

Town of Lyme

July 11, 2007

Public hearing – Unsafe Buildings and Structures

6:15 P.M.

July Regular Monthly Meeting

6:30 P.M.

Supervisor James Golden called the Public Hearing for amending Unsafe Buildings and Structures Local Law to order at 6:20 p.m. There were no public comments made and a Motion by Councilman Countryman and seconded by Councilman Madill was made to close the Public Hearing at 6:24 p.m.

The July Regularly Scheduled Monthly Town Board Meeting was opened with a Prayer and the Pledge of Allegiance and called to order at 6:30 p.m.

Privilege of the Floor

Tina Fahringer proposed a change in policy allowing seasonal residents to hold political town wide positions, such as serving on local boards. She commented on the number of seasonal residents that were in attendance, and asked the Board to take into consideration, people who are willing to step forward to volunteer their time. Ms Fahringer has several years of experience serving on the Board of Assessment Review in her home Town.

Councilman Johnson remarked by stating that the Town operates 12 months out of the year and it is important that Board members make it to all the meetings.

Councilman Schreib indicated that Town Policy states Board Members must attend at least 75% of all the Board Meetings for the position they hold.

Councilman Countryman feels if she is educated and experienced with the Board of Assessment Review maybe we could make an exception. He stated that we would get back to her with a good answer.

RidgeviewTel – Broad Band Internet Service: Vince Jordan, President and CEO of RidgeviewTel and Apryl LaGrow were in attendance of tonight's meeting. They have come to the North Country trying to bring high-speed Internet service to the area. They are hoping to obtain high ground in the Town of Lyme in order to get their services up and running. Points of interest would be the Chaumont and Three Mile Bay water towers, with several, what they called, and "repeater" sights around the area. In exchange for "high ground" they will provide high-speed Internet service to the Town, Village and any nonprofit organizations falling under the umbrella of these entities, such as Fire Departments, Library, Chamber and Municipal Owned Buildings. If an individual were to give them access to any high points owned privately, RidgeviewTel would also provide them free broadband service.

RESOLUTION 2007 – 78: Motion by Councilman Schreib and seconded by Councilman Countryman to permit Ridgeview Tel to install an antenna on the water tower that is in our control, on Ashland Road, with the following stipulations: 1) That RidgeviewTel supply the Town of Lyme with a contract for Attorney Gebo’s review. 2) Provide the Town of Lyme with a map of the coverage area. With Attorney approval, the Town Board will hold a special meeting to address this matter. Five ayes. Motion carried.

There was a motion to go into Executive Session at 7:15 p.m. and the Meeting was called back to order at 7:45 p.m.

Highway Superintendent

Superintendent Parker started his report by agreeing to provide foundations for the new Town signs that will be ready in the next two to three weeks. Tom will contact the people at Stewart Signs to find out what type of foundation will be needed.

Superintendent Parker also informed the Board that the County would be turning roads back to the Towns. The Town of Lyme can expect to have the Morris Tract Road (County Route 125) added to our inventory of highways by January 1, 2008. The Morris Tract Road is 2.8 miles long and was reconstructed three years ago. The Town will resume the responsibility of full maintenance of the road with the exception of the Horse Creek Bridge.

There was a request from the Village asking for assistance at the corner of Madison and Washington Streets to clean medium from sidewalk to the road and put black top in. The village will supply the equipment if the Town can supply the labor. There will be no problem if the time can be “swapped out”.

Superintendent Parker would like to do some work on the Three Mile Point and Cheever Roads would also like to fix the entrance to the south end of Three Mile Point.

The County will be resurfacing County Route 57 from NYS Route 12E to the Transfer Site approximately the third week in August.

The problem with the corner of Donna Tanuicci’s property was addressed. The Town could make it a one-way street; there would have to be a Public Hearing on the matter. The best solution would be to have the State take care of it when they go through in 2008 or 2009.

There was a motion made to have a five-minute break at 8:10 and the Meeting was called back to order at 8:20 p.m.

Minutes

RESOLUTION 2007- 79: *Motion by Councilman Countryman and seconded by Councilman Madill to accept the June 13, 2007 Minutes as written. Five ayes. Motion carried.*

RESOLUTION 2007 – 80: *Motion by Councilman Johnson and seconded by Councilman Madill to accept Abstract # 13 in the amount of \$1717.79. Five ayes. Motion carried.*

RESOLUTION 2007 – 81: *Motion by Councilman Johnson and seconded by Councilman Countryman to accept Abstract # 14 in the amount of \$35,294.02. Five ayes. Motion carried.*

Supervisor’s Report

Bookkeeper Gotham reported that there was nothing outstanding in June’s report.

Supervisor Golden stated that the Town could be billed for the new truck any day. They are waiting for a few small parts to finish up.

RESOLUTION 2007 – 82: *Motion by Councilman Madill and seconded by Councilman Countryman to accept the Supervisor’s Report for June 2007. Five ayes. Motion carried.*

Bookkeeper Gotham suggested budget transfers as follows:

Transfer from 1990.4 contingent Account to 3610.4 examining Boards \$62.00.

Transfer from 1990.4 Contingent Account to 4560.4 First Responder Unit \$21.00.

Transfer from 8160.4 Refuse and Garbage – Contractual to 8160.2 Refuse and Garbage – Equipment \$3,500.00.

RESOLUTION 2007 – 83: *Motion by Councilman Schreib and seconded by Councilman Countryman to accept suggested budget transfers. Five ayes. Motion carried.*

Department Reports

Zoning Enforcement Officer – Suzann Cornell submitted to the Board a written copy of June’s Zoning Report. See attached document.

Municipal Water Board – report submitted by Marsha Barton - see attached document.

RESOLUTION 2007 – 84: *Motion by Councilman Countryman and seconded by Councilman Schreib to delete the quarter EDU on Mike Allyn’s lot in Three Mile Bay as recommended by the Municipal Water Board, due to the fact that the lot does not have enough square footage to be considered a “buildable” lot. Five ayes. Motion carried.*

Zoning Board of Appeals – monthly report submitted by Chairman Harry Staudenmayer – see attached document.

Cemetery Report – submitted in writing by Cemetery Supervisor Julia Gosier – see attached document.

Historian’s Report – submitted in writing by Julia Gosier – see attached document.

RESOLUTION 2007 – 85: Motion by Supervisor golden and seconded by Councilman Countryman to move this Resolution

WHEREAS, there has recently been negative press coverage by the “New York Times” and some local newspapers within Jefferson County suggesting that the Town court System is flawed and more specifically, alleging that the three hundred (300) year tradition of non-lawyer judges presiding over and within the local municipalities should be eliminated; and

WHEREAS, there has always been a Town Court within the Town of Lyme, conveniently located and accessible to our citizens; and

WHEREAS, there are two (2) Town Judgeships established within the Town of Lyme; and

WHEREAS, there are presently two (2) non-attorney Town Justices and no attorney Town Justices within the Town of Lyme; and

WHEREAS, with their civil and criminal jurisdiction, the Town Justices in the Town of Lyme handled many hundreds of cases in the past year; and

WHEREAS, the Town Court of Lyme in 2006 collected \$13,500.00 in statutory fines, fees and surcharges on behalf of the State of New York, the County of Jefferson and the Town of Lyme, to help fund essential public services; and

WHEREAS, the Town Court of Lyme recognizes and appreciates the professionalism, diligence, intelligence and integrity of both the attorney and non-attorney or lay justices within our town who bring a specialized experience to the bench particularly with issues unique to our community who elected them; and

NOW, THEREFORE, be it:

RESOLVED, that the members of the Town Board of the Town of Lyme hereby oppose any requirement that Town Justices be attorneys and it is further;

RESOLVED, that the members of the Town Board of Lyme oppose any efforts to eliminate local and convenient access to justice by our citizens; and find that the local presence of the Town Court of Lyme provides a meaningful and necessary presence within our community for judicial resolution of conflicts, continued public safety of our citizens and the protection of constitutional guarantees for all of our citizens. Five ayes. Motion carried.

Supervisor: James Golden

Deputy Supervisor: G. Norman Schreib

Councilperson: James R. Madill

Councilperson: Michael P. Countryman

Councilperson: Warren A. Johnson

RESOLUTION 2007 – 86: Motion by Councilman Schreib and seconded by Councilman Madill to accept Advanced Business Systems proposal for two new computers, replacing the eight plus year computers currently in the Town Clerk’s Office and also the installation of a “server” for the computers in the building. Five ayes. Motion carried.

Privilege of the Floor

Julia Gosier – Three Mile Bay – has concerns with burning barrels; can law enforcement or the Town do anything about it and what is the status of a Town wide audit?

The Town has tried to solicit auditors and has not had any success in doing so. Many of the firms are currently very busy and feel they do not have the time or manpower to perform an audit of this magnitude at this time. Letters will be sent out to approximately 30 firms, in and outside out local area within the next couple of weeks.

Robert Ring – Duck Harbor – Regarding is letter from October 2006: Mr. Guga has no Right of Way, Mrs. Antonelli had never given a Right of Way with the property according to Mr. Ring. There has been no written response to his letter as of last month when the Town Board indicated to him that he would hear something from them one way or the other within ten days of the last Town Board Meeting. He is considering suing the Town to make them do their job.

Attorney Gebo responded by stating that most Right of Ways is a right to cross-land, the two most common being fixed or general. If it were a general right of way the law would allow the right of way to be moved.

Attorney Gebo stated that to measure the set back the definition of the law must be followed. The location of the Right of Way must be found and measured. It is Mr. Guga's to defend if it is his Right of Way. It is a civil matter and he should seek council. Attorney Gebo has informed the Town that it is a legal issue and the Town should not get involved in enforcing private right of way's.

Mr. Ring stated that he feels Richard Guga has a serious problem and if the Right of Way issue is enforced he will not be able to access his property.

Mr. Ring stated that he would hire an attorney and sue the Town of Lyme!

RESOLUTION 2007 – 87: Motion by Councilman Schreib and seconded by Councilman Countryman stating that the Town of Lyme does not get involved in determining private Right of Ways. Five ayes. Motion carried.

Councilman Johnson reminded everyone about the Wind Farm Forum in the Lyme Central School gymnasium July 24th. He stressed the importance to attend.

Motion to adjourn by Councilman Countryman at 8:55 p.m.

Respectfully Submitted by

Kim Wallace

Town of Lyme Clerk