

**Town of Lyme**  
**January 27, 2009**  
**Joint Meeting of the Town and Village**  
**6:00 P.M.**  
**Special Meeting of the Town Board**  
**To Immediately Follow**

**Supervisor Aubertine** called tonight's Joint Meeting to order at 6:00 P.M. Present at tonight's meeting: Supervisor Aubertine, Councilmen Schreib, Johnson, Countryman and Madill, Mayor Geoff Donaldson, Village Clerk Paula Radley, Village Trustees, Val Rust, Mike Nichols, and John O'Kay, Planning Board Member Donnie Bourquin, ZEO Dave Rush, Attorney Mark Gebo, Town Clerk Kim Wallace and approximately 20 others.

**Planning Board Survey – Bert Bowers** – The Village and Town Planning Boards are getting ready to send out a joint survey to gather information for a Comprehensive Plan for both the Village and the Town. They are starting a process to develop a plan for the future direction of our communities. An essential first step is to begin collecting public input. Over the past few months the Village and Town Planning Boards, as well as other members of the community have been working with the Jefferson County Planning Department to gather information and develop a Community Survey. Community Survey responses and public meetings are important because they help guide the planning process and identify important issues that need addressing.

A Comprehensive Plan that often follows this process typically contains local trends, community concerns and policies regarding future development. As our communities grow, it is important for us to look at things that make our Village and Town unique. This planning process enables us to identify and address community priorities.

The survey allows residents to express their feelings and recommendations concerning future development in areas throughout the Village and Town. This will enable the Planning Boards to improve their service to current and future members of the community through zoning and other land use planning controls. The surveys can be mailed or dropped off in one of the drop boxes that will be located within the Village.

The two Boards addressed the survey together. Some of the Members had questions and there were some suggestions for changes made.

**Mayor Donaldson** – Suggested that since the Town was going to go ahead with the survey anyway, the Village would be willing to contribute 20% toward the cost. He also had a question about the Planning Board Secretary, Jo Morrow, and how she was to be compensated for her pay. Thus far, the Village has paid Jo for the joint meetings. Mayor Donaldson asked if the Town would be willing to pay her for the next three consecutive meetings, trying to even the cost for each of the entities. They were all in agreement, and in the future, each will alternate the payments to the secretary.

**RESOLUTION 2009 - 18:** Motion by Councilman Schreib and seconded by Councilman Madill accepting the proposed "Community Survey" with the changes made this evening. Five ayes. Motion carried.

**RESOLUTION 2009 - 19:** Motion by Councilman Schreib and seconded by Councilman Madill accepting the proposed cost of the survey to be split with the Village being responsible for 20% of the expenses and the Town being responsible for the other 80%. Five ayes. Motion carried.

There was a Motion made by Mayor Donaldson and seconded by Trustee O'Kay on behalf of the Village Board agreeing to the Town Resolution 2009 - 19. There were four ayes and the Motion was carried.

**RESOLUTION 2009 - 20:** Motion by Councilman Schreib and seconded by Councilman Madill agreeing to utilize the Planning Board Secretary, Jo Morrow, for all Joint Meetings and paying her with a 50 / 50 split, determined by hours worked for the Planning Boards. Five ayes. Motion carried.

There was a Motion made by Mayor Donaldson and seconded by Trustee O'Kay on behalf of the Village Board agreeing to the Town Resolution 2009 - 20. There were four ayes and the Motion was carried.

#### **Inter-Municipal Agreement**

The final agreement was discussed at tonight's meeting and both Boards were in agreement with the final draft, with the exception of a couple of items Mayor Donaldson felt needed to be addressed. Attorney Gebo was present at tonight's meeting and he will be making the changes.

**The Inter-Municipal Agreement with its corrections reads as follows;**

This Agreement made this 27<sup>th</sup> day of January, 2009, by and between the Town of Lyme, a municipal corporation with offices at 12175 NYS Route 12E, Chaumont, New York 13622 (hereinafter referred to as "Lyme") and the Village of Chaumont, a municipal corporation with offices at 12175 NYS Route 12E, Chaumont, NY 13622 (hereinafter referred to as "Chaumont").

WHEREAS, the Town of Lyme owns the property located on Route 12E and the property is presently vacant; and

WHEREAS, the parties wish to relocate and operate the current salt barn, and construct and operate a sand barn and a heated building to house the loader on said property; and

WHEREAS, the purpose of this agreement is to set forth the respective rights and obligations of the parties with respect thereto.

In consideration of the mutual covenants contained herein, it is hereby agreed as follows:

1. This agreement shall be for a term of 20 years commencing as of the date of execution of this agreement. It shall automatically renew for additional periods of 10 years unless either party shall serve upon the other party their intentions not to renew this agreement. An intent not to renew must be served upon the other party by certified mail, return receipt requested, no later than 6 months prior to termination of this agreement or any renewal thereof.
2. The salt barn will be relocated on the Town of Lyme property on Route 12E on property know as Tax Map Parcel Number 61.07-1-4.31.
3. The sand barn and a heated building to house the loader will be constructed on the Town of Lyme property on Route 12E in conformance with engineering specifications and documents in accordance with the laws of New York State.
4. The Town of Lyme shall be the sole owner of the building.
5. The Town of Lyme will be responsible for providing the engineering for the project at its sole cost and expense.
6. The parties acknowledge that the Town of Lyme shall be the Lead Agency for SEQR purposes and all grant applications pertaining to this specific project.
7. The structures will be built by qualified employees of the Town of Lyme and employees of the Public Works Department of the Village of Chaumont.
8. The materials will be purchased by the Town of Lyme at its sole cost and expense. The Town will also bear the cost required for rental of equipment necessary in the relocation and construction efforts of the project. Any Grant monies received will be applied to the overall cost of the project.
9. The Town of Lyme shall act as fiscal agent for the purpose of:
  - A.) Initial financing of the construction of the building.
  - B.) Applying for grants or other government support.
  - C.) Managing ongoing operations and maintenance expenses.
10. The parties acknowledge that the parties are each responsible for the maintenance and upkeep of both the relocated salt barn and the newly constructed sand barn and loader building. The parties will meet periodically, but no less frequently than annually to develop a mutually agreeable budget for the same. The Village and Town shall share the expenses and the same shall be incorporated in the Town wide Budget.
11. Each party contracts independently and remains solely responsible for the acts and omissions of its officers, agents and employees. In the event that subcontractors may be retained to perform any labor and / or services under the agreement then the subcontractor shall agree to fully and promptly defend, indemnify and hold the Town of Lyme and the Village of Chaumont harmless for the acts and omissions of the subcontractor, its agents and / or employees. In that regard the agreement with any proposed subcontractor shall be provided for review and approval by the attorneys for the Town of Lyme and the Village of Chaumont.
12. The Town shall provide insurance coverage as outlined in schedule A attached hereto, list the Village as an additional insured and shall provide proof of said insurance coverage in form satisfactory to the

Village. The cost of such insurance shall be incorporated shall be incorporated in the operation and maintenance expenses under #10 above.

***RESOLUTION 2009 - 21: Motion by Supervisor Aubertine and seconded by Councilman Countryman accepting the Inter-Municipal Agreement between the Village of Chaumont and the Town of Lyme as follows:***

***There was a Motion made by Mayor Donaldson and seconded by Trustee O'Kay on behalf of the Village Board agreeing to the Town Resolution 2009 -21. There were four ayes and the Motion was carried.***

#### **Transfer Site Permits**

The form that will be sent out to the Village residents for the application of the Transfer Site Permits was reviewed. Trustee O'Kay suggested that the driver's license information be omitted.

The Joint Meeting was adjourned at 6:40 p.m. and the Boards will decide later on the next meeting date that will be sometime in April.

**Town of Lyme  
Special Meeting  
6:40 P.M.**

Supervisor Aubertine called the Special Meeting to order at 6:45 p.m.

#### **Correction of Minutes**

***RESOLUTION 2009 - 22: Motion by Councilman Countryman and seconded by Councilman Madill correcting the Resolution numbers from the November 18, 2008 through the December 30<sup>th</sup> Town of Lyme Town Board Meeting Minutes. The Resolution numbers for those meetings were out of order and changes were required to put them back into the correct sequence. Five ayes. Motion carried.***

#### **Superintendent Parker**

He had sent a letter to the Town Board two weeks ago requesting that there would be no parking along County Route 125 (Point Salubrious). The plows have had a problem getting through and he has been held up for as long as forty-five minutes, at one time. For approximately a half mile, as recently as last week, it was essentially a one-way street. This parking situation affects a lot of people and he is concerned with the residents safety.

This is not the first time there have been parking problems along the Point. The Road was posted a few years ago and for some reason there are a lot more fisherman out there creating a huge problem. Superintendent Parker said, "please, don't think we are trying to target fisherman, it is a safety issue." If emergency vehicles cannot get to someone in time, it is a problem.

Supervisor Aubertine feels that the parking situation is improving.

The State Boat Launch and the Village Beach Parking Areas are now plowed and open and can accommodate several vehicles.

Supervisor Aubertine received a phone call yesterday from a resident on Point Salubrious who is willing to let the Town use some land, located across the road from the Lake, for parking. The Town is trying to work something out for the fisherman. Some of the current newspaper articles are negative. The Post Standard contacted Scott because they had received a call from an upset fisherman. Any negativity is coming from the fishermen themselves, the problem is improving. A few bad apples will spoil the whole bunch.

Supervisor Aubertine had to drive into a snow bank the other day to avoid some debris that a fisherman had left in the road. There is still a problem out there.

Councilman Johnson made observations from January 17<sup>th</sup> to the 27<sup>th</sup> and came across 103 illegally parked vehicles over that period of time. He turned in a detailed report that addressed the date, time of day, number of vehicles and specific locations. There were a total of 160 cars parked in the traffic lane over the same 10 day period and he feels the situation is not acceptable. When the Town has to send plows back out to do a job it costs all of us money.

Councilman Madill sees Superintendent Parker going by, with the plow, in the early morning and at night to clean up the roadway. He feels the situation is improving but we do need off road parking.

Councilman Countryman - Feels the same as Councilman Madill. He feels we should set up a Public Hearing. The Boat Launch is working. With the State, County and DEC willing to work with the Town, we should have something in place for next year.

Supervisor Aubertine - Possibly there should be a no parking law established throughout the Town, to avoid discrimination.

Attorney Gebo - Communities make choices, don't prohibit parking where there is not a problem. If there will be a parking law put in place, be specific; where and when parking is or is not allowed; put parameters around it.

Councilman Johnson - Once you park in the traffic lane, on any road, it is a safety problem.

Councilman Schreib - It would be worth sending a mailer to residents and informing them as to what we are looking for. They could be compensated with fees and we would assure them that we will maintain their property.

Supervisor Aubertine - Agreed with Councilman Schreib and stated that it would show that we are trying to find a solution.

Attorney Gebo - The Town could make a lease agreement that would have to address compensation to the land owner, insurance, etc. We would have

to speak to the land owners and make certain that it would be safe for the people to park in those areas. There would have to be safe entry on and off the roadway; design a way people can get in and out. Size of the lot would also be important.

**Chaumont Fire Chief – Fred Jackson-** Right after the last meeting there was an accident on Point Salubrious and it was only one lane of traffic at the time. Most of the cars are doing well but on occasion you have people parking irresponsibly. He stated he would like to see something different.

**Three Mile Bay Fire Chief – Jeremiah Calhoun –** stated that as Chief Jackson said, most people are doing a good job. The Point Salubrious Road is not wide enough but he feels cutting off the parking is not the solution. He doesn't see a reasonable solution can be made before the end of the year.

**Councilman Schreib –** Suggested that we do a mailing first and put together a proposal. He feels the letters should be sent out now.

**Councilman Countryman -** feels that there is nothing what so ever we can do this year.

**Councilman Madill –** Stated that we need land.

**Councilman Schreib –** We have found out that the DEC has money. They may have a method to help solve our situation.

***Resolution 2009 - 23: Motion by Councilman Schreib and seconded by Councilman Madill to solicit the residents of Point Salubrious to find reasonable parking areas. We shall put together a proposal specifically identifying what we would like to accomplish, along with listing the compensation plan and safety issues. The Town Assessor's will be asked to provide the names of those residents along Point Salubrious. Four ayes and the Motion was carried. Councilman Johnson was not in agreement with the rest of the Board Members.***

**Fire Chief Calhoun –** Stated that the parking lot at the Three Mile Bay Fire Hall is approximately one acre and it will accommodate sixty cars for parking.

**Supervisor Aubertine –** did share with the meeting attendees, that Gail Miller, a Point Salubrious resident, has agreed to let the Town use some of her land as a parking area. There is some debris on the site and it will have to be cleaned up and removed.

**Fire Chief Jackson –** An acre of land anywhere will get 15 to 20 cars off the road.

**Superintendent Parker –** Asked the Fire Department to try to funnel the fisherman from next weekends derby to the Village Beach and the Boat Launch. He will try to get Bachy's Marina area open by the weekend, as well.

**Fire Chief Jackson** – Offered the lower end of the parking lot at the Chaumont Fire Hall for parking in addition.

**Councilman Johnson** – Again reiterated that it is a public safety issue and if people are parked in the traffic lane they are hindering the road being cleaned by the Highway Department and hindering emergency vehicles from moving through the area.

**Councilman Schreib** – Stated that Supervisor Aubertine could enact an emergency ban.

**Councilmen Countryman and Madill** – do not want a State of emergency to be enacted in this situation.

***RESOLUTION 2009 - 24: Motion by Councilman Schreib and seconded by Councilman Johnson establishing a no parking law from November 1<sup>st</sup> through April 30<sup>th</sup> on County Route 125 (Point Salubrious); parking law would constitute no parking for twenty-four hours a day on either side of County Route 125 in it's entirety. A Public Hearing on this issue will be held at 6:30 p.m. on February 11, 2009 at the Chaumont Fire Hall, NYS Route 12E. Five ayes. Motion carried.***

**Councilmen Johnson and Madill** went on record stating that they would like to see the law enacted year around.

### **Three Mile Bay and Chaumont Fire Department's Funding**

**Supervisor Aubertine** stated that what the Town Board had agreed upon in November and what was stated at the December Meeting were two different agreements. Supervisor Aubertine then referred to the Minutes of the November 18, 2008 Meeting. At the December 10, 2008 Meeting the three year plan was discussed and a resolution was made that was not exactly what was discussed at the November 18<sup>th</sup> Meeting. Supervisor Aubertine explained that the final figures for the 2009 Budget were set. The three year plan, he felt would have been for 2010, 2011, and 2012; with the money to have the Fire Department become fully funded by 2012 to be divided equally through the years. He indicated to the Fire Departments that he would honor what he had stated at the November 18, 2008 Meeting. He wanted to let each Fire Department know that there would be a big jump from 2009 to 2010, it would mean an increase of 110% to the tax payers for Fire safety. The plan the Board had decided to adopt kept the increases the same throughout the three-year period.

**Charlie Mount** – Had to leave the November 18<sup>th</sup> Meeting early. Three Mile Bay Fire Department never asked to be fully funded by the Town. They do not need \$106,000.00 per year and they don't want to become an entity of the Town. They do not want the \$106,000.00 and they feel that they cannot afford to do that to the taxpayers.

**Chaumont Fire Chief Fred Jackson** – The Town intends to require the fire Department to purchase its equipment and then voucher for the payment from the contracted funds. The Town should remember that the Fire

Department reports to the Village and not the Town, as the Department is located in the Village.

It should also be noted that the Chaumont Fire Department is not a party to this agreement. The agreement must be between the Town and the Village. The Village may be paid the funds, although the contract may provide that the funds are paid directly to the Fire Department. Assuming the former, the Village will pay the funds to the Fire Department, but the Fire Department does not account to the Town directly. (See General Municipal Law 209 – d).

Additionally, this requirement is simply not acceptable to the Fire Department. The Department does not have the funds to advance for the purchase and requires the contract funds in order to make any purchases.

They also understand that the Town wishes to require the Fire Department to report its fundraising efforts to the Town. This is not acceptable. The Town is not "in control of" the Fire Department. Again, the Fire Department reports to the Village and not to the Town.

The Fire Department is happy to provide the Town with a proposed budget and will do so upon request. The Fire Department is also happy to provide the Town with a list of expenditures made from the Town's funds. Nothing more is acceptable or even legally required.

It is certainly the Fire Departments intention to work well with the Town, and the Department is certainly thankful of the Town's increased funding, but there has to be a middle ground to the Town's proposal. We believe that this is a very reasonable solution.

**Fire Chief Jeremiah Calhoun** – The Voucher system will not work for them due to the net 30 days for payment. By the time vouchers are approved at the Town meetings, they may be in jeopardy of going over the 30-day period in which payment would be due. They have no problem in showing the town their receipts for what is purchased with the \$30,000.00; that is a big chunk of money. They provided a list of what is currently needed by the Fire Department and would have no problem proving where their money will be spent. By asking for a total breakdown for expenditures for the year, the Town Board is asking for volunteers to do a lot of extra work. Chaumont is willing to go with the December 10<sup>th</sup> proposal for the designated timeline for funds.

**Attorney Gebo** – The Village, Fire Departments and Town need to sit down together and discuss the situation. Fire Protection is an essential service, there is no other place to go and get it, we are dealing with volunteer services. The \$30,000.00 extra funds given to each Fire Department this year is a "special appropriation" not a gift.

**Fire Chief Jackson** – When the siren goes off the taxpayers will see their money at work.



***Motion made by Councilman Countryman to adjourn tonight's meeting at  
9:10 p.m.***

***Minutes Respectfully Submitted by***

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