

**June 12, 2019
Town of Lyme
Public Hearing 6:15 P.M.
Regular Monthly Meeting 6:30 P.M.**

Public Hearing:

Call to Order:

Supervisor Aubertine called the Subdivision Law Public Hearing to order at 6:15 p.m.

Subdivision Law:

There were no concerns from the public about the Subdivision Law.

Resolution 2019-74: Councilman Villa made the motion to close the Subdivision Law Public Hearing; Councilman Jones seconded the motion; all were in favor; motion carried.

Call to Order:

Supervisor Aubertine called the Short-Term Rental Public Hearing to order at 6:18 p.m.

Short Term Rental Law:

59 people attended the Public Hearing on the proposed Short-Term Rental Law. All attendees were given the opportunity to speak and several individuals did so, expressing opinions, both pro and con, voicing concerns and criticism. A small few presented helpful suggestions that could lead to a resolution of the issue, fair to all. Those who spoke were Bruce Kingsley, Pete Rogers, Amada Miller, Cari Greene, Erin Albrow, Mary Kim, Lance Evans, Tom Strejlau, Rick Hathaway, Shirley Williams, Joley Rose, Janet Backus, William Paff, Ron Cornell, Jim Hilbert, Dick Wallace, Anthony Williams, Charlie Katherely, Geroge Jones, John Podeszk, Tom Donovan, Julie Sharlow, Andy Williams, Greg Hoppel, Pat Wolf, Barb Peck, Kathy Seery, Pat Hadley, Kenny Benney, Robin Grovesteen, Carl Seery, Amanda Miller, Tom Strejlau, Rebecca Kron, Jim Hilbert, Kenny Benney, Cari Greene, Erin Albrow, and Amanda Miller.

Issues raised included: suggestions on how to make complaints regarding poor behavior of renters; health and safety concerns over the adequacy of septic/sewer facilities; non-compliance with occupancy standards; smoke inundation from large campfires; the loss of revenue to area businesses; the possible diminution of tourists due to a decrease in overnight accommodations; the importance of equal enforcement of the rules for both renters and residents alike; the benefits to the community in tax revenue; certain terms not understood in the law- such as "owner occupied;" along with several other areas of concern.

A number of speakers praised the short-term rental practice, stating that there had never been any problems in their experiences. Other comments were less favorable and mentioned specific behaviors and damages found to be unacceptable.

Several statements were made questioning the town's right to craft such regulations or it's ability to enforce these rules. Many laced their criticism with remarks such as "ludicrous,"

"ridiculous," "don't make sense," "It's mostly older people who don't like motorcycles," "The Board needs to represent the people and they have been there too long and need to go," "Nobody can tell me what to do with my property." Several complaints were also made about the alleged secrecy behind the development of the law.

Robin Grovesteen stated that it appeared that many of those in attendance were unaware that many if not most of the terms of the proposed law already were codified in other governing laws, such as the Lyme Zoning Law, the NYS and International Property Maintenance Codes.

Scott Aubertine then responded with the following speech:

“Personally, I do not care one way or another if we adopt this law. Much time and expense has been spent in working on this issue, unfortunately, that is the process that is needed to go through in order to enact a new town law. I have heard comments that we have hastily pushed this through. However, the issue began in September. It has been nearly a year long process.

Town law mandates that certain procedures be followed in the law development process. I have heard comments that we were secretive and not transparent with this process. But, those people who attend, or watch, our meetings have known what we are working on. It was in the Lyme Light several months ago and this hearing has been published on our website for two months in addition to the legal time frame for the posting of hearings in the newspaper. The Town Board has followed that process and gone above and beyond the mandated requirements. We have offered transparency and notice wherever possible.

I have received emails saying that we should do our research before we do anything like this. I will be glad to show anyone the chronology of events that took place to gather our information. I can show you the emails with the County and Town Planning Boards, the correspondence with the Town and Association of Towns Attorneys and also the Tug Hill Training Conference slide show on STRU's. I can show you the numerous newspaper and website articles and the emails with various other municipalities in the state that have STRU laws. A few, in fact, that have prohibited them completely. I take offense at ignorant people who tell us we should do our research when they, in fact, do not try to abate that ignorance by attending our board meetings or, apparently, by not reading the Lyme Light.

I do not like imposing laws on people any more than the next person. However, the Town Board takes an oath to ensure the health, welfare and safety of the town residents. When approached by residents concerned about their health, welfare and safety, it is the Town Boards responsibility to look into their concerns. We promised we would, and we have done our due diligence.

I don't care if this law passes, but I believe it addresses issues of health and safety that not only should pertain to STRU's, but also to all homes with septic systems and non-municipal water supplies.

If nothing else, our time and hard work on this issue has brought awareness to many people about the concerns of our residents and our business owners. Hopefully, that alone will take care of any problems that may arise whether the law is adopted or not.

The Town Board meets the second Wednesday of every month at 6:30 pm. I urge you to attend our meetings or watch online. We want all of our residents to be informed on everything we are doing.....whether it be considered good or bad.”

Resolution 2019-75: Councilman Villa made the motion to close the Short-Term Rental Law Public Hearing; Councilwoman Gosier seconded the motion; all were in favor; motion carried.

Call to Order:

Supervisor Aubertine called the regular monthly meeting to order at 6:30 p.m. opening the meeting with a prayer and the Pledge of Allegiance.

Those present included Supervisor Aubertine, Deputy Supervisor Bourquin, Councilwoman Gosier, Councilman Jones, Councilman Villa, Town Clerk Ariana Matraw, Zoning Officer James Millington, Highway Superintendent Pat Weston, Legislator Bill Johnson, Clerk to the Supervisor Robin Grovesteen, Water Board Chair Marsha Barton and Gunther Schaller.

Privilege of the Floor:

Joe Shanks: Mr. Shanks lives in a waterfront house on Weckelman Lane. He started having issues with water running under his foundation and eroding it when the metal culvert was replaced by the Town. He has talked to Highway Superintendent Pat Weston about this issue. He suggested rerouting the pond because the pond is overflowing. He also thinks the water running onto his property is from the natural flow of the water from the field above his house, the culvert pipe is not the issue. Mr. Shanks requested that the Board members come and take a look at the property. Deputy Supervisor Bourquin looked at the property and agreed with Pat Weston that it is the natural flow of the water.

Klock Road Residents: Jill Sheedy spoke on behalf of the Klock Road Residents. She is requesting the Town of Lyme help maintain Klock Road by paying \$150.00 a year for stone. She would also like the Town to provide the machinery and a worker to install the used culvert pipe the Klock Road Residents received from the County. Town Attorney, Joseph Russell, responded to Mrs. Sheedy stating that Klock Road is a private road- not a public use highway which prohibits the Town from performing any work on it. The Town is prohibited by law from giving money directly to residents. The Klock Road residents present insisted that the road was not a private road. Attorney Joseph Russell reiterated the law as stated.

Jefferson County Legislator Bill Johnson: Mr. Johnson reported that Wells Communications will be contacting the fire departments and installing the equipment for the new radio systems.

Supervisor’s Report

Resolution 2019-76: Councilman Villa made the motion to approve the Supervisor's Monthly Financial report; Councilwoman Gosier seconded the motion; all were in favor; motion carried.

Clerk's Report- May 2019:

Monthly Receipts were as follow: Total Local Shares Remitted: \$3,354.20; Total State County & Local Revenues: \$3,406.70, Total Non – Local Revenues: \$52.50

Highway Superintendent's Report:

Pat Weston reported that the Highway department has been extremely busy keeping up with the high water and flooding. He also asked that Cathy Satterley look into the seasonal payroll account because it is showing it is over budget. Pat stated that he thinks payroll was classified wrong. Supervisor Aubertine said he will email Cathy to ask about the account.

Lowboy Trailer Bids:

- Tracey Road Equipment- 2020 Felling Trailer, Model XF-701-2 HDG Hydraulic Detachable Gooseneck ***\$54,600.00***
- STS Trailer and Truck Equipment- Pitts Model LB35-22DC Contender Series Detachable Neck Lowboy ***\$48,900.00***
- Walldroff Farm Equipment, Inc.- Eager Beaver Trailer Model 35/GSL/S Self-Lifting Detachable Lowboy ***\$42,000.00***

Highway Superintendent Pat Weston stated he would like to purchase the Eager Beaver Trailer Model 35/GSL/S Self-Lifting Detachable Lowboy for ***\$42,000.00*** from Walldroff Farm Equipment, Inc. This is the lowest price trailer and has everything that they need.

Resolution 2019-77: Councilman Villa made the motion to accept the lowest bid from Walldroff Farm Equipment a 35/GSL/S Self-Lifting Detachable Lowboy for ***\$42,000.00***; Councilwoman Gosier seconded the motion; all were in favor; motion carried.

Audit of the Bills (Abstracts #11 & #12)

Resolution 2019-78: Deputy Supervisor Bourquin made the motion to approve Abstract #11 in the amount of \$494.90; seconded by Councilman Villa; all were in favor and the motion was carried.

Resolution 2019-79: Deputy Supervisor Bourquin made the motion to approve Abstract #12 in the amount of \$61,975.65; seconded by Councilwoman Gosier; all were in favor and the motion carried.

Approval of the May 8, 2019 and May 20, 2019 Minutes:

Resolution 2019-80: Councilman Villa made a motion to approve the May 8, 2019 Minutes and May 20, 2019 Special Meeting Minutes; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

Committee Reports

Assessor's Report:

There was no Assessor's report. Marsha is saving it for July.

Municipal Water Board Report:

There was no Municipal Water Board report. Marsha is saving it for July.

Planning Board:

There was no report from the Planning Board.

Youth Commission:

ZEO/CEO Report:

Total Permit Receipts in April: \$305.00; Total RV Permit: YTD: \$1400.00; Total Permit Receipts YTD - \$3591.00.

TMB Cemetery:

Councilwoman Gosier stated that, like several other areas in Town the cemetery is a swamp from all of the rain we have received in the past few months. There is a lot of rutting because of the rain, it is not just from the creek. Yard by Yard is doing a great job mowing.

New Business

Introduction to Subdivision Law:

Resolution 2019-81: Deputy Supervisor Bourquin made a motion to accept the Subdivision Law as proposed; seconded by Councilman Villa; all were in favor and the motion was carried.

Introduction of Short Term Rental Unit Law:

Councilwoman Gosier and Councilman Villa both agreed that more work needed to be done to address the issues raised at the Public Hearing. Gosier stated concerns regarding the adequacy of septic systems and potential for pollution and lack of statistics on numbers of current rental properties. Councilman Villa suggested the formation of a sub-committee to formulate rules and regulations. He also reminded those in attendance that the Town of Lyme receives only a small portion of the town and county tax bill. Councilman Jones agreed that a sub-committee would be a great idea. Deputy Supervisor Bourquin was surprised to learn how many people are currently renting their homes in this Town. He believes ice fisherman are the biggest problem. Additional discussion resulted in the decision to postpone any further action on the matter until such time as a representative committee of residents could be appointed, with a goal of considering all options and suggestions to find a way forward that would address the many views of the people while, at the same time, upholding existing law.

Resolution 2019-82: Councilman Villa made a motion to form a short-term rental sub-committee and advertise for the committee in the Lyme Light and on the website; seconded by Deputy Supervisor Bourquin; all were in favor and the motion was carried.

Appointing Marriage Officer:

Anne Harris requested that the Lyme Town Board appoint Mark Harris to allow him to perform Sarah Harris and Michael Chitro's wedding on July 13, 2019.

Resolution 2019-83: Councilman Villa made a motion to appoint Mark Harris to perform Sarah Harris and Michael Chitro's wedding on July 13, 2019; seconded by Councilman Jones; all were in favor and the motion was carried.

Ground Penetrating Radar Quote:

Supervisor Aubertine received complaints from people on Barnes Bay area about the Town walking on graves when using the Bicentennial Park. Robin Grovesteen contacted several companies that perform ground penetrating radar and New York Leak Detection will charge \$1600.00 per day. If the project is subject to prevailing wage it will be \$1950.00 a day. Councilman Villa stated that abandoned cemeteries become maintained by the Town according to Municipal Law. He agreed we need to do our due diligence and try to make sure we aren't walking on grave sites.

Resolution 2019-84: Councilman Villa made a motion to have New York Leak Detection perform ground penetrating radar at Bicentennial Park; seconded by Deputy Supervisor Bourquin; all were in favor and the motion was carried.

Flooding and REDI Funds- Councilman Villa expressed his concern about the flooding in the Town of Lyme. Many residents took advantage of grants and other opportunities available in 2017. The Governor announced that 300 million dollars will be available for municipalities impacted by Lake Ontario flooding, known as REDI funds. He stated that the Town will need to contribute matching funds of 15% for any grants received. Councilman Villa knows that it is not in our budget but that we need to cut corners in every way to help our residents. Supervisor Aubertine stated that he was appalled when he saw the severe conditions on Hayes Bay Road- much worse than in 2017. Reggie Schweitzer attended the REDI fund kick-off meeting in Rochester. He said that it is all about resiliency and economic development. He suggested we contact our legislators on behalf of our communities and pool our ideas for economic development. There will be additional meetings to discuss further ideas and proposals.

Town Survey Bids:

One bid was submitted to survey tax parcels 61.34-1-21, 61.42-1-1 and 61.11-1-19. LaFave, White and McGivern is willing to donate their professional land surveying services, and there will be no charge for the requested survey.

Resolution 2019-85: Councilman Jones made a motion to have LaFave, White and McGivern survey the tax parcels 61.34-1-21, 61.42-1-1 and 61.11-1-19; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

Office Closing July 5th:

Town Clerk Ariana Mattraw has requested that the office be closed July 5th in observance of Independence Day. Supervisor Aubertine stated that she didn't have to ask the board but chose to. Councilman Villa expressed that everyone in the office works very hard and that everyone deserves an extra day off.

Resolution 2019-86: Councilman Villa made a motion to allow Town Clerk Mattraw to close the office July 5th in observance of Independence Day; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

Field Use Request:

Derrick Parker has requested permission to use either the back field or Morris tract for the Lyme girl's u16 softball team. He asked for usage on Tuesday, Thursdays, Sunday Mornings and possibly any other nights that are free for practices. Their season officially starts the 11th of June.

Resolution 2019-87: Councilwoman Gosier made a motion to allow Derrick Parker's softball team to have use of the Town field if it doesn't interfere with other teams; seconded by Councilman Villa; all were in favor and the motion was carried.

Old Business:

Planning Board Secretary:

The Town of Lyme Planning Board Secretary is still needed, and no one has applied.

Online Privilege of the Floor:

There were some complaints that people could not here what was being said and microphones would be a nice feature to have for the meetings.

Privilege of the Floor:

Jane Collins: Jane Collins first stated that she thanked the Board for their leadership and the Highway department for keeping up with the flood. She was present to ask our Town of Lyme Board to take a stand. She believes we need more local control and less governmental regulation. Ms. Collins stated that the Town of Lyme residents who reside along Lake Ontario have been greatly impacted by the IJC, International Joint Commission's Plan 2014. Plan 2014 is resulting in the high water and filthy water conditions. Ms. Collins is asking the Town of Lyme Board to pass a resolution like other communities like the City of Ogdensburg, directing that Plan 2014 be revoked.

Resolution 2019-88: Councilman Jones made a motion directing that support for plan 2014 be revoked and be mailed to our elected local state and US representatives; seconded by Deputy Supervisor Bourquin.

Patrick Hadley:

Mr. Hadley asked if properties would be reassessed due to the damage from the 2019 flooding. He heard this from Senator Pattie Ritchie's office. Assessor Marsha Barton was told by the State that at this time no properties were being reassessed.

Deputy Supervisor Bourquin: Deputy Supervisor Bourquin stated it was nice to see residents of the community stay at the meeting and listen to all of the agenda items.

Executive Session:

No executive session was needed.

Adjournment:

Resolution 2019-89: Councilman Villa made the motion to adjourn; seconded by Councilwoman Gosier; all were in favor and the motion was carried; meeting was adjourned at 9:30 p.m.

Respectfully Submitted

Ariana Mattraw
Town Clerk