

**Town of Lyme
July 10, 2013
Regular Monthly Meeting
6:30 P.M.**

Supervisor Aubertine opened tonight's meeting with a Prayer and the Pledge of Allegiance.

Present at tonight's meeting: Supervisor Aubertine, Councilwoman Harris, Councilmen Henderson, and Bourquin, ZEO/CEO Jim Millington, Assessor and Water Board Chairwoman Marsha Barton, Planning Board Chairman Frank Congel, Planning Board Members Sue Warner and Mariah Millington, ZEO Member Harry Staudenmayer, Assessor Roswell Gotham, Three Mile Bay Cemetery Superintendent Julia Gosier, Bernier and Carr Associates, Gregor Smith and Scott Burto and approximately 3 others. Councilman Villa was not present at tonight's meeting.

RESOLUTION 2013 – 95: Motion by Councilman Henderson and seconded by Councilman Bourquin approving the June 2013 Supervisor's Report as submitted by Town Accountant Cathy Satterley. Four ayes. Motion carried.

Scott Burto and Gregor Smith – Bernier and Carr

Gregor met with the Water Board last week and discussed with them the potential water and waste water funding area being considered in the Hamlet of Three Mile Bay. The area would be considered a critical area due to it currently not having a public sewer system along with the dense housing and being adjacent to the Lake.

The study would include a first year anticipated user cost indicating what the residents of the project might expect on average for the service. The study would look at the medial average income of the area being considered. If the costs associated with the project are too high, the project could be stopped in the planning stages and would not be able to go any further than that. At that point they would consider the project not to be feasible.

Gregor will prepare the formal proposal upon the Town Board authorizing the submittal of the application.

Marsha feels that the Grant is worth applying for because a lot of information will become available to the Town through the study.

The cost of the study would be \$37,000.00 with \$1,500.00 being provided “out of pocket” by the Town.

The ultimate goal of this wastewater infrastructure engineering planning grant program is to assist needy communities to initiate a planning process with a follow-up implementation plan to address local quality problems. Successful applicants will use the engineering report when seeking financing through the Clean Water State Revolving Fund (CWSRF) Program or other financial means to further pursue the identified solution.

RESOLUTION 2013 – 96: Motion by Councilman Bourquin and seconded by Councilman Henderson approving the New York State DEC/EFC (Environmental Facilities Corporation) Wastewater Infrastructure Engineering Planning Grant application with Bernier and Carr Associates as the engineer and consultants of the project. Three ayes. Motion carried. Councilwoman Harris abstained from a vote.

Privilege of the Floor

Arnold Montgomery – Failing Shores Lane, Point Peninsula:

Mr. Montgomery owns a vacation property on Failing Shores Lane and has recently applied for a Zoning Permit to add a deck onto an existing deck. As suggested by ZEO Millington, Mr. Montgomery applied for a variance. At the variance hearing the ZBA informed Mr. Montgomery that he did not need to apply for the variance.

The process left a “sour taste” in Mr. Montgomery’s mouth. This is the second time he has had a “sticky situation” with a Town Official.

Supervisor Aubertine stated that if the Zoning Enforcement Officer has any question as to how he should proceed in certain situations, it is advised that the case in question should be sent to the ZBA. Leaving any interpretations up to the Zoning Board of Appeals and not up to one individual.

RESOLUTION 2013 – 97: Motion by Supervisor Aubertine and seconded by Councilwoman Harris approving the reimbursement of \$50.00 (fifty- dollars) to Arnold Montgomery for the Variance that was applied for and deemed unnecessary by the Zoning Board of Appeals. Four ayes. Motion carried.

ZEO Millington – Assured everyone that no one was being singled out. At times, the Zoning Officer has to refer to the ZBA when in question.

RESOLUTION 2013 – 98: Motion by Councilwoman Harris and seconded by Councilman Bourquin approving Abstract #13 in the amount of \$783.54. Four ayes. Motion carried.

RESOLUTION 2013 – 99: Motion by Councilman Bourquin and seconded by Councilwoman Harris approving Abstract #14 in the amount of \$73,097.43. Four ayes. Motion carried.

RESOLUTION 2013 – 100: Motion by Councilwoman Harris and seconded by Councilman Henderson approving the Minutes of the June 12, 2013 Regular Monthly Meeting of the Town Board as submitted by Clerk Wallace. Four ayes. Motion carried.

Committee Reports

Youth Committee Report

The Minutes of the Youth Committee Meeting of June 11, 2013 have been submitted by Valarie Rust.

RESOLUTION 2013 – 101: Motion by Supervisor Aubertine and seconded by Councilwoman Harris accepting the resignation of Summer Rec employee Zach Allen. Four ayes. Motion carried.

Three Mile Bay Cemetery Report – Julia Gosier

RESOLUTION 2013 – 102: Motion by Councilman Bourquin and seconded by Councilman Henderson authorizing the five thousand dollars budgeted for the abandoned cemetery fund (A8810.42) to be spent at the Wells Cemetery for the necessary stone work to be completed by Harry Wilson. Four ayes. Motion carried.

Planning Board Report – Frank Congel

RESOLUTION 2013 – 103: Motion by Councilman Henderson and seconded by Councilwoman Harris accepting Scott Discounts resignation from the Town Planning Board. Four ayes. Motion carried.

At the Planning Board meeting that was held last night the Board finalized a draft of the Planning Board by-laws. The new draft will be provided to the Town Board prior to the next Town Board Meeting.

Frank is not making a recommendation for the Planning Board appointment because they did not have a quorum at last night's meeting.

ZEO/CEO Report – Jim Millington

Building / Zoning Permits Issued:	14
Demo Permits Issued:	1
Certificates of Occupancy Issued:	1
ZBA Referrals:	6
Site Visits and Inspections:	20
Complaints:	1
Investigations:	1

Permits Issued For:

Home or Cottage:	3
Garage/Barn:	1
Deck or Porch:	1
Fence:	1
Remodeling:	1
Addition:	1
Other, Pools, Slabs, Shed, Demo:	5

Health Officer Report – Ruth Stewart

In a response to a written complaint from Mr. and Mrs. Thomas DeMasi of Failing Shores Lane, Point Peninsula. Ms. Stewart met with them at their home on Friday, June 14, 2013. Their complaint alleged a public health risk related to trash adjoining the fence on their property line that was left there on or before May 31, 2013 by their next door neighbors. Upon investigation, all that was evident at the site was a closed trash can opposite their kitchen window and a toilet placed further down the fence line toward the Lake with flowers displayed in it.

While these items may have been annoying, they do not rise to a level of a public nuisance or public health issue.

RESOLUTION 2013 – 104: Motion by Councilman Bourquin and seconded by Councilman Henderson accepting the letter of “negative health risk” from Town of Lyme Health Officer, Ruth Stewart in regard to the complaint filed by Mr. and Mrs. Tom DeMasi against Arnold Montgomery. Four ayes. Motion carried.

New Business

Net Metering Solar Proposal – Dave Henderson

Dave would like to go back to Fourth Coast and gather more information in regard to the solar proposal.

RESOLUTION 2013 – 105: Motion by Supervisor Aubertine and seconded by Councilwoman Harris approving the field request for the Willie Putnam Tournament to be held July 19, 20, and 21, 2013. Four ayes. Motion carried.

RESOLUTION 2013 – 106: Motion by Councilman Bourquin and seconded by Councilman Henderson approving the donation to the Willie Putnam Tournament for \$200.00 for the purchase of two bicycles and two helmets with the funds to be taken from the Town Development Fund. Four ayes. Motion carried.

RESOLUTION 2013 – 107: Motion by Councilman Bourquin and seconded by Councilwoman Harris approving the use of the Town Ball fields for the CAN/AM Softball Tournament to be held July 26 – 28, 2013. Four ayes. Motion carried.

School Concession Trailer

RESOLUTION 2013 – 108: Motion by Supervisor Aubertine and seconded by Councilman Henderson in consideration of the recommendation of Town Accountant, Tom Bowie; agreeing not to assist the Lyme Central School District with the purchase of a concession trailer. Four ayes. Motion carried.

RESOLUTION 2013-109: Motion by Councilwoman Harris and seconded by Councilman Henderson supporting the Development Authority of the North Country for consideration of making improvements to a portion of the Regional Water Line right-of-way in the Town of Lyme, for use as a pedestrian and bike path.

Potential improvements would be in the section of the Town, from the outskirts of Chaumont, starting in the area of the Town Recreational Fields on Route 12E and would extend along the Regional Water Line right-of-way through the Ashland Wildlife Management Area.

All Board Members in attendance were in favor and the Motion was carried.

Old Business

Wilson Property Update – Councilwoman Harris

The County has considered the Wilson Property to be one of four; out of the 40 “Brownfields” in Jefferson County that could be economically viable for the testing of the level of contamination. If the levels are considered minimal they could proceed with the sale of the property.

The County would prefer to see the property back on the tax rolls instead of being a tax exempt property. If the property is found to have minimal contamination it could be sold.

The Town will have to wait for the test results and at this point in time, the County is not sure when the testing will be done.

Resolutions and Motions

Naming of Roads for 911 Addressing

RESOLUTION 2013-110: Motion by Councilwoman Harris and seconded by Councilman Henderson approving the names of the following roads located in the Town of Lyme:

- 1. Benson Point Drive – Located off County Route 125, Chaumont, NY, will consist of a 15 (fifteen) lot subdivision.***
- 2. Lance Shore Road – South east off NYS Route 12E, Three Mile Bay, NY.***

All Town Board Members were in support of the Resolution and the Motion was carried.

Motion by Supervisor Aubertine and seconded by Councilwoman Harris moving the Town Board into Executive Session at 8:18 p.m. for a Litigation and Personnel Matter and Collective Bargaining. Four ayes. Motion carried.

Motion by Supervisor Aubertine and seconded by Councilwoman Harris moving the Town Board back into open meeting at 9:25 p.m. Four ayes. Motion carried.

RESOLUTION 2013 – 111: Motion by Supervisor Aubertine and seconded by Councilwoman Harris appointing Gail Miller as a full-time member to the Town Planning Board. Four ayes. Motion carried.

RESOLUTION 2013 – 112: Motion by Supervisor Aubertine and seconded by Councilwoman Harris authorizing a letter to be sent to Jefferson County Planning Department requesting a County Planning Board Member to be in attendance at the Town Planning Board Meetings in order to help with the revision of the Town's Zoning Law. Four ayes. Motion carried.

Supervisor Aubertine – In 2012 the Town received over 210 permit requests that included special use permits, variances, building inspections, demolitions, seasonal residency permits, etc.

The Town has experienced three major issues which the Supervisor feels were caused in part by misinterpretation, either by the Zoning Officer or the resident involved. Supervisor Aubertine feels that these issues were a result of our Zoning Law not being decisive enough. As he has stated on previous occasions, the Town Zoning Ordinance needs to be simplified and clarified.

Some of our zoning issues have been as a result of neighbors not being able to get along and either party not willing to compromise fairly.

Other than the issues of “misinterpretation”, Supervisor Aubertine could find only eight other complaints from residents concerning our Zoning Officer.

Supervisor Aubertine went on to say that Mr. Millington has taken much criticism lately. Scott believes that Jim is doing the best he can with a very difficult job. There has and will continue to be zoning complaints regardless of who is in that position.

The Town Board has agreed to support Mr. Millington as the Town of Lyme Zoning and Code enforcement Officer. The Town expects him to learn a great deal from this recent experience. The Town Board trusts in him and his knowledge of Zoning and Code enforcement. We ask that our residents trust in him also.

The Town Board is asking that Mr. Millington clean up the problems regarding his own zoning and code enforcement issues. Mr. Aubertine reminded everyone that at the time Mr. Millington was building his home he was not the Zoning or Code Enforcement Officer for the Town of Lyme.

Harry Staudenmayer commended the Town Board for their statement and support in regard to Mr. Millington.

A Motion was made by Supervisor Aubertine and seconded by Councilwoman Harris adjourning tonight's meeting at 9:30 p.m.

The Minutes of tonight's Town Board Meeting are respectfully submitted by,

Kim Wallace
Town Clerk