

October 14, 2020
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 Countryman, Councilman Villa, Town Clerk Ariana Henderson, Marsha Barton, Jim Millington, Sandra Wormwood, Sharon Nicholson, Sara Schimpff, Cindy Lachenauer, Justin Bourquin, Kathy Dyer, Randy Gardner, Jolie Rose, Jackie Lavarney, Dawn Munk, Linda Carr, Craig Carr, Sheryl Lachenauer, Edward Lachenauer, Ondraya Marks, James Collins, Reginald Schweitzer, Jeanne Korman, Jane Collins, Margaret Brennen, James Collins Jr., and Paul Kammerer.

Privilege of the Floor

Supervisor Aubertine accepted the petition on behalf of the Town Board regarding the 12E campground which stated the following:

We, the undersigned, representing owners of twenty percent or more of the area of land immediately adjacent to that land included in such proposed change, as well as nearby proposed change, petition the Town Board and the Planning Board of the Town of Lyme, Jefferson County, NY to protest zoning changes to parcels 60.08-1-25.1 and 60.08-1-24.2, currently zoned for Agricultural/Residential use, and owned by Three Mile Bay Marina LLC and Jeffrey Cohen, respectively, 5201 Hoag Lane, Fayetteville, NY for the below-stated reasons:

1. Destruction of one of the last pristine undeveloped shorelines on Chaumont Bay.
2. Destruction of a Federal wetland area and adjoin shoreline.
3. Flagrant disregard of zoning, state, and federal environmental laws.
4. Negative impact on local small-and big-game and migratory and shore bird habitat and hunting.
5. Decreased property values for neighboring parcels.
6. Unsavory view from designated scenic state highway 12E.
7. Impact of increased noise pollution from 125 recreational vehicle sites on the quality of life for those on neighboring properties, as there is no noise barrier.
8. Unsafe location for entrance onto and major increase in local traffic flow on NYS 12E.

Supervisor Aubertine then opened the floor for residents to speak.

Sharon Nicholson: 27004-022 Fire Rd 4

Sharon spoke in opposition of the campground. Her main concerns were the destruction of the wetlands, disregard of state and local laws, polluting the environment, the decrease in wildlife, and the noise that will be created. She stated that the peace and quiet will be ruined and it is some of the last undeveloped land that draws people to this area.

Sandra Wormwood: 7338 NYS Rt. 12E

Sandra spoke in opposition of the campground. Her property is located adjacent to the proposed campground. She stated that there has been a significant amount of work that has destroyed wetlands. Mr. Cohen still does not have any permits for the work he has started. He received a stop work order from the DEC which he also didn't comply with. Another concern is that there has been a decrease in wildlife and decrease in the property values of homes near the campground. The rest of her concerns included an unsafe entrance to the campground and elevated noise. She would like our local legislation to control this commercial business.

James Collins: 27801 Three Mile Pt Rd

James spoke in opposition of the campground. Their family has 23 parcels of land in the Town of Lyme and pay a lot of taxes. The Town is already growing rapidly and having a campground across the bay is not ideal for their family for several reasons.

Jolie Rose: 7440 Bourcy Rd

Jolie spoke in opposition of the campground. They chose to raise their family in Three Mile Bay because it is safe and quiet. Her children operate family jet skis and boats. She does not want another marina which will add more water traffic. The road is also too busy, the campground will make it worse. Her family and she want to keep that land undeveloped.

Ondraya Marks: 7581 NYS Rt. 12E

Ondraya spoke in opposition of the campground. Her property is directly across from the potential campground location. She hopes the Board will take everyone's concerns into consideration.

Dr. Craig Carr: 7502 Bourcy Rd

Craig spoke in opposition of the campground. He stated that the owner of the property has already ignored zoning regulations and his traits will only grow worse. The Town Board should stop the development.

Sara Schimpff: 7376 NYS Rt. 12E

Sara spoke in opposition of the campground. She owns horses and farm animals and considers her location to be private. If the proposed campground gets approved she would lose her privacy. She is also a member of the Three Mile Bay ambulance squad and she worries that there will be more accidents. The traffic pulling out and turning into the campground will lead to accidents.

Jane Collins: 28348 Lotts Grove Rd

Jane spoke in opposition of the campground. Mrs. Collins expressed her concerns for the health and safety of the kids in our area. We are in a pandemic and she believes a campground could increase the risk of COVID-19. She believes that there are already enough campgrounds along the St. Lawrence River that people can attend and vacation too. Most of those campgrounds are governed by the state and there are people to oversee any issues the park may have. A private campground will lead to more problems for the Town.

Linda Carr: 7502 Bourcy Rd

Linda spoke in opposition of the campground. Mrs. Carr and her husband kayak in the water in front of the campground. There are already several rocks removed by the Mr. Cohen. This is disturbing the wildlife and their habitat. She believes it is too shallow in that area for a marina and doesn't want the boat traffic to increase.

Paul Kammerer: 28371 Lotts Grove Rd

Paul spoke in opposition of the campground. He is a fisherman. He stated that the bay used to be a prime spot for spawning fish because of the rocks that are in that bay. If the water is going to be disturbed this will decrease fish population. He is also concerned about the increase pollution and losing the night sky with 125 campers located on the property.

Margaret Brennen: 7386 Bourcy Rd

Margaret spoke in opposition of the campground. She stated that this land is the last untouched pristine land in Chaumont Bay. She has spent 40 years on the water and it used to be less crowded and developed. She stated it would be wonderful if we could preserve that area.

Cindy Lachenauer: 28343 Lotts Grove Rd

Cindy spoke in opposition of the campground. She stated the owner of the property has gone against all laws and has no permits which is disrespectful. There will be hundreds of people in that area just not one person per camper. She would like the bay to stay peaceful.

James Collins: 27801 Three Mile Pt Rd

James spoke in opposition of the campground again. He mentioned that two years ago the geese completely stopped landing in that bay when construction began. He also mentioned boat traffic has already increased when the state boat launch in Three Mile Bay was put in, we don't need another marina.

Jimmy Collins: 27465 Three Mile Point Rd

Jimmy spoke in opposition of the campground. He has seven generations of family in the Town. He stated that he used to live next to the Chaumont Bay campground and there was heavy traffic, which is very concerning for the location of the new campground. He also stated the transfer site probably can't handle the increase in people.

Dawn Munk: 7281 NYS Rt. 12E

Dawn spoke in opposition of the campground. She lives across the road from the property. She is concerned with everything that the other residents have been stating. There are no natural barriers for the noise, there will be more than one person per camper. She worries about the traffic because of the hill and speed of vehicles that drive on 12E. The environment and the pollution that is being done is also a concern.

Supervisor Aubertine thanked everyone for their concerns and comments and the Three Mile Bay Fire Hall for the use of their building.

Supervisor Aubertine contacted the Town attorney about the possible moratorium for the 12E campgrounds. It will need to be enacted as a local law and referred to County Planning. He read the rules regarding a moratorium from the Town Attorney:

“A moratorium is enacted as a local law which must be introduced and a public hearing scheduled. It must also be referred to County Planning once introduced. The purpose of a moratorium is for the Town to acknowledge that its current zoning laws are not adequate to address certain types of development and to give the Town sufficient time to review and revise those laws to properly address the same. Both the revisions to the zoning law for the Waterfront District and amendments to Planned Development Districts involve amendments to the zoning law which are done by local law which requires compliance with SEQR and referral to County Planning.”

Councilwoman Gosier said one solution to this issue is that the Town Board could extend the waterfront district out to 12E so that our zoning law would prohibit the campground.

Reginald Schweitzer Planning Board Chair stated that as long as the RV Park is 500 feet from the waterfront district it is legal in our zoning law. The marina is also a permitted use at that location.

Sandra Wormwood stated that the entire project is under investigation.

Supervisor Aubertine recommended that everyone should reach out to the DEC with their concerns. Jane Collins added that everyone should call our local representatives.

Resolution 2020-117: Councilman Villa made the motion to accept the Petition that was distributed to the Town Board and ask the attorney for the wording for a moratorium for the 12E campground project and to expedite the process; Councilwoman Gosier seconded the motion; all were in favor; motion carried.

Supervisor’s Report

Supervisor Aubertine went over the Supervisor’s Report with the Board. He stated Cathy Satterley said she needs to move the retirement check for 2021 out of the retirement account so the account was not over budget.

Resolution 2020-118: Councilman Villa made the motion to approve the September Supervisor’s Monthly Financial report; Councilwoman Gosier seconded the motion; all were in favor; motion carried.

Highway Superintendent’s Report

Pat Weston was not present at the meeting.

Clerk’s Report- September 2020

Monthly Receipts were as follow: Total Local Shares Remitted: \$6,686.25; Total State County & Local Revenues: \$6,748.25, Total Non – Local Revenues: \$62.00

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

Resolution 2020-119: Deputy Supervisor Bourquin made the motion to approve Abstract #19 in the amount of \$0.00; seconded by Councilman Villa; all were in favor and the motion was carried.

Resolution 2020-120: Councilman Villa made the motion to approve Abstract #20 in the amount of \$63,059.47 which includes the purchase of a new highway truck; seconded by Councilman Countryman; all were in favor and the motion was carried.

Approval of the September 9, 2020 Minutes

Resolution 2020-121: Councilman Countryman made a motion to approve the September 9, 2020 Minutes; seconded by Councilwoman Gosier; all were in favor and the motion was carried.

Committee Reports

Assessor's Report:

Marsha Barton submitted the Assessor Report as follows:

Small Claims Decision

We had one Small Claims filing this year. It was for Michael Schell's property. It was assessed at \$494,900. The Hearing Office reduced it to \$369,675. I am attaching a copy of the Hearing Officer's decision. I am also submitting a voucher to Ari for the \$30.00 that was his Award of Costs, as directed by the Hearing Officer.

Yearly Maintenance

We are busy reviewing properties and creating new values for 2021.

Councilman Villa had stated he was surprised that there was a 20% reduction in the assessment. Marsha Barton stated that the attorney argued several good points for the client including the high water and shoreline damage. Deputy Supervisor Bourquin asked if they could raise the assessment again in the future if the water doesn't raise again. Marsha responded that they can't raise it for three years.

Municipal Water Board Report:

Marsha Barton submitted the Water Board Report as follows:

Need Resolution

We need a resolution to approve a new water service at 10497 Co. Rt. 8, parcel number 51.00-1-19.631. This is for Charles Valentine.

Change of Meeting Time

We would like to request that we change our Water Board meeting time from 6:30 PM to 5:00 PM. This time seems to be more convenient for the Board and for any guest speakers we have at the meeting.

Water Facility Revenues

Revenues to date are \$6,462.50. This amount is up by \$1,341.00 from the same time period last year. We have \$15,000 in our Water Facility Reserve Account at this time.

Update Proposed Water District

We have been working diligently on the proposed Water District. The Water Board has gone to each property to explain the costs and see if they are still interested. We have mailed the survey and info to those we couldn't contact in person.

We met with Gregor and Rachel from Bernier & Carr and Eric Johnson from Rural Development. It was very informative but also a little disappointing. It appears we may not be eligible for a 75% grant because of our medium household income. If we aren't eligible for the 75% grant, it would be only 45%, which more than likely would make it unaffordable. We have had positive results from the people we have visited and one property owner has committed 2 extra EDU's. We will be meeting with Gregor and Rachel again at our meeting on October 28th to finalize our report to the Town Board. We anticipate coming to the November Town Board, along with Gregor and Rachel to give the Board our recommendation. We have also sent letters to all elected officials explaining our great need for good water to see if there is anything they can do to help us.

Resolution 2020-122: Councilman Villa made a motion to approve the new water service at 10497 Co. Rt. 8, parcel number 51.00-1-19.631 seconded by Councilwoman Gosier; all were in favor and the motion was carried.

Resolution 2020-123: Councilman Villa made a motion to approve the time change for the Water Board Meetings; seconded by Councilwoman Countryman; all were in favor and the motion was carried.

Marsha also suggested that the Town consider switching to monthly billing for water instead of bimonthly. She believes that this may help residents from getting behind. Councilman Villa's concern was that it would double the cost of the billing and be more work for the employees. Marsha just wanted the board to consider it. She stated that she will re-levy the water bills at the end of October. She also received a letter stating residents will not have to pay their water bills during the pandemic or 180 days after the pandemic ends according to the law.

Clerk Henderson asked the board if a new Water General Savings account could be opened at Citizens Bank of Cape Vincent for online water payments. All of the money from the online payment will go into the general savings account where Cathy Munger will then distribute it into the appropriate water savings district account.

Resolution 2020-124: Councilman Villa made a motion to open a new water general savings account at Citizens Bank of Cape Vincent to make it easier for the accounting of online water payments; seconded by Councilwoman Countryman; all were in favor and the motion was carried.

Supervisor Aubertine asked Marsha the status of the water facility. Marsha responded that Pat Weston and Brian Cosselman from the Highway Department recommend tearing the building down and reconstructing. The water board has always managed the facility and collected the money which goes into a savings at Watertown Savings Bank. They have about \$15,000 in the account for the project.

Resolution 2020-125: Councilman Villa made a motion to approve the removal and replacement of the Town of Lyme Water Facility; seconded by Councilman Countryman; all were in favor and the motion was carried.

Planning Board:

There was no questions on the Planning Board Report. Councilman Villa stated that when he read through the minutes they were comprehensive, but questioned the fact that they were not working on any of the laws that the Town Board had asked them to look into. He believes there needs to be a discussion on whether they are looking into a Property Maintenance, Septic, Agricultural Animals, and Noise laws. Councilman Countryman stated he would like to see the property maintenance law enforced. He has looked at the same RV that is rotted out on Three Mile Point for 40 years.

Zoning Board of Appeals ZBA:

The minutes were sent out for the ZBA meeting. Councilman Villa stated that there seems to be a miscommunication between the ZBA and Planning Board on who is supposed to do what. He reads in the minutes that the two boards go back and forth on which duties are which. This should be addressed. Councilwoman Gosier stated that it seems the ZBA is rubber stamping the Variances and not many have ever been denied. She believes the board needs to be stricter. That is the point of the law. Deputy Supervisor Bourquin agrees. Councilman Countryman ask if it could possibly be Mr. Millington giving the information to the wrong board, or directing the people in the wrong direction. Councilwoman Gosier stated Mr. Millington should be giving a letter of denial and further instructions when they can't obtain a building permit.

Youth Commission:

There was no Youth Commission report.

ZEO/CEO Report:

The Board requested to see the property address on the BAS report that is submitted each month.

Total Permit Receipts: \$2,695.00; Total RV Permit: YTD: \$1,400.00; Total Permit Receipts YTD - \$20,614.00.

TMB Cemetery:

There was no report on the Three Mile Bay Cemetery.

New Business

Highway Computer:

Deputy Supervisor Bourquin stated he didn't have a problem with Pat Weston getting a new computer for his highway office. Councilman Villa stated we should be very cautious about purchasing equipment. The sales tax check was less than the amount in 2019. We need to watch how much money we spend from our fund balance. Councilman Countryman and Villa both would like to see more specs on the computer. Clerk Henderson is going to request more information from Ben Rubacha.

Resolution 2020-126: Councilman Villa made a motion for the Highway Department to purchase a new computer but not to exceed \$700.00; seconded by Councilman Countryman; all were in favor and the motion was carried.

Public in the Transfer Site Building:

Deputy Supervisor Bourquin stated when he was at the transfer site last week there was a woman without a mask who entered the building to look at the junk that was saved in the building. Another problem is that he can't get to the security cameras if he needs to because of the junk in the way. He would like to see everything cleaned out. The Board agreed it should be cleaned up and the public should not go into the building.

Resolution 2020-127: Councilwoman Gosier made a motion to allow Deputy Supervisor Bourquin to oversee the cleanup of the transfer site building; seconded by Councilman Villa; all were in favor and the motion was carried.

Town Employee Cell Phone Requirement:

Supervisor Aubertine stated that there are no requirements for the Town Judge to have a cell phone or voicemail box setup according to the Supreme Judge so there was nothing further to discuss.

Old Business:

Video Training:

Supervisor Aubertine stated that he would like to have the Video Training with all of the boards on October 27, 2020 at 6:30 p.m. Steve Weed said everyone should bring a laptop or computer that they would like to use to tape their meetings.

Online Privilege of the Floor

There was no online privilege of the floor.

Privilege of the Floor

There was no privilege of the floor.

Executive Session

There was no executive session.

Adjournment

Resolution 2020-128: Councilwoman Gosier a made the motion to adjourn; seconded by Councilman Villa; all were in favor and the motion was carried; meeting was adjourned at 9:05 p.m.

Respectfully Submitted

Ariana Henderson

Ariana Henderson
Town Clerk