

**Town of Lyme  
June 10, 2009  
Regular Monthly Meeting  
6:30 P.M.**

**Supervisor Aubertine called the Meeting to order at 6:30 p.m.**

**Present at Tonight's Meeting:** Supervisor Aubertine, Councilmen Johnson, Madill, Countryman and Schreib, Assessor/Water Board Chairman Marsha Barton, Deputy ZEO Jim Millington, Village Mayor Mark Zegarelli, Deputy Highway Superintendent Pat Weston, Bookkeeper Tom Bowie, Clerk Wallace and approximately 30 others.

**Privilege of the Floor**

**Gregor Smith of Bernier and Carr – Point Salubrious Water Study Presentation:** The study presented this evening briefly focused on the following areas of the engineering report:

- 1.) **Executive Summary** – Purpose of Report, Summary of Scope, Fundability, Recommendations.
- 2.) **Existing Conditions** – Service Area, Demographics, Topography, Soil Conditions, Climate, Environmental and Historical Resources
- 3.) **Need For The Project** – Existing Water Supply – Eater Quality, Water Quantity and Public Support
- 4.) **Alternatives Considered** –  
Water Supply Source:
  - a) Development of Surface Water Supply,
  - b) Connect to a Neighboring System,
  - c) Do Nothing.

Water Distribution  
Materials and Pipe size  
Water Services  
Materials and Pipe Size

## Water Source and Pipe Line Placement Alternatives

Elevated Water Storage Tank

Project Phasing

Flow Projections

- a) Service Entire Loop
- b) First Phase

- 5.) **Opinion of Probable Costs** – Entire Point Salubrious Road Loop and DANC Connection, Phase 1 and the Annual Operating Budget.
- 6.) **Funding Scenarios** – Sources and Scenarios
- 7.) **Recommendations and Conclusions**

Mr. Smith finished his presentation by asking the Board if they intended to move forward with the project and if so, a motion should be made to declare the Town Board as Lead Agency in the Project and Part I of the SEQR should be prepared and sent to the involved agencies.

**Councilman Johnson** felt the project should move forward and that the Town Board should declare Lead Agency.

***RESOLUTION 2009 – 92: Motion by Councilman Johnson and seconded by Councilman Madill declaring the Town Board as Lead Agent in the Point Salubrious Water Project. Part I of the SEQR process will be completed and notices will be sent to any involved agencies. Five ayes. Motion carried.***

**Councilman Schreib** referenced the impact this project will have on the Bays. The more water that will be used will result in more usage of septic systems, which in turn will affect the Lake Water. The overflow of these antiquated or nonexistent septic systems will result in the excelling of weed growth and have an overall negative impact on the condition of the bays and Lake.

The Town Board asked to have Bernier and Carr provide a study to implement a septic system along Point Salubrious.

### **Supervisor's Report**

***RESOLUTION 2009 – 93: Motion by Councilman Schreib and seconded by Councilman Johnson accepting the May 2009 Supervisor's Report as presented by Bookkeeper Tom Bowie. Five ayes. Motion carried.***

***RESOLUTION 2009 – 94: Motion by Councilman Madill and seconded by Councilman Countryman approving Abstract # 11 in the amount of \$14,785.37. Five ayes. Motion carried.***

***RESOLUTION 2009 – 95: Motion by Councilman Johnson and seconded by Councilman Schreib approving Abstract # 12 in the amount of \$40,785.37. Five ayes. Motion carried.***

***RESOLUTION 2009 – 96: Motion by Councilman Madill and seconded by Councilman Countryman approving the Minutes as submitted for the April 29, 2009 Public Hearing for the Sole Appointed Assessor. Five ayes. Motion carried.***

***RESOLUTION 2009 – 97: Motion by Councilman Countryman and seconded by Councilman Johnson approving the Minutes of the May 13, 2009 Regular Monthly Town Board Meeting as submitted. Five ayes. Motion carried.***

***RESOLUTION 2009 – 98: Motion by Councilman Countryman and seconded by Councilman Johnson approving the May 20, 2009 Work Session Minutes as submitted. Five ayes. Motion carried.***

### **Department Reports**

**Assessor's Report** – Grievance Day was held on May 26<sup>th</sup>. There were eight property owners who filed grievances that night and three mail in grievances. Of the eleven-filed grievances, the Board of Assessment Review lowered four assessments. The Board also voted to change the hours for 2010 to 5:00 PM – 9:00 PM.

Marsha provided the Board with a copy of the 2009 Equalization Rates for Jefferson County. The rates were all over the scale, but there were many between 50 – 70%. She feels many of the municipalities are being cautious about doing a reval at this time. The Town of Lyme’s Equalization Rate for 2008 was 33.00 and will be 32.00 tentatively for 2009. That is a 3.13% change in the Estimate of Full Value.

Marsha will be gathering some information for the Board in regard to the different options available for completing a reval.

**Municipal Water Board Report - Marsha Barton:**

**Old Town Springs Water Project (Water District # 5)** – Is progressing slowly. They have just received a copy of a letter from the Department of Health with two comments:

1. Self-draining curb stops are not allowed.
2. There are fears the hydraulic residency time along Old Town Springs Road may lead to the formation of disinfections by-products. The Town should prepare to accept the responsibility for water quality monitoring, maintenance flushing and any additional treatment that may be required to serve this area.

The Department of Health requested the Engineers address the comments listed above and re-submit three copies of signed / sealed plans and specifications as well as an application for approval of plans (DOH Form 348) for final approval. As soon as Department of Health approval is granted, approval must be granted by Rural Development. Once that is completed, the project will go to bid.

Attorney Gebo’s office is sending the paperwork we need to start filing the easements in the County Clerk’s Office for Water District #5. Marsha will be preparing the paperwork, which will save money for the District.

**Three Mile Bay Cemetery Report – Julia Gosier:**

Julie stated that she is very pleased with the mowing and trimming in the Three Mile Bay Cemetery. Considering the inherent problems of old cemeteries, it looks quite nice. The cemetery is however in need of some stonework.

Julie met with Highway Superintendent Tom Parker and they looked over the cemetery. Tom is planning to have his men straighten some of the smaller stones. They both feel some money should be allotted to straighten and put foundations under some of the larger ones. The work done by Wilson Monument two years ago was very successful.

There was a cremains burial on May 14<sup>th</sup> and a full burial on May 15<sup>th</sup>.

Julie would like to have Wilson Monuments come in and give the Town an idea of what it might cost to have some of the bigger monuments straightened and have some foundation work done. It would give an idea of what might be budgeted for next year. The dangerous stones have been taken care of.

#### **Planning Board – Chairman Paul Norton:**

The Town Planning Board has been meeting with the County and Village Planning Boards over the past few months. They would like to continue to meet jointly to work on the Comprehensive Plan. The County will help orchestrate the Comprehensive Plan. The County can't afford to help both Planning Boards separately so they have suggested that the Boards continue to meet jointly and they have also recommended a member of the Town Board be present at these meetings. Andy Nevin feels that when everything is completed and there is an approval needed from the Board, if a Board member has been present through the process then they will have a better understanding of what the situation is. The Boards would like to continue to meet twice a month to help hurry the process along.

Councilman Johnson volunteered to sit in on the Planning Board Meetings. Councilmen Countryman and Schreib stated that it is not necessary to have a Board Member present at the Meetings. The Town Board will listen to the recommendations of the Planning Boards and proceed from that point.

**Police Report** – Submitted by Police Chief Leo Wilson for the Month of May.

Supervisor Aubertine and Highway Superintendent Tom Parker did some policing of their own last week and caught the person who had been throwing the garbage out on NYS Route 12E at the Brownville / Lyme

Town Line sign. Supervisor Aubertine set up a stakeout not too far behind the sign and Superintendent Parker waited up the road in his vehicle. At approximately 11:20 p.m. the culprit struck; slowed down at the sign and threw his garbage out the window. Scott called Tommy and Tommy followed the individual to their home. Supervisor Aubertine took care of the situation from there. The Highway Department has been dealing with trash being deposited of at that particular site for some time now.

**Youth Committee – Charlie Mount:**

This is a busy time for the Youth Committee; there are five baseball teams and two softball teams playing twice a week for the next few weeks.

Nice and Easy has sponsored a uniform.

All those who were employees of the Summer Recreation Program last year would like to return this season. Charlie will make sure the Town receives copies of their physicals.

Charlie requested once again that the Town consider the creation of ball fields at the 12E Property. The School will not have ball field's available next year due to a construction project. If the fields were available at the 12E property the athletes would at least have a place for practices, which in turn would save the taxpayers money, rather than having the students bused to other areas for practicing.

**ZEO Report – Deputy Zoning Officer Jim Millington:**

There has been good response to the letters that went out addressing the old mobiles that are around the Town.

**Old Business**

**Pete Zedick – Saint Lawrence Wind Farm – Proposed Wind Energy Improvements on Property in Jefferson County:** The letter was to confirm that the Town of Lyme was familiar with the application of St. Lawrence Windpower to the Town of Cape Vincent Planning Board for Site Plan Approval to construct a Wind Farm in the Town inclusive of the property referenced as Parcel # 61.07-1-4.31 in the Town of Lyme. Submitting this letter would authorize St. Lawrence Windpower, LLC to submit their application for the project.

Mr. Zedick explained that this letter does not bind the Town to anything but it gives the agencies involved comfort to see that the Town's are supporting the application process as they move forward.

**Councilman Johnson** feels that St Lawrence Wind is proceeding without listening to our concerns and he would not like to sign anything at this time. The Town of Lyme has asked for underground transmission lines, they are not listening, they are forging ahead regardless.

**Councilman Madill** agrees with Councilman Johnson and feels that they are trying to put words in our mouths. He would not like to sign anything or proceed until Councilman Madill and Schreib have had their meeting to go over the easements. When they meet to go over the easements they can also discuss the content of this letter.

**Councilman Schreib** agrees with Councilmen Madill and Johnson.

**Councilman Countryman** agrees with the Councilmen Madill, Johnson and Schreib and stated that he does not understand the letter and is uncomfortable with what the possible ramifications could be if we proceeded at this point in time.

**Pete Zedick** – If the Board is uncomfortable with the language of this letter St. Lawrence Wind would be happy to work on it to make it acceptable.

**Code Enforcement** – The Town Board will review the Draft for the Code Enforcement Local Law and discuss it at the July Meeting.

**Shared Services – Tom DeMasi** – Last year Village DPW Employee, Ray McIntosh had a hip replacement operation. The Town, at that time, allowed Tom DeMasi to help the Village with Wednesday's trash removal. It should have been a one shot deal but it has been going on for a year now. If certain personnel at the Village feel they need someone to help with Wednesday's trash pickup they can call Tom, the Town will not be responsible for paying that employee, it will be the Village's responsibility.

**Councilman Countryman** had a concern with one of the Village employees operating the Town Highway Departments front-end loader. He felt that the individual that was operating the machine might not be qualified to do so.

Deputy Highway Superintendent Pat Weston explained that the equipment is sometimes shared but only with the approval of the Supervisor or Superintendent. The highway also has a program to make certain that the employees are trained and can utilize the equipment safely and appropriately before it can be operated by any of the individuals employed by the Town or Village.

***RESOLUTION 2009 – 99: Motion by Councilman Countryman and seconded by Councilman Schreib scheduling a Public Hearing for the RV Law at 6:30 p.m. on June 17, 2009. The Public Hearing will be followed by a Joint Town / Village Meeting. Five ayes. Motion carried.***

### **New Business**

#### **Donna Tinucci – NYS Route 12E Road Project Concerns:**

Ms. Tinucci's property is located at 8733 NYS Route 12E. She is very concerned about the effects the blasting will have on her property. Her concerns encompass her recently installed furnace, septic system and foundation. She also wondered if there was any possibility that the Town would consider making her street one-way before the 12E project is complete. Mrs. Tinucci has concerns with traffic safety on the side street bordering her property. Supervisor Aubertine has spoken to her and he feels that before we proceed the Town should contact Attorney Gebo to find out about any legal ramifications that could arise and how the Town should proceed if they would like to deem the street a one-way.

#### **Chamber Letter:**

Guy Gosier has submitted a letter requesting the budgeted funds provided to the Chamber for the 2009 season in the amount of \$3,500.00. It has been agreed that the Town would issue a monetary amount of \$4,500.00 for the fireworks display and \$3,000.00 for financial help in publishing the chamber booklets.

***RESOLUTION 2009 – 100: motion by Councilman Johnson and seconded by Councilman Schreib authorizing \$500.00 for the Firework Display for July 25, 2009 and \$3,000.00 for the help in publishing the Chamber Booklets. Five ayes. Motion carried.***

A written agreement was presented and Supervisor Aubertine authorized it with his signature.

### **Correspondence**

**Don Metzger's Letter to the Town Board** – Mr. Metzger mentioned that he appreciated the hard work that the Town Board had put forth into the proposed wind power project matters. He had recently attended a meeting in Cape Vincent and felt that the Lyme Town Board should have a copy of the comments he made at that meeting. **See Attachment A – 6-10-09**

**Fourth Coast – Rob Campany and Gus Withington** – Newly established engineering firm introducing themselves and their services.

### **Resolutions and Motions**

**T-PACC - Tobacco Prevention Awareness Cessation Coalition** – In an effort to draw attention and awareness to the issue of tobacco advertising in the retail environment and the negative impact it is having on our youth; T-PACC would like to have the full support of the Town Board in passing a Resolution that would help rearrange or even remove tobacco advertising in a retail setting.

The Town of Lyme Town Board made *no motion* to go forward with a Resolution in support of this issue.

**Business Development Corporation of Massena** – Requesting a Resolution in support of the construction of a four-lane highway that would connect Interstate 81 to Interstate 87. This newly constructed Highway would run through St. Lawrence, Franklin, Lewis, Clinton and Jefferson Counties. If this project comes to fruition it will benefit all of Northern New York.

Councilman Countryman stated that the only thing it would affect for the residents of the Town of Lyme, would be our pocketbook.

The Town of Lyme Town Board made *no motion* to move forward with a Resolution in support of this matter.

## **Privilege of the Floor**

**Paul Norton – Town Planning Board Chairman** – Asked if anyone from the Town Board had spoken with property owners that would be adjacent to the property that St Lawrence Wind Farm is requesting an easement through. He feels it would be smart to talk with these residents.

**Charlie Mount** – At a recent Firemen’s meeting a discussion addressed recent incidents when the water in Three Mile Bay had to be shut down completely, due to the NYS Route 12E Project. Someone needs to notify the County Dispatch that there is no water available in Three Mile Bay for the Fire Department. Pat Weston stated that either he or Billy Scarpocchi would address the County when a situation with shutting off the water arose. The Three Mile Bay Fire Department will prepare themselves accordingly.

**Guy Gosier** - The Community Firework Display will take place July 25<sup>th</sup>, 2009 at the State Boat Launch in Chaumont at 9:00 p.m. They have acquired all the permits needed for the event.

**Julie Gosier** – As far as Police call outs are concerned, it is only natural that the higher percentage of calls would be in the more populated areas, such as the Village, there is more activity with the School, bars, restaurants, etc.

Historically Town Clerks in the Town of Lyme have kept minutes much briefer than Clerk Wallace. We do have the meetings taped and the school is now video taping the meetings and that would allow for good detail.

The idea of the Town building a ball field is fantastic. The Morris Track Ball field is the talk of Northern New York, it is so great. The more fields we have, the more kids we keep off the streets and it is good way to get exercise. If we have the opportunity to build 2 or 3 fields we should go for it.

***Councilman Schreib made a Motion to close tonight’s Meeting at 9:15 p.m.***

**Minutes Respectfully submitted by**

**Kim Wallace**  
**Town of Lyme Clerk**