

**Town of Lyme  
October 14, 2015  
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, Assessor's Marsha Barton and Roz Gotham, Clerk to Supervisor Robin Grovesteen, ZBA Member Harry Staudenmayer, Three Mile Bay Cemetery Superintendent Julia Gosier, Five Boy Scouts from the Local Troop and approximately 7 others.**

**Supervisor Aubertine presented Harry Staudenmayer with a certificate of appreciation for his many years of dedication and devotion to the Town while serving on the Zoning Board of Appeals. Harry has been a devoted and active member and he has been a good counselor and friend to Supervisor Aubertine.**

**Harry mentioned that Dick Revelle and Jo Morrow kept him honest; Jim Millington is an excellent Zoning and Code Enforcement Officer and Councilwoman Harris has been a "friendly-foe" through the years. Harry stated that it has been a good run and he wishes he could continue on. He is only a phone call away should anyone need him.**

**Supervisor's Report – Tom Bowie**

***RESOLUTION 2015 – 148: Motion by Councilman Henderson and seconded by Councilman Villa approving the September 2015 Supervisor's Report as presented by Town Accountant Tom Bowie. Five ayes. Motion carried.***

***RESOLUTION 2015 – 149: Motion by Councilman Villa and seconded by Councilman Henderson approving a Budget Amendment increasing the Highway Machinery Equipment Account, DA5130.2 by \$180,000.00 with those funds being transferred from the Capital Reserve Fund DA878. Increasing the Budget in the Highway Fund for the purchase of the 2015 International plow truck that was acquired earlier this year. Five ayes. Motion carried.***

## Privilege of the Floor

### Gregor Smith – Bernier and Carr

Parcels owned by Joe Shanks are under consideration with regard to issues as to how the Town should proceed with water connections to the vacant land in Water Districts #1 and #5.

According to Gregor Smith, the existing meter in WD #5 is tied into the master meter in WD #1. The Municipal Water Board feels that it would be easiest for Mr. Shanks to connect to WD #5 although the property is located in WD #1.

The Town also questioned how they should address parcels in Water District #1 that front in Water District #5.

Water Board Chairwoman, Marsha Barton suggested that it would be best to change the parcels in WD #1 and make them part of WD #5, though it would be costly.

The immediate issue concerning Mr. Shanks is that he needs to place laterals under the Old Town Springs Road to service his two lots. Gregor suggested a line under the road and then branching off to each parcel. Each parcel would have its own curb stop, meter and separate laterals. Gregor indicated that other communities proceed in this way and do not have any issues as a result.

***RESOLUTION 2015 – 150: Motion by Councilman Bourquin and seconded by Councilwoman Harris allowing for a single lateral of no less than two inches that will serve both parcels identified as Lots #3 and #4, owned by Joseph Shanks. The lateral water line will be placed under the Old Town Springs Road and will be shared between the two parcels. The property owner will be responsible for all legal and engineering fees associated with the development and the installation of this water line. Five ayes. Motion carried.***

## Officer's Reports

### Clerk's Report –September 2015

Total State, County and Local Revenues:	\$3,948.13
Total Local Shared Remitted:	\$3683.51

### Audit of the Bills

***RESOLUTION 2015 – 151: Motion by Councilman Villa and seconded by Councilwoman Harris approving Abstract #19 in the amount of \$5,867.50. Five ayes. Motion carried.***

***RESOLUTION 2015 – 152: Motion by Councilwoman Harris and seconded by Councilman Henderson approving Abstract #20 in the amount of \$60,419.84. Five ayes. Motion carried.***

### Approval of Minutes

***RESOLUTION 2015 – 153: Motion by Councilman Villa and seconded by Councilman Henderson approving the Minutes of the September 9, 2015 as presented by Clerk Wallace. Five ayes. Motion carried.***

## Committee Reports

### Assessor's Report – Marsha Barton

There were 14 Small Claims filings. Small Claims can only be filed on one, two or three family residences.

There was one disqualification because it was vacant land, another disqualified due to being incomplete as of March 1, 2015. One reduced by \$20,000.00 based on an appraisal of comparable sales. One was reduced by \$13,000.00 due to the extended amount of time it has been for sale; over 2 years and the list price is below the assessment.

The remaining ten properties had no change.

Marsha was informed that the Town won the court cases where residents were challenging their assessments.

***RESOLUTION 2015 – 154: Motion by Councilman Henderson and seconded by Councilwoman Harris approving the reimbursement of \$30.00 each to Mr. and Mrs. Robert Dober and Mr. and Mrs. Thomas Stevens for their filing fees, as directed by the Hearing Officer that presided over the cases. Five ayes. Motion carried.***

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

***RESOLUTION 2015 – 155: Motion by Councilwoman Harris and seconded by Councilman Henderson approving the purchase of 2"urethane pipe insulation with PVC jacketing from HD Supply, Inc. for the Three Mile Bay Water Tower, in the amount of \$1,500.00. Five ayes. Motion carried.***

In an inspection done by DANC it was determined that three master meters are functioning at less than 95%. Two of the meters are located in Water District #1 and one meter in Water District #4.

***RESOLUTION 2015 – 156: Motion by Councilwoman Harris and seconded by Councilman Henderson authorizing the replacement of three master meters; two being in Water District #1 and one being in Water District #4. The meters will be purchased from the Vellano Corporation in the amount of \$10,975.02. The charges for the meters will be \$7,316.68 to Water District #1 and \$3,658.34 for the meters in WD #4. Five ayes. Motion carried.***

#### **Three Mile Bay Cemetery Report – Julia Gosier**

Julie stated that the money spent for the survey map done by GYMO recently was money very well spent. She was surprised to find out that the Cemetery owned more land than she thought. She would like to have Pat and Brian go out with her and designate where all the markers are and find a way of making the boundary and markers clearly defined.

**Youth Committee Report – Charlie Mount**

Basketball will be starting soon and the playground in Three Mile Bay is up and running.

**ZEO/CEO Report – Jim Millington**

**Report for August and September 2015**

Building/Zoning Permits Issued:	14
Certificates of Occupancy Issued:	2
ZBA Referrals:	6
Site Visits and Inspections:	18
Complaints:	2
Investigations:	2
Home or Cottage:	2
Garage/Barn:	5
Additions:	2
Other, Pools, Slabs, Sheds, Roofs:	5

**Three Mile Bay Lighting District – Marsha Barton and Robin Grovesteen**

At the request of Supervisor Aubertine, Marsha and Robin began a study of the Three Mile Bay Lighting District. They examined all parcels located therein and found a number that are not being assessed the Special District Tax for the lighting service.

Next, Marsha and Robin examined those properties that now have the benefit of the lighting that was installed in years following the official formation of the district. In doing so, they have identified a number of property owners (10 – 12) who do not contribute to the cost of the service through their taxes. The cost of the lighting has remained the responsibility of only those residents whose properties are located within the limits of the original district formed several years ago.

The Town Board must now undertake the action of expanding the boundaries of the Three Mile Bay Lighting District to accurately reflect the larger area where newer street lighting has been installed and then identify and impose the special lighting tax on those parcels that are now benefitting from the lighting.

***RESOLUTION 2015 – 157: Motion by Councilwoman Harris and seconded by Councilman Henderson initiating the extension of the Three Mile Bay Lighting District and beginning the process under Article 12a of the Town Law with submittal of a map with new boundaries, plan and report. Properties within the district that are designated as vacant (with no improvements) will be excluded from the tax. Those properties within the lighting district will be taxed by the “equal benefit” method. Five ayes. Motion carried.***

<b><i>Councilman Bourquin</i></b>	<b><i>Aye</i></b>
<b><i>Councilman Villa</i></b>	<b><i>Aye</i></b>
<b><i>Councilwoman Harris</i></b>	<b><i>Aye</i></b>
<b><i>Councilman Henderson</i></b>	<b><i>Aye</i></b>
<b><i>Supervisor Aubertine</i></b>	<b><i>Aye</i></b>

***RESOLUTION 2015 – 158: Motion by Councilwoman Harris and seconded by Councilman Henderson setting a Public Hearing that will address changing the boundaries of the Three Mile Bay Lighting District on November 11, 2015 at 6:15 p.m., prior to the Regular Monthly Meeting of the Town Board. The Meeting will be held at 12175 NYS Route 12E, Chaumont, NY at the Municipal Offices. Five ayes. Motion carried.***

#### **New Business**

***RESOLUTION 2015 – 159: Motion by Councilwoman Harris and seconded by Councilman Henderson approving the annual audit of the Town of Lyme Court that was conducted on September 25, 2015. The audit covered the bank records and material of 2014. All court records were found to be in order and up to date for both Justices. Income and expenditures balanced for both Justices. Five ayes. Motion carried.***

***RESOLUTION 2015 – 160: Motion by Councilman Bourquin and seconded by Councilwoman Harris repealing the Tax Cap Override of 2015, whereas the Town***

*of Lyme fell under the Tax Cap for 2015 and will repeal their Law and in turn, residents will now receive a Tax Rebate Check for 2015. Five ayes. Motion carried.*

#### **Letter of Thanks to Andrea Marks for Donation**

The Town Board agreed to send a letter of thanks to Andrea Marks for donating an iron arch to the Three Mile Bay Cemetery to be used at the entrance.

***RESOLUTION 2015 – 161: Motion by Councilwoman Harris and seconded by Councilman Henderson scheduling Budget Work Sessions on the following dates: Wednesday October 21<sup>st</sup> at 6:30 p.m., Wednesday October 28<sup>th</sup> at 6:30 p.m. and Monday November 2, 2015 at 6:30 p.m. All meetings will be held at the Municipal Offices 12175 NYS Route 12E, Chaumont, NY. Five ayes. Motion carried.***

***RESOLUTION 2015 – 162: Motion by Councilwoman Harris and seconded by Councilman Henderson establishing a Public Hearing for the 2016 Preliminary Budget on November 5, 2015 at 6:30 p.m. The Hearing will be held at the Municipal Offices 12175, NYS Route 12E Chaumont, NY. Five ayes. Motion carried.***

#### **Bond Resolution 2016 MACK**

***RESOLUTION 2015 – 163: At a regular meeting of the Town Board of the Town of Lyme, Jefferson County, New York, said Town's meeting was held at 12175 NYS Route 12E Chaumont, New York on the 14<sup>th</sup> day of October 2015 at 6:30 p.m., prevailing time.***

***The meeting was called to order by Supervisor Aubertine and upon roll being call, the following were:***

#### ***Present:***

***Supervisor Scott G. Aubertine  
Councilman Donald Bourquin  
Councilwoman Anne Harris  
Councilman Daniel Villa***

**Councilman David Henderson**

**The following Resolution was offered by Councilwoman Harris who moved its adoption and seconded by Councilman Henderson, to wit:**

**BOND RESOLUTION DATED OCTOBER 14, 2015**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS, STATUTORY INSTALLMENT BOND OF INSTALLMENT PURCHASE AGREEMENT FOR THE PURCHASE OF A 2016 MACK GU713 EQUIPPED WITH VIKING PLOW EQUIPMENT NOT TO EXCEED \$195,000.00.**

**BE IT RESOLVED, by the Town Board of the Town of Lyme, Jefferson County, New York, as follows:**

**Section 1. The purchase of a 2016 MACK GU713 Equipped with Viking Plow Equipment for the Town of Lyme is hereby authorized at a maximum cost of \$195,000.00.**

**Section 2. It is hereby determined that the period of probable usefulness of the aforesaid plow truck is fifteen (15) years; pursuant to Section 11.00 (a) (28) of Local Finance Law. It is further determined that no down payment is required pursuant to Section 107 (d) (3) (d) of Local Finance Law.**

**Section 3. The plan for the financing of such estimated cost is by issuance of serial bonds, a statutory installment bond or purchase installment agreement not exceeding \$195,000.00 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law. Such financing shall be repaid over a period of five (5) years or less.**

**Section 4. The faith and credit of the Town of Lyme, Jefferson County, New York is hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable.**

**Section 5. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto,**

*prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bond are to be executed in the name of the Town by the facsimile signature of its Town Supervisor), including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent and accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Town Supervisor shall determine.*

*Section 6. The validity of such bonds and bond anticipation notes may be contested only if:*

- (1) Such obligations are authorized for an object of purpose for which said Town is not authorized to expend money, or*
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit of proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or*
- (3) Such obligations are authorized in violation of the provisions of the Constitution.*

*Section 7. Upon this resolution taking effect, a summary of the same be published in the Watertown Daily Times, the official newspaper of said Town, for such purpose, together with a notice of the Town Clerk in the form provided in Section 80.00 of the Local Finance Law.*

*Section 8. This Resolution is not subject to permissive referendum, pursuant to Section 35.00 of the Local Finance Law.*

**Section 9. This Resolution shall constitute a statement of official intent for the purposes of Treasury Regulations Section 1.150-2. Other than as specified in this Resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.**

**The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:**

<b>Supervisor Aubertine</b>	<b>Voting Aye</b>
<b>Councilman Bourquin</b>	<b>Voting Aye</b>
<b>Councilwoman Harris</b>	<b>Voting Aye</b>
<b>Councilman Villa</b>	<b>Voting Naye</b>
<b>Councilman Henderson</b>	<b>Voting Aye</b>

**The Resolution was thereupon declared duly adopted.**

**The total cost of the 2016 MACK Truck is \$191,267.00 at 3.070 percent interest with a five year amortization and the payments being \$40,917.00 per year and payments will be paid January 1<sup>st</sup> of each year. The first payment will be January 1, 2016.**

**Five ayes and the Motion was carried.**

**RESOLUTION 2015 – 164: Motion by Councilman Henderson and seconded by Supervisor Aubertine authorizing Supervisor Aubertine to sign all the necessary documentation that is required for the installment purchase agreement for the 2016 MACK.**

**Vote as follows:**

<b>Councilman Henderson</b>	<b>Aye</b>
<b>Councilwoman Harris</b>	<b>Aye</b>
<b>Councilman Bourquin</b>	<b>Aye</b>
<b>Supervisor Aubertine</b>	<b>Aye</b>
<b>Councilman Villa</b>	<b>Naye</b>

***Five ayes and the Motion was carried.***

**Councilman Villa** wished to be put on record, stating that he does not feel it is a wise choice for the Town to spend \$400,000.00 in one year on highway equipment; thus putting the Town in significant debt.

**Executive Session**

***RESOLUTION 2015 – 165: Motion by Supervisor Aubertine and seconded by Councilwoman Harris moving the Town Board into Executive Session at 8:35 p.m. to discuss personnel and property acquisition issues. Five ayes. Motion carried.***

***RESOLUTION 2015 – 166: Motion by Councilwoman Harris and seconded by Councilman Henderson authorizing Supervisor Aubertine to contact Attorney Gebo to have him draft a letter of intent that will be sent to Geordie McGee in regard to a possible land acquisition. Five ayes. Motion carried.***

***RESOLUTION 2015 – 167: Motion by Councilman Henderson and seconded by Councilman Villa approving the termination of a Transfer Site employee. Councilman Bourquin will be responsible for meeting with the employee and explaining the reasons for termination. Five ayes. Motion carried.***

***RESOLUTION 2015 – 168: Motion by Councilwoman Harris and seconded by Councilman Henderson moving the Town Board from Executive Session back into Open Meeting at 9:15 p.m. Five ayes. Motion carried.***

***At 9:15 p.m. a Motion was offered by Councilwoman Harris and seconded by Councilman Henderson adjourning tonight's meeting. Five ayes. Motion carried.***

***The Minutes of Tonight's Meeting are respectfully submitted by,***



**Kim Wallace**

**Town Clerk**