

October 9, 2019  
Town of Lyme  
Regular Monthly Meeting 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 Villa, Councilman Jones, Highway Superintendent Patrick Weston, Zoning Officer James Millington, Town Clerk Ariana Henderson, County Legislator Bill Johnson, Debra Kitzi, Matt Biondolillo, Terry Countryman, Chairwoman of ZBA Judi Bates, Chairman of the Planning Board Reggie Schweitzer, and Gunther Schaller.

**Privilege of the Floor**

**Matt Biondolillo:** Mr. Biondolillo stated that there has been a lot of discussion on shoreline resiliency with the recent 2019 flooding. Matt was certain that the Town has received several phone calls about the flooding. He is not directly involved in the REDI program but does track in the information discussed at all of the meetings. There have been three REDI meetings regionally which were reaching out to municipalities to find out what type of damages that have occurred from the flooding. There has been \$300 million dollars that has been allocated to those affected by 2019 flooding. Each county will receive \$15 million for qualifying projects. Planning Board Chairman Schweitzer stated that the \$1 million dollars mentioned in the media article is for the isthmus. The options are either a bridge over the isthmus or building up the isthmus to be sustainable for potential high waters. The county is handling this project because it is a county road. The media is pulling this information from the stockholder meetings. There has been no official word on any project. As the Town already knows there has been \$20 million dollars designated for primary residents; secondary residents may receive funding if there is monies left over. Some of the best news Matt has received is local governments will match 5 percent instead of 15 percent for every dollar the state spends. More recent news includes New York State is submitting a lawsuit to the IJC over the high Lake Ontario water levels. Supervisor Aubertine asked if Matt was working for himself. Matt's response was his business is Rootz LLC; he is finishing his resiliency plan in St Lawrence County and would like to do the same for Jefferson County. He lived through the flooding of 2017 and his word of caution is to make sure residents base their flooding projects on elevation. One of the issues is that contractors understand they are bidding against each other therefore they are not always using the correct materials and taking elevation into consideration. We need to do it right this time and build smarter with the right people involved.

**Debbie Kitzi Sportsman's Hideaway Campground:** Ms. Kitzi opened Sportsman Hideaway Campground in 1999 with her husband. She lost her husband a few years ago and can't keep up with the campground which is why she is selling it. There is a purchase offer on the property, but the buyer wants to know that the campground is compliant with the Town before following through with the offer. Ms. Kitzi is looking for a statement that the campground is in compliance. The Board of Health states she has 36 sites but she operates 34 sites. Ms. Kitzi said she has never

had any issues from the Board of Health who checks setbacks every year. Most of the sites are seasonal campsites because it was easier and she has had the same people for 21 years. The PDD the Town has states the campground has 14 recreational vehicle and 20 tent sites. According to the law the PDD should be written to state that there is 36 recreational vehicle sites and will need an engineered drawing. Planning Board Chairman Schweitzer stated that the PDD will have to be opened back up and brought to the county and Town Board for approval. In summary the Board has requested an engineered drawing for the campground and for the PDD to be reopened and approved.

**Resolution 2019-124:** Deputy Supervisor Bourquin made the motion to reopen PDD#2 for Sportsman's Hideaway Campground; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

**County Legislator Bill Johnson:** Mr. Johnson reported that the County is proposing their budget on November 12<sup>th</sup> and 6:00 p.m. They are below the 2% tax cap. The JCIDA, village, and Town met last week to discuss Norbut's solar project. David Norbut is meeting with the JCIDA next Tuesday to purpose his final numbers for the project. Mr. Johnson left the Joint Board meeting with the task of finding out the firm numbers of the project and will report them back to the Town.

Supervisor Aubertine asked Legislator Johnson what the County's concerns were regarding the NYS Snow and Ice Contract. Mr. Johnson responded that the County passed the agreement at last night's general services subcommittee meeting. Financial details were discussed about the contract. The contract is for three years, the previous contract was at a 2% CPI and the new contract has been increased to a 4% cap. They also added \$5 per hour to a single axle dump truck. When they moved forward with the contract last night the association and all of the towns except Champion were on board with the agreement. Pat questioned if the 4% increase was on mileage or based on the total cost. He also stated the last contract was based on mileage. Supervisor Aubertine will send the questions on to the person in charge of the Supervisor's Association.

#### **Executive Session\*\***

**Resolution 2019-125:** Supervisor Aubertine made the motion to enter Executive Session to cover item #s 4 and 6; seconded by Councilman Villa; all were in favor and the motion was carried.

**Resolution 2019-126:** Supervisor Aubertine made the motion to return to the open meeting; seconded by Councilman Jones; all were in favor and the motion was carried.

#### **Supervisor's Report**

There was no report due to Bowers and Company's computers being down.

#### **Highway Superintendent's Report**

Town Clerk Henderson reported for Pat Weston that he has told the Highway crew to lock the transfer site gate to keep unauthorized users from entering. The Highway department continues to do CHIPS work paving Three Mile Point and Swamp Road.

### Clerk's Report- September 2019

Monthly Receipts were as follow: Total Local Shares Remitted: \$7,785.11; Total State County & Local Revenues: \$7,860.11; Total Non – Local Revenues: \$75.00.

### Audit of the Bills (Abstracts #19 & #20)

**Resolution 2019-127:** Deputy Supervisor Bourquin made the motion to approve Abstract #19 in the amount of \$9,809.63; seconded by Councilman Villa; all were in favor and the motion was carried.

**Resolution 2019-128:** Deputy Supervisor Bourquin made the motion to approve Abstract #20 in the amount of \$101,150.71; seconded by Councilman Villa; all were in favor and the motion carried.

### Approval of the September 11, 2019 Minutes

**Resolution 2019-129:** Councilwoman Gosier made a motion to approve the September 11, 2019 Minutes; seconded by Councilman Villa; all were in favor and the motion was carried.

### Committee Reports

#### **Assessor's Report:**

No report was submitted.

#### **Municipal Water Board Report:**

No report was submitted.

#### **Planning Board:**

Chairman of the Planning Board Reggie Schweitzer stated that the Planning Board has drafted a new solar law that would replace the solar law we have. The base of the draft is from the county. NYSERTA showed up at the right time and gave suggestions on the law. It will need a 239M review from the County and a public hearing. His suggestion is to set the Public Hearing before the next Town Board meeting. The Planning Board has been reviewing the subdivision applications. There are changes that need to be made on the subdivision law also but those can wait. Councilwoman Gosier questioned the wording of the law concerning the color of the solar panels on the roof and giving the power to the zoning officer to decide. Reggie explained it is to make sure the solar panels don't stand out significantly.

**Resolution 2019-130:** Councilwoman Gosier made a motion to hold a public hearing on November 13, 2019 at 6:15 PM before the regular Town Board Meeting for the draft solar law approval; seconded by Councilman Villa; all were in favor and the motion was carried.

Supervisor Aubertine would like the planning board to get a property maintenance law in the works. Reggie stated he believes this is more of a zoning/building issue, not planning board. Councilman Villa stated Boo Harris had mentioned that there was a property law maintenance

drafted in the past. Supervisor Aubertine is going to see if he has a copy of the draft law that was once created.

Reggie explained to the Board that one of the first subdivision issues with the Kent Wiley Estate was dealt to them right after our subdivision law was passed. The map had a nonconforming lot; the county accepted a subdivision map without the map being signed. The county should have never accepted the map without a signature. Reggie and Judi Bates met with Joe Russell about this issue, there were several scenarios discussed. Supervisor Aubertine stated that he wants the ZBA to do what they think is best and if the Board needs to contact the lawyer and get involved, they will.

#### **Youth Commission:**

Supervisor Aubertine asked if David Bowhall got paid for the T-Shirts and hats that the Youth Commission purchased. Town Clerk Henderson is going to check on this. There were no further questions.

#### **ZEO/CEO Report:**

Supervisor Aubertine asked Zoning Officer James Millington if all zoning/building permits and stop work orders could get scanned to the Town Board. This would allow the Town Board to be more aware of everyone who has gotten permits and those that haven't. Jim stated he was never asked to police the Town but he does address issues when he sees them. Years ago he stated the Board didn't want him to search for problems. Councilwoman Gosier responded that that is not the Board's intentions of receiving the permits. He said that he would give a copy of all permits to the Town Clerk to scan the permits weekly to the Board. Jim has been giving a copy of all legal paperwork to the Town Clerk and Supervisor Aubertine in the past.

Total Permit Receipts in September: \$935.00; Total RV Permit: YTD: \$1500.00; Total Permit Receipts YTD - \$9,525.00.

#### **TMB Cemetery:**

Councilwoman Gosier is in discussion with a few different families that want to buy more lots at the cemetery. Town Clerk Henderson asked for the price of a gravesite at the cemetery and Councilwoman Gosier stated she would bring over a price list to the Town Office.

### **New Business**

#### **Transfer Site Issues:**

Pat is now locking the gate at the transfer site and put up signs stating, "Authorized personnel only." This will hopefully cut down on the number of people entering the transfer site after hours. Deputy Supervisor Bourquin said Al has had a lot of residents that are having tree cutting companies dump the trees that they had cut down at the Transfer site. This then creates more work for the town workers to push back the debris with the dozer. Deputy Supervisor Bourquin suggested we start charging contractors. Pat Weston agrees with Deputy Supervisor Bourquin. The contractors are probably already charging the residents for the removal. Supervisor Aubertine stated we would need to distinguish between the contractors and residents when they

come to dump, but he wouldn't have a problem charging them a fee. The Board will need to decide on the fee amount.

**State & County Snow Contracts:**

Supervisor Aubertine received the State & County Snow and Ice worksheet not the contract. Pat sent a cost sheet of what we are spending maintaining the State roads. Supervisor Aubertine can send an email to the state stating we are okay with the figures that were proposed. Councilman Villa stated he thinks it is wrong for the State to withhold payment until we sign the upcoming year's Snow and Ice Contract. He also mentioned that he appreciates that Pat can tell us exactly how much we spend plowing states roads and his records are impeccable.

**Codes Enforcement:**

**Resolution 2019-131:** Supervisor Aubertine made the motion to table any decisions about codes enforcement at this time; seconded by Councilwoman Gosier; all were in favor and the motion carried.

**Letter to Legislators:**

Supervisor Aubertine stated that Cape Vincent sent a letter to legislators regarding only primary residents receiving funding for the 2019 flooding of Lake Ontario. In summary the letter stated that everyone pays the same amount in tax regardless of if they are primary or secondary residents. Supervisor Aubertine questioned the Board to see if they would like to send a letter to legislators stating something similar to the one Cape Vincent sent. The consensus of the Board was not to send the letter because they didn't believe it would make a difference.

**Old Business:**

**Planning Board Secretary:**

Supervisor Aubertine stated that he would like to pay Sue Warner for taking the Planning Board Minutes and acting as Planning Board Secretary. The Planning Board minutes will be sent to the Town Board each month to serve as a monthly report. Deputy Supervisor Bourquin stated that he believes it takes away from the members input when they have to take minutes. Planning Chairman Schweitzer has not been able to find a secretary to hire. The board was in agreement that Sue should be paid for being the secretary.

**Academy Street Decision:**

Donna Tinucci asked previously that there be a "no through traffic" sign before turning onto Academy Street in Three Mile Bay. Supervisor Aubertine reported that New York State said no. We can now let Ms. Tinucci know that the Town looked into it and we can't put a sign on the State road. We may be able to move the sign that is up now to be more visible before the bigger trucks turn onto Academy Street. Supervisor Aubertine also mentioned that he contacted the state about the South Shore Road Extension and hasn't gotten a response.

**Roof Repairs:**

Bernier and Carr came to assess the leaking roof. Deputy Supervisor Bourquin stated Bernier and Carr purposed the cost of \$3-5,000 dollars for a detailed engineered proposal of our Municipal

Offices. Bernier and Carr will look building over closer than they have now and do different proposals. The proposals will vary in prices and give us options. They stated that the office is in rough shape and by rights the building isn't under code.

**Resolution 2019-132:** Councilwoman Gosier made the motion to hire Bernier and Carr to do an engineered proposal of the Town of Lyme Municipal Office; seconded by Deputy Supervisor Bourquin; all were in favor and the motion carried.

**Online Privilege of the Floor**

There was no online privilege of the floor.

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There was no privilege of the floor.

**Adjournment**

**Resolution 2019-133:** Supervisor Aubertine made the motion to adjourn; seconded by Councilwoman Gosier; all were in favor and the motion was carried; meeting was adjourned at 9:50 p.m.

Respectfully Submitted,

Ariana Henderson  
Town Clerk