

**Town of Lyme
Emergency Meeting
April 25, 2007
4:30 P.M.**

Supervisor James Golden called the Town of Lyme Emergency Meeting to order at 4:35 p.m. The meeting is to address the Village water situation and how it will be handled between the Town and Village. Supervisor Golden is concerned about the Town doing work for the Village and people complaining about their tax dollars.

Mayor James Price feels it has nothing to do with water, he feels that it is a shared service basis. Cape Vincent has over 70 hours on this situation. The Development Authority, Bernier and Carr, Marcellus Construction, they are all trying to help but he understands that a couple of Town Board members feels the Village should pay the Town for their services. He does not agree with how this is being handled.

Councilman Johnson stated that if Mayor Price does not agree he would rather get a business like letter rather than the letter he got in the mail. If we are going to accomplish something together we must treat each other in a business like manor.

Supervisor Golden does not have a problem with us doing whatever we can. His concern is that in the future having people come to a Board Meeting with comments as to why the Town used their tax dollars to pay for working on water lines when many of them may not have the service to their own homes. He would like to see something put into place. He does not have a problem with what we have done to help with this emergency but he feels we need to be covered for both the Town and Village.

Councilman Countryman said he has sat on this Board for a long time and he has never gotten a phone call or complaint about the Town's equipment being out there, we've done it for years. If we break down in the Town the Village comes to our rescue. Cape Vincent has put several hours into this without billing us. He can understand us not going in to rebuild a water line or putting a new entrance into somebody's home. But if we have an emergency and we are losing about 15,000 (fifteen thousand) gallons per day, if we can go in and help band aid it and put about a weeks time in he personally does not see a problem with it.

Supervisor Golden said in an emergency it is fine to help out. He would like to see some kind of an agreement. He doesn't care how we do it as long as the public knows that the Town is getting paid for their services. The same applies with the Village when they help us.

Scott Aubertine feels on the flip side of that, as a Village resident, especially one who lives on Main Street, when seeing a tax bill come in and asking what he gets for his Town and County tax living on Main Street? There are hardly any services from the Village other than trash pick up. As a resident living on Main Street he is paying Town taxes. He agrees with Councilman Countryman that in an emergency it's nice to know that maybe

your tax dollars are being seen at work. He doesn't feel we need a big reciprocation at the end of the year.

Councilman Schreib spoke to Attorney Gebo about the situation. The way it is, especially with water and sewer districts. They're set up as separate entities and under the law they have to be self-supporting. If work is done they have to be reimbursed and it is the law. We can draft up an Intermunicipal Agreement that we can do the work but the Water District has to reimburse the Town. It is part of the Water District Law and it's the way it's set up. And there has to be an O & M Fund. We have four districts and we have just raised the water rates two years ago to start collecting money for O & M. It's actually a violation of the law to go out and do work in the Village without being compensated. By law, we are not supposed to go outside the Town and do work in other Towns. The Highway Superintendents have an agreement, which we haven't seen, where they go and trade work back and forth. With the Village and Town we need to charge, you charge us, we'll charge you and at the end of the year we'll see where we stand. Water districts are sacred, you can't write it off, you can't take monies out of the general budget to take care of it, and they have to be self-supporting.

Village Trustee Scott Aubertine asked if Councilman Schreib could get that in writing for them, so that if a Village Resident comes in and asks wonders why, the documentation could be shown to them and explained.

Village Mayor James Price asked why the Village of Cape Vincent and the Town of Cape Vincent work together on all there water problems, so does Clayton.

Councilman Schreib responded by saying they must have Intermunicipal Agreements and if they don't, according to our lawyer, they are in violation of the law. It's the way the Water districts are set up. If they trade back and forth and don't charge, they are basically at the mercy of their taxpayers. Although we have not heard any complaints, it will come about, due to us using Town funds to work on the Village water. Yes, you do pay Town taxes but no Town taxes support any of the water districts, they are all self-sufficient.

Village Trustee Aubertine asked if it would be possible to write something up where the Village would not have to pay the Town or visa-versa.

Councilman Schreib stated we don't have to physically write checks, we trade back and forth and at the end of the year it's decided how it will be resolved. The fiscal year has to be determined. If the Village owes the Town money there is a budgetary note or a revenue anticipation note that could be done. There has to be an actual accounting of how dollars are spent. If we can get an Intermunicipality Agreement in place we can get a rate that will be charged. As long as we take care of our overhead we don't have to make a profit. He was faxed an Intermunicipal Agreement between the Town of Wilna and the Village of Carthage and has to have a chance to review it and will share the information with the two Boards.

Village Trustee Aubertine asked if the other Towns and Villages that were sharing services did not have an Intermunicipality Agreement are they violating the law?

Councilman Schreib responded by saying if they don't, especially dealing with water districts and actually anything else, they are in violation. Basically for a Highway Department to do work in a Village without an agreement they are actually subject to an Article 78; due to the misappropriation of Taxpayers Funds. Most of the time taxpayers don't know about it, they just see things going on as operations as normal. As people become more and more aware of what is going on it comes to light and becomes a big problem.

Councilman Johnson said the work was done on the 17th, 18th and 19th and he got a call on the 20th. He feels he should have gotten a call on the 16th.

Mayor James Price stated as far as he was concerned if they have a problem he will get Cape Vincent, Clayton, Brownville or somebody to help us. He will not ask the Town of Lyme. He also feels that the Shared Services project we have going has just taken a giant step backwards.

Councilman Schreib stated that the Intermunicipal Agreement that we are talking about doing is sharing services, not giving them away for free. We can work out a very good arrangement between the Village and the Town so we can work together but it's not a freebie. We don't expect to get anything for free and the Village shouldn't expect it either. We can work together, it's a charge back situation and at the end of the year, separate from the Water Districts, we can decide how to take care of those monies. We are not looking to be adversarial, we are trying to get an accounting, and so we can share services and work back and forth to let the Village and Town work together.

Supervisor Golden feels the Village water and all our districts should become all one department. We should hire a man or two just for water. We are getting enough districts where we will have to eventually make that transition.

Village Trustee Geoff Donaldson feels we have taken a step back from the joint meeting we had with Darryl Aubertine back in January. He has to agree with Mayor Price. Cape Vincent Village and Town haven't charged us back. We have shared services for years, we go out and mow, etc., why wouldn't a Village taxpayer complain about their equipment being used for the Town.

Councilman Schreib stated that if they are up there mowing, charge us. Whatever work you do for the Town is not free. There has to be accounting.

Superintendent Parker stated they do track their time. Right now he owes these other Towns a lot more than he can ever give back.

Councilman Madill feels we should get an agreement made up and have the Village and Town Attorney's look at it.

Councilman Schreib stated if the Village refuses to use the Town's help and has to go out and hire a big firm, our rates would be cheaper than theirs. We can offer material and man power cheaper than anybody else. This is where the Intermunicipal Agreement comes in.

Mayor Price will discuss the situation with his Board.

Councilman Schreib asked if the Village is going to have this discussion he would need someone from the Town to be present. There will be a representative from the Town, there will not be a quorum but the Town Board will identify somebody to be present to answer questions.

Mayor Price stated that he had to use his vacation time while on the job because a couple of Town Board Members felt he should use his vacation time for that work.

Councilman Schreib stated that when Mayor Price is acting in the capacity of Mayor if you want to draw pay from the Town the only bank you have is through sick time or vacation. If Mayor Price is acting as Mayor he is not working for the Town. There are two hats that Mayor Price has to wear, that of the Mayor and out there on the job site as the Mayor, or that of Deputy Superintendent of the Highway Department. If he is working as a Town employee he will be paid as one. If he is out there as a Town employee he should not use his vacation time. Jim Price has to decide what hat he is wearing and charge accordingly. If you are working for the village you cannot collect wages from the Town.

Mayor Price stated he was going to take this information regarding our situation to Aubertine, Thomas, and the news media. He feels he's a good employee.

Councilman Madill asked who had called all the contractors and DANC?

Village Clerk Paula Radley stated that she had called DANC, Marcellus, Rob Campany. She realizes that Mayor Price is working for the Town and so technically, unless she has an emergency she should not be calling him. There are times when she needs to ask a question and she will call into the Town Barn and there are times when Tommy answers and there are times Bill answers and she will ask if Jimmy can call her when he gets a moment. When she has a moment like this one, when she knows they're losing 20,000 gallons of water. She asked him if it would be all right if she called these people and he gave her the go ahead. She called and they all came and helped.

Councilman Johnson asked if there was a piece of sophisticated equipment that we could borrow from DANC to identify where the leak might be.

Mayor Price stated that that has been done several times and that the professionals are all "baffled" by this, they have no idea where the leak is.

Councilman Madill stated that the water must have been going down a large crevice.

Superintendent Parker sent a piece of equipment over when the leak was first identified. It seemed that by digging they should have been able to find it, they felt they had the area narrowed down. They still cannot find the leak.

Clerk Radley feels that the leak started about a month ago. They knew that there was water running directly into the sewer plant. As soon as they could they started popping the manholes and going from manhole to manhole and that is how they finally found it. They tested it for chlorine and it came up positive. They thought they knew where the leak was. The first time they called the Town and Village of Cape Vincent and they sent every body in and then they had the problem of why were they using someone else's man power when they had the Town of Lyme's. Had she realized what a can of worms they were opening, maybe she would have just continued the way they were until we found a way to work as a joint municipal group. She is trying to understand where the Town is coming from and of course it is hard because she wants to take care of the Village and we want to take care of the Town, but ultimately it's hard. She looks at it in a way where we should be helping each other. She realizes they only have a two-man crew; they are now down to a two-axle truck that can barely plow at all. That's how bad it is for the village right now. She realizes that they should be a self-sustaining entity, but they are not. They are trying to survive just like every other Municipality. This is why she believes that municipalities are joining together and working together so they can continue to thrive and do well for the taxpayers. Let's look into what we legally have to do.

Councilman Schreib stated that he feels we can work together but we have to be held accountable to our clients, the taxpayers.

Mayor Price stated that the Development Authority will be there in the morning and they will begin a 24-hour testing for a three-day period.

Clerk Radley stated that the Department of Health notified the Village as of last Friday, they said the leak has to be found immediately, and it cannot wait.

Trustee Donaldson feels we are all going down the wrong path. He doesn't see why they should have to duplicate all these services, why they should be in the business of hauling stone, etc.

Superintendent Parker keeps records with the Town and County.

Councilman Countryman stated the day of the handshake is over; we have to come up with an Intermunicipal Agreement.

Trustee Donaldson posed the question as to who determines what hat Jimmy Price is wearing? Why should he be punished and lose three days of vacation time when he was probably the man down in the trenches? Surely part of it was Mayoral but surely part of it was for the Town.

Councilman Schreib stated that Jimmy would have to determine what hat he is wearing. He asked Jimmy Price of the 22.5 hours that he used as vacation time how much of the time was for the Town and how much as Mayor. Jimmy replied by saying probably 50 – 50. Norm feels that Jimmy

is an honest person. He stated that the Town is not looking for a check but will figure out how to proceed later on. We must be more specific with the time sheets. We are going to move forward.

Councilman Countryman believes that Jimmy was probably there for even fewer hours as Mayor because knowing Jimmy he was in the ditch working. The reason Jimmy was there as Mayor was just to make a decision. He believes Jimmy has integrity and has never lied to him before. He feels we will resolve this problem providing we can communicate regularly.

Superintendent Parker has put a silt fence around the salt pile hoping to keep the sand and salt from encroaching on the Mikos' property. Supervisor Golden spoke to Mr. Mikos and told him we did not have money allocated to move the salt pile but the Town will work on it.

ZEO Suzann Cornell reported that the Vann's have had several chances to clean up their property; they have been sent a new notice. She has also sent a friendly notice to the Wilson's on County Route 57. They have been given seven days to respond as to how they will handle the clean up of the debris from the fire. The Town Board will have to set a date for a Public Hearing.

RESOLUTION 2007 – 47: Motion by Councilman Countryman and seconded by Councilman Johnson to schedule a Public Hearing for May 9, 2007 at 6:15 p.m. for the clean up and seeding of the Vann property, Three Mile Bay, by the Town. Any fees incurred will be billed back to the Vann's. Five ayes. Motion carried.

RESOLUTION 2007 – 48: Motion by Councilman Johnson and seconded by Councilman Madill to appoint John Scanlon as a Marriage Officer for one day, July 4, 2007. Five ayes. Motion carried.

RESOLUTION 2007 – 49: Motion by Councilman Johnson and seconded by Councilman Countryman to reappoint the secretary of the ZBA, Jo Morrow, to that position. Five ayes. Motion carried.

Councilman Johnson made a motion to adjourn at 6:30 p.m.

Respectfully Submitted by

Kim Wallace