

**Town of Lyme
February 13, 2008
Regular Town Board Meeting
6:30 P.M.**

The regularly scheduled monthly Town Board Meeting was called to order by Supervisor Aubertine and was opened with a Prayer and the Pledge of Allegiance.

Present at tonight's meeting: Supervisor Aubertine, Councilmen Johnson, Schreib, Madill and Countryman, Attorney Mark Gebo, Bookkeeper Tom Bowie, Superintendent Parker, Assessor's Marsha Barton and Roz Gotham, ZBA Chairman Harry Staudenmayer, Clerk Wallace and approximately 25 others.

Privilege of the Floor

Tom Bowie – 2005 Audit – Mr. Bowie presented the Board Members with the 2005 Audit Report and went over it with them in detail. Mr. Bowie stated that Superintendent Parker did a good job in controlling his budget and that all in all the Town took in more revenue than expenditures.

RESOLUTION 2008 – 19: Motion by Councilman Countryman and seconded by Councilman Madill to accept the 2005 Audit performed by the Sovie and Bowie Accounting Firm as presented by Tom Bowie. Five ayes. Motion carried.

Highway Superintendent

Superintendent Parker the estimate for the new truck is between \$38,000.00 to \$40,000.00, which includes a 9.5 V-Plow. The Board will review the details and information and discuss the possibilities at the next Town Board Meeting.

The transmission for the Dodge Ram is being repaired and the loader is waiting for a coupler.

Councilman Johnson requested that Supervisor Aubertine would discuss with Superintendent Parker the following:

- 1.) The situation on Point Salubrious and Point Peninsula regarding one truck following the other this past weekend and the weekend before.
- 2.) How they are doing with hiring part-timers?
- 3.) What happened to the tree on the right hand side going out of the highway driveway, there is a big ding in it, was there any damage to any vehicles?

Supervisor Aubertine will get the answers to these questions and bring the information back to the Board.

The situation with the tree was discussed and Supervisor Parker explained that he hit the tree while lowering the wing to see if there was any oncoming traffic from the west. That is common practice approaching 12E and before pulling onto the Main Street.

Minutes

RESOLUTION 2008 – 20: Motion by Supervisor Aubertine and seconded by Councilman Johnson to review the minutes of the January 9, 2008 Meeting and approve them at the March Meeting. Five ayes. Motion carried.

Supervisor's Report

Bookkeeper Tom Bowie – gave the Board the report and explained the new format. He also proposed resolutions to amend the budgets revenues and expenditures so that they agree.

RESOLUTION 2008 – 21: Motion by Councilman Countryman and seconded by Councilman Madill to approve the Supervisor's Report for January 2008 as presented. Five ayes. Motion carried.

RESOLUTION 2008 – 22: Motion by Councilman Schreib and seconded by Councilman Johnson to accept the 2008 Budget Amendments as suggested by Tom Bowie as follows:

General Fund:

- 1.) Increase appropriated fund balance by \$10,000.00 – account A599
- 2.) Increase budgetary provisions for other purposes by \$4,656.00 – Account A962
- 3.) Move Municipal Water Board GF – Account 8310.1B
 - Personal services \$4,500.00
 - Account 8310.4B Contractual \$4,500.00
 - Account 90308.WB Social Security \$344.00

Water Fund:

- 1.) Increase budgetary provision for other areas – Water Reserve – \$2,122.00

Five ayes. Motion carried.

RESOLUTION 2008 – 23: Motion by Councilman Johnson and seconded by Councilman Schreib to accept Abstract # 3 in the amount of \$2,000.73. Five ayes. Motion carried.

RESOLUTION 2008 – 24: Motion by Councilman Johnson and seconded by Councilman Countryman to accept Abstract # 4 in the amount of \$62,593.55. Five ayes. Motion carried.

Clerk's Report

January's total revenues for the Clerk's Office were \$3,499.95.

Department Reports

Assessor's Report

Marsha Barton – All exemption forms need to be received in the Assessor’s office by March 1, 2008. Enhanced Star renewal forms are being returned and they are processing paperwork. Many new basic Star applications and Veteran Forms are coming in.

Value and Data Changes – Over 200 changes have been made to date with an increase to the tax roll of over \$2,000,000.00. Work continues on updates to the property record cards and value changes.

Field Work – they have several properties to check prior to March 1 for completion.

RPS Program – the assessor’s have received an update to the RPS Program that has several new features. In the past, to replicate to Jefferson County, they had dial up connection. Now they have a high-speed connection. One other nice feature of the program is the update to the GIS feature. In addition to showing a particular parcel as located on the tax map, there are also aerial photos of each property. They do not keep actual photos on the computer, as when an update is done all photos are lost. They do however; keep photos in their file attached to property record cards.

Municipal Water Board

Marsha Barton:

Point Salubrious Petition – The petition from Point Salubrious residents requesting that an engineering study be completed to determine the feasibility of a water district has been presented to the Town Board tonight. The Water Board has reviewed this petition. She recommends that the Town Board authorize a study since the petition does represent approximately 65% of the property owners and 65% of the assessment. This encompasses everything from The Village Line around to where the houses end on the Guffins Bay side, before Benson’s Airport Driveway.

RESOLUTION 2008 – 25: motion by Councilman Schreib and seconded by Councilman Countryman to direct the Municipal Water Board to send out requests for proposals from engineers for a water study of Point Salubrious Project.

Roll Call Vote:

Councilman Schreib Aye
Councilman Countryman Aye
Councilman Madill Aye
Supervisor Aubertine Aye

Councilman Johnson Abstained from the vote

Four ayes. Motion carried.

There are 275 parcels in the project area with an assessed value of approximately \$7,500,000.00. The EDU’s are 129 out of a possible 232.

Water District #2 Extension – A letter was received from Kris Dimmick of Bernier and Carr in regard to the feasibility of this proposed water district. This is a relatively expensive project that is going to be difficult to fund. The user cost at this time for the project is estimated to be about \$1600.00 per year or \$266.00 bi-monthly. The Town's typical bi-monthly bill is approximately \$80.00 – \$110.00. The water board would like to recommend putting this project on hold at this time.

Meeting – they are in the process of setting up a meeting with Bernier and Carr, Rural Development, the Town Board and possibility the Planning Board to discuss the vision they have for the Town of Lyme, both water and sewer. Ultimately, they would like to provide both to as many residents as possible. With the limited funding available, we need to look over the entire picture and develop a plan that will provide our residents with services, but also benefit the Town as a whole.

Water Reserve Fund – the Water Board would like a resolution to open their Water Reserve Fund. They ended 2007 with a surplus in the Water Districts of \$5,979.00. They also had a profit of \$5,000.00 from the Water Facility. They would like to authorize the bookkeeper to write checks in those amounts to deposit in the Reserve fund. In addition, when the Tax Collector pays the Supervisor, there will be water relevy funds paid that they would also need a check for to deposit in the Reserve Fund. She believes the relevy amount is around \$5,000.00. That will give them a great start on their Water Reserve Fund.

If money is generated in a particular district it has to remain with that district, according to Mark Gebo.

Audit – It is their understanding that the Water Board has a surplus that was discovered during the 2005 audit. It appears that approximately \$15,000.00 is from District # 4's loan. They would also like this amount to be deposited in the Water Reserve Fund at his time. They do understand that the money either has to be used in District # 4 or be used for something to benefit District # 4.

Water Facility – There have been a few problems with the Water Facility. There was wind damage to the door, Tim Mason was hired to fix a thermostat problem and install a new exhaust fan.

Fern Comins – Tim Mason will be doing the work on Fern Comins property. Travis Fulmer was contacted, but he did not get back to them.

New Water Billing Software and Reader – A representative from Williamson Law Book Company will be coming in early March to demonstrate their billing software. They are also contacting BAS to demonstrate their program. As soon as we have made a determination, we will also be ordering the new reader. The Town and Village will split the cost of the software, as discussed.

DANC Water Rate Increase – Notification has been received from DANC, as of April 1, 2008, there will be an increase in fees.

	2007	2008	Increase
DCC Fee	\$14.04	\$20.41	\$6.37 bi-monthly
Water Charge	\$ 2.83	\$ 3.09	.26 cents per Thousand gallons

For a typical user (8,000) gallons bi-monthly, this will mean an increase of \$8.45 per month.

They will send a notice in the next billing informing the customers of this increase. This fee is not an increase from the Town of Lyme. It is an increase in what DANC is charging the Town.

Cemetery Report

Julia Gosier – Julia has attended a Streetscape Meeting at the Three Mile Bay Fire Hall to discuss the DOT’s plans for the Cemetery entrance. The grade will be increased because the road is being raised at this point. They will make the entrance less sharp with guardrails curving into the entrance. The new entrance will be paved.

Julia has photocopied the entire Cemetery Minutes Book (1861-2004). The original is now in the Town safe and Julie has a good working copy in notebook form.

Julia also turned in an annual written report for the Historian and Cemetery Supervisor for 2007.

Planning Board – Burt Bowers – at the last Planning Board Meeting they talked about some of the features of the Wind Farm Zoning Law. The Planning Board did receive written comments from the County regarding the law.

ZBA – written report from Harry Staudenmayer – At the meeting on January 15 there were no requests for variances. The only business was a condition change to a previous variance (Castro, Park drive) allowing the requested permit to be issued by the ZEO. Sandy Cornell-Douglas filled in for Mary Bates who is on vacation.

This month there is no scheduled business and unless someone requests to appear before the Board there will be no meeting.

ZEO – Roger Covey submitted an activity log and his hours to the Board for review.

Resolutions and Motions

RESOLUTION 2008 – 26: Motion by Councilman Schreib and seconded by Councilman Countryman to change the payroll date recommended by ADP and Tom Bowie for the pay period for hourly employees be changed so that they will be paid on the Tuesday

following the pay period which will run from Friday to Friday over a two week period. Effective on March 11, 2008. Five ayes. Motion carried.

RESOLUTION 2008 – 27: *Motion by Councilman Countryman and seconded by Councilman Schreib to rescind the appointment of Bill Johnson to the ZBA, reappoint Mary Bates to her term as the Chairman of the ZBA, appoint Dick Revelle as Vice Chairman and Sandy Cornell – Douglas as a ZBA Alternate for one year. Five ayes. Motion carried.*

At 8:15 p.m. there was a motion by Supervisor Aubertine and seconded by Councilman Johnson to have a five-minute break, the meeting was called back to order at 8:30 p.m. Five ayes. Motion carried.

Three Mile Bay Ornamental Lighting – concerning a request to have the Town of Lyme install ornamental lighting and underground sleeves for future sanitary sewer. This work would be considered betterment since it would be above and beyond the scope of the DOT Highway Project in Three Mile Bay. The Town of Lyme would be responsible for the cost associated with the requested work.

Councilman Madill will meet with Paul Norton to get some idea of what they will need for funding and he will report back to the Board. Decision needs to be made by March 1, 2008. There are too many questions and uncertainties for the Board to make any commitments or a Resolution at tonight's meeting.

TABLED – *Resolution for the State Highway Contract for 2008. Motion made by Councilman Schreib and seconded by Councilman Johnson. Five ayes. Motion carried.*

Correspondence

Letter of Resignation from Bruce Kingsley – who will be resigning from the Municipal Water Board effective February 1st.

RESOLUTION 2008 – 28: *Motion by Councilman Countryman and seconded by Councilman Schreib to accept the resignation of Bruce Kingsley from the Municipal Water Board effective February 1, 2008. Five ayes. Motion carried.*

Roger Covey – is also wishing to resign as the Zoning Enforcement Officer. He will stay on and help out until we can find somebody new and he reiterated that even his help would be limited.

RESOLUTION 2008 – 29: *Motion by Councilman Schreib and seconded by Councilman Johnson to run advertisements in the Watertown Daily Times for the vacant positions of Zoning Enforcement Officer, Deputy Zoning Enforcement Officer, Water Board Member and Town Historian. Five ayes. Motion carried.*

Old Business

Phone Policy – The Policy has not been signed, as of yet, by any of the Town employees that possesses a cell phone. Supervisor Aubertine’s concern is the phrase “cannot, under any circumstances be used for personal use”. So now that he has a cell phone, he does not want to be impeached because he had to call his wife to tell her he was going to be late because, for example, he was out on Point Peninsula looking at a ditch or something. Councilman Madill explained that it was Town business. Superintendent Aubertine was trying to relate it to the Town employees too, and how it might affect them. Councilman Johnson said that if a call came in and an employee was on vacation the employee would have to reimburse the Town. If an employee had to call his wife to let her know he was going to be late because he had to inspect something for the Town, that’s Town business. By signing the document it means the phone cannot be used for personal use. If the phone is used for personal use they will have to accept the consequences. The intent for the consequences would be disciplinary action and it would depend on the severity of the violation.

Sand Barn Project – Councilman Madill feels that it is important to get The rock shot in Brownville so we are not waiting all Spring and Summer getting all the rock for the project. He feels they should be doing it right now. Councilman Countryman and Supervisor Aubertine will get official paperwork on it.

RESOLUTION 2008 – 30: The following Resolution was offered by Councilman Schreib, who moved its adoption, seconded by councilman Madill, to wit:

WHEREAS, the Town Board of the Town of Lyme in 2005 passed a Resolution to make an inter-fund transfer from the general fund to the Highway fund in the amount of \$120,000.00, and

***WHEREAS, the amount actually transferred was \$66,551.00, and
WHEREAS, it has been recommended by the Town Accountant that this Resolution be amended to reflect the actual amount transferred, now therefore be it***

RESOLVED, the Town Board of the Town of Lyme does hereby rescind its previous Resolution from 2005 authorizing a transfer of instead substitutes an amended Resolution authorizing the transfer of \$66,551.00.

Roll Call Vote:

Councilman Countryman Yes

Councilman Madill Yes

Supervisor Aubertine Yes

Councilman Schreib Yes

Councilman Johnson No

Four ayes. Motion carried.

Councilman Johnson had a concern that we have Board members that were not here at that time. He feels it should be run by the State Comptroller. If he says it is legal then he would be acceptable to it.

Attorney Gebo doesn't know what the State Comptroller would tell us, he hasn't run into this often. It has been recommended by the Auditor, otherwise we are not in compliance with the resolution from 2005. They are asking to amend the resolution to reflect what was actually transferred. This is for consistency purposes and there doesn't appear to be an obligation to transfer another chunk of money to the Highway Department.

Intermunicipal Accounting – Every six months we need an accounting between the Village and the Town. Mayor Price has resigned so Mark Ziggerelli will be in charge of the Village DPW and keeping track of hours.

New Business

RESOLUTION 2008 – 31: Motion by Councilman Schreib and seconded by Councilman Johnson to schedule a Joint Work Session with the Town Board, Planning Board, and Citizens Committee. The Work Session Date for the Wind Farm Zoning Law will be on March 20, 2008 at 7:00 p.m. at the Municipal Building. Five ayes. Motion carried.

Attorney Gebo was asked to be present at the Meeting. This will be a Work Session only and there will be no public input, the public may be present to observe. There will be no action taken at the meeting; it will only be a work session.

Letter to Police Chief – there was a Resolution made two months ago that anybody parking between the signs on Point Salubrious would be ticketed. That was watered down, and Councilman Johnson feels we should give the Police Chief a unified policy that he can work with. Councilman Johnson stated that he would compose the letter.

Use of Part – Timers – Supervisor Aubertine will meet with Superintendent Parker on this issue. The Town Board wants Tom to embrace the idea of part-timers. There were some part-timers used last year that are not being used this year. Ray MacIntosh, Leon Walker and Brian Cosselman are being used regularly. Supervisor Aubertine has a concern with the experience and skill factor. To do their job takes skill and talent that you get only from experience. He's afraid if we have somebody out there that only comes in once or twice a month they won't have the necessary experience. He has a concern with inexperienced drivers on unfamiliar routes. Councilman Johnson said that we would have only professional CDL drivers. If they are trained and embraced, if you work with them, we would have a good work force, a flexible one that could cut down expenses for the Town.

Councilman Johnson went on to say that it is Superintendent Parker's job to train these men. It would be on the job training. He was given a budget to work with, for part-timers to get them in and get them trained. Tom does not want to embrace that philosophy; he does not want part-timers in his work force.

Supervisor Aubertine has a CDL and he knows that every piece of equipment or every truck you get into is different. They all have their own

little idiosyncrasies and if you're not used to being in that truck a lot, it's different.

When he worked for the Highway Department there was a crew sent out on a route that wasn't normally theirs, so they were unfamiliar with the route. They ended up in the ditch and were stuck there for three days. He's afraid that we may end up having costs to the Town from accidents like that from unfamiliarity, inexperience or Heaven forbid we have an accident where we get sued.

Councilman Johnson stated that in the last two months our Highway Superintendent had a \$1,800.00 accident, an expense to the Town. This is a veteran driver.

Supervisor Aubertine stated that if it were happening to the experienced drivers, what would happen to the inexperienced ones? If it's on the job training they may not get enough training to be properly trained. Councilman Johnson said that goes back to the Superintendent, he has to train the people.

Supervisor Aubertine will meet with Tom and try to relay all this to him.

Councilman Schreib will get together some figures for Supervisor Aubertine showing how much part-timers could save the Town. Roughly speaking, if we have part-timers working and the work force is increased, we can actually gain 30% plowing time because we are not paying time and a half.

Councilman Schreib stated that fatigue is a problem, as these men push more and more hours. If we had more part-timers the Highway regulars could have more time off.

Clerk's Door –

RESOLUTION 2008 – 32: Motion by Councilman Schreib and seconded by Councilman Countryman to purchase a new door to keep the Clerk's Office secure. Five ayes. Motion carried.

Emergency Power – Councilman Madill will look into surplus generators at Fort Drum. The Town does have four portable generators but they are not big enough to power our building, due to the electric heat. Jim Lawrence has three mobile units; he said we could use them if he had them available.

CDL Physicals – Attorney Gebo stated that the Town could require a physical for the CDL drivers. The insurance company does not require it and there is nothing in licensing law requiring an annual physical. The Board does have the power to enforce it.

Privilege of the Floor

Don Metzger - Had two requests for the Board. He would like to be given a thumbnail explanation of the Town being the Lead Agency for the Wind Project. Attorney Gebo stated that the Commissioner of the DEC ruled that Cape Vincent has lead agency on the project. Since the majority of the

towers will be located in the Town of Cape Vincent, they have the most direct involvement so Cape would have the lead for SEQR. It doesn't mean they would have the lead on approvals that would be required by our Zoning Law. They only have the lead environmentally. Mr. Metzger asked if the Board could make a second attempt to Albany for Lead Agency for our Town. The Town of Lyme did make a second attempt but it still came back in Cape Vincent's favor. Attorney Gebo went on by saying that the DEC does not like to segment the projects. If the transmission lines and towers in Cape Vincent are going to come through Lyme, they are going to view that as part of the Cape Vincent project. We did appeal it but the Commission of DEC won't change it. Mr. Metzger wants to give his displeasure with the fact that Mr. Richard Edsall, who is the Chairman of the Planning Board in Cape Vincent stated that he has a conflict of interest in this arena. He doesn't think that the Planning Board of another Town should be lead agent over another Town, especially with the involvement of the Chairman.

Mr. Metzger also asked if any of the wind power companies have approached the Board regarding the use of the water line right of way for their transmission lines. They refer to it as the abandoned railroad bed. He wants them to call a spade a spade and call it the water line right of way. You can get along without electricity but you do need water, it's a necessity. They want to put those transmission lines right down through that right of way and he believes that there could be a potential for some physical harm to the water line. Its safety could be in jeopardy. He's not talking about stray currents or voltage or electrocution. He is talking about the physical trauma and safety of that critical water line that serves not only Chaumont but also all the communities through to Glen Park. Putting tremendous high-tension long distance transmission lines in close proximity to the infrastructure of the water line. They should be giving the Communities along the way the advance notice of their intent.

Councilman Johnson – last February there had been a planning board meeting where they had been approached by St. Lawrence Wind and BP, where they had made mention of contemplating using the old Railroad Easement.

Mr. Metzger said that the water pipe lays five feet beneath the surface of the earth, he watched it be laid he was there when the ribbon was cut to provide the service to the North Country. The water has been flowing every since. He hates to see the physical integrity of the water line threatened. If they are going to use that line he hopes that there is good communication with DANC and the communities along the way. Water is the source of all life. We can go without electricity but we can't go without water.

Barb Schreib – it was brought up that he did not sign the Accountants Report. Don't you think that's kind of important? Attorney Gebo stated that it would be signed.

Charlie Mount – Before there are any decisions made regarding the ornamental lighting project, there should be a meeting held so that the residents understand what the project means. Supervisor Aubertine stated that we could do that.

Councilman Madill stated that he would be getting a hold of Paul Norton after this meeting.

Mr. Mount relied by stating that they have had meetings at the Three Mile bay Fire Hall and they have seventeen different plans, so far. Each time it comes up it changes. What recourse does the Town have? They are talking about taking a 25-foot access from the Fire Hall. Explain it to the taxpayers because it is going to change the property values in the Town. You won't have as much property as before. If he loses property because of this project, he will come and grieve it to the Town because that means he has lost value.

Councilman Johnson asked Councilman Countryman how many meeting he had attended in Three Mile Bay, with the State there? Councilman Countryman stated that he had been to two or three. He missed the very last one that was the only one he missed. The State keeps changing their mind. This was supposed to be done in 2001 and now it is 2008. We keep getting put on the back burner. The project will have a huge impact on the Village and he's not sure it is all for the good.

Supervisor Aubertine told Mr. Mount if he had issues to let himself or Councilman countryman know and they could talk with the State to get some kind of an answer.

Motion by Councilman Countryman and seconded by Councilman Schreib to hold an Executive Session at 9:45 p.m. for litigation and collective bargaining. Five ayes. Motion carried.

Councilman Schreib made a motion to adjourn the February 13, 2008 Town Board Meeting at 10:03 p.m.

Minutes Respectfully Submitted by,

**Kim Wallace
Town Clerk**

