

March 21, 2019

Town Board Meeting and Public Hearing

Present: Supervisor Edward Bender, Councilman Paul Aubertine, Councilman Marty Mason, Councilman Dan Wiley, Councilman Alan Wood, Highway Superintendent Bill Pond, Keith Brass and approximately 10 residents.

Supervisor Bender called the meeting to order at 5:30pm. He explained that the board would be adjourning to Executive Session to interview candidates for the Zoning Officer.

Councilman Wood made a motion to go into Executive Session to interview candidates for the Zoning Officer vacancy at 5:30pm, seconded by Councilman Wiley. All members voted AYE.

Councilman Mason made a motion to come out of Executive Session at 6pm, seconded by Councilman Wood. All members voted AYE.

Supervisor Bender opened the Public Hearing regarding a three month moratorium on solar projects at 6pm with the pledge of allegiance.

Supervisor Bender explained that the Planning Board is in the process of updating the Zoning Law and has requested a moratorium so that they can inform themselves, review and write a through law for everyone. He then asked for comments.

Jarod Radley – Jarod said that solar has been in Cape Vincent for the past five years, both municipal and residential. He said that he thinks it is crazy to have a moratorium on the residential end. Jarod said that solar is backed by NYSRDA; there are no moving parts and no noise. He feels that it is a great thing for the town and he hopes that the planning board will come up with the best agreement for the town.

Dan Wiley explained that the planning board needs this time to work on the zoning law and the town board is going to give them breathing room.

Supervisor Bender said that the planning board needs this time to revise the solar portion of the zoning law. He said there are many grey areas such as what to charge for a permit.

Councilman Wood said that he would like them to work with the solar developers.

The board reviewed the original request made to them by the planning board. After discussion, the board agreed to the request for projects exceeding 25kw.

Councilman Wood made a motion to adjourn the public hearing at 6:15pm, seconded by Councilman Mason. All members voted AYE.

Supervisor Bender opened the regular meeting at 6:15pm.

Privilege of the floor:

Frank Giaquinto – Frank said that he felt the planning board turned in a good law, the town had a public hearing and sent it back to the planning board with no direction. He said that the planning board is tearing the law apart again and he feels that they need guidance from the town board. He said that he

felt that the town board sent the law back to the planning board to take care of the County issues only. Frank went on to say that the law as written in 2012 changed the setback from Route 12E in the Riverfront district from 1,000' to 2,500'. He said that he feels this takes away people's property rights; he said you can't see the river anyway.

Councilman Wiley explained to Frank that he feels it is not the town board's job to write the zoning law, that it is the planning board's job as they are the experts. He said that the planning board deals with the issues every day, the town board doesn't. Councilman Wiley stated that he is very happy with both boards and the job they are doing. He said that is why you will never see him at a zoning or planning board meeting.

Frank Giaquinto said that he wants to send the law in to the board and he hopes they reject it.

Councilman Aubertine said that he sees Frank's point. He said they brought it to the town board, the town board sent it back to review the County's input. Councilman Aubertine said that he was happy with the original draft.

There was further discussion regarding the time it is taking to re-write the law, the County comments, new changes to the law appear in a different color, and Frank's desire to have the town board give direction to the planning board.

Aileen Martin – Aileen said that she and her husband are working with a solar developer to place solar arrays on their property on County Rt 4. She stated that she appreciates the three month moratorium and the planning board's work in the re-write and addressing solar in the zoning law. She said that she hopes they come up with a plan that will work well for everyone. Aileen went on to say that the developer that they choose to work with does not change the landscape. They do not cut down trees or shrubs, and with regard to wetlands, they will reduce the number of panels to work around it.

Dan Wiley – Dan said that he signed up for privilege of the floor to speak as a tax payer and lifelong residents. He said that he wanted to address a letter sent to some Republicans from John Byrne. He said that he felt it was filled with a lot of negative comments when there are so much positive projects happening. Dan said that he wants positive people in office and as a taxpayer; he feels the letter is ridiculous and he hopes the board can put it behind them and that he wants people to run for the right reason.

Councilman Wiley – Councilman Wiley said that he would like to now address the board as a Councilman. He said that as a town board member, he would suggest that the Republican Party remove John Byrne as Chairman.

The minutes of the Feb. 21, 2019 and March 7, 2019 meetings were accepted by Councilman Wood, seconded by Councilman Aubertine. All members voted AYE.

Reports

Recreation Park – Keith Brass reported that there have been regular meetings, Lion's Club breakfast, and a dance for the kids in the building. He said that he and John have cut brush and some trees.

Water – Keith Brass reported that they have had to deal with a couple of frozen meter pits, but nothing broke, and they will be fixed in the spring. He said he is receiving quotes for the installment of the generator. Keith also reported that DANC has agreed to lower the consumption for the town.

Highway – Bill Pond said that they have been plowing and sanding and he said that the men are all hoping this weather will end soon. He said that Marvin Votra has been working on the mower and it is all set for the upcoming season. He said that the men have also been cold patching. Bill told the board that he has been in talking with the company that will be installing the new sign for the front of the building and he will be receiving the specs for the base. He said that when they do this, he will be tearing up the water line/hydrant and making a parking lot in the front with a nice base until such time that it can be paved. Bill said that they rented a lift from Steve Hall and the lights on the lighthouse are down. He also spoke with Henry Construction and they will be replacing the shingles on the houses at Tibbetts Point. He said that he wants to purchase 2 wings now so they will be here for use in the fall/winter. Bill told the board they need to replace 8 culverts and he is waiting to hear when they will get back to work at East End Park.

Supervisor's Financial Report – Supervisor Bender said that everything is in good shape and the board reviewed the report.

Councilman Wiley made a motion to approve the Supervisor's Financial Report, seconded by Councilman Wood. All members voted AYE.

Machinery – Councilman Mason said that he would like to hold off on purchasing the skid-steer until the April 4 meeting.

DANC – Councilman Mason said that at the last meeting, DANC agreed to reduce the town's consumption by fifty percent. He also said that they expressed interest in attending DANC's budget meetings and that they were open to their attendance.

LWRP – Councilman Wiley said that Jane Rice will give the final report of recommended projects to the committee on April 24.

Youth Commission – Councilman Wiley said that the baseball and softball programs have started. He reported that they had a very successful youth swimming and basketball program and Dean White gave a pottery class.

TI School – Councilman Wiley said that the school is looking to upgrade their technology and that the budget is in good shape.

LDC – Councilman Wiley said that there are many projects on the table and that they do need new members.

Supervisor's Report – Supervisor Bender said that he and Councilman Aubertine had a meeting with Richard Mayfield from USDA. He said that there is funding out there and he would like for the town of Cape Vincent to withdraw its original application for the creation of water district #7 and reapply. Councilman Aubertine made a motion to send a letter stating that the town would like to withdraw its original letter for the creation of water district #7, seconded by Councilman Wood. All members voted AYE.

Supervisor Bender reported that the Hosteling International will not be renewing its contract with the town. He told the board that he and Bill Pond will be meeting with them at the houses to allow them to remove their belongings.

Supervisor Bender reported that he met with Steve LaPan from the DEC regarding the bass ponds in the village. He said that there might be a possibility that the town could gain access to the property, but it will be up to the DEC to tell the town what they can do with it. He said they will not allow ball fields, but will allow for walking trails. Supervisor Bender will write a letter to the DEC to ask for permission to use the property and express that the town wants to keep it forever wild.

Councilman's discussion

Councilman Mason said that he would like to clarify and report to the village that the town did budget \$20,000.00 for future projects and in addition, \$18,000.00 for the Planner's salary. The board discussed this and told Councilman Mason that the \$20,000.00 was budgeted.

Councilman Wiley said that he, Keith Brass, Bill Pond and Councilman Mason met with Mike Aubertine to discuss a covering for the ice rink. He said that they took dimensions and Mike said that he would like to sit with a contractor and come back to the board with an estimate.

Councilman Wiley made a motion to have Mike Aubertine get a cost estimate for a steel structure to cover the ice rink and come back to the board with the estimate and a formal agreement, seconded by Councilman Wood. Vote was taken, Supervisor Bender, Councilmen Wood and Wiley voting AYE; Councilmen Aubertine and Mason abstain.

Councilman Wiley talked about a Northern Border Regional Grant that is available. This grant is an 80/20 match and is due May 10. Councilman Wiley said that it could be \$250,000, and he would like to see it used for East End Park. The board discussed this and decided it would be a good idea to apply.

Matt Cooper from Barton & Loguidice spoke to the board regarding a USDA Rural Development Study for WD #7. He said that the that he attended the meeting with Supervisor Bender and Councilman Aubertine and his take away was clear that the town of Cape Vincent has an eligible project and it should be submitted ASAP. He said that an actual income survey must be done. He spoke about a consultant that they could hire to do this and that the consultant is highly regarded for this type of work. Matt said that he would like to have the board approve Barton and Loguidice hire this consultant. Supervisor Bender asked Matt what it would cost and Matt said \$5,000.00-\$6,000.00. Matt said that the survey would be an eligible project cost and can be returned to the town. Councilman Wiley asked what

the percentage rate needs to be for the income survey responses coming back, and Matt said that they need to have a 33-35 present response rate.

Councilman Aubertine made a motion to have the Supervisor authorize Barton and Loguidice to hire the consultant, Eric Johnson, to do the income survey for water district #7, seconded by Councilman Wiley. All members voted AYE.

Matt said that he would like to have a kick off meeting to look over the details of the project.

Councilmen Aubertine and Mason will meet with Matt.

Matt thanked the board for selecting Barton and Loguidice.

Resolutions

Resolution #27

Resolution #27 was moved by Councilman Mason, seconded by Councilman Wiley. Resolution #27 is the adoption of local law #1 of 2019, a three month moratorium for Solar Energy Conversion System (SECS) greater than 25kw. There was no discussion. Roll call vote was taken:

Supervisor Bender	AYE	Councilman Aubertine	AYE
Councilman Mason	AYE	Councilman Wiley	AYE
Councilman Wood	AYE		

Resolution #28

Resolution #28 is to authorize the Highway Superintendent to purchase a skid-steer.

Councilman Wood made a motion to table Resolution #28 until the April 4, 2019 meeting, seconded by Councilman Mason. All members voted AYE.

Resolution #29

Resolution #29 was moved by Councilman Mason, seconded by Councilman Aubertine. Resolution #29 is to authorize the Highway Superintendent to purchase a RH Wing and LH Wing Weldment from Viking Cives in the amount not to exceed \$6,751.24. There was no discussion. All members voted AYE.

Bills: General Fund, \$60,238.97; Highway, \$41,568.57; WD #1, \$29,328.48; WD #3, \$6,831.98; WD #4, \$3,861.79; WD #5, \$1,283.71; WD #6, \$1,420.96.

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

Councilman Wood made a motion to adjourn the meeting at 7:10pm.

Michelle Bouchard, RMC – Town Clerk