

Town of Lyme
April 10, 2013
Public Hearing – Renewable Energy Law – 6:00 P.M.
Regular Monthly Meeting – 6:30 P.M.

Supervisor Aubertine opened tonight’s Public Hearing at 6:00 p.m.

The Public Hearing Notice was posted in the Watertown Daily Times on March 26, 2013 as follows:

Please take notice that the Town Board of the Town of Lyme, shall conduct a Public Hearing on Wednesday, April 10, 2013 at 6:00 p.m. at the Town Offices 12175 NYS Route 12E, Chaumont, New York to consider a Local Law to regulate the construction, installation and operation of Renewable Energy Systems in the Town of Lyme.

A full text of the above referenced Local Law is on file with the Town Clerk and may be inspected during normal business hours. All persons wishing to be heard on this issue should be present at the time and place aforesated or have written comments submitted to the Town Board prior to that time and date. Any persons requiring special accommodations to participate in such Public Hearing, should notify the Town Clerk at least three business days prior to the Hearing.

By Order of the Town Board of the Town of Lyme.

Supervisor Aubertine read the ground rules for the Public Hearing and opened the floor for public comment.

Dawn Munk – NYS Route 12E, Three Mile Bay – Expressed her disappointment with the Renewable Energy Law and she feels that it is still too restrictive. She feels that the new law is designed to discourage putting up a wind tower in the Town of Lyme. Dawn calculated that only 7% of the parcels in the Town of Lyme would be eligible to put up a wind tower. Dawn conveyed her concerns with the setbacks as they appear in the Draft Law and feels that they are excessive and restrictive.

Dick Nagel – Point Peninsula – Asked the Board to read the definition on bio energy systems, he is of the opinion that the way it is written it prevents people from having radiators, he realizes the way it was intended, they were

trying to address the external boilers, it doesn't say external. The other general comment Mr. Nagel had was that he feels the draft has the feeling personal wind mills are a smaller version of what they have over on Wolf Island, the problem is there are a lot of other technologies that are totally different than a big bladed turbine up in the air. This Law will prevent other styles of personal wind turbines from being considered. The newer models and some of the other styles of personal wind turbines would not be obtrusive. Jay Leno has a "squirrel cage" turbine in the middle of Los Angeles. Dick also asked why the Town Board did not use the NYS Agriculture rule of 1.1 times the height.

Frank Congel – Planning Board Chairman – Responded to Mr. Nagel by saying in terms of the alternate ones, if they are associated with a building or a structure they are just subject to the building code. There is nothing special in terms of the free standing units. If they feel the words need to be sharpened up, and with the Boards direction he will sharpen them up. With the newer technology, the hooded or the squirrel cage units, those would all be subject just to building codes and not associated with the 5 times setbacks.

Mr. Nagel felt a statement like that in the law would be terrific, just to make it absolutely clear. Mr. Nagel did understand the intent.

Julia Gosier – Empie Road, Three Mile Bay – See Julie's Letter that she read during the Public Hearing on page 12 under the Correspondence Section of these Minutes.

Sherrot Chase – Guest of Bruce Kingsley's. Mr. Chase has worked with small wind energy projects for most of his adult career. Mr. Sherrot has glanced at the proposed Zoning Ordinance and recommends, in order to preserve property rights, and to provide the best governing possible (is perhaps the least governing) is to let the property owners use their property as what they determine its best use would be.

In regard to height restrictions that are being proposed in the document, Mr. Chase feels as though the height restrictions are too restrictive, he proposes using the FAA's limits, they limit heights. The Town should be conforming to the setbacks of NYS Agriculture and Markets from property lines and power lines. For technology issues the law should conform with NYSERDA, they have very substantial requirements for technology

approval. Certifications for safety issues the law could conform to the National Electric Code, for connection requirements conform to the IEEE and UL. All these are established by other codes and requirements. For the most local variations that may vary from one location to another, a professional engineer would be best suited to address foundations.

Mr. Chase feels that this Law is over-regulating. He recommends the property owners should be able to use their own property for what is best suited for them. The Town should conform to other established codes to determine what the technical parameters should be, and they are well covered by the expert agencies.

The Draft Law is too detailed and restrictive and perhaps that is the intention.

At 6:25 p.m. a Motion was offered by Councilwoman Harris and seconded by Councilman Villa to close the Public Hearing. Five ayes. Motion carried.

**April 10, 2013
Regular Monthly Meeting
6:30 P.M.**

Supervisor Aubertine called tonight's Meeting to order at 6:30 p.m. The Meeting opened with a Prayer and the Pledge of Allegiance.

Present at tonight's Meeting: Supervisor Aubertine, Councilwoman Harris, Councilmen Bourquin, Villa and Henderson, Highway Superintendent Pat Weston, Jefferson County Legislator Bob Thomas, Assessor and Water Board Chair Marsha Barton, ZEO/CEO Jim Millington, and approximately 12 others.

Supervisor Aubertine pointed out the new walls and flooring that is all due to Jo Morrow and her efforts to obtain a Justice Court Grant. Jo put her heart and soul into the project.

County Legislator Bob Thomas – Will be contacting Bruce Armstrong, Jefferson County Planner and have him get in touch with Chris Balk from

the DEC Cape Vincent Fisheries to discuss the possibility of purchasing property on Point Salubrious for fishing access to Chaumont Bay.

Town Ball Field and Abandoned Cemetery Mowing Specs and Proposals:

- **Abandoned Cemeteries (6) mowed, trimmed and cleaned up by Memorial Day. Mowed and trimmed once every two weeks thereafter until September 15, 2013.**
- **NYS Route 12E Ball Fields (5) and Grounds – Mowed twice weekly (preferably Mondays and Wednesdays before 4 p.m.) and trimmed once a week from May 1st thru August 1st and mowed once a week thereafter until September 30, 2013.**
- **G. Spence Donaldson Memorial Field (Morris Tract Road) Ball Field and Grounds – mowed and trimmed once a week (preferably on Monday) from May 1st thru September 30th.**
- **The awarded Lawn Care Professional must supply their own equipment, maintenance and fuel. Proof of Liability Insurance must be filed with the Town Clerk at the time of the quote submittal.**

Proposals as Follows:

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|-----------------------------|---|----------------------------------|
| Billie Fulmer | \$12,250.00 | 2 Year Bid |
| Yard by Yard | \$14,000.00 | 1 Year Bid |
| Clement’s Lawn Care | \$12,000.00 | 2013 Season |
| JW Property Services | \$10,000.00 | 2013 or |
| “ “ “ | \$20,000.00 | 2013 & 2014 |
| Gilmore Lawn Care | \$11,000.00 | Each Year 2013 & 2014 |
| Creek Bend | \$14,500.00 | 2013 |
| “ “ | \$27,500.00 | 2 Year Contract |
| Darren Hilts | Had a few caveats and the bid could not be considered. | |

RESOLUTION 2013 – 40: Motion by Councilman Villa and seconded by Councilwoman Harris accepting the low bid of JW Property Services for

\$20,000.00 for a two year period (2013 and 2014). Five ayes. Motion carried.

Three Mile Bay Cemetery Mowing Specs and Proposals –

The Town of Lyme is seeking quotes for mowing, trimming and general pickup (twigs / branches) of the Three Mile Bay Cemetery. Quotes should be submitted on this project per mowing, trimming and general pick up. Anyone submitting a quote must review the Cemetery with the Three Mile Bay Cemetery Superintendent, Julia Gosier, prior to the submittal. The awarded Lawn Care Professional must furnish own equipment, fuel and certificate of liability (to be presented to the Town Clerk upon quote submittal). The Cemetery must be in excellent shape for Memorial and Labor Day Weekends. Other mowing will be on a judgment basis between the awarded Lawn Care Professional and Julia Gosier. Quotes will be accepted until the closing of business on April 3, 2013 and can be mailed to the Town Clerk's office or emailed to lymetownclerk@twcny.rr.com. Quotes will be reviewed and awards will be made during the Regular Town Board Meeting to be held on Wednesday April 10, 2013. The Town Board reserves the right to accept or reject any or all bids.

Bid Proposals Per Mowing as Follows:

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|-----------------------------|-----------------|------------------------|
| Billie Fulmer | \$345.00 | 2 Year Proposal |
| Yard by Yard | \$270.00 | |
| Clement Lawn Care | \$300.00 | |
| JW Property Services | \$240.00 | |
| Gilmore Lawn Care | \$450.00 | |
| Creek Bend | \$260.00 | |

RESOLUTION 2013 – 41: Motion by Councilwoman Harris and seconded by Councilman Villa accepting the proposal by JW Property Services for \$240.00 per mowing for the Three Mile Bay Cemetery for the 2013 mowing season. Five ayes. Motion carried.

Privilege of the Floor

Alicia Dewey – Update on Chaumont River Corridor Grant Proposal
Alicia attended tonight's meeting to give an update on the Local Waterfront Revitalization Program (LWRP). Initial work on the Grant project began in

2007. They had to get this bill, to in turn, become a Law. The Law named the Chaumont River a designated inland waterway, which allowed us to participate in the Department of States LWRP. It is considered a Hamlet Revitalization Grant. The manner in which they wrote it incorporated three Hamlets in the Chaumont corridor, more specifically Depauville, Lafargeville, and the Town of Lyme, specifically the areas adjoined to the Chaumont River, the Village of Chaumont.

In an effort to become eligible, New York State named the Chaumont River a designated inland waterway, which has allowed them to participate in the program.

There are six goals of this project:

1. To create sustainable economic development.
2. To create affordable housing opportunities.
3. To create well planned marketing and promotion of tourism.
4. To increase public access to the waterways.
5. To protect and enhance the landscape, wildlife and natural habitat.
6. To encourage the overall physical and economic revitalization of the Hamlets.

For those who live in Hamlets, they get the feeling they are sometimes overlooked and don't tend to get as much attention as Villages or as a Township. The Department of State recognizes that Hamlets need a little more attention and that's why they have created this grant program.

They did receive a 50% grant; that equates to just over \$31,000.00. There is a local share and they are asking The Towns of Clayton, Orleans, and Lyme if they would be willing to provide a cost share of \$2,500.00 toward the overall program. Beyond that they will be coming to the Town and asking for two or three recommendations of people who might be interested in participating on the committee. The first step will be to create a committee that encompasses community members, business owners and or people on planning boards, zoning boards or town boards to represent their Hamlets and communities on this joint committee. The joint committee will then go through a process where it creates an RFP (request for proposal), which has already been set with the Department of State. They will put out for a consultant and then choose a consultant who will go through this process with us. There will be multiple public, open meetings to get ideas and thoughts from the community and business owners, this will create a

planning document called a revitalization strategy that includes the Hamlet corridor and all three communities. That revitalization document will relate to specific guidance on affordable housing opportunities and how we should look at saving dilapidated residential buildings and reinvigorating and changing them into something else, how they create more access and friendliness to the waterways and how to create “passive parks”, water recreation, with the ultimate goal of revitalizing the local economy within the Hamlets as well as the quality of life within the Hamlets. We will end up with a revitalization strategy that we can then go back to the Department of State with and then ask to apply for an implementation grant. For example, dredging the Chaumont River. We will then be eligible to apply for these other grants. The only communities that can apply for the LWRP Grants are those who have the planning document. You have to go through the process in order to be able to go for the implementation grant.

The Village of Chaumont can participate but they can't be listed as a “partner” because we have already received the grant, they cannot be added afterwards.

RESOLUTION 2013 – 42: Motion by Councilwoman Harris and seconded by Councilman Henderson supporting the Chaumont River Corridor Grant and giving monetary support in the amount of \$2500.00. Five ayes. Motion carried.

Privilege of the Floor

Dawn Munk – Is aware that at the last Town Board Meeting Reggie Schweitzer, Jr was appointed to the Planning Board. Dawn is disappointed that Charlie Mount or Julie Gosier were not appointed to the Planning Board. Both Julie and Charlie have worked tirelessly for the Town for over 30 years, they are both highly dedicated and knowledgeable. The water front community is highly represented. The Town needs a Planning Board with a fair and balanced approach who is good at communicating and is willing to compromise.

Julia Gosier – They have completed a list of all military vets buried in the Town of Lyme. There are 105 veterans from all the different wars. The American Legion has ordered a gross of flags for the Town and they will be put on the graves before Memorial Day.

Jim Millington – Recently attended the NYS Builders Association and received 24 hours of training.

Jim would ask the Town Board to consider a cleanup program for the Town residents, possibly a two week period for building materials and general clean up with no charges or tipping fees at the Transfer Site during this period. He would like to have a team of youth and residents with trailers that could help the elderly or those who physically may not be capable of moving and transporting the debris themselves.

Don Metzger – Attended an informational meeting held by BP last night. The meeting addressed the Preliminary Scoping Statement and Intervener Funding. He would suggest that the Town of Lyme take advantage of the funding that will be available to us.

Supervisor Aubertine – The Town has asked Attorney Gebo to handle the process from start to finish and to get everything he could for us. We have just received notification from Paul Agresta, who is the presiding officer, we do have our time frame we should be within. Scott has been in touch with Gebo's office, he has asked Mark to do everything and he stressed the point that the Town doesn't want to miss a thing on this. We are doing everything we can to go after anything we can get. The process has already begun. The Town feels that they need the expertise of our Attorney to be certain all the necessary steps and procedures are dealt with properly, leaving nothing to chance. This process needs legal and professional advice. We may want to contact Bernier and Carr for engineering advice but we will let Attorney Gebo do that as well.

Councilman Bourquin will recuse himself from anything more having to do with "Wind" from this point forward. Donnie's two brothers have contracts concerning the transmission lines and he feels that it would be best for him to stay out of it.

Councilman Henderson has gone through the PSS and made comments, referencing sections concerning the Town of Lyme. Dave will work with Mark on this.

RESOLUTION 2013 –43: Motion by Councilwoman Harris and seconded by Councilman Henderson accepting the letter written by Councilman Henderson and Attorney Gebo to the Public Service Commission (PSC)

regarding comments concerning the Town of Lyme. Four ayes. Motion carried. Councilman Bourquin abstained.

Bruce Kingsley – Point Peninsula – Started out by offering his facility for the “cleanup” picnic. If and when he gets his wind mill up.

Bruce hopes the Town Board has a very conscientious building plan for what he is proposing. He is hoping to supplement his farm for electricity. Hopefully there is no doubt in the Town Boards mind that he has a farm, an agricultural entity. In the proposed ordinance it says to abide by New York States rules and regulations and hopes the Town Board will. Hopefully they will take these rules and regulations and make it happen now.

Bruce sees more delays with the new Law. Bruce doesn't want to see a delay in his project. He has made a commitment to Mr. Chase and he has a very comprehensive building plan for his personnel wind mill.

Mr. Kingsley asked the Town Board if there was a schedule for this ordinance to be put into place. Supervisor Aubertine stated that he had hoped for its adoption tonight if the few changes the Board makes tonight are not deemed significant changes.

Mr. Kingsley asked if the Town Board was ignoring NYS Agriculture and Market Law.

Sherrot Chase was present at tonight's meeting and stated that Bruce is exempt setbacks, height, site plan review, long form SEQR, he is exempt from a whole list of actions imposed by the proposed Town's Ordinance.

Supervisor Aubertine stated that NYS Agriculture and Markets will have to contact the Town verifying whether or not Bruce is exempt. Supervisor Aubertine has the necessary paperwork that is required for the process.

Bruce stated that Mr. Chase has provided the Town with paperwork that indicated what other Town's had done concerning agricultural exemptions. It was Bruce's hope and Prayer that the Town would entertain doing some of those things. Especially with what has gone on with Cornell and the application process.

Supervisor's Report – March 2013

RESOLUTION 2013 – 44: Motion by Councilman Villa and seconded by Councilwoman Harris accepting the March 2013 Supervisor’s Report as submitted by Cathy Satterley of Bower’s and Company. Five ayes. Motion carried.

Clerk’s Report – March 2013

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| Total State, County and Local Revenues: | \$2,050.79 |
| Total Local Shares Remitted: | \$1,854.65 |

Highway Superintendent’s Report

The Highway Department has finished hauling stone to the South Shore Road where the erosion has occurred. They have been sweeping, mowing, and putting swing sets together.

The drainage from the office area parking lot is causing problems on Andy and Amy Williams’ property.

Pat had some questions regarding private roads and highway work. Supervisor Aubertine advised getting the information from Attorney Gebo.

There has been a question of 911 addressing on County Route 57. The Town Board decided it would be best to wait and hear from the County as to how we should proceed.

Roof Repair Quotes

The Town received one quote for the roof repairs. The Goutremout Brothers have submitted a quote for \$10,125.00.

RESOLUTION 2013 – 45: Motion by Councilman Bourquin and seconded by Councilman Henderson accepting the bid of \$10,125.00 from the Goutremout Brothers Construction, LLC. The scope of work to be done on the roof will be as follows:

Remove existing head flashing on galvanized shed roof, cut back metal on rakes, install new rake metal and install new head flashing and cut into block.

Remove metal cap on knee wall at parking lot end, install new metal cap and seal around perimeter.

Replace plywood on gable ends of shed roof on back of building with T1-11 and replace rotten fascia board.

Install new upper roof with ½ lap rolled roofing, remove existing drip edge and replace with flat wide faced drip edge. This will go over the existing roof.

Five ayes. Motion carried.

Pat will re-locate a small shed and move it over by the office parking lot so it can be utilized for office trash storage.

Audit of the Bills

RESOLUTION 2013 – 46: Motion by Councilman Villa and seconded by Councilman Henderson approving Abstract #7 in the amount of \$3,279.98. Five ayes. Motion carried.

RESOLUTION 2013 – 47: Motion by Councilman Villa and seconded by Councilman Henderson approving Abstract #8 in the amount of \$84,263.67. Five ayes. Motion carried.

RESOLUTION 2013 – 48: Motion by Councilwoman Harris and seconded by Councilman Henderson approving the Minutes of the March 13, 2013 Regular Monthly Meeting as submitted by Clerk Wallace. Five ayes. Motion carried.

Committee Reports

Assessor's Report – Marsha Barton

Reval Update – The Assessors have spoken with over 200 property owners since the impact notices were received. They have explained the process and reviewed their property when necessary. Adjustments were made if warranted. Marsha is still making appointments for anyone who could not attend the hearings.

Grievance Day – Ted Utess will be unable to attend Grievance Day due to surgery. The Board of Assessment Review would like to appoint Roy Menton as a one year appointment to sit in for Mr. Utess. The County school has been scheduled for May 7th. All members, including Mr. Menton, have been notified.

The Assessor's are also holding an information session for the Board of Assessment Review members in their office to explain the process used this year. The meeting is set for Wednesday, May 1st at 9:30 a.m. The Assessors thought it would be very useful to the Board to have as much information as possible before hearing the Grievances.

Grievance Day will be Tuesday, May 28th at the Three Mile Bay Fire Hall. The Board will meet from 1:00 – 5:00 p.m. and from 6:00 – 8:00 p.m. The Board will be dividing up into two – three member groups. They will also be limiting the time per person to 15 minutes, if possible. They have 18 property owners who have set up appointments so far.

Basic STAR Change – The State will be implementing a change in the Basic Star Program in 2014. All the details have yet to be worked out. It appears property owners receiving the Basic STAR will have to register by telephone with the NYS Department of Taxation and finance to continue receiving the STAR Exemption. The Assessor's aren't sure if this is a one-time registration or if it will have to be done each year. This is part of the audit the State has been doing to eliminate fraud in the program. The Assessors have removed six property owners in the Town of Lyme who were receiving the STAR on two residences in the State. These people were sent a letter informing them of their removal and informing them that even if the Town of Lyme does become their primary residence, they cannot receive the STAR here for a five-year period.

RESOLUTION 2013 – 49: Motion by Councilman Bourquin and seconded by Councilwoman Harris appointing Roy Menton as Alternate #2 to the Board of Assessment Review for a one year appointment, with the term to expire September 30, 2013. Five ayes. Motion carried.

Three Mile Bay Cemetery Report – Julia Gosier

The winter was hard on the Cemetery. Many stones have moved off or partially off their bases. This is usually caused by frost and wind. Some of them may have had help getting displaced but this cannot be proved.

Julie has shown the Cemetery to several contractors.

The gravel Pat put in the driveways last fall has made a huge improvement.

Pat is going to give Julie a day's work after it dries up a little more. Pat and his crew will be helping to upright some stones, fill in sunken graves and cut away stubble.

Julie met with Harry Wilson Jr. to line up his foundation work. The Town has budgeted \$1200.00 for this work. Mr. Wilson will be starting the work immediately. There are two stones that are unstable and dangerous. Julie provided the Town Board with an estimate.

The roof on the tool shed has lost a large number of shingles this winter. Brian looked at it and said we might be able to get some broken bundles and save money. Hopefully the Highway Department can do the work.

Youth Committee Report – Charlie Mount

It hasn't been very good weather for working on the ball fields.

They have had sign-ups for baseball and softball. The coordinator will be determined at tomorrow night's meeting.

Planning Board Report – Frank Congel

Reggie Schweitzer has attended his first meeting with the Planning Board. Frank is looking forward to having a full board and an alternate again.

ZEO/CEO Report – March 2013

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| Building Permits Issued: | 4 |
| Demo Permits Issued: | 1 |
| Certificates of Occupancy Issued: | 1 |
| ZBA Referrals: | 2 |
| Site Visits and Inspections: | 6 |

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| Permits Issued For: | |
| Home or Cottage: | 1 |
| Remodeling: | 1 |
| Addition: | 1 |
| Other, Pools, Slabs, Shed | 1 |

New Business

RESOLUTION 2013 – 50: Motion by Councilman Bourquin and seconded by Councilwoman Harris approving the Retirement Resolution as follows:

BE IT RESOLVED, that the Town of Lyme hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Highway Superintendent Patrick Weston 8 Hour Standard Work Day - 25 Days a Month.

Clerk Kim Wallace 8 Hour Standard Work Day – 25 Days a Month.

Transfer Site Superintendent George Perkins 8 Hour Standard Work Day – 25 Days a Month.

Five ayes. Motion carried.

RESOLUTION 2013 – 51: Motion by Councilman Bourquin and seconded by Councilwoman Harris approving the request of the Lyme Central School for the use of the Town Ball Fields for the 2013 Spring Sport season. Five ayes. Motion carried.

Old Business

Town Police Department Status

RESOLUTION 2013 – 52: Motion by Councilman Henderson and seconded by Councilman Bourquin dropping the effort to have a Town Police Department. The Village of Chaumont is certified and recognized. Five ayes. Motion carried.

Colonial Penn Insurance Status

Councilman Villa has met with the associates from Colonial Penn and feels that they have many different options that would be beneficial to our employees. It is up to the employee as to whether they would like to carry the insurance. Dan would like to give Colonial Penn permission to speak to the Town's employees.

Ad Hoc Nominees Letter

We have received a Preliminary Scoping Document from BP and we have to nominate four people for the NYS Siting Board. A month or so ago we were in a plan with Cape Vincent and we decided to allow them three nominations to the Ad Hoc Committee for the NYS Public Service Commission and one from the Town of Lyme. A few things have happened, one being we have been notified that the Village of Chaumont has now been included to participate. Another was a question in regard to "what does Municipality mean"?

Supervisor Aubertine contacted them and has had information given to him that said the four nominees had to be from the Town of Lyme but yet there was other information given to him from Cliff Schneider that said they did not have to be. When the Village of Chaumont got included, Scott thought it would be best if we worked with Chaumont and not Cape Vincent.

Supervisor Aubertine has had a number of people in mind and began making phone calls. He thought he had four good nominees from the Town of Lyme.

He received a clarification from the Public Service Commission that most likely meetings would be held in Albany. Once some of the candidates found out that meetings will be held in Albany, they have lost interest, there is one nominee still interested. Deanne Scanlon was nominated by Cape Vincent, she has not been notified of the meetings taking place in Albany.

Supervisor Aubertine would ask the Town Board allow him pull the letter of support for the people nominated in Cape Vincent. He would like to ask for that support in case he would like to nominate the other person that has come forward and expressed an interest in serving on the committee. We would be only nominating two people.

Supervisor Aubertine is asking the Board if it's alright with them to withdraw the nominations from Cape Vincent if that's what he decides to do.

Supervisor Aubertine stated that this process is frustrating and the State is making it so difficult, it's going to be a tough battle.

A letter was sent to Jeffrey Cohen and it was put on their public site. Scott has his letter prepared and ready to send out tomorrow. It was the same letter that was sent last month to Jeff Cohen but he also included his own personal opinion and provided some history as to what we've been through in the Town of Lyme. He told them we have been working on this process for five years, since 2007, we did two surveys, we had numerous committees working on it and a lot of community input and that he hoped they would take into consideration the fact that the people of the Town of Lyme expect the Town Board to put in place a law that the majority of the residents wanted to see. He tried to be friendly, polite and diplomatic, he didn't come right out and mention home rule. He reminded them that it was the people of the Town of Lyme that directed us as a Board to make this law. They make it more and more difficult at every turn for Municipalities to do anything.

Copies of the letters will go to Paul Agresta, Senator Ritchie, Assemblyman Blankenbush, Assemblywoman Russell, and also Gary Brown, Chairman of the Siting Board.

Supervisor Aubertine read his letter as follows:

“The Town of Lyme is pleased to present to the Siting Board, our nominees for the two Ad Hoc positions, to participate in the review process of the British Petroleum application Case # 12-F0410. They are well respected members of the community and are versed in the application and projects advantages and disadvantages of the Township. Further they

have participated in committee functions at some point in their career and will interact well with the community.

If I may, please allow me to add my personal comments regarding the process. The Town of Lyme community worked for five years developing the Town Wind Law. Since the State of New York does not allow a referendum vote on the issue of wind farms and our residents preferences, two surveys were sent to our residents. One was sent in 2007 and another in 2010. On both surveys our residents voiced their opposition to the siting of industrial wind farms in the Town of Lyme. Our wind law was developed with those opinions in mind. I ask the members of the Siting Board to please consider the requests and desires of a large majority of the Town of Lyme residents who have asked and expected the Lyme Town Board to heed and put into policy their wishes.”

Supervisor Aubertine would like to send that out tomorrow, he just has to decide if we want to go with Cape’s or do we want to take two from the Town of Lyme.

Councilman Bourquin stated since over 90percent of the project is in Cape Vincent they probably won’t give much consideration to the Town of Lyme anyway.

Councilwoman Harris stated that she really appreciates all the work that Supervisor Aubertine and Councilman Henderson have put into this.

Video Conferencing of Public Meetings

Councilman Villa – Video conferencing is in early stages, the State will come up with their ideas later on.

Supervisor Aubertine – Everyone in a meeting room has to be able to see and hear the person who is attending the meeting remotely. A Board member who is not physically present has no vote and their residence must be open to anyone who wishes to attend the open meeting. The meeting place would have to be legally advertised, in the same way all meeting times and locations are advertised. Advertising of the remote location is at the Town’s expense.

The Town Board would ask that video conferencing not to be used any more than necessary; usage must be limited.

Planning Board Chairman Frank Congel – pointed out the Planning Board by-laws state that missing more than three meetings is grounds for dismissal.

Correspondence

Ed and Patty Hughes – Appreciate all of the work the Planning Board and Town Board have put into creating the Wind Energy Laws for the Town of Lyme. Mr. and Mrs. Hughes feel that in order for the health, safety and welfare of all Lyme residents to be respected, the proposed “Small Wind Energy Conversion Systems Law” should be revised to include more stringent height, setbacks and sound restrictions on personal wind turbines.

Julia Gosier – Has the Following Concerns with the Renewable Energy Draft:

4A: Why do you need a special permit from the ZBA for a simple solar panel array? Don't you trust your Zoning Officer? Why is a Zoning Permit required for roofmounted solar panels? This is a code issue, it should be the responsibility of the codes officer, since it doesn't have any qualities that affect neighbors.

4A3e: 1250 feet is almost a quarter mile. To put up a small solar array next to our house, she would have to map, research and document everything about every piece of property from Swamp Road to Three Mile Bay.

B5: How can you demand buried electric lines when they are not demanded in any other instance and half of the Town sits on shallow or exposed bedrock.

C1: Not in waterfront district. Why? She has never heard a good reason. Is there a reason for only one wind mill on 200 acres, or is the Town Board just trying to appease certain individuals?

C4: How can you not allow any lighting? Have you no law against lighted flag poles, driveways, porches, ball fields or parking lots.

C10: Why?

D3b: Julie did not understand this sentence, “for lot sizes greater than 5 acres, the 100 square foot arrays are limited to one per 5000 square feet of lot area at distances greater than 250 feet from any occupied dwelling.”

E2: How do you determine if a solar system is operational without invasion of privacy? If an outdoor boiler is not being used but is in good condition appearance-wise, how can you demand it be removed? Do you demand any other elements of a person’s property be removed for lack of use? Swimming pools, porches, swing sets, doghouses, boathouses? Again, where is the fairness or common sense.

Julie asked that the Town Board not make laws that are dictatorial, taking away property rights recklessly and thus our “home” rule.

Bruce Kingsley – The contractor for Bruce’s wind turbine is looking for a building application to fill out. This is needed to show what they are doing to get National Grid, NYSEDA and NYS Agriculture and Markets on board. Jim Millington stated to Mr.Kingsley that he is not aware of a form because the Town, as of yet, has no law. Harry Staudenmayer says variances have to go through the Zoning Enforcement Officer and Building Inspectors office. Mr. Kingsley is asking for help to get started.

Mr. Chase – Mr. Kingsley had asked Mr. Chase to send a copy of some of the areas of the proposed law that he had marked up. It was sent to one of the Town Board members at his request.

Supervisor Aubertine stated that it has all been read and considered.

Frontier Housing – Sent a letter informing the Townships within Frontier Housing’s servicing area that there are NYS HOME Program funds available for all income eligible single-family homeowners to receive moderate rehabilitation under Frontier’s Owner Occupied Rehabilitation Program. The nine Townships included are: Brownville, Hounsfield, Henderson, Lyme, Adams, Ellisburg, Rodman, Lorraine and Worth. Frontier has completed fourteen projects using approximately half of the funding in seven out of the nine targeted townships. The annual household

income guidelines range from a household of one with \$33,450.00 a year to a household of five with \$51,600.00 a year.

The funds can be used to correct substandard housing and improve the health, safety and welfare of the household members. Repairs can include such items as: repairing major housing structures; replacing leaky roofs; bringing the house up to date with code regulations; and correcting hazardous conditions such as lead based paint. In addition, Frontier encourages and assists each property owner interested in participating in the New York State Energy Research and Development Authority (NYSERDA) program. This program allows additional matching funds to make energy efficient improvements such as replacing hot water heaters and/or furnaces; installing extra insulation; and limited energy efficient appliances.

Applicants for the Owner Occupied Rehabilitation Program can be found on Frontier Housing's web site at: frontierhousingcorporation.com or mailed upon request at 315-639-3940. Frontier maintains a continuous waiting list, so the sooner people apply, the better.

There was a ten minute recess taken from 8:50 p.m. to 9:00 p.m.

Supervisor Aubertine stated that everyone has heard comments and seen letters.

Mr. Chase asked permission to make a brief comment that had to do with safety. Mr. Chase stated that he climbs towers professionally, that is how he makes his living. If he comes to a tower and one of his partners is stranded or has an accident and all of a sudden he has a twelve foot barrier, he can't take the eight –

foot step ladder or jump off of a six foot ladder and get over that barrier, he had to go hunt down an extension ladder to go to rescue someone.

Supervisor Aubertine wasn't sure what Mr. Chase was referring to here and stated when we got to that part of the law he was referencing that the Board would listen then.

Councilwoman Harris feels that we have gone through this several times and listened to all the comments. The Planning Board made recommendations that they had gone over line by line. They did their research for months. Councilwoman Harris is ready to finish it.

Councilman Villa is in favor of the Law as written because it still allows residents to put a wind tower on their property. Changes can be made to the Law later if we find areas to be burdensome.

Councilman Henderson is in favor of the Law the way it is.

Supervisor Aubertine has areas within the Law that he would like to see changed. If the Board decides to vote on it right now, he knows how he will vote or we can discuss it and see if we want to make some changes.

The Town Board started with page one and went through the entire Draft Law requiring the following corrections:

1. Eliminate the 1250 foot property owner ID requirement for solar applications.
2. Change wording to ensure that guy wires can be used on free standing towers.
3. Allow low level lights on SWECS towers.
4. Reword Section 3. B – in the solar section to eliminate confusing text.
5. Standardize the out of compliance removal clause for all RES's.

The Town Board scrutinized the contents of the Draft Renewable Energy Law for almost an hour and a half, in an effort to put forth a comprehensive ordinance. The Town Board and Planning Board have spent much time and effort working arduously on this document to submit this final draft. It has been a trying endeavor for all involved.

The Town Board went through part one and two of the long form SEQR process that will accompany the Renewable Wind Law.

RESOLUTION 2013 – 53: Motion by Councilman Henderson and seconded by Councilman Villa accepting the Renewable Energy Law with the few changes noted. Roll Call Vote As Follows:

| | |
|------------------------------------|-------------------|
| <i>Councilman Henderson</i> | <i>Yes</i> |
| <i>Councilwoman Harris</i> | <i>Yes</i> |
| <i>Councilman Bourquin</i> | <i>No</i> |
| <i>Councilman Villa</i> | <i>Yes</i> |
| <i>Supervisor Aubertine</i> | <i>No</i> |

Three ayes. Two nays. Motion carried.

Supervisor Aubertine stated that the Law is excluding a lot of people because the setbacks are too restrictive, he cannot support it. He feels that the Law could still address safety with lesser setbacks. This should be about people's right, to do with their land what they want, it is not giving them a whole lot of opportunity here.

Privilege of the Floor – None

Motion by Councilman Bourquin and seconded by Councilman Villa adjourning tonight's meeting at 10:25 p.m. Five ayes. Motion carried.

The Minutes of Tonight's Meeting are Respectfully Submitted by,

*Kim Wallace
Town of Lyme Town Clerk*