

Town of Lyme
June 12, 2013
Public Hearing – Dog Law Amendment – 6:25 P.M.
Regular Monthly Meeting – 6:30 P.M.

Supervisor Aubertine opened tonight's Public Hearing at 6:25 p.m.

Clerk Wallace read the Hearing Notice as follows:

Please Take Notice that the Town Board of the Town of Lyme, shall conduct a Public Hearing on Wednesday June 12, 2013 at 6:25 p.m. at the Town Offices to consider a Local Law to amend Article 4 of the Town of Lyme Dog Law as the same relates to the licensing of dogs and the length of such licenses.

A Local Law to amend the Dog Control Law in the Town of Lyme.

The Town of Lyme has found a discrepancy in the current Town of Lyme Dog Control Law on the licensing of dogs. Based upon Section 109 of the Agriculture and Markets Law, it appears that a license should not be issued for a period longer than the period of the rabies certification. This is not clear in the Town of Lyme's Licensing Provisions of Article 4 of the Town of Lyme Dog Control Law. It is the purpose of this Law to make an amendment to be consistent with Section 109 of the Agriculture and Markets Law.

The Public Hearing Notice was placed in the Watertown Daily Times on May 15, 2013.

Supervisor Aubertine read the public hearing ground rules and opened the floor for public comment, with none being heard, Supervisor Aubertine made the following Motion:

Motion by Supervisor Aubertine and seconded by Councilman Villa to close the Public Hearing at 6:30 p.m. Five ayes. Motion carried.

Supervisor Aubertine called the Regular Monthly Meeting to order at 6:30 p.m. and opened with a Prayer and the Pledge of Allegiance.

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Present at tonight's meeting: Supervisor Aubertine, Councilwoman Harris, Councilmen Bourquin, Henderson and Villa, ZEO / CEO Jim Millington, Planning Board Members Frank Congel, Julia Gosier and Maria Millington, BAR Member David Bourquin, ZBA Member Dawn Munk, Town Accountant Cathy Satterley, Highway Superintendent Pat Weston, Assessor's Marsha Barton and Roz Gotham and approximately 3 others.

Privilege of the Floor

Warren Barkley – Lyme Free Library

At the 2013 Annual Budget Meeting the Lyme Free Library Board shared with the Town Board the information regarding an application for a New York State Handicap Grant to build an extension off the back of the existing library. Mr. Barkley was pleased to inform the Town Board that the application has been approved. The Library expansion project is a 75% State funded grant with 25% of the funds coming from the Library. Construction will begin in late September and Al Raso Construction has been awarded the bid.

It had been suggested by the Town Board during last fall's budget meeting that the Town Highway Department would possibly be in a position to provide some "in kind" assistance to help with this project, for example digging the foundation and pouring footers, etc. The Library is requesting that with the help of Pat Weston and his staff, this might be accomplished. The Library is also requesting any financial support the Town would be willing to provide as their fund raising efforts have come up short.

The Library Board is very excited about this expansion project as it will better serve the handicapped citizens of the area as well as their patrons. They also would like to express their appreciation of past support the Town has shown to the Library and will look forward to working together in the future to better serve the Town of Lyme community.

Highway Superintendent Pat Weston stated that he and his men can most likely help with excavation and trucking of material.

RESOLUTION 2013 – 78: Motion by Councilman Bourquin and seconded by Councilman Villa allowing the Highway Department to do the work within their scope to help with the Lyme Free Library excavation. Five ayes. Motion carried.

Supervisor's Report

RESOLUTION 2013 – 79: Motion by Councilman Villa and seconded by Councilman Henderson approving the May 2013 Supervisor's Report as submitted by Town Accountant Cathy Satterley. Five ayes. Motion carried.

Highway Superintendent's Report – Pat Weston

RESOLUTION 2013 – 80: Motion by Councilman Villa and seconded by Councilman Henderson approving the "Agreement for the Expenditure of Highway Moneys" between the Town of Lyme Highway Superintendent and the members of the Town of Lyme, Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, the Town Board agrees that moneys levied and collected in the Town of Lyme for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

- 1. GENERAL REPAIRS: The sum of \$86,711.00 shall be set aside to be expended for primary work and general repairs upon 43.18 miles of Town Highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.***
- 2. PERMANENT REPAIRS: The following sums shall be set aside to be expended for the permanent improvement of Town Highways:***
 - a. On the road commencing at Robinson Road and leading to a distance of 7/10 (seven tenths) of a mile and 16 feet in width, there shall be expended not over the sum of \$48,590.00.
Type – 59W and CHIPS Seal Width of Traveled Surface – 16'
Thickness – 3" (inches)***
 - b. On the road commencing at South Shore Road and leading to a distance of three miles, there shall be expended not over the sum of \$33,417.00.
Type – Seal Width of Surface – 16'***

c. On the road commencing at Beach Road and leading to a distance of 200' x 14'.

Type – 59W and CHIP Seal

Width of Traveled Surface 14'

Executed in duplicate this 12th day of June 2013.

Five ayes. Motion carried.

Councilwoman Harris would like to see the kiosk finished so information can be posted on it and hoped Pat could help with that task.

Clerk's Report – May 2013

Total State, County and Local Revenues:	\$8,767.63
Total Local Shares Remitted:	\$7,436.89

Audit of Bills

RESOLUTION 2013 – 81: Motion by Councilman Villa and seconded by Councilman Henderson approving Abstract #11 in the amount of \$3,437.98. Five ayes. Motion carried.

RESOLUTION 2013 – 82: Motion by Councilman Henderson and seconded by Councilman Villa approving Abstract #12 in the amount of \$128,907.02. Five ayes. Motion carried.

RESOLUTION 2013 – 83: Motion by Councilwoman Harris and seconded by Councilman Bourquin approving the Minutes of the May 8, 2013 Regular Monthly Meeting. Five ayes. Motion carried.

Committee Reports

Assessor's Report – Marsha Barton

Grievance Procedure Update

The Assessor's and the Board of Assessment Review ended up with 100 property owners filing grievances in person and 40 mail in grievances for a total of 212 individual parcels filed for grievances out of 3400 parcels.

Marsha thanked Councilman Bourquin for all of his assistance and help during the process and she also thanked the Board of Assessment Review and their secretaries for all of their help. She said it was a good job done by all and everything went very smoothly.

The next part of the process will be the "Small Claims Hearings". Small Claims forms must be submitted within 30 days after the filing of the Final Roll, which will be filed on July 1st.

Municipal Water Board Report

Upstate Leak Detection

Marsha provided the Town Board with a copy of a report from Upstate Leak Detection for Water District #2. They did find a leak in one meter pit that was repaired while on site. They can do some extensive testing but it would require the Highway Department to dig some test points. They will take a look at them when they aren't so busy.

Superintendent Weston stated that they would like to put in at least twelve test holes. This would help to isolate certain areas for leak detection so that problem areas are easier to pin point when there is a leak. This process helps when they have to listen for leaks. The Town will have to do the required work and pay for the materials. Costs associated with the project will be approximately \$4,000.00. It will definitely help with water loss problems. Pat figures he can get to the project in August.

There will be four holes placed from the Ashland Road to Bob Detrich's house, four holes from Jim Hazelwood's to Church Street and four holes from Terra House's to the Diner.

This will cover the whole district and isolate future problems.

RESOLUTION 2013 – 84: Motion by Councilman Villa and seconded by Councilman Bourquin authorizing Highway Superintendent Weston to put in twelve test pits in Water District #2 for prudence in leak detection. Five ayes. Motion carried.

Bernier and Carr

Marsha has been in contact with Gregor Smith regarding available funding. There is an Environmental Drinking Water Grant that has a maximum \$2,000,000 grant or 75% of the project. A scoring system is used to determine eligibility. The Town of Hounsfield obtained this grant, basically because of the airport and the few businesses that were also located within the area. If all the residents from an area could show that they have contaminated water that in itself could help with eligibility. They will look into this further and keep the Board abreast of their findings.

Survey Letter

The Water Board has obtained a copy of a survey letter that the Town of Brownville used to help them in the decision making process for a potential water district. There has been some consideration in sending this same letter out to the property owners in the NYS RT 12E Water District Extension area. This could help the Municipal Water Board determine if we have enough points to obtain "Environmental Drinking Water Grants".

Water Facility

The Village has agreed to have their employees clean the Water Facility as part of the Shared Services, it is working out well.

There should be a decision made as to who the Town Board will approve as an emergency contact person for the Water Facility.

The Town Board will need to run an ad to appoint someone to the Municipal Water Board to fill Guy Gosier's position.

RESOLUTION 2013 – 85: Motion by Councilman Bourquin and seconded by Councilman Villa approving reimbursement for whoever has to go out to make any service calls for repairs at the Water Facility. Fees will be reimbursed at \$15.00 for up to one hour. Five ayes. Motion carried.

Councilman Villa stated that we were all caught by surprise with Guy's passing. During a conversation with Councilman Bourquin and Councilwoman Harris they thought it might be a nice idea to name the Water Facility after Guy. With all of Guy's contributions to the Town and his involvement with the Water Facility it would seem appropriate. The Town Board will have a plaque or sign designed.

RESOLUTION 2013 – 85: Motion by Councilman Villa and seconded by Councilman Bourquin naming the Water Facility on the Old Town Springs Road after Guy Gosier. Five ayes. Motion carried.

Three Mile Bay Cemetery Report – Julia Gosier

Julie has been busy; everything is running smoothly considering the weather.

The Town has \$5,000.00 allotted in the Budget for stone repair in the Abandoned Cemeteries. Julie would like the Town Board to allow Wilson Monument to go in and finish what Sam Wells had started. Mr. Well's contributed his own time and money to work on the cemetery but he can't afford to go any further.

Mr. Wilson feels that he can get the cemetery in pretty good shape with the \$5,000.00. Julie feels that it would be a wise way to use the money since the work was started by a Well's family member. The Cemetery is in bad shape and it's very dangerous.

Youth Committee Report – Supervisor Aubertine

Supervisor Aubertine has attended the last two Youth Committee Meetings. He has obtained a calendar of the summer rec schedule. They are hoping to plan a trip to Thunder Island this summer, cost will be approximately \$13.00 per person.

Any expenditures associated with the Youth Commission will have go through the Town and the Youth Committee Account.

Zach Allen has resigned as a Summer Rec Assistant. Stephanie Doney, the summer rec director, would like to hire Jacob Speno to take his place. Jacob has his life saving and swimming certifications. Jacob has also been a life guard for the Village.

Planning Board Report – Frank Congel

Scott Discount resigned from the Planning Board, causing a vacancy. There are now two Planning Board Alternatives, Frank would like to have the Town Board make a decision as to how to fill that vacancy.

The Planning Board had a meeting last night that was held at the Heritage Center.

The principal topic of the meeting was working on the revision of the by-laws to more accurately reflect what the Planning Board is now doing and what they plan to do in the future. One more meeting should finalize it.

The Planning Board will also be taking a look at the Town's Zoning Ordinance.

The Planning Board called a Special Meeting to make recommendations to the Town Board for a replacement for Scott Discount. Recommendations will be made at the July regular monthly meeting.

CEO / ZEO Report – May 2013

Building Permits Issued:	12
Demo Permits Issued:	1
Certificates of Occupancy Issued:	2

ZBA Referrals:	4
Site Visits and Inspections:	7
Complaints:	1
Investigations:	1
Permits Issued For:	
Home or Cottage:	2
Garage / Barn:	1
Deck or Porch:	3
Remodeling:	1
Other, Pools, Slabs, Shed, Demo's:	5

RESOLUTION 2013 – 86: Motion by Councilman Villa and seconded by Councilwoman Harris approving an advertisement in the Watertown Daily Times for a Water Board Member replacement for Guy Gosier. Five ayes. Motion carried.

RESOLUTION 2013 – 87: Motion by Councilman Villa and seconded by Councilman Henderson,

WHEREAS General Municipal Law, 53 requires Towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, 53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address of an officer, person, for the transmittal of notices of claim served upon the Secretary as the Town's agent; and

WHEREAS, pursuant to General Municipal Law, 50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a Town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Lyme, County of Jefferson, designates Kim Wallace, in her capacity as Town Clerk, to receive notice of claims served upon the Secretary of State by mail at PO Box 66,

12175 NYS Route 12E, Chaumont, NY 13622 and email at lymetownclerk@twcnny.rr.com.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the Town's designation and applicable time limitation for filing a notice of claim with the Town before July 14, 2013.

All Town Board Members were in favor of the Motion and it was carried.

RESOLUTION 2013 – 88: Motion by Councilwoman Harris and seconded by Councilman Villa accepting the Transfer Site Job Description as written and submitted by Supervisor Aubertine as follows:

Nature of Work:

This is a practical work involving the operations and maintenance of the Town Transfer Site Facility. Employees of this class are responsible for the operation of the Transfer Station Facility in accordance with State and Local requirements, the maintenance of all operational records, assisting in the practical work at the station and dealing with rubbish haulers and waste disposal services. Work is performed under the general supervision of the Town Highway Superintendent or Town Board Designate in accordance with established procedures and routines. Work is reviewed through discussion and observation of results achieved.

Essential Duties and Responsibilities:

(Except as specifically noted, the following functions are considered essential to this position):

- **Verify that patron is a resident of the Town of Lyme before trash disposal.**
- **Prepares recyclable products for shipment which may include some lifting.**
- **Operates the Transfer Station equipment including the backhoe.**
- **Directs citizens in the correct disposal of refuse materials.**

- ***Ensures all safety procedures are followed in the operation of the Transfer Station.***
- ***Performs routine maintenance on Transfer Station equipment.***
- ***Performs related work as required.***
- ***Conducts inspections and compliance activities at the Transfer Station to ensure compliance with recycling regulations, current safety practices and proper site management.***
- ***Maintains the cleanliness and neatness of the Transfer Station Facility.***
- ***Maintains effective and professional working relationships with other employees and the public. Gossiping and spreading of rumors is not allowed.***
- ***Documents violations and provides other information to the Town Board Designate, Town Supervisor or Transfer Site Foreman for the issuance of violation notices.***
- ***Sorts and packages cardboard, newspaper, aluminum and other recyclables and stores them in a safe and healthful manner.***
- ***Familiar with and executes safe work procedures associated with assigned work.***
- ***Compacts materials as required by facility operating plan and State regulations.***
- ***Ability to maintain Transfer Station in accordance with rules and regulations.***
- ***Knowledge of the operation and maintenance of mechanical equipment together with the ability to make repairs and adjustments and to do necessary servicing work.***
- ***Knowledge of hazards and applicable safety rules and regulations in equipment and operation.***
- ***Ability to operate equipment skillfully and safely.***
- ***Ability to detect need for mechanical servicing of equipment.***
- ***Ability to understand and carry out oral instructions and to work independently in the performance of routine duties.***
- ***Ability to maintain records of Station operation.***
- ***Responsible for daily cash receipts. Must be able to make change and must be bondable.***

ACCOUNTABILITY: *Reports to Town Board Designate, Town Supervisor or Transfer Station Foreman.*

EQUIPMENT USED: *Hand and power tools; bailer; compactor; some heavy equipment such as front end loader and backhoe.*

ENVIRONMENT: *Inside: 30%
Outside 70%*

Five ayes. Motion carried.

Transfer Site

There has been a problem with the cardboard baler at the Transfer Site and it cannot be fixed. The Town Board has checked into purchasing a replacement at a cost of approximately \$15,000.00. After weighing all the pros and cons to baling our own cardboard the Town Board deemed it appropriate to have Jefferson County begin to transport the Town's recyclables.

RESOLUTION 2013 – 89: *Motion by Councilman Villa and seconded by Councilman Bourquin approving Jefferson County to pick-up and transport recyclable materials; plastics, cardboard, glass, newsprint and magazines (with the exception of metal) from the Town Transfer Site, to begin immediately. Five ayes. Motion carried.*

Old Business

The Town Clerk and the Town Board have decided to maintain the DECALS Licensing System as a service to the residents and visitors of our area. The Town will go through the mandated changes after the first of 2014. Providing the costs associated with the changes are minimal, the Town will continue with the licensing service.

Transportation Enhancement Program

Councilwoman Harris attended an informational program regarding the Transportation Enhancement Grant and after gathering all the facts stated that it would not be a program that would be feasible for the Town of Lyme. With the

percentage of money required upfront, we are not in a position to take advantage of this grant.

Resolution and Motions

RESOLUTION 2013 – 90: Motion by Councilman Villa and seconded by Councilwoman Harris re-appointing Jo Morrow as the Secretary to the Town of Lyme’s Zoning Board of Appeals. Five ayes. Motion carried.

RESOLUTION 2013 – 91: Motion by Councilwoman Harris and seconded by Councilman Henderson approving the appointment of Jacob Speno as a Summer Recreation Program Attendant. Five ayes. Motion carried.

RESOLUTION 2013 – 92: Motion by Councilman Bourquin and seconded by Councilwoman Harris approving a Local Law to amend the Dog Control Law of the Town of Lyme.

Article 1. – Statement of Authority. The Town Board of the Town of Lyme pursuant to the authority granted by Article 7 of the Agriculture and Markets Law and the Article 4 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York hereby enacts as follows:

Article 2. - Statement of Findings and Purpose. The Town Board of the Town of Lyme has found discrepancy in the current Town of Lyme Dog Control Law on the licensing of dogs. Based upon Section 109 of the NYS Agriculture and Markets Law, it appears that a license should not be issued for a period longer than the period of the rabies certification. This is not clear in the Town of Lyme’s licensing provisions of Article 4 of the Town of Lyme’s Dog Control Law. It is the purpose of this Law to make an amendment to be consistent with Section 109 of the Agriculture and Markets Law.

Article 3. – Enactment. The Town Board of the Town of Lyme hereby amends the Dog Control Law of the Town of Lyme and more specifically, Section 4(c) and as amended, restates such Section 4(c) as follows:

(c) All dog licenses may be issued for a period of up to one (1) year, but will expire at the end of the month prior to the date that the current certificate of rabies expires.

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 immediately upon filing with the Secretary of State.

Five ayes. Motion carried.

Privilege of the Floor

Julia Gosier – The Seaway Trail is not a government entity, it's a tool for tourism.

Superintendent Weston – Looking for a used computer for the Highway Department that would be used strictly for inventory purposes and documentation thereof.

Motion by Supervisor Aubertine and seconded by Councilwoman Harris moving the Town Board into Executive Session at 9:10 p.m. for the matters of litigation, personnel and collective bargaining. Five ayes. Motion carried.

Motion by Councilwoman Harris and seconded by Councilman Villa moving the Town Board back into open meeting at 9:57 p.m. Five ayes. Motion carried.

RESOLUTION 2013 – 93: Motion by Supervisor Aubertine and seconded by Councilwoman Harris amending the Zoning Enforcement Officer's rate of pay to the amount of \$13,000.00 for the Budget Year of 2013. Four ayes. Motion carried. Councilman Bourquin nay.

Motion by Supervisor Aubertine and seconded by Councilman Villa adjourning tonight's meeting at 9:58 p.m. Five ayes. Motion carried.

The Minutes of tonight's Town Board Meeting are Respectfully Submitted by,

Kim Wallace

Town Clerk, Town of Lyme