

**Town of Lyme**  
**August 12, 2009**  
**Public Hearing / Point Salubrious Water District Formation**  
**6:00 P.M.**  
**Regular Monthly meeting**  
**6:30 P.M.**

**Supervisor Aubertine called Tonight's Public Hearing to order at 6:05 p.m. It was opened with a Prayer and the Pledge of Allegiance.**

**Present at tonight's meeting: Supervisor Aubertine, Councilmen Schreib, Madill and Countryman, Assessor's Marsha Barton and Roz Gotham, ZEO's Jim Millington and Dave Rush, Matt Cooper and Gregor Smith of Bernier and Carr and approximately 100 others.**

**Tonight's Meeting had to be held at the Chaumont Fire Hall due to the number of people attending the Public Hearing for the Point Salubrious Water District Formation.**

**Councilman Johnson** was not present at tonight's meeting and he asked that Clerk Wallace read the following statement:

“On May 30<sup>th</sup>, 2009, I had surgery to remove a small malignant melanoma tumor from my back. After two more surgeries, I was diagnosed to be cancer free. As a precaution, my oncologist recommended a 20-day regiment of intravenous Interferon, which I started yesterday.

I apologize for not being at tonight's meeting, I am sure the Board will do the right thing with the public safety issues on the agenda as well as the quality of life issue for the taxpayers on Point Salubrious.

My prognosis is excellent for a complete recovery, so I will see you all at the September Board Meeting.”

**Clerk Wallace** read the Public Hearing Notice as follows:

**Please take notice** that the Town Board of the Town of Lyme shall hold a Public Hearing on the 12<sup>th</sup> day of August 2009 at 6:00 p.m. at the Town Offices located at 12175 NYS Route 12E, Chaumont, New York, to consider the creation of Water District #6 pursuant to Article 12-A of the Town Law

in the areas described on Exhibits “A” annexed hereto. (See Attachment A-8/12/09) A map, plan and report relating to the establishment of the proposed district has been prepared by Bernier, Carr and Associates, duly licensed civil engineers and on file with the Town Clerk and is available for inspection during normal business hours.

It is proposed that the maximum cost associated with the construction of water mains, pumps, meters and other facilities necessary for the Water District #6 is \$8,500,000.00, which on an annual basis per active Equivalent Dwelling unit (EDU) will be as follows:

Debt Retirement	\$540.00
Operation and maintenance	\$137.00
Debt to DANC	\$198.00
Water Purchase	<u>\$ 75.00</u>
Total Cost Per EDU	\$950.00

The Town Board of the Town of Lyme is also seeking to be Lead Agency for the purpose of Environmental Review associated with this project.

**Matt Cooper Of Bernier and Carr** explained the issues that DANC (Development Authority of the North Country) is facing with the water treatment plant and the possible expansion in Cape Vincent. He also went on to share DANC’s annual budget concerns and the deficit’s they have realized over the past two years.

Ultimately DANC will need to expand the capacity of the Cape Vincent water plant if they wish to continue to provide more water and develop more water districts along the municipal water line.

**Rob Hack –11479 County Route 125** – Why are we discussing the formation of a water district when there is not even the capacity for it? Matt stated that they need to know that the district would like to go forward so they can realize the need exists. Matt went on to say the plant in Cape

Vincent has to be expanded and allocations for water needs should be adjusted for all the districts along the DANC line.

**Roger White – 25305 Indian Point Road** – Asked if there was water for the project now? Matt stated that as of today there was no water “on paper” but in actuality the water is there. The existing districts along the DANC Line could choose to reduce allocations; it would be “good will” to give the excess water to other districts and newly created districts.

**Barbara Henning – 9852 County Route 125** - Asked if the final decision was the DEC’s or the Town’s? Matt stated that it would be a combination of both.

**Bob Dilmer – 10322 County Route 125** – Asked how many years it would be before the expansion would be completed in Cape Vincent if it were to go forward? Matt estimated it to be the fall of 2010.

**Les Comins – 10522 County Route 125** –Feels that the figures are flip-flopped.

**Gail Miller – 11633 County Route 125** – Asked how old the Cape Vincent plant was and what is the grand plan in an ever-expanding area? Her concerns are that if there were going to be millions of dollars spent, she would like us to give her some assurance for the future. Gail feels that most of the people along Point Salubrious already have adequate water.

Matt indicated that the Cape Vincent Water Plant was upgraded in 1998. When the Plant was constructed, it was for the immediate and near future. This is a growing community and the Regional water Line is working out as hoped but the plant needs to be expanded to meet the new needs and limits. The DEC has a limit on the water line and also has control over the water that is drawn from the environment; in this case the Saint Lawrence River. The water has to be used wisely and the users along the line need to conserve, that’s why they set limits.

**Roger White** - Is concerned with the cost of the Point Salubrious Water District being stated as \$8,500,000.00, the residents within this district will end up paying back, possibly \$100,000.00 rather than the suggested \$38,000.00.

**Jody Asbury –11102 County Route 125 - Point Salubrious Resident –** Her major concerns are the costs and sense of the impacts of the project. She asked Matt if the Districts choose to lower their allocations would it drive the cost of an EDU down? Matt response was “no, it would not”.

**Tom Scofield – 16407 County Route 125 –** Stated that it has been said the capacity of the Cape Vincent plant is 1.4 million gallons of water per day and it is using 500,000 gallons per day, so it is using half of it’s capacity? Matt stated that the plant has to be able to produce the maximum that has been used on one day during the existence of the line. There has been a day in the past where the Regional Water Line has produced the maximum capacity. 1.4 million gallons per day is what the filters can now produce.

**Robert Cox – 10986 County Route 125 –** Asked how many people were happy with their existing water systems?

**Gregor Smith – Bernier and Carr –** Went over the study and explained what each of the maps he had displayed was indicating for the formation of the new water district. Gregor stated that different options had been evaluated, including possibly connecting into the Villages existing line. The Village line is becoming somewhat antiquated and would be below the standards for fire flows and the Village’s system is vulnerable.

Gregor went on to explain the cost of the project would be \$8,500,000.00 (eight million five hundred thousand dollars), with the largest cost of the project being associated with the difficulty of the development due to the amount of rock they would have to deal with having the depth of the water line five feet below the ground surface.

Gregor reviewed the breakdown of the possible grants, loans and annual dept service components and the costs associated with the project, again stating that it would be a 38 (thirty-eight) year loan.

**Sue Farrell – 9804 County Route 125 –** Asked if summing this information up financially means that each of the residents along the Point Salubrious Water Line would be responsible for \$36,000.00? Gregor answered “yes”.

**Murphy – 10680 County Route 125 –** Asked if the users along the line increased and went from 241 to 250 would the cost associated with each

EDU decrease? Gregor stated that the amount should decrease but he can't give perspectives on the future.

**Rob Hack – County Route 125** – When the 8.5 million-dollar design was done was there a risk factor built in and if so, what risk factor was used? Where will the pipes actually go? The phases may take 10 to 15 years to complete if it doesn't happen as a single project. What about the camps on the Lake, road repairs, direction of the pipe?

**Nancy Lambert – 10364 County Route 125** –Whose brilliant idea was having this project formed and where did it come from? She stated that her residency is limited to three months of the year.

Gregor explained to her that the reason we were having the public Hearing at this time was to be certain that the summer residents could attend.

**Marsha Barton** stated that the residents of Point Salubrious submitted a petition with the signatures of at least 51% of the property owners around the Point.

**Dave Rush** – The 51% of the residents signed a petition for a feasibility study to see whether or not it would be feasible to even have municipal water provided to the residents of the Point. The petition was not for the formation of a water district. We are here tonight to inform the Town Board whether or not we want to go forward with the project.

**Loren Allen –10372 County Route 125** - will the laterals be brought across properties?

**Jim Branski – 11118 County Route 125** - Stated that he has a unique problem at his home and it is almost impossible to get water. Many years ago the possibility of water on Point Salubrious was brought up to the Town Board. He carried petitions for several months and tried to include everyone. It is the Water Boards task to look at the interest and need of forming these districts. If most of the residents want water then we will have it. If not, I will live my life as I have the past 34 years. Mr. Branski affirmed that his well has tested year after year with high levels of coliform. The municipal water would be good for him and his family. He hopes that he was courteous when he approached the residents with the petition.

**Marsha Barton – Chairman of the Municipal Water Board** – Regarding the debt retirement. The more users there are should make the debt per user go down.

**Les Comins – 10522 County Route 125** - Regarding Easements and Right of Ways, do you have to ask each property owner to pass through their property? The County does not own any land on Point Salubrious, you cannot give someone an easement across something you don't own.

**Roger White** – Asked if property taxes would go up due to the formation of the Municipal Water District?

**Marsha Barton – Assessor** – Responded by saying that there has not be a “reval” in 22 years and the last one did not differentiate between well water and municipal water.

**Sherry Carr – 25435 Indian Point Road** – Lives on a private road, will the new water district service the residents of Indian Point? Gregor answered “yes” and the cost of the laterals being run to each residence is included in the price at the time of installation.

**Steve Evans – 1907 County Route 125** – The estimated cost of \$950.00 per year does not include the expense of the expansion costs at Cape Vincent.

**Candace Rhea – 11563 County Route 125** - what if the property owner does not grant an easement? Gregor stated that they would work around it but you would still have to pay for a quarter EDU. Will they blast down five feet where there is rock? Gregor said there would be some blasting and some saw cutting, they are fairly exact when they blast.

**Art Larkin – 13020 County Route 125** – According to the State Comptroller, these figures bring this project way over the minimum annual allowance for the cost of water service. This project will not be allowed with figures this high.

**Edith Warner – 14544 County Route 125** – If she decides not to hook up, what would she be charged?

**Gail Miller – 11633 County Route 125** With all the trenching and blasting, Point Salubrious will never be the same again. Her land has been turned into

a bird sanctuary. What would this do to open the Point up to development. This project will definitely cause damage to the environment.

**Lana Barr –10340 County Route 125** - Her concerns are the same as Gail's, the environmental impact and costs. Has there been an environmental impact study done and if not, will it be done? Gregor stated that there are strict guidelines that they have to comply with.

**Peg Stevens – 10558 County Route 125** – The Town Board should give a chance for those to speak who could not be here tonight. The costs associated with this project are unaffordable.

**Loren Allen** – Is a seasonal resident and has concerns with how the water will be shut off in the fall and turned back on in the spring. Gregor stated that if there is no basement a meter pit is provided, beyond the meter pit is the homeowners responsibility.

**Julia Gosier – Empie Road, Three Mile Bay** – Many residents are concerned. A fear that by signing the petition to do a study they were signing a petition to form the district. This should be clarified and the residents of Point Salubrious should be assured that if this project is to move forward that the majority of the residents are supportive of the project.

**Les Comins – PROTESTING PETITION** – due to not having sufficient signatures on the petitions. Supervisor noted the protest of the petition.

**Candace Rhea** – All the residents of Point Salubrious should be notified by mail and then have the option to weigh in their decision of yes or no. The Town Board should be reluctant to move forward when there are so many residents who are not available at this time. It is the Town Board's moral obligation to take the extra step.

**See Attachment B – 8/12/09 for the names and addresses of those who submitted their comments in writing.**

***RESOLUTION 2009 – 117: Motion by Councilman Schreib and seconded by Councilman Countryman authorizing the continuation of tonight's Public Hearing Saturday August 29, 2009 beginning at 9:00 a.m. at the Three Mile Bay Fire Hall. Four ayes. Motion carried.***

**The Regularly Scheduled Monthly Meeting was called to order at 8:05 p.m.**

### **Privilege of the Floor**

**Bob Thomas – County Legislator** – Was present at tonight’s meeting but did not have any issues to bring before the Town Board.

**Don Metzger – County Route 5** – A few months ago the Town Board formed a committee to have some dialog with Acciona concerning the Town of Lyme’s land for the high voltage transmission line. Is the committee on hold due to the moratorium?

**Councilman Madill** stated he and Councilman Schreib were on that committee and Pete Zedick was going to rewrite the contract making changes the Town Board had concerns with.

**Julia Gosier** – Asked who was responsible for the maintenance of the little playground located near the Three Mile Bay Fire Hall? It is not in bad shape but needs a load of chips brought in, the fence is down and needs attention. She would like to see the playground brought back up to snuff.

**Councilman Countryman** – Was at the ribbon cutting for the playground. Tom helps out when needed but there is nothing formal. There should be something in writing determining the responsibility of the playground. It has been an asset to the community, the County, Town and Fire Department helped put it in but the Fire Department owns the property.

**Supervisor Aubertine** will have Rick Freeman help keep the playground clean and maintained. Charlie Mount will contact the Luck Brothers to see if they will drop off a load of chips.

### **Supervisor’s Report**

***RESOLUTION 2009 – 118: Motion by Councilman Schreib and seconded by Councilman Madill accepting the July 2009 Supervisor’s Report as presented by bookkeeper Tom Bowie. Four ayes. Motion carried.***

***RESOLUTION 2009 – 119: Motion by Councilman Countryman and seconded by Councilman Schreib approving a Work Session for the Code Enforcement Officer Position on August 29, 2009 at 8:30 a.m. immediately followed by the Public Hearing for the Point Salubrious Water District Formation, to be held at the Three Mile Bay Fire Hall. Four ayes. Motion carried.***

## **Clerk's Report**

The July 2009 Clerk's Report was reviewed and accepted as presented.

## **Audit of Bills**

***RESOLUTION 2009 – 120: Motion by Councilman Madill and seconded by Councilman Schreib approving Abstract #15 in the amount of \$1,725.61. Four ayes. Motion carried.***

***RESOLUTION 2009 – 121: Motion by Councilman Madill and seconded by Councilman Schreib approving Abstract #16 in the amount of \$59,646.66. Four ayes. Motion carried.***

***RESOLUTION 2009 –122: Motion by Councilman Madill and seconded by Councilman Countryman approving the Minutes of the July 8, 2009 Regular Monthly Meeting in their entirety. Four ayes. Motion carried.***

## **Department Reports**

### **Assessor's Report – Marsha Barton:**

It was recommended by Dave Rush and Gregor Smith to accept the low bid from the North Country Contractors from Henderson. Dave and Bernier and Carr will oversee the project.

The assessors are currently working on fieldwork for next years tax roll.

Douglas and Joy Bennett have filed a Small Claims petition against the Assessors and the Town of Lyme. They had filed a grievance in May on parcel numbers 70.13-3-57 and 70.13-3-56. The Board of Assessment Review denied their request asking to lower their assessment. The properties were assessed for \$77,000.00 and \$6,500.00. They had paid

\$159,900 for both properties. They have requested that the assessment be reduced to \$46,266.00. The assessors are preparing their defense of the assessment.

The assessors have provided a report with their recommendations for a salary structure. They believe this should be considered by the Town Board in the event that the Town Board does not go to the Sole Appointed Assessor. **See Attachment**

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

**Old Town Springs Road – Water District #5** – Six bids for the pipeline construction have been received and the Water Board met prior to tonight's meeting to consider bids and make recommendations.

**DANC Meeting** – Dave Rush, Warren Johnson and Kim Wallace attended the DANC meeting in Dexter last week. Dave Rush will be reporting on what he learned at the meeting.

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

The State Road project is in full force in front of the Three Mile Bay Cemetery. They have been great about accommodating the needs of cemetery workers and visitors.

Paul Kammerer has been doing a good job in keeping the grounds looking nice.

There was a full burial on July 22<sup>nd</sup> and a cremains burial on July 24<sup>th</sup>. Both went very smoothly thanks to the commendable work done by our highway department.

Julie met with Alicia Dewey from the Town of Clayton to help her organize the Town's management of an active cemetery.

### **Planning Board Report – Paul Norton:**

Their main objective over the past few months has been to update the Town and Villages Comprehensive plans. On Wednesday August 26<sup>th</sup> from 7 – 9 p.m. and Saturday August 29<sup>th</sup>, the Planning Boards will host an

Informational Meeting at the Copley House. This will be the first opportunity for the Public to review the results of the survey.

**July Police Report** – Written Report Submitted by Police Chief Leo Wilson.

**Youth Committee Report** – The Summer Rec Program is averaging 80 – 85 kids every day. The school is providing lunches to the program two days a week. There has been an excellent turn out this year. Dave Bourquin will be taking the hay off the fields at the 12E property within the next couple of weeks, depending on the weather so they are hoping to get started on the field work at that location.

**ZEO Report** – Verizon has applied to the EPA, they do have a Special Permit and Zoning Permit.

**ZBA Report**

***RESOLUTION 2009 – 123: Motion by Councilman Countryman and seconded by Councilman Madill directing Norm Schreib to draft and send a letter to the DEC regarding the Transmission Line Easement. Four ayes. Motion carried.***

**Supervisor Aubertine** mentioned that he had some correspondence from residents on Point Salubrious who have stepped forward to help alleviate the parking situation.

**RESOLUTION 2009 – 124:** Motion by Councilman Schreib and seconded by Councilman Madill approving an Informational Meeting regarding the Point Salubrious Parking Situation to be held immediately following the Public Hearing on August 29, 2009. Four ayes. Motion carried.

**New Business**

**McGuire – Three Mile Bay** – Health and Safety Issue with a neighbors septic system overflowing and running across the McGuire's yard. Dr. Rice, County Codes and the Health Department have all been contacted but none of them are offering any help with the situation. Supervisor Aubertine will contact the Association of Towns to see what advice they might give to help address the situation.

**New Highway Superintendent Salary** – Highway Superintendent Parker has suggested that the new Highway Superintendent that will be taking his place should be paid less than what he is being paid now. Tom is suggesting \$44,000.00 or \$45,000.00.

**Bonding for Water District #5 – Old Town Springs Road** – Supervisor Aubertine has met with Diane from Attorney Gebo’s Office and signed all the necessary paperwork associated with the bonding process for Water District #5.

### **Correspondence**

**LOCI News- Technical Assistance Partnership Forum** – August 20, 2009 10:00 a.m. through 2:00 p.m. at the RIT Conference Center in Rochester, New York. [www.ceinfo.org](http://www.ceinfo.org)

**Letter From Alicia Dewey** – She would like to see the Town Board make a priority list that would give their thoughts, concerns and ideas, to help her locate grant opportunities for the Town. She feels she can be more helpful if given some direction.

### **Resolutions and Motions**

***RESOLUTION 2009 – 125: Motion by Councilman Madill and seconded by Councilman Countryman approving North Country Contractors as the low bidder and recommended by Bernier and Carr for the amount of \$531,545.00 to do the pipeline construction for the Old Town Springs Road – Water District #5 Project. Four ayes. Motion carried.***

***TABLE – Bids for cleaning and painting the water tower.***

**Seasonal Residency Zoning Law** – Councilman Schreib would like to ignore the comments received by the County Planning Department regarding the Law the Town of Lyme is trying to put in place regarding the seasonal properties that have placed upon them, travel trailer type units.

**ZEO – Dave Rush** – is concerned about not having anything in the Law that enforces sewage problems. He feels that we cannot trust residents to dump their septic systems, as they should. It is Mr. Rush’s opinion that an

approved septic system must be in place prior to issuing a permit for these types of property setups. The Law must be enforceable and very restrictive. The law would apply to only a very few cases. These sewer problems could very easily result in health issues and it is a big concern to Mr. Rush.

**Harry Staudenmayer – Zoning Board of Appeals** – Stated that the ZBA would be the one who determines what criteria is needed to address the sewage issue and that the ZEO does not make the Town Law, the Town Board determines and makes the Law.

**A Motion was made by Councilman Madill and seconded by Councilman Countryman TABLING the Seasonal Residency Law.**

### **Privilege of the Floor**

**Don Metzger - County Route 5** – Expressed his concerns with the letter from the Saint Lawrence Wind Farm stating they would like the “abandoned railroad bed” for the high - tension transmission lines and they never acknowledged that it is now a water line easement. He feels strongly that the foreigners are putting the waterline in jeopardy.

**RESOLUTION 2009 – 126: motion by Supervisor Aubertine and seconded by Councilman Countryman moving the Board into Executive Session to discuss a personnel related issue at 10:10 p.m. Four ayes.**  
**Motion carried.**

***Councilman Countryman made a Motion to adjourn tonight’s meeting at 11:00 p.m.***

***Respectively Submitted,***

***Kim Wallace, Town Clerk***