

**Town of Lyme
August 14, 2013
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, Councilwoman Harris, Councilmen Bourquin, Villa and Henderson, Highway Superintendent Pat Weston, Assessor Chairwoman Marsha Barton, Assessor Roz Gotham, ZBA Member Harry Staudenmayer, County Legislator Bob Thomas, Three Mile Bay Cemetery Superintendent Julia Gosier, Town Accountant Tom Bowie and approximately 6 others.

Privilege of the Floor

Mike Pierce – Fire Road 22, Seasonal Resident Point Peninsula: Mr. Pierce is in attendance of tonight's meeting hoping to gain some clarity on the Town's Zoning Laws. Recently Mr. Pierce has received violations on different occasions regarding circumstances involving his property. Mr. Pierce has tried to have communications with Mr. Millington but he has tried calling him and catching up with him at the office and Mr. Millington has not responded. Mr. Pierce feels that Mr. Millington is hiding behind certified letters.

Mr. Pierce would like to be able to sit down with Mr. Millington in order to gain clarity on the matter.

Harry Staudenmayer stated that Mr. Pierce has been before the ZBA and he feels it is a ZBA matter.

RESOLUTION 2013 – 113: Motion by Councilman Villa and seconded by Councilman Henderson approving the July 2013

Supervisor's Report as submitted by Town Accountant, Cathy Satterley. Five ayes. Motion carried.

A Motion was offered by Supervisor Aubertine and seconded by Councilman Villa moving the Town Board in to Executive Session regarding a litigation matter at 6:45 p.m. Five ayes. Motion carried.

A Motion was offered by Supervisor Aubertine and seconded by Councilwoman Harris moving the Town Board back into open session at 7:10 p.m. Five ayes. Motion carried.

County Legislator Bob Thomas

Councilwoman Harris has explored the possibilities of the Phase II testing necessary for the Wilson property located on the corner of the Morris Tract Road and NYS Route 12E and the County's position in the matter.

There are many variables involved at this time and it would be in the Town's best interest to wait for correspondence from the Jefferson County Attorney's Office before proceeding with any aspect of the project.

Mr. Thomas reiterated that the Town must proceed by following the letter of the Law.

Highway Superintendent's Report –Pat Weston

Klock Road Request – Gary Stinson and Barry Dillon

Mr. Stinson started off by thanking the Town Board for adding them to the agenda this evening.

There are nine or ten residents that own property on the Klock Road. In the past the residents sharing the use of the road have paid \$100.00 a year for maintenance of the portion of the road.

that ends at the culvert pipe; in the basic vicinity of where the Town owed property begins and is approximately 3/10 of a mile long. Mr. Stinson stated that the road is used and owned by the Town and therefore it is a Town Road. The road gets a lot of use and there is approximately \$1,800,000.00 of assessed property value on the Klock Road.

Mr. Stinson and the residents of the Klock Road are hoping the Town Board will assume responsibility for the maintenance of their portion of the roadway.

There have been heavy rains this year that have eroded the road base down to bedrock on the area of the right-of-way that the Town owns. Mr. Stinson feels that something should be done before the road is completely gone. Some areas on the backside of the hill are getting down to bedrock.

Supervisor Aubertine stated that the 3/10 mile of the road is not listed or recorded as a Town Road so it is a private road. The Klock Road is a private road and the Town is not obligated to maintain it.

Mr. Stinson stated that all the residents using the road pay \$100 for the trucking (which runs approximately \$300) and the material (which is approximately \$600). Mr. Stinson has his personal tractor that he uses for the project but he does not charge the residents for it.

The purchased stone is enough to put a skim coat on the road but it doesn't do a great job of covering it. He has tried to ask the residents of the road for \$200.00 a year but he had much resistance.

Councilman Bourquin asked Mr. Stinson why the Town is being asked to maintain the road when the Town does not utilize it. The Right-of-way that is established with the property predates the Town's ownership of it. Are any of the other residents that

own property along the right-of-way been asked to share expenses of road maintenance?

Mr. Stinson pointed out that Section 280-a of the Town Law states, "No building permits will be issued unless the street or highway giving access to the structure has been placed on the official map or plan. Before the issuance of a permit, the street or highway shall have been improved to the satisfaction of the Town. The right to appeal for exceptions or variances is granted by law. The Town Board may establish open development areas access by easement, subject to Planning Board rules."

Mr. Stinson stated that the Town has issued building permits down there, the Town issued one to Mr. Stinson himself and he has built down there, without improvements to the road.

Mr. Stinson's residence happens to be seasonal but Steve and Karen Mason live down there year around. To complicate matters even more, Steve is totally disabled. So if there is an instance in the middle of the winter where the snow is flying and Steve has a problem and can't get out, who will get him out of there?

Councilman Bourquin asked what if the Town worked on the Klock Road? There are a lot more residents on Duck Harbor and Failing Shores; there are probably more private roads in the Town than public roads. Where do we draw the line?

Mr. Stinson asked if the Town owned property on any of the other seasonal roads? Mr. Stinson also stated that the Town uses the Klock Road. The Highway Department has gone down there and placed posted signs along the road. The Town put topsoil down there, it was not the residents of the road.

Councilman Bourquin stated that if someone had not been stealing the topsoil the Town probably would have never gone down there.

Highway Superintendent Weston stated that it doesn't matter; Highway Law says it is not a public use road, period! It does not matter who owns the road, the Town or the residents; it is illegal for the Highway Department to work on any "non-public" use roadway.

Pat stated that the Association of Towns Attorney, Lori Mithen provided the information to him.

Highway Superintendent Weston has forwarded any emails from the Association of Towns on to Mr. Stinson.

Supervisor Aubertine understands because we do own part of Klock Road we could be good neighbors and put down a little stone. There is nothing that says we would have to do it every year.

Supervisor Aubertine asked if Mr. Stinson or Mr. Dillion knew of anyone down there that would be interested in purchasing the property owned by the Town along the Klock Road?

Councilman Villa suggested closing the road off.

Mr. Stinson stated that if the Town were to do that they would have \$1,800,000 worth of property nobody could get to.

Councilman Bourquin feels that the Town would be setting a bad precedence; if they were to do any work to the Klock Road.

Mr. Dillion stated that the Town owns both sides of the Klock Road, that's what they feel separates what is being discussed here verses a generic road within the Town.

Mr. Stinson asked if the Klock Road was the only private road in Town with these circumstances. Supervisor Aubertine stated that we had one other.

Supervisor Aubertine asked Highway Superintendent Weston if he could grade what material is on Klock Road. Pat said, "no" because it is all flat rock right there and any stone put down would get washed away. Pat feels it would be worthless to place any stone there.

Mr. Stinson feels that if the road was built up the water would run off it and not wash it away. He feels that half a dozen truck loads would take care of the problem.

Supervisor Aubertine once again reiterated that the Klock Road is a private road and the Town is not obligated in any way to provide maintenance or material to the road.

Councilman Bourquin indicated that if the Town was originally the party who granted the right-of-way then maybe we would feel a little more obligated to do something. He stated that the Town does not use the road for any reason and they have never used it. Again, the Town would be setting a bad precedent.

Mr. Stinson disagrees with Councilman Bourquin and feels that there is no precedent setting being done here.

Supervisor Aubertine stated that if the Klock Road had been listed as a Town Highway the Town Board would be responsible for the 3/10 of a mile being discussed, but it is not listed; so the Town does not have to maintain it.

Councilman Henderson is inclined not to set any precedent. If the Town does it for the Klock Road then we may have more residents of private roads knocking on our door for the same reason.

Councilman Bourquin feels this would set a moral precedent. If we do it for one then we will have to do it for another.

Mr. Stinson requested a copy of the minutes of tonight's meeting.

Police Car

Supervisor Aubertine has contacted the Village regarding the police car. The Town Board will table the discussion until the September meeting after he hears back from the Village.

Superintendent Weston said that the top book end price would be \$3,500.00.

Clerk's Report – July 2013

Total State County and Local Revenues: \$8,559.83

Audit of Bills

RESOLUTION 2013 – 114: Motion by Councilman Villa and seconded by Councilman Henderson approving Abstract #15 in the amount of \$1,619.19. Five ayes. Motion carried.

RESOLUTION 2013 – 115: Motion by Councilman Henderson and seconded by Councilwoman Harris approving Abstract #16 in the amount of \$136,385.01. Five ayes. Motion carried.

RESOLUTION 2013 – 116: Motion by Councilman Villa and seconded by Councilwoman Harris approving the Minutes of the July 10, 2013 Regular Monthly Meeting as presented by Clerk Wallace. Five ayes. Motion carried.

Assessor's Report – Marsha Barton

Small Claims and Supreme Court Petitions - The Assessor's Office has received 5 Supreme Court filings. Marsha met with Attorney Gebo on August 5th to review the files.

The Assessor's Office has received 30 Small Claims Petitions. The Hearing Officers have been assigned and are setting up their schedule for the hearings. There are 7 properties scheduled for Ellisburg on August 28th and 29th. The Hearing Officer is Hal Henty. They also have hearings scheduled for September 2nd, 3rd, 4th, and 5th at the State Office Building in Watertown and the Town Offices for the remainder. The paperwork has been completed to defend the assessments. New photos have been taken of some of the properties.

Lyme Central School Tax Rate – The Assessor's have received notification from Lyme Central School indicating the tax rate for 2013 will be \$9.74; this includes the library tax. The Assessors estimated \$9.75.

Field Work For 2014 Tax Roll – The Assessors will be starting the field and maintenance work for the 2014 tax roll as soon as the Small Claims Hearings have been completed.

Municipal Water Board Report – Marsha Barton

Lance Development – Marsha has met with Gail Miller a couple of times regarding the possibility of getting municipal water to the new Lance Development.

Only part of the parcel by the road frontage on NYS Route 12E is in Water District #2. The Board will have to be petitioned to have the entire parcel extended into the water district.

The entire project will consist of 17 parcels, which will mean that a main will have to be installed to service all the parcels. They will need approximately 1000' of main pipe. The Town and NYS Department of Health will require engineered drawings and a report. Gail will speak with the owners of the property prior to proceeding in order to determine if they are willing to fund the project.

Youth Committee Report – Charlie Mount

All programs have been very well attended this summer. Several residents have been responsible for helping with coaching and organizing events. It has been a busy spring and summer.

Charlie thanked the Town Board for all their support.

ZEO / CEO – Written Report by Jim Millington

July 2013

Building / Zoning Permits Issued:	16
Demo Permits Issued:	1
Certificates of Occupancy:	1
Building Permits Denied:	4
ZBA Referrals:	6
Site Visits and Inspections:	14
Stop Work Orders Issued:	0
Complaints:	1
Investigations:	1
Permits Issued For:	
Home or Cottage:	1
Garage / Barn:	3
Deck or Porch:	2
Fence:	2
Remodeling:	2
Addition:	1
Other, Pools, Slabs, Shed, Demo's:	3
Septic:	4

CEO/ ZEO Officer Millington was not present at tonight's meeting due to illness.

New Business

DANC – Regional Waterline GIS Mapping Project – Bill Scarpocchi feels that he has good maps of water lines and he knows where everything is, so he doesn't feel it is necessary to purchase the GIS mapping system software. The software shows waterlines, hydrants, shut offs and parcel numbers.

Supervisor Aubertine will contact DANC to see what services would be offered and how much a maintenance contract would be. He will also find out what a service agreement entails.

RESOLUTION 2013 -117: Motion by Supervisor Aubertine and seconded by Councilman Villa TABLING the DANC Regional Waterline GIS Mapping Software purchase. Supervisor Aubertine will find out what the service agreement entails prior to a commitment from the Town. Five eyes. Motion carried.

Privilege of the Floor

Julia Gosier – Feels that the Town should not get involved with maintaining the Klock Road. Possibly the Town Board could consider putting in \$100.00 toward the maintenance of the road, as the other residents of the road do.

Wilson Property – Julie feels that it is obvious there are red flags involved with the Town moving forward with the possibility of purchasing the property. Julie feels very strongly that the property belongs back on the tax rolls. It is prime real estate and it should be a viable business and on the tax rolls as such.

Library Expansion Project – Did they ask the Town for an easement to do the project? Supervisor Aubertine stated that the easement was approved last month.

Motion by Councilman Bourquin and seconded by Councilman Villa moving the Town Board into Executive Session at 8:22 p.m.

to discuss a possible litigation and collective bargaining. Five eyes. Motion carried.

Motion by Supervisor Aubertine and seconded by Councilwoman Harris moving from Executive Session back into Open Meeting at 9:00 p.m. Five eyes. Motion carried.

Motion by Councilman Bourquin and seconded by Councilwoman Harris adjourning tonight's meeting at 9:00 P.M. Five eyes. Motion carried.

The minutes of tonight's August 14, 2013 Regular Monthly Meeting of the Town Board are respectfully submitted by,



Kim Wallace

Town of Lyme, Town Clerk