

Town of lyme
December 9, 2009
Regular Monthly Meeting
6:30 P.M.

Supervisor Aubertiine called tonight's Regular Monthly Meeting to order at 6:30 p.m.

Present At Tonight's Meeting: Supervisor Aubertine, Councilmen Madill, Countryman, Johnson and Schreib, Accountant Tom Bowie, and approximately 20 others.

Privilege of the Floor

Fourth Coast – Gus Withington and Rob Campany – They would like the opportunity to work with the Town to help facilitate obtaining funds for Town projects. Currently, there are several funding opportunities to assist projects with focus in energy efficiency / renewable energy as well as in utility infrastructure construction.

To be ably positioned for any funding opportunity, it is prudent to, at minimum, have a prioritization plan in place. It is the purpose of this project priority list to assist in deciding which project to push forward given a specific funding opportunity. In addition, evaluation of alternative project delivery of current projects should be considered.

Fourth Coast would like the opportunity to meet with the Town Board or a Committee, perhaps in a workshop atmosphere, for an initial scoping session to explore the feasibility of assisting the Town in this capacity.

RESOLUTION 2009 – 185: Motion by Councilman Schreib and seconded by Councilman Countryman contracting with Fourth Coast to contact National Grid to schedule an energy audit on any of the Town's buildings next week, at the convenience of those involved. Five ayes. Motion carried.

Supervisor's Report

RESOLUTION 2009 – 186: Motion by Councilman Schreib and seconded by Councilman Madill approving Budget Transfer #4 – 2009 as follows:

| <i>General Fund A</i> | | <u><i>From</i></u> | <u><i>To</i></u> |
|-----------------------|---------------------------------------|--------------------|------------------|
| <i>A9060.8</i> | <i>Hospital Insurance</i> | <i>1,300</i> | |
| <i>A1110.4</i> | <i>Municipal Court – Contractual</i> | | <i>500</i> |
| <i>A6310.4</i> | <i>Town Development – Contractual</i> | | <i>600</i> |
| <i>A7310.4</i> | <i>Teen Center – Contractual</i> | | <i>100</i> |
| <i>A8020.4</i> | <i>Planning – Contractual</i> | | <i>100</i> |

Highway DA

| | | | |
|-----------------|--|--------------|--------------|
| <i>DA9060.8</i> | <i>Health Insurance</i> | <i>3,000</i> | |
| <i>DA5148.1</i> | <i>Services For Other Governments PS</i> | | <i>3,000</i> |

Five ayes and the Motion was carried.

RESOLUTION 2009 – 187: *Motion by Councilman Countryman and seconded by Councilman Schreib accepting the November 2009 Supervisor’s Report as presented by Accountant Tom Bowie. Five ayes. Motion carried.*

RESOLUTION 2009 – 188: *Motion by Supervisor Aubertine and seconded by Councilman Countryman approving the revised 2010 Budget, due to an omission of a budget figure in Water District #2, the “Adopted Budget Column 2010” Unallocated Insurance (F1910.4) adding \$120 and also adding \$8,000 to the same Column for Administration Personnel Services (F8310.1). Five ayes. Motion carried.*

Clerk’s Report

Total State, County and Local Revenues For November 2009: \$2,495.07

Highway Superintendent

Academy Street Three Mile Bay – A resident on the corner of Academy Street and NYS Route 12E has once again experienced problems with large trucks cutting the corner to tightly and tearing up their yard. Pat Weston has taken measurements of the intersection and determined that, in his opinion, the intersection is too narrow for heavy trucks or tractor trailers. He has made some suggestions to the Town Board in regard to implementing a

weight limit and the posting of signage restricting certain vehicles from using Academy Street. There is a safety issue here but it is not the Highway Superintendent's responsibility.

Audit of Bills

RESOLUTION 2009 – 189: Motion by Councilman Madill and seconded by Councilman Countryman approving Abstract #23 in the amount of \$4,599.98. Five ayes. Motion carried.

RESOLUTION 2009 – 190: Motion by Councilman Johnson and seconded by Councilman Schreib approving Abstract #24 in the amount of \$37,918.25. Voucher #666 (General Fund A) paying Dick's Sporting Goods for the purchase of Teen Center items in the amount of \$483.90 and Voucher #628 (General fund A) the Lyme Central School invoice for the payment of the bus and driver for the 2009 Summer Recreation Program in the amount of \$588.62 were pulled from Abstract #24 for non payment until there has been further information gathered in regard to those two Vouchers. Five ayes. Motion carried.

RESOLUTION 2009 – 191: Motion by Councilman Madill and seconded by Councilman Countryman approving the Meeting Minutes of the Regular Town Board Meeting and Public Hearing Establishing the Zoning /Code Enforcement Officer Position on November 18, 2009 and the Emergency Meeting of the Town Board on November 20, 2009. Five ayes. Motion carried.

Department Reports

Assessor's Report – Marsha Barton – The Assessor's have completed most of their fieldwork. There are always some properties that need to be reviewed just prior to March 1st.

Sandy Cornell has prepared most of the exemption renewals for mailing ahead of time this year. They are finishing the preparation for the mailing to be sent out in early January. The assessor's are also working on values for the 2010 tax roll.

Marsha has conversed with Paul Warneck and he indicated that it would cost the Town \$2.50 per parcel to have the County assist with a "re-val". The

earliest the Town could get on the list would be 2012 for the fieldwork portion of the program and it would actually take effect in 2013.

Municipal Water Board Report – Marsha Barton:

Water Reserve Fund Report (From November Meeting) – As directed, Marsha contacted Mark Gebo regarding the Water Reserve Fund report she gave the Board in November. He said that it was acceptable to transfer the funds around within the Water Reserve Fund as long as funds from the specific Water District or use funds from the Water Facility balance. They did decide to leave the \$71.40 in the General Fund, since it is such a small amount and would create a lot of paperwork. All water funds are put into the General Fund, so at the end of the year, any excess revenues over expenses do get transferred from the General Fund to the Water Reserve Fund. Our Water Reserve Fund is a “Repair and Maintenance Fund”, thus the reason the funds can be utilized.

DEC Water Billing – Marsha was directed by the Town Board to continue billing the DEC. Marsha feels it is obvious they are not going to pay the bills. The revenues from the two accounts were not used when the budget figures were prepared for this year. Marsha would like to discontinue billing the DEC, if the Board would agree to do so. The Town Board would like to have Marsha continue billing the DEC regardless of their unwillingness to pay.

Water District #5 – Work is progressing on Water District #5. Gregor Smith of Bernier and Carr has notified the Town, that Rachel Bernat from their office, will be assisting with completing payment applications from the contractor and necessary forms for Rural Development. The next project meeting will take place at the Municipal Offices on December 10, 2009 at noon.

Three Mile Bay Cemetery Report – Julia Gosier – There have been two social service funerals this season. They were paid for very promptly and were only \$17.00 less than our usual charges for a single grave lot and interment.

Now that the winter season is upon us, Julie is back to studying the records and dividing pertinent papers from clutter. She is very conservative about what she eliminates.

Planning Board Report – Boo Harris – The Town and Village Planning Boards have completed the third chapter of the Comprehensive Plan.

December Police Report – Written Report Submitted by Leo Wilson

ZBA Report – The ZBA is recommending the 2010 appointments as follows:

- 1) Harry Staudenmayer – 5 year term
- 2) Mike Callahan – to replace Ernie Brister as ZBA Chairman

ZEO Report – Jim Millington:

| | |
|-----------------------------------|---|
| Zoning Permit Applications Issued | 1 |
| Complaints | 2 |
| Site Visits | 4 |
| Stop Work Orders | 1 |
| Investigations | 2 |

New Business

Point Salubrious Signs – Being that the Town was responsible for making the Resolution restricting the parking on County Route 125 – Point Salubrious, it is the responsibility of the Town to place and purchase the signs determining the areas where parking has been restricted.

According to Pat Weston’s figures, in order to properly post the 6.5 miles of Point Salubrious where the Town Board has restricted parking, the cost would be approximately \$13,500.00.

Pat feels that posting the 3.5 miles of the Point where the water is closest to the road would cost approximately \$7,500.00. And finally, the cost of posting the three areas of greatest concern for the plow drivers would cost approximately \$1,250.00 inclusively for the signage and labor.

Supervisor Aubertine feels that with the number of signs required to post the Point, it will look terrible and cost the taxpayers a considerable amount of money. He feels that the signs should be placed where Pat has suggested, from approximately one mile from NYS Route 12E, on the north side of the Point, to Indian Point.

RESOLUTION 2009 – 192: Motion by Councilman Schreib and seconded Councilman Madill approving the area to be posted along County Route 125 – Point Salubrious, to be the 3.5 miles suggested by Highway Superintendent Elect, Pat Weston, being one mile from NYS Route 12E along the north side of the Point, ending at Murial Benson’s property on the southeast side of County Route 125. Signs will be posted every 200’ on both sides of the road to maintain the legalities for enforcement of the “No Parking Law” the Town has enforced. Five ayes. Motion carried.

Lyme Community Foundation:

There has been a request from the Lyme Community Foundation, asking the Town Board if it would be possible to have those volunteers responsible for watering the planters around the Village to fill the water tank on the back of the golf cart at the Town Office. Supervisor Aubertine stated that we have a tight budget this year and there will be no decision on this tonight; he will make contact with the Foundation on this topic.

Correspondence

Kris Dimmick – Bernier and Carr:

Kris wanted to make a “social holiday call” with nothing specific to be noted.

RESOLUTION 2009 – 193: Motion by Councilman Schreib and seconded by Councilman Madill approving the attendance of any elected officials to Register for the Town Officials School to be held in Rochester or Albany in the upcoming year. Five ayes. Motion carried.

RESOLUTION 2009 – 194: Motion by Councilman Countryman and seconded by Councilman Schreib utilizing the accessibility features at the library if any of our customers would require the need to use a handicap accessible rest room. Patty Hughes has contacted all the Library Board Members and they have all concurred that they would be in agreement with the request. Five ayes. Motion carried.

RESOLUTION 2009 – 195: Motion by Councilman Countryman and seconded by Councilman Johnson scheduling the 2009 Year End Meeting

on Wednesday December 30, 2009 at 6:30 p.m. at the Municipal Building 12175 NYS Route 12E. A Public Hearing for the 2010 Water Rates will be scheduled for 6:15 p.m. the same evening. Five ayes. Motion carried.

RESOLUTION 2009 – 196: Motion by Councilman Countryman and seconded by Councilman Schreib approving the extension of the 2010/2011 Municipal Snow and Ice Agreement between the New York State Department of Transportation and the Town of Lyme. The lump sum payment specified in section 9 of the aforementioned Agreement shall be \$4,360.18 per lane mile for 18.9 miles for a total of \$82,407.42. All Board Members were in agreement and the Motion was carried.

Privilege of the Floor

Chris David - Chrissy's Diner – Three Mile Bay – Received a complaint from the Town Zoning Officer, Jim Millington, regarding her flashing road sign. On November 30, 2009 ZEO Millington visited the diner and had some dialog with a waitress in regard to the sign. Ms. David felt that Mr. Millington handled the situation unprofessionally and she believes that she is in compliance with the sign. Had Mr. Millington approached the situation on a professional level she would have been happy to work with him.

Guy and Julie Gosier are the owners of the establishment and feel that the complaint should have gone to them. Mr. and Mrs. Gosier have seriously considered a lawsuit. That's how serious they feel this situation is.

Mr. Millington stated that he was acting on complaints he received from the Town Board, he does not interpret the law, he simply enforces it. Mr. Millington feels that the situation should be turned over to the ZBA where a Special Use Permit should be issued.

Ms. David stated that she will not shut off her sign and she will not remove it. If she has to pursue her attorney in the matter she will. She stated that the Town can not repeal a sign ordinance that never existed.

Councilman Schreib stated that the ZBA is the judicial body who decides complaints, the Town Board has no say in this matter.

Councilman Countryman feels the sign should stay, due to the fact that it was in place prior to our Zoning Ordinance and it should be “Grand Fathered”.

RESOLUTION 2009 – 197: Motion by Councilman Schreib and seconded by Councilman Madill requesting that the situation with the sign at Chrissy’s Diner be sent to the ZBA for review. The Town Board suggested that any fees associated with the situation be waived.

Roll Call Vote As follows:

| | |
|-------------------------------------|-------------------|
| <i>Councilman Countryman</i> | <i>Nay</i> |
| <i>Councilman Madill</i> | <i>Yes</i> |
| <i>Councilman Johnson</i> | <i>Yes</i> |
| <i>Councilman Schreib</i> | <i>Yes</i> |
| <i>Supervisor Aubertine</i> | <i>Yes</i> |

Supervisor Aubertine called a 5 Minute Recess at 9:26 p.m.

Old Business

Code Enforcement Proposal – Supervisor Aubertine has serious reservations and feels there are terrible risks as far as liabilities are concerned.

Councilman Schreib is in favor of Home Rule and feels the position will generate capital and expedite the permitting process.


Councilman Madill is in favor of home rule.

RESOLUTION 2009 – 198: Motion by Supervisor Aubertine and seconded by Councilman Johnson accepting the Zoning /Code Enforcement Position Local Law. The Town Board will approve the position, keeping a close eye on the situation and reviewing the process in May. Five ayes. Motion carried.

RESOLUTION 2009 – 199: Motion by Councilman Schreib and seconded by Councilman Madill approving an advertisement in the Watertown Daily Times for the Code / Zoning Officer position that would be in accordance with the Civil Service qualifications. Five ayes. Motion carried.

Councilman Countryman made a Motion to adjourn tonight's meeting at 9:40 p.m.

Tonight's Meeting Minutes are Respectfully Submitted by


Kim Wallace
Town of Lyme Clerk