

**Town of Lyme
Regular Monthly Meeting
April 11, 2007**

**Public Hearing 6:00 P.M.
Amendment to the Code of Ethics**

**Public Hearing 6:15 P.M.
Moratorium on Wind Farms**

Cemetery Bid Opening

Regular Monthly Meeting - 6:30 P.M.

At 6:00 p.m. Attorney Mark Gebo opened the Public Hearing for the Wind Farm Moratorium:

The Town Board of the Town of Lyme has been made aware of interest in Wind Power Generating Facilities desiring to locate in the area. At the same time, the Town Board is aware that there have been complaints and questions about the establishment of Wind Power Generating Facilities being located in the area. Currently, the Town of Lyme code does not contain provisions for regulation of such facilities. It is the purpose of this local law to establish a moratorium for a period of six months on applications or proceedings of applications for Wind Power Generating Facilities, allowing the Town Board to consider and implement sufficient regulations.

Deanne Scanlon urged that there be an 18-month moratorium where we could gather information that would help us make sound decisions for our community.

Kevin Schafer urges that we make this a six month moratorium, have several meetings to discuss it, let everybody get their facts out on the table, let everything be an open forum. Let's find out who's voting for it and who's against it and get in on as a referendum on November's ballot.

Judy Tyndall had a question on the moratorium. Does this cover just private individuals? Attorney Gebo answered by saying that this is covering all wind generating facilities but we wanted to make sure the wording was meant to include private as well as the wind farm companies. She would also like to encourage a task force or citizens committee to study this and get as much information as possible. She feels a citizens committee could just focus on the issue. Unlike a Town Board or any of the other Boards that would have other issues at the same time. A task force could decide, study and research to get some answers. She would like to see at least a one-year moratorium.

Don Metzger would request that if there is a moratorium in place that a committee set up to study this topic that they would study the relationship of the Town, Village, County and private land owners that have generators on their land; the relationships that would take place if the BP people were to go into bankruptcy or sold out. He couldn't help but notice that a couple of

weeks ago the local media reported that Maple Ridge Wind Farm, 195 turbines up there on Tug Hill, will in just a few more months that whole operation will be owned by foreigners. The Spanish will own Fifty percent of it and Portuguese will own fifty percent of it. What would happen if the Chinese decided to buy BP? He is quite concerned about our problems here in our community if a big company falls. He is old enough and has seen a lot of big companies fall. Sometimes when they fall, the bigger they are the harder they fall.

Bert Bowers he had a copy of a letter that is addressed to the Board from Susan and Charles Wilson and he very much agrees with what they have written in that letter. He encourages that a citizens committee be set up to report back to the Council and he would like to see the moratorium set up for at least a year due to the complexity of the issue and it will take a lot of time to study the effects of wind power on nearby houses and businesses and decide how far away they should be from dwellings, schools, etc. And also to understand the economics of wind power so that we can as a community, get whatever should be our due from this resource of power.

Charles Wilson would like to speak in favor of a 12-month moratorium so that the Council and the concerned citizens group work together to iron out the answers to the questions.

Frank Congel has been to a couple of meetings but he doesn't even know many details about the process that we are following or the role of the State Environmental Quality Review, the role Council has, the schedules we're working on, what the process is in terms of applications by the companies. There are many questions that come up, he thinks that are absolutely essential to be answered for the people to be able to make an informed decision. At the last meeting a lot of things about the aesthetics. One person said they are beautiful machines that just give them relaxation and others say they are an eye sore. What do they really look like? How tall are they? Where are they visible from? And so on. There have been remarks made about jobs and another statement made about foreign ownership as well. What jobs really are associated with these? There is the construction phase and the long-term phase. What does it really mean to the community? How will it contribute to the tax base? Is it going to become an assessed to the property and who's going to pay it? What is it going to do to the Town's Budget? Is it going to lower our taxes? All of this need to be addressed because the one line answer, or at least it was alluded to in earlier meetings, simply, from his perspective, it reflected there is a lack of detail. A citizen's committee's perspective would be essential. The other thing is that it could be a communication route for the Council to the folks out here. Papers could be made available here, reports, views, meetings and so on. Perhaps we could provide information from a web site. It is essential that we have open communication.

Charlie Mount he agrees there should be a citizens committee but he thinks we aren't reinventing the wheel. St Lawrence County has already had their Planning Board set their Zoning Laws and a lot of information we need is there. He pays the taxes on his land, school taxes and mortgage. How much input does the Board have to say to tell him what he can do? We need to stop saying "Not in our back yard." We need to help our community. He

would like to have a citizens committee with someone for it, someone against it, a Planning Board, Zoning Board, and a Town Board member. So we would have all sides there. Have someone who would report back to the Town Board in three months, so in six months they don't have to do another moratorium. Let's not wait on this, let's move forward and not sit on our hands. Windmills have been up and he has worked on them. This has been in process for three years. There is no reason we have to wait. Make a decision.

Carol Simpson stated there is a web site that has a lot of information on it, www.windpower.org.

Don Metzger adding fuel to Charlie Mounts fire. Recently the media reported there was a forum held in Canton at St Lawrence University to help people deal with the possibility of wind turbines coming into their community.

Donald Hines asked what the restrictions on hunting in the areas of the turbines would be. Councilman Schreib said that has not been determined, we are still in the preliminary stages.

Susan Peters asked what kind of communications there will be with seasonal residents. Councilman Schreib stated that all meetings are noted in the newspaper and posted at the Town Hall. We will try to keep everybody as informed as we can. We cannot send everybody out notices. Seasonal people have no idea and she didn't know anything at all about the Wind Power.

Frank Giaquinto stated that their experience in Cape Vincent has been that there are both pros and cons and there is no swaying anybody once they have made up their mind. The Empire Wind Meeting in Canton's purpose is to discourage Towns from having wind turbines.

Attorney Mark Gebo received a communication late this afternoon from Mike Bucciolatt who is looking to put up a private wind tower for his own property. He wanted to encourage the Board to perhaps exempt private wind towers from the moratorium.

Councilman Schreib made clarifications of why the Town Board wanted the moratorium: Currently the Town of Lyme's Zoning Regulations do not address the installation of wind turbine and/or wind farms. As a result, windmills could be placed any where in the town without any regulatory over site. A moratorium stops all action involving wind turbines and farms. The moratorium gives the Town Council time to enact a Local Law to implement zoning regulations to address the issues involved with wind turbines and wind turbine farms. The town of Lyme Planning Board has been directed to draft up zoning Regulations to be presented to the board.

When was the town contacted by the wind turbine? One application was made to the Town in December of 2006. The application was incomplete and a letter was sent to the applicant explaining the deficiency. In December 2006, a letter was received from the town of Cape Vincent for St. Lawrence Power to authorize Cape Vincent to be lead agency in the SEQR application.

That letter was not signed or returned. In December 2006, a letter was received from the town of Cape Vincent for BP to authorize Cape Vincent to be lead agency in the SEQR application. That letter was not signed or returned to the Cape.

Why a six month moratorium? The standard legal moratorium is six months. The six-month period is not a drop-dead date. A six-month moratorium can be reduced or renewed depending on the progress of the Local Law and the feeling of the Board, whether or not all the issues have been addressed.

Councilman Madill stated that there were some posters put up by a little girl at the school; she got carried away and put them up in school and around Town. He took it personal that when the comment was made a public meeting that somebody from the Town Board put those posters up. He would like to inform everybody that it was nobody from the Town Board. It was a young girl from Lyme Central School. The posters were supposed to be negative.

Public Hearing closed at 6:30 P.M.

At 6:30 p.m. Attorney Mark Gebo opened the Public Hearing and read the Hearing Notice and the change to be:

Enactment: The Town Board of the Town of Lyme hereby enacts and amends Section 2(A) of the Code of Ethics to add a new subdivision 6 as follows:

1. 6. A Close relative of elected or appointed officials of the Town or Employees of the Town may only be hired by a super majority vote of the Town Board (4 or 5 members). This may occur only where the person directly responsible for supervision of that employee is not the close relative or has no direct say in the hiring, firing, or discipline of such employee or setting of compensation for such employee.

Charlie Mount made a public comment, stating that he feels it is unfortunate that the Town Board has gone to this extent. We are restricting the Town of Lyme by not allowing us to necessarily hire the best person. As families merge through marriage there are going to be times where we will have a person in charge of someone that could be a family member. He doesn't feel they should loose their job. There are good people who are very connected in this community. He feels this is an insult to the people of the Town of Lyme.

With no more comments the Public Hearing was closed at 6:35.

Supervisor Golden called the Regular Meeting to order at 6:35 p.m.

In attendance: Councilmen Countryman, Madill, Johnson and Schreib, Attorney Mark Gebo, Bookkeeper Gotham, Clerk Kim Wallace, Deputy Clerk and ZEO Suzann Cornell, Assessor's Marsha Barton and Sandy Cornell, and approximately 50 others.

RESOLUTION 2007 – 38: Motion by Councilman Johnson and seconded by Councilman Countryman to establish a six-month moratorium on applications or proceedings of applications for Wind Power Generating Facilities, allowing the Town Board to consider and implement sufficient regulations. Five ayes. Motion carried.

Attorney Gebo wanted to make himself clear as to the question that was raised during the prior informational meeting on March 31st, by a wind power developer, are we going to allow any processing on any application during the time of this moratorium? Attorney Gebo stated there was no need for a role call vote but all members of the Town Board were in agreement and they will not be accepting any applications during the time of the moratorium.

RESOLUTION 2007 - 39: Motion by Councilman Johnson and seconded by Councilman Madill that we accept the revisions of the Nepotism Law as read by Attorney Gebo. A close relative of elected or appointed officials of the Town or Employees of the Town may only be hired by a super majority vote (4 or 5 members). This may occur only where the person directly responsible for supervision of that employee is not the close relative or has no direct say in the hiring, firing, or discipline of such employee or setting of compensation for such employee.

ROLE CALL VOTE – All In Favor:

Councilman Countryman - No

Councilman Madill – Yes

Councilman Schreib – Yes

Councilman Johnson - Yes

Four ayes. Motion carried.

Bob Thomas: The Board of Legislators have appointed Town of Lyme resident, Daniel Villa, from Point Peninsula to the Jefferson Community College Board. So District Two, Brownville and Lyme now have two of the ten members on the Board. Donald Grant from the Town of Brownville also serves for District Two.

Scott Aubertine – Parks and Recreation: Had been asked by Parks and Recreation Committee to come and represent them and to let the board know they had their first meeting Monday evening. They had their election of officers and they retained Charlie Mount as Chairman, Karen Fitzgerald as Treasurer, Mike Nichols as Secretary and Mike Nichols will do the ball field scheduling. Tom Parker and Jim Price will be the people who decide whether or not the ball field can be used. We had a problem last year, when the field was used when it was too wet. The Lyme Varsity Girls have also requested to use the Morris Tract field. Parks and recreations stated to them if the Town board approved the use Parks and Recreation would also agree to that approval.

Motion by Councilman Schreib to take a five-minute break at 6:40. The meeting was called back to order at 6:47.

Minutes

RESOLUTION 2007 – 40: *Motion by Councilman Countryman and seconded by councilman Johnson to approve the minutes of the March 14, 2007 Regular Town Board Meeting as written. Five ayes. Motion carried.*

RESOLUTION 2007 – 41: *Motion by Councilman Countryman and seconded by Councilman Johnson to approve the Minutes from the Special Meeting held on March 31, 2007, regarding the Wind Mill Moratorium. Five ayes. Motion carried.*

Audit of Bills

RESOLUTION 2007 – 42: *Motion by Councilman Madill and seconded by Councilman Schreib to accept Abstract #7 in the amount of \$25,976.54. Five ayes. Motion carried.*

RESOLUTION 2007 – 43: *Motion by Councilman Johnson and seconded by Councilman Countryman to accept Abstract # 8 in the amount of \$34,978.02. Five ayes. Motion carried.*

Supervisor's Report

Bookkeeper Gotham reported that March was a slow month. We will be getting the sales tax check the third week of this month. There is nothing out of line with expenses.

RESOLUTION 2007 – 44: *Motion by Councilman Countryman and seconded by Councilman Schreib to accept the Supervisor's Report as presented.*

Youth Committee

Charlie Mount reported that there are 30% more kids involved with the Summer Sport Program this year. He will be visiting Belloff's for softball equipment.

Councilman Countryman had a request at the last meeting to meet with Superintendent Donnalee Dodson, from the Lyme Central School. He met with Superintendent Dodson, the Principal and Athletic Director to propose the use of the school gymnasium for a few hours on Sunday's for alumni and adult citizens of the community. The proposal was passed and Okayed by the School Board, so the Town of Lyme now posses three keys to the school. Councilman Countryman, Scott Aubertine and Scott Radley are the gentlemen approved by the school to posses these keys. The gym will be open from 9 – 11 a.m. and the rules of the school must be abided by. The Town's insurance covers the building for this program but any injuries will be the responsibility of the people.

Bid Openings on Cemeteries

First Bid – BD Contracting and Lawn care for \$2375.00
Second Bid – Larry Jensen of Depauville for \$3100.00

Third Bid – Leon Clickner for \$2400.00

Fourth Bid – Joseph Repp for \$2500.00

Motion by Councilman Schreib to go into Executive Session at 7:05. The Meeting was called back to order at 7:40. The Board discussed the Cemetery bids, arbitration, Fay file, Code Enforcement issues and marriage.

RESOLUTION 2007 – 45: *Motion by Councilman Johnson and seconded by Councilman Schreib to accept the bid of \$2375.00 by B and D Contracting for the mowing and trimming of the six Abandoned Cemeteries. Five ayes. Motion carried.*

ZONING PERMIT FEES WERE TABLED UNTIL THE MAY 9TH REGULAR BOARD MEETING *Motion made by Councilman Schreib and seconded by Councilman Johnson. Five ayes. Motion carried.*

Privilege of the Floor

Ernie Brister – Point Peninsula: Regarding the Zoning fees, he feels if they want to make the figures half way reasonable the Board may want to take the average zoning applications per year. One year we might have had a big influx but the next year you could have half of that, so we should try to average them together to make sure we are going to get the money we are looking for to cover the zoning. One year isn't going to show the whole picture.

Charlie Mount thanked the Board for having Suzann Cornell acknowledge Jack Phillips for the 60 years of service he has provided to the Three Mile Bay Fire Department. He said Suzann did an excellent job and they really appreciate it.

Steven C. Hare- Park Drive, Chaumont: Addressed the Board with a written letter proposing the possibility of Municipal water and sewer services to the residents of Park Drive. The connection would include approximately 30 residences. He asked what would have to be brought before the Board to determine whether or not these options were in fact available. If these options are available what do they have to do to start the process? Mr. Hare would be available to help secure the answers to his questions.

Attorney Gebo responded by stating that when a village provides water and sewer services outside of its boundaries it's usually in connection with the formation of a water or sewer district. There are two processes or procedures the Town Board can go through. Most commonly, is the people in the area affected would sign first of all, a letter asking the Town Board to pursue the issue. The Town Board then understands there is enough interest there and then they could authorize a map and report to be prepared. This is normally done by an engineer and involves the expenditures of monies. The map plan and report would look at the feasibility of the project. Question would be addressing the difficulty of the project, what would it cost, what does that mean to the average homeowner in terms of what it's going to cost them. There would be some preliminary discussions with the Village of Chaumont to see if they're willing to sell the water and if so on what basis.

All of that would be part of the study phase. If at the end of the study phase the interest were still there among the residents then there would be a more formal petition presented to the Board. When that petition is signed by owners representing 51% of the resident owners and 51% of the assessed value. If you meet those two thresholds it's a valid petition. This Board will then have to hold a Public Hearing on it. If the Board finds after the Public Hearing that it is in the public interest, the district can be created. Then of course you still have to do your engineering. At that point the residents from the district may start to incur some expense, even though there is nothing on the ground yet, due to all the preliminary work that needs to be done.

The second process starts out without the need of the residents to go through that initial stage and the Town Board would, just on its own motion, go ahead and order the plan and report. This is not seen as often because most of the Town's would like to know that the public supports the project. The process would be very similar except no need for the petition and after the Board makes its decision it's in the public interest, it's still subject to permissive referendum, meaning it could be put to a vote. We wouldn't need to do that if you already had a petition because you already know that 51% of the people are in favor of it.

If the Board were willing to entertain it at all, they would first look for a letter from the residents of the proposed project, asking them to go ahead and study the issue.

The Town would make a contract with the village for the water supply instead of buying it off of the regional line or putting in a well system and it would be the same with the sewer. They would contract with the Village to accept the wastewater of the district and treat it. They would have to make a charge, usually based on water consumption.

This would not be an annexation. It would be the same as Water District # 1 on the Old Town Springs Road.

You cannot force the Village to sell water or accept the sewage; it would have to be part of the study to see if the Village would be willing to do that.

If the village wouldn't do it the town would be looking at putting in their own treatment facility. That would be quite expensive if there are only thirty homes involved.

RESOLUTION 2007 – 46: Motion by Councilman Johnson and seconded by Councilman Schreib to write a letter to the DEC indicating that this Town Board is Lead Agency for any Wind Farm or Transmission Project in the Town of Lyme. Five ayes. Motion carried.

Councilman Johnson made the comment that when people do a great job, they should be recognized. He was at a ladies dinner at the Masonic Lodge here in Chaumont and Julie Gosier did an excellent job with her presentation as the Historian and he thanked her for that.

Councilman Schreib addressed Julie Gosier with some questions regarding the Heritage Center. Who funds the Heritage Room in the Library? Julie

responded by saying that it is funded totally and completely by donations from the people they do research for and profits from the many things they have published. The Heritage Center was started in 1989 by Julie and is a totally separate entity from any other organization and is not connected in any way to the Town only that in their mission statement they say that the Lyme Heritage Center may double as an office for the Town Historian if the current Town Historian so desires. The Town does not pay any expenses toward the Heritage Center. The first year the Historian's budget did buy file folders, etc. Now the Heritage Center is funding supplies for the Historian. It has been very successful and continues to be so they are able to stay an independent entity. They are a very loosely knit organization with no by-laws. They are not a chartered organization and are not for profit.

Councilman Schreib went on to ask who handled the donations. Julie replied she and the rest of the membership handled them. They are all private donations; they do not get any donation from any organizations or government entities, corporations, etc.

Councilman Countryman made a motion to adjourn at 8:00 p.m.

Respectfully Submitted by

Kim Wallace
Town of Lyme Clerk