

Town of Lyme
April 8, 2015
Regular Monthly Meeting
6:30 P.M.

Supervisor Aubertine called tonight's meeting to order at 6:30 p.m. It was open with a Prayer and the Pledge of Allegiance.

Present at tonight's meeting: Supervisor Aubertine, Councilmen Bourquin and Villa, Assessor's Marsha Barton and Roz Gotham, Board of Assessment Review Chair, William (Ted) Utess and BAR Member Dave Bourquin, ZEO/CEO Officer Jim Millington, Three Mile Bay Cemetery Superintendent Julia Gosier, Planning Board Chairman Frank Congel and 2 others.

Supervisor Aubertine presented William (Ted) Utess with a certificate of appreciation for all of Ted's dedication to the Town through the years while serving on the Board of Assessment Review.

Ted has provided over 16 years of service to the Town serving as a Member and Chairman to the BAR. Ted's calm gentle manner while listening to complaints at grievance time reflected the honesty and fairness expected by the homeowner and personified the caring that we always hope to express here in the Town of Lyme.

Officer's Reports

Supervisor's Report – March 2015

RESOLUTION 2015 – 42: Motion by Councilman Villa and seconded by Councilman Bourquin approving the Supervisor's Report as submitted by Accountant Cathy Satterley of Bower's and Company. Three ayes. Motion carried.

Highway Superintendent's Report – Pat Weston

Pat would like to put the 1986 MACK and the 2000 MACK Trucks out to bid.

The 2000 MACK can be sold as scrap only due to the insurance company deeming it as "totaled". The Town will have to make a stipulation indicating that it can only be sold for "scrap".

The FEMA reimbursement paperwork has been completed. The reimbursement from the November snow storm will be approximately \$13,882.64. Pat also has some concerns with the amount of trash people are leaving along the roadsides and in resident's yards. Pat would like to have the Town Board get the word out that littering is against the law and we need to do everything we can to keep the debris in its proper place.

The Highway Department has been out cleaning up the roads; Pat would much rather have them doing work that is more conducive to highway work, such as pavement and equipment maintenance and culvert cleaning, etc.

Clerk's Report – March 2015

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| Total State County and Local Revenues: | \$2,560.50 |
| Total Local Shares Remitted: | \$2,339.83 |

RESOLUTION 2015 – 43: Motion by Councilman Villa and seconded by Councilman Bourquin approving Abstract #7 in the amount of \$22,960.78. Three ayes. Motion carried.

RESOLUTION 2015 – 44: Motion by Councilman Bourquin and seconded by Councilman Villa approving Abstract #8 in the amount of \$97,343.75. Three ayes. Motion carried.

RESOLUTION 2015 – 45: Motion by Councilman Villa and seconded by Councilman Bourquin approving the Minutes of the March 11, 2015 Town Board Meeting as submitted by Clerk Wallace. Three ayes. Motion carried.

RESOLUTION 2015 – 46: Motion by Councilman Villa and seconded by Councilman Bourquin approving the advertising for bids of the 1986 and 2000 MACK Trucks in the Watertown Daily Times. The 2000 MACK will be sold for "salvage only". Three ayes. Motion carried.

Assessor's Report – Marsha Barton

The STAR Program will continue to be an exemption, instead of the proposal to make it a tax credit for the next budget year.

All the changes have been made for the Tentative Assessment Roll. The Assessors have made approximately 200 changes to property values. The change notices will be mailed out to the residents by the end of April.

Municipal Water Board Report – Marsha Barton

The Water Board is progressing on the changes they are making to the Water Use Law. They will be including a section that will address “developments”.

The revenues to date for the Water Facility are \$1,562.25. This figure is up by approximately \$50.00 for the same period in 2014. Everything has been running smoothly so far, even with the extremely cold winter.

The Water Board is in the process of receiving quotes for having an inspection that can determine the extent of the damage of the Three Mile Bay Water Tower. After having the tank freeze this winter it has been confirmed that there was damage to the tank.

Utility Services Group is on hold until the Water Board can get more information.

Planning Board Report – Frank Congel

The Town Board and Planning Boards will schedule a Joint Meeting in June to discuss Special Use Permit procedures and the Planning Board By-Laws.

The Planning Board has been working with the County Planning Department reviewing our Local Zoning Ordinance. They will have a draft ready, with changes to present to the Town Board in June.

Youth Committee Report

The annual soccer clinic will be starting for the 6 through 13 age groups.

The Summer Recreation Program will be starting the first Monday after the 4th of July. Stephanie Doney, Brianna West and Linda Adams will be the program attendants again this summer.

The Cornell Cooperative Extension has been fully funded for the after school program at the school, once again this year. Parents and children are grateful that the program is able to continue.

ZEO/CEO – Jim Millington

Jim attended the mandatory 24 hour training last week and thanked the Town Board for allowing him to go and share the expenses with the Village of Dexter.

There was an emphasis on energy this year. There were several experts that came to the classes.

There was also discussions regarding hazardous materials in buildings and the proper disposal of it.

Permits Issued for March 2015 as follows:

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|------------------------------|---|
| Building/Zoning Permits: | 7 |
| Certificates of Occupancy: | 1 |
| ZBA Referrals: | 2 |
| Site Visits and Inspections: | 5 |

Permits Issued for:

| | |
|------------------------------------|---|
| Home or Cottage: | 2 |
| Deck or Porch: | 2 |
| Other, Pools, Slabs, Sheds, Roofs: | 2 |
| Septic: | 1 |

New Business

RESOLUTION 2015 – 47: Motion by Councilman Bourquin and seconded by Councilman Villa granting the request of Lyme Central School for the use of the

Morris Tract Ball Field for the Spring Sports Season of 2015. A copy of the School's liability insurance has been filed in the Town Clerk's Office. Three ayes. Motion carried.

RESOLUTION 2015 – 48: *Motion by Councilman Bourquin and seconded by Councilman Villa approving Heather O'Brien and Scott Radley for the summer youth soccer clinic to include ages 6 through 13 for the 2015 season. The clinic will be held on Monday and Wednesday's for a period of six weeks. The Town will contact Mike Gillette to verify insurance coverage for the program. Three ayes. Motion carried.*

Old Business

Water District #2 Extension Request

Gail Miller explained that it is the prime season for selling property. She is concerned about moving forward with the sales of the Lance Estate Subdivision due to the Town Board moving forward cautiously and slowly, with no guarantee that they will approve the water district extension.

Gail stated that she was surprised to hear Supervisor Aubertine speak in a vehement tone at the Town Board's March Meeting. The Lance family is constructing the infrastructure at their own expense and will be turning that infrastructure over to the Town upon completion. Gail went on to say that this is a new project and they have tried to be considerate and pleasant, hoping to arrive at an agreement that will benefit everyone involved.

The Lance's have no concept and they are not clear about the type of charges the Town is suggesting the developers will be responsible for. They are concerned with the charges because the situation with the fees is not clear.

The Town Board would like to see the Lances be responsible for engineering and attorney fees that will be associated with the municipal water infrastructure.

Supervisor Aubertine had correspondence from Tom Ross of GYMO; and in that correspondence it clearly stated that the project, including design and construction will be paid for by the Lances.

Also, within the Water Districts User Agreement it speaks of costs associated with hooking into the Municipal Water Supply.

Councilman Bourquin feels that if for some reason the project does not go forward it would be hard to get the money from the developer.

Municipal Water Board Chairwoman Marsha Barton stated that the Tow is working with development issues for the first time. The Municipal Water Board feels that due to costs associated with maintain the water line, at the very least the Lance's should pay a ½ EDU, there will be water running up the line so this will result in periodic flushing and maintenance.

RESOLUTION 2015 – 49: The following Motion was offered by Councilman Villa, who moved its adoption and seconded by Councilman Bourquin, to wit:

WHEREAS, the Town of Lyme is undertaking a project for the extension to its Water District #2, and

WHEREAS, in conjunction with the plan the Town Board has worked with its engineers, Bernier, Carr and Associates (BCA), and

WHEREAS, in conjunction with such project a short form environmental assessment for has been prepared by BCA, and

WHEREAS, the Town Board has previously requested that it be allowed to act as lead agency for the purpose of a coordinated review, and

WHEREAS, the Town Board as lead agency has conducted such a coordinated review, and

WHEREAS, after having conducted that review, the Town Board has made certain findings as set forth in Part II of the Short Form SEQR, and

WHEREAS, the impacts identified in Part II of the EAF are small to moderate, and

WHEREAS, as a result of the same, there appears to be no significant detrimental long-term impacts for the project, now therefore, be it

RESOLVED that the Town Board of the Town of Lyme as Lead Agency for the Extension of Water District #2 (Lance Development) project does hereby make and determine that a negative declaration be prepared as the project will

not result in large or important impacts and will not have significant detrimental impacts on the environment.

The question of the adoption of the foregoing Resolution was duly put to a vote as follows:

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| <i>Supervisor Aubetine</i> | <i>Yes</i> |
| <i>Councilman Bourquin</i> | <i>Yes</i> |
| <i>Councilman Villa</i> | <i>Yes</i> |

The Resolution was thereupon declared duly adopted.

April 8, 2015

Chaumont, New York

BY ORDER OF THE TOWN BOARD OF THE TOWN OF LYME

RESOLUTION 2015 – 50: Motion by Councilman Villa and seconded by Councilman Bourquin requesting the Municipal Water Board to modify the Town of Lyme’s Water Use Law, as agreed upon stating the following:

That there will be no charges until the first lot in a development is sold, thereafter a charge of a single EDU will be implemented once service has been applied for.

The Development, at that time will be charged ½ EDU until the fifth lot is sold. Upon the sale of the fifth lot, charges will no longer apply.

Three ayes. Motion carried.

RESOLUTION 2015 – 51: Motion by Councilman Bourquin and seconded by Councilman Villa approving SEQR’s Part I and II, indicating that there will be no moderate to large environmental impacts occurring with the development of Water District #2 Extension (Lance Development). Three ayes. Motion carried.

The Town Board had a short, five minute recess from 7:55 through 8:00 p.m.

Resolution 2009-144

“A Committee will be created that will be comprised of two Planning Board members, two Zoning Enforcement Officers, two ZBA members, one Town Board member, and two at large positions. This committee will review and make recommendations to the Town of Lyme’s current Zoning Ordinance”.

Councilman Villa states that it is a good idea to have this committee formed so they can put their heads together. We need to enforce the formation of this committee and its function, the Resolution has been passed.

Resolutions for the Progression of the Three Mile Bay Waste Water Feasibility Study

Gregor Smith of Bernier and Carr has reviewed the information from a similar study that was conducted in Three Mile Bay several years ago. Due to the content of the earlier study, Gregor was able to use prior information to apply toward this study, ultimately bringing the cost of this study to \$20,000.00, with the Town’s share being brought down to \$4,000.00 which would also include some “in-kind” services that can be provided by the Town.

RESOLUTION 2015 – 52: NOW, THEREFORE, BE IT:

RESOLVED that the Town of Lyme authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Three Mile Bay Sewer District Study Project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to by the Supervisor Scott Aubertine, shall not exceed \$4,000.00 based upon 20% of the total project costs based upon a total estimated maximum project cost of \$20,000.00. The Supervisor may decrease this local match through the use of in-kind services without further approval from the Town of Lyme.

Dated this 8th Day of April, 2015

Motion introduced by Councilman Bourquin and seconded by Councilman Villa.

Supervisor Aubertine

Aye

Councilman Bourquin **Aye**
Councilman Villa **Aye**

Councilwoman Harris **Absent**
Councilman Henderson **Absent**

The Motion was carried.

SEQR Type II Determination Resolution

RESOLUTION 2015 – 53: WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision C of that Section are not subject to environmental review under the Environmental Conservation Law.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Lyme hereby determines that the CWSRF Engineering Planning Grant is a Type II action in accordance with 6 NYCRR Section 617.5 ©-actions or classes of actions identified in subdivision © of this section are not subject to review under this Part. These actions have been determined not to have significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, Article 8. The actions identified in subdivision (2) of this section apply to all agencies.

Dated April 8, 2015

Introduced by Councilman Bourquin and seconded by Councilman Villa.

Supervisor Aubertine **Aye**
Councilman Bourquin **Aye**
Councilman Villa **Aye**

Councilwoman Harris **Absent**
Councilman Henderson **Absent**

Three ayes and the Motion was carried.

Authorization for Representative to Execute a Grant Agreement

RESOLUTION 2015 – 54: NOW, THEREFORE, BE IT RESOLVED that the Supervisor, Scott Aubertine is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all contracts, documents and instruments necessary to bring about the Project and to fulfill the Town of Lyme obligations under the Engineering Planning Grant Agreement.

RESOLVED, that this Resolution shall take effect immediately.

Dated April 8, 2015

Motion introduced by Councilman Bourquin and seconded by Councilman Villa.

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| <i>Supervisor Aubertine</i> | <i>Aye</i> |
| <i>Councilman Bourquin</i> | <i>Aye</i> |
| <i>Councilman Villa</i> | <i>Aye</i> |

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| <i>Councilwoman Harris</i> | <i>Absent</i> |
| <i>Councilman Henderson</i> | <i>Absent</i> |

Three ayes and the Motion was carried.

Penalty for Failure to Obtain Building Permit

RESOLUTION 2015 – 55: Motion by Supervisor Aubertine and seconded by Councilman Villa TABLING the discussion of a Penalty for Failure to Obtain a Zoning Permit. This function would necessitate a change in the Town Zoning Law which would in turn have to be sent to Jefferson County Planning and finally require a public hearing. The Town Board will proceed once it receives the proposal from the Planning Board. Three ayes. Motion carried.

Transfer Site Recycling Requirements

RESOLUTION 2015 – 56: Motion by Supervisor Aubertine and seconded by Councilman Bourquin adopting the updated handout to be provided to residents

concerning the Transfer Sites Recycling Requirements and Mandatory Transfer Site Rules and Regulations. Three ayes. Motion carried.

Town and Village Inter-Municipal Agreement

The Inter-Municipal Agreement between the Town and Village has been revised to include what each entity does for the other.

The Village is also discussing the possibility of reading meters monthly and going to a monthly billing for the water and sewer services.

Councilman Villa feels that the Town cannot increase our “outlay” on our side without a corresponding fee that would go with the service.

RESOLUTION 2015 – 57: Motion by Councilman Bourquin and seconded by Councilman Villa TABLING the Inter-Municipal Agreement with the Village of Chaumont. Part III would ask for a modification for mowing and trimming the Morris Tract Ball Field by Village DPW. The Town Board would also request that the payment plan changes be included in the Agreement. Three ayes. Motion carried.

RESOLUTION 2015 – 58: Motion by Councilman Bourquin and seconded by Councilman Villa approving the Jefferson County Snow and Ice Agreement between the County of Jefferson and the Town of Lyme on this 8th Day of April, 2015; for the period of January 1, 2015 through December 31, 2019 being summarized as follows:

WHEREAS, the County is in need of manpower, machinery and equipment in connection with the maintenance, construction and reconstruction of County Roads and Bridges, and the removal of snow and ice from County Roads and Bridges, and

WHEREAS, the Town has the available manpower, machinery and equipment to meet the County’s requirements, and desires to provide the same.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, the Parties agree as follows:

- Section 1. Term**
- Section 2. Categories of Services**
- Section 3. Routine Road and Bridge Maintenance Services.**
- Section 4. Directed Road and Bridge Maintenance Services.**
- Section 5. Construction and Reconstruction Projects**
- Section 6. Sanding and Snow and Ice Removal.**
- Section 7. All Work To Be Done In A Workmanlike Manner/Correcting Deficiencies.**
- Section 8. Work To Be Performed In Other Towns**
- Section 9. Safety Precautions**
- Section 10. Traffic Control**
- Section 11. Protection of Property**
- Section 12. Payment for Services**
- Section 13. Requests for Payment**
- Section 14. Examination and Audit**
- Section 15. Insurance**
- Section 16. Defense and Indemnification; Consequential Damages**
- Section 17. Prohibition Against Assignment**
- Section 18. Obligation Limited To Funds Available**
- Section 19. Non-waiver**
- Section 20. Compliance With All Laws**
- Section 21. Force Majeure**
- Section 22. Severability**
- Section 23. Suspension and Termination**
- Section 24. Law**
- Section 25. Notices**
- Section 26. Attachments**
- Section 27. Extent of Agreement**
- Section 28. Modification**
- Section 29. No Third-Party Beneficiary**

All Town Board Members Present were in favor of the Motion and it was carried.

RESOLUTION 2015 – 59: Upon a Motion offered by Councilman Bourquin and seconded by Councilman Villa the terms, conditions and covenants of the Shared

Highway Services Agreement between the County of Jefferson and the Town of Lyme for the period of January 1, 2015 through December 31, 2019, are binding upon and inure between each of the signatories of the Agreement.

WHEREAS, the Parties to this Agreement mutually recognize the economies of scale inherent in sharing equipment, labor and materials cooperatively in order to complete individual municipal projects economically and expeditiously, and

WHEREAS, framework provided by this Agreement permits the Parties hereto to engage in the sharing of equipment, labor and materials with a common understanding regarding record keeping, liability and insurance matters.

NOW, THEREFORE, IT IS HEREBY AGREED:

- Section 1. Definitions***
- Section 2. Terms and Conditions***
- Section 3. Insurance***
- Section 4. Defense and Indemnification; Consequential Damages***
- Section 5. Dispute Resolution***
- Section 6. Revocation***
- Section 7. Obligation Limited to Funds Available***
- Section 8. Severability and Modification***
- Section 9. Term of Agreement***
- Section 10. Notice***
- Section 11. Counterparts***
- Section 12. Attachments A thru E***

All Town Board Members were in agreement and approved the contents of the Agreement and the Motion was carried.

Privilege of the Floor – None Heard

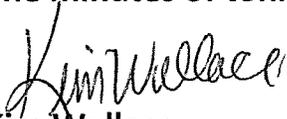
RESOLUTION 2015 – 60: Motion by Supervisor Aubertine and seconded by Councilman Villa moving the Town Board into Executive Session at 8:35 p.m. to discuss a personnel matter. Three ayes. Motion carried.

RESOLUTION 2015 – 61: Motion by Supervisor Aubertine and seconded by Councilman Villa moving the Town Board back into open session at 9:10 p.m. Three ayes. Motion carried.

RESOLUTION 2015 – 62: Motion by Councilman Villa and seconded by Councilman Bourquin appointing Gary Bird to the Board of Assessment Review, filling the position of William Utess. Mr. Bird's term will end on September 30, 2016. The Town Board is also appointing Ed DeMattia as an alternate to the Board of Assessment Review for the 2015 Grievance period. Three ayes. Motion carried.

At 9:10 p.m. a Motion was offered by Supervisor Aubertine and seconded by Councilman Villa adjourning tonight's meeting. Three ayes. Motion carried.

The minutes of tonight's meeting are respectfully submitted by,



**Kim Wallace
Town Clerk**