

Town of Lyme  
May 14, 2014  
Regular Monthly Meeting  
6:30 P.M.

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

Present at tonight's Meeting: Supervisor Aubertine, Councilwoman Harris, Councilmen Bourquin, Henderson and Villa, Highway Superintendent Pat Weston, Town Accountant Cathy Satterley, Assessor's Roz Gotham and Marsha Barton, ZEO/CEO Jim Millington, Three Mile Bay Cemetery Superintendent Julia Gosier, Robin Grovesteen sitting in for Clerk Wallace and approximately 7 others.

**Special Recognition – Plaque Presented to Julia Gosier**

Marsha Barton had been given the honor of presenting a special recognition for Guy Gosier for his tireless efforts of maintaining the Water Facility and his dedication to the Town of Lyme. Guy was involved for many years for many projects he will never be forgotten. This plaque will hang at the Water Facility in honor of Guy's memory.

**Supervisor's Report – Town Accountant Cathy Satterley**

***RESOLUTION 2014 -50: Motion by Councilman Villa and seconded by Councilman Henderson approving the April 2014 Supervisor's Report as submitted by Town Accountant Cathy Satterley. Five ayes. Motion carried.***

***RESOLUTION 2014 -51: Motion by Councilwoman Harris and seconded by Councilman Bourquin approving the transfer of \$25,000.00 (Roads) from DA5680.41 to DA5142.4 (Snow and Ice Contractual). This transfer was requested by Highway Superintendent Weston.***

**Roll Call Vote**

<b>Councilwoman Harris</b>	<b>Yes</b>
<b>Supervisor Aubertine</b>	<b>Yes</b>

<b>Councilman Bourquin</b>	<b>Yes</b>
<b>Councilman Henderson</b>	<b>Nay</b>
<b>Councilman Villa</b>	<b>Nay</b>

**Motion carried.**

### **Highway Superintendent's Report – Pat Weston**

#### **NYS DEC Conservation Officer – Nate Favreau**

**Wanted to address the issues with debris and violation problems with the uncovered loads of waste that are headed to the Town Transfer Site. Officer Favreau has seen many of them that are noncompliant. Now being a resident of the Town of Lyme he is constantly seeing problems while he is on and off duty. He says something has got to be done.**

**The Town has been made aware of the Law and is no longer accepting uncovered loads of waste.**

**The NYS Law governing the Town's Transfer Site operations is Section 360-1.14 Environmental Conservation Law stating that the confinement of solid waste and blowing litter must be contained by fencing or other suitable means. Solid waste must be confined to an area that can effectively be contained and controlled.**

**Solid waste must not be accepted at a solid waste management facility unless it is adequately covered or confined in the vehicle transporting the waste in order to prevent dust and blowing litter.**

**Officer Favreau reiterated that the loads of solid waste *must be confined*. Fines for violations will range from \$1,500.00 thru \$15,000.00 per day; per occurrence. It is a heavy hand and he does not like to use but it is the Law.**

**As soon as anything blows out of the vehicle it is not confined so Officer Favreau suggests that if a resident is in question, tarp the load. If he sees a tarp he does not give it a second thought. If all the residential garbage is in garbage bags but one blows out of the vehicle, it is not confined and you could get a ticket.**

The Town is committed to taking corrective action regarding the issue and has been trying to educate the residents. This information will be reinforced with the Transfer Site employees and will be posted on the Town Web Site.

Regarding brush, make sure it is confined and not able to blow out, either being tied down or tarped.

Brian Cosselman raised the issue of how dangerous debris falling out of vehicles is for motorcyclists. Another important reason to comply.

NYS Snow and Ice Agreement – Dennis Pawlicki and Resident Engineer for Jefferson County - Matt Bush

Town would like clarification of the Agreement.

Dave Henderson had concerns that the contract figures have not changed over past couple of years. Why haven't the equipment costs been adjusted?

Mr. Pawlicki stated that equipment rental rates are established by the main office in Albany they publish new rates each year. Those rates have not changed and we are still using rates from 2009 and 2010.

If the Town sends in new rates and benefits figures the State will increase the labor portion. If the agreement is sent back in a timely manner then payment to the Town will be made timely.

Mr. Pawlicki also discussed the possibility of a new salt storage building and how the State would pay more toward that project because it would be considered a capital improvement.

***RESOLUTION 2014 - 52: Motion by Councilman Villa and seconded by Councilman Henderson approving the "Agreement to Extend Fixed Lump Sum Municipal Snow and Ice Agreement".***

***This Agreement made this 14<sup>th</sup> day of May 2014 by and between THE PEOPLE OF THE STATE OF NEW YORK (hereafter referred to as STATE), acting by and***

**through the Commissioner of Transportation of the State of New York (hereafter referred to as COMMISSIONER), and the Supervisor of the Town of Lyme (hereafter referred to as "MUNICIPALITY") as follows:**

**WHEREAS, the COMMISSIONER and the MUNICIPALITY have entered into an Agreement NO. D005387 entitled "Fixed Lump Sum Snow and Ice Agreement between the New York State Department of Transportation and the Municipality of the Town of Lyme dated 2/3/1992; and**

**WHEREAS, the term of the said Agreement is for a period of three years commencing July 1, 1991 and the said Agreement provides that the parties may at the end of the term of the Agreement extend such term for an additional year; and**

**WHEREAS, the present term of the Agreement, as extended, expires June 30, 2014; and**

**WHEREAS, Section 7 of the said Agreement provides that the COMMISSIONER shall furnish the MUNICIPALITY with a suitable map for each term of the Agreement, or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement.**

**WHEREAS, Section 9 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the COMMISSIONER subject to the provisions of Section 9 at the time for the extension of the Agreement.**

**NOW, THEREFORE, In consideration of the mutual covenants' and benefits between the parties,**

**WITNESSETH:**

- 1. The aforementioned "Fixed Lump Sum Snow and Ice Agreement Between New York State Department of Transportation and the "MUNICIPALITY" is hereby extended for a period of one year; now to expire on June 30, 2015, unless further extended.**
- 2. The State Highways or parts thereof affected by this Agreement are as delineated on the attached map, agreed upon by the COMMISSIONER**

*and the MUNICIPALITY, which shall be effective for the remainder of the term of the Agreement commencing July 1, 2014, unless changed by future Agreement between the COMMISSIONER and the MUNICIPALITY.*

- 3. All the terms and conditions of the original contract remain in effect as follows. The lump sum payment specified in Section 9 of the aforementioned Agreement shall be \$4,384.99 per lane mile for 18.9 lane miles for a total of \$82,876.24 for the 2012/13 season and for the remainder of the term of the Agreement commencing July 1, 2012, unless changed by future update.*

*IN WITNESS WHEREOF, This Agreement has been executed by the State, acting by and through the duly authorized representative of the COMMISSIONER, and the MUNICIPALITY, which has caused this Agreement to be executed by its duly authorized officer on the date and year first above written.*

*Agency Certification Contract No. D005387*

*All five Town Board Members were in favor of extending the Agreement and the Motion was carried.*

*Highway Superintendent's Report – Pat Weston*

*Pat submitted the "Agreement for the Expenditure of Highway Monies" between the Town Superintendent and the Town of Lyme for approval.*

***RESOLUTION 2014 - 53: Motion by Councilman Villa and seconded by Councilman Henderson approving the "Agreement for the Expenditure of Highway Moneys" as follows:***

*Agreement between the Town Superintendent of the Town of Lyme, Jefferson County, New York, and the undersigned members of the Town Board Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highway, shall be expended as follows:*

1. **GENERAL REPAIRS:** *The sum \$78,710.00 shall be set aside to be expended for primary work and general repairs upon 1 (one) mile of Town Highway, including sluices, culverts and bridges having a span of less than five feet and boardwalks or renewals thereof.*
2. **PERMANENT IMPROVEMENTS:** *The following sums shall be set aside to be expended for the permanent improvements of the Town Highways:*

*(a) On the road commencing at the Robinson Road – Root Road Intersection and leading toward Old Town Springs Road a distance of 8 tenths (8/10) mile there shall be expended not over the sum of \$54,943.00.*

*Type – 59W Cold Mix                      Width of travel surface – 16' (feet)  
Thickness 3" Comp – 1 ½*

*(b) On the road commencing at the Moffett Road at the Brownville Line and leading toward NYS Route 12E, a distance of 775 feet, there shall be expended not over the sum of \$14,736.00.*

*Type 59W Cold Mix                      Width of travel surface – 20' (feet)*

*(c) On the road commencing at Beach Road and the South Shore Road Extension and leading to 100' x 14' and 100' x 16', there shall be expended not over the sum of \$8,746.00 and \$285.00 for a 12 inch culvert pipe.*

*Type – 59W                      Thickness – 3' (inches)*

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

## **Committee Reports**

### **Assessor's Report – Marsha Barton**

**Assessment Increase** – The total assessment for the Town of Lyme has increased by \$1,796,107.00. The total assessment is now \$406,416,847.00. This figure will change after Grievance Day.

**Grievance Day** will be Tuesday, May 27<sup>th</sup> from 1:00 – 9:00 p.m.

**State Aid Payment – 2013** – The Town will receive a check from the State in the amount of \$7,041.54. They paid \$2.176 per parcel (3,236 parcels).

**Property Tax Freeze** – Copy of paperwork provided by the State explaining the Property Tax Freeze and the tax credit attached as Addendum A – 5-14-2014.

### **Municipal Water Board Report – Marsha Barton**

**Water Reserve Fund Balances** – A breakdown of balances in the Water Reserve Fund are attached to this set of Minutes as Addendum B – 5-14-2014. Marsha requested a Resolution to deduct \$4,291.00 from the General Fund to be transferred to the Water Reserve Fund.

**Monthly Meeting** – Gregor Smith from Bernier and Carr will be attending the Water Board’s monthly meeting on Wednesday May 28<sup>th</sup> to discuss the mixer and the Lance development.

**Water Facility** – Revenues thru May 23, 2014 are \$1,948.75. There have been no problems in the past few months. Although the floor mat was stolen again so the Water Board has decided not to replace it.

***RESOLUTION 2014 -54: Motion by Councilman Villa and seconded by Councilman Henderson approving the transfer of funds in the amount of \$4,291.00 from the General Fund to the Water Reserve Account. Five ayes. Motion carried.***

### **Clerk’s Report**

<b>Total State, County and Local Revenues:</b>	<b>\$3,018.01</b>
<b>Total Local Shares Remitted:</b>	<b>\$2,722.80</b>

### **Audit of the Bills**

***RESOLUTION 2014 - 55: Motion by Councilman Bourquin and seconded by Councilman Henderson approving Abstract #9 in the amount of \$7,137.84. Five ayes. Motion carried.***

***RESOLUTION 2014 -56: Motion by Councilman Henderson and seconded by Councilwoman Harris approving Abstract #10 in the amount of \$72,346.98. Five ayes. Motion carried.***

***RESOLUTION 2014 - 57: Motion by Councilman Villa and seconded by Councilman Henderson approving the Regular Monthly Meeting Minutes of the Town Board for the April 9, 2014 Meeting. Five ayes. Motion carried.***

### **Youth Committee Report – Charlie Mount**

The following appointments have been made to the Youth Committee:

Heather O'Brien                      Chairwoman

Charlie Mount                        Vice Chairman

Rebecca Kron                        Secretary

Heather O'Brien will coordinate the soccer program; Jennifer Sosa – T-Ball, Rebecca Kron – Softball and Charlie Mount – Basketball.

There is no longer a 1000 Islands Softball League. Currently things are being coordinated with Jefferson County and hopefully it will work out for next year.

All coaches falling under the Town Youth Commission will be required to have their CPR certifications and background checks.

The softball equipment will be going to Rebecca Kron. She will probably only have one team this season with the few girls joining the Cape Vincent team.

ZEO/CEO Report tabled until the next meeting where Jim Millington will be present.

### **Heritage Center – Julia Gosier – Director**

Also present representing the Heritage Center – Maggie Rood, Sue Cornell and Pricilla Audo.

Although the Heritage Center's current location has worked out fine for the past few years they have had to do expensive work in order to continue to be housed at that location. They have done some building renovations that included a new bathroom, they have reoccurring bills such as electric, water, rent and insurance. They can be open only during the good weather months of the year so the Heritage Center is open for approximately 5 months of the year. With the current condition of the building it cannot be heated.

The girls from the Heritage Center feel that they are spending too much money when bills continue for 12 months of the year but they can only utilize the building for 5 months.

The Heritage Center Committee has sent a proposal for a stand-alone building but they have been told by the Village Code Enforcement Officer that it would not meet code. They would appreciate any suggestions from the Board, hoping to work together to find a solution.

The members of the Heritage Center feel that they could remain at their current location for a year or two if necessary but are concerned that they are wasting money doing so.

Supervisor Aubertine suggested that the Wilson Building would be a great location if the Town ended up assuming ownership.

The girls from the Heritage Center said that they love that location. It was suggested that the building could serve as a combination "welcome center" and the location for the Heritage Center.

Supervisor Aubertine reported on his recent visit and how ideal it could be. The Town is just waiting to hear on the negotiations with the County.

Julia stated that 480 square feet is the amount of space they are currently using. With the proper layout they may get away with utilizing less space.

Supervisor Aubertine thought that the building could also be used for extra meeting space.

Julie stated that they would be willing to rent the building for a nominal fee.

Maggie Rood commented that the current space is basically a barn it's uncomfortable and people have difficulty finding them.

Councilman Villa stated that we value the Heritage Center; it's a wonderful service and we need to build awareness that they need help. He assured the girls that the Town will do everything they can to help support them.

The girls from the Heritage Center were pleased that the Town Board considers the Heritage Center an important part of the Town.

Sue Cornell stated that the Heritage Center does a lot of presentations and lectures; they would like to be able to do that all year long.

The Heritage Center started out in a closet with a child's desk; they are now considered one of the best Town Heritage Centers in the State.

### **Empire Recycling Proposal**

After careful consideration the Town Board agreed to continue with the current situation regarding scrap metal. The Town uses the services of both Empire and Kimco for the sale of scrap metal.

### **Spending Freeze**

The Town Board discussed the possibility of using purchase orders for any purchases from now until it would be deemed unnecessary to proceed in this manner. The Town Board has concerns with the amount of revenues coming in this year. The first quarter sales tax came in lower than expected and there are concerns that it could be the trend for the remainder of the year. Reviewing any expenses prior to purchase would be a good way to monitor spending. It makes good fiscal sense, the Town Board is trying to prevent any unnecessary spending.

***RESOLUTION 2014 -58: Motion by Councilman Villa and seconded by Councilman Henderson enacting a spending freeze for the Town of Lyme beginning immediately. Four ayes. Motion carried. Councilman Bourquin - nay.***

***RESOLUTION 2014 - 59: Motion by Supervisor Aubertine and seconded by Councilwoman Harris appointing Councilmen Villa and Henderson as the appropriation committee, seeking their approval on all purchase orders prior to purchasing any merchandise or services for the Town. Five ayes. Motion carried.***

Clerk Wallace requested that both members signatures be affixed to purchase order requests but the Town Board felt that one signature would be sufficient.

***RESOLUTION 2014 - 60: Motion by Councilman Henderson and seconded by Councilman Villa approving the request from Scott Radley for the Lyme soccer Club activities to be covered under the auspicious of the Town of Lyme Youth Commission. Five ayes. Motion carried.***

Old Business

Cemetery Mowing Extension

Quotes were perused and discussed.

***RESOLUTION 2014 - 61: Motion by Supervisor Aubertine and seconded by Councilwoman Harris agreeing not to extend the mowing contract for the 2015 season with JW Property Services. Five ayes. Motion carried.***

Councilman Villa reported on the Chaumont River Corridor Revitalization Project and the upcoming meeting in Clayton on Thursday May 22<sup>nd</sup> at 6:00 p.m.

***Supervisor Aubertine made a Motion to move the Town Board into Executive Session at 9:00 p.m. to discuss litigation matters. The Motion was seconded by Councilman Villa. Five ayes. Motion carried.***

***A Motion was offered by Councilwoman Harris and seconded by Councilman Henderson moving the Town Board from Executive Session back into open meeting at 10:05 p.m. Five ayes. Motion carried.***

***A Motion was offered by Councilwoman Harris and seconded by Councilman Villa adjourning tonight's meeting at 10:05 p.m.***

***The Minutes of Tonight's Meeting have been completed by Town Clerk Kim Wallace, who was not present for the first hour and a half of the meeting. Robin Grovesteen acted as the Clerk to the Town Board during my absence. The minutes of tonight's meeting have been compiled from the video tape of the meeting and Robin's written transcripts.***

***Respectfully Submitted by,***

***Kim Wallace  
Town of Lyme, Town Clerk***

**Addendum A**

**5-14-2014**

**State of New York Department  
of Taxation and Finance  
Property Tax Freeze**



# **Property Tax Freeze**

## **April 24, 2014**

New York State Department of Taxation and Finance  
Office of Real Property Tax Services

# Overview

- Freezes property taxes on the primary residences of homeowners with income at or less than \$500,000 in local governments and school districts that stay within property tax cap.
- Effective for school districts starting with 2014-15 school year.
- Effective for cities, towns, villages, counties and special districts in fiscal years beginning in 2015.
- To receive the tax credit in the second year, school districts and local governments must stay within tax cap and develop plans for sharing or consolidating services that will achieve savings for taxpayers.

# Timing of Freeze Credits

- Homeowners will receive credit by check:
  - Fall 2014 (school only)
  - Fall 2015 (all taxing purposes)
  - Fall 2016 (all taxing purposes but school)

## **Eligibility for Credit - First Fiscal Year\***

- Taxpayer's primary residence have a STAR exemption; and
- Taxing jurisdiction must have a tax cap compliant budget and must certify this to DTF and OSC by the 21<sup>st</sup> day of the fiscal year. Deadline for most school districts is July 21, 2014 and deadline for most local governments is January 21, 2015.

\* Fiscal year beginning 2014 for schools and fiscal year beginning 2015 for all other taxing purposes

## **Eligibility for Credit - Second Fiscal Year\***

- Taxpayer's primary residence have a STAR exemption; and
- Taxing jurisdiction must have a tax cap compliant budget and must have a State approved efficiency plan that will achieve savings for taxpayers. These plans are due to DOB by June 1, 2015.

\* Fiscal year beginning 2015 for schools and fiscal year beginning 2016 for all other taxing purposes

## Calculation of Credit - First Fiscal Year

- The credit is equal to the greater of:
  - Increase in taxes for homeowner (excluding unit/usage charges, increases due to new construction, removal or reduction of exemptions and in localities conducting reassessments the increase in assessed value that exceeds the typical increase in the locality).
  - The prior year taxes for the homeowner for the taxing purpose multiplied by the allowable levy growth factor. For school districts this year the allowable levy growth factor is 1.46%.

## **Calculation of Credit - Second Fiscal Year**

- The credit will equal the two-year increase in taxes if the taxing jurisdiction met the eligibility requirements for both years.

# Timing of Tax Levies and Freeze Checks

Sep 2013	School Tax
Jan 2014	Town/City/County/Special District Tax
June 2014	Village Tax
Sep 2014	School Tax
Oct 2014	State issues 2014 school freeze credit – reflects increase in school taxes from 2013 to 2014
Jan 2015	Town/City/County/Special District Tax
June 2015	Village Tax
Sep 2015	School Tax
Oct 2015	State issues combined 2015 freeze credit – increase in school taxes from 2013 to 2015 plus increase in town/city/county/village special district taxes from 2014 to 2015
Jan 2016	Town/City/County/Special District Tax
June 2016	Village Tax
Oct 2016	State issues 2016 freeze credit - increase in town/city/county/village/special district taxes from 2014 to 2016

## **Special Provisions for Co-ops / Mobile Homes**

- The credit for co-ops will be 60% of the average credit for the taxing jurisdiction.
- The credit for mobile homes that are not separately assessed will be 25% of the average credit for the taxing jurisdiction.

## Submission of Data Files

- Local governments are required to submit to DTF the data files that are used to create tax rolls and tax bills.
- This month DTF will request the data files used to compute 2013 school tax bills and 2014 city, town, village, county and special district tax bills.
- Future tax data files are due to DTF no later than 10 days after the annexation of the warrant.

**Addendum B**

**5-14-2014**

**Water Reserve Fund Balances**

**Water Reserve Fund Balances**  
**April 2014**

	Water Facility	Interest	Deficit	Excess	Balance
	32,260.68	209.45		5,157	37,627.13
				Take 2,854 out of excess to balance WD# 2	34,773.13
WD# 1	276			1,076	1,352.00
WD# 2	0		(2,854)		0.00
WD# 3	2,274			452	2,726.00
WD# 4	13,519.31			460	13,979.31
WD# 5	23,015.01		(1,145)		21,870.01
<b>Total</b>					<b>74,700.45</b>