

**Town of Lyme
August 11, 2010
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, Councilman Bourquin, and Councilwoman Harris, Assessor's Marsha Barton and Roz Gotham, County Legislator Bob Thomas, ZBA Member Harry Staudenmayer, Bookkeeper Tom Bowie and approximately 25 others.

Supervisor's Report

Supervisor Aubertine asked Tom Bowie to explain the specifics of a Fund Balance. Simply stated, a fund balance represents total assets less liabilities for each fund. It can also be described as the accumulated excess of revenues over expenses over the years.

RESOLUTION 2010 - 94: Motion by Councilman Bourquin and seconded by Councilwoman Harris accepting the July 2010 Supervisor's Report as submitted by Bookkeeper Tom Bowie. Three ayes. Motion carried.

County Legislator Bob Thomas

The County Highway Department has been working to clean up County Route 125; residents around the point have stated they are pleased with the progress.

Bob mentioned that motorists driving under the influence of prescription drugs are posing new challenges to law enforcement officers. There are many senior citizens using prescription drugs and they should not be behind the wheel of a motor vehicle. The County Legislators are looking into ways to address this growing concern.

Highway Superintendent's Report

Superintendent Weston turned in a written report for tonight's meeting.

Fiacco Construction and the Town Highway Department have entered into an agreement that will benefit each party involved. The services that Mickey Fiacco has provided to the Town, to date are as follows:

Ditch witch at ball field 14 hours = \$396.00
Track hoe used on the Old Town Springs Road 5 hours = \$410.90
Dozer at the Moffet Road Pit 15 hours = \$681.15
Bobcat with grinder for road work for seven days = \$1,750.00
Roller for one day = \$280.00
Thirty loads of stone at \$5.00 per ton = \$2,250.00
Total to date = \$5,768.05

The services the Town has provided to the contractor are three days of hauling brush at a cost of \$3,785.28.

The roadwork on Hardscrabble Road has been completed other than the shoulders. Bayview Drive and Mill Street have been blacktopped, several pipes have been installed along South Shore Road, helped Village repair the bad spots on Academy and Washington Streets, and blacktop and shoulder work on County Route 6.

There have been several breakdowns with mower 1340 but the Highway Department has still managed to mow half of the Town roads this month.

Superintendent Weston feels that the situation with Ron Young's property on County Route 125 is out of his hands. The County is not proceeding with the project and it would cost the Town approximately \$10,000.00 to do the job themselves. The Town Highway Department does not have the equipment to handle the solid rock that would have to be removed from the location.

The building at Bachy's Marina would take approximately two weeks to dismantle and two weeks to erect. During that time frame the Town would have to rent a lift. Combined costs for this would be approximately \$13,000.00; a new building 40' x 60' is estimated to be \$15,645.88 with no doors or foundation.

Clerk's Report – July 2010

Total State, County and Local Revenues: \$10,201.05
Total Local Shares Remitted 8,391.80

RESOLUTION 2010 - 95: Motion by Councilman Bourquin and seconded by Councilwoman Harris approving Abstract #15 in the amount of \$31,443.05. Three ayes. Motion carried.

RESOLUTION 2010 - 96: Motion by Supervisor Aubertine and seconded by Councilman Bourquin approving Abstract #16 in the amount of \$87,741.40. Three ayes. Motion carried.

Approval of Minutes

RESOLUTION 2010 -97: Motion by Councilwoman Harris and seconded by Councilman Bourquin approving the Minutes of the July 14, 2010 Regular Monthly Meeting. Three ayes. Motion carried.

Department Reports

There was no Assessor's Report for July 2010.

Municipal Water Board Report – Marsha Barton

Water District #5 – They are still waiting for approval from Rural Development to use the \$100,000.00 left over from the construction of Water District #5 to go up the Cheever Road.

Restoration satisfaction letters have been mailed to all customers in Water District #5. The Water Board is also reviewing the restoration.

Water Tower Painting / Cleaning – Still waiting for specs to advertise for bids to clean and paint the water tower from Gregor Smith.

Petition for Water District – A petition was received from Route 12E and Bourcy Road residents asking for a study for a new water district, which would extend from the Swamp Road, 1.4 miles west on Route 12E and could possibly include Hooper's Harbor Trailer Park. A study was done in 2006 and at that time it was too costly. There have been some changes since then,

so they would like to request a new study. The residents in this area have a great need; many have to haul water most of the year. The petition shows 89% of the property owners are in favor of a study, with 93.4% of the total assessment. The Water Board would like to request that the Town Board order Bernier and Carr to complete a feasibility study. They would like to request two different options be included in the study. One would include Hooper's Harbor Trailer Park and the other without the Trailer Park.

Water Facility – Total revenues received by July 31st is \$5,414.75. July revenue was \$1,610.50. The anticipated revenue in the budget for 2010 is \$9,000.00, we should exceed this amount. Tim Mason has completed some needed repairs at the water facility.

Bernier and Carr – Water System Engineer Agreement – The Water Board would like to recommend approval of the Water System Engineer Agreement for the 2011 budget year. They have been the engineers for all the water districts in the Town of Lyme. There are always issues that need to be addressed by the engineers.

FCC License – Henderson – The Water Board has signed an agreement with Henderson to share their FCC License. This will enable the Water operator to read meters remotely. The Town will borrow Brownville's equipment. Some of our water districts already have the transmitters required to operate this new system. We will try to budget each year to purchase the remaining needed transmitters. Once all customers have the transmitters, the operator will spend 15 minutes to complete all readings. Presently it takes about five hours.

Karen Jessmen reiterated some of the concerns that were addressed in Marsha's report.

The Town Board cannot vote on Bernier and Carr to do the study until next months meeting. Councilwoman Harris will have to abstain from a vote and there are not enough members present at tonight's meeting to pass a resolution.

Three Mile Bay Cemetery Report – Julia Gosier

The cemetery is being well maintained; George is doing a great job.

Tim Mason has begun work on the vault; he said the materials are in. Julie will keep in touch with him throughout the renovations. Tim said the roof on the vault is in very bad shape, he can see why the building is full of bats.

Planning Board – Bert Bowers

The work has been completed on the Comprehensive Plan. Andy Nevin is putting everything together and it will be presented to the Planning Board and Village Board. The Planning Board is very pleased with the results.

Police Report – July 2010 – written report submitted by Leo Wilson

Youth Committee Report – Charlie Mount

The Summer Recreation Program wrapped up last week; they averaged 60 – 70 participants per day. Charlie has had good reports from people regarding the program. The soccer program finishes up tomorrow night; it has been a very active season. They will soon be getting ready for the basketball program.

ZEO Report – written report from Jim Millington – July 2010

Zoning Permit Applications	11
Demolition Permits	2
ZBA Applications	7
Complaints	9
Site Visits	25
Investigations	5
Letters / Correspondence	1

Old Business

Insurance Opt Out For Clerk Wallace

Clerk Wallace is entitled to the Teamsters Insurance but does not take advantage of it because she has medical insurance through her husband. Since he has retired they have lost their dental and eye coverage. Kim would like to have the Town compensate her but does not want the Town to pay the full \$16,884.00 it would take to for full coverage when she doesn't need it. The Town Board will look into options. Supervisor Aubertine will

contact the Attorney with the Association of Towns and the New York State Comptroller's Office.

New Business

Matt Turcotte the Town's web master has approached the Town with some modernization and upgrades. He has given the Town Board some examples of what the new web site would consist of and look like. Councilman Bourquin questioned how much this service would cost the Town.

RESOLUTION 2010 - 98: Motion by Supervisor Aubertine and seconded by Councilwoman Harris accepting the suggested upgrades and changes to the Town web site as proposed by Matt Turcotte providing there is no charge for these services. Three ayes. Motion carried.

Board Vacancy

The Town Board members have agreed to wait until the election before appointing someone to Councilman Countryman's vacant seat. With the limited amount of time that individual would serve they would like to wait until the election and then appoint the winner of the election as soon as possible.

Wind Committee

The Town Board will decide how to proceed with the appointment of residents to a Wind Committee after Councilman Johnson returns next month. Supervisor Aubertine and Councilwoman Harris were interested in putting a notice in the Watertown Daily Times asking any interested residents to apply for a position. Councilman Bourquin declined voting until Councilman Johnson could be present and have a part in the decision making of the process.

Sam Watson brought up a question with concerns regarding his rights to vote on wind issues if he is not registered to vote here. Supervisor Aubertine stated that if he has his way, both taxpayers and registered voters would be sent a survey.

It is a good idea to check with the Board of Elections prior to any changes an individual would like to make on their voter registration.

South Shore Road Extension

RESOLUTION 2010 - 99: Motion by Supervisor Aubertine and seconded by Councilwoman Harris accepting the Petition of the residents of the South Shore Road Extension on Point Peninsula asking that the speed limit be addressed. A copy of this resolution and the petition will be sent to the County for their review. Three ayes. Motion carried.

RESOLUTION 2010 - 100: Motion by Supervisor Aubertine and seconded by Councilwoman Harris asking that the County would approve a "Slow Child at Play" sign or an equivalent sign on the South Shore Road Extension on Point Peninsula. Three ayes. Motion carried.

Resolutions and Motions

RESOLUTION 2010 - 101: Motion by Councilman Bourquin and seconded by Councilwoman Harris in the matter of the Establishment of Water District #5 in the Town of Lyme, County of Jefferson, New York.

WHEREAS, a map, plan, and report relating to the establishment of proposed Town of Lyme, Water District #5, prepared by Bernier, Carr and Associates, duly licensed civil engineers in the State of New York, in a manner and in such detail as has been determined by this Town Board, has been filed with the Town Clerk, in accordance with the requirements of Article 12-a of the Town Law; and

WHEREAS, a Resolution was duly adopted by this Board resulting in the filing of the map, plan, and report, the improvements proposed, the boundaries of the proposed district, the proposed method of financing, the fact that the map, plan, and the report describing the same are on file in the Town Clerk's Office for public inspection, stating all other matters required by law to be stated, and specifying December 12, 2007 at 6:00 p.m. at the Town Offices, Town of Lyme, Jefferson County, New York as the date, time and place where the Town oard will meet and consider creation of such district in accordance with the map, plan, and report and to hear all persons interested in the subject thereof concerning the same and take such action thereon as required and authorized by law; and

WHEREAS, such order was duly published and posted as required by law; and

WHEREAS, a hearing on the matter was duly held by the Town Board at the time, date, and place set forth in the public hearing notice, and comments received thereat; and

WHEREAS, the Town duly adopted an Order Establishing District subject to permissive referendum on December 12, 2007, and

WHEREAS, notice of adoption of such Order subject to permissive referendum was published as required by law, and

WHEREAS, no referendum was requested within the time established by law,

Now, therefore, be it

RESOLVED AND DETERMINED that the establishment of the District as set forth in the map, plan, and report be approved and the improvements therein mentioned be constructed by the District; and shall be bounded and described as set forth in Exhibit "A" attached hereto and be made a part hereof; and it is further

RESOLVED AND DETERMINED that there will be a maximum of \$860,000.00 in capital costs incurred for improvements in the establishment of the District to be funded as set forth above; and it is further

RESOLVED that the cost to the typical property owner within the proposed District based on an equivalent dwelling unit would be as follows:

<i>Debt Service</i>	<i>\$ 421.00</i>
<i>Operation and Maintenance</i>	<i>96.00</i>
<i>Short Life Assessment</i>	<i>48.00</i>

<i>DANC Charge</i>	<i>74.00</i>
<i>Water Purchase</i>	<i><u>209.00</u></i>
<i>Total Cost Per EDU</i>	<i>\$ 848.00</i>

And it is further

RESOLVED that the Town Clerk is authorized and directed to file a certified copy of the Order noting formation of this District with the Jefferson County Clerk, pursuant to the provisions of Article 12-a of the Town Law.

Dated: August 11, 2010

All three Board Members at tonight's meeting were in agreement and the Motion was carried.

Procurement Policy Amendments

Attorney Gebo reviewed the Town's Procurement Policy with an eye toward amendment to cover bartering situations like the one we recently dealt with at the Special Meeting on July 30th. It seem the best place to put this would be under Section 6 with a new Subdivision "E". Attorney Gebo feels it should read as follow:

"E. Bartering contracts – Where the opportunity presents itself to the Town of Lyme and more particularly to its Highway Department, the Highway Superintendent may enter into a contract whereby goods and services are obtained through bartering in exchange for Town services. Such can be done only when the following circumstances exist:

1. It is clear that the value of the services and goods being obtained by the Town through bartering exceeds the value of the services, which the Town provides in exchange.
2. That the Highway Superintendent has invested what the cost of acquiring these services or goods on the open

- market might be and it is clear that it is advantageous to the Town to accept the bartering method.
3. That any such bartering is documented by a written contract.
 4. That the total value of services to be provided by the Town on such bartering arrangement is under \$5,000.00 and the total amount of the goods and services to be obtained by the Town does not meet the bidding thresholds of Section 103 of the General Municipal Law.
 5. That the Town Board be immediately notified that the Highway Superintendent is considering entering into such a bartering agreement.
 6. This procurement policy specifically authorizes the Highway Superintendent to execute such agreement in the name of the Town provided it meets the above criteria.

Such bartering agreements are deemed beneficial to the Town in that they preserve limited cash resources by making available excess equipment and personnel time to obtain other services and goods needed by the Town for which there is an insufficient budget.”

Attorney Gebo also feels that in looking at the Procurement Policy, some modification could be done in Section 1. In the first paragraph under Section 1, there is a reference to Section 103 of the General Municipal Law and then purchase contracts of \$10,000.00 and Public Work contracts of \$20,000.00. Attorney Gebo believes that these limits are now changed based on new legislation. Since these numbers may change over time, it may be better to say, “the following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law provided they fall under the bidding threshold for purchase contracts and/or public work contracts”; and then continue on with emergency purchases, certain hospital purchases, etc.

RESOLUTION 2010 - 102: Motion by Councilman Bourquin and seconded to Attorney Gebo accepting the bartering contract provisions as proposed.

Privilege of the Floor

Ken Pitcher – County Route 179 – Feels he is being denied peaceful use of his property. He owns land adjacent, right across the river from the Lucky Star Ranch. He and his wife are listening to shooting all day long, it is not like a hunting club, and it is steady shooting all day long.

Jane LaRock – Concerns with the shooting at the Lucky Star Ranch. She owns property directly across the Chaumont River and would like to build a permanent home there in the future.

Ed Robinson – The shooting at the Ranch is a constant nuisance and an annoyance, has been going on all weekend for the past month. It sounds as though it is basically in their back yard.

Diane Zimmer – Concerns with the shooting at the Ranch, it is very disturbing, her and her husband hates listening to the rifles shooting all day long.

Jeff McCoy – Also concerned with what is happening at the Ranch and feels that there may be some safety issues associated with the shooting and believes they are using heavy caliber rifles.

Debbie Kitz – The shooting at the Ranch goes on all day long, they feel like it is right there.

Don Metzger – Thanked Charlie Mount for all the work he does with the Recreation Committee. Feels that the swimming program is very important. Being a Pilot on the St. Lawrence River he knows that a person who falls overboard and can't swim doesn't stand a chance. Swimming is something you can carry with you all your life.

Also he wanted to remind the Town Board that the Spanish Wind Company, Acciona, submitted their final Environmental Impact Statement. The wind developer has seen fit to supply a draft copy to the Cape Vincent Planning Board and the Cape Vincent Clerk's Office but not ours.

Mr. Metzger would respectfully request that the Town of Lyme Town Board have a representative present at the Special Meeting of the Cape Vincent Planning Board on Wednesday August 18, 2010 at 7:00 p.m. to discuss the two volume Environmental Impact Statement. There will be another special Meeting of the Cape Vincent Planning Board on September 15, 2010 where

they will vote to accept the Environmental Impact Statement. There will be no Public hearing, comments may only be submitted in writing between now and September 15, 2010.

Don stated that he is just “getting his teeth” into the information and he still has a lot of questions. He feels the information is confusing and he cannot understand certain aspects of it.

These Meeting of the Cape Vincent Planning Board are open to the Public.

Arnold Montgomery – Sent a complaint form to the Zoning Officer back in April regarding a resident being out of compliance and has heard nothing back. Ten of Mr. Montgomery’s neighbors have sent in complaints as well. Mr. Montgomery also had questions as to what determines a Marina according to our Zoning Law and concerns with his neighbors fence that is a four foot fence but does not run with the contour of the land, in some areas it is five feet off the ground. He would like these issues addressed by the Zoning Enforcement Officer.

Supervisor Aubertine stated that Mr. Millington is the Zoning Enforcement Officer, the Town has Policies and Laws to follow and they should be followed as Mr. Millington interprets them. The Laws are in black and white and the ZEO will follow what is written.

Julia Gosier - Chrissy David rents and runs the diner Julie owns. She has been through a many month ordeal over their sign. They have felt strongly that they were in compliance with our Zoning Law, it went to one of the Justices in the Town Court and the Judge ruled in favor of Chrissy and the Gosier’s. The Town Zoning Enforcement Officer was wrong and it cost the Town \$600.00 for attorney fees.

The Mr. Morris who owns the old North Star Stable on NYS Route 12E had to spend \$50.00 for a permit to fix his fence that was knocked down by a drunk driver, Julie feels he should have not had to buy a permit. She feels once again someone is being wronged and eventually the Town will have a serious lawsuit. She doesn’t like the reflection on the Town’s government.

Chris David – The Zoning Laws are in black and white but what he and someone else reads could be two different things.

Harry Staudenmayer – Stated that any decision regarding Zoning may be appealed to the Zoning Board of Appeals within thirty days after a decision. Harry also stated that he has not heard anything in regard to the situation at Lucky Star Ranch.

Tom Conboy – Project Development Manager for St. Lawrence Wind – Would like to ask the Lyme Town Board to look ahead at the project schedule. He realizes there is a Moratorium in place but he would like to be able to move the project forward. Mr. Conboy stated that it is a long process with the SEQR review and they have invested a lot. It is a good clean project and there are many supporters. Supporters realize there are significant economic benefits for the Towns, Schools, and County. The project will create jobs. A lot will be spelled out in the SEQR. He would like the opportunity to move along with the site plan process and have the major permitting done by the first part of next year.

Councilwoman Harris mentioned that over eighty percent of the residents asked that the transmission lines for the project going through the Town of Lyme be buried. There have been concerns with what may happen with the property values for those situated along the line. Mr. Conboy stated that burying the lines would be cost prohibitive.

Scott Discount – We have a Moratorium in place so this process does not go on. The survey says eighty percent of the residents want the transmission lines buried, he doesn't understand what we are talking about.

Steve Rutigliano – Last week Save the River asked for a three year moratorium. There are concerns with the slaughter of bats, birds, wildlife and property values.

Julia Gosier – Noticed when she read the article Mr. Rutigliano was referring to it did not refer to a person, organization or firm who did the study. It is important to know where the information is coming from to be able to know how viable it might be.

A Motion was made by Councilman Bourquin and seconded by Councilwoman Harris to adjourn tonight's meeting at 8:32 p.m.

Minutes of the August 11, 2010 Regular Monthly Meeting Respectfully Submitted by,

Kim Wallace
Town of Lyme Clerk