

Town of Lyme  
May 8, 2013  
Regular Monthly Meeting  
6:30 P.M.

Supervisor Aubertine opened tonight's meeting with a Prayer and the Pledge of Allegiance.

Present at tonight's meeting: Supervisor Aubertine, Councilwoman Harris, Councilmen, Bourquin, Henderson and Villa, Assessors Marsha Barton and Carol Quencer, Town Accountant Cathy Satterley and Planning Board Chairman Frank Congel.

**Supervisor Aubertine asked for a moment of silence tonight in honor of Guy Gosier, who passed away suddenly last evening at his home in Three Mile Bay. Guy was an integral part of life here in the Town of Lyme. Involved in several aspects of the Town, he will be missed not only for his involvement in the community but for being a kind and caring man.**

Supervisor Aubertine received information from Lori Mitthen, Attorney for the Association of Towns regarding flying of flags at half-staff. After consideration of the provided information the Town Board passed the following Resolution.

***RESOLUTION 2013 - 54: Motion by Supervisor Aubertine and seconded by Councilman Bourquin stating that whenever an employee of the Town of Lyme, whether elected or appointed passes away, the Town will fly all flags on Town property at half-staff for a period of three days. Therefore, the Town can follow the provisions of the New York State Executive Law, 403(21) regarding flying of the flag at less than full-staff to commemorate the death of a local official or a public servant who, in the opinion of the local agency, contributed to the community. Five ayes. Motion carried.***

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

***RESOLUTION 2013 - 55: Motion by Councilman Henderson and seconded by Councilwoman Harris accepting the Supervisor's Report as presented by Town Accountant Cathy Satterley. Five ayes. Motion carried.***

**Clerk's Report – April 2013**

Total State, County and Local Revenues: \$5,305.24  
Total Local Shares Remitted: \$4,861.46

**Audit of Bills**

***RESOLUTION 2013 – 56: Motion by Councilman Henderson and seconded by Councilman Villa approving Abstract #9 in the amount of \$1,449.02. Five ayes. Motion carried.***

***RESOLUTION 2013 – 57: Motion by Councilman Villa and seconded by Councilman Henderson approving Abstract #10 in the amount of \$70,297.46. Five ayes. Motion carried.***

***RESOLUTION 2013 – 58: Motion by Councilwoman Harris and seconded by Councilman Henderson approving the meeting minutes of the April 10, 2013 Regular Monthly Meeting as submitted by Clerk Wallace. Five ayes. Motion carried.***

**Committee Reports**

**Assessor's Report – Marsha Barton**

The Assessor's will be sitting with the Tentative Assessment Roll, as required by State Law on Monday May 6<sup>th</sup>, 13<sup>th</sup> and 20<sup>th</sup> from 9:00 a.m. – 3:00 p.m., and also on May 16<sup>th</sup> from 6:00 – 8:00 p.m. and Saturday May 18<sup>th</sup> from 9:00 a.m. – 1:00 p.m. Someone will also be in the office Monday through Friday until Grievance Day.

**2013 Tentative Assessment Roll Totals:**

Town Assessed Value	\$406,809,040
County Taxable Value	\$383,290,824
Town Taxable Value	\$385,040,880
School Taxable Value	\$387,307,488

Village Taxable Value                   \$ 36,249,686

These values will change after Grievance Day.

The Assessor's dropped \$3,000,000 during the Hearing Process.

The Assessors are making appointments for Grievance Day, May 28<sup>th</sup> . Appointments have filled the schedule and it is full, with 48 appointments for the 28<sup>th</sup> and appointments are now being made for the 29<sup>th</sup>. They have received about 20 mail-in Grievance forms at this time.

Lori Arreola will not be able to fulfill her duties as the BAR Secretary during the Grievance period so Marsha is requesting the Town Board appoint Stephanie Petrarca.

***RESOLUTION 2013 – 59: Motion by Councilman Bourquin and seconded by Councilman Villa appointing Stephanie Petrarca as the temporary secretary to the 2013 Board of Assessment Review during the Grievance period. Five ayes. Motion carried.***

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

The Water Board has contacted a leak detection firm to help locate the leak in Water District #2. Billy has been unable to find the leak and we have lost 18% in Water District #2 last year.

The Water Board is still working on revisions to the Water Use Law. A copy of the proposed law has been sent to Attorney Gebo for his review. Mark made some recommendations and the Water Board is working on the suggested changes.

A list of the Water Department's inventory has been submitted to Clerk Wallace.

In order to cover the expenses to DANC, the DCC Fee had to be raised from \$32.53 bi-monthly to \$37.25.

### **Planning Board Report – Frank Congel**

**Renewable Energy Law – The following corrections were suggested by the Town Board following the Public Hearing of April 10, 2013:**

- 1. Eliminate the 1250’ property owner ID requirement for solar applications.**
- 2. Address wording to ensure guy wires can be used on “free-standing” towers.**
- 3. Allow low level lights on SWECS towers.**
- 4. Reword Section 3.b, in the solar section to eliminate confusing text.**
- 5. Standardize the out of compliance removal clause for all RESs.**

**Supervisor Aubertine and Councilman Villa spoke with ZBA Member Harry Staudenmayer regarding variances and Harry is of the opinion that when the ZBA grants a variance, with the possibility of variances for wind towers and biomass, the Town Board may wish to exclude wind towers in the water front districts or 500’ from the high water mark, where specifically authorized by the Zoning Law.**

**The ZBA reviews such things as Special Use Permits and Site Plan Review Applications, this applies to variances also.**

**The Zoning Law should include standards by which to judge the appropriateness of the Special Permit or Site Plan use. The standards must be specific enough as to preclude being construed as a grant of legislative authority to the Board. If we wish to limit the granting of variances (for example heights and setbacks) we must so state otherwise that the variance requests will be treated by the ZBA as deemed reasonable or as the situation warrants.**

**In order for the ZBA to set limits they must have a clear understanding of intent. The mere fact there is a Law suggests limits exist. Without a definition there is ambiguity as of what the limits are.**

**Supervisor Aubertine stated that in short, we have established a 125’ height. If the ZBA is to grant a variance, how high are they going to allow them to go? What about setbacks? The ZBA grants variances and makes exceptions.**

**Councilwoman Harris indicated that the Law should be clear enough so that variances can be granted in extreme circumstances.**

ZBA Chairwoman, Carol Quencer specified that what the ZBA does, is to grant variances.

Councilman Bourquin stated that you have to go to the ZBA any time you go outside the parameters of the Zoning Law.

Planning Board Chairman, Frank Congel had a specific discussion with Hartley Bonisteel of Jefferson County Planning and Attorney Gebo in regard to limiting or “tying the hands” of the ZBA. The Town Board could specifically determine the height of the wind turbines would be allowed to vary, *up to* 125 feet, but under no circumstances exceed that height limit. With that said there would be no options on height. If the Town wants that specific limit, it could be added to the law.

Marsha indicated that she had a problem with tying the hands of the ZBA because they are there to review each unique situation. She feels that the ZBA should have the power to make changes concerning each individual situation. It should be determined on a case by case basis.

Frank stated that you can tie one parameter, not all of them. Determine certain parameters. If the decision is made on locking in height due to esthetics, there is logic in that. Let the other aspects of the law have flexibility. There could be an argument for sound and setbacks as well.

Councilwoman Harris reiterated that we should always look at the health, safety and welfare of the community. Part of that philosophy is the impact of neighboring property values.

After much discussion, the Town Board moved forward.

Councilman Bourquin had concerns with Section D2 concerning solar roof mounted panels and having to apply for a special permit. He would like to have it read “no special permit is required if the system of design being installed is part of the original construction.”

The Town Board is determining that the tower height will be allowed to vary up to 125 feet and under no circumstances to exceed that height.

***RESOLUTION 2013 – 60: Motion by Supervisor Aubertine and seconded by Councilman Henderson asking the Planning Board Chairman, Frank Congel, to make the final revisions to the Renewable Energy Law and then send it to the Town Board so it may be forwarded to the Department of State. The Local Law will be filed upon these further amendments addressed at tonight’s meeting. The Town Board has deemed any changes to the Draft Law insignificant. Four ayes. Motion carried. Councilman Bourquin nay.***

The Planning Board is also looking at their by-laws and they will be proposing some revisions and will be seeking the Town Boards approval.

Frank also feels that it might be a good time to take a look at SKYPE and video conferencing. He would like the Town Board to approve a statement for the by-laws to make it truly enforceable. Frank is asking for guidance; he has had a Planning Board Member who has SKYPED for the past 8 or 9 months.

***RESOLUTION 2013 – 61: Motion by Councilman Henderson and seconded by Councilwoman Harris to allow not more than three (3) video conferences during a 12 month period. The location of the video conference must be open to the public; all parties must be able to be seen and heard by everyone in attendance; notice of intent to video conference must be received by the Town Clerk at least 10 days prior to the meeting so it can be properly advertised. This determination is intended for all Boards under the Town auspices. Five ayes. Motion carried.***

**Subdivision Law** – The Planning Board will begin to look over the existing subdivision draft law and start making their suggestions and updates.

## New Business

### Revision to Town Policy – Part Time Employees

Town Policy – Page 10 - X. Regarding “Uniforms”, the Town Board would like to revise the part-time employees benefit policy concerning shoes.

***RESOLUTION 2013 – 62: Motion by Councilwoman Harris and seconded by Councilman Henderson revising the Town Policy concerning part-time employees; page 10 – X, regarding “Uniforms”. The last part of the sentence shall be removed. The new policy regarding “Uniforms” shall read, “The employer will provide work uniforms and two (2) pairs of safety work shoes per year to all full-time employees. Five ayes. Motion carried.***

### Transfer Site

George Perkins will be retiring as of May 28, 2013. The Town Board would like to establish a job description and expectations of the Transfer Site Employees. It will be mandatory that all Transfer Site Employees run all equipment associated with Transfer Site operations.

The Town Board also discussed reimbursing George for his sick and vacation time that was not utilized prior to his retirement.

***RESOLUTION 2013 – 63: Motion by Councilman Bourquin and seconded by Councilwoman Harris authorizing fifty percent (50%) of the 706 hours of George Perkin’s accrued sick time, be paid to him upon his retirement from the Town of Lyme. Should George have remaining vacation time at retirement he will receive a full time reimbursement for those residual hours. Five ayes. Motion carried.***

***RESOLUTION 2013 – 64: Motion by Supervisor Aubertine and seconded by Councilman Henderson approving the appointments of Lyle Connor, Diane Heise and Richard Frezzo as attendants at the Transfer Site, pending approval of the interview process. Five ayes. Motion carried.***

## Amendment of the Dog Law

***RESOLUTION 2013 – 65: Motion by Councilman Villa and seconded by Councilwoman Harris scheduling a Public Hearing amending the Local Dog Law on June 12, 2013 at 6:25 p.m. to be held at the Municipal Building, 12175 NYS RT 12E, Chaumont. Five ayes. Motion carried.***

## Hunting and Fishing Licensing

At a recent Supervisor's Meeting there was discussion regarding the complexity of selling NYS Hunting and Fishing Licenses. Many of the Supervisor's expressed the same sentiment, that it is time consuming with no profit. Some of the Supervisor's stated that they would discuss it at their next Town Board Meeting and let the Board's decide, but they believed they were going to opt out.

***The Town Board will TABLE the DECALS discussion until the June 12, 2013 Regular Monthly Meeting. This will give Supervisor Aubertine a chance to discuss the matter with the hardware store to see if they still have an interest in selling licenses.***

***RESOLUTION 2013 – 66: Motion by Councilman Villa and seconded by Councilman Henderson allowing Supervisor Aubertine to use his discretion of continuing to use the Zoom Share site to maintain our meeting material at a cost of \$84.00 per year or having Matt Turcotte design the same type of set up through our Town Web Site. Five ayes. Motion carried.***

## Intervenor Funding – Joint Application

***RESOLUTION 2013 – 67: Motion by Councilman Henderson and seconded by Councilman Villa resolving to “stand on our own” and apply for the Intervenor Funding separately. The Town of Lyme chooses not to file a joint application with the Town of Cape Vincent in this matter. Four ayes. Motion carried. Councilman Bourquin abstained from voting.***

## Transportation Enhancement Program

Councilwoman Harris suggested that the Town of Lyme speak with Kelly Reinhardt in regard to the Transportation Enhancement Program Grant. This grant would give the Town the opportunity to have bike paths throughout the community along with some “streetscaping”. It may even open up the possibility of having a separate area for crossing the river for bikers, snowmobilers, cross country skiers, etc.

Supervisor Aubertine will contact Kelly Reinhardt and ask her for her help and suggestions regarding this grant.

## Resignation and Retirement Letters

***RESOLUTION 2013 – 68: Motion by Supervisor Aubertine and seconded by Councilwoman Harris accepting George Perkin’s retirement letter with regrets. The Town Board would like to thank George for over 30 years of dedicated service and devotion to the Town of Lyme and its residents.***

***RESOLUTION 2013 – 69: Motion by Supervisor Aubertine and seconded by Councilwoman Harris accepting the resignation of the ZBA Secretary, Jo Morrow with regrets. Five ayes. Motion carried.***

***RESOLUTION 2013 – 70: Motion by Supervisor Aubertine and seconded by Councilman Villa approving the advertisement in the Watertown Daily Times for a ZBA Secretary. Five ayes. Motion carried.***

***RESOLUTION 2013 – 71: Motion by Councilman Villa and seconded by Councilman Bourquin approving the agreement with CREG Systems for the new Toshiba phone system for the Town offices. Costs associated with the agreement will not exceed \$3,560.00. Five ayes. Motion carried.***

***RESOLUTION 2013 – 72: Motion by Supervisor Aubertine and seconded by Councilman Henderson TABLING the NYS Snow and Ice discussion until the June 12, 2013 Regular Monthly Meeting. Five ayes. Motion carried.***

**RESOLUTION 2013 – 73: Motion by Councilman Bourquin and seconded by Councilman Henderson appointing Dan Villa, Joel Block and Mike Harris as members from the Town of Lyme to the LWRP Committee. Five ayes. Motion carried.**

**RESOLUTION 2013 – 74: Motion by Supervisor Aubertine and seconded by Councilman Henderson approving the request for the General Brown Fast Pitch League's use of the Morris Tract Ball Field for the 2013 Season. Five ayes. Motion carried.**

**RESOLUTION 2013 – 75: Motion by Councilman Henderson and seconded by Councilman Villa approving the new Sports Accident Insurance Policy with Rose and Kiernan. The Policy takes effect May 15, 2013 and remains in effect until May 14, 2013. Five ayes. Motion carried.**

#### **Correspondence**

**Letter From Otis Darby Regarding DSL** – Mr. Darby has concerns with his slow DSL speeds and would like to have the Town look into the possibility of doing something to see better service offered to the residents of the Town.

Supervisor Aubertine contacted the Attorney at the Association of Towns and they stated that the Towns do not regulate internet or broadband services.

Supervisor Aubertine would like to inform Mr. Darby that we had received legal advice regarding the matter and that his letter of concern was also sent to TDS.

Councilman Bourquin and Villa have agreed to formatting and sending a letter to Mr. Darby and TDS.

**RESOLUTION 2013 – 76: Motion by Councilman Bourquin and seconded by Councilman Henderson approving Councilmen Bourquin and Villa to meet on Friday and put together a letter of response to Otis Darby regarding the DSL matter. A letter will also be sent to TDS. Four ayes. Motion carried. Supervisor Aubertine abstained.**

**Privilege of the Floor – None Heard**

***Motion by Supervisor Aubertine and seconded by Councilwoman Harris moving the Town Board in to Executive Session for a litigation matter, personnel matter and Planning Board appointments at 9:25 p.m. Planning Board Chairman Frank Congel was invited into the Executive Session to discuss the Planning Board appointments. Five ayes. Motion carried.***

After a lengthy discussion during Executive Session regarding the Planning Board appointments the following Motion was offered:

***RESOLUTION 2013 - 77: Motion by Councilman Bourquin and seconded by Supervisor Aubertine approving the appointments of Gail Miller and Julia Gosier as alternate members to the Town Planning Board. Alternate members are appointed to the Planning Board on an annual basis and will be reconsidered at the Organizational Meeting of the Town Board in 2014. Four ayes. Motion carried. Councilman Villa abstained from voting.***

***A Motion was offered by Councilman Villa and seconded by Councilwoman Harris moving the Town Board back into open meeting at 10:15 p.m. Five ayes. Motion carried.***

***A Motion was offered by Councilman Villa and seconded by Councilwoman Harris adjourning tonight's meeting at 10:15 p.m. Five ayes. Motion carried.***

***The Minutes of Tonight's Meeting are Respectfully Submitted by,***

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

