

**Town of Lyme
February 11, 2009
Public Hearing – Parking Law For County Route 125
And
Regular Monthly Meeting
6:30 P.M.**

A Motion was made by Councilman Countryman and seconded by Councilman Madill to open tonight's Public Hearing and ask the Public to allow us to go into the Regular Monthly Town Board Meeting adjourning the Public Hearing for a few minutes to let Tom Bowie give the January 2009 Supervisor's Report and 2008 Year End Report. Four ayes. Motion carried.

Supervisor Aubertine called the Town of Lyme's Regular Monthly Meeting to order at 6:35 p.m. The Meeting was open with a Prayer and the Pledge of Allegiance. Present at tonight's meeting: Supervisor Aubertine, Councilmen Countryman, Schreib and Madill, County Legislator Bob Thomas, Bookkeeper Tom Bowie, Clerk Kim Wallace, Assessor's Roz Gotham and Marsha Barton, ZBA Member Harry Staudenmayer and approximately 30 others.

Due to the fog that had settled around the area tonight and the poor driving conditions. Supervisor Aubertine allowed Tom Bowie to present the Supervisor's Report prior to the Public Hearing so he wouldn't have to stay any longer than necessary.

County Legislator Bob Thomas – Referred to the letter sent to him from NYS Office of Parks, Recreation and Historic Preservation, Regional Director, Kevin Keiff, indicating that the request to open Long Point State Park to ice fisherman parking has been reviewed and they were not able to agree to the utilization of the Park for this purpose, due to the following reasons.

1. Long Point does not have a parking lot. It has a narrow, one lane road that winds through the Park's campsites. If one pick-up with a snowmobile or an ATV trailer parked on the road, other users would be unable to maneuver without driving on campsites where there are electrical pedestals and ground grills under the snow.
2. Their Agency has a regulation forbidding ATV use in State Parks. Knowing that many of the sportsmen like to utilize ATV's to access their fishing sites, Long Point would not be a legal access point for them.

Given these drawbacks, Mr. Keiff suggested that the Town encourage sportsmen to utilize the Chaumont Boat Launch site as a good alternative. There is a great deal of parking there and the launch provides easy access to the ice. It is the only facility that we have that conveniently and legally addresses the sportsmen's' needs.

If Long Point had the necessary parking infrastructure they would have been pleased to join with the Town of Lyme in opening that facility.

Mr. Thomas went on to say that if the Town could find some land, something suitable; there is money available to help build parking lots.

Supervisor's Report

Tom Bowie presented the Town Board with two reports this evening; the 2008 Year End Report and the January 2009 Supervisor's Report.

RESOLUTION 2009 -25: Motion by Councilman Countryman and seconded by Councilman Madill accepting the January 2009 Supervisor's Report as presented by Bookkeeper Tom Bowie. Four ayes. Motion carried.

Motion by Supervisor Aubertine and seconded by Councilman Madill reconvening the Public Hearing at 6:50 p.m.

The Public Hearing took place at the Chaumont Fire Hall 11385 NYS Route 12E, Chaumont, NY to consider a Local Law to establish no parking on County Route 125 (Point Salubrious) from November 1st to April 30th each year.

Article 1. – Statement of Authority. The Town Board of the Town of Lyme, pursuant to the authority granted it under the Vehicle and Traffic Law of the State of New York, article 4 of the Town Law and Sections 10 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. – Findings and Purpose. The Town Board of the Town of Lyme hereby finds that the pavement width along County Route 125 on Point Salubrious is too narrow to allow parking along the road, particularly during the winter season when snow banks prevent vehicles from being able to pull off the road. The result of vehicles parking along the road is that it effectively may block a full lane of traffic making it difficult or impossible for vehicles to pass, for plows to clear snow and for emergency vehicles to have access to residences. It is the purpose of this Local Law to prohibit parking along County Route 125 from November 1st to April 30th of each year.

Article 3. – Enactment. The Town Board of the Town of Lyme hereby declares that on County Route 125 parking and standing shall be prohibited its entire length on both sides of the road, twenty – four (24) hours per day from November 1st until April 30th. Any person in violation of this restriction shall be guilty of a violation and subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for a first violation, not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for a second violation within a one (1) year period, and a fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) for a third or subsequent violation within a one (1) year period. Any violation of this Section may

be prosecuted by an appearance ticket issued by any Law Enforcement Official, Highway Superintendent, Town Clerk or Town Board Member.

Article 4. – Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. – Effective Date. This Local Law shall take effect upon filing with the Secretary of State and further upon the expiration of the above noted terms.

Supervisor Aubertine set the rules for the hearing as follows:

- 1. Raise your hand to speak.**
- 2. Please come forward and speak into the tape recorder.**
- 3. Address the Town Board only.**
- 4. No person shall speak a second time until all have spoken.**
- 5. Each person will have 5 minutes to express opinions and concerns, giving reasons for or against.**
- 6. The Town Board is here to listen and they do not have to answer any questions.**

Julia Gosier – Three Mile Bay – Feels that closing County Route 125 down completely is a bad idea. She recently went around the Point on an ambulance call and stated that there were not a lot of fishermen parked along the road at that time. She feels there are several areas around the Point that would not be bad for parking, although there are some spots that are dangerous. The proper approach would be to enforce the problems in certain areas and try to find areas for good parking. The Town of Lyme has a reputation of driving away business. “Don’t drive away the fisherman and don’t drive away business.” Our local businesses have a terrible time trying to survive. For the most part the fisherman are very cooperative.

Greg Netto – Chaumont Resident and Business Proprietor – agreed with Julia Gosier’s statement.

Charlie Mount – Chaumont – On behalf of himself and the Three Mile Bay Fire Department – Direction to close the Road was misguided. There is no problem with rescue vehicles getting around the Point; he personally travels that road every weekend. He feels that a decision should not be made tonight to pass a local law, but let everyone be able to make suggestions throughout the summer season and hold the Public Hearing in September or October.

David Gorden – Two weekends ago he fished all weekend and it snowed a foot and a half that weekend. He intentionally followed behind one of the snowplows going around Point Salubrious and he stated that they did not have a problem getting around traffic; they had absolutely no problem getting through. His sole purpose for going around the Point was to follow the plow. The premise of the idea, “can’t get through” doesn’t fly any more.

Close down the problem areas. There are less fisherman in the past couple of weeks.

Jamie Bliven – The parking problems have hurt the local businesses for the past couple of weeks and there are two people sitting here who make their livelihood from the fishing business. With the safety issues being of concern; the stakes in front of Warren Johnson’s house make that the narrowest part of the road on the Point.

Julie Gosier said it beautifully. We can turn into Depauville or Theresa. Yesterday there was not a lick of snow and Jamie passed two of our snowplows that were out, it was 40 degrees. Shutting people out and not letting them into the Town will shut our doors.

Charlie Mount - shocked and dismayed that when the Local Law was read that a paragraph stated a ticket could be issued by the Highway Superintendent, Town Clerk or Town Board Member.

Paul Herrig – Chaumont – **Would** like to see the Town aggressively seek land for parking. Purchasing land is not always the answer, the Town could lease, possibly in lieu of taxes, or maybe the Town could pay the property owners insurance, there are several different avenues to explore. Mr. Herrig offered to call Georgia Borden - Cox himself to help with the quest for some parking for the ice fisherman. He suggested that the Town get a facilitator to help bring everyone together.

Supervisor Aubertine – Has spoke to Mrs. Borden – Cox and told her we would do whatever we could. The County and Supervisor Aubertine have explained it all to her. He does intend to speak with her again, she has the ideal spot. The Village Beach or the Marina on Circle Drive haven’t been used for parking, we need something closer. He hopes that someone will allow access at the end of Saw Mill Bay.

Julia Gosier – Curious as to why Troopers are giving out parking tickets, it’s not normally their area of expertise. Next year tell the Troopers that we have it under control. The town should hire a part time local police officer to take care of the parking tickets.

Jamie Bliven- it’s not that the fisherman wouldn’t use the parking areas off the Point but the Board is assuming that all the fishermen have snowmobiles or ATVs. A lot of these guys are just trying to put food on the table, keep their lights on and bills paid.

Rich Little – Knows of a fisherman who is 68 years old and has a four-wheeler he uses only for ice fishing. He can’t always make it way out on the ice so he would have to park closer to where they are catching the fish.

David Gordon – The main reason for tonight’s Public Hearing was due to the Highway Superintendent’s recommendations. The Town Board has heard from emergency personnel and those reasons for closing the road to parking does not fly any more.

Reggie Schweitzer – Point Salubrious – It's not as smooth sailing as if nobody were parked on the Point, but let's be realistic; it's a short lived problem, three or four weekends out of the year, make some exceptions. Go to the French Festival, you can't even get through, the streets are closed to traffic or the County Fair at fair time. It's a short-lived problem. Make sure the fisherman park where they should and ask the plow to wing back the banks to get the cars off the road. The fishermen are an economic stimulus for the Town of Lyme, Reggie is a business owner and he does like catering to the fisherman. There is no question that people are worried, business has diminished, the fisherman have been scared away from here.

Councilman Schreib – The Highway Superintendent maintains safety on our roads and he has a large concern. He wants to be certain that his vehicles and the emergency vehicles can get through. If the Fire Departments needed to get equipment through and if someone died out there the Town would have the liability on their shoulders. There have been some good suggestions made tonight.

Councilman Madill – The County has a 25-foot right away from the centerline on the road around Point Salubrious; it is one-way traffic in front of Warren Johnson's. Councilman Madill will address the situation with Warren.

Councilman Countryman – The Board has acted on behalf of Superintendent Parker. Councilman Countryman has never been in favor of banning parking. The enforcement is working; designate the no parking areas where it is a problem and enforce it.

Supervisor Aubertine – Has made about two dozen phone calls the past couple of evenings to Point Salubrious residents, only two of them asked to have the parking banned altogether, he was surprised at what he heard. The seasonal residents are concerned with trespassers. The year around residents really don't have a problem.

RESOLUTION 2009 -26: Motion by Councilman Schreib and seconded by Councilman Madill to continue public comment on the County Route 125 parking situation and take the situation up again in August. Three ayes. Motion carried. Councilman Countryman was not in agreement with the resolution.

The Town Board will determine a time and date to hold the Public Hearing for the County Route 125 parking situation at the Regular Monthly Meeting in August. They will hold the meeting at the Chaumont Fire Hall if it is available.

RESOLUTION 2009 -27: Motion by Councilman Countryman and seconded by Councilman Schreib to close the Public Hearing at 7:30 p.m.

There was a fifteen-minute recess and with a Motion made by Councilman Countryman and seconded by Councilman Schreib the meeting was called back to order at 7:45 p.m.

Clerk's Report – January 2009

Total State, County and Local Revenues for the month of January 2009 were \$3,603.36.

Audit of Bills

RESOLUTION 2009 -28: Motion by Councilman Schreib and seconded by Councilman Countryman accepting Abstract # 4 in the amount of \$97,325.53. Four ayes. Motion carried.

RESOLUTION 2009 -29: Motion by Councilman Madill and seconded by Councilman Schreib accepting Abstract # 3 in the amount of \$2,712.50. Four ayes. Motion carried.

RESOLUTION 2009 -30: Motion by Councilman Madill and seconded by Councilman Schreib approving the January 14, 2009 Regular Meeting Minutes as written. Four ayes. Motion carried.

Three Mile Bay Cemetery Report – Julia Gosier:

Continues to do research work on old lots.

Julie has provided Councilman Schreib with a key to the cemetery vault so he could do a replacement cost estimate for the Fuller Insurance Agency. Julie submitted a report for the Insurance Company containing the information they requested.

Julie has contacted Bourquin Farm Equipment about servicing the riding mower. They will be doing the work in March.

Julie has also contacted Cheneys regarding the purchase of an industrial quality weed eater. Terra is going to stop there and look at the one they recommend. It is about \$300.00 with a harness.

Councilman Countryman indicated to Julie that if the riding mower is still under warranty Bourquins should do the work, if not Tommy should do it.

Planning Board – Donnie Bourquin – the community survey has been printed, folded and stamped and will be sent out within a week. The Planning Board has not had a meeting to vote on the two names for chairman.

Youth Committee Report – Charlie Mount:

The after school Youth Program has between 8 and 14 kids attending in Chaumont and between 8 and 11 kids in attendance in Three Mile Bay. The teen Center is doing well. Saturday morning basketball is drawing between 12 and 22 kids. The Youth committee has started the snow boarding and skiing program again. There are between 8 and 10 kids in regular attendance. Mr. Heath and Mr. Davis are running the program.

ZBA Report – The Zoning Board of Appeals Chairman, Ernie Brister reported that they did not hold a meeting on February 4th because there was no new business at that time. They are expecting some business for the month of March; a Special Permit for a cell phone tower and possibly a ruling on a Stop Work Order.

ZEO Report – Dave Rush – They have had an application from a law firm in Albany for a cell phone tower. Dave will be researching the Town Policy in regard to the matter.

Municipal Water Board Report – Marsha Barton:

At last night's meeting there were some easements signed for Water District # 5.

They did get word from Bernier and Carr that the Point Salubrious water project would cost approximately six million dollars and would require a new water tower. It would take three phases to finish the whole Point and would eventually go through the vacant area; that would spur development. Bernier and Carr will be at their next meeting and will discuss how far they can go with the first phase of the project. The complete project is a long way in the future.

Rich Little – Municipal water may decrease insurance rates and there are benefits to a complete loop.

Correspondence

Fishing Articles – See Attachment “A”

Letter from Mary Anne Clark – asked specifically that her letter be read at tonight's Meeting. Supervisor Aubertine read the letter addressed to the Town Board Administrators as follows:

“I am resorting to US Mail, as your Town Office computers are out of sorts, refusing to accept my email letter enclosed. I would appreciate that you read my letter at your next Town Board Meeting to be held on February 11, 2009. Some of my neighbors are keeping me informed as to the happenings on the Point. Hopefully this situation with the ice fisherman has improved by now.

PS. Post standard article regarding Chaumont also enclosed.” – **See Attachment “B”**

“Another year of trucks cars and trailers of ice fisherman on Point Salubrious. What's to be done?

Last year I was there myself to witness this display of property trespass. I called Mr. Aubertine and he told me there is a problem. I also called the State Police because the Chaumont Officer could not be reached. Indeed there is a problem he said.

Who is to look into this and come up with a solution? This has been going on for too long without any resolution.

Those who live there all year are in jeopardy.... Rescue vehicles and Fire Trucks cannot get through on the road. I have been there; the roads are too narrow for passage.

No trespassing signs don't work; they take them down or just ignore them. As the restricted parking signs also.

You should schedule a meeting when the summer people are there, we do pay taxes...

Please address the serious problem.”

Mary Anne Clark, 10892 County Route 125, Point Salubrious.

Letter from Mr. And Mrs. D. O’Rielly – 11194 County Route 125 - Feel it is necessary to ban parking on County Route 125 on both sides, from November to March. They indicated that there is an influx of year around homes and the no parking law is necessary for safety reasons.

Letter from Karen Donahue – Lyme Central School Superintendent – Sent a letter to supervisor Aubertine thanking him for taking the time to meet with her to discuss the tough financial times and how sharing of services could be a great benefit.

The Lyme Central School Board of Education is very interested in discussing the possibility of cooperation and collaboration of services with the Town of Lyme and the Village of Chaumont. They would appreciate the opportunity to discuss the possibilities. Examples of shared services may include – buildings and grounds; snow removal, grounds keeping; transportation services / maintenance: vehicle / equipment maintenance; building security: exterior lighting, and even more ways to consider.

Mrs. Donahue’s hope is that the leadership from the school, the Town and the Village will agree to sit down and talk about these ideas and she would be willing to coordinate and host this round table discussion.

New Business

Alcohol and Substance Abuse Policy – The copy of the Town of Lyme Policy was incorporated from the TDS Policy Scott had provided to the Town Board. He asked that the Board review the contents of the Policy. At the time of Adoption the Town would require all employees read and sign a statement acknowledging that they read the policy. Attorney Gebo and the Association of Towns sent us samples of policies as well. Jefferson County Civil Service has indicated that the Town needs to get something in place.

Resolutions and Motions

RESOLUTION 2009 -31: Motion by Councilman Countryman and seconded by Councilman Madill accepting the letter composed by Supervisor Aubertine and Councilman Norm Schreib to send out to residents on the West side of Point Salubrious from Gail Miller's to Indian Point in hopes of finding residents who will be interested in helping the Town with the current parking situation on County Route 125. Four ayes. Motion carried.

Old Business

Transfer Site – Councilman Schreib – The project is moving on. There have been some comments received by George that the Zoning and Building Permits were not displayed for the project, they have since been placed on site.

Secondly, the baler is in place right now. There was an old barn sliding door there; George would like to have an overhead door to replace it. Overhead door was there today and they will be providing some prices. The door will be 6' x 7'.

Councilman Countryman – Had concerns with the correspondence that was sent to him today via email regarding the placement of the Transfer Site Permits on the front windshield of vehicles. If there is a problem and people feel they cannot put that on their windshield we need to come up with an alternate idea. Scott will be contacting the NYS Commissioner of Motor Vehicles.

Dave Rush – Sees web site is being done over. Whoever we get to do it, make sure they keep it up every month. If they are not kept up they are junk.

Harry Staudenmayer – The property issue seems to be limited to Point Salubrious. What about Three Mile Point? Where they are fishing right now is closer to Three Mile Point. How about a letter to the people out there? Be proactive and send a letter to those people to try to find land. Mr. Smith allows the fishermen to access the Lake from his land, which is right near Lloyd Higgins property. Mr. Bennett would like to allow access but he is worried about liability. Supervisor Aubertine will revise a letter to the Three Mile Point and Duck Harbor residents.

Charlie Mount – the City of Watertown is doing a re-evaluation in 2010 and 2011. He is asking the Town to put it on their Web Site to ask the members of the Community to respond to their support of a re-evaluation. We have not had one since 1984 or 1985. We are way out of skew in our Town. The people who are buying new property and building new homes are paying more than their fair share. It's time we addressed this. He asked that the Town put the question out to the people through the Web Site and let them respond.

Rich Little – The Town of Lyme has the second lowest equalization rate in the entire County, there are 37 Towns in the County.

Ed Olsen- Introduced himself to the Town Board, he is the contractor who is doing the work at the Transfer Site. Things out there are looking pretty good. He loves working with George. The Highway Department was out there today and they did a great job moving the machine.

Councilman Madill made a Motion to adjourn the Meeting at 8:30 p.m.

Minutes Respectfully Submitted by

*Kim Wallace
Town of Lyme Clerk*