

**Town of Lyme  
Regular Monthly Meeting  
May 8, 2019 6:30 P.M.**

**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:**

**Jefferson County Legislator Bill Johnson:** Mr. Johnson reported that David Norbut came to JCIDA to discuss his recently proposed solar projects. David is also in the news reporting how the solar project would benefit Chaumont.

Mr. Johnson also informed us “if the Town of Lyme needs anything, we should contact the Department of Homeland Security regarding the high water levels.” Recently, in the Town of Clayton, Homeland Security has installed aqua dams which help protect the shoreline. Supervisor Aubertine stated that some of our residents mentioned the use of aqua dams. Mr. Johnson said that he didn’t know too much about the dams but does know they are 9 feet tall and vary in length.

**Supervisor’s Report**

**Resolution 2019-54:** Councilwoman Gosier made the motion to approve the Supervisor’s Monthly Financial report; Councilman Villa seconded the motion; all were in favor; motion carried.

**Clerk’s Report- April 2019:**

Monthly Receipts were as follow: Total Local Shares Remitted: \$3,212.85; Total State County & Local Revenues: \$3,319.85; Total Non – Local Revenues: \$107.00

**Highway Superintendent’s Report:**

**Uniform Quote:** Highway Superintendent Weston provided the quote for new uniforms. Supervisor Aubertine asked “What about the guys that just bought new uniforms last month?” Councilman Villa stated that it Unifirst’s waived of set-up costs was substantial. He thought it is a great idea to have uniforms so that the Town Highway employees appear professional when representing the Town. Highway Superintendent Weston stated that the uniforms would have the employees’ names and “The Town of Lyme.” Councilwoman Gosier thinks identification is very important and the cost we incurred this year for clothes shouldn’t be an issue. Deputy Supervisor stated it was the principal, not an issue. Robin Grovesteen recommended that there should be a letter between the two parties stating the change in the union contract. The Board

agreed that it would be best to begin the new uniform policy at the start of the 2020 budget year.

**Resolution 2019-55:** Councilman Villa made the motion for the Highway employees to wear standard uniforms through Unifirst starting January 1, 2020; Councilwoman Gosier seconded the motion; all were in favor; motion carried.

**Trailer Quote:** Councilman Villa asked Pat to get bids for a new low boy trailer. He believes we should buy new because the used trailers Pat has found were in rough shape. He would rather see the Town buy new and not jeopardize the employees' safety driving a used trailer. Councilwoman Gosier asked "Is this your priority piece of equipment?" Pat responded that they have needed one for a long time. Pat stated new trailers are hard to come by and located out of the area. The trailer price is over \$10,000.00 so we would have to bid out the trailer if not purchased on state contract. He sent by email the Eager Beaver Trailer Model 35/GSL/S specifications to Supervisor Aubertine.

**Resolution 2019-56:** Councilman Villa made the motion to put an Eager Beaver Trailer Model 35/GSL/S to bid; Councilman Jones seconded the motion; all were in favor; motion carried.

**New Radios:** Pat reported that the discount to buy new radios will run out in June. He would like to use his Machinery Equipment budget line to pay for the radios. The total cost is \$14,278.65. Pat stated without the new radios the Town won't have a working system. Legislator Bill Johnson said the County hopes to have them in by the end of this year.

**Resolution 2019-57:** Councilman Villa made the motion to purchase the radios in the amount of \$14,278.65 for the new County communication system to outfit the trucks; Councilman Jones seconded the motion; all were in favor; motion carried.

**Expenditure Agreement:** Pat explained the expenditure agreement he provided to the Board. The total sums of expenditures will be \$157,127.60 to be expended for primary work and general repairs upon .6 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or renewals thereof. The Town will be improving Beach Road 57.

**Resolution 2019-58:** Councilwoman Gosier made the motion to approve the agreement for the expenditure of Highway moneys; Councilman Jones seconded the motion; all were in favor; motion carried.

#### **Audit of the Bills (Abstracts #9 & #10)**

**Resolution 2019-59:** Deputy Supervisor Bourquin made the motion to approve Abstract #9 in the amount of \$494.90; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

**Resolution 2019-60:** Deputy Supervisor Bourquin made the motion to approve Abstract #10 in the amount of \$61,975.65; seconded by Councilwoman Gosier; all were in favor and the motion carried.

**Approval of the April 10, 2019 Minutes:**

**Resolution 2019-61:** Councilwoman Gosier made a motion to approve the April Minutes with an amendment to say “access by the Forester Group to the substation” to replace “Yes, it will be built by the Forester Corp. and screened;” seconded by Councilman Jones; all were in favor and the motion was carried.

**Committee Reports**

**Assessor’s Report:**

There were no questions on the Assessor’s report.

**Municipal Water Board Report:**

Councilwoman Gosier asked “How do you get a water sample from a resident who only trucks in water?” Marsha stated they are aiming to get 25 water samples out of the 33 residences. They won’t be able to get all of the samples. She spoke with Converse Labs who will give the town 10% discount for a minimum of 25 samples. Donna Zang suggested we have a third party do the testing because Town workers could be biased. The village workers can do the testing under the shared services agreement. Marsha believes we should go the extra mile because these people desperately need water, stating that we have done the studies three times in the past. The cost will be around \$1000.00. Marsha asked for a resolution to put her plan in motion.

**Resolution 2019-62:** Councilwoman Gosier made a motion to put Marsha’s plan for the proposed new water district in motion; seconded by Councilman Jones; all were in favor and the motion was carried.

**Planning Board:**

There was no report from the Planning Board.

**Youth Commission:**

Supervisor Aubertine reported that the softball and baseball teams are practicing on the tennis courts and in parking lots because the fields are too wet. We have a couple of coaches helping getting the fields ready. The Morris Tract field is in excellent shape and the girls varsity team has been playing all their games on it.

**ZEO/CEO Report:**

Total Permit Receipts in April: \$820.00; Total RV Permit: YTD: \$1200.00; Total Permit Receipts YTD - \$3086.00.

Zoning Officer Jim Millington thanked the Board for allowing him to attend the Code and Zoning training in Syracuse.

He stated he had sent more RV permits than in previous years; 26 RV permits in 2019; 21 in 2018. Nine were returned quickly the rest are expected to come in at the last minute. Three or four people have called about getting an RV permit and are expected to, but no one has shown up yet.

**TMB Cemetery:**

**Mowing Bid:** The Town Board received one sealed bid for the 2019 season.

- 1.) **Yard by Yard- Three Mile Bay Cemetery- \$400.00 Per Mowing**  
*The bid was submitted for the 2019 and 2020 mowing season*

Councilwoman Gosier stated that if anyone was to walk that cemetery they would understand why there was only one mowing bid submitted. There is a lot of work that needs to be done including addressing the old sunken graves which Councilwoman Gosier has already discussed with Highway Superintendent Pat Weston.

Supervisor Aubertine stated that the bid was \$270.00 per mowing in 2017 and 2018. He believes that this was a significant increase over one year.

Councilwoman Gosier believes we should accept the bid as submitted and budget to hire someone in the future to work for the Town to mow fields, cemeteries and any other Town properties. Supervisor Aubertine agreed that hiring someone to do the mowing would be ideal. He would like to put together some figures for budget time also.

Councilman Villa stated that the bid should be rejected due to the increase of almost 50%.

Supervisor Aubertine was concerned that if we were to reject the bid that the Town would have to mow it until another bid was awarded. Pat stated that the highway department is busy right now with the sandbags, banners, and regular road maintenance, but he would do his best to get it mowed.

Mr. Millington suggested offering the mowing job to someone who is retired and offered his service. There was further discussion on the mowing of the Three Mile Bay Cemetery regarding the cost increase 2018 to 2019.

**Resolution 2019-63:** Supervisor Aubertine made a motion to reject the two-year bid submitted by Yard by Yard and to advertise again for a one year mowing bid for the Three Mile Bay Cemetery; seconded by Councilman Jones; all were in favor and the motion was carried.

**New Business**

**Tax Collector:**

Supervisor Aubertine states that Karen Fitzgerald will not be running for reelection for the Town Tax Collector position, and discussed the available options. One option would be to appoint the Town Clerk as Tax Collector. Clerk Matraw said she is willing to as long as she is compensated. Supervisor Aubertine said that he would leave that line item in the budget for Tax Collector. This way if she were to change his mind, the separate line would be pursued

**Resolution 2019-64:** Deputy Supervisor Bourquin made a motion to abolish the office of Tax Collector and transfer the tax collection function to the office of the Town Clerk; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

**Resident Letter:**

Supervisor Aubertine read the letter from Warren Johnson stating he would like the new Town property/park to be named after Kim Wallace.

**Soccer Field Use Request:**

The Lyme Storm soccer team made a request use the Town soccer fields to practice and play their games on. The team has used them in the past.

**Resolution 2019-65:** Deputy Supervisor Bourquin made a motion to allow the Storm Soccer team use of the soccer fields, proof of insurance or covered under Town insurance; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

**Part 1 SEQR:**

Supervisor Aubertine read Part 1 of the SEQR.

**Resolution 2019-66:** Deputy Supervisor Bourquin made a motion to declare a negative declaration of the Part 1 SEQR; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

**Introduction Short Term Rental Unit Law:**

Supervisor Aubertine stated after many thoughts and opinions the Town Attorney has finally sent a final draft Short Term Rental Unit Law. He recommends the Board accept the law in order to present something to the public at the hearing unless there are changes the Board would like to see immediately. Changes may be made to the law if not deemed significant. This will also allow Clerk Matraw would have something for the public to review the law before the hearing. Supervisor Aubertine has two quick issues. When stated that the term owner occupied seems to indicate he had concerns about the language regarding rental periods. Also it did not address if there is a time period to be rented out, but this draft law sent by the attorney says "less than 30 days." Mr. Russell has done a good job of trying to keep everyone happy between the County Planning Board, the Town Planning Board, and my requests.

The Board had much discussion on the Short Term Rental Unit Law. The changes that the Board would like the attorney to make before it is sent to County Planning are the following:

- 1.) Define Owner-Occupied
- 2.) Remove the statement about "No more than five (5) guests are allowed at one time"
- 3.) Section 780 Short Term Rental Units.
  - B. Permit Required: An Owner shall obtain a revocable "special use" (Delete) permit prior to using a dwelling unit as a Short Term Rental Unit (Add) "from the Town Zoning Enforcement Officer."
- 4.) Add some specifications about septic systems
- 5.) Add Objectionable Operation is a violation of this law and punishable by a fine up to \$250.00.

**Submit STRU Law to County Planning Board:**

**Resolution 2019-67:** Councilman Jones made a motion to send the draft Short Term Rental Law to County Planning after the revisions are made; seconded by Deputy Supervisor Bourquin; all were in favor and the motion was carried.

**Introduction to Subdivision Law:**

Supervisor Aubertine reported that the lawyer stated that it was a “good law” and it doesn’t need to go to county planning. Deputy Supervisor Bourquin stated that there are only three towns in Jefferson County without a subdivision law. These towns are Lyme, Elisburg and Orleans that just passed their law.

**Resolution 2019-68:** 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.

**LYC Laws Amendment:**

**Resolution 2019-69:** Councilwoman Gosier made a motion to approve the revisions to the Lyme Youth Commission laws; seconded by Councilman Villa; all were in favor and the motion was carried.

**Standard Work Day Resolution:**

Town Clerk Matraw requested the Board approve the Standard Work Day Resolution. She explained it has to be reported to NYS to prove that enough hours are being worked to collect retirement in the future.

**Resolution 2019-70:** Councilman Jones made a motion to establish 7 hours as standard work day for its employees and will report days to the New York State and Local Employees Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

**Standard Work Day and Reporting Resolution:**

**Resolution 2019-71:** Councilwoman Gosier made a motion to establish the following standard work days for these titles and will report the officials to New York State and Local Retirement System based on their record of activities; seconded by Councilman Villa; all were in favor and the motion was carried.

**ZEO Salary Request:**

Supervisor Aubertine stated that our ZEO/CEO Jim Millington would like an increase in his salary to work one extra day a week. The salary could be made by a budget transfer. ZEO Contractual Expense (CE) account has \$1,500.00 budgeted. In 2018, \$736 was spent from that account. ZEO Equipment (EQ) has \$1,000.00. In 2018, \$0 was spent from that account. The 2019 ZEO salary is \$14,729. It is hard to come up with an accurate hourly rate as his job involves field inspections, answering phone calls at any time and two days per week office hours.

\$14,729 divided by 52 wks/yr = \$283.25/wk.

\$283.25 divided by 7 days/wk = \$40.46/day

One extra day per week multiplied by 52 weeks = \$2,103.92 (\$603.92 over CE budgeted amount.) To increase salary to the \$2,103.92 would require using funds from both the CE and EQ accounts.

Zoning officer Jim Millington stated that the problem with figuring his salary is it is a 24/7 job. He answers the phone at 7:00 am on Sundays; looks at properties on his way to work. He would like to work a half of day more but doesn't have it in his budget. He doesn't have enough time to chase all the people down. It took him three hours to bring people to court. He is here two days a week to accommodate resident's schedules. He thinks the Board should double his salary.

Deputy Supervisor Bourquin responded with "you don't want to know what I think."

Supervisor Aubertine stated he is glad he is taking the people to court but it took too long. He is happy that Zoning Officer Millington is working with the people but he would like to see the zoning/code violations acted upon quicker.

Zoning Officer Millington stated he likes to follow Mr. Gebo's advice to try and solve the problem peacefully and 90% of the time it works. If it doesn't, Jim sends the resident a letter and the next step would be going to court.

Zoning Officer Millington realized he made a mistake and he should have pursued the Cummings case sooner. Spring forward he will act on things quicker. Supervisor Aubertine would like to see this take place so that it doesn't appear that the Town doesn't enforce its Zoning Law.

There was further discussion regarding the Zoning Officers Salary and enforcement of Zoning law.

**Resolution 2019-72:** Councilwoman Gosier made a motion to increase the ZEO salary by \$140.00 a month for the next seven months starting June 1, 2019; seconded by Councilman Villa; all were in favor and the motion was carried.

#### **Old Business:**

#### **Roof Bids:**

The roof repairs and reconstruction were tabled.

#### **Executive Session:**

No executive session was needed.

#### **Adjournment:**

**Resolution 2019-73:** 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