

**Town of Lyme
August 10, 2011
Joint Meeting – 6:15 P.M.
Regular Monthly Meeting – 6:30 P.M.**

Supervisor Aubertine opened tonight's Joint Meeting at 6:17 p.m.

Present at tonight's meeting: Supervisor Aubertine, Village Mayor Val Rust, Councilmen Johnson and Bourquin, Councilwoman Harris, Village Trustees Mike Nichols and Jim Price, Village Clerk Paula Radley, Assessor Chair Marsha Barton, Planning Board Chair Ed DeMattia, Village Code Enforcement Officer Dave Lachenhauer and approximately 10 others.

Tonight's Joint Meeting is to hear the request of James Bevens in regard to the annexation of his property located on 11856 County Route 125, tax parcel number 61.15-1-2, in to the Village of Chaumont. Mr. Bevens submitted a petition for annexation and requested that his property, presently located in the Town of Lyme and adjoins the territory of the Village of Chaumont be considered for annexation.

RESOLUTION 2011 - 121: Motion by Supervisor Aubertine and seconded by Councilman Johnson approving the petition filed by James Bevens requesting that the property located at 11856 County Route 125, Chaumont, NY, Parcel Number 61.15-1-2, be annexed into the Village of Chaumont;

WHEREAS, a Petition, pursuant to Article 17 of the General Municipal Law, was presented to the Town Board of the Town of Lyme on August 10, 2011, by: James L. Bevens for the annexation of certain territory in the Town of Lyme to the Village of Chaumont, said territory being described in the Petition and

WHEREAS, a joint hearing of the Town Board of Lyme and Village Board of the Village of Chaumont, was duly held on the Petition for Annexation, according to Law at the Town Hall, Town of Lyme on August 10, 2011 at which all parties interested in the matter were heard and all objections presented, and

WHEREAS, the Town Board of the Town of Lyme and the Village Board of the Village of Chaumont have duly considered the Petition and the evidence presented at the hearing and note that the information submitted in connection with the petition is sufficient to proceed.

NOW, THEREFORE, IT IS ORDERED, that the consent and approval of the Town Board of the Town of Lyme and the Village Board of the Village of Chaumont and hereby give the annexation of the territory now located in the Town of Lyme and described in each aforesaid petition to the Village of Chaumont.

Town of Lyme

Village of Chaumont

Supervisor Aubertine Yes

Mayor Rust Yes

Councilman Johnson Yes

Trustee Nichols Yes

Councilwoman Harris Yes

Trustee Price Yes

Councilman Bourquin Yes

All Town Board Members present were in favor and the Motion was carried.

RESOLUTION 2011 -122: Motion by Supervisor Aubertine and seconded by Councilman Bourquin to adjourn tonight's Joint Meeting at 6:27 p.m. Four ayes. Motion carried.

Supervisor Aubertine opened the Regular Monthly Meeting at 6:30 p.m. with a Prayer and the Pledge of Allegiance.

Opening Bids of Surplus Equipment

There were two bids submitted for the surplus equipment being offered by the Town Highway Department. The Notice to Bidders was placed in the Watertown Daily Times on July 26, 2011.

RESOLUTION 2011 - 123: Motion by Supervisor Aubertine and seconded by Councilman Bourquin approving the bid of \$300.00 (three hundred dollars) for the 1999 Dodge Ram, three quarter ton pickup truck

purchased by Garth Thompson and also accepting the bid of \$6,490.00 (six thousand four hundred ninety dollars) for the 1995 Mack plow truck and two fourteen foot wings from Village Truck Sales, Inc., 800 Cheshire Road, Lanesboro, MA. The "Notice to Bidders" was placed in the Watertown Daily Times on July 26, 2011. Four ayes. Motion carried.

Officer's Reports

Supervisor's Report – July 2011

Councilman Johnson provided the breakdown of the July 2011 Supervisor's Report in the absence of Accountant Tom Bowie.

RESOLUTION 2011 -124: Motion by Councilman Johnson and seconded by Councilwoman Harris accepting the July 2011 Supervisor's Report as submitted by Town Accountant Tom Bowie. Four ayes. Motion carried.

Highway Superintendent's Report – Pat Weston

RESOLUTION 2011 - 125: Motion by Councilman Johnson and seconded by Councilwoman Harris accepting the offer from Unicell for \$700.00 (seven hundred dollars) in lieu of repairs to the new utility box that has been damaged on the new pickup truck. The damages were done prior to the Town Highway Department taking possession of the vehicle. Four ayes. Motion carried.

The Highway Department has been working on County Route 6 in Cape Vincent for the past few weeks, the work on South Shore Road and Point Peninsula has been completed, the intersection of the Merchant Road and NYS Route 12E has been replaced with new blacktop, the sand pit on County Route 4 has been seeded, all requirements mandated by the DEC concerning the highway's bulk fuel tanks have been met and approved by the DEC.

Superintendent Weston would like to address the Board in regard to creating a capital account for the purpose of planning for the replacement of highway equipment.

Pat would also like to address the situation with Academy Street in Three Mile Bay. Donna Tinnuci has once again requested that Academy Street be considered to limit trucks.

RESOLUTION 2011 - 126: Motion by Supervisor Aubertine and seconded by Councilman Johnson TABLING the Tinucci request for Academy Street until the September 2011 Regular Monthly Meeting upon direction from the DOT and Lori Mithen, Association of Towns. Four ayes. Motion carried.

Clerk's Report – July 2011

Total State, County and Local Revenues:	\$12,599.73
Total Local shares Remitted:	\$10,908.27

Audit of Bills

RESOLUTION 2011 - 127: Motion by Councilman Bourquin and seconded by Councilman Johnson approving Abstract #15 in the amount of \$2,820.00. Four ayes. Motion carried.

RESOLUTION 2011 -128: Motion by Councilman Johnson and seconded by Councilman Bourquin approving Abstract #16 in the amount of \$113,827.10. Four ayes. Motion carried.

Department Reports

Municipal Water Board Report

Mike Woods, County Route 5 has started the paperwork establishing a separate water district for his property, that will be coming directly from the DANC line. He is not in a water district, but the DANC line crosses his property. Mr. Woods has an emergency situation due to the fact that he has a dairy farm with 45 head of cattle and his source of water has dried up. He has hired an engineering firm to provide a plan; he is also working with the DANC engineers. The Municipal Water Board is waiting to hear from Mark Gebo as to the direction they need to take in forming a new water district.

Marsha has not heard from John Lennox or Steve Hall regarding how they would like to proceed with their water situation on the Cheever Road.

Youth Committee Report – Charlie Mount

It has been a busy summer and Charlie thanked Supervisor Aubertine and Highway Superintendent Weston for all they have done in support of the Town's Youth Programs.

The Willie Putnam Baseball Tournament brought approximately 2000 people into our community. The Nice and Easy Convenient Store reported that they had their biggest day of earnings to date, during the weekend of the Tournament.

The Summer Recreation program finished last Friday, they averaged between 40 and 60 kids per day in attendance for the program. The school has also been excellent to work with during the program.

TPACC has contributed funding for the signs on the 12E Field.

The soccer program will continue through next week. Baseball is finished for the season; the Grasshopper's A and B Teams finished the season undefeated.

RESOLUTION 2011 -129: Motion by Councilwoman Harris and seconded by Councilman Bourquin approving two new teams in the Town's Youth Program; boys baseball - nine years old and under and 11 years old and under. Practices will take place on Sundays and Wednesdays. Four ayes. Motion carried.

Enforcement Officer's Report – July 2011 - Jim Millington CEO

Building Permits Issued:	25
Demo Permits Issued:	2
Certificates of Occupancy Issued:	3
ZBA Referrals:	5
Site Visits and Inspections:	28
Complaints:	3
Investigations:	4

Planning Board Report – Ed DeMattia

Ed has been working on putting the Zoning Ordinance in Word format.

He has also been working on the Planning Board By-Laws; once the changes are made he will send them to the Town Board. Andy Nevin from County Planning has a list of terms he feels need to be addressed.

Approval of Minutes

RESOLUTION 2011 -130: Motion by Councilwoman Harris and seconded by Councilman Bourquin approving the Minutes of the June 22, 2011 Special Meeting, the July 13, 2011 Regular Monthly Meeting and the July 19, 2011 Special Meeting as submitted by Clerk Wallace. Four ayes. Motion carried.

Correspondence

Lyme Central School District – Opt Out of Real Property Tax Law 487:

A letter was received from the office of Ferrara, Fiorenza, Larrison, Barrett and Reitz, Attorney's representing the Lyme Central School District. The letter was written to advise the Town that the School District has opted out of RPTL 487 and that any wind developer must contact their office if it wishes to discuss a payment in lieu of tax agreement.

New Business

Sole Appointed Assessor

RESOLUTION 2011 - 131: Motion by Councilman Johnson and seconded by Councilwoman Harris approving an advertisement in the Watertown Daily Times soliciting applicants to fill the vacant assessor's position. Four ayes. Motion carried.

RESOLUTION 2011 - 132: Motion by Supervisor Aubertine and seconded by Councilman Bourquin establishing the date of August 24, 2011 for a Public Hearing to hear any comments regarding the Sole Appointed Assessor's position and a Special Meeting of the Town Board to directly follow. Four ayes. Motion carried.

Wind Surveys

RESOLUTION 2011 - 133: *Motion by Supervisor Aubertine and seconded by Councilman Johnson requesting Paul Carr and Mike White tabulate the results of the 2011 Wind Surveys. Four ayes. Motion carried.*

RESOLUTION 2011 - 134: *Motion by Councilman Johnson and seconded by Councilman Bourquin setting a deadline of September 1, 2011 to have the Wind Surveys either tuned into the Town Clerks Office or postmarked, no later than September 1, 2011. Four ayes. Motion carried.*

RESOLUTION 2011 - 135: *Motion by Councilman Bourquin and seconded by Supervisor Aubertine approving the recreation field sign purchased by TPACC with no ornamental brackets and reading "Welcome to the Town of Lyme Recreation Park". Four ayes. Motion carried.*

RESOLUTION 2011 - 136: *Motion by Supervisor Aubertine and seconded by Councilman Johnson adopting the Fire Contracts for the Three Mile Bay Fire Department and the Chaumont Volunteer Fire Department as proposed by Attorney Gebo. Four ayes. Motion carried.*

RESOLUTION 2011 - 137: *Motion by Councilwoman Harris and seconded by Councilman Johnson appointing Bill Scarpicchi as the Water Operator for Water District #5. Four ayes. Motion carried.*

RESOLUTION 2011 -138: *Motion by Councilman Bourquin and seconded by Councilwoman Harris approving the NYS DOT Three Mile Bay Easement.*

Resolved at a Regular Meeting of the Town of Lyme on August 10, 2011, the following Resolution was adopted, offered by Councilman Bourquin and seconded by Councilwoman Harris and passed by the Town Board.

*That the Town Board accepts the appropriation of \$400.00 in the adjustment of the claim for \$350.00 for Direct Damages and \$50.00 compensation for rental value of the Temporary Easement on:
Project SH 1164 Cape Vincent – Watertown, Part 2;
PIN 7111.19 201*

*Maps: 149;177
Parcels: 218,246,247TE
Town of Lyme
Jefferson County*

And that Supervisor Scott G. Aubertine be empowered to execute the Agreement and any subsequent papers which might be required to secure payment of this claim.

Ayes

*Supervisor Aubertine
Councilman Johnson
Councilwoman Harris
Councilman Bourquin*

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

RESOLUTION 2011 - 139: Motion by Councilman Bourquin and seconded by Councilman Johnson approving the Proclamation "A Day to Remember":

WHEREAS, the unprovoked attacks of September 11, 2001, upon America by foreign terrorists have thrust the United States, and other countries, into a war it never envisioned, militarily or diplomatically; and

WHEREAS, the challenges facing all the civilized people of the world as they relate to the war on terrorism will not end until those fanatics responsible are eliminated or brought to justice: and

WHEREAS, America is fully committed through operations Enduring Freedom, Noble Eagle and Iraqi Freedom to ensure our freedoms remain unfettered and sovereign for all generations, now and forever; and

WHEREAS, world opinion needs to remain focused upon eradication of these inhumane acts perpetrated around the globe; and

WHEREAS, one way to accomplish this is to NEVER FORGET that those innocent victims did not die in vain; and

WHEREAS, America can fight back by reminding the world that the deaths of these people will always be remembered, and that they will be forever loved; and

WHEREAS, Noble and appropriate way to accomplish this is through the annual celebration of their lives: and,

WHEREAS, this commemoration should be conducted September 11, s

- *The promotion of global peace and goodwill;*
- *The demonstration of America's resolve and perseverance to win the war on terrorism;*
- *The advancement of responsible citizenship;*
- *The encouragement of patriotism and love of country; and*
- *The poignant remembrance of those innocent victims who died September 11, 2001 as heroes, one and all; now there be it*

RESOLVED, as the Supervisor of the Town of Lyme, I am issuing this proclamation to memorialize those men, women, and children who lost their lives; and be it further

RESOLVED, that this proclamation be publicized for all to see and know that the citizens of The Town of Lyme remember with eternal respect those whose lives were suddenly, without cause and pointlessly taken from them on September 11, 2001.

May they forever rest in peace and abide in our memories.

Four ayes. Motion carried.

RESOLUTION 2011 - 140: Motion by Supervisor Aubertine and seconded by Councilman Johnson approving Dragon, Benware and Crowley to perform the required audit for 2010, Water District #5, not to exceed \$5,700.00. Four ayes. Motion carried.

Privilege of the Floor

Harry Staudenmayer reminded the Town Board to reimburse anyone who may have paid the \$200.00 for the Seasonal Mobile Residency Permit prior to the fee reduction of \$100.00 per permit.

Motion by Supervisor Auberitne and seconded by Councilman Johnson moving the Town Board into Executive Session to discuss a personnel issue at 8:45 p.m. Four ayes. Motion carried.

At 9:20 p.m. a Motion was made by Councilman Johnson and seconded by Councilman Bourquin moving the meeting back to open session. Four ayes. Motion carried.

A Motion was made by Councilwoman Harris and seconded by Councilman Bourquin adjourning tonight's meeting at 9:20 p.m. Four ayes. Motion carried.

Tonight's Minutes are Respectfully Submitted by,

*Kim Wallace
Town Clerk, Town of Lyme*