

**.Town of Lyme  
October 9, 2013  
Regular Monthly Meeting  
6:30 P.M.**

**Supervisor Aubertine** called tonight's meeting to order at 6:30 p.m. and opened with a Prayer and the Pledge of Allegiance.

**Present at tonight's meeting:** Supervisor Aubertine, Councilwoman Harris, Councilmen Bourquin, Villa and Henderson, Town Accountant Cathy Satterley, Zoning and Code Enforcement Officer Jim Millington, Assessor and Water Board Chairwoman Marsha Barton, Assessor Roz Gotham, Highway Superintendent Pat Weston, Planning Board Chairman Frank Congel, BAR Member Dave Bourquin, Three Mile Bay Cemetery Superintendent Julia Gosier, Scott Burto and Gregor Smith from Bernier and Carr and approximately three others.

**Supervisor's Report – September 2013 – Cathy Satterley**

***RESOLUTION 2013 – 132: Motion by Councilman Villa and seconded by Councilman Henderson accepting the September 2013 Supervisor's Report as submitted by Town Accountant Cathy Satterley. Five ayes. Motion carried.***

**Privilege of the Floor**

**Arnold Montgomery - Failing Shores**

Would like to know who he will be working with in regard to future Zoning Issues. Supervisor Aubertine stated that this issue will be discussed later in the meeting and invited Mr. Montgomery to stay until then.

**Gregor Smith and Scott Burto – Bernier and Carr Associates**

**Regarding Water Quality Improvement:**

Gregor and Scott are specifically looking at funding for a salt storage structure. Gregor has met with Highway Superintendent Weston and explained the potential funding opportunity through the Water Quality Improvement Projects

Program. The program includes a non-agricultural nonpoint source abatement and control section which includes salt storage facilities in locations where groundwater / surface water quality impairments from road salt are documented. This may be a good opportunity to look at funding for a storage structure that could be used for covering the sand and salt stockpile. Gregor and Scott believe a strong application could be developed with the proximity of Horse Creek in relationship to the existing storage stockpile.

The grant funds are available for up to 75 percent of the total project costs with a maximum potential grant of \$500,000.00. The 25 percent of local contribution may consist of cash and in-kind services. Gregor feels that this funding opportunity would be worthwhile for the Town to explore. The funding deadline for this program has been extended to December 13, 2013, which is not very far off.

Gregor suggested having Jefferson County Soil and Water look at the situation and they may possibly send a letter of support for the application.

Councilman Villa feels that the Town can't afford the 25 percent of the grant.

Councilman Henderson stated that the Town would have to have some concept of structure and size.

### **Highway Superintendent's Report – Pat Weston**

Pat submitted the 2013 CHIPS reimbursement last week, they are getting the trucks ready for winter and the new loader came last week.

### **Clerk's Report**

**Total State, County and Local Revenues:                   \$8,009.50**

***RESOLUTION 2013 – 133: Motion by Councilwoman Harris and seconded by Councilman Henderson approving Abstract #19 in the amount of \$25,148.13. Five ayes. Motion carried.***

***RESOLUTION 2013 – 134: Motion by Councilman Henderson and seconded by Councilwoman Harris approving Abstract #20 in the amount of \$42,896.41. Five ayes. Motion carried.***

***RESOLUTION 2013 – 135: Motion by Councilwoman Harris and seconded by Councilman Bourquin approving the Minutes of the September 11, 2013 Regular Monthly Meeting of the Town Board as submitted by Clerk Wallace. Five ayes. Motion carried.***

## **Committee Reports**

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

#### **Small Claims Decisions:**

The Town has received all the decisions on the Small Claims Hearings. Of the 30 petitions submitted, 11 of the assessments remained the same. Of the remaining petitions, the assessment was reduced by \$666,000.00. The total assessment before reductions was \$361,037,584.00. A Resolution to reimburse the property owners who were awarded their costs will be needed. The total amount to be refunded is \$465.00.

***RESOLUTION 2013 – 136: Motion by Councilman Villa and seconded by Councilman Henderson allowing the refund for the nineteen residents that were allotted refunds by the Hearing Officers during the Grievance process. Allotments are not to exceed \$465.00. Five ayes. Motion carried.***

#### **Field Review:**

The Assessors have begun working on field review for the 2014 tax roll.

#### **Exemption Renewals:**

The Assessors are starting to prepare exemption renewals to be mailed by the end of the year. Anyone applying for a new renewal must do so by March 1, 2014.

### **Basic STAR Registration:**

Basic STAR recipients have until December 31, 2013 to register with the New York State Department of Taxation and Finance. If anyone knows of someone who needs help doing so, please have them contact the Assessors. The new regulation has caused a lot of confusion with property owners, especially senior citizens. This registration does not affect anyone who receives the Enhanced STAR, which is for property owners over the age of 65.

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

#### **Water Board Vacancy:**

The Water Board has received a new application for the existing Water Board vacancy. The applicant will be interviewed at the October Water Board Meeting and they will make a recommendation to the Town Board at the November meeting.

#### **Water Facility:**

The Water Board has received two new coin receptors to have on hand. There have not been any mechanical problems in the past couple of weeks. Dar Brown has agreed to repair the floor. It is a small job but will require closing the facility for at least one day to allow for it to dry. The revenues from the Water Facility are about the same as they were a year ago at this time.

#### **Survey Letters:**

Survey letters are being sent to property owners in the potential Water District #2 Extension.

#### **Lance Development:**

Marsha has been informed by Gail Miller that the Lances are going to go ahead with installing water to their development. They will have to request an extension of the district, as when the district was created, it only included the road frontage. This could mean up to 18 more customers.

**Supervisor Aubertine** met with Jim Wright and Tom Sauter from DANC and they discussed the possibility of looking into forming a water district for the 14 or 15 homes located between Three Mile Bay and the Village of Chaumont. Water Districts in the Town have always been enacted by petition for residents in the proposed district.

They also discussed the proposed pedestrian trail that would start at the Village tennis courts and end at the State Land on the Burnt Rock Road. DANC will be contacting the residents that own property along the water line, new easements will have to be obtained prior to the establishment of the proposed trail. DANC is looking for community support for the project.

**Councilman Villa** stated some of the residents along the DANC line are apprehensive in opening their property up to the public.

**Supervisor Aubertine** reiterated that the project is about 5 years out and DANC doesn't want to do anything without community support.

**Dave Bourquin** is a resident who owns property along the DANC Regional Water Line and he has several concerns with opening it up to the public.

**Julia Gosier** also voiced her concerns with opening the Water Line up to public access.

**Superintendent Weston** inquired about mowing and maintenance of the trail. The Highway Department mows the easement area twice a year now, who will be responsible after its completion?

### **Youth Commission**

The Youth Commission has received new activity requests from Jennifer Sosa for a cardio dance program called the Hip Hop Hustle for 10 thru 17 year olds and Beth Wagenaar for a youth cheer leading program. A submittal will be made to the Lyme Central School Board of Education for the approval of the use of the school facility for these activities.

***RESOLUTION 2013 – 137: Motion by Councilman Villa and seconded by Councilman Henderson approving the Cheerleading program to be led by Beth Wagenaar and Hip Hop Hustle programs being led by Jennifer Sosa to fall under the Town Youth Commission auspices. All program activities will be held at the Lyme Central School. Five ayes. Motion carried.***

### **Planning Board Report – Frank Congel**

The next Planning Board meeting has been rescheduled for October 16<sup>th</sup> in order to accommodate a couple of the member's schedules.

Julia Gosier has kindly offered to take the minutes of the Planning Board meetings recently. Julia is an alternate to the Planning Board and an unpaid member. Frank wondered that if Julia is serving as a secretary would it be possible for her to receive pay for that service.

***RESOLUTION 2013 – 138: Motion by Councilman Bourquin and seconded by Councilman Henderson agreeing that if an alternate member to the Planning Board is acting as the Secretary they should be compensated as such, at a rate of ten dollars per hour. Five ayes. Motion carried.***

### **ZEO/CEO – Jim Millington**

Jim will be attending classes in Potsdam for training this coming week.

Jim has been issued a building permit for his house on the South Shore Road this week. The Certificate of Occupancy will be next.

### **Three Mile Bay Cemetery Report – Julia Gosier**

Julie wanted to officially thank Alexander MacCleod for his generous donation of \$500.00 to the Three Mile Bay Cemetery. Clerk Wallace will send him a formal thank you letter from the Town.

## **New Business**

**Health Insurance Policy** – This topic will be discussed in Executive Session because it involves Teamsters negotiations.

**Zoning Conflicts** – Arnold Montgomery would like the Town Board to give him direction concerning his “neighborly feud”. Supervisor Aubertine confirmed the appointment of Dave Lachenauer as the Deputy ZEO /CEO referring to Town Board **RESOLUTION 2012 – 63**, when the Town Board officially appointed Mr. Lachenauer to the Deputy CEO/ZEO position.

At this point in time Supervisor Aubertine feels with the on-going issues and the situation as it has progressed through the years, that it will be a good idea to have “fresh eyes” take a look at it.

***RESOLUTION 2013 – 139: Motion by Supervisor Aubertine and seconded by Councilman Villa directing Dave Lachenauer to handle any new Zoning or Code Enforcement situations that may arise between Thomas DeMasi and Arnold Montgomery. Five ayes. Motion carried.***

**RCR&R** – There are substantial costs associated with the collection and recycling of “ewaste” efficiently and properly. The costs to collect and recycle are significant and recyclers are not compensated nearly enough to cover all the costs resulting from safe and reliable collection and recycling services.

As of September 30th RCR&R can no longer offer payment for Covered Electronic Equipment. On October 15<sup>th</sup> the Town has to respond to the revised contract and on November 1<sup>st</sup>, “Cathode Ray Tube” handling fees begin.

The Town Board will contact Jefferson County to see if they are interested in taking our electronic waste.

***RESOLUTION 2013 – 140: Motion by Councilman Bourquin and seconded by Councilman Henderson approving Budget Work Sessions for the following dates:***

***October 17, 2013 @ 6:30 p.m.***

***October 23, 2013 @ 6:30 p.m.***

***October 24, 2013 @ 6:30 p.m.***

*All Work Sessions will be held at the Municipal Office Building located at 12175 NYS Route 12E, Chaumont.*

*Five ayes. Motion carried.*

***RESOLUTION 2013 – 141: Motion by Councilman Bourquin and seconded by Councilman Henderson accepting ZBA member, Mike Callahan’s letter of resignation; thanking Mike for his many years of service to the Town of Lyme. Upon Mr. Callahan’s resignation the Town Board will appoint Dawn Munk as a full time ZBA member. At this time the Town Board will approve the advertisement in the Watertown Daily times for a new alternate to the ZBA and also a Planning Board secretary. Five ayes. Motion carried.***

***RESOLUTION 2013 – 142: Motion by Councilman Bourquin and seconded by Councilman Henderson approving the 2013/2014 Fixed Lump Sum Municipal Snow and Ice Agreement between the New York State Department of Transportation and the Town of Lyme as follows:***

***WHEREAS, the COMMISSIONER and the MUNICIPALITY have entered into an Agreement No. D005387 entitled “Fixed Lump Sum Snow and Ice Agreement between the New York State Department of Transportation and the Municipality of the Town of Lyme” dated 2/3/1992; and***

***WHEREAS, the term of the said Agreement is for a period of three years commencing July 1, 1991 and the said Agreement provides that the parties may at the end of each year of the term of the Agreement extend such term for an additional year; and***

***WHEREAS, the present term of the said Agreement, as extended, expires June 30, 2013; and***

***WHEREAS, Section 7 of the said Agreement provides that the COMMISSIONER shall furnish the MUNICIPALITY with a suitable map for each term of the Agreement, or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement.***

***WHEREAS, Section 9 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the COMMISSIONER subject to the provisions of Section 9 at the time of the Agreement;***

***NOW, THEREFORE, in consideration of the mutual covenants and benefits between parties,***

***WITNESSETH:***

- 1. The aforementioned "Fixed Lump Sum Snow and Ice Agreement between New York State Department of Transportation and the "MUNICIPALITY" is hereby extended for a period of one year; now to expire on June 30, 2014, unless further extended.***
- 2. The State Highways or parts thereof affected by this Agreement are as delineated on the attached map, agreed upon by the COMMISSIONER and the MUNICIPALITY, which shall be effective for the remainder of the term of the Agreement commencing July 1, 2013, unless changed by future Agreement between the COMMISSIONER and the MUNICIPALITY.***
- 3. All the terms and conditions of the original contract remain in effect except as follows:***

***The lump sum payment specified in Section 9 of the aforementioned Agreement shall be \$4,384.98 per lane mile for 18.9 lane miles for a total of \$82,876.24 for the 2011/2012 season and for the remainder of the term of the Agreement commencing July 1, 2011, unless changed by future update.***

***IN WITNESS WHEREOF, This Agreement has been executed by the State, acting by and through the duly authorized representative of the COMMISSIONER, and the MUNICIPALITY, which has caused this Agreement to be executed by its duly authorized officer on the date and year first above written.***

***See Addendum A for official map of the State Highway.***

***All Town Councilmen were in agreement to accept the contract as written and the Motion was carried.***

Privilege of the Floor – None Heard

***RESOLUTION 2013 – 143: A Motion moving the Town Board into Executive Session was made by Supervisor Aubertine and seconded by Councilwoman Harris at 8:40 p.m. Matters at hand are Collective Bargaining and the addressing of a Litigation Matter. Five ayes. Motion carried.***

***RESOLUTION 2013 – 144: Motion by Councilwoman Harris and seconded by Councilman Villa moving the Town Board back into open session at 9:50 p.m. Five ayes. Motion carried.***

***RESOLUTION 2013 – 145: Motion by Councilman Villa and seconded by Councilman Bourquin approving the newly negotiated Teamsters Contract for the four year period beginning in 2013 through 2016. Five ayes. Motion carried.***

***RESOLUTION 2013 – 146: Motion by Councilman Bourquin and seconded by Councilwoman Harris approving the purchase of a new court laptop using funds from Account A1620.2. Five ayes. Motion carried.***

***At 9:53 p.m. a Motion to adjourn tonight's meeting was offered by Supervisor Aubertine and seconded by Councilman Villa. Five ayes. Motion carried.***

***The Minutes of Tonight's Meeting are Respectfully Submitted by,***

  
Kim Wallace

***Town Clerk***