

**Town of Lyme  
Regular Monthly Meeting  
May 9, 2012  
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 Bourquin, Villa and Henderson, Planning Board Chairman Frank Congel, Highway Superintendent Pat Weston, Accountant Tom Bowie, Assessor Chairwoman Marsha Barton, Assessor Roswell Gotham, ZEO Member Harry Staudenmayer and approximately 8 others.

**Supervisor's Report**

***RESOLUTION 2012 - 79: Motion by Councilman Villa and seconded by Councilwoman Harris approving the April 2012 Supervisor's Report as presented by Accountant Tom Bowie. Five ayes. Motion carried.***

**Planning Board Report – Frank Congel**

On April 30 the Planning Board met with the intent of providing the Final Draft Copy of the Wind Law to the Town Board. The Planning Board has accomplished most of what they wanted to. They do need to address final details on personnel WICS and sound; the bulk of the standards have been completed. The Planning Board would recommend that the Town Board give feedback and suggestions and also have the document checked for typing errors prior to the Joint Meeting of the Planning and Town Boards. The Planning Board would like an opportunity to finalize the small wind turbine standards area of the Draft. At the Joint Meeting they would like to hold a work session with active dialog and hopefully come to a conclusion as to how the Town Board would like to see them proceed.

***RESOLUTION 2012 - 80: Motion by Supervisor Aubertine and seconded by Councilman Villa scheduling a Joint Meeting between the Town Board and the Town Planning Board to be held at the Municipal Offices 12175 NYS Rt 12E, Chaumont, on Wednesday June 13, 2012 at 6:30 p.m. A Public Notice advertising the meeting will be posted in the Watertown Daily Times. Five ayes. Motion carried.***

## **Karen Fitzgerald – Parks and Rec Committee**

The Parks and Recreation Committee has two major events scheduled in the near future; the 5K / 12K Run and the Triathlon. Without Leo Wilson they have some serious concerns regarding the upcoming events, he always helped coordinate the fire police for these events. These activities could not take place without a police presence.

Leo has agreed to help with the 5K/12K Run and the Triathlon providing the Town can protect him with insurance and also allow him to use the police car.

***RESOLUTION 2012 – 81: Motion by Councilman Bourquin and seconded by Councilman Villa to hire Leo Wilson back as the Town Police Officer at a pay rate of \$15.00 per hour. The Town will also place another notice in the newspaper advertising for a local police officer. Five ayes. Motion carried.***

## **ZEO / CEO Report – Jim Millington**

### **Report for April 2012:**

Building Permits Issued:	8
Demo Permits Issued:	1
ZBA Referrals:	2
Site Visits and Inspections:	12
Complaints:	1
Investigations:	2
Violations / Court Referrals:	1

### **Permits Issued for:**

Home or Cottage:	2
Garage / Barn:	2
Addition:	2
Other, Pools, Slabs:	2

## **John Byrne – Cape Vincent Town Councilman**

At the last Work Session held by the Town of Cape Vincent, a citizen stood up and spoke regarding Article 10. It is here and we will have to deal with it. The Public Service Commission has issued draft regulations implementing Article 10, and are inviting the public to comment; the comment period is due by the 20<sup>th</sup> of this month.

The goal of the draft regulations, among other things, is to establish priorities among the need for new energy facilities, including wind farms, and the needs of host communities.

Article 10 removes decision –making from local municipalities and puts the authority into the hands of the State Board which will have nominal representation from affected communities, the State Board will have the authority to ignore any local ordinance, law, or any local standard or requirement, if it finds such is unreasonable or burdensome.

**Harry Staudenmayer** – If we lose “home rule” where are we?

**Julia Gosier** – The web site has available the whole law and the written comments, it is very informative. The Town Board Members should send in their comments and concerns speaking as individuals, not as a board. The State is interested in knowing how people feel about this situation; they are listening, so make your comments. We have more power as a singular voice.

**Councilwoman Harris** would like the Town of Lyme to stand together with other Town’s and also make individual comments.

## **Officer Reports**

### **Highway Superintendent Pat Weston**

***RESOLUTION 2012 - 82: Motion by Councilman Bourquin and seconded by Councilman Villa approving Superintendent Weston the CHIP’s funds needed to re-drain and resurface the South Shore Road on Point Peninsula at a cost of approximately \$82,670. Five ayes. Motion carried.***

**RESOLUTION 2012 - 83:** *Motion by Councilman Bourquin and seconded by Councilman Henderson authorizing Superintendent Weston to purchase the necessary “rip-rap” stone needed to properly address the erosion problem on the South Shore Road, Point Peninsula. Five ayes. Motion carried.*

**RESOLUTION 2012 - 84:** *Motion by Councilman Henderson and seconded by Councilman Villa approving the placement of signs at six entry points into the Town of Lyme on the State and County Roads simply stated, “Welcome to the Town of Lyme, Zoning Enforced and Building Permits Required”. Five ayes. Motion carried.*

**Clerk’s Report – April 2012**

Total State, County and Local Revenues: \$4,984.08

**Audit of Bills**

**RESOLUTION 2012 - 85:** *Motion by Councilman Villa and seconded by Councilman Henderson approving Abstract #9 in the amount of \$401.75. Five ayes. Motion carried.*

**RESOLUTION 2012 – 86:** *Motion by Councilman Bourquin and seconded by Councilman Villa approving Abstract #10 in the amount of \$68,635.14. Five ayes. Motion carried.*

**Approval of Minutes**

**RESOLUTION 2012 - 87:** *Motion by Councilman Bourquin and seconded by Councilwoman Harris approving the minutes of the following meetings:*

*April 11, 2012 Regular Monthly Meeting*

*April 18, 2012 Public Hearing*

*April 25, 2012 Special Meeting of the Town Board*

*Five ayes. Motion carried.*

## **Committee Reports**

### **Assessor's Report – Marsha Barton**

The Tentative Roll has increased \$1,103,355 over last years Final Roll.

### **Grievance Day 2013**

The Assessor's would like to request a meeting between the Town Board, Board of Assessment Review and the Assessors to discuss Grievance Day 2013. Since the last "Reval" was completed in 1988, they expect Grievance Day will be very busy. There are a number of issues they would like to discuss in order to reach a decision in preparation for the Grievance Day.

### **Municipal Water Board Report – Marsha Barton**

#### **Water Use Law Changes:**

The Municipal Water Board has begun the review of the Water Use Law. Since the Law was adopted, they have come across a few areas in the Law that needs clarification.

#### **New York State Leak Detection**

The services of NYS Leak Detection were required for a problem on the Old Town Springs Road. The detector that the Town has will not work on PVC pipe. At some future point in time, it would be advantageous to look at replacing the PVC pipe in Water District #1. There was a major leak found in Water District #1.

#### **Water Facility**

The installation of the timed locking system was started but has not yet been completed; they are waiting for a part.

Revenues for the month of April are \$1,922.00.

Billy has to replace all the bolts in Water District #2 due to severe rusting. He would like to rent a small excavator for about two weeks at the rate of \$900.00 per week.

***RESOLUTION 2012 – 88: Motion by Councilman Villa and seconded by Councilman Henderson approving the rental of an excavator for the purpose of bolt replacement in the Three Mile Bay, Water District #2 water lines. Five ayes. Motion carried.***

### **Three Mile Bay Cemetery Report**

As suspected, the low bidder on the Three Mile Bay Cemetery decided he could not do the job for the quoted price. Fortunately, the next lowest bidder, Adam Brown (Yard by Yard), agreed to do it at \$275.00 per mowing, he had done a second mowing today. Julie indicated that so far his work looks very satisfactory.

### **Youth Committee Report – Charle Mount**

Baseball and softball has started for the season and there are 40 more participants than there were last year.

The Summer Recreation program will continue with the same summer employees as last year. The program is doing great and they would like to continue this season with the same people.

### **New Business**

***RESOLUTION 2012 - 89: Motion by Councilman Henderson and seconded by Councilman Villa accepting David Bourquin's application and appointing him to the position as a Board of Assessment Review Member, replacing Robert Bates, who had recently resigned. Four ayes. Motion carried. Councilman Bourquin abstained from voting.***

***RESOLUTION 2012 - 90: Motion by Supervisor Aubertine and seconded by Councilman Villa establishing the date of Tuesday May 22, 2012 for a Work Session of the Town Board which will address the Town Policies and any other business that may come before the Board. The Meeting will be held at the Three Mile Bay Fire Department, NYS RT 12E, Three Mile***

*Bay, NY. A Public Notice as to such will be placed in the Watertown Daily Times. Five ayes. Motion carried.*

**Police Officer Vacancy** – will be addressed at the Work Session on May 22<sup>nd</sup>.

### **Old Business**

**Salt Barn** – the Town has to decide whether they need a new salt barn or can repair the one we have.

**Superintendent Weston** would like to take the old one down, keep the concrete walls, if possible, and build a new salt barn right there. Pat has received four estimates; two stick built and two metal buildings. There was not much difference in price. We would need an engineered drawing for a stick built building. There is a 35 to 40 year warranty on the metal buildings.

**Councilman Villa** would like to have something designed so the top we have on the salt barn could be attached to a new base, the top of the salt barn seems to be in decent shape. It would be best to have an engineer look at it and try to save what we can.

**Councilman Bourquin** agrees with Councilman Villa.

***RESOLUTION 2012 - 91: Motion by Supervisor Aubertine and seconded by Councilman Henderson approving a general advertisement seeking bids, looking for recommendations from engineers willing to provide the Town with the best case scenario to repair the salt barn. The Town Board would like to have proposals submitted by June 5, 2012. Five ayes. Motion carried.***

### **Bernier and Carr Water System Agreement**

***RESOLUTION 2012 - 92: Motion by Supervisor Aubertine and seconded by Councilman Henderson approving the renewal of the Annual Extension to the Town of Lyme Water System Engineer Agreement with Bernier and Carr, Project No. 2012-042 as follows:***

1. *Bernier and Carr will be available for specific consultations, site visits and/or meetings in accordance with the Town's needs on an hourly rate in accordance with the fee schedule provided.*
2. *In addition, any telephone conferences from Town personnel such as the Town Clerk, Supervisor, Highway Superintendent or Water Committee shall not be considered as chargeable time. This type of support will be furnished to the Town at no charge.*
3. *Work will be charged on an hourly rate in accordance with the furnished fee schedule.*
4. *Bernier and Carr will keep the Town advised as to the amounts billed in the calendar year so that there will be no surprises between the two parties.*
5. *Preparation of engineering drawings, reports and/or specifications for specific projects will be negotiated separately. This work will proceed only when and as directed by the Town.*

*This is an on demand service contract in which the Town only incurs cost when Bernier and Carr are directed to services.*

*Four ayes. Motion carried. Councilwoman Harris abstained from the vote.*

#### **Village Request – Use of Water Reader**

**Councilman Villa** is of the opinion that the Village's way of thinking regarding this situation is "flawed". The reader cost the Town \$35,000.00, there should be a charge to the Village for using someone else's equipment. Dan feels that our deal offered to the Village is quite fair; regardless of circumstances surrounding this topic, it is still a \$35,000 piece of equipment. If the Village does not like the offer from the Town they can get someone else to do the reading or buy their own reader device.

The Town's meter operator is familiar with this equipment. Under the Shared Services Agreement with the Village of Chaumont any costs associated with the reader are the responsibility of the Town; labor and equipment repair.

The original offer is more than fair.

***RESOLUTION 2012 - 93: Motion by Councilman Henderson and seconded by Councilwoman Harris confirming the Town Board's position on the original offer to the Village of Chaumont regarding the use of the Town's water meter reader. Three ayes. Motion carried. There were nay votes offered by Supervisor Aubertine and Councilman Bourquin .***

### **Privilege of the Floor**

**Julia Gosier** made an "unofficial comment" regarding the Three Mile Bay Fire Departments concern with the possibility of trees being planted at the DEC Boat Launch in Three Mile Bay in the area between the sidewalk and NYS RT 12E. There is already a dangerous situation being created with the area being used to capacity by so many vehicles and with some of them hauling trailers. Adding trees to the area along 12E will further impair visibility. The Boat Launch area will be the site of a much needed dry hydrant, so fire trucks could be in and out of there as well, which could cause a further detriment.

### **Executive Session**

***A Motion was made by Supervisor Aubertine and seconded by Councilman Villa to move the meeting into Executive Session for a Collective Bargaining discussion at 9:05 p.m. Five ayes. Motion carried.***

***A Motion was made by Supervisor Aubertine and seconded by Councilman Villa moving the meeting back into open session at 9:30 p.m.***

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

***Tonight's meeting Minutes are respectfully submitted by***

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