

**Town of Lyme**  
**September 9, 2009**  
**Public Hearing / Sole Appointed Assessor**  
**6:15 P.M.**  
**Regular Monthly Meeting**  
**6:30 P.M.**

Supervisor Aubertine called the Public Hearing to order at 6:15 p.m.

**Present at Tonight's Meeting:** Supervisor Aubertine, Councilmen Countryman, Schreib, Johnson and Madill. Assessors Marsha Barton and Roz Gotham, ZEO's David Rush and Jim Millington, ZBA Member Harry Staudenmayer, County Legislator Bob Thomas, Three Mile Bay Cemetery Supervisor Julia Gosier and approximately 50 others.

Supervisor Aubertine explained the rules of conduct for the Public Hearing. Clerk Wallace read the Public Hearing Notice as follows:

*The Town Board of the Town of Lyme has determined that although it had formerly exercised the option to retain elective assessors in accordance with the provisions of former Section 1556 of the Real Property Tax Law, it now wishes to exercise its options to change to a single appointed assessor, pursuant to Real Property Tax Law, Section 328. The Town Board finds that with the increasing complexity of real property tax assessment and the training required, it is difficult for elected officers to keep current on all necessary training. It is believed that a single appointed assessor will have a higher degree of training and education consistent with the needs of the position.*

*The Town Board of the Town of Lyme hereby declares that from and after December 31, 2009, there shall be but a single appointed assessor for the Town of Lyme, who shall be appointed as provided in Section 310 of the Real Property Tax Law of the State of New York.*

*If any part of this Chapter shall be found to be void, voidable or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.*

*This Local Law shall become effective after mandatory referendum at the 2009 November election and become effective only after approved by the voters of the Town of Lyme and filed with the Secretary of State.*

Supervisor Aubertine opened the floor for public comments and there were none.

**RESOLUTION 2009 -130** : *Motion by Councilman Schreib and seconded by Councilman Johnson adjourning tonight's Public Hearing regarding the Sole Appointed assessor at 6:20 p.m. Five ayes and the motion was carried.*

The Regular Monthly Meeting was called to order by Supervisor Aubertine at 6:30 p.m. and was opened with a Prayer and the Pledge of Allegiance.

#### Supervisor's Report

**RESOLUTION 2009 - 131**: *Motion by Councilman Schreib and seconded by Councilman Johnson approving Budget Transfer #2 – 2009 as recommended by Accountant Tom Bowie as follows:*

<i>General Fund</i>		<u>From</u>	<u>To</u>
<i>A9060.8</i>	<i>Health Insurance</i>	<i>6,267</i>	
<i>B8010.2</i>	<i>Zoning Equipment</i>	<i>501</i>	
<i>A5010.4</i>	<i>Superintendent of Highway Contractual</i>		<i>77</i>
<i>A6810.4</i>	<i>Lyme Garden Club – Personnel Services</i>		<i>1,224</i>
<i>A7140.4</i>	<i>Playgrounds/Rec Centers- Contractual</i>		<i>777</i>
<i>A7310.4</i>	<i>Teen Center-Contractual</i>		<i>189</i>
<i>A9050.8</i>	<i>Unemployment Insurance</i>		<i>4,000</i>
<i>Highway DA</i>			
<i>DA5140.1</i>	<i>Brush and Weeds-Personnel Services</i>	<i>2,500</i>	
<i>DA5148.1</i>	<i>Services For Other Governments-PS</i>		<i>2,500</i>

*Five ayes. Motion carried.*

***RESOLUTION 2009 - 132: Motion by Councilman Schreib and seconded by Councilman Countryman accepting the August 2009 Supervisor's Report as presented by Accountant and Bookkeeper Tom Bowie. Five ayes. Motion carried.***

### **Privilege of the Floor**

#### **County Legislator Bob Thomas:**

Route 202 should be open later this month.

There will be a dedication ceremony for Sam Johnson and the Fish Island Park in Dexter on September 11, 2009 from 10 a.m. through Noon. Mr. Johnson was killed in the line of duty on September 11, 1987 on Pillar Point. The Park has had approximately 300 partners (donors and workers). Jim Millington and Councilman Jim Madill will make an effort to attend the ceremony showing support from the Town of Lyme.

Mr. Thomas mentioned that Jack Miller, from Three Mile point was the Vice President of the project. With the experience he has gained through this project, Mr. Thomas hopes that he will be able to help us with future projects in this Township.

#### **Steve Weed of Steve Weed Productions:**

Supervisor Aubertine spoke with Laurie Menton from the Association of Towns about having our meetings videotaped and maintaining a digital legal record. This would help free up Clerk Wallace from the time consuming verbatim minutes. In this way the Town Minutes could be summarized and the Town would have a legal record of the written minutes and a digital recording in the archives. A few of the Town's and the Watertown City Council are adopting this service. Mr. Weed will have the meetings available online for anyone who has high speed Internet. DVD's could also be made available for anyone wishing to purchase one.

Mr. Weed will immediately, after each meeting, provide the Town with a copy of that night's meeting, apply the recording to the Town Web Site, have the recorded information available on the North Country News web Site ([northcountrynews.com](http://northcountrynews.com)) and secure a time on Time Warner Cable channel 97 for the Town meeting recording to run in their entirety.

**RESOLUTION 2009 -133 :** *Motion by Councilman Schreib and seconded by Councilman Madill contracting with Steve Weed Productions for the remainder of 2009, with a maximum of six (6) meetings. This number could be amended if the Town Board would deem it necessary. This service provides a long-term record for the Town archives. The Town will agree to pay a fee of \$250.00 (two hundred fifty dollars) per meeting for this service. Five ayes. Motion carried.*

### **Highway Superintendent**

**RESOLUTION 2009 - 134:** *Motion by Councilman Schreib and seconded by Councilman Johnson accepting the bid from Perkins Scrap Metals, 129 Factory Square Watertown, New York 13601, for the scrapped Chevy Cube Van and GMC short bus without an engine or transmission. Perkins Scrap Metal has agreed to pay \$650.00 (six hundred fifty dollars) for the scrap value of these vehicles. These vehicles would be “junked” and not resold in whole or part except as scrap metal. Five ayes. Motion carried.*

**RESOLUTION 2009 -135 :** *Motion by Councilman Schreib and seconded by Councilman Johnson approving the purchase of approximately 80 feet of Jersey Barriers at a cost of \$3,100.00 to be located on the side of the Highway salt pile to prevent the sand and salt from washing into the parking lot and neighboring properties. Five ayes. Motion carried.*

**Superintendent Parker** stated that he has not changed his mind in regard to the Point Salubrious parking situation. The one-way traffic situation that is created when the ice fishermen are parked along the side of County Route 125 is dangerous. Superintendent Parker is concerned with safety and he is asking that the Town Board come up with a remedy. Using a smaller vehicle for the plowing would not be feasible. He is recommending a no parking ban for certain areas.

**Supervisor Aubertine** indicated that Gail Miller and Edith Warner have offered an area for the ice fishermen parking. Leo Wilson and Randy Morrow have consented to let the ice fisherman cross their land to access the ice. Gail has asked that the Town provide fencing and she has specifically asked for a wooden three-railed fence. This property should accommodate approximately 50 to 75 vehicles.

**RESOLUTION 2009 - 136:** *Motion by Councilman Schreib and seconded by Councilman Johnson scheduling another Public Hearing to hear the views of the residents, businesses and fishermen concerned with the parking situation on County Route 125 – Point Salubrious. The Hearing will be limited to one-half hour and will be held at 6:00 P.M. Wednesday October 14, 2009 at the Town Hall prior to the Regular Monthly Meeting. Five ayes. Motion carried.*

*At 7:45 p.m. a Motion was made by Councilman Schreib and seconded by Councilman Madill to enter into Executive Session to discuss an employee situation within the Highway Department. Five ayes. Motion carried.*

*At 8:00 p.m. a Motion was made by Councilman Schreib and seconded by Councilman Johnson to enter back into the Regular Session of the meeting. Five ayes. Motion carried.*

**RESOLUTION 2009 -137:** *Motion by Councilman Madill and seconded by Councilman Countryman approving Abstract #17 in the amount of \$505.22. Five ayes. Motion carried.*

**RESOLUTION 2009 -138 :** *Motion by Councilman Schreib and seconded by Councilman Johnson approving Abstract #18 in the amount of \$81,632.02. Five ayes. Motion carried.*

**RESOLUTION 2009 -139:** *Motion by Councilman Countryman and seconded by Councilman Schreib approving the written minutes as submitted from the July 15, 2009 Special Meeting. Five ayes. Motion carried.*

**RESOLUTION 2009 - 140:** *Motion by Councilman Madill and seconded by Councilman Schreib approving the written minutes as submitted for the August 12, 2009 Regular Monthly Town Board Meeting. Five ayes. Motion carried.*

### **Point Salubrious Water District Formation**

**Councilman Schreib** recommended that the Town Board not form the Point Salubrious Water District at this time.

**Supervisor Aubertine** feels that the Town Board should not proceed with the formation of the Point Salubrious water district at this time.

**Councilman Johnson** indicated that the water is not available at this time with the DEC restrictions.

**Councilman Madill** stated that there are an overwhelming number of residents not in favor of the formation of the water district and he feels we should not move forward at this time.

## **Department Reports**

### **Assessors Report – Marsha Barton:**

The Assessor's are currently working on fieldwork and values for next years tax roll.

Paperwork is being prepared for a small claims hearing; there is not yet a court date.

### **Salary of the Newly Elected Assessor:**

Property Assessment has developed over the years into a profession requiring extensive training. In the old days, the requirement to become an assessor was basically good, sound judgment. Today, in addition to good judgment, an assessor is required to become State Certified within a three-year period. This requires successful completion of eight courses. An assessor must be computer literate and have the ability to learn new concepts as the assessing process is growing more complex every day.

As we all know, an election is basically a popularity contest. Anyone who is known in his or her community and wants to run can win an election. The Town of Lyme should adopt a pay scale for newly elected assessor's to encourage them to gain the education they need to perform the job in a more timely fashion than the State requires.

All three elected assessors in the Town of Lyme receive the same salary- \$8,800.00 with the Assessor Chairman receiving an extra \$500.00 to assume the responsibility of Chairman. A newly elected, inexperienced assessor can

basically work for three years and enjoy the same salary as an assessor who is State Certified and experienced.

To encourage newly elected assessors in the future to get State Certified and gain the knowledge that is required to enable them to perform the same job as the senior assessors, the Town Board should adopt the following policy.

Newly elected assessors would receive a basic salary of \$3,500.00. The first two courses required are Orientation and Fundamentals of Exemption. These are the seminars and credit is basically given just for attending. Upon completion of each of the third through the seventh courses, the assessor would receive an additional \$800.00 for each course in their salary. Upon completion of the eighth course, they would receive \$1,500.00 more in their salary. Once State Certified, their salary would be equal to the senior assessors.

It is possible if someone takes the initiative to receive his or her own state certification in one year. This incremental salary scale would be beneficial to the Town in two ways. They would not be paying a higher salary to someone who cannot perform the duties of the job and the assessor would work hard to attain State Certification in a timely fashion because it would benefit them financially.

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

The bid for the cleaning and painting of the water tower has to be re-advertised for bids.

Agreements have been sent to North Country Contractors for signatures along with a bond request. The Town will have Dave Rush and Billy Scarpicchi overseeing the Old Town Springs Road project.

Revenues from the Water Facility are up over \$400.00 from last year at this time.

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

Paul Kammerer is doing an excellent job with mowing and trimming; Julie has received numerous compliments.

Julie met with a lot owner and has installed the necessary markers on a lot that was purchased many years ago.

There will be a full burial later this week; Julie has met with the family at the cemetery.

### **Planning Board Report – Paul Norton:**

Those residents who attended the informational meetings recently held by the Planning Boards were impressed with the information provided. Boo and Paul felt they received some very good input from the community.

The first chapter of the Comprehensive Plan should be ready by next month. They hope to proceed in completing a chapter a month.

The County Planning Department has provided a great deal of help and information. Boo feels that the resources and the amount of information that has been provided by the County is invaluable. They have been extremely helpful.

The Planning Board is taking input from anyone in the Community. The Village and Town Planning Boards are working together on this project.

### **Police Report – August 2009 – Written report submitted by Police Chief Leo Wilson.**

The Town Board would like to ask Chief Wilson to differentiate, on the monthly report, between stopping vehicles and actually issuing a ticket or warning.

### **Youth Committee Report:**

**Supervisor Aubertine** stated that the hay has been taken off the Town's 12E property and he will be going out this weekend to look things over. He has drawn up a diagram and is in hopes of mowing the fields and not having to do a lot of extra work before the fields can be utilized.

### **ZEO Report – Written report submitted by Dave Rush and Jim Millington:**

***RESOLUTION 2009 -141: Motion by Councilman Schreib and seconded by Councilman Johnson adopting the Seasonal RV Residency Law as written.***

<i>Supervisor Aubertine</i>	<i>Yes</i>
<i>Councilman Countryman</i>	<i>Yes</i>
<i>Councilman Schreib</i>	<i>Yes</i>
<i>Councilman Johnson</i>	<i>Yes</i>
<i>Councilman Madill</i>	<i>No</i>

### **Old Business**

#### **Code Enforcement Officer Position:**

**Councilman Schreib** – This position would handle the Zoning and Building Code inspections for the Town. The Town Board will adopt a fee schedule, establish a starting date, interview for the position and discuss salaries. This will be an appointed, part-time position and there may be the need for an assistant and possibly clerical personnel. The Town Board would like to have the position take effect January 1, 2010.

***RESOLUTION 2009 -142: Motion by Councilman Madill and seconded by Councilman Schreib moving the adoption of the Code Enforcement Officer position created by the Town Board. The estimated start date will be January 1, 2010 and the annual salary will be determined by the Town Board during the 2010 Budget Work Session. The Town Board will advertise for the position in the Watertown Daily Times and interviews will be conducted by the Town Board for any applicants interested in the position. Five ayes. Motion carried.***

#### **Letter to DEC Regarding Transmission Line Application:**

The Town Board members feel they should comment to the DEC as a Board and intend to do so. St. Lawrence Wind is pushing ahead and in reviewing the correspondence, the Town Board feels they are jumping ahead on this issue.

#### **McGuire – Three Mile Bay:**

The Department of Health, DEC, County Codes, and Dr. Rice, the Town's Health Officer have all been contacted in regard to the septic problem and no one will do anything to help. ZEO Jim Millington has been inspecting the property for the past week and a half and has not seen any wetness. He has spoke to the McGuire's and they will contact him if the problem arises again. ZEO Rush stated that he would write a letter to the Sutherland's addressing the issue and hopefully they will be able to work toward a solution.

## **New Business**

***RESOLUTION 2009 - 143: Motion by Councilman Countryman and seconded by Councilman Madill approving the purchase of two (2) light pole banners being offered by the Lyme Improvement League at \$300.00 each. One banner will be placed in the Village of Chaumont and the other in the Hamlet of Three Mile Bay. The banners will say welcome to the Golden Crescent and the "Town of Lyme" will be displayed in the area of the banner that addresses the name of the supporter. Five ayes. Motion carried.***

## **Zoning Ordinance Review Committee**

The Town's Zoning Ordinance is worded in a way that the Zoning Officers and the Town Board feel suggests a lot of "gray area", causing it to be interpreted in many different ways. The Zoning Law the Town abides by today was written in 1989. Supervisor Aubertine would like to propose that the Town put together a committee to review the current Zoning Laws. He would like to see the committee comprised of two Planning Board Members, two Zoning Board of Appeals members, the two Zoning Enforcement Officers, one Town Board member, and possibly two "at large" positions, preferably contractors.

***RESOLUTION 2009 -144 : Motion by Supervisor Aubertine and seconded by Councilman Madill to create a Committee that will be comprised of two Planning Board members, the two Zoning Enforcement Officers, two Zoning Board of Appeals members, one Town Board member and two at large positions to review the Town of Lyme's current Zoning Ordinance and to make recommendations as the committee sees fit. Five ayes. Motion carried.***

## **Correspondence**

**Training for Volunteer and Parent Coaches – From the SUNY Youth Sports Institute – October 20, 2009 – 6:00 – 9:00 p.m. at the Jefferson Community College.** The training is \$20.00 per person – for registration contact the Youth Bureau at 785-3382 or go to <http://registration.youthsportsny.org/en/cev/154>

Topics include:

- The youth coach as a Teacher
- The Development of Young Athletes
- Sports Psychology
- Competition is Fine: Know When It Counts and When It Doesn't
- Reducing Risk in a Youth Sports Program
- Recognizing and Managing Youth Sports Injuries
- Creating an Emergency Action Plan
- Character Education in Youth Sports: How the Coach Brings It Out

**Jefferson County Department of Planning – Land Use Planning Workshop – “An Introduction to the National Flood Insurance Program” – Monday October 5, 2009 – 6:00 – 9:00 p.m.** Sturtz Theater, Building 4, McVean Student Center, Jefferson Community College, 1240 Coffeen Street, Watertown, NY. RSVP's are strongly encouraged by September 30<sup>th</sup>. Call 785-3144 or send an email to [lorit@co.jefferson.ny.us](mailto:lorit@co.jefferson.ny.us).

**Managing Local Government Conference – October 13, 2009 at SUNY Potsdam, 44 Pierrepont Ave. Potsdam, NY.** Call 267-2167 or 267-2538 or online – <http://secure.potsdam.edu/conf/localgov/> - email: [hessnl@potsdam.edu](mailto:hessnl@potsdam.edu).

**Letter From Jim Wright – DANC concerning the Municipal Water Line Easement.**

**Heritage Center Flyer – New location 8718 County Route 5, Three Mile Bay.** Hours: Monday 10:30 – 12:30 Tuesday, Wednesday and Friday 1 – 3 or Contact Julie Gosier at 649-5452.

## **Resolutions and Motions**

***RESOLUTION 2009 - 145: Motion by Councilman Countryman and seconded by Councilman Schreib scheduling a Public Hearing for the possible extension of the Wind Moratorium on October 14, 2009 at 6:15 p.m. at the Municipal Building 12175 NYS Route 12E, Chaumont. Five ayes. Motion carried.***

***RESOLUTION 2009 - 146: Motion by Councilman Schreib and seconded by Councilman Madill rescinding Resolution 2009 – 59 made at the April 8, 2009 Regular Monthly Meeting stating Town funds would be transferred from checking and savings accounts currently with the Citizens Bank of Cape Vincent to the Watertown Savings Bank. The Town's two CD's would remain with the Citizen's Bank of Cape Vincent. Finances are the Supervisor's responsibility although the Board can offer direction. Five ayes. Motion carried.***

#### **Privilege of the Floor**

**Judy Larkin – County Route 125 –** Thanked the Town Board members for their diligence on addressing the problems that have come before them in recent months.

**Bruce Kingsley – Point Peninsula –** Requested that the Town Board would relax the restrictions on the personal windmills. It is a crying shame that he owns all his land on Point Peninsula and he cannot put up a private windmill.

***Councilman Countryman made a Motion to adjourn tonight's meeting at 9:45 p.m.***

***Minutes Respectfully Submitted By***

***Kim Wallace  
Town of Lyme Clerk***