

**Town of Lyme
August 13, 2008
Regular Town Board Meeting
6:30 P.M.**

In attendance: Supervisor Aubertine, Councilmen Countryman, Madill, Schreib and Johnson, Assessor's Gotham and Barton, Superintendent Tom Parker, Bookkeeper Tom Bowie, Clerk Wallace and approximately 25 others.

Privilege of the Floor

Bob Thomas – Asked the Town to contact the County Superintendent regarding the Snow and Ice Agreements. Superintendent Parker will call Jimmy Lawrence.

David Rush – Point Salubrious – Asked Mr. Thomas if there had been any progress made concerning the County Route 125 parking situation for the ice fishermen. It is now August and there will be ice on the Bay in a few months. Supervisor Aubertine had met with Bob Thomas and Councilman Johnson regarding the problem. Supervisor Aubertine has also contacted Georgia Borden-Cox in hopes of working a situation out with that property. Mrs. Cox is in the process of selling and was not interested in working with the Town at this point in time.

Frank Frack is the acquisitions manager for the Department of Environmental Conservation and Mr. Thomas will be contacting him and Frank LaFlair, who is also involved with the DEC.

Chaumont Volunteer Fire Department – Mark Zegarelli and Rich Little- Informed the Town Board that the Village of Chaumont no longer owns the building that the Chaumont Volunteer Fire Department is in. The Board was provided paperwork on income and expenses and what the Town of Lyme generates for Fire Protection as opposed to all the other Towns in the County. The Fire Department needs money like everybody else. The CVFD provides one engine and one tanker; they have a boat along with a second boat. They just purchased a 1991 engine, which is their first line apparatus. Mr. Little stated that the Fire Department and Town trust a 1991 vehicle to make it to a fire, without fail. Would we trust a 1991 car to make it on a trip to Florida? He finds it frustrating; they spent \$50,000.00 on a truck this year. The National Fire Protection Association recommends that fire trucks be replaced every ten years. The CVFD is hoping that a 20-year-old truck will last them ten more years.

Most of the money, other than what is given to the CVFD from the Town, come in through fundraising and donation. The Firemen don't only volunteer their time fighting fires, but also on the fundraisers, bingo, barbeques, etc. CVFD is the third lowest funded Fire District in the County.

The Fire Department is trying to make the public aware of the cost of operating the Fire Department.

In the past ten years, with the exception of two houses out on Point Peninsula (because of the distance and time), in the Town of Lyme there has not been a structure lost, a barn, trailer or house. That is an outstanding record for a Volunteer Fire Department. In the past year the CVFD has saved two barns and you don't generally see that anywhere.

They do the best with what they have and will continue to do so.

Mr. Little stated that any one would be welcome to call him with questions at 315-778-8350.

Officer's Report

Supervisor's Report

Tom Bowie – Summarized the July 2008 Supervisor's Report and also reviewed the Audit Reports for 2007 and 2008.

RESOLUTION 2008 – 116: Motion by Councilman Countryman and seconded by Councilman Schreib moving the recommended budget transfers recommended by Tom Bowie:

		<u><i>From</i></u>	<u><i>To</i></u>
<i>A1355.2</i>	<i>Assessor Equipment</i>	<i>500</i>	
<i>A1355.4</i>	<i>Assessor – Contractual</i>		<i>500</i>
<i>A6810.4</i>	<i>Lyme Garden Club – Contractual</i>	<i>3,000</i>	
<i>A6810.1</i>	<i>Lyme Garden Club – Personal</i>		<i>3,000</i>
<i>B8010.4</i>	<i>Zoning – Contractual</i>	<i>2,900</i>	
<i>B8010.12</i>	<i>Zoning – Personal</i>		<i>2,900</i>

Five ayes. Motion carried.

RESOLUTION 2008 - 117: Motion by Councilman Schreib and seconded by Councilman Johnson accepting the Town audits performed by Sovie and Bowie for the years 2007 and 2008. Five ayes. Motion carried.

Motion by Councilman Countryman and seconded by Councilman Johnson directing the Town Board to enter into Executive Session for contract negotiations at 7:30 p.m. Five ayes. Motion carried.

Motion by Councilman Countryman and seconded by Councilman Schreib moving the Meeting out of Executive Session and calling it back to order at 8:10 p.m. Five ayes. Motion carried.

RESOLUTION 2008 – 118: Motion by Councilman Schreib and seconded by Councilman Countryman requesting that Superintendent Tom Parker, Union Representative Bill Scarpcchi, and Accountant Tom Bowie to work together in determining the number of “call – in” occasions for the retroactive back pay according to the Highway Superintendent's letter dated June 18, 2008.

Roll Call Vote as follows:

Councilman Jim Madill	Yes
Councilman Mike Countryman	Yes
Councilman Norm Schreib	Yes
Councilman Warren A. Johnson	No – would like to go on record indicating that Holidays and weekends have not been taken into consideration.
Supervisor Scott Aubertine	Yes

Four ayes. Motion carried.

There was a short discussion regarding Town cell phones. Justice Curtis is reimbursed twenty – five dollars per month for the use of his personnel cell phone for Town Court business. Through the Verizon Wireless plan the Town now has in place, Judge Curtis could be issued a Town Phone for nine dollars and ninety – nine cents per month. If Judge Curtis is not interested in the Town cell phone it will then be issued to Deputy Zoning Enforcement Officer, Jim Millington.

RESOLUTION 2008 – 119: Motion by Councilman Madill and seconded by Councilman Johnson accepting Abstract # 15 in the amount of \$1,450.11. Five ayes. Motion carried.

RESOLUTION 2008 – 120: Motion by Councilman Johnson and seconded by Councilman Madill accepting Abstract # 16 in the amount of \$60,362.92. Councilman Countryman abstained from the vote. Four ayes. Motion carried.

RESOLUTION 2008 – 121: motion by Councilman Madill and seconded by Councilman Countryman approving the Meeting Minutes of the July 9, 2008 Regular Meeting and the July 22, 2008 Joint and Special Meeting. Five ayes. Motion carried.

Department Reports

Assessor's – No Report

Municipal Water Board:

Old Town Springs Water Project – All the paperwork requested has been submitted to the State Comptroller and we are still waiting approval.

Point Salubrious Water Project – We have not heard anything from Bernier and Carr regarding the study.

Three Mile Point Petition – The petition has not been submitted yet on this potential district.

Water Facility – Everything is running smoothly at the Water Facility. There was a leak in the parking area and Guy Gosier took care of it.

Three Mile Bay Cemetery Report:

There was a cremains burial August 10th and the Cemetery received \$150.00.

Superintendent Parker looked over the vault roof with Julie and it was determined that it will probably not be too big a job. Julie is awaiting a professional estimate.

It continues to be very difficult to keep up with the mowing and trimming. The rain just will not stop. Terra is doing the best she can.

Planning Board Report – Boo Harris: Attended the Village Planning Board Meeting last night. They are contacting people to work and get input on the Town and Village Comprehensive Plans.

Zoning Enforcement Officer Report – Jim Millington – The Zoning Officers are getting a very poor response from the people who have had violation letters sent to them. There is a little concern with people expressing contempt when approached about violations. He would like to see something done to strengthen their purpose. Jim and Dave Rush feel they need some type of identification that looks official.

Zoning Enforcement Officer Monthly Report

	Issued	Denied	Resolved	Pending
Zoning Permit Applications	8			2
Variance Applications	4			4
Complaints	5		4	1
Site Visits	19			
Stop Work Orders	1			
Investigations	7			
Letters/ Correspondence	19		3	9

There were 12 violation letters sent for the first time and 7 violation letters sent certified for a second attempt in contacting these property owners.

Zoning Board of Appeals – Ernie Brister: At the August 6th Meeting the ZBA had two Public Hearings. A variance for Henry Washburn was approved and an Appeal Hearing on a project by Joan Hall was tabled for further investigation and information.

The ZBA is now lacking an alternate due to resignation of Sandra Cornell. Co-Chairman Ernie Brister has been asked to step up into the Chairman position. The ZBA will be seeking applicants by placing a notice in the Watertown Daily Times.

At the June meeting the ZBA voted to change its meeting dates to the first Wednesday of the month due to conflicts with the Village Planning Board.

Police Report – Police Chief Leo Wilson submitted a detailed written report to the Town Board.

Councilman Madill stated that Leo is very busy he sees him on the road all the time. By the information contained in the report you can see that he gives out a significant amount of warnings. After the Joint Meeting with the Village, the Village Trustees indicated that they would like to see more of a Police presence by Leo.

The Town Board indicated that they were satisfied with the Local Police Department and the level of service being provided to the Community.

Julia Gosier stated that there have been a heavy rash of break ins in the Town of Lyme. There have been reports of burglar alarms going off on Point Salubrious. Any burglar alarm calls must have a back up police car arrive on the scene. If an armed robbery were taking place you would not want one car there alone.

Youth Committee Report – Charlie Mount – The Summer Recreation Program is finishing up this week. The lowest number of kids for one day at the program was 47 and the largest number was 73. The program went well and Charlie has had excellent reports. There were 18 kids that took swimming lessons this summer.

Resolutions and Motions

RESOLUTION 2008 –122: Motion by Councilman Schreib and seconded by Councilman Madill authorizing an advertisement to be placed in the Watertown Daily Times for a Grant Writer to handle the Local Government Efficiency Grant. Qualifications, previous experience and success rate should be provided to the Board as part of the resume. Ten percent (10%) of the Grant awarded, will be the fee paid to the Grant writer upon the receipt of the funding. Five ayes. Motion carried.

RESOLUTION 2008 – 123: Motion by Councilman Schreib and seconded by Councilman Madill accepting the quote provided by Eric Sharlow for the installation of two vinyl windows, encased in one inch treated board, installation of a six foot steel door unit with dead bolt, installation of two dead bolts to interior doors, repair trim underneath sliding window in Clerk's Office, repair trim on ceilings. Labor being quoted at \$600.00 (six hundred dollars). Five ayes. Motion carried.

RESOLUTION 2008 – 124: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LYME AUTHORIZING AND PROVIDING FOR THE INCURRANCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND /OR EXTENDING ITS WATER FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO WHEREAS, it is necessary for the Town of Lyme (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principle amount of three hundred fifty – seven thousand and 00/100

dollars (\$357,000.00) pursuant to the provisions of New York State Statutes and Local Finance Law; and

WHEREAS, the Town of Lyme intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found in the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

- 1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.*
- 2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7U.S.C. 1983(c)).*
- 3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement" and form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.*
- 4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.*
- 5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the amount of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.*

6. *Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.*
7. *Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.*
8. *To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.*
9. *To comply with the applicable State and Federal Laws and Regulations and to continually operate and maintain the facility in good condition.*
10. *To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses, which are not directly incurred, for the facility financed by the USDA. No free service or use of the facility will be permitted.*
11. *To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.*
12. *To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.*
13. *To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provision hereof and of the instruments incident to the making or insuring of the loan.*
14. *That if the Government requires that a reserve account be established, disbursements from the accounts may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities, and replacements of short-lived assets.*
15. *To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services, which are feasible and*

legal, such person shall have a direct right of action against the Association or public body.

- 16. To comply with the measures identified in the Government Environmental Impact Analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facilities construction or operation.*
- 17. To accept a grant in an amount not to exceed \$500,000.00 under the terms offered by the Government; that Town Supervisor, Scott Aubertine and Town Clerk, Kim Wallace of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant: and to operate the facility under the terms offered in said grant agreements(s).*

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of Sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

Roll call vote as follows:

<i>Supervisor Aubertine</i>	<i>Yea</i>
<i>Councilman Johnson</i>	<i>Yea</i>
<i>Councilman Schreib</i>	<i>Yea</i>
<i>Councilman Countryman</i>	<i>Yea</i>
<i>Councilman Madill</i>	<i>Yea</i>

Five Yeas. Motion carried.

IN WITNESS WHEREOF, the Town Council of the Town of Lyme has duly adopted this resolution and caused it to be executed by the officers above in on this 13th day of August 2008.

Correspondence

RESOLUTION 2008 – 125: Motion by Councilman Schreib and seconded by Councilman Countryman accepting the ZBA Resignation Letter from Sandy Cornell-Douglas, with regrets. Five ayes. Motion carried.

RESOLUTION 2008 – 126: Motion by Councilman Countryman and seconded by Councilman Johnson authorizing an advertisement in the Watertown Daily Times for a ZBA member and a ZBA alternate member. Five ayes. Motion carried.

Trina Comins Letter – the Town Board received a letter last month from former Town Clerk Katrina Comins in regard to water district billing. Water Board Chairperson Marsha Barton, Attorney Mark Gebo and Supervisor Aubertine met to discuss this issue and it was determined that Ms. Comins was correct in her findings, and that the instructions given to Marsha and our Water Board, by personnel at the Development Authority of the North Country, were correct. We are now in the process of correcting these erroneous instructions.

Supervisor Aubertine has contacted former Clerk Comins and thanked her for bringing this oversight to the Boards attention, and Supervisor Aubertine publicly apologized for any past perceptions of impropriety that may have been directed toward her. Her service to our Town was exemplary and should be commended.

The Volunteer Transportation Center has put in their request for budgeted funds for 2009.

Letters of thanks from the Willie Putnam bike winners along with a complete list of winners. Supervisor Aubertine stated that he is proud of the Town Board for making the donation to the Willie Putnam Tournament.

There is a Bio Refinery Conference coming up regarding bringing bio based products to market. It will be held Monday October 20 and Tuesday October 21 at the Renaissance at Syracuse.

Councilman Countrymen and Schreib have had excellent help from Kathy Carr, Dylan Stevens and Mike Harris. Their involvement with the development of the new parking and green areas outside the Municipal Building are very much appreciated. A great deal of thought has gone into the planning of this project.

Saint Lawrence Wind Farm – Pete Zedick – The Moratorium has ended and after a discussion with Attorney Gebo he has basically left it up to the Town Board whether or not they should meet with Mr. Zedick to discuss the possibility of the transmission lines that are proposed to run along the DANC right of way. Supervisor Aubertine told Mr. Zedick that the Board has not had time to review the information provided to them regarding this situation. They cannot make any decisions on anything until everybody has had time for review.

Supervisor Aubertine did allow Mr. Zedick to have the floor for a few minutes.

Mr. Zedick explained that they are interested in proposing transmission lines running through the Town of Lyme and following the existing DANC line. Saint Lawrence Wind has spoken to DANC and they seem willing to work with the wind power company.

In the correspondence to the Town, Saint Lawrence Wind Farm has offered a fairly significant financial compensation for the transmission line. A lot higher than traditionally.

The compensation is based on how many linear feet of transmission lines will cross the property. The rough calculation is about 1750 feet at \$5.00 per linear foot equating to approximately \$8000.00 on an annual basis.

Saint Lawrence Wind Farm is talking with BP to share transmission lines so there will be only one transmission line going through the Town.

The poles will be wooden and approximately 75 feet tall. If just St Lawrence wind would be using the lines there would be three cables, if BP is on as well, there could be an additional three, making for six cables being run along the easement. This includes neutral lines.

A map of the proposed path will be provided to the Board.

Three Mile Bay Fire Department Upgrade of Life Pack – Supervisor Aubertine and Councilmen Johnson and Countryman attended a meeting at the Three Mile Bay Fire Department. The State is mandating upgrades to what they call a Life Pack 12. They like to mandate these departments to spend more money, yet they like to cut funding. It is going to cost the Fire Department about \$18,000.00. If the Life Pack is not purchased they will not be allowed to work on any patients with heart attacks or strokes. The Fire Department is applying for a grant. Charlie Mount will work on composing a letter to the State regarding their mandates.

Julia Gosier – The Fire Department has struggled to stay at the ALS level. It's hard work and takes a lot of money. We live in a Town that has a huge population of elderly people and a very large number of heart attacks a year. A large portion of them are way out on Point Peninsula. It could be 40 minutes before they might reach the emergency room. The higher level of care we have the more likely they are to save that life. It is a critical part of what they do and there is a large portion of that particular need. The advanced equipment and technology are worth the money. It would be an important piece of equipment.

RESOLUTION 2008 – 126: Motion by Councilman Johnson and seconded by Councilman Madill to have Charlie Mount compose a letter to the Governor and to whatever agencies mandate to our emergency squads that share our concerns. Five ayes. Motion carried.

New Business

RESOLUTION 2008 – 127: Motion by Councilman Countryman and seconded by Councilman Madill setting the hearing date for the Water Distribution Systems Law fifteen minutes prior to next months regular Town Board meeting, being held at 6:15 p.m. Wednesday September 10, 2008. Five ayes. Motion carried.

Councilman Johnson – We have received a letter from the NYS Association of Town Superintendents of Highways and the letter talks about a seminar

that will be held on the 23rd and 26th of September. Warren feels it is very important that Superintendent Parker is abreast of all the changes that are occurring. Supervisor Aubertine tried to impress upon Tom Parker the importance of attending this meeting. If Tom cannot go possibly the Deputy Superintendent might attend. It is important for our Town to be represented.

Councilmen Madill and Schreib recommend Eugene Klock and David Hewitt as Part Time MEO's for the Highway Department. They feel they would make very good part timers and they each have a Class 1A license.

Privilege of the Floor

Julie Gosier – Do we have information on how many people take advantage of the Volunteer Transportation Center service? There have been several years in the past where nobody used this service, what is current situation? With the information provided, there are 32 regular clients from the Town of Lyme currently using this service. There were 285 trips, miles driven - 13,848, with the total cost being \$8,848.87. They are only requesting \$400.00. The Town did budget \$600.00 for this year.

Sue Cornell – When the fire occurred this morning at Kelly Corby's farm the Chaumont Fire Department was at another situation. There were electrical problems over at the Yacht Club, a power line was arching. At the same time someone fell at the senior housing. It is important to point out how active our fire departments are and how well they work together. All this happened at a time of day when there are not so many people around. Addressing all these situations is something to be commended.

Councilman Countryman made a motion to adjourn the Meeting at 9:39 p.m.

Minutes respectfully submitted by

***Kim Wallace
Town of Lyme Clerk***