking that after the board hears the recommendations they will continue the public hearing at another time. She said that the timing of the public hearing was bad and wondered if there was a dark sinister motive. She asked that the next meeting be held at a time when more people could attend.

The minutes of the November 15, 2018 meeting were accepted by Councilman Wood, seconded by Councilman Wiley. All members voted AYE.

#### Reports

Recreation Park – Keith Brass said that they have had the normal meeting in the building, the tennis nets are down and they have fixed the gutters around the building. He said that they have repaired the door, putting on heavier hinges. Keith reported that the Methodist Church will be holding a movie night two nights a month and Samaritan Medical Center has reserved Recreation Park for a presentation to treatment of chronic wounds and a presentation called Making small changes to build a healthy lifestyle. The wound care presentation will be held January 15 at 5:30 given by Dr. James Stillerman, and the Healthy Lifestyle will be held January 28 at 5:30 given by a dietician. These presentations are open to the public.

Water – Keith Brass said that they have read the meters and bills will be going out. He said that he and John attended a class for certified excavator operators. Keith said that new lights have been installed at the water tower. Core & Main will be sending a representative to train Keith, John and Tina on the new water program.

Highway – Bill Pond said that they have been plowing and sanding. All the routes are marked with stakes. He said that he had to have Hyde-Stone come in to repair the furnace. Bill reported that several of his crew has helped with the new police garage in the village and they have done more work in the town office. He presented a quote for a new broom to the board for their review. He told them that if he orders it before January 10, 2019 he will save some money because the price will increase by 6 percent after that.

Supervisor's Financial Report – Supervisor Bender reported that the fund balances are in line with the previous years and they should finish out the year in good shape.

Councilman Aubertine made a motion to approve of the Supervisor's financial report, seconded by Councilman Wood. All members voted AYE.

LWRP – Supervisor Bender said that the town has purchased the Swenson house on Club Street and that they have an agreement with Ron Trottier to purchase the boat house and a strip of land on Club Street in 2019. Supervisor Bender said that he feels the board has done more in the last 5 or 6 months than the previous boards have done in the last 6 years.

Youth Commission – Councilman Wiley said that basketball has started and they are looking into the possibility of have an Ex Pro basketball player come in to hold a basketball camp.

Supervisor Bender read a report from the Planner, Scott Burto. He reported that the grants for Tibbetts Point and the Pickle Ball courts are still being worked on.

Supervisor Bender set the date of January 4, 2019 at 9am for the organizational meeting.

Councilman Mason asked Tim White, who was in attendance, if he would give a committee report regarding the ambulance coverage situation. Tim said that the committee has met 4 times and they have also had a meeting with TIERS and a representative from the Department of Health. Tim said it is their plan to bring a report to the town board in January. He said they have 2-3 viable options to be considered. He said they all agreed that a volunteer service will not work.

Councilman Mason said that he would like to thank Frank Giaquinto and the board for their work on the revised zoning law.

#### Resolution #55

Councilman Wiley made a motion to table resolution #55, seconded by Councilman Mason. There was the following discussion. The board decided to table the resolution until after the extension of the public hearing regarding the revised zoning law. All members voted AYE.

#### Resolution #56

Resolution #56 was moved by Councilman Mason, Seconded by Councilman Aubertine. Resolution #56 is to authorize the Supervisor to sign the Settlement Agreement and General Release with National Grid regarding the discrepancies associated with the Rosiere Light District. There was no discussion. All members voted AYE.

#### Resolution #57

Resolution #57 was moved by Councilman Mason, seconded by Councilman Wiley. Resolution #57 is to authorize the Supervisor to transfer \$70,000.00 from the Highway Fund Balance to the Highway Machinery Reserve Fund. There was no discussion. All members voted AYE.

#### Resolution #58

Resolution #58 was moved by Councilman Aubertine, seconded by Councilman Wood. Resolution #58 is to authorize the Supervisor to record budget modification for any overdrawn expenditure lines with

unspent expenditure lines bringing any overdrawn lines to zero. There was the following discussion. Councilman Mason said that he would like a print out of the accounts that may be overdrawn. All members voted AYE.

#### Resolution #59

Resolution #59 was moved by Councilman Mason, seconded by Councilman Wiley. Resolution #59 is to rescind a resolution passed on September 17, 2017 to establish an ambulance operating authority under the provisions of Article 30 of the Public Health Law, And Further Resolve that the town board shall preserve the right to declare the need for such authority at any time in the future should such a need arise to serve the interests of its residents and the public. There was no discussion. All members voted AYE.

#### Resolution #60

Resolution #60 was moved by Councilman Aubertine, seconded by Councilman Mason. Resolution #60 is to appoint Richard Macsherry to a five year term as a regular member of the Planning Board, term to expire December 31, 2013, AND appoint Harvey White, to a 2 year term as an alternate member of the Planning Board, term to expire December 31, 2020.

All members voted AYE

Councilman Aubertine made a motion to table Resolution the Zoning Board appointments and have them acted upon at the town's Organizational Meeting, Jan. 4, 2019, seconded by Councilman Mason. All members voted AYE.

#### Resolution #61

Resolution #61 was moved by Councilman Wiley, seconded by Councilman Mason. Resolution #61 is to authorize the Supervisor to sign the agreement for the Pre-Demo environmental service with GYMO in the amount of \$2,505.00. There was no discussion. All members voted AYE.

#### Resolution #62

Resolution #62 was to authorize the Highway Superintendent to purchase a 2017 Broce RCT - 350Sweeper and was not acted upon. Councilman Mason said that Bill Pond needed to get three quotes and that it had to go out to bid.

#### Resolution #63

Resolution #63 was moved by Councilman Wiley, seconded by Councilman Mason. Resolution #63 hereby declares a 1999 Ford Pickup with plow surplus equipment and available for disposal. There was no discussion. All members voted AYE.

#### Resolution #64

Resolution #64 was moved by Councilman Wood, seconded by Councilman Aubertine. Resolution #64 is to authorize Keith Brass to purchase a 2019 Ford F350 pick up truck with plow from Caskinette Ford in the amount of \$38,412.00 off State Contract. There was not discussion. All members voted AYE.

Bills: General Fund #530-585 \$34,212.64, Lighting District \$56.73, Club Street \$60,000.00; Highway #290-321 \$49,343.25; WD #1 \$11,386.06; WD #3 \$201.75; WD #4 \$598.33; WD #5 \$4,789.19; WD #6 \$175.14.

Councilman Aubertine made a motion to approve the payment of the vouchers, seconded by Councilman Wood. All members voted AYE.

Privilege of the floor

Elizabeth Brennan – Liz said that she would like the rationale behind the changes in the revised zoning law. She thanked the board for lighting the lighthouse and Keith Brass for his work at Recreation Park.

John Mrowka – John said he would like to apologize if he came off strong. He said that they moved here for the beauty of the town and they attended the Christmas parade and were so surprised, he said it was magnificent.

Councilman Wiley made a motion to adjourn the meeting at 8:15pm, seconded by Councilman Mason.

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Michelle Bouchard, RMC – Town Clerk