

Town of Lyme
February 8, 2012
Public Hearing – Proposed Zoning Law Amendments – 6:15 P.M.
Regular Monthly Meeting – 6:30 P.M.

Supervisor Aubertine opened tonight's Public Hearing at 6:15 p.m.

Present: Supervisor Aubertine, Councilwoman Harris, Councilmen Bourquin, Villa and Henderson, Highway Superintendent Pat Weston, County Legislator Bob Thomas, Planning Board Chair Frank Congel, Assessor's Barton and Gotham, ZEO/CEO Jim Millington, and approximately 10 others.

Tonight's Public Hearing addresses recommended changes in regard to the Town's Zoning Law brought forth by the ZBA, Town Planning Board and ZEO.

Clerk Wallace read the Public Hearing Notice as it appeared in the Watertown Daily Times on February 1, 2012 as follows:

PLEASE TAKE NOTICE that the Town Board of the Town of Lyme will conduct a Public Hearing on February 8, 2012 at 6:15 p.m. with the Regular Town Board Meeting to immediately follow thereafter. Such Hearing will be held at the Town Offices located at 12175 NYS Route 12E Chaumont to consider Zoning Law Amendments. Pursuant to Town Law, the Town of Lyme will hold a Public Hearing on the recommended proposed amendments to the Town of Lyme Zoning Law.

A full text of the Zoning Law and proposed Amendments are available for inspection at the Town Clerk's Office during normal business hours.

PROPOSED REVISIONS (*bold and italicized*)

Section 930: Violations and Penalties

- A. Whenever a Town Official or aggrieved resident complains of a Zoning Violation or the Zoning Enforcement Officer notices a violation, the Zoning Enforcement Officer shall *conduct* an inspection. If *an apparent* violation exists, *as determined by the Zoning Enforcement Officer*, the Zoning Enforcement Officer

shall issue a Stop Work Order and Notice to Correct Violation, which shall inform the landowner of the nature of the violation and require that the landowner comply with this law within fourteen (14) days.

Failure to comply will be deemed a separate violation. The filing of a timely appeal to the Zoning Board of Appeals stays enforcement of the order from the Zoning Enforcement Officer and stays prosecution in the Justice Court.

Supervisor Aubertine opened the floor for public comment and hearing none referred to a letter dated February 2, 2012 from Andy Nevin from the Jefferson County Planning Department regarding the proposed Zoning Amendment to Section 930 – Violations and Penalties procedure in the Town Zoning Law.

Mr. Nevin stated that the above referenced amendment is not required to be reviewed by the Jefferson County Planning Board.

The proposed amendment is administrative in nature and does not affect real property; therefore, it is not subject to General Municipal Law Section 239m.

A motion was made by Councilwoman Harris and seconded by Councilman Villa to close the Public Hearing at 6:25 p.m. Five Ayes. Motion carried.

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

Privilege of the Floor

Jefferson County Legislator Bob Thomas – Mr. Thomas addressed a letter the County Highway Superintendent had received regarding a hazardous area on County Route 125 near the Borden property. The County is trying to get the problem worked out.

Julia Gosier stated that the Town should speak to Attorney Gebo in regard to having the monthly statements broken down further to provide clarity as to the way the Town is being billed.

Masonic Lodge – Marty Quencer - Since there has been no after school Youth Program this winter, the heating situation was overlooked in the basement of the Masonic Lodge and the pipes froze. The Masons would like to know since the Town is not using the Lodge this winter how would we like to proceed. According to the contract the Town is responsible for operation, maintenance and heat for the Teen Center. The Town Board would like to see the Lodge pay for the phone bill.

The Town Board agreed that they would keep the contract in force for now and hopefully someone will come up with an idea to utilize the Teen Center in the near future.

Signs at Town Line – Councilman Villa had an idea to help the Masons, Lyons Club and Chamber erect signs for each at the Town Limits on 12E. He will have some help when the weather is more conducive to that type of work. Councilman Villa had some pictures that he shared with his ideas.

Youth Committee Report – Charlie Mount

There are several boys and girls basketball tournaments for the younger children being played with other schools presently. They generally have between 18 to 24 kids attending the basketball program. Leo and Scott Wilson, Charlie O'Brien and Charlie Mount are the coaches for the program.

Preparations are getting underway for the Spring baseball season.

Supervisor's Report – January 2012

RESOLUTION 2012 -23: Motion by Councilman Villa and seconded by Councilwoman Harris accepting the January 2012 Supervisor's Report as submitted by Accountant Tom Bowie. Five ayes. Motion carried.

Highway Superintendent's Report

Pat has been working on plans for a new highway garage and salt barn.

There are several of the Christmas wreaths that should be replaced and now is the time to take advantage of pricing on these items. The Town could save over one hundred dollars per wreath if ordered during this time of year.

RESOLUTION 2012 - 24: Motion by Councilwoman Harris and seconded by Councilman Bourquin approving the purchase of nine Christmas wreaths at \$3,357.00. Funds for this purchase will be taken from the Town Development Fund A-00-00.4. Five ayes. Motion carried.

Clerk's Report – January 2012

**Total State County and Local Revenues for January 2012:
\$4,017.96.**

Councilman Villa will be working on an idea for keeping track of recyclable revenues at the Transfer Site.

Transfer Site Attendant Betty Cosselman once again reminded the Board that they would like the Board's support in continuing the enforcement of the use of clear or white trash bags at the Town's Transfer Site.

RESOLUTION 2012 - 25: Motion by Councilwoman Harris and seconded by Councilman Villa approving Abstract #3 in the amount of \$1,719.36. Five ayes. Motion carried.

RESOLUTION 2012 -26: Motion by Councilman Bourquin and seconded by Councilwoman Harris approving Abstract #4 in the amount of \$87,302.96. Five ayes. Motion carried.

RESOLUTION 2012 - 27: Motion by Councilwoman Harris and seconded by Councilman Bourquin approving the Minutes of the following Town meetings as follows:

*January 5, 2012 Organizational Meeting
January 11, 2012 Regular Monthly Meeting
January 24, 2012 Special Meeting*

Five ayes. Motion carried.

Department Reports

Assessor's Report – Marsha Barton

Carol Quencer is being trained on processing exemption renewals at this time.

The Assessor's have made over 200 changes in values so far.

The Assessor's will be meeting with Real Property in April to begin the process of the sales analysis. They will share the information with the Town Board as it becomes available.

Marsha will be meeting with the Town of Clayton Assessor's to discuss the operation of Grievance Day and to be certain that it will run smoothly.

Municipal Water Board Report – Marsha Barton

The Water Board is doing research searching for any grant funding that may be available to house the Water Department office and supplies. The water fill station could also possibly be located in this new building. The Water Department now takes up space in the Highway Department and it is getting crowded.

The Water Board discussed the mileage issue regarding Guy Gosier and the cleaning of the Water Facility. Guy is paid hourly and it is the opinion of the Water Board that he should not receive payment for mileage.

The Water Board also requested that the Town Board pass a Resolution to reimburse Guy for time he puts in for service calls at the Water Facility. The recommendation of the Water Board would be

\$25.00 for the service call and up to one hour. The service calls are not scheduled calls, so he should be reimbursed at a rate to compensate him for the interruption and time spent there. Another issue that needs to be resolved is the issue of opening and closing the water facility. Leo Wilson used to be responsible for it; now there is no one. It would be in the best interest of the Town to have the Facility locked up at night, less chance of break-in or vandalism. We would like to ask the Board to advertise in the newspaper and the Water Board suggested a salary of \$100.00 per month to be paid quarterly. The Town made over \$5,600.00 profit from the Facility in 2011, so they can afford to pay someone. Hopefully someone who lives near the Facility will be interested.

RESOLUTION 2012 - 28: Motion by Councilman Bourquin and seconded by Councilman Henderson approving an advertisement soliciting an individual to open and close the Water Facility on a daily basis at a rate of \$100.00 per month as recommended by the Municipal Water Board. Five ayes. Motion carried.

RESOLUTION 2012 - 29: Motion by Councilman Bourquin and seconded by Councilwoman Harris approving a pay rate of \$15.00 for the first hour and \$10.00 an hour for any time spent after the first hour of a service call to Guy Gosier when he has to attend to the Water Facility for repairs.

Roll Call Vote

<i>Supervisor Aubertine</i>	<i>Yes</i>
<i>Councilwoman Harris</i>	<i>Yes</i>
<i>Councilman Bourquin</i>	<i>Yes</i>
<i>Councilman Villa</i>	<i>Nay</i>
<i>Councilman Henderson</i>	<i>Nay</i>

Three ayes. Two nays. Motion carried.

Planning Board Report – Frank Congel

RESOLUTION 2012 - 30: Motion by Councilman Bourquin and seconded by Councilwoman Harris appointing Frank Congel as the Planning Board Chairman, taking the place of Ed DeMattia who

resigned on January 19, 2012 and also appointing Judi Hutchinson as the Planning Board secretary. Five ayes. Motion carried.

The Planning Board has been having meetings every week, they should have a draft ready for the Town Boards review by February 23rd. They are making liberal use of our neighbors wind laws such as Hammond and Clayton. The Planning Board is supplementing and enhancing the original law, so far there have been several changes. Surveys, committee reports and findings will all be reflected in the new law.

CEO / ZEO Report – Jim Millington

In March Jim will be doing fire inspections in public buildings, commercial buildings and multifamily housing with over three units. The inspections will determine the condition of the fire prevention operating systems, general housekeeping and exits. The State says that spot checking is fine but he will be calling to give a one day advanced notice that he will be going to do the inspections. According to the State there could also be a charge for inspections that are performed.

Supervisor Aubertine would like to see a three-day advance notice given. The Board feels that there should be no charge for inspections at this time.

New Business

Town Mileage Policy – The Town pays the State rate, which is currently .555 cents per mile. The Town Board would like to clarify and stipulate how and when it will be paid. The discussion will be TABLED for a special meeting when the Board will be looking at Policy updates.

Privilege of the Floor – The Town Board discussed whether or not to have one or two scheduled times for privilege of the floor during regular monthly meetings. They decided to keep one at the beginning and one at the end of the meeting.

Policy Updates – The Town Board decided that they would like to deal with the Wind Law before they started working on Town Policy changes and updates.

Village Dissolution Employee Discussion – The Town has been asked what they would do with the Village employees if the Village dissolves. The Town Board stated that there are no guarantees but they do feel they can use the employees. There is a lot to be done; they will have to determine how duties and responsibilities will be broken up. It is the Town’s intention to keep the employees. There duties may be different in order to maintain employment. There would be no less work. Pat doesn’t think that the job could be done without the extra employees once they take on the added responsibilities. Consideration should be given to the Village employees, it is foreseeable that the Town will need the additional employees but there are no guarantees.

RESOLUTION 2012 - 31: Motion by Councilman Bourquin and seconded by Councilwoman Harris approving Anthony Zawacki as a part-time employee to fill in at the Transfer Site as needed. Five ayes. Motion carried.

RESOLUTION 2012 - 32: Motion by Councilman Villa and seconded by Councilman Henderson accepting Ed DeMattia’s letter of resignation with regrets. He did a good job as Planning Board Chairman while he was in the position. Five ayes. Motion carried.

RESOLUTION 2012 - 33: Motion by Councilwoman Harris and seconded by Councilman Bourquin authorizing a letter of support for the Mobile Home Replacement Program through North Country Affordable Housing. Five ayes. Motion carried.

Resolutions and Motions

Supervisor Aubertine requested that he be the only one allowed to contact the Town Attorney. As the Chief Financial Officer it is the only way he can keep his finger on the bills and control the attorney fees. He would also like to contact the Association of Towns in most instances before calling Gebo.

Zoning Amendment

RESOLUTION 2012 - 34: Motion by Councilwoman Harris and seconded by Councilman Bourquin accepting the Zoning Amendment, Section 930: Violations and Penalties as follows:

- A. Whenever a Town Official or aggrieved resident complains of a Zoning Violation or the Zoning Enforcement Officer notices a violation, the Zoning Enforcement Officer shall conduct an inspection. If an apparent violation exists, as determined by the Zoning Enforcement Officer, the Zoning Enforcement Officer shall issue a Stop Work Order and Notice to Correct Violation, which shall inform the landowner of the nature of the violation and require that the landowner comply with this law within fourteen (14) days.***

Failure to comply shall be deemed a separate violation. The filing of a timely appeal to the Zoning Board of Appeals stays enforcement of the order from the Zoning Enforcement Officer and stays prosecution in the Justice Court.

Five ayes. Motion carried.

Privilege of the Floor

Bruce Kingsley – Announced that the Masonic Lodge is having their annual fruit sale. All orders have to be in by February 15th and will be delivered March 3rd. \$18.00 for a box of navel oranges (28-44 count), \$14.00 for a box of grapefruit and 5 pound bags of tangelos are also available.

Julia Gosier – Likes to have the Privilege of the Floor at the end of the meeting in case any questions are brought up during the meeting.

Julie attended the Planning Board Meeting last evening and saw that they were working to a great extent from the Hammond Wind Law, which is currently under litigation. Does the Planning Board have some way of knowing if the parts of the law they are using are part of the litigation?

The training classes at JCC that are coming up are extremely valuable. In listening to the Planning Board during their meetings, Julie feels that they are not fully aware of understanding their scope and limitations for which the Planning Board does in the Town of Lyme

Josephine Johnston-Millington – The Planning Board is fully aware of their position.

Harry Staudenmayer – Wanted to make clear that the Zoning Law is still not complete. Ed, Mike Callahan, Jim Millington and Harry Staudenmayer consolidated a new document. New addendums regarding wireless and the wind law have to be included. The title page will be updated to show what the changes are. Everything will be under one document. Harry feels that he has the only copy they can trust.

Bruce Kingsley – Fails to understand the controversy at the Three Mile Bay Boat Launch.

Supervisor Aubertine – The Town had asked for particulars when it came to the Boat Launch and we did not get what we were promised. Scott feels that we were deliberately lied to. He is not willing to work with them much. It is not up to the Town to do the plowing and shoveling at the launch.

Josephine Johnston-Millington – Has concerns with the Water Facility; who oversees the hours for the work Guy will be performing? Who will be keeping track of the time spent? Who does it now and who will be doing it later?

Marsha Barton – There is a log sheet and the Water Board oversees the bills. Dar Brown is responsible for monitoring the bills.

A Motion was made by Councilman Bourquin and seconded by Councilman Villa adjourning tonight's Meeting at 9:15 p.m.

The Minutes of tonight's meeting are respectfully submitted by,

Kim Wallace

Town of Lyme Clerk