

December 12, 2007
Public Hearing for Establishing Water District # Five
6:15 P.M.
Regular Town Board Meeting
6:30 P.M.

The public hearing was called to order at 6:15 p.m.

Attorney Gebo read the Public Hearing Notice considering the creation of Water District # Five.

WHEREAS, a map, plan and report relating to the establishment of proposed Water District # 5, prepared by Bernier and 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 on the 14th day of November, reciting the filing of said map, plan, and report will meet and consider said map, plan, and report, the improvements proposed, the boundaries of the proposed, the proposed method of financing, the fact that the map, plan, and 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 as the date at 6:00 p.m. of said day as the time at the Town Offices located in the Town of Lyme, County of Jefferson, New York as the place where the Town Board will meet and consider said 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 typical annual cost for the typical user (a single family home) in the district proposed creation is estimated to be \$848.00 per year, based upon the following:

Debt Service	\$ 421.00
Operation and Maintenance	96.00
Short Life Assessment	48.00
DANC Charge	74.00
Water Purchase	<u>209.00</u>
 Total Cost Per EDU	 \$ 848.00

Marsha Barton gave a short presentation on the proposed district. It is actually shorter than originally thought. It was supposed to go all the way to Oleo acres but it had to be cut back due to cost. It will be starting by

Rippe's on the old Town Springs Road and goes up to George Perkins property and across the road to Hideaway Lane. When the petition was originally put out there were approximately 87% of the residents in favor of the formation of the new district, that was before they had the cost. Total cost of this project is estimated to be \$860,000.00. We have gotten pre eligibility determination from Rural Development for a \$500,000.00 grant. The applicant, which is the Town, has to have \$3,000.00. We will be financing \$357,000.00 with Rural Development for 38 years at 4.5%. Attorney Gebo outlined the cost to be approximately \$848.00 per year for a full hook up to the house. There will be a curb stop installed on every buildable vacant lot. The cost on that per year would be approximately 320.00 per year. Unbuildable lots will not be charged. \$500,000.00 is the maximum grant available. The cost of the district is a little over what the state comptroller will allow, so approval will have to come from him. Attorney Gebo will work on the paperwork for that.

Ken Moles – asked to have the O and M explained to him. **Marsha** explained that it was for the Operation and Maintenance to pay operators for readings and repairs. SLA is Short Life Assessment that is to put away money for future projects that would be more than the operations and maintenance costs. It is to build a savings account for any thing major in the future. DANC charge is what we pay to use the water line. Water purchase fee is \$2.83 per thousand gallons. The Debt Service is obviously the debt.

Marsha stated that the debt service is estimated based on everything that is there now. Once more EDU's are added we will recalculate and as homes are added the prices will drop. The \$848.00 is a not too exceed figure. If it goes over we have to go back to the Comptroller.

If a meter is put in at the time of the project the Town will pay for it. If hook up are done after the project is finished the property owner will have to pay for the work from the main to the house. The hook up is part of the project cost.

Jeff Ferguson – Ryan's Way – there are seven lots in that area, will there be water supplied to all those lots? Marsha indicated that Mr. Cohen has committed to paying for one EDU per parcel in anticipation of the property sales being timely.

If the Town Board makes a decision tonight following the Public Hearing there will be no further input. There has been a very strong showing of support from the very onset. We also wanted to expedite the process due to the funding cycle of USDA so we would be in a position to accept the money and start work on the district. Because we have taken that route, even if the Board voted to approve the district tonight, it would be subject to permissive referendum. We would have to put a notice in the paper and from the time the notice goes into the paper there would be a period of thirty days for the residents of the proposed district to come in and ask that it could be put to a vote. If enough people requested this it would have to be put to a vote. If we get through the thirty days without that happening then

the decision of this Board becomes final. The next step will be getting the information to the Comptroller.

Mr. Ferguson asked that if the decision is passed will the residence be required to hook up to it? Attorney Gebo answered by stating that you would not be required to hook up but you would still be charged, the theory is that if you are in the district you are benefited by the availability of the public water. Even though you may choose not to hook up to it you will pay, at least that portion of the outlined expenses of the debt service and possibly things for infrastructure, clearly you would not have to pay any usage charges.

James West – Will the charge be by the gallon or is it a set rate? Attorney Gebo responded by stating that because it is metered it will be by the gallon. The rate is \$2.83 per 1000 gallons.

Paul Kimmis - wanted it to be noted that he has good water and is not in favor of the new water district. He realizes he is in the minority.

A motion was made by Councilman Schreib to close the public hearing was at 6:30 p.m.

The Town of Lyme Regular Town Board meeting was called to order at 6:40 p.m. with a Prayer and the Pledge of Allegiance. In attendance: Deputy Supervisor Schreib, Councilmen Madill, Johnson, and Countryman, Bookkeeper Gotham, Attorney Gebo, Assessor's Cornell and Barton, Superintendent Parker, Clerk Wallace, ZEO Cornell and approximately 20 others.

Privilege of the Floor

Bob Thomas

In lieu of Mr. Warnack he brought Jim Lawrence to talk about the speed limit situation on Three Mile Point and Point Peninsula.

Mr. Lawrence stated that all speed limits within the Town of Lyme are legal.

Mr. Lawrence stated that he has a great relationship with the Highway Department and the Town Superintendent. Whenever anything is needed in this area Tom and his crew always step forward and help them out. The county has spent over half a million dollars on County Roads in The Town of Lyme this year. There have been paving and drainage projects on County Route 8, County Route 125 – Point Salubrious, and County Route 57.

Speed limits are very difficult and he has no control over them. The State has the ultimate decision on what the speed limit should be. Inside the Village, the Village itself can set the speed limit. When going outside of the Village, it's a little more difficult. The County will take a petition that would be submitted by the Town Board. Whether it is a Town or County Road it starts with the Town Board. The County then forwards that

information to the State Police and the DOT, they are the ones to make the actual decision. They send a State Trooper out and their regional traffic engineer. They survey the road, taking a look at how congested it is and traffic volumes on that road. The County or Town have no input on that at all.

Councilman Johnson – Concerning the Three Mile Point Road. The Town would like to change all of that to 25 miles per hour. Mr. Lawrence suggested putting in a request for a reduction of speed. The people who live in or travel that area should submit a petition to the Town Board.

Councilman Johnson has a concern with the amount of seasonal residents that are currently gone for the winter months and he would like to see the Town take a step now rather than six months from now. The Town Board could make the recommendation themselves, to the State, but it gives more support with the petition. People living on another road can sign the petition. Upon submitting and creating a petition the sections being addressed should be described specifically.

Harry Staudenmayer – can vouch for everything Mr. Lawrence said because they have tried to get a speed limit reduction on Point Peninsula Route 57 to Pine Woods Road, a short stretch, they would do a darn thing. Mr. Lawrence said it is very difficult to reduce speeds.

Councilman Countryman indicated that Three Mile point has been reviewed several times. The south side of the Point has been reduced to 35 miles per hour.

Councilman Johnson questioned the number of years that the binder has been on the Point Salubrious Road and wondered when the finishing coat would be applied. Mr. Lawrence stated that due to the amount of work that has been done and the work that is needed in the future. They feel it would be advantageous to complete the necessary work before applying the black top coat, in order to preserve the black top once it has been applied.

Councilman Johnson also addressed the ice build up situation at Art Larkins waterfront. The Town has tried to correct it. Next year the County will do some drainage work in the area and the following year they will apply the finishing coat.

Mr. Lawrence commended Tom and his men. He said they could not accomplish what they would like to if not for all their cooperation.

Councilman Countryman asked if there might be a possibility of getting some sign poles for the Fire Road signs the Town will be installing. Mr. Lawrence said there may be a possibility that The County Highway Department could make them. They may even have some surplus or used.

Sandy Cornell stated that she had noticed at the County Metro Building there seems to be a gapping hole in security. There should be some bullet proof glass in the front office, security seems limited. They should look at

replacing the window.

Lois Lang wondered what could be done about getting a center line down the Moffett Road. Superintendent Parker stated that the road is not wide enough and there would be a false sense of security if the center line was applied. When the road is narrow you have a tendency of riding the center line, it would be dangerous.

RESOLUTION 2007 – 160: Motion by Councilman Johnson and seconded by Councilman Countryman indicating that Water District # 5 will not negatively impact the environment. Four ayes. Motion carried.

RESOLUTION 2007 – 161: motion by Councilman Johnson and seconded by Councilman Countryman to accept the establishment of Water District # 5 as read by Attorney Gebo. Four ayes. Motion carried.

Highway Superintendent

Tom provided the Board with a packet on a new loader. If the repairs are done to the existing loader it is still 10 years old. A new loader would be \$92,000.00 and equivalent to what we have now.

Councilman Johnson said that the Board has had an unsafe piece of equipment dumped on their laps. We could have been trying to replace it for the past couple of years. Looking at his preventative maintenance program, it is not proving to be a good one.

Councilman Madill had contacted Anderson Equipment and Alex, at Tracey Equipment. Both businesses deal with loaders. The average life of a loader is 20,000 to 30,000 hours; the Town's 10 year old loader has 5,000 hours on it. Councilman Madill feels the Board needs to do more research and in the meantime, we should rent a loader possibly with the option to buy or fix this one.

Councilman Schreib stated that we have an unsafe loader and this one must be parked, by order of the Town Board.

RESOLUTION 2007 – 162: Motion by Councilman Johnson and seconded by Councilman Madill to park the Town loader and replace it immediately with a rental. The Highway Department will look to the County for a shared services option first and secondly we will look into a rental. Four ayes. Motion carried.

Superintendent Parker would like to hire one person 39 hours per week for the Highway Department. He will now utilize Ray and Brian for some of the overtime due to the Shared Services agreement. Superintendent Parker is maintaining the State road himself currently.

Councilman Countryman stated that the Highway Department needs another man to replace Mike Allyn and the position needs to be filled. Superintendent Parker will look at the applicants and make a decision.

None of the current applicants have previous experience. They will need to be trained.

RESOLUTION 2007 – 163: Motion by Councilman Madill and seconded by Councilman Countryman to accept the November 14, 2007 Meeting minutes as written. Four ayes. Motion carried.

RESOLUTION 2007 – 164: Motion by Councilman Madill and seconded by Councilman Johnson to accept Abstract # 23 in the amount of \$5,743.33. Four ayes. Motion carried.

RESOLUTION 2007 – 165: Motion by Councilman Johnson and seconded by Councilman Madill to accept Abstract # 24 in the amount of \$73,025.83. Four ayes. Motion carried.

Supervisor's Report

Bookkeeper Gotham reported that the Town is on track with most of the items. He will suggest a final adjustment at the end of the year. The check for CHIPS will be coming in for the State and County plowing around the first of the year.

RESOLUTION 2007 – 166: Motion by Councilman Madill and seconded by Councilman Johnson to accept the Supervisor's Report for November 2007. Four ayes. Motion carried.

Department Reports

ZEO – written report

Assessor – no report

Water Board – written report- There have been approximately 25 residents from Three Mile Point sharing their concerns regarding water. Due to the current condition of the Lake they asked about buying water from the Town if it becomes an emergency situation. Some of the Three Mile Point residents are interested in looking into resurrecting the idea of putting a Water Line around the Point again. Mark Gebo suggested seeing what it might take to have Bernier and Carr update the old reports.

RESOLUTION 2007 – 167: Motion by Councilman Countryman and seconded by Councilman Madill to direct the Water Board to contact Bernier and Carr to update the reports for the establishment of a Three Mile Point water district. Four ayes. Motion carried.

Travis Fulmer will do the required work on Fern Papin's water equipment.

DCC charges have not been billed correctly over the past couple of years. Marsha recently started applying the charges properly which will result in approximately \$1000.00 difference for the Water Districts.

Cemetery / Historian

Julia Gosier announced that she will be resigning as the Town Historian. She will be happy to assist the new Supervisor if needed but she no longer wants to be part of the confusion. She does wish to continue as Cemetery Supervisor.

Councilman Madill had some concerns with material that has been collected by the historian and how the materials have been separated from the historian and heritage center. Julia stated that the records in the possession of the Heritage Center are family and human interest records. The Heritage Center does not have any first source records. She keeps newspaper clippings, diaries and church records.

Councilman Countryman stated that it saddens him to see that Julie feels like this and he thanked Julie for her years of service.

Planning Board – The Town Board will schedule two public hearings for the Proposed Wind Laws. Attorney Gebo suggested hiring a stenographer for the hearings. At the Public Hearings the Clerk must give a fair summary of what is being said.

New Business

Naming of Roads – the county has sent memos to all the state Parks requiring 911 numbers and names for their roads. We were to receive a fax requesting a name for the Boat Launch Road and Long Point Park. We will defer this to the next meeting.

The Town Board will set a date of Thursday December 27, 2007 for the year end meeting to close out the books and pay the final bills.

Scott Aubertine will be attending a Supervisor's Work Session and is requesting that the Town pre pay for room reservations and seminar attendance.

RESOLUTION 2007 – 168: Motion by Councilman Madill and seconded by Councilman Countryman to pay for the incoming Supervisor's Seminar and room reservations in January 2008. Four ayes. Motion carried.

Joint Services – We have signed two agreements with the Village and will be sharing Highway equipment and men and have put in place a rate schedule. The Town will be charging the village \$100.00 per month for utilized space, heat and electric. With the Joint Services grant we will be moving the sand pile to the 12E property, change garage bays into office space, expand the Town Barn to house vehicles. The grant has to be tuned in by Friday and everyone is working feverishly to get it done.

2005 minutes – Were not completed by the former clerk. Suzann Cornell has had to complete them when time allowed and she has had approximately

125 hours in doing so. The Board will need some time to review the minutes for approval. They will rely heavily on Mike Countryman for accuracy due to the fact that he was a Town Board member during that time.

The Grant is due on Friday at 4:00 p.m.

RESOLUTION 2007 – 169: Motion by Councilman Madill and seconded by Councilman Johnson to hire a currier to transport the grant to Albany, if needed, in order to meet the time line. Four ayes. Motion carried.

RESOLUTION 2007 – 170: Motion by Councilman Countryman and seconded by Councilman Madill to retain the services of Sovie and Bowie for the Town audit for the years 2005, 2006, and 2007. four ayes. Motion carried.

Privilege of the Floor

Sandy Cornell – Wind Law – will it be available here, the library and the web site? She feels it is very important that it gets circulated as much as possible. The Board will be certain that we can make it readily available in numerous ways.

Bruce Kingsley – question directed to Attorney Gebo – asking why the draft of the wind laws could not be foiled prior to completion. Attorney Gebo responded by saying that drafts or memos are not foiable prior to being finalized.

Executive Session

Councilman Countryman made a motion to go into Executive Session for a collective bargaining issue.

Motion by Councilman Countryman to adjourn the meeting at 8:50 p.m.

Respectfully submitted

**Kim Wallace
Town Clerk**