

Town of Lyme
September 10, 2008
Regular Town Board Meeting
6:30 P.M.

The Regularly Scheduled Monthly Town Board Meeting was called to order by Supervisor Aubertine at 6:25 P.M. and was opened with a Prayer and the Pledge of Allegiance.

Upon a Motion made by Councilman Schreib and seconded by Councilman Johnson: Due to the extraordinary number of people and confined quarters the meeting was moved to the Chaumont Fire Hall. Five ayes. Motion carried.

Upon a Motion made by Councilman Schreib and seconded by Councilman Johnson the meeting reconvened and was called back to order at the Chaumont Fire Hall at 6:45 P.M. Five ayes. Motion carried.

Privilege of the Floor

Supervisor Aubertine opened the Privilege of the Floor early in the Meeting, due to the number of attendees.

Bob Thomas – County Legislator – He brought up the prior meeting question on the Super Fund for Parking. The Super Fund is for where there is contamination. In the Town of Lyme there doesn't seem to be a problem so there will not be a grant. We will have to look at other ways for help with the parking for the ice fishing problem.

Natural Gas – The Town's of Lyme and Brownville are looking for people to serve on a committee so they can forge ahead to see if the project will be a feasible one to proceed with. With the number of current residents and the continuing growth of new homes throughout the Route 12E corridor from Brownville through Cape Vincent it should prove to be feasible. With our State Senator living in Cape Vincent we should try to get him or one of his State Representatives involved.

Jefferson County has told the Court House that they will have to make due with what they have. There will have to be some adjustments made up there due to confidentiality. If you don't have confidentiality you could lose the case. The jail needs an addition and the cost of the project is in question. There are several people on a committee working on that.

JCC wants \$62,000,000.00 for education. They will have to sharpen their pencils there. Will have to find out what kind of effect it will have on the taxpayers. Education is very important.

Sand and salt have been spoken of at meetings for the past ten days. Mr. Thomas cannot believe that American Salt Company is selling to the County for \$129.00 per ton and to New York State for \$81.00 less per ton. They are doing everything possible to straighten this problem out. There are five companies and only one bid. All the suppliers say the same thing "to little salt and too high a cost to mine it". Something has to be done; this situation

is st... angling the public. It has to be dealt with as soon as possible. There
are... at least four County departments working on this every day trying to
reso... ve the matter. Mr. Thomas said we are stuck at \$129.00 per ton right
now... . It has to be put on the Highway to make sure the public is safe.

Sup... rvisor Aubertine stated to Mr. Thomas that one of the items on the
Age... nda for tonight was the purchase of a speed trailer; we have received
four... or five quotes. Scott would like to thank Mr. Thomas for his efforts in
this... situation. Scott would like to recommend to the Board that we would go
with... Bob's, it ended up being the cheapest and looks like the best one.
Sup... rvisor Aubertine thanked Mr. Thomas for doing that for the Town.

Brian Perry - General Manager of the Water / Waste Water Division at
the... Development Authority of the North Country – Kara Dunn and Brian
are... at the meeting tonight to explain to the Board and the public a draft
reso... tion they are looking at the Town of Lyme to sign and go into an
agre... ement with the Village of Cape Vincent. He is going into a little more
back... ground than planned because there are so many people attending
toni... ght's meeting and they probably don't know what is going on with this
proj... ect. For the past couple of years the Development Authority has been
wor... ing with the Village of Cape Vincent Water Treatment Plant who
supp... lies all the water to the regional water line in doing a capital expansion
of... their plant because the two outside users, mainly the Town of Cape
Vin... ent and the Development Authority, are essentially out of water for any
futu... e development along the regional water line, and also the Town of Cape
Vin... ent. They have been working with the Village of Cape Vincent for
abov... t ten years to expand that plant. That expansion means the construction
of a... fourth filter to be added to the three filters they have at the plant already.
The... are here tonight to ask about the potential opportunity that Kara has
been... working on with the Town of Cape Vincent for a Shared Municipal
Serv... ices Grant, where we can possibly get \$1,000,000.00 (one million
dolla... rs) toward this project. Before, without this grant, the users on the line;
esse... ntially 50% to the Town of Cape Vincent and 50% to the Development
Aut... ority, the Town of Lyme being one of those, would have to pay the cost
of a... that capital expansion. It is some where between 2.6 to 3 million
dolla... r project for that capital expansion.

Brian... introduced Kara Dunn, who has been working with the Town of Cape
Vin... ent. She explained what the Resolution and the agreement with the
Vill... ge of Cape Vincent are for and how it will affect the future of this
proj... ct.

Kara... Dunn – (grant writer) – Custom Writing, Editing, Design &
Pro... motion - As Brian had explained, basically the Shared Municipal
Serv... ices Grants are now called Local Government Efficiency Grants. The
gisti... of it is that it is a Department of State program and they like to see
multi... ple municipalities come together on projects so costs can be reduced.
Will... this Water Treatment Plant, basically they need to upgrade and expand
their... ability to filter the water that serves the Town of Cape Vincent and the
multi... ple municipalities on the DANC Line. They can apply for up to
\$1,0... 00,000.00 (one million dollars) to reduce the cost of the project and
that... s what they would like to do if they can have their municipal partners

join with DANC. The guidelines are not yet out. They expect this program to be similar to the Shared Municipal Services Program, which requires a 10% match. The Town of Cape Vincent is going to put up a match and they are asking the Development Authority of the North Country to do that for its municipalities. They will head up inter-municipal agreements with each one of the municipalities along the DANC line.

The Village of Cape Vincent doesn't need to do this project because their system currently serves their Village water needs but they have agreed to be the lead applicant on behalf of the other communities. They will be clerk of the works and grant administrator.

The Town Board received a draft of the proposed resolution. There is no action required by the Town Board this evening but they will however, need action by October so that Kara and the Town have a chance to get the application submitted by the deadline in December.

Mike Callahan – Who is going to pay for the expansion beyond the one million dollars that we are all paying for through State taxes? Who will pay for the other 1.6 million dollars?

Brian Perry responded by saying that 50% would be paid for by the Development Authority and their customers and 50% by the Town of Cape Vincent. The last increase in water rates was in anticipation of this project. There will probably be another little increase next year that will pay capital payments for years to come. The capital expansion will go ahead whether we get this grant or not because the current facility cannot handle the existing demand, let alone any new development. The Development Authority is to the point now where if a municipality came to them, (and it has happened in the recent past) and said if they had a fifty home development that needed to have water supplied to it they would not be able to service those homes. The Development Authority, can't in good faith, say they can supply the water because they have been over their permit limits right now with the Village of Cape Vincent, on certain days of the year. This is an issue and they are limited on future expansion anywhere along the line from Cape Vincent to Glen Park. DANC has been working on the expansion for a couple of years.

Kara Dunn – This grant application will lower the amount customers will pay by one million dollars. If the Town of Lyme should be interested in applying for the initial Local Government Efficiency Grant for a project of some kind, the state encourages multiple applications of various needs. The grants are reviewed on an independent basis. There are five different categories within the Local Government Efficiency Grants, so all the water projects go into one pile and there is a certain amount of money in that division. If money were not awarded in that division then it would roll over into one of the other divisions. These grants use a scoring system and so each grant will be brought to a funding based on its point system. So if you were to apply for four projects one would not hurt the other.

Don Metzger – Asked Mr. Perry if he could explain, not on this grant but on the water line in general. Acciona wind people in Cape Vincent and the British BP people have all submitted draft environmental impact statements.

They have both said that they plan to propose a plan for their high tension, high voltage, long distance transmission lines using the old abandoned railroad bed. Those were the words they used in the draft for the Environmental Impact Statement, "the old abandoned railroad bed". We all know there are no abandoned railroad beds in the Town any more; we have critical infrastructure we are talking about and that is the service of water. What communication, if any, have these two foreign companies had with DANC in reference to using your easement, or as they call it, the old abandoned railroad bed, for placing the high tension, high voltage, long distance transmission lines on the water line?

Brian's response was that he personally has had one conversation with the project manager of Saint Lawrence Wind Farm, his name is Pete Zedick. Brian's conversation with him months ago, back in January or February, was that they cannot use DANC's easements for the regional water line. DANC's easements range from 40' to 66' along that line, they are specific to a water line only. DANC cannot assign those easements to anyone, nor can they have the property owner assign that easement within that Right of Way. The easements are specific that no permanent construction can be assigned within that easement. So they have some legal work to do if they plan on utilizing that line. The BP Company had an open house a month or so ago in Cape Vincent and Brian and his executive director attended. They reviewed their Option Number One, which is coming right down the line all the way to Chaumont. They basically told the project manager of BP, Jim Madden that was pretty presumptive of their company. They have not contacted DANC at all. DANC does have a meeting set up with hopefully both wind farm companies, on September 22, 2008 at Brian's office. At that time they will see what their legal people have come up with. As he stated earlier, DANC cannot assign their easements, it's out of their hands. Their project manager has told Brian that they have easements all the way to Chaumont. Whether it is on the DANC line or where their transmission mains go Brian does not know. They have not had any conversations with DANC other than a quick one with Saint Lawrence Wind Farm. Brian told him that technically DANC does not have a problem with their poles going down their easements, but legally, they have no right to do that. Obviously DANC doesn't want the poles right on the line, they must be able to maintain the line. That's where it stands right now and that is the only conversation he has held with either company.

The meeting on September 22nd is a closed meeting between DANC's managers and the Wind Farm Company's managers.

Ted Smith – Will the State of New York DEC have an opportunity to attend that meeting? That line goes right through the Ashland Wildlife Management Area. Brian said that is beyond DANC's jurisdiction.

Councilman Johnson – The Town of Lyme is committed to a part of that 50% that is not financed by the grant. What is that figure? Kara and Brian responded by saying that they will not know the answer to that until Bernier and Carr actually completes the design. DANC has been told it will be some where around three million dollars, total project cost. It gets divided out over the entire line by EDU's (equivalent dwelling unit) along the line. So the number of EDU's that the Town of Lyme has versus the rest of the 1700

stands now. Are they still Lead Agency of what happens in Cape Vincent in view of Judge Gilberts ruling and could the Board give a brief thumbnail sketch of where Cape Vincent and the Town of Lyme stand. Who is in charge and who is Lead Agency? Neither supervisor Aubertine nor any of the other members of the Town Board have heard anything otherwise on that. They can ask Attorney Gebo if he has any information.

Peg Fikes – Is in favor of first of all an appeal for the decision that was just made. As far as the depths of the set backs are concerned, something she has been doing some research on is Vibrational Acoustic Disease, is that term familiar to anyone? It is the thickening of arteries and veins caused by low frequency noise. If your arteries and veins are thickened anyone with any kind of heart disease or heart disorder or any kind of a heart condition is going to be endangered in the comfort of their own home. People who are on dialysis; this can cause a lot of difficulty. Even if you don't have a heart condition now. How many of us have heart problems or strokes in our family history? We don't know when we might be afflicted. She is worried about friends of hers that have heart conditions or people who might be on dialysis. Supervisor Aubertine said he understood her concerns.

Mike Callahan – Has a subdivision plan that someone from the Town of Lyme needs to sign stating that there are no subdivision rules so it can be turned into the County.

Elaine Wilkie – The problem of vibration, noise and acoustics does not regard or honor Town lines or property lines. Whether you want it or not, if they come, we are going to be subjected to the aftermath that these things create in addition to the potential of the damage to the water wells, birds and animals. It has been documented that pacemakers can be caused to malfunction.

Julia Gosier – Three Mile Bay – Provided a Lyme Wind Ordinance Map – Attachment B – The yellow on the map is pretty easy to understand. The yellow shows with the proposed law, which is not now currently in effect, the one that was voted on. This shows in the yellow, what land that law left for wind development; actually it is less than that because that map does not show any of the setbacks from residences. If the Town Board suggests a moratorium on wind development, then she wants a moratorium on all waterfront construction of any kind until the State does a study to determine how this over development is adversely affecting our water fowl and Lakeside plant life. She also wants a test done on every septic system along every shoreline. She also wants the water along every dock checked for pollution and she wants tickets issued for loud motorcycles, personal watercraft and motorboats, which disturb her peaceful inland domain. She is appalled that while the rest of New York State is trying to fix the problems, which destroy our earth and atmosphere, a group of people in Lyme thumbs their noses at science and common sense and insists on being a part of the problem instead of a part of the solution.

Kristin Kirch – Point Salubrious – She is for the Town appealing the decision by Judge Gilbert. She would be in support of a one-year moratorium on wind towers.

Bert Bowers – He would suggest that we appeal the decision and also enact a moratorium because we are now not protected against these wind developers. We dare not have wind developers come in without having a sensible zoning law in place. We need to locate wind towers responsibly.

Charlie Mount – He would ask that the Town not waste money on an appeal that is going to cost \$5,000.00 to \$10,000.00 minimum to do something of this nature. The Town and Planning Boards have put a lot of time and effort on this project. He believes if we went forward with a committee appointed by the Town Board that this could be done without spending \$10,000.00 and maybe come forward with something between where the law was and where the people that own the property would like to be. We own the property and pay taxes, it is our property. If you would like to determine what will happen to our property you should buy it. I don't get to determine what happens with waterfront property. He has to listen to jet skis at his house every single Saturday and Sunday morning. He guarantees the wind towers will not be as loud as that. It's my property. Please don't waste our money.

Ray Anderson – Three Mile Bay North Road – He believes that since someone outside the Town against the Town funded the original court case, the Town should do the appeal because we have a lot of people in this Town that do not want towers. The people who do want the towers have outside help from a major corporation that is an international, multinational firm, it is just wrong. He does not own a jet ski or a motorboat, he does have a dock and he does not pollute.

Janice Comins – She begs to differ. They have each put in their own money; BP did not put in one cent. Why do we need a moratorium? Was anything studied or done on any of the other moratoriums, no! She doesn't think we need another; we don't have anybody trying to put windmills here. We don't have a law; we can't until we have a law. She really objects to someone saying that, it was his or her hard earned money!

Bill Brown – Against a moratorium. Taxes are up soon. You people that want to control my land can come up and help pay the taxes. Mr. Brown stated that the Town Board was “a bunch of socialists”.

Nancy White – See Attachment C

Dawn Munk – Three Mile Bay – Would like to state that they paid every nickel of this lawsuit. They feel very strongly and are very committed. Kim Wallace can attest that her and her husband have spent a small fortune themselves, aside from the lawsuit, in terms of getting freedom of information. Much of what has been done is a sham and a shame. She is ashamed of this community. We have a responsibility to the future generations, our children and grandchildren and great grandchildren. We are stewards of the earth. She doesn't have a contract with any wind development company. Most of us don't have a contract with any wind development company. She believes we have a crisis – energy crisis, fuel crisis, economic crisis she doesn't know what part of crisis we don't understand. Wind development is coming in the future. The State is invested in it and the taxpayers can benefit.

Dianne Scanlon— We have spent so much time talking about setbacks and decibels and all these variables. She feels we should be asking the questions are wind turbines effective? She would like to see a one year moratorium where we actually put our attention and focus on this question. Educate us on this particular issue. She would also ask that we would appeal Judge Gilbert's decision.

Gary King – Cape Vincent – been there twenty-five years. There are people here other than him that doesn't live in Lyme. He has heard all of this bologna in many other places. In fact in his seventy years he has heard a lot of bologna, like don't eat margarine or don't drink cranberry juice. Scare tactics might work. The lawsuit that was brought forward, he didn't think would do a great deal because he figured a Town Board of this caliber was going to do a moratorium. He thinks a moratorium might be a good idea, and then we can take it to the voters of the Town and replace or maintain people who are for or against. So one year will probably do it. It's not going to stop. Wind is here, it has just gone through Buffalo, and right on the shoreline there are nine turbines in the city limits. The voters in the Town can choose and pick a more impartial board.

Richard Freshour – Three Mile Bay – He would like to see some hard and reliable figures on what the rate of return the wind power companies would expect to get on their investment. It seems to him that basically once these things go forward it's either a low risk or a no risk investment for them. Typically, return is related to risk. He would like to know what they expect to get for the money that they are putting in so whoever happens to be getting some of that isn't going to be taken to the cleaners. Make sure it is fair and appropriate. Whether it's payment in lieu of taxes or whatever is being paid. People can make an honest assessment of whether they are getting a fair amount of money in relation to what the wind companies stand to get on their end.

Cindy Grant – In Marsville Maine they have wind. They have lost all of their school state aid. All these turbines are worth a lot of money and you lose your state aid. Check it out, it's real. You think your taxes are bad now wait until you loose all your school state aid and it has to come out of your pocket. One of the things she hears the most is that in 1989, when the Exxon Val Diaz hit ground, those people up there are still waiting to get paid off. Exxon is too big a company, you cannot go after them. It's the same thing here; BP is too big a company. If something does go horribly wrong you will be left holding the bag. Think about the school state aid that is so important.

Elaine Wilkie – She is a property owner and taxpayer. She has contacted the State Attorney General's Office and would like to know what her level of ownership is. How far up does she own and how far down does she own. Not only from left to right and east to west and north and south. Is she being violated by something she doesn't want in the area? Yes you all are property owners and yes you all should have the right to deal with your property. Each of us in our own way. But when someone else is impeding on my rights and my land usage then I have a problem.

Supervisor Aubertine – thanked everybody for being respectable to each other. This is a tough issue, whether you are for or against. The hardest thing has been for him, and it has broken his heart, is to see how it has divided the community. He asks everybody to remember that we are still one community and that somehow we have to learn to get along. Whether it ends up the way you want it to or not. Once it ends up, let's end it up.

There was a five-minute recess from 7:43 to 7:50 p.m.

Superintendent's Report

Superintendent Parker requested the Board hold a Budget Work Session to review the Highway Budget. The salt and fuel price situation will require some creative thinking. Salt prices are up 300%. Tom and the Highway Department have strived for clean and clear roads in the past but with the situation this year, it will be impossible. He stressed to the Board and meeting attendees how important it will be to pay attention and drive carefully. The bare roads the Town of Lyme is used to driving on during the winter months are a thing of the past. The majority of the material applied to the roads this year will be sand. Sand is an insulator, salt does the work. Superintendent Parker cannot stress enough about the future of the Towns Roads, please drive carefully.

Joel Block – Asked if there were any way that we could receive State Aid to help with the cost of road salt. This is a critical situation and could be life threatening. Could we purchase salt from the State itself due to the amount they will be paying for salt versus what the Town is paying?

Superintendent Parker explained that there is a possibility that the State "might" reimburse the Town but the State Budget runs from June to June and the Town would not see any until the latter part of next year. Jefferson County is paying the highest price for salt in the State of New York.

Marsha Barton – The Town does have a surplus of money and Tommy and the Highway Department do a great job and you feel pretty safe on the roads. Yes, we are going to go over budget but it is the taxpayer's money; he should be able to buy the salt he needs to keep the people safe.

Superintendent Parker mentioned to the Board back in March or April that he may need a sander for this upcoming year. The time has come, and he does need one. He had three quotes for the Board to review. The lowest bid was \$7085, with the two greater being \$8060.00 and \$8447.00.

RESOLUTION 2008 - 129 : Motion by Councilman Madill and seconded by Councilman Countryman approving the purchase of the sander from Tracey Equipment for \$7085.00. Five ayes. Motion carried.

Supervisor Aubertine received a letter from a resident residing on the Pine Wood Road, requesting that the Town maintain the road during the winter months. Superintendent Parker indicated that it is a seasonal road and he is willing to plow. The Town Law States that the Highway must plow the road

but it can be maintained, "As is". We don't have to improve it or do any upgrades but during the winter months the Town is required to sand it and put sand on it. Superintendent Parker said that if that road has to be plowed there is some work required to prepare it for service. Potholes and shoulders will have to be addressed; a turn around will have to be made. The Town has not maintained the road, it is mowed every once in awhile. It is on the Town inventory.

September 18th there will be a Budget Work Session at 6:30 p.m. This work session will mainly address Highway budgetary issues.

Superintendent Parker reported that the back parking lot is done and came in under budget. There has been some of the Federal CHIPS money used for construction on the Boat Launch Road.

Audit of Bills

RESOLUTION 2008 - 130 : Motion by Councilman Madill and seconded by Councilman Countryman accepting Abstract #17 in the amount of \$10,685.04. Five ayes. Motion carried.

RESOLUTION 2008 - 131 : Motion by Councilman Johnson and seconded by Councilman Countryman accepting Abstract #18 in the amount of \$112,678.53. Five ayes. Motion carried.

Minutes

RESOLUTION 2008 - 132 : Motion by Councilman Madill and seconded by Councilman Countryman accepting the August 2008 Regular Meeting Minutes as written. Five ayes. Motion carried.

Committee Reports

Assessors Report – They are continuing work on the field review of properties.

The Assessor's Office has been receiving many calls in regard to the school tax bills. Property owners are not happy that their tax bills have increased. They call the assessors first because they assume they have increased the assessments. Most of them have questions regarding the full market value. This is not anything that the assessor's put on the bill. The State is responsible for that statement. It confuses a lot of people. Once it is explained that they are only paying taxes on the assessment, not the full market value, generally they are relieved.

Change of Property Class – The current property classification for vacant waterfront property is 313. The state decided to discontinue that property class. One of our projects before next years tax roll is complete is to change all the 313 property class codes to 311W.

Veteran Exemption Update Paperwork – The assessors have received a good response to the request for information to update their files.

Municipal Water Board Report – Old Town Springs Road – Water District #5 – The Town has received the check from Rural Development for \$857,000.00 for Water District #5 - \$500,000.00 will be a grant and \$357,000.00 will be a loan. The interest rate has been reduced and the yearly cost per household will be approximately \$750.00, which is about \$100.00 a year less than originally stated. Bernier and Carr personnel are in the process of surveying. They are completing the preliminary work to complete the design of the system. When the design is complete, we will hold a meeting for the property owners of the District. The maps will be presented showing where the lines will be placed. The property owner will be able to offer input at that time, if they object to the placement. The necessary easements will also be available at that meeting.

Point Salubrious Study – Marsha called Rob Campany on September 4th to inquire on the status of the study. Chris Dimmick will be taking over for Rob to complete the study. We should not expect any information regarding the study for another six or eight weeks.

Water Facility – Total revenue collected as of August 27, 2008 was \$6,122.75.

Three Mile Bay Cemetery Report – Terra continues to do a very good job with the cemetery. It has been a difficult year to keep up.

Julia met with Carl Savage, who has worked up an estimate on the vault work. This will be part of her budget request.

There was a burial August 21. Everything went very smoothly and the cemetery took in \$350.00 for the interment.

Planning Board Report – Boo Harris – There will be a Joint Village and Town Planning Board Meeting on September 18, 2008 at 7:00 p.m.

Zoning Enforcement Officer Report – Jim Millington – August 10 thru September 6, 2008:

	<u>Issued</u>	<u>Denied</u>	<u>Resolved</u>	<u>Pending</u>
<i>Zoning Permit Applications</i>	13	1		9
<i>Variance Applications</i>	3			7
<i>Complaints</i>	2			2
<i>Site Visits</i>	27			
<i>Stop Work Order</i>	1			
<i>Investigations</i>	11			
<i>Letters / Correspondence</i>	6		4	11
<i>Permits Issued For:</i>				
<i>Deck</i>	1			
<i>Home / Cottage</i>	1			
<i>Replace Mobile Home</i>	2			
<i>Storage Buildings and Sheds</i>	5			
<i>Modular Home Pad</i>	1			
<i>Addition to Cottage</i>	3			

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tabled. Warren feels that Section 750 should be reviewed and revised. – See **Attachment D**

Police Report – Supervisor Aubertine remarked that the Police Reports are nice. There have been concerns that the police were not out enough. He is out more than people realize.

Youth Committee Report

Charlie Mount – The Teen Center was not open from the middle of April on. If he can get a hold of the Fire Department in Three Mile Bay to use that facility there, they would like to open in October in Three Mile Bay for two days and in Chaumont for two days. He would like to be able to offer something in Three Mile Bay. They have the facility with foosball tables, skate boarding, ping-pong tables and air hockey. There are 77 kids that live within walking distance of that facility in Three Mile Bay. Charlie would like to see where he stands in the Budget to see whether or not this is a possibility. The Teen Center closed last Spring because there were approximately two children attending a day.

There had been a mold situation at the Masonic Lodge so most of the furniture had to be thrown out. The Youth Center is currently looking for donations of sofas and chairs.

Nancy White asked how many kids were being served now and whether or not they were allowed to ride the bus. Would the children be transported to Three Mile Bay on the days that the center was closed in Chaumont? Charlie stated that it would be up to the school.

Councilman Countryman asked Charlie if the new administration at the school was aware of the Adult Program open to alumni on the weekends. Charlie will notify the new Superintendent at the school.

Members of the Youth Committee are Jim Madill, Val Rust, Mike Nichols, Kelly Sanford, Jeff and Shelly David, and Charlie. During the winter months Scott Willett is also involved in the program.

Correspondence

Councilman Johnson handed in eight letters that he asked to be spread across the minutes of tonight's meeting. The letters are from

Tom and Joy Borowicz – See Attachment E

Deanne Scanlon – See Attachment F

Glen and Dawn Bartholic – See Attachment G

Ed and Patti Hughes, - See Attachment H

Sam Fiorentino – See Attachment I

Judy McGaughey and Joel Block – See Attachment J

Rick and Lynn Pascal - K

James and Lee Petras - L

There has also been a letter submitted to the Town requesting them to look at the speed limit on Three Mile Point and see if they could slow it down.

Councilman Johnson stated that the subject came before the Board last year. There was a lot of dialog with Bob Thomas and with Jimmy Lawrence. They had said to have the folks from Three Mile Point to get a petition. Once the petition was presented to the Board it could then be presented to the County. They would then look into changing the speed limit. The ball was dropped and the petition was not done.

Notice from KIMCO – they will not accept any closed cylinders, unclean closed drums, acetylene oxygen, propane cylinders and all other sealed containers. It is necessary for them to impose this restriction immediately for the safety of all their employees and others.

Public Teleconference on the Lake Ontario and Saint Lawrence River Water Levels – September 17, 2008 from 6:45 thru 8:30 p.m.

Fort Drum Regional Health Planning Organization – EMS System Presentation – and round table discussions – October 30th 7:00 thru 9:00 p.m. at the Samaritan Medical Center.

2008 Fall Training School for Board Members or Clerks – September 15th thru the 19th at Crown Plaza in Lake Placid.

Managing Local Government Conference – Tuesday October 14, at Potsdam University. For Assessors, Board Members, Budget and Finance, Code Enforcement, Community Development, Municipal Clerks, Planning and Zoning, Public Works.

Town of Orleans – TIERS – Thousand Islands Emergency Rescue Service – updated data on ambulance calls. For every call that TIERS does it costs \$210.00. That is the cost of the ambulance, etc. that is not being reimbursed by the patient. All costs are increasing daily, the Town of Orleans and Clayton taxpayers pay the \$210.00 call fee. Possibly a monetary amount could be placed in the budget for TIERS to help defray the cost of these transports. In 2007, in the Town of Lyme, it did three calls and canceled eight. In 2008, they did two calls and canceled none.

The Three Mile Bay Ambulance Squad is doing a great job and taking care of us just fine.

Julia Gosier – TIER Letter – Three Mile Bay Ambulance Squad greatly appreciates the recognition of us but don't forget that Chaumont also has a first responder and EMS that also helps us out a great deal.

New Business

Resolution to extend the Snow and Ice Agreement – need to make a Resolution from Resolution 2008 – 44. Just to extend the contract. We need a Resolution for the 2008 – 2009 Snow Extension. The Town Board will look at these contracts and a look at the costs of snow removal at the Budget Work Session on the 18th.

RESOLUTION 2008 - 134: Motion by Councilman Schreib and seconded by Councilman Countryman to let CREG Systems do a free evaluation of the phone system at the Town offices. Five ayes. Motion carried.

Old Business

Prevailing Wage Rates for Contractors – provided by Jim Madill.

Saint Lawrence Wind Farm Easement– Pete Zedick – Councilman Schreib went through the proposed options and easement agreement and he has a few questions for Mr. Zedick. At the previous meeting Mr. Zedick had made a statement that St Lawrence Wind Farm had the okay from DANC to go along their Right of Way. Is that correct?

Mr. Zedick did not recall the statement but they have spoken with DANC, as Mr. Perry had stated tonight. St Lawrence Wind Farm does not have the right to go into their Right of Way and use their easements. They would have to use their own easements and get an agreement with them to use that on top of their easements.

In reviewing the information, they are looking for an exclusive right to the option and easement. It also gives St Lawrence the right to sublease it?

Mr. Zedick responded by stating that it would be a right to assign it, he wasn't sure about subleasing. If the Board has specific legal concerns they can summarize them to him and he can provide some feedback from the legal folks from his company. Rather than address every specific legal concern tonight.

Councilman Schreib felt it is something that needs to be addressed with St. Lawrence, whether do it here or if we want to assign a small group to it. One of the items in the paperwork states that the owner of the premises, which would be the Town, agrees to help St. Lawrence Wind through the planning, zoning and building permit process.

Mr. Zedick responded by saying that this is a standard term and it can be discussed, he could see where it would be a conflict of interest for the Town to sign something like that.

Councilman Schreib had a concern with the statement that said we couldn't divulge any part of the agreement, which would be public

RESOLUTION 2008 - 135: Motion by Councilman Schreib and seconded by Councilman Countryman to amend the previous Resolution for a speed wagon purchase, spending up to \$5000.00 to purchase the RU2 6000 Speed Wagon System for the Town and Village Shared Services. Five ayes. Motion carried.

RESOLUTION 2008 - 136: Motion by Councilman Schreib and seconded by Councilman Madill approving Richard Allen as a Transfer Site Employee, replacing Richard Frezzo. Five ayes. Motion carried.

Motion by Councilman Schreib and seconded by Councilman Johnson to move the meeting into Executive Session at 9:18 p.m. to discuss the pending court case. Five ayes. Motion carried.

Motion by Councilman Countryman and seconded by Councilman Schreib to move the meeting back into open session at 10:25 p.m.

RESOLUTION 2008 - 137: Motion by Councilman Schreib and seconded by Councilman Madill authorizing the town Attorney, Mark Gebo, to file an appeal for Judge Gilbert's ruling.

Roll call Vote as Follows:

<i>Councilman Johnson</i>	<i>Yea</i>
<i>Councilman Schreib</i>	<i>Yea</i>
<i>Councilman Countryman</i>	<i>Yea</i>
<i>Councilman Madill</i>	<i>Yea</i>
<i>Supervisor Aubertine</i>	<i>Yea</i>

Five ayes. Motion carried.

RESOLUTION 2008 - 138: Motion by Councilman Countryman and seconded by Councilman Schreib scheduling a Public Hearing to set a six month Moratorium for wind facilities, on September 30, 2008 at 6:00 p.m. A Budget Work Session will immediately follow the Public Hearing. Five ayes. Motion carried.

Motion to adjourn tonight's meeting at 10:30 p.m. by Councilman Schreib and seconded by Councilman Johnson. Five ayes. Motion carried.

Minutes Respectfully Submitted by,

*Kim Wallace
Town of Lyme Clerk*

Peter J. Rogers
26884 Three Mile Point Rd.
Chaumont, New York 13622

September 10, 2008

To: Lyme Town Board

I would like to propose that the Town Board consider the immediate adoption of a Town Law regarding ethical conduct which would require that all members of our Town Board, both elected and appointed officials of our Town Government complete a Ethical Review (Conflict of Interest) questionnaire which would require the above to complete, sign and swear a notarized affirmation as to the truthfulness and completeness of the questionnaire.

This questionnaire could be researched and constructed by the Town Attorney.

After watching what has transpired in one of the adjacent Towns which a fair minded person might perceive as some ethically challenged decisions having been made and continuing to be made at the present time regarding Wind Turbines, it would seem a prudent and good thing for open government and ensure ethical behavior for all involved with legal accountability of our officials, both elected and appointed.

This follows some of the problems going on in another County regarding conflicts of interests with some of the Town Board members that voted on Wind Turbine Laws in which they or members of their family, or extended family had signed contracts or commitments prior to their votes, whom are currently under investigation by the State Attorney General office.

Additionally, I would request that the Town Board appeal the recent decision of the Court as this Court has in the past had many decisions overruled on appeal.

Lastly, a one year moratorium should be given serious consideration so that this matter of the Wind Turbine Law can be fully explored and not a rush to completion by those who stand to profit at the expense of the rest of the Town's residents. This is not about appeasing BP or any other corporation. This should be decided of what's best for our Town not the Corporate bottom line or the greed of a few.

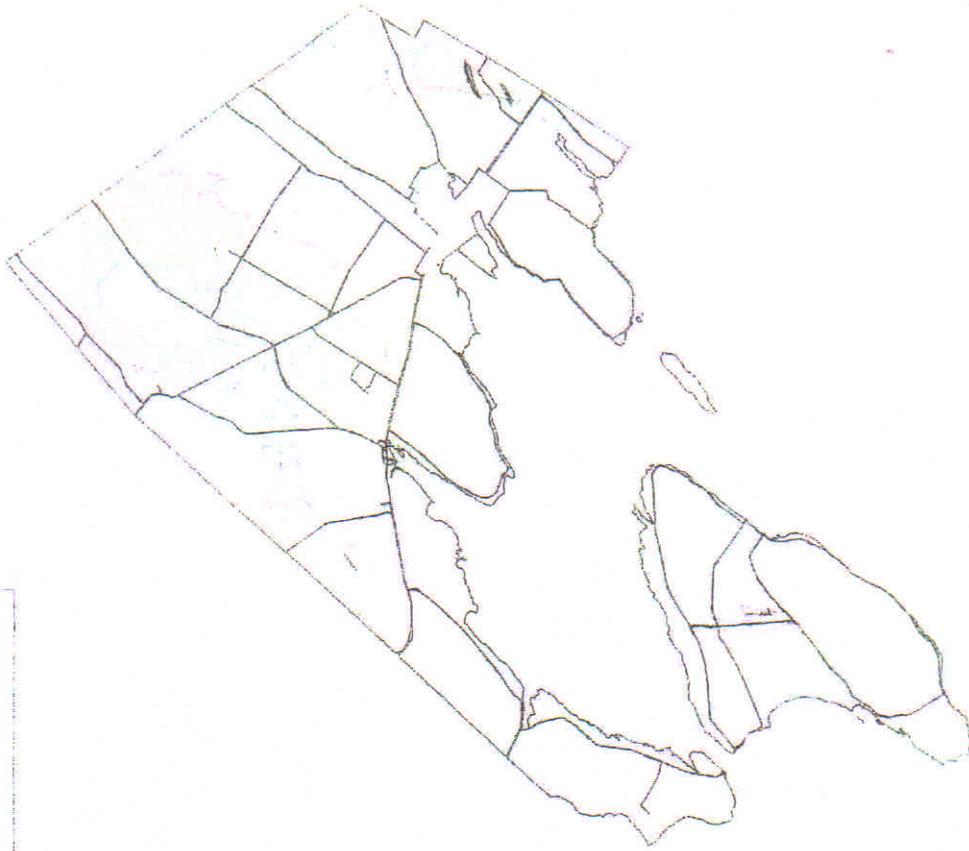
Thank You,



Peter J. Rogers

Attachment A

Lyme Wind Ordinance Setbacks



Legend

- Lyme_Law_Avoidance_Aff
- Lyme_Town_Aff



Attachment B

Nancy White
Washington Street
Chaumont, New York 13622

"I am not surprised but am disheartened that given our country's beginning's and our so called patriotism anyone one choose to hand over their precious land, for money to any large corporation. Perhaps history education is a dead art.

On Thurs. May 17, 2007 it was reported that the government is highly likely to fine British Petroleum for operating their faulty pipelines, which led to the area's (Alaska's Prudhoe Bay) worst oil spill. Cost cutting (while making profits) had been discovered within a mountain of evidence. British Petroleum also accepted responsibility for a fatal explosion in their Texas plant in March 2005 which had killed 15 and injured 171.

My concern, grief, anger and shame exist because we are buying into a culture that says if we don't produce more energy, some horrible calamity will happen. When will we use our money toward making an environmental impact using conservation, and act more environmentally responsible. When will we use our money to place instantaneous hot water tanks in every home, when will we turn off extraneous lights on billboards, or Christmas lights, or advertisements in NY city."

If you sell your soul to the company store, you won't get it back.

Attachment C

The Friends & Neighbors of George and Barbara Ball
c/o Ron Cornell
9728 County Route 125
Chaumont, New York 13622

September 5, 2008

Mr. Warren Johnson, Councilman
Town of Lyme
P.O. Box 66
Chaumont, New York 13622

Dear Mr. Johnson:

We are writing to inform you of a zoning issue that will be brought to your attention in the near future.

On August 4, 2008 George and Barbara Ball of 9444 County Route 125 received a letter from Zoning Enforcement Officer David Rush indicating that they were in violation of the Town of Lyme Zoning Ordinance, Section 750: Recreational Vehicles. Their travel trailer was parked on their property for over thirty days.

Barbara Ball has been a summer resident on Pt. Salubrious since 1942. She and her husband George purchased the property in question from her uncle, Jack Shepard, in 1972. Since that time the Balls have made use of the property every summer. Throughout that time they have made every effort to be good neighbors.

The Balls applied for a zoning variance to allow them to remain on the property. Enclosed is a list of local residents who supported the Balls in their request for a Zoning variance.

At last Wednesday's Zoning Board of Appeals meeting their application for a variance was addressed. Although a number of members expressed "sympathy" for the Ball's dilemma, there is nothing that can be done to help them under the present zoning ordinance. Their application was tabled. However several members of the board expressed the need to deal with problems of this type in the new zoning ordinance that is presently in the process of revision. As friends and neighbors of George and Barbara Ball we urge you to give serious consideration to the plan that will be presented by the members of the Zoning Board of Appeals in revising Section 750: Recreational Vehicles.

Thank you in advance for your help and consideration.

Respectfully,

The Friends and Neighbors of George and Barbara Ball

Attachment D

Thomas & Joy Borowicz
27869 Fire Rd 59
Chaumont NY 13622

September 8, 2008

Town of Lyme Board
Supervisor Scott Aubertine, Mike Countryman, Norm Schreib, Jim Madill,
Warren Johnson

We are taxpayers, residents and registered voters in the Town of Lyme.
We are again writing in regard to the wind farm issue.

We implore you, the Town Board, to place a one year moratorium on wind
energy development in the Town of Lyme, appeal the decision of Judge
Gilbert and adopt the Wind Energy Facilities Law as written.

This is the second time you have insulted us Mr. Aubertine. Your
description of taxpayers who want setbacks and reasonable noise levels as
"anti wind ...oops 4500' setback advocates" is very inflammatory. To
present that as fact is misleading and unconscionable. Your comments
only insight more division in this town.

I would like to know who is going to bear the burden of the cost for the
transmission lines? Of course, we the taxpayers and rate payers will.
National Grid is not going to erect and maintain these transmission lines
without a rate hike. All customers of National grid will pay not only the
Town of Lyme residents. Who is going to pay for clean up when these
wind turbines are past their prime? Example, Hawaii. Have you seen the
photos on line? I am sure that BP will no longer own the Wind Farm. Did
they sign a contract that states they will clean up or whoever the owner is
will perform the cleanup? I think not. What I think is we have BOUGHT
THE FARM AND I DON'T WANT TO BE ANYONES CASH COW..

Again, I implore you to place a one year moratorium on wind energy
development in the Town of Lyme. To appeal the decision of Judge
Gilbert and to adopt the Wind Energy Facilities Law as written.

Sincerely,


Thomas & Joy Borowicz

Attachment E

September 7, 2008

I urge the town board
to extend a moratorium
for one year and appeal
the judgment of Judge
Gilbert.

Dianne Scanlon
27125 Independence Pt
Chaumont

Attachment F

September 8, 2008

Town of Lyme Board

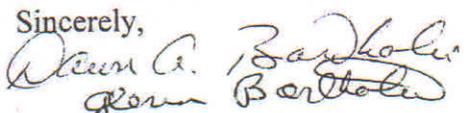
Warren A. Johnson
9300 County Rt. 125
Chaumont, NY 13622

Dear Mr. Johnson,

Again we are writing our Town of Lyme Board members to register our support for the previously passed Wind Energy Facilities Law. We believe that the law's zoning restrictions struck a reasonable balance and protects Lyme's greatest assets: Lake Ontario, Chaumont Bay and the rivers in our community. The ordinances have the majority support of the town's tax payers and survey participants.

If you have not done so already, we support appealing Judge Gilbert's decision and until that can be determined a one year extension of the moratorium is appropriate.

Also, we support any voluntary disclosure of conflict of interest regarding Board members and their families who would have financial gain from industrial wind farms on their properties.

Sincerely,

Glenn and Dawn Bartholic
26867 Three Mile Point Rd. South
Chaumont, NY 13622

Attachment G

PATRICIA A. HUGHES
EDWARD K. HUGHES
27971 THREE MILE POINT ROAD
CHAUMONT, NY 13622

September 4, 2008

Town of Lyme Board
Supervisor Scott Aubertine, Mike Countryman, Norm Schreib, Jim Madill, & Warren Johnson

In light of recent events, we believe it that it would be prudent to place a one-year moratorium on wind energy development in The Town of Lyme. BP has stated they are not interested in Lyme at this time, so there is no harm in waiting. It will also give the community an opportunity to see exactly what takes place in Cape Vincent. We would be able to measure the sound generated by the turbines, and see the effect on the view shed in a community much like ours.

We and many others are quite concerned as to how a petition that is dependent upon acreage could be used if just one of the title holders to a property signs. For example: if there are two title holders on a property and one title holder signs the petition he has in effect signed away the total number of acres shared. If the second title holder is not in favor of signing the petition, his land has already been signed away – he therefore has no say in the matter. **We feel the town board must file an appeal as soon as possible to rectify this situation and restore the voice of all taxpayers in The Town of Lyme.**

As to the matter of conflict of interest – In a response to a letter from Steve & Diane Rutigliano, Mr. Aubertine suggests that because the Countryman family is feuding a conflict of interest does not exist.

"Dear Steve,

I feel I should tell you that Mr. Countryman and the relative (through marriage) in question, have not spoken in years due to a previous disagreement. Most of the local people in the area are aware of their unfortunate feud.

Scott Aubertine"

We have spent many hours reading local and state laws, and we have yet to find one that states that a councilman is exempt from conflict of interest regulations if their family is feuding. Mr. Countryman does in fact have a conflict of interest as stated in our town regulations.

Mr. Aubertine's choice of words when describing residents of The Town of Lyme (local residents, local people, residents themselves, the anti- wind...oops 4500' setback advocates) – are confusing and disrespectful. **You** are creating controversy by suggesting that some residents should have less of a say in the wind issue than others. Many of our seasonal residents families have been paying taxes on their properties for over 40 years - longer than many year round residents.

In reference to Mr. Aubertine's statement on his website - "I offered a counter proposal to the wind law, prepared by the Planning Board and Citizens Advisory Committee, which would not allow ANY turbines on the west/southwest side of NYS Rte 12E. This means NOWHERE in our tourist areas on Pt. Salubrious, Independence Point, Three Mile Point and Point Peninsula. My distances from property lines and residences were greater than the proposed law." We have a copy of your proposal and it states that set backs from property lines in the draft ordinance proposal to be 1000 feet and your alternative setback to be 600 feet. **This is a reduction in set back feet, not an increase.** Your proposal also decreases set backs from The Village

Attachment H

September 5, 2008

Mr. Warren A Johnson
9300 County Rt 125
Chaumont, NY 13622

Dear Mr. Johnson,

We urge the Town Board to place a one year moratorium on the wind energy development in the Town of Lyme, appeal Judge Gilbert's decision and adapt the wind Law as written. I have noticed that the town has placed new signs as you enter the Village of Chaumont, the sign reads "The Largest Fresh Water Bay in the World." Why would you want to surround it with wind mills? Let's preserve what we have. I would like this letter to be recorded.

Yours Truly,

Samuel J. Fiorentino
Mary K. Fiorentino
229 Breen Ave
Watertown, NY 13601

Summer Residents
27909 Three Mile Pt .North Rd
Chaumont, NY 13622

Attachment I

September 6, 2008

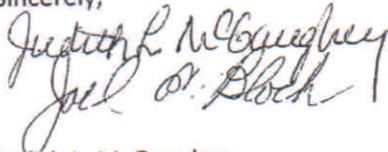
Dear Councilman Warren Johnson, Town of Lyme Board:

We fully support the placement of a one year moratorium on wind energy development in the Town of Lyme. We further support an appeal of Judge Gilbert's decision to overturn the Wind Facilities Local Law as originally approved by the Lyme Town Board and supported by a majority of town residents.

It has become increasingly evident that there are many unresolved issues regarding the placement and use of wind energy facilities in our area that need further study before any turbines are constructed and installed. Recent articles in The New York Times and the Watertown Daily Times (as well as other media reports) address the fact that wind turbines in the Maple Ridge development have had to be shut down because there was insufficient grid capacity to send the power out. (Is this perhaps a case of putting the cart before the horse?) Recent research at the state and national levels indicate that New York State as a whole, among many states, does not have the capacity to use the wind generated by current and planned turbines.

A majority of Lyme citizens have indicated their support for the local law as originally written – a law that will support the placement of turbines in specified areas of the town of Lyme. It behooves us to make sure that the power produced can be effectively and efficiently used to the benefit of turbine owners, local citizens and other adjacent communities in the State, otherwise the term "pro-wind" becomes a meaningless epithet. The local and state systems do not currently have this capacity; a one year moratorium seems to make a great deal of sense.

Sincerely,



Judith L. McGaughey
Joel E. Block
9790 County Route 125
Chaumont, N. Y. 13622

Attachment J

September 7, 2008

Town of Lyme Board

Supervisor Scott Aubertine, Mike Countryman, Norm Schreib, Jim Madill, Warren Johnson

In anticipation of Wednesday's Town Board Meeting, we would like to once again 'weigh in' on Lyme's wind turbine issue. Whereas we are as enthusiastic as the next person about pursuing effective sources of green energy, including wind, we couldn't be more against the continued efforts to shove wind turbines down this Town's throat. Why would anyone want to ruin the beauty of this community's rural landscape with wind towers, whose potential benefit to the local residents—those making the ecological sacrifice—is ambiguous at best? The answer is money. And unfortunately, not money that we suspect finds its way back to our community through lower residential electricity costs or taxes, but rather, money made by large energy corporations at the expense of poor rural communities, which have become 'ripe for the picking' by offering them empty promises and capitalizing on personal greed (often of one neighbor at the expense of the next). But that's just our opinion.

To the issue at hand, we strongly support the suggestion of a one year moratorium on wind development in the Town of Lyme. As much as we are against the pursuit of wind energy altogether for this lake-front community, if we must continue talking about it, let's at least decide the issue based on facts. Listening to proponents on both sides of the argument during the last year or so—all quoting conflicting 'facts'—is almost laughable. A moratorium at least presents a new opportunity for the community to investigate further what the real facts are surrounding wind development here, like . . .

- finding out (and publicizing) once and for all who actually benefits and how
- taking a closer look at the potential conflicts of interest of some of our elected officials (energy contract disclosures?)
- exploring in greater depth BP's real objectives and motivations
- exposing the real motivation behind some of our gas-guzzling neighbors' sudden obsession with 'green' energy (personal gain rather than energy consciousness!?)

Although we've only been *seasonal* residents for 30 years, we've paid County and School taxes as long as most year-round residents, (all without the luxury of a formal vote in this community, but that's another letter), we strongly urge the Town to place this one year moratorium on Lyme's wind development.

Sincerely,



Lynn Pascal
Rick Pascal
27495 Three Mile Point
Chaumont, NY 13622

Attachment K

James R. Petras
Leigh S. Petras
27377 Three Mile Point
Chaumont, New York
(315) 649-6052
(860) 633-0872

September 8, 2008

VIA E-MAIL (lymetownclerk@twcny.rr.com)

Lyme Town Board
P.O. Box 66
Chaumont, NY 13622

Re: Wind Turbine Zoning – Appeal and Support for Wind Energy
Facilities Law

Chaumont Town Board and Planning Board:

We have many concerns about the issue of Industrial Wind Turbines in Chaumont and realize the community is sorely divided over the placement of Industrial Wind Turbines within the town borders. It is obvious that Lyme needs more time to “flush out the issue” so that our community is not railroaded into a decision on a wind project that we may regret. We need to learn from the mistakes made regarding Maple Ridge Wind Turbines that have left their community bitter and divided. The divisiveness of this issue requires that the Town Board place a new one- or two-year moratorium on wind energy development in Lyme to allow the Town to address the issues of support and conflicts-of-interest and to gather factual information.

During the moratorium in consideration of Industrial Wind Turbines, the Town needs to clearly articulate in several media venues:

- a. tax savings or lack thereof to residents;
- b. electrical energy savings or lack thereof resulting;
- c. additional wind surcharges or lack thereof to residential electrical energy bills;
- d. the cost of removing the wind turbines if BP abandons the project for any reason;
- e. any other financial burden to the Town;
- f. any other financial gain to the Town; and
- g. full disclosure by any town official who has a conflict of interest, specifically a financial gain for themselves or a family member, or a promise of employment with BP, etc. which would require them to recuse themselves from the entire wind turbine process.

Attachment L

Then and only then will residents have all the facts to evaluate the development's impact. We believe some residents are taking a position on misinformation. For example, we recently spoke with a Lyme resident who was in support of wind turbines in Lyme because "all residents would have no property taxes for 15 years, just like Cape Vincent". He was given this information by a coworker. Clearly, residents do NOT understand the facts surrounding the wind turbine project. Neighbors are at odds and a moratorium is NEEDED so our community can understand all the FACTS surrounding the wind turbine project.

We support the Wind Energy Facilities Law, a law on which the Town of Lyme Planning Board worked hard and which resulted from the accounts of participating residents and relevant public information. However, BP and the monied interests are in favor of their own zoning proposal – not the Town's and have successfully undermined the Planning Board's public actions. Therefore, we urge the Town Board to appeal the decision of Judge Gilbert which came from the financial support of BP who is acting entirely behind confidentiality.

Please remember what makes the Town of Lyme unique is its exceptional scenic beauty and fortunate position on the Seaway Trail. From this, you can then consider whether wind turbines deliver enough value to sacrifice this beauty and serenity that cannot be reclaimed once the turbines are raised.

As stated earlier, the moratorium of one- or two-years needs to serve as a platform for articulating the above issues.

Please feel free to call us at 860-633-0872 with any questions.

Sincerely,

James R. Petras
Leigh S. Petras

Attachment L