

**Town of Lyme
Regular Monthly Meeting
September 8, 2010
6:30 P.M.**

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

Present at tonight's meeting: Supervisor Aubertine, Councilmen Johnson, Bourquin and Councilwoman Harris, Assessor's Marsha Barton and Roz Gotham, Highway Superintendent Pat Weston, ZEO Member Harry Staudenmayer, Nancy Madsen, Watertown Daily Times Reporter, Town Accountant Tom Bowie, Three Mile Bay Cemetery Superintendent Julia Gosier and 8 others.

County Legislator Bob Thomas was not present at tonight's meeting because he broke his arm and just got out of the hospital.

Supervisor's Report

RESOLUTION 2010 – 103: Motion by Councilman Bourquin and seconded by Councilman Johnson approving the August 2010 Supervisor's Report as presented by Town Accountant Tom Bowie. Four ayes. Motion carried.

Highway Superintendent Report – Pat Weston

The Highway Department has finished excavating one acre at the bus garage, working hard on the highway building to bring it into compliance after an inspection by the Department of Labor and helped the Village blacktop Bayview and Mill Streets.

After looking at the CHIPS Fund Pat feels he will have about half of his funds left and would like to discuss with the Board the possibility of putting \$50,000.00 toward the purchase of a new truck. Brad Taylor from Beam Mack has told Pat if he were to order a new truck it could be delivered in approximately six weeks. The cost of the truck will be approximately \$187,000.00.

RESOLUTION 2010- 104: Motion by Councilman Johnson and seconded by Councilman Bourquin approving the purchase of a sander from Henderson Equipment in the amount of \$8,814.00 for the Highway Department as per recommendation of Highway Superintendent Pat Weston. Four ayes. Motion carried.

Clerks' Report – August 2010

Total State, County and Local Revenues: \$7,251.63
Total Local Shares Remitted: 5,558.15

RESOLUTION 2010 – 105: Motion by Councilman Bourquin and seconded by Councilman Johnson approving Abstract #17 in the amount of \$52,660.50. Four ayes. Motion carried.

RESOLUTION 2010 – 106: Motion by Councilman Johnson and seconded by Councilwoman Harris approving Abstract #18 in the amount of \$18,648.08. Four ayes. Motion carried.

RESOLUTION 2010 – 107: Motion by Councilwoman Harris and seconded by Councilman Johnson approving the Minutes of the August 11, 2010 Regular Monthly Meeting submitted by Clerk Wallace. Four ayes. Motion carried.

RESOLUTION 2010 – 108: Motion by Councilman Bourquin and seconded by Councilman Johnson approving the Minutes of the July 30, 2010 Emergency Meeting of the Town Board as submitted by Clerk Wallace. Four ayes. Motion carried.

Assessor's Report – Marsha Barton

Marsha has checked with Real Property and they have received a copy of the Resolution by the Town requesting a reval in 2013. The Town of Lyme is on their schedule.

Marsha and Roz attended a meeting on August 30 held in Watertown. The purpose of the meeting was to explain the changes made in reimbursement from New York State. The Town of Lyme has not received reimbursement since 1988 and we haven't had an equalization rate of 100% since then.

It is the Assessor's opinion that it is just another attempt to control the Towns by offering them money as to keep the equalization rates at 100%. To receive reimbursement, a Town must sign a four or five year plan with the State. The first year of the reval, which in our case would be 2013, we would receive \$5.00 per parcel. The second and third year we would receive \$2.00 per parcel. The fourth year would once again be a reval year, so we would receive \$5.00. If you don't complete the plan, you would have to pay back anything previously given you. It is not mandatory to enter into a plan with them, we just wouldn't receive any State Aid. Since the Town of Lyme has not received any State Aid in over 20 years, the Assessor's recommend not entering into any agreement. When our reval is completed, the Town Board may decide not to go to the full 100%, but only a percentage. We would not get the State Aid in that case. If anyone would like further clarification on the subject Marsha would be happy to meet with them.

Municipal Water Board Report – Marsha Barton

Water District #5 Restoration Letters – Letters were sent to all customers in Water District #5 regarding their satisfaction or displeasure of the restoration of their property following the completion of the district. Six responses have been returned to date. Gene Ludlow, from the Water Board, personally visited each property, spoke to the owners of the property and reviewed the condition of each site. Most of the concerns were regarding the quality of topsoil used. There were a few other concerns reported and they will be addressed with Bernier and Carr. The contractor for the project is responsible for addressing legitimate concerns and repairs until December 2010.

Route 12E – Bourcy Shores Petition – The approval of the Bourcy Shores study was tabled at the August Town Board Meeting. The study will be completed with two options, one with Bourcy Shores included and one without.

DANC Meeting August 19th – Marsha attended the DANC Meeting of the Regional Water Line on August 19th. They reviewed the audited financials for the fiscal year, along with the operations and maintenance report. Total water flow through the Regional Water Line for this fiscal year was 72.49 million gallons. Several operation and maintenance projects were completed this year. The status of the fourth filter in Cape Vincent was discussed and it is not moving forward at this time. The project was looking good with Rural

Development and they were expecting to receive a 75% grant for the project; they are out of funding at this time. Rural Development should be receiving their new funding in October and DANC is hoping they will be included in this round of funding.

The Town will continue to charge \$2.55 per thousand gallons unless we are notified of a change. The Village of Brownville is now using the DANC line for their water source.

Water Facility – Revenues to date are \$6,545.50. Tim Mason has completed some needed repairs. We need to order a new coin receptor. Guy Gosier will be visiting some other water facilities to get some information on companies we can possibly order a new receptor from. Guy is keeping the water facility in great condition.

Three Mile Bay Cemetery Report – Julia Gosier – The Cemetery has looked very good all season. Julie is hoping they can use the same plan next year for mowing; she has had numerous compliments on the condition of the cemetery.

The vault work is complete and looks very good. Julie will be sending a letter to local funeral homes to let them know it is done.

Julie sold one grave for \$300.00.

Julie would like to request a budgeted amount determined by the Town Board to purchase at least 100 corner markers for the identification of the individual lots, she will get some prices to bring back to the Board for approval to purchase.

There was a discussion concerning the Barnes Bay Cemetery. It was taken over by the Town when Dick Christie was in office. The Village could not afford, nor did they have the man power to maintain the cemetery. This cemetery has the original founding fathers of our Town buried in it. There will be further discussion for maintenance and repairs to this cemetery at budget time.

Police Report – August 2010 – Submitted by Police Chief Leo Wilson.

Youth Committee Report - Charlie Mount requested the use of the Morris Track Field for a baseball skills training program every Wednesday in September. There will be local coaches and kids from here and the Dexter area. The coaches from each locality will be working together to teach the student athletes teaching skills and help show the coaches how to teach skills. The program will run from 6 p.m. through 7:30 p.m., weather permitting. Charlie will participate most of the evenings.

RESOLUTION 2010 – 109: Motion by Councilman Bourquin and seconded by Councilman Johnson approving Charlie Mount’s request to use the Morris Tract Field to hold baseball skills training on every Wednesday in September, from 6:00 – 7:30 p.m., weather permitting. The program will be for coaches and children from the Chaumont and Dexter area. The coaches from Dexter will be working with the coaches and the children from Lyme teaching the children skills and teaching the coaches how to teach the skills. Four ayes. Motion carried.

Old Business

Insurance Opt Out Program

RESOLUTION 2010 – 110: Motion by Councilman Johnson and seconded by Councilwoman Harris TABLING the Insurance Opt Out Program until the October 21st Special Meeting to provide the Town Board adequate time to review some questions they had regarding concerns and procedure. Four ayes. Motion carried.

Lyme Central School Shared Services Agreement – Supervisor Aubertine will contact Superintendent Karen Donahue setting a date for a joint meeting to discuss the shared Services Agreement and any other topics of interest.

New Business

The Town Board would like to look into the possibility of contracting out the hanging and removal of the banners and wreaths during the respective times of year. These projects are extra work for the Highway Department and if they could be contracted out for what Pat charges or less, it would free up the Highway Department for other jobs. The Town also needs to concern

themselves with the cost of the equipment needed to do the job, if the Highway Department had their own lift that would cut down on the cost of these projects. Highway Superintendent Weston will look into cost of a new lift; it could be used for several things at the Highway Department. He will also work up an estimate for what it costs for the wreath and banner work.

Wind Committees

The Town Board agreed to develop two committees to look into the economic impacts, health and safety associated with wind towers. Each committee will be comprised of an equal number of people with an equal number of them being for or against wind power in the Town of Lyme.

RESOLUTION 2010 – 111: Motion by Councilwoman Harris and seconded by Councilman Johnson approving the establishment of two wind fact finding committees; an Economic Committee and a Health and Safety Committee. Four ayes. Motion carried.

RESOLUTION 2010 – 112: Motion by Councilman Johnson and seconded by Councilwoman Harris authorizing the placement of a public notice in the Watertown Daily Times seeking residents who would be interested in serving on one of the Wind Committees. Four ayes. Motion carried.

Revised Wind Law Work Session

The Town Board discussed how they should proceed with future work sessions, in hopes to move along the process of putting a new wind law into place. Prior to scheduling any work sessions the Town Board feels that it is important to look into the sound section of the law.

RESOLUTION 2010 – 113: Motion by Supervisor Aubertine and seconded by Councilwoman Harris authorizing Councilman Bourquin to seek out some sound engineers and inquire about the interpretation of our section addressing the sound. Three ayes. Councilman Johnson – nay. Motion carried.

Personal / Small Wind Energy Conversion Systems

The Town Board has decided to ask the wind committee to look at this issue and with the information collected decide whether the Board would like to keep them as part of the Law or separate them out.

Wilson Property

RESOLUTION 2010 – 114: Motion by Councilwoman Harris and seconded by Councilman Johnson to have the Board contact Mr. Poulsen requesting the information the County has regarding the Wilson property on the corner of the Morris Tract Road and NYS Route 12E. Three ayes. Councilman Bourquin – nay. Motion carried.

RESOLUTION 2010 – 115: Motion by Councilman Johnson and seconded by Councilwoman Harris approving the renewal of the CD at Citizen's Bank of Cape Vincent that will come due on September 12, 2010. Four ayes. Motion carried.

RESOLUTION 2010 – 116: Motion by Supervisor Aubertine and seconded by Councilman Johnson approving Douglas Rose as a Part Time Transfer Site Employee. Four ayes. Motion carried.

Correspondence

Three Mile Bay Speed Limit Evaluation – Councilwoman Harris and several residents of Three Mile Point are frustrated with the results of the evaluation. They don't feel that the changes were substantial enough to slow the traffic down to what they feel is a safe speed.

The Town Board will see to it that Police Chief Wilson issue tickets in accordance with the speed limits in an effort to try to slow the traffic.

Department of Labor Safety Report – Ken Bird from the NYS Department of Labor went through the Highway and Municipal Buildings and found several areas where we were not in compliance. The Town has been given until the middle of November to make the corrections noted in the report. Superintendent Weston is working to make the corrections. It

was also deemed mandatory for the Town to have a Work Place Violence Policy in place.

RESOLUTION 2010 – 117: Motion by Councilwoman Harris and seconded by Councilman Johnson approving the Work Place Violence Policy submitted by Supervisor Aubertine and reviewed by Attorney Gebo. The purpose for the Policy is to promote a safe workplace by reducing the risk of violence in the workplace environment as mandated by The New York State Department of Labor. Four ayes. Motion carried.

Don Metzger’s Letter to the Town of Cape Vincent – Suggested to the Town of Cape Vincent Supervisor Hirshey, that they immediately put a moratorium in place on all commercial/industrial wind powered electrical generation complexes and associated infrastructure and activities until a final investigation report has been made regarding the allegations of misconduct by certain officials of the Town of Cape Vincent in connection with the development of wind farms.

Cat Situation – Old Town Springs Road – The Town Health Officer, Sam Verbeck, RPA investigated a cat problem on the Old Town Springs Road. Sam deemed the situation a health hazard and action needs to be taken immediately. Sam stated that the situation is a health risk not only to the people living in the area but it is also a threat to domesticated pets and wildlife in the area.

Steve Rutigliano – Regarding Save the River Moratorium – Wrote that with the ongoing investigation from the Attorney General’s Office regarding the Board members in Cape Vincent Lead Agency and a written request from Save the River to the Town of Lyme’s Supervisor, he feels that the Town of Lyme should consider an extension of our wind moratorium.

The request for a moratorium from Save the River is to study the bat and bird kills from wind turbines on Wolfe Island. This could impact Jefferson County’s bat and bird population.

RESOLUTION 2010 – 118: Motion by Councilwoman Harris and seconded by Councilman Bourquin accepting the revised Procurement Policy as recommended by Attorney Gebo. Four ayes. Motion carried.

RESOLUTION 2010 – 119: Motion by Councilwoman Harris and seconded by Councilman Johnson approving the date of September 21, 2010 at 6:00 p.m. for The Joint Meeting with the Village of Chaumont. The Village Clerk will place the notice in the Watertown Daily Times. Four ayes. Motion carried.

RESOLUTION 2010 – 120: On the recommendation of The Municipal Water Board of the Town of Lyme the Town Board will accept the proposal from Bernier and Carr for the Water System Engineer Agreement. This agreement is for use of the Water Districts exclusively. Three ayes. Councilwoman Harris abstained. Motion carried.

RESOLUTION 2010 – 121: Motion by Councilman Bourquin and seconded by Councilwoman Harris approving the advertisement stating general duties and minimum qualifications in the Watertown Daily Times for the Code Enforcement / Zoning Enforcement Officer position. Four ayes. Motion carried.

RESOLUTION 2010 – 122: Motion by Councilman Johnson and seconded by Councilwoman Harris setting the date of October 13, 2010 at 6:15 p.m. for the next Public Hearing regarding the extension of the Wind Moratorium. The Public Hearing will be held at the Municipal Offices 12175 NYS Route 12E Chaumont, New York. Four ayes. Motion carried.

Privilege of the Floor

Dick Nagel – Strongly recommended that the Town Board split out the personal wind turbines from the industrial wind turbines.

Julie Gosier – Would like to back up what Dick Nagel stated. Julie feels that there is very little likeness between industrial and small home owners wind mills.

Julie suggested that the people of Three Mile Point write to their County Legislators to help with the speed limit reduction.

Executive Session

Motion by Supervisor Aubertine and seconded by Councilman Bourquin at 9:07 p.m. to move into Executive Session to discuss a personnel issue.

Four ayes. Motion carried.

Motion by Councilwoman Harris and seconded by Councilman Johnson moving the meeting back into open session at 9:45 p.m. Four ayes. Motion carried.

Motion made by Councilwoman Harris and seconded by Councilman Johnson to adjourn tonight's meeting at 9:45 p.m.

Tonight's Minutes Respectfully Submitted by ,

**Kim Wallace
Town of Lyme Clerk**