

March 11, 2020
Town of Lyme
Regular Monthly Meeting 6:30 P.M.

Call to Order:

Supervisor Aubertine called the regular monthly meeting to order at 6:30 p.m. opening the meeting with a prayer and the Pledge of Allegiance.

Those present included Supervisor Aubertine, Deputy Supervisor Bourquin, Councilwoman Gosier, Town Clerk Ariana Henderson, Highway Superintendent Pat Weston, Legislator William Johnson, David Bourquin, and Jamie Cox United Way President.

Privilege of the Floor

Jamie Cox United Way President:

Jamie Cox the United Way President contacted Supervisor Aubertine to attend a Board Meeting and discuss the mission of the United Way. The United Way's focus is to be community oriented and not just to fund non-profit organizations. Mr. Cox stated every Town is different in what they may need. The United way looks at all aspects of the problem and finds a solution to try and fix it. For example in Star Lake they don't have many activities for the children who live in the Town. The United Way is creating activities for them. One of the key projects they started in January was the "North Country Center of Nonprofit Excellence" which teaches all nonprofit organizations to improve community outcomes. Councilman Countryman asked is all of the United Way funding came from within the county. Mr. Cox responded that it used to all come from the County but they also have corporate sponsors. Supervisor Aubertine asked if he had reached out to other organizations, such as Lyme Central. Mr. Cox stated he would love to talk to the Superintendent of the School. Supervisor Aubertine will send an email to our community introducing Mr. Cox as the United Way president and the services he offers to the community.

Legislator William Johnson:

Legislator Johnson reported that there were a number of people at the last board meeting. The group of people were there representing the second amendment. They were asking that the County become a second amendment sanctuary. Mr. Johnson reported that it did not happen. The Legislative Board did pass a resolution titled "Opposing Infringements on the Inalienable Right to Keep and Bear Arms, and Affirming Support for Second Amendment to the United States Constitution." Another Topic he would like to make the Board aware of is there are three projects going on at the Dexter Airport including a new baggage system, runway repair, and a new maintenance and fire building. Deputy Supervisor Bourquin asked is the county had discussed the Article 10 process that Governor Cuomo wants to pass. The changes to the bill was taking control from the Local level and giving more control to the State. Legislator Johnson stated that the County and JCIDA are also not happy about the new bill being proposed, but they also don't completely understand it either. From what Councilman Countryman read the local Governments will have a say in the decision making process of Article 10, but it is hard to determine what the bill is trying to accomplish. Supervisor Aubertine asked the Board if they wanted to pass a resolution similar to the one he sent in an email stating the Town didn't agree

with what the Governor was changing regarding the Article 10 process. All the Board members decided it would be best not to send a letter to the Governor, instead Supervisor Aubertine is going to email the legislators to get their opinion on the process.

Supervisor's Report

Budget Amendment for Excavator Purchase:

Resolution 2020-26: Deputy Supervisor Bourquin made the motion to approve the budget amendment for 132,534.00 to pay for the excavator out of DA Fund Balance; Councilwoman Gosier seconded the motion; all were in favor; motion carried.

February Supervisor's Financial Report:

Supervisor Aubertine stated that the Tax Collector and Zoning Contractual accounts were low. Clerk Henderson mentioned that the Zoning Contractual is shared between The ZBA and Jim Millington which is why it is so low. The ZBA has been advertising frequently for their meetings. The Tax Collector account won't be used again this year because all of the expenses are between the months of January and March.

Resolution 2020-27: Councilwoman Gosier made the motion to approve the Supervisor's Monthly Financial report; Councilman Countryman seconded the motion; all were in favor; motion carried.

Final December Supervisor's Financial Report:

Resolution 2020-28: Councilwoman Gosier made the motion to approve the Final December Supervisor's Financial Report; Councilman Countryman seconded the motion; all were in favor; motion carried.

Budget Amendment for December Final Statement:

Resolution 2020-29: Deputy Supervisor Bourquin made the motion to approve the budget amendments for the Final December statement; Councilwoman Gosier seconded the motion; all were in favor; motion carried.

Highway Superintendent's Report

Pat Weston reported that the Highway Department is still working on rebuilding the shoreline. Pat had to purchase a new confined space kit. This was one of the things that the NYS Department of Labor inspector required that the Town replaces. Councilwoman Gosier stated that there is a tree down in Barnes Bay Cemetery that needs to be removed. Pat will take care of that. Pat is still working with FEMA and has included the Barnes Bay Cemetery on his reimbursement paperwork and the Village Beach to try and receive funding. Councilman Countryman asked Pat for a tour of the Highway Garage. Pat Weston stated he is welcome to come over anytime.

Clerk's Report- January 2020

Monthly Receipts were as follow: Total Local Shares Remitted: \$2,429.00; Total State County & Local Revenues: \$2,461.00, Total Non – Local Revenues: \$32.00.

Audit of the Bills (Abstracts #5 & #6)

Resolution 2020-30: Deputy Supervisor Bourquin made the motion to approve Abstract #5 in the amount of \$6,807.45; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

Resolution 2020-31: Deputy Supervisor Bourquin made the motion to approve Abstract #6 in the amount of \$281,506.84; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

Approval of the February 12, 2020 Minutes

Resolution 2020-32: Councilman Countryman made a motion to approve the February 12, 2020 Minutes with corrections to remove the section regarding vinyl fence around Veteran's Memorial Park being in the plans and to change Resolution 2020-19 to say Councilman Bourquin made the motion to replace Councilman Villa; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

Committee Reports

Assessor's Report:

The 2020 Assessment Roll is nearly complete. We are just finishing up some last minute things. As we have been preparing this tax roll, I have been teaching Angie a lot of the things that I do. She now knows how to do Agricultural Assessments and updates for them. She also does all the Sales Verifications.

We have RPS on her computer, as well as mine and she is learning how to do inventory updates, change assessments and run various reports. She continues to do data entry for our yearly change books, along with filing and updating property records in the field with Carol.

Municipal Water Board Report:

Water Reserve Balances as of 3/1/20

Attached you will find the reports for the Water Reserve Account.

We need a Resolution to withdraw \$56,931.14 from the General Fund and deposit into the Water Reserve O&M Account. All Water Districts ended the year with an excess of revenues over expenses. This deposit will zero out all Water Districts for 2019.

Once this deposit is made the accounts will have the following balances:

O&M Account	\$193,183.98
Capital Account	\$41,364.52

Potential Water District Study

We met with Gregor Smith and Rachel from Bernier & Carr. They presented us with several different options for the potential water district. We are going to discuss these options at our March Water Board meeting, which will be held a week early on March 18th. We expect to make a recommendation to the Town Board at the April Town Board Meeting. Gregor will attend the Town Board Meeting to present the study to the Board.

Resolution 2020-33: Deputy Supervisor Bourquin made a motion to withdrawal \$56,931.14 from the General Fund and deposit into the Water Reserve O&M Account; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

Planning Board:

Councilwoman Gosier, Deputy Supervisor Bourquin, and Councilman Countryman attended the Planning Board meeting where Mr. Cohen was there with his engineer presenting plans for his property on NYS Route 12E in Three Mile Bay. Councilwoman Gosier briefly recapped the meeting to Supervisor Aubertine. She stated that the Planning Board recommended Mr. Cohen delete the section of his development that is in the water front district and only develop in the agriculture district. If he followed those recommendations he wouldn't have to present a PDD to the Town Board and the RV Park would be a special permit along with the Marina. **She isn't sure where he wants to go with the plan but it needs amendments because of the setbacks of the surrounding property owners.** She believes that it will bring people into the Town of Lyme would help stimulate local business. Mr. Cohen was talking about drilling wells and Councilman Bourquin stated there is probably no way they will get water at that property. Councilwoman Gosier said that it was a very good and informative meeting.

Youth Commission:

There were no questions on the Youth Commission Report.

ZEO/CEO Report:

There was no report from the ZEO/CEO.

TMB Cemetery:

Councilwoman Gosier stated she has spoken with two different businesses that plan on submitting a bid for the mowing of the Three Mile Bay Cemetery. Neither company is the one who has done it in previous years.

New Business

Recycling Mattresses:

Deputy Supervisor Bourquin spoke with County Highway Superintendent Jim Lawrence about the fees the County is charging to take a mattress to their dump. The Town will have to pay \$70.00 a ton for the mattresses. He thought we were going to be charged \$120.00 a ton according to the flyer that we received. The fees that the Town of Lyme Transfer Site is currently charging are going to cover the cost of the county charges. Other Towns are not accepting mattresses

anymore and Highway Superintendent Pat Weston is afraid that will encourage people to dispose of the mattresses improperly, such as leaving them on roadsides.

Cleaning Position:

Supervisor Aubertine stated Robin Grovesteen and Councilwoman Gosier interviewed applicants for the vacant Office Cleaner position and hired the best candidate.

Resolution 2020-34: Councilwoman Gosier made the motion to hire Darcie Hayward as the office cleaner for the Town of Lyme; seconded by Councilman Countryman; all were in favor and the motion carried.

Approval for Town Clerk Conference:

Resolution 2020-35: Councilwoman Gosier made the motion to allow Clerk Henderson and Deputy Clerk VanAlstyne to attend the Annual Town Clerk Conference April 26-29, 2020; seconded by Deputy Supervisor Bourquin; all were in favor and the motion carried.

Grant Writer Position:

1. A town our size does not need a grant writer on staff. Employing a grant writer once a specific grant has been identified that we are interested in is the way we should operate. I was under the impression when we went to the public about purchasing the land that if we got it, we would be seeking grants each year for its development.
2. What other employees do we have that dictate the way we should pay them? We have another issue before us tonight that we need to address where an employee is requesting a payroll review.
3. How will we differentiate from regular duties vs. grant writing duties? Her present position, when developed, called for between 20-25 hours per week. Obviously, the time she has put into the grant writing takes up that much and more. Her time will be recorded separately in the payroll system. Are we paying an hourly rate or a flat annual rate? Not sure a flat rate is legal for an hourly employee. The Board needs to discuss this and decide right now. Obviously there are hourly employees and salaried employees. The Clerk to Supervisor position is a salaried position, just like the Deputy Clerk and the Cleaning Position.
4. We have had a number of opinions that what has been requested is not an authorized way to pay an employee through the payroll system. With bi-annual payments are we prepaying or paying after the job has been completed, I'm not sure. The request for a March payment is for services already rendered. A September payment would cover from work performed from April to September. To be honest, a September payment could be construed as payment in advance for work performed from September to December, however, after meeting the usual grant submission deadline of July 31st, very little grant work is performed after September.

5. How much time or how many grant applications will be covered by this amount of money? Most likely, at least one grant for the Veterans Memorial Public Park development will be applied for every year. Additionally, I think it would be appropriate to apply for grants for the development of the Bicentennial Park also. If the Village dissolves, one of the first things I would propose is that we look for a grant to repair the tennis courts and upgrade the beach.

6. We are opening the Town up to potential AG or Comptroller audits by not paying appropriately. That is questionable. The opinion of the Comptroller liaison was clear in that the town could not pay prior to the work being performed. The opinion from the Association of Town's Attorney states that The town board has the general authority according to Town Law 27, to determine the payroll schedule (Town Law, §27). As previously stated by the Comptroller liaison, she confirms that the comptroller's office has opined that a town cannot provide a bonus for work already performed, so that does not appear to be an option. The town board can create a new position for grant writing and appoint someone to serve in that position.

7. What does it mean when it says "Grant Specialist in competitive class? Can we hire anyone or do we have to follow other Civil Service rules? We must hire someone who meets the requirements as dictated by Civil Service laws. Robin, meets and exceeds, those requirements and we have already received the approval of Jefferson County Civil Service if she is the one chosen. If we do not approve Robin, we will have to seek someone who meets the requirements of Civil Service.

Because of Robin's experience, proven success rate in already acquiring hundreds of thousands of dollars for the town and the contacts she has made, I make a motion to appoint Robin Grovesteen to the position of Grant Writer for the Town of Lyme and that she is to be paid on the last payroll period of March and September according to the advisement received from the attorney at the Association of Towns whereby the town board has the general authority to determine the payroll schedule.

Resolution 2020-36: Supervisor Aubertine made the motion to appoint Robin Grovesteen for the Grant Specialist position; seconded by Deputy Supervisor Bourquin; all were in favor and the motion carried.

Councilman Countryman mentioned that he would like to see the pay stub of the Grant Specialist reflect the pay period that is being paid. Supervisor Aubertine stated he would have accountant Cathy Satterley put the pay period on the pay stub. Deputy Supervisor Bourquin added that he has never seen someone as successful as Robin when writing grants and she is well worth the money we will be paying her.

Old Business:

Transfer Site Fees:

Highway Superintendent Pat Weston emailed a fee schedule to dump trees/brush at the transfer site to the Board. The following information is what he believes would work best:

- ALL LOADS BEING BROUGHT IN HAVE TO BE A TOWN OF LYME RESIDENT WITH A CURRENT YEAR TRANSFER SITE STICKER
- ALL LOADS HAVE TO BE TARPED OR TIED DOWN DURING TRAVEL

Trucks up to 3 yards and pickup/small trailers of equal size	FREE
4 to 8 Yards of a Single Axel Dump Box or Trailer of equal to the same size	\$25.00 per dump
10 Yards or Bigger (size of a tandem dump box) or trailer equal size or bigger	\$50.00 per dump

If the Town of Lyme Resident is from the Village they will need to get a transfer site sticker, the first sticker is free and if needed a second sticker is \$5.00. Pat Weston stated that the problem is private contractors are hauling in trees/brush from out of Town and are taking advantage of dumping it for free. Councilman Bourquin stated supposedly that anyone bringing in material should be telling the transfer site workers where the material is coming from. Pat Weston stated that this isn't happening, the contractors are taking off before anyone can talk to them. Councilman Bourquin suggested that the fee schedule state "Commercial haulers up to 8 Yards would be \$25.00 and Town Residents that haul material themselves is FREE." He suggested to remove "Trucks up to 3 yards and pickup/small trailers of equal size." Supervisor Aubertine suggested it state that the fee schedule is for "Commercial Hauler Only."

Resolution 2020-37: Councilman Countryman made the motion to approve the fee schedule for tree and brush dumping at the transfer site for Commercial Haulers; seconded by Councilwoman Gosier; all were in favor and the motion carried.

Roof Evaluation:

Supervisor Aubertine stated that Bernier and Carr sent us a few options to repair our roof.

6.1 Key Issues to Discuss

1. It is recommended to secure the services of third-party Environmental Consultant prior to the design process.
2. Complete forensic investigation of existing roof structure prior to the design process.

6.2 Preliminary Opinion of Probable Project Cost (See Appendix A & B for Detailed Preliminary Opinion of Probable Project Cost)

Option 1: Repair masonry and repaint - \$638,200 Roof Replacement Roof Areas 1, 3 & 4. – \$314,884

Preliminary Opinion of **Probable Project Cost \$953,084**

Option 2: Repair masonry, insulate and clad exterior walls. - \$711,861 Roof Replacement Roof Areas 1, 3 & 4 - \$384,390

Preliminary Opinion of **Probable Project Cost \$1,096,251**

Supervisor Aubertine's opinion is to take that money and put it towards a new building. Councilwoman Gosier said that the Building Committee has been pursuing both a new office building and highway garage. Pat Weston has provided a reasonable option from fourth coast for a new highway garage. Pat received four different plans from fourth coast with four options and prices for each option. Pat mentioned the numbers that the engineers are throwing at us are quite high. Some of the work the Highway Department can complete themselves. Councilman Bourquin provided research on a modular building as an option for a new Town Building. She said that we need to aggressively pursue a solution to the issue of how the Town will come up with the money for both projects very soon. Both buildings are in extremely bad shape. Once we decide on where the money will be generated from the Building Committee can then move forward with building plans. Pat suggested the Building Committee should meet with Scott to get a budget for each project and see if we need bonding. Supervisor Aubertine would like to see the cost of the projects first then look at the budgets.

Resolution 2020-38: Councilwoman Gosier made the motion to advertise that the Building Committee Meeting will meet with the Town Board at noon on April 6, 2020; seconded by Deputy Supervisor Bourquin; all were in favor and the motion carried.

Justice Court Resolution:

Resolution 2020-39: Councilman Countryman made the motion to approve the Justice Court Fund Audit; seconded by Supervisor Aubertine; all were in favor and the motion carried.

ZEO/CEO Pay:

Supervisor Aubertine stated that in June 2019 Jim Millington received a raise from the Board. The raise did not get included in the 2020 budget. There was discussion between the Board members on whether Mr. Millington was supposed to be working an extra day for his pay raise. There was a continued discussion which resulted in the Board deciding to go into an executive session to discuss the issue.

Online Privilege of the Floor

There was no online privilege of the floor.

Privilege of the Floor

David Bourquin: Mr. Bourquin the president of the Board of Assessment Review asked is the Town had advertised for the Board of Assessment Review vacant position. Deputy Supervisor Bourquin responded that we had advertised and he believes he found someone to apply. Councilman Countryman is going to contact the interested party.

Executive Session

Resolution 2020-40: Deputy Supervisor Bourquin made the motion to return to open meeting at 8:35 P.M.; seconded by Councilwoman Gosier; all were in favor and the motion carried.

Return to Open Meeting

Resolution 2020-41: Deputy Supervisor Bourquin made the motion to leave the ZEO pay as budgeted; seconded by Councilman Countryman; all were in favor and the motion carried.

Adjournment

Resolution 2020-42: Deputy Supervisor Bourquin made the motion to adjourn; seconded by Councilwoman Gosier; all were in favor and the motion was carried; meeting was adjourned at 8:35:30 p.m.

Respectfully Submitted

Ariana Henderson
Town Clerk