

**Town of Lyme  
October 8, 2008  
Regular Town Board Meeting  
6:30 P.M.**

**The Regularly Scheduled Monthly Town Board Meeting was called to order by Supervisor Aubertine at 6:35 p.m. and was opened with a Prayer and the Pledge of Allegiance.**

**Privilege of the Floor**

**Bob Thomas**

Has recently met with the Town and Village Planning Department and they will be working together on the natural gas line. They will be pooling their resources and working together as a group.

Jefferson Community College Resolution for the capital project was tabled at last night's meeting due to lack of information. The County Legislators are concerned with the tax burden it might bring. They cannot move forward without the Board of Legislators approval. They will not vote until they have all the answers they are looking for.

**Guy Gosier** – Would like to comment on the petition that was presented to the Town Board by the “anti-wind” people on September 30, 2008.

There were many mistakes on the petitions. Bert Bowers, who is a Planning Board Member and Ann Harris who is a Planning Board Chairman, carried these petitions for signatures. This is a conflict of interest and it is very biased. This Planning Board has chased away two other businesses. These Planning Board members should be fired or made to resign. It's time to form a new committee to be formed with members of both sides and the Town Board. There are over 1600 taxpayers in the Town. There is another scare tactic being presented at the school by the “anti-wind” people. It is time to have the Town Board to come up with a committee to discuss information pertaining to the Wind Law.

**Steve Rutigliano** – On September 10, 2008, Pete Rogers asked the Town Board Members if any of them had a conflict of interest with any of the Wind Companies; there was never a definite answer to that. Mr. Rutigliano requested a poll of each Board Member asking them each to identify family members or friends, who may have contracts with a wind developer, and to identify any employment or business interests and state any future employment offers from the wind developers. The taxpayers need to know if there are any such contracts or interests that will create a conflict of interest. Polling is a conventional and acceptable means of identifying a conflict of interest. Taxpayers and residents do not need to speculate or make uninformed accusations where our Board Members stand.

**Supervisor Aubertine** has contacted Mark Gebo regarding this situation and he has advised what a conflict of interest is. Section 801 of the Municipal Law indicates that certain conflicts of interest are prohibited. This means that no Municipal Officer or Employee shall have an interest in a contract with a municipality in which he has the power or duty to negotiate or audit to pay the bills. Also, no chief fiscal officer will have an interest in a bank. Conflicts are defined very broadly to include a broad range of things and include resolutions, ordinances, etc. Interest is defined and includes not only the employee but also the employees spouse, children and dependents. It does not have an expanded definition to in-laws or other more distant relatives. It does not even include parents or brothers and sisters. It does not mean that your Town may want to take a more expansive view of it. There are certain exceptions listed in Section 802 but these are not normally going to apply to the situation you have outlined.

Supervisor Aubertine also asked Mr. Gebo about the disclosure forms. His response was that usually disclosure forms only disclose the conflict; they do not disclose a non-conflict.

Supervisor Aubertine stated that he would be glad to poll each Board Member, asking them to identify any family member or friends who have contracts with a wind developer, who identify any employment or business interest with a member associated and state any future employment offered to a Board Member by a wind developer.

**Supervisor Aubertine** stated that he does not have any family that will be getting wind turbines. He probably has some friends but he is not aware of all the people who are getting them. Some of those getting the wind turbines he would consider friends after 40 years. He has no family who will be getting wind turbines nor has he talked with any wind developer about possible employment, nor would he want to. He has honored the Moratorium and did not speak to developers during that time. His only agenda is to try to represent all the people in the Town of Lyme. He does understand where Mr. Gosier is coming from when he says 423 members on a petition, when we have 1,716 registered voters in this Town, is no where near a majority. Supervisor Aubertine does not think that the surveys are clear as to what the people wanted.

The chronological course of events that had taken place after Supervisor Aubertine took office were as follows:

First of all we had two public hearings. At those hearings there was no doubt that the people present were the majority against the wind development, but they were not the majority of the people of the Town. Once he reviewed the surveys and was able to see them for himself and saw what the people wrote, he became more convinced that 52 percent of the people wanted wind in the Town. It is a lot of work to gather 423 names for those petitions. He is considering those 423 people along with the other 1300 residents in the Town.

**Bert Bowers** – The wind survey showed that more than 500 of the 900 who filled out the survey wanted at least the 4500 foot setbacks between the wind

mills, Lake and communities. He reviewed every one of those surveys and knows what the results are; he read every one of them and tabulated the results. The people selected the answers because that is what they wanted, not because they didn't understand it. There were considerable details on the comments that accompanied the surveys to be certain the Planning Board understood what they meant by their answers. We do not want to put ourselves in the hands of BP. He resents his group being called "anti-wind". People want the present Law reenacted. It is not an anti-wind law; it is simply a law that sets turbines back enough so people won't suffer the ill effects of them. There are people who plan to gain financially and he understands why they want them, but they don't have the right to impose noise and annoyance on the rest of us. The question at the beginning of the survey clearly shows that 52% of the people wanted wind. When it came to the comments the people were specific to the 4500 feet of separation. That is why the survey was drafted then way it was.

**Councilman Johnson** – Has no conflicts of interest, he has no family or friends with contracts. He feels it should go a little further, to address campaign contributions. He feels that is an important question and that way everything is out.

**Councilman Schreib** – Has no relatives, one person he would consider a friend that does have a contract. That doesn't affect him one way or the other, he is looking for the betterment of the Town, and moving forward. Each one of us has to take a look at ourselves and be sure we are doing the right thing morally. We must be sure that we are not being influenced by any outside forces trying to sway our judgment one way or the other. He has no conflicts.

**Councilman Countryman** – Has a brother-in-law, David Bourquin, and at this particular time he has not asked David, nor has he volunteered the information. Councilman Countryman isn't sure he has enough land to put up turbines. He talks with David but they don't socialize. He does have a couple of friends that he believes have contracts. He doesn't feel he has any conflict of interest. As far as future employment down the road, he doesn't know how anybody could answer that question.

**Councilman Madill** – Has no family, no stock, and no employment, no need to talk to BP. He feels he has a good conscience and he follows it. He is out to do the right thing for everyone in this community. Nobody has offered him gifts, campaign contributions or a white envelope full of money.

**Steve Rutigliano** – thanked the Board for answering his question. Clayton and Cape Vincent have conflicts. He appreciates them taking the time to clarify.

**Don Metzger** – He noticed on the agenda that the Seaway Trail Membership was up for renewal. He has been involved with the Seaway Trail activities over the years. Every customer he services where he works, he puts a copy of the Seaway Trail aboard the vessel. He feels it is a good idea to renew and they are a good bunch of people serving on their Board. They do a good job covering the 500 miles of the trail. The magazine is available in

chambers, rest stops along 81, Seaway Trail headquarters, welcome centers, Thousand Island Bridge, and more.

**Dick Nagel** – He hopes that during the budget deliberations that the Board can hold the budget without an increase. It is going to be a difficult year with the economy as it is. He would like to see the tax rates held where they are in this Town.

#### **Supervisor's Report**

***RESOLUTION 2008 – 144: Motion by Councilman Schreib and seconded by Councilman Johnson accepting the September 2008 Supervisor's Report as submitted by Bookkeeper Tom Bowie. Five ayes. Motion carried.***

#### **Clerk's Report**

Total State, County and Local Revenues:	\$9,811.88
Total Local Shares:	\$6,645.14

Marsha Barton was acknowledged for the roll she played in having the County provide the Town with the trigger locks we were able to give out with the hunting licenses this fall. People were very appreciative.

#### **Superintendent's Report**

The Highway Department is currently working at the fuel depot, putting in the pad.

The shed for the plow needs to be built very soon; Tom can build it himself. It will be 12' x 8' high x 10' outward, on a floating slab, three blocks high, insulated. The new truck is being used on the State Road and needs to be kept inside.

The roof leaks at the Highway Garage. Tom will try to fix it himself; he can put two men on it as early as next week.

Councilman Johnson expressed his appreciation to Tom for all the Fire Road signs he had put up.

***RESOLUTION 2008 – 145: Motion by Councilman Schreib and seconded by Councilman Countryman designating Councilman Johnson and Marsha Barton to review roads in conjunction with Julia Gosier to identify any more roads that would be in need of 911 road signs. Five ayes. Motion carried.***

***RESOLUTION 2008 – 146: Motion by Councilman Countryman and seconded by Councilman Johnson accepting Abstract # 19 in the amount of \$846.80. Five ayes. Motion carried.***

***RESOLUTION 2008 – 147: Motion by Councilman Madill and seconded by Councilman Johnson accepting Abstract #20 in the amount of \$94,300.52. Five ayes. Motion carried.***

**RESOLUTION 2008 – 148:** Motion by Councilman Madill and seconded by Councilman Countryman accepting the Minutes from the September 10, 2008 Regular Town Board Meeting as written. Five ayes. Motion carried.

**RESOLUTION 2008 – 149:** Motion by Councilman Madill and seconded by Councilman Johnson accepting the Minutes from the September 18, 2008 Budget Work Session as written. Five ayes. Motion carried.

**RESOLUTION 2008 – 150:** Motion by Councilman Madill and seconded by Councilman Johnson accepting the meeting from the Public Hearing for the Wind Moratorium and the Special Meeting on September 30, 2008 as written. Five ayes. Motion carried.

**RESOLUTION 2008 – 151:** Motion by Supervisor Aubertine and seconded by Councilman Countryman setting a Public Hearing date of November 12, 2008 at 6:15 p.m. for the Town of Lyme Water Distribution System Law. Five ayes. Motion carried.

**RESOLUTION 2008 – 152:** Motion by Councilman Schreib and seconded by Councilman Madill empowering the Town of Lyme Planning Board to look at and update the Comprehensive Plan. Five ayes. Motion carried.

**Committee Reports**

**ZEO – Deputy Zoning Enforcement Officer Jim Millington –**

**Monthly Report – September 7 thru October 4, 2008**

	Issued	Denied	Resolved	Pending
Zoning Permit Applications	17	1		9
Demolition				1
Variance Applications	4			5
Complaints				2
Site Visits	19			
Investigations	2			
Letters/Correspondence	2		4	11
<b>Permits Issued For:</b>				
Garage	2			
Fence	1			
Light Industrial Building				1
Deck	1			1
Small Barn				1
Home/Cottage Addition	3			
Replace Mobil Home	1			
Storage Buildings/Sheds	6			
Addition to Cottage	3			1

The Zoning Officers are continuing work on a draft of the new Town of Lyme Zoning ordinance and they are updating all forms used by the Zoning Enforcement Office.

They have been addressing the abandoned building problem more aggressively.

Mr. Millington thanked the Town Board for the new cell phone. **Phone number for Deputy Zoning Officer is 777-6115.**

Marsha Barton agreed to help the ZEO's obtain passport type identification photos for use in the field.

**ZBA – Public Hearings and ZBA Meeting were held October 1, 2008 at 6:30 p.m. in the Town Office Building.**

One Area Variance was granted which had been tabled from September, because lot and site were not staked for ZBA to view, which was now done for the ZBA. This property was on County Route 125 Chaumont.

One Special Permit was received and returned for not completely filling out the form. This was for the Creekside property in Three Mile Bay.

The second hearing was for clarification of the Zoning Law for property on Three Mile Point Road (North). The ZBA sent a letter to the property owner with the clarification findings.

#### **A Written Police Report Was Submitted For September 2008**

***RESOLUTION 2008 – 153: Motion by Councilman Schreib and Councilman Countryman approving the Snow and Ice Agreement Extension with the New York State Transportation Department for 2008 and 2009. The Town of Lyme will also supply New York State with the increased salt, labor rates and fringe benefits that are associated with this extension over the next year. Five ayes. Motion carried.***

***RESOLUTION 2008 – 154: Motion by Councilman Johnson and seconded by Councilman Countryman recommending Councilmen Schreib and Madill to discuss the easement with the Saint Lawrence Wind Farm Developers. Five ayes. Motion carried.***

#### **Correspondence**

- 1. Lyme Improvement League – Wrought Iron Benches –** Contact Judy Tyndall and ask her if she would be willing to look into OGS for the purchase of the benches.
- 2. Seaway Trail Magazine – Membership Renewal –** Membership is seventy-five dollars per year and the Town has always subscribed to it in the past.

3. **Association of Town Mandates – Mandate Relief Proposal –**  
Received correspondence October 11, 2008. Take some time to look into it.
4. **Quarterly Meeting of the Jefferson County Job Development Corporation –** Friday October 10 at the Black River Valley Club.
5. **Board of Directors for the Adirondack North Country Association - Ag Energy Workshop And Annual Meeting –** October 30<sup>th</sup> at the Knight's of Columbus Hall in Chatugay, New York.
6. **National Grid Technical Training** will be conducting a series of training seminars on responding to natural gas and electric emergencies.
7. **New York State Association of Municipal Purchasing Officials Seminar in Niagara Falls –** October 8 – 10. Statement from the State Comptroller regarding financial market impacts on the common retirement fund. The fund remains strong and benefits are secure.
8. **New York Main Street Program Funding is available again.**
9. **Four letters from Senator Schumer telling us about available grants.**
10. **National Grid – 10,000 Trees and Growing**
11. **Letter From Julie Gosier – Motor Homes On The Shoreline –**

As mentioned at the last Town Board Meeting, the Board is thinking about considering a letter from a motor home owner asking to extend the current 30-day limit on motor homes used as dwellings on the shoreline.

There are several points that I hope the Board will consider in this matter.

First, I understand that per New York State law, licensed motor vehicles do not pay property taxes. For a \$100,000.00 class "A" motor home, the equivalent cottage would pay several thousand dollars a year in taxes. Not only would a potential increase in the tax base be lost (should someone new build on that lot), but the tax base could also be decreased. An individual could purchase a cottage, tear it down, park a licensed motor home on site and thus reduce their property taxes. The rest of us would have to pick up the difference. Many municipalities ban motor homes altogether or for more than a day or two (for loading/unloading) due to their negative impact on property values.

Second, I suspect it would be very difficult to differentiate under the law between a first class, new motor home and a licensed piece of junk or even an old licensed travel trailer. The last thing we need in this Town is a bunch of decrepit licensed vehicles parked on the shoreline and that are used as cottages. It is bad enough already in some of our campgrounds. I cannot think of a better way to slow down the trend towards new, larger

homes on the shoreline that have added to our tax base and helped keep tax rates down.

Third, there are already potable water and sanitary waste disposal issues with the current 30-day restriction. Water tanks and gray/black water holding tanks in these vehicles do not hold a 30-day supply. We can only guess about what happens when there is no septic tank or potable waste supply after the first several days.

**New Business – Sand Pile Fence** – Instead of purchasing one, Superintendent Parker will erect one, making it out of rough cut.

**Old Business – County Route 125 Parking Restrictions** – Seems the Town is out of options.

**Don Metzger** – Thanked Marsha Barton for the trigger locks, he is always appaled at the number of accidental shootings.

**Executive Session – 9:25 p.m.– Personnel Issues** – There will be no actions taken when they come out.

**The meeting was adjourned at 9:45 p.m.**

**Minutes Respectfully Submitted by**

**Kim Wallace  
Town Clerk**