

July 13, 2016
Town of Lyme Meeting Minutes
Public Hearing – Consideration of Three Mile Bay Cemetery Superintendent 6:25
Regular Monthly Meeting of the Town Board – 6:30 P.M.

Supervisor Aubertine called tonight's Public Hearing to order at 6:25 p.m.

Present: Supervisor Aubertine, Councilwomen Harris and Gosier, Councilmen Bourquin and Villa, Assessor's Barton and Gotham, Highway Superintendent Pat Weston, ZEO/CEO Millington and approximately 27 others.

Supervisor Aubertine declared Public Hearing conduct and rules. Clerk Wallace read the Public Hearing Notice that was published in the Watertown Daily Times on July 7, 2016 as follows:

PLEASE TAKE NOTICE, that the Town Board of the Town of Lyme shall conduct a Public Hearing on Wednesday, July 13, 2016 at 6:25 p.m. at the Town Offices, 12175 NYS Route 12E, Chaumont, NY 13622, to consider the adoption of a Local Law to supersede the doctrine of incompatibility and the "Whitehall Doctrine" to allow the appointment of a Town Council Person to the paid position of Cemetery Supervisor.

Supervisor Aubertine opened the floor for public comment and with none being heard:

RESOLUTION 2016 – 97: Upon a Motion offered by Supervisor Aubertine and seconded by Councilwoman Harris closing the Public Hearing at 6:27 p.m. Five ayes. Motion carried.

Supervisor Aubertine called the Regular Monthly meeting of the Town Board to order at 6:30 p.m.; opening with a Prayer and the Pledge of Allegiance.

Supervisor Aubertine explained that Julie had been the Three Mile Bay Cemetery Superintendent for many years. Since she now holds a position as a Councilwoman on the Town Board, according to State Law, she is not allowed to hold a paid, appointed position within the Town.

The Town went through the proper procedures of advertising the position in the Watertown Daily Times, the Lyme Light and it had been posted on the Town's website for several months. There were no applicants for the position.

Supervisor Aubertine feels that it is in the best interest of the Town to keep Julie in that position and he would like to see the Town Board override the "Whitehall Doctrine" and reappoint Julie to the position of the Three Mile Bay Cemetery Superintendent.

Councilman Villa is opposed to overriding the Whitehall Doctrine although he feels that Julie has done a wonderful job serving as the Three Mile Bay Cemetery Superintendent.

Councilman Villa stated that we advertise more for other positions than we have for this particular position. Our decisions and what we do as a Town Board faces the scrutiny of the public and he feels this override would be inappropriate; not because of Julie, but due to the fact that the Whitehall Doctrine has been put into place for us and the residents of New York State.

Supervisor Aubertine indicated that if Julie is reappointed he would like to pay her previous annual salary of \$2400.00 although there had been much previous discussion of the salary being changed to \$1000.00.

RESOLUTION 2016 – 98: Motion by Councilman Bourquin and seconded by Councilwoman Harris:

Article I – Authority: The Town Board of the Town of Lyme, pursuant to the authority granted it under Article 4 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article II – Statement of Purpose and Finding: The Town Board of the Town of Lyme hereby finds despite diligent efforts, it has been unable to fill the position of the Three Mile Bay Cemetery Supervisor. One of the Town Board

Members is willing to fill such position, which is a paid position. It would be otherwise improper to allow a Town Board Member to be appointed to this paid position under Whitehall Doctrine based on the case of (Wood vs Town of Whitehall, 120 Misc. 124, affd. 206 App. Div. 786).

Further under General Municipal Law Article 18, such appointment might be viewed as a conflict of interest. It is the purpose of this Local Law to supersede the Whitehall Doctrine and the General Rule of Incompatibility as set forth in that case as well as the conflict of interest provisions set forth in Article 18 of the General Municipal Law in order to appoint a Town Board Member to the paid position of the Three Mile Bay Cemetery Supervisor.

The Town Board of the Town of Lyme hereby finds that it would be in the public interest to do so as the Town of Lyme is in a rural area and no other qualified residents are known to exist. The Town Board Member who has volunteered to take this position and is knowledgeable about the duties of this position has previously held this position and is knowledgeable about the duties of this position and has the ability to carry them out. In the past this Town Board Member has occupied this position. The Town Board does not wish to have the Town Board Member resign from their position in order to take the position of the Cemetery Supervisor. The Town Board believes the Public Interest will be served by this Local Law.

Article III – Enactment: The Town Board of the Town of Lyme hereby enacts as follows:

- A. This Local Law shall supersede the common law doctrine of incompatibility and the common law Whitehall Doctrine with respect to the Office of Town Council Person and Three Mile Bay Cemetery Supervisor.**
- B. Any Local Law or Ordinance of the Town of Lyme that is inconsistent with the provisions of this Local Law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all respects this Local Law shall be in addition to such other Local Laws or Ordinances regulating and governing the subject matter of this Local Law.**

C. Upon the effective date of this Local Law the Town Board may appoint a Town Council Person to the position of the Three Mile Bay Cemetery Supervisor.

Article IV – Severability. If any part of this Chapter shall be found to be void, voidable or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining Section or provision of this Chapter.

Article V – Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

Supervisor Aubertine	Aye
Councilman Bourquin	Aye
Councilwoman Harris	Aye
Councilman Villa	Nay
Councilwoman Gosier	Abstained

Motion carried.

RESOLUTION 2016 – 99: Motion by Supervisor Aubertine and seconded by Councilwoman Harris appointing Councilwoman Julia Gosier to the position of the Three Mile Bay Cemetery Supervisor with an annual salary of \$1000.00 (one thousand dollars).

Supervisor Aubertine	Aye
Councilwoman Harris	Aye
Councilman Bourquin	Aye
Councilman Villa	Nay
Councilwoman Gosier	Abstained

Motion carried.

Privilege of the Floor

Jefferson County Legislator - William Johnson

The County is siting a radio tower here in the Town of Lyme and upon an environmental study it was determined the agreed upon site is located in a designated wetland. Legislator Johnson would like to ask the Town Board to consider relocating the site of the tower into the back corner of the property behind the bus garage.

Supervisor Aubertine feels that relocating the tower to the back corner would make it less of an eye sore.

Councilman Villa is happy that it won't be next to the road but he also indicated this is not an appropriate location for a tower that would be between 180 to 200 feet. He stated that there are other locations within the Town that would be more suitable. Councilman Villa is not in favor of this location. Because the fire chiefs feel it is important to have the radio tower located on this site; their recommendation is weighing heavily.

RESOLUTION 2016 – 100: Motion by Councilman Bourquin and seconded by Councilwoman Gosier authorizing the sale of a 200' x 200' piece of property in the amount of \$1.00 (one dollar) to Jefferson County for the placement of an emergency radio tower. The location will be on the back border of part of parcel 61.07-1-4.31.

<i>Supervisor Aubertine</i>	<i>Aye</i>
<i>Councilwoman Harris</i>	<i>Aye</i>
<i>Councilwoman Gosier</i>	<i>Aye</i>
<i>Councilman Bourquin</i>	<i>Aye</i>
<i>Councilman Villa</i>	<i>Nay</i>

Motion Carried.

Dwight Goutremout – Water District #2 Consideration

Twelve years ago Dwight Goutremout and Allen Cuppernell put in a shared waterline to serve each of their adjoining parcels with anticipation of building on these parcels at some point. The Cuppernell's have a home now built on their property and The Goutremout's are ready to begin construction on theirs.

Upon applying for the new water service it has been brought to Mr. Goutremout's attention that the Water Use Law has changed and it now requires that a curb stop must be placed near the road; which was not a requirement 12 years ago. It is also stated that each service must have a separate lateral from the curb stop to the residence, where in this case it would be shared between the two.

The Municipal Water Board recommended that since the Water Use Law is now in place the Town should abide by it.

The Law does state that in cases of extreme hardship, the Town Board has the right to make an exception. In this case a new lateral would cost the Goutremout's a minimum of \$3,500.00 shown in an estimate from Syracuse Utilities. The Municipal Water Board did not feel there was an extreme hardship in this case but they informed Mr. Goutremout that he could appear in front of the Town Board with his request.

The line is on the Cuppernell's property and if allowed to share it they intend to go through the legal process of instituting the right-of-way which would address any future issues.

The Town Board would like to grant the request but will **TABLE** it until they have Attorney Gebo review the situation and give his recommendations.

Iberdrola Renewables – Wind Development – Dan Murdie and Jeff Reinkemeyer

The gentlemen requested being put on the Town's agenda for tonight's meeting, giving a little background information and a short presentation on what their preliminary intentions are with the Horse Creek Wind Project which is primarily in Clayton but they do have leases with land owners in the Town of Lyme that involves approximately 1,000 acres, which they feel is decent land for turbines.

The gentlemen will be hosting “community nights” to provide information on their projects here and in the Town of Brownville.

Councilman Villa indicated that we have seasonal communities, after September we lose a large number of seasonal residents, he suggested holding any informational meetings concerning wind to take place between Memorial Day and Labor Day.

Councilman Villa also made it clear the Town of Lyme has a very comprehensive Wind Law and the only land available for wind turbines is within our overlay district.

Dan also asked what their intentions will be with proceeding with Article X.

Councilman Bourquin raised questions regarding intervener funding. If we did not apply could Henderson use our funds?

Galloo Island Wind – Neil Habig, Project Developer with Apex Clean Energy

Mr. Habig explained that the Galloo Island Project, although located in the Town of Henderson, will still be visible from points in the Town of Lyme.

Some of the basic information concerning the project was reported as follows:

- 32 Turbines (Previously 84)
- Maximum Height to Blade Tips – 600 feet
- Will Produce Enough Electricity for 35,000 Homes
- 30 Mile Underwater Cable to City of Oswego
- Limited Infrastructure
- 110 Megawatt Project
- Scheduled to Start 2017 into 2018
- Article X – June 6, 2016
- Comments Due – June 26, 2016
- Response to Comments – July 18, 2016
- Permits Available at the Earliest – the End of 2017

There was \$38,000.00 available for Intervener Funding – Deadline has passed.

Short term construction – likely one season, with the bulk of it being done May – September.

There will be 3 to 5 permanent local positions.

The landing ramp located on Point Peninsula will be used primarily for the transportation of equipment.

For more information visit their website at gallooislandwind.com or their office on Main Street in Sackets Harbor.

Supervisor Aubertine thanked Neil for providing the information.

Officer's Reports

RESOLUTION 2016 – 101: Motion by Councilman Villa and seconded by Councilwoman Gosier approving the June 2016 Supervisor's Report as submitted by Town Accountant's Bowers and Company and Cathy Satterley. Five ayes. Motion carried.

Highway Superintendent – Pat Weston

The Town's Highway Department has been working with the County for the last few weeks. Pat has submitted a bill to them for approximately \$17,000.00.

RESOLUTION 2016 – 102: Motion by Councilman Bourquin and seconded by Councilman Villa approving Abstract #13 in the amount of \$3,518.21. Five ayes. Motion carried.

RESOLUTION 2016 – 103: Motion by Councilman Bourquin and seconded by Councilman Villa approving Abstract #14 in the amount of \$135,585.85. Five ayes. Motion carried.

RESOLUTION 2016 – 104: Motion by Councilwoman Harris and seconded by Councilman Villa approving the Meeting Minutes of June 8, 2016 and June 16, 2016 as provided by Clerk Wallace. Five ayes. Motion carried.

Clerk's Report – June 2016

Total State County and Local Revenues:	\$5,148.83
Total non-Local Revenues:	\$4,823.22

Committee Reports

Charlie Mount – The Summer Rec Program has started and is held at the Village Beach on Mondays, Wednesday and Fridays; there is the supervision of a life guard.

The summer soccer program has started and the Willie Putnam Tournament had 30 teams participate.

New Business

Academy Street – Three Mile Bay

Councilwoman Gosier – there has been a weight limit sign put up on Academy Street and it has done no good. The street is narrow and the visibility on the corner is poor. Frequently large vehicles have almost hit the house on the corner. Julie believes that if the street could be made into a one-way street it may alleviate some of the problems.

Julie also addressed the visibility factor from both directions of Route 12E from the DEC Boat Launch being a safety issue and at times it is very heavily used. She would like to see if a sign could be placed on 12E from either direction that would indicate to travelers that they were approaching a boat launch area.

Councilwoman Gosier also mentioned that Three Mile Bay needs more speed enforcement; she would like to contact the proper authorities on the matter.

Councilwoman Gosier also suggested the possibility of having a Town-wide cleanup day. With the help of the Highway Department large items and furniture could be taken to the Transfer Site at no extra charge. She would like to try to work something out for next year. Julie stated that we do a wonderful job of encouraging recycling; this would be one more step to help keep the Town clean and free of debris.

Resolution Accepting Water User Agreement - WD #4 – Charlie Valentine

RESOLUTION 2016 – 105: Motion by Councilman Bourquin and seconded by Councilwoman Harris accepting the Water User Agreement for Charles Valentine in Water District #4. The Agreement will then be filed with the Jefferson County Clerk’s Office. Five ayes. Motion carried.

RESOLUTION 2016 – 106: Motion by Councilwoman Harris and seconded by Councilwoman Gosier accepting the offer from Ned Jones, Advanced Business Systems for the Kyocera 3550ci in the agreed upon amount of \$500.00. Five ayes. Motion carried.

RESOLUTION 2016- 107: Motion by Councilwoman Harris and seconded by Councilman Villa appointing Scott Radley to the “at large” Youth Committee Position. Five ayes. Motion carried.

Privilege of the Floor

Don Metzger – Thanked Councilman Bourquin for bringing up the subject of intervener funding with the wind developers. Don would like to ask the Town to sign up with both developers as an interested party so we can have funds made available to us.

If developers are going to be doing business in our Town they should establish a local presence, giving the residents a place to go and to talk with a person with a name and a title. Many of the developers over the years were out of Town and some even out of the Country.

Some of them would have websites that may not be user friendly or up to date. The British and Spanish had a store front in Cape Vincent, on Main Street and in Hammond there was a place to visit. Sackets Harbor now has a store front where Apex has set up an office. This helps in keeping “daylight shining” on their activities and helps hold them to a higher standard of transparency and openness.

Gunther Schaller - Resident of Clayton and Chaumont and he would like to recommend to the town board to consider updating our Comprehensive Plan and to modify our Wind Ordinance.

Steve Ratigliano – agree with Gunther and has the feeling from Clayton and some of the other Towns that the wind developers will try to bulldoze us with Article X. The Town of Lyme should stay informed with what is going on in the other Towns.

Cindy Grant – Resident of Clayton – Thanked the Town for letting everyone speak tonight. She stated that the wind developers are already suing Clayton so they aren’t always as nice as they seem.

Nancy White – Suggested reappointing the Three Mile Bay Cemetery Superintendent year by year.

Brent Kowalski – Has concerns with eagles and raptures and the increase in the percentage of rapture kill since the Wolf Island wind farm has been established. He urged the Town Board to think long and hard.

Councilman Villa is involved in a hunting club on Wolf Island and they have experienced between a 15 and 20% decrease in property assessments on nearly all properties located on Wolf Island since the inception of the wind turbines.

Code and Zoning Enforcement Officer Jim Millington – Thanked the Town and Planning Boards and also complemented them on the diligent work they had done with writing the wind law. The people

involved were capable, sincere and understanding with a concern for the Town.

RESOLUTION 2016 – 108: At 8:10 p.m. a Motion was offered by Supervisor Aubertine and seconded by Councilman Villa moving the Town Board into Executive Session to discuss a possible land acquisition. Five ayes. Motion carried.

RESOLUTION 2016 – 109: Motion by Councilwoman Harris and seconded by Councilwoman Gosier moving the Town Board back into Open Session at 9:19 p.m. Five ayes. Motion carried.

RESOLUTION 2016 – 110: Motion by Councilwoman Harris and seconded by Councilman Villa offering Geordie Magee \$350,000.00 (three hundred and fifty thousand dollars) for the purchase of his 5 acre waterfront parcel located in the Village of Chaumont on Sawmill Bay.

Councilwoman Harris	Aye
Councilwoman Gosier	Aye
Councilman Villa	Aye
Councilman Bourquin	Aye
Supervisor Aubertine	Aye

Motion Carried.

At 9:19 a Motion was offered by Councilman Villa and seconded by Councilwoman Harris adjourning tonight's meeting. Five ayes. Motion carried.

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

**Kim Wallace
Town Clerk**

