

**February 12, 2020  
Town of Lyme  
Regular Monthly Meeting 6:30 P.M.**

**Call to Order:**

Supervisor Aubertine called the regular monthly meeting to order at 6:30 p.m. opening the meeting with a prayer and the Pledge of Allegiance.

Those present included Supervisor Aubertine, Deputy Supervisor Bourquin, Councilwoman Gosier, Town Clerk Ariana Henderson, Highway Superintendent Pat Weston, and Transfer site Foreman Alan Crouse.

**Privilege of the Floor**

There was no privilege of the floor.

**Supervisor's Report**

Supervisor Aubertine questioned various accounts including Planning Contractual, Planning PS, Highway DA PS Overtime and Highway Services Other Governments. Planning Contractual is \$299.99 which seems high, Highway Overtime is at 100% and should be lower, and Services for Other Governments should be 100% and it is at 77%. Supervisor Aubertine stated he thinks that the overtime was classified wrong. Clerk Henderson stated Planning PS is 100% because they get paid quarterly. Highway Superintendent is going to look into the highway accounts.

**Resolution 2020-13:** Councilwoman Gosier made the motion to approve the Supervisor's Monthly Financial report; Deputy Supervisor Bourquin seconded the motion; all were in favor; motion carried.

**Highway Superintendent's Report**

Pat Weston reported that highway department has been very busy. The department has been testing excavators, working on shoreline erosion, plowing, attending FEMA meetings, and reviewing new highway garage quotes.

**Excavator Quote:**

Highway Superintendent Patrick Weston would like to purchase a Hyundai Excavator. It is the best option out of the excavators they have test drove and it is a zero turn machine. The deal is great and so is the warranty. It is a 2019 HYUNDAI HX145LCRD EXCAVATOR for \$152,353.90 and they offered \$20,000.00 for the trade in of the old Excavator bringing the price to \$132,353.90. Pat would like to pay for the excavator from fund balance or CBDG grant money the Town received. The fund balance in the DA account is quite high. The highway department is in desperate need of a new excavator with tracks because of the anticipated high water because of the clogged culvert pipes on South Shore Road and other roads. Deputy Supervisor Bourquin brought up the fact that we will be getting reimbursed from the work we do with the excavator related to high water situations. The Board agreed that the Town needs a new excavator.

**Resolution 2020-14:** Deputy Supervisor Bourquin made the motion to buy the 2019 Hyundai Excavator for \$132,353.90 with the trade in of the old excavator; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

Highway Superintendent Pat Weston received a sign quote from NYS to replace the speed limit signs. The Board decided to use the budgeted \$1,000.00 to buy new signs to replace the ones that are already in place.

#### **Clerk's Report- January 2020**

Monthly Receipts were as follow: Total Local Shares Remitted: \$2,063.75; Total State County & Local Revenues: \$2,596.25, Total Non – Local Revenues: \$532.50.

#### **Audit of the Bills (Abstracts #3 & #4)**

**Resolution 2020-15:** Deputy Supervisor Bourquin made the motion to approve Abstract #3 in the amount of \$23,025.39; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

**Resolution 2020-16:** Deputy Supervisor Bourquin made the motion to approve Abstract #4 in the amount of \$112,214.13; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

#### **Approval of the January 8, 2020 Minutes**

**Resolution 2020-17:** Councilman Villa made a motion to approve the January 8, 2020 Minutes; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

#### **Committee Reports**

##### **Assessor's Report:**

Supervisor Aubertine read the Assessor's Report from Chairwoman Marsha Barton "We have a few more properties to review and value. We have changed assessments on approximately 160 properties to date. Angie and I are working on the Agricultural Assessments. We have approximately 80 properties that receive the Ag Exemption. Approximately 1,300,000 is exempt because of receiving the Ag Exemption. The Ag Exemption is applied to County, Town and School Assessments. Taxable Status Day is March 1<sup>st</sup>. This means all exemptions must be received by March 1<sup>st</sup> and property is valued as it is on March 1<sup>st</sup>. Grievance Day for 2020 is Tuesday, May 26, 2020. We still have a vacancy on the Board of Assessment Review." There was no questions regarding the assessor reports.

##### **Municipal Water Board Report:**

Supervisor Aubertine read the Water Board Report from Chairwoman Marsha Barton "I have been working with Bernier and Carr on the proposed water district study. We are looking at all possible options that might allow us to proceed with the district. They will be attending our February meeting to present the study to us before we present it to the Town Board. Our meeting is presently scheduled for Wed. February 26<sup>th</sup> at 6:30 PM, subject to change, if needed." They also need a resolution for a new water hook up.

**Resolution 2020-18:** Deputy Supervisor Bourquin made a motion to allow for a new water hookup at 29340 Ashland Road Parcel # 51.00-1-38, property owners Gregory and Rose Hubbard; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

**Planning Board:**

There was no report from the Planning Board.

**Youth Commission:**

There were no questions on the Youth Commission Report. Basketball has begun and is on Sundays.

**ZEO/CEO Report:**

There was no report from the ZEO/CEO.

**TMB Cemetery:**

Councilwoman Gosier stated the Board needs to make a decision on what we want to do about the mowing at the Three Mile Bay Cemetery. She would like to advertise now in case we don't have any bidders, we could make other arrangements for mowing.

**Resolution 2020-19:** Councilman Villa made a motion to advertise the Three Mile Bay Cemetery Mowing for the 2020 season; seconded by Deputy Supervisor Bourquin; all were in favor and the motion was carried.

**New Business**

**Accept Resignation:**

Supervisor Aubertine stated the Board would need to accept Candy Barton's resignation as the office cleaner with regrets.

**Resolution 2020-20:** Supervisor Aubertine made the motion to accept the resignation of Candy Barton as the office cleaner for the Town of Lyme; seconded by Councilwoman Gosier with regrets; all were in favor and the motion carried.

**Advertise Cleaning Position:**

The Board discussed advertising the cleaning position for the office as well as advertising for the Zoning Board of Appeals, Zoning Board of Appeals Alternate, and Board of Assessment Review.

**Resolution 2020-21:** Deputy Supervisor Bourquin made the motion to advertise for the cleaning position, Zoning Board of Appeals, Zoning Board of Appeals Alternate, and Board of Assessment Review; seconded by Councilwoman Gosier; all were in favor and the motion carried.

### **Park Grant Resolution:**

**Resolution 2020-** Councilwoman Gosier made the motion to accept the following resolution for the Park Grant; seconded by Deputy Supervisor Bourquin; all were in favor and the motion carried.

RESOLVED, that The Town of Lyme applied for financial assistance from the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) under Title 9 of the Environmental Protection Act of 1993, for the purpose of funding the Lyme TREC Center;

RESOLVED, that the Town of Lyme is authorized and directed to accept these grant funds in an amount not to exceed \$261,351.00 for the project described in the grant application;

RESOLVED, that the Town of Lyme is authorized and directed to agree to the terms and conditions of the Master Contract with OPRHP for such Lyme TREC Center;

RESOLVED, that the Town of Lyme is authorized and directed to agree to the terms and conditions of any required deed of easement granted to OPRHP that affects title to real property owned by the municipality and improved by the grant funds, which may be a duly recorded public access covenant, conservation easement, and/or preservation covenant; and

RESOLVED, that the governing body of the municipality delegates signing authority to execute the Master Contract and any amendments thereto, any required deed of easement, and any other certifications to the individual(s) who hold the following elected or appointed municipal office: Town Supervisor and/or Deputy Town Supervisor.

### **Dog Kennel at Transfer Site:**

Alan Crouse a foreman at the Lyme Transfer Site spoke to the Town Board about his concerns regarding the potential dog kennels being at the Lyme Transfer Site. Some of Alan’s main concerns included the dog spreading diseases such as parvo, the messes the dogs will make, who will take care of the dogs, will it affect the inspections the transfer site receives, and how will they clean out the kennels? Alan was assured by the Board members that it would not be the transfer site workers responsibilities and that NYS Agriculture and Markets will be inspecting the kennels to make sure they are compliant with State regulations. Highway Superintendent Weston also offered to store the dog kennels in the highway garage if the transfer site location did not work out. Supervisor Aubertine read the following questions and answers out loud to reply to some of the concerns that were brought to his attention.

1. Liability, not only for the safety of the animals but also for our transfer site personnel  
Will the Town of Lyme be liable for an animals death because it is on the Town’s property. If an employee gets injured will it fall on our compensation and increase our rates

I spoke at length with Mike Gillette who assured me that there are absolutely no coverage issues with our liability insurance and, in fact, noted that our policy application does not even include any questions related to dogs, kennels or Dog Control personnel. He mentioned that his agency

represents at least one other town with a comparable set up and he is aware of other towns with similar arrangements.

Any dog held for the regulated 24-hour period will be contained in an approved and secure kennel that is in compliance with Ag & Markets law. This requirement is solely to ensure the dog's safety until it is either claimed by the owner or transported to the shelter facility with which the towns contract.

Only the Dog Control Officer is authorized to handle the dog. No transfer site employee will be in contact with the dog and will be instructed to stay away from the kennel. The kennel will be secured so there is no opportunity for an employee other than the DCO to be injured by the dog.

If a dog should die during the 24-hour hold time and a legal proceeding begun, it is my understanding from Mr. Gillette that our liability insurance would cover any award should there be one. Bear in mind, however, that no dog with any visible illness or injury would be housed in this manner, so the chance of a death would be rare.

Besides the towns' and DCO's total and demonstrated compliance with the A & M safety requirements and the liability insurance coverage in the event of a suit, I'm not sure what other precautions could be taken to prevent someone from an attempt to sue for this or any other matter.

This kennel location, like all other facets of the program, is the JOINT responsibility of the four towns- not just the Town of Lyme. It will be necessary to update our IMA to include this and other recent changes to our DC Program.

2. Supervision, the transfer site is not staffed at night or every day, what would happen to the animals during an emergency.

In case of an emergency, the DCO would respond if at all possible. She will monitor any severe weather or power outages and act accordingly to ensure the dog's safety. Procedure will be in place for notification of any incident broadcast on the scanner. Keep in mind, no shelters we know of, including that run by Jefferson County, are staffed 24 / 7. In fact, I have been informed that our plan will provide far better and more frequent care than is presently practiced at the County facility, including more frequent visits and feedings as required by law.

3. Will our transfer site employees be required to care for detained animals and what training will be required by the state to meet regulations for maintaining a kennel

No transfer site employees will be required to provide ANY care for the animal. In fact, they will be prohibited from doing so. No training will be necessary.

The DCO is quite familiar with all requirements and she also will not need any additional training. She has already met with the Inspector for our area and will again be doing so around the end of this month.

4. Security, will additional security be needed to prevent unauthorized entry

The security at the transfer site is adequate. The kennel will be secured against break-in to the extent possible. It might be advisable to relocate or expand the “keep out” signage to the rear area of the building with, perhaps, some sort of cable across indicating the prohibited area.

5. Will we need additional inspections from the state because we now are housing animals I’m sure there are other potential issues that I haven’t thought of this morning.

The Ag & Markets Inspector assigned to our area would make one site visit (hopefully on her re-inspection within 30 days) to approve the accommodation and would not need to re-inspect, but could if she decided to do so.

Have we checked with local kennels and veterinary offices about temporary accommodations. I don’t want to go back to the County but at the same time housing someone’s animal even for a short period can be problematic. There has to be an answer that doesn’t expose any of the participating Towns.

Since the onset of the Joint Dog Control Program, the 24-hour hold location has been located at the DCO’s private home with full approval from Ag & Markets. There have been no issues with that arrangement.

When first establishing this program, several facilities were contacted, but none was willing to be involved for a number of reasons, not the least of which were 1.) having to adjust its facilities, hours or practices to come into compliance with the State’s requirements and/or 2.) possibly inviting more frequent visits from a State Inspector. Also, most veterinarians or private kennels do not meet the minimal dimensions for kennel space(s). Because they are not 24/7 operations, this creates a problem of needed accessibility for the DCO which could occur at any time of the day or night or on days when the facility is closed. Even if we were to find a suitable substitute, we would still be responsible to ensure its compliance with all the regulations.

**Resolution 2020-** Deputy Supervisor Bourquin made the motion that until further accommodations are made for housing stray dogs the transfer site will be the location for the two dog kennels; seconded by Councilwoman Gosier; all were in favor and the motion carried.

**ZEO/CEO Pay Correction:**

Supervisor Aubertine stated that the Board needed to make a decision regarding Jim Millington’s salary. The decision was tabled.

### **Hyde Stone Service Agreement:**

Supervisor Aubertine reminded the Board that he emailed them the Hyde Stone contract they proposed. He thought the services seemed expensive and that he wanted the highway department to try and clean them. Councilwoman Gosier agreed that the agreement did not seem cost effective. Deputy Supervisor Bourquin agreed and said don't put any more money into this building.

### **Insurance Renewal:**

Supervisor Aubertine wanted the Board to discuss whether the Board would like to stay with Trident for Insurance or switch to Glatfelter. The policy renews March 9<sup>th</sup> 2020. The only thing insurance agent Mike Gillette lacks to sign up with Glatfelter is some serial numbers from Pat Weston. The key point of why Mike Gillette was asking the Town which company to use for insurance was related to the Village Dissolution. Trident's response when asked about adding the Village to the Town's policy if the dissolution goes through was "I can't make any guarantees on how we would handle the village dissolution and as much as I don't want to lose the business I would understand if Lyme needs to move to protect your relationship with the insureds." Mike Gillette also stated that if absorbing the Village won't occur until 1/1/2022 then renewing with Trident for 2020-2021 wouldn't raise that particular issue. There was a discussion regarding what insurance company would be better for the Town.

**Resolution 2020-** Deputy Supervisor Bourquin made the motion to continue with Trident Insurance for one year; seconded by Councilwoman Gosier; all were in favor and the motion carried.

### **Old Business:**

#### **Transfer Site Fees:**

Supervisor Aubertine reminded the Board that they had previously discussed if the Transfer site should be charging contractors bringing in trees and brush. Foreman Al Crouse stated that big tree companies are bringing in huge loads of trees and brush which creates more work for the Town and he believes they should be charged a fee. He also suggested handing out papers at the dump once the fees have been made so that residents are aware of the charges. Highway Superintendent Pat Weston thinks the Town should put a hefty price on contractors to keep them out of the transfer site completely. He believes they are probably already charging our residents a fee to haul the brush and the transfer site is accepting it for free. The tree companies and other contractors are the ones making out on the deal. Supervisor Aubertine asked Al Crouse and Pat Weston to come up with a fee schedule to charge contractors for brush to approve at the March meeting.

Deputy Supervisor Bourquin asked how many times the County hauled recyclables which was 12 times in January resulting in \$600.00 in charges which will estimate to be \$7,200.00 a year. Al Crouse revealed he can find companies to take the recyclables and asked if the Board would like him to look into it? Supervisor Aubertine stated he would like Al to look into it and report back to the Board.

**PB By Laws Discussion:**

Supervisor Aubertine sent the original plans for the Planning Board By-Laws created by Supervisor Aubertine, Deputy Supervisor Bourquin and Ed DeMattia to the Town Board to review. He asked the Board what they would like to do about updating the by-laws. Deputy Supervisor Bourquin suggested sending them to the Planning Board and ZBA for them to review and suggest edits. Supervisor Aubertine will email the by-laws to the Chair people of the boards.

**REDI Funds:**

Supervisor Aubertine met with Victoria and Gregor Smith from Bernier and Carr about the Phase 1 report for the REDI funding received for Veteran’s Memorial Public Park. He told him to go ahead and submit the Phase 1 report. He stated that BCA estimated spending 1.3 million in Phase 1 and our grant is for 1.1 million. Phase 1 was basically the road in, parking lots, and shoreline resiliency. Also there is a vinyl fence planned going around the perimeter. It is a 200 page report so it wasn’t emailed to the Board. Supervisor Aubertine will send the itemized costs and the map in an email to the Board.

**Building Committee Meeting:**

Councilwoman Gosier stated that the Building Committee would be having meetings the Monday before each Board Meeting every month.

**Justice Audit:**

Councilwoman Gosier mentioned to Supervisor Aubertine that Deputy Supervisor Bourquin and she were halfway through the Justice Audit and will be completing it soon.

**Online Privilege of the Floor**

There was no online privilege of the floor.

**Privilege of the Floor**

There was no privilege of the floor.

**Executive Session**

No executive session was needed.

**Adjournment**

**Resolution 2020-:** Supervisor Aubertine made the motion to adjourn; seconded by Councilwoman Gosier; all were in favor and the motion was carried; meeting was adjourned at 8:23 p.m.

Respectfully Submitted

Ariana Henderson  
Town Clerk