

**Town of Lyme
Annual Organizational and Regular Monthly Meeting
January 13, 2010
6:30 P.M.**

Supervisor Aubertine called tonight's meeting to order at 6:30 p.m. and was opened with a Prayer and the Pledge of Allegiance.

Present at tonight's meeting: Supervisor Aubertine, Councilmen Countryman, Johnson, Harris and Bourquin, Planning Board Chairman Paul Norton, Assessor's Marsha Barton and Roz Gotham, Highway Superintendent Pat Weston, ZEO Jim Millington, Three mile Bay Cemetery Supervisor Julia Gosier and approximately 15 others.

Privilege of the Floor

GYMO, P.C. - Brian Drake and Pat Scordo: The gentlemen gave a short presentation on the services offered by their company, expressing an interest in developing a business relationship within their areas of expertise with the Town.

Supervisor's Report – December 2009

Accountant Tom Bowie suggested that the Town Board look into establishing a Capital Reserve Fund account for the new Highway Truck and also some budget transfers for the year ending 2009.

RESOLUTION 2010 – 1: Motion by Councilman Countryman and seconded by Councilman Johnson accepting Budget Transfer #5 – 2009 as suggested by Bookkeeper Tom Bowie as follows:

<i>General Fund A:</i>	<i>FROM</i>	<i>TO</i>
<i>A1990.4 Contingent</i>	<i>9,388</i>	
<i>A1110.4 Municipal Court-Contractual</i>		<i>184</i>
<i>A5010.1 Superintendent of Highways - PS</i>		<i>7,161</i>
<i>A5010.2 Superintendent of Highways – Equipment</i>		<i>83</i>
<i>A5010.4 Superintendent of Highways – Contractual</i>		<i>75</i>
<i>A7140.4 Playground – Contractual</i>		<i>563</i>
<i>A7310.4 Teen Center – Contractual</i>		<i>95</i>
<i>A7510.1 Historian – PS</i>		<i>113</i>

<i>A8160.4 Refuse and Garbage – PS</i>	<u>9,388</u>	<u>1,114</u>
		<u>9,388</u>

General Fund B:

<i>B8010.1 Zoning – Equipment</i>	698	
<i>B8020.1 Planning – PS</i>		698

Highway DA:

<i>DA-9010.8 State Retirement</i>	2,834	
<i>DA5130.1 Machinery – PS</i>		1,566
<i>DA5142.1 Snow Removal – PS</i>		1,113
<i>DA9030.8 Social Security</i>	<u>2,834</u>	<u>2,834</u>

Water District #2:

<i>F8310.4 Administration – Contractual</i>	11	
<i>F9030.8 Social Security</i>		11

Water District #4:

<i>F9730.7 Interest – Bonds</i>	100	
<i>F9730.6 Serial Bonds</i>		100

All Board Members were in agreement and the Motion was carried.

RESOLUTION 2010 – 2: Motion by Councilman Countryman and seconded by Councilman Johnson accepting the December 2009 Supervisor’s Report as presented by Bookkeeper Tom Bowie. Five ayes Motion carried.

December 2009 Clerk’s Report

Total State, County and Local Revenues: \$1,234.33

Highway Superintendent – Pat Weston

Superintendent Weston recommended to the Board that Reggie Wright be hired as the next full time employee to the Highway Department. Reggie has worked as a part-time MEO for one year and has proven himself to be an

excellent mechanic and employee, he brings beneficial experience and expertise to the Highway Department.

RESOLUTION 2010 – 3: Motion by Councilman Johnson and seconded by Councilman Bourquin, proceeding with the recommendation of Highway Superintendent Pat Weston approving Reggie Wright as a career employee in the Town Highway Department and hiring Garth Thompson and Steve Alexander as part – time MEO’s. Five ayes. Motion carried.

RESOLUTION 2010 – 4: Motion by Councilman Countryman and seconded by Councilman Harris accepting the bid from Derouin’s Plumbing and Heating, Inc for the materials needed for the installation of a ventilation system in the highway garage. The price is to include the following:

1. ***One 36” x 36” wall mounted prop fan complete with weather hood.***
2. ***One wall sleeve plenum.***
3. ***One 24” x 24” 115 volt motorized louver / damper set.***
4. ***Five 18” round x 10 feet long joints of spiral duct and one end cap.***
5. ***Three inlet wye fittings for the individual ceiling mounted truck exhaust fans.***
6. ***Three 12” x 8” x 10” round transition pieces.***
7. ***One 10” x 25 feet flex duct.***
8. ***Delivery to job site – 7 – 10 days.***

Price does not include installation or wiring and electrical supplies. The price of all materials shall not exceed \$3,316.00. Five ayes. Motion carried.

Audit of Bills

RESOLUTION 2010 – 5: Motion by Councilman Bourquin and seconded by Councilman Johnson accepting Abstract #1 in the amount of \$4,256.90. five ayes. Motion carried.

RESOLUTION 2010 – 6: Motion by Councilman Countryman and seconded by Councilman Johnson accepting Abstract #2 in the amount of \$20,799.23. Five ayes. Motion carried.

RESOLUTION 2010 – 7: Motion by Councilman Countryman and seconded by Councilman Johnson accepting the meeting minutes of the December 9, 2009 Regular Monthly Meeting as presented by Clerk Wallace. Five ayes. Motion carried.

RESOLUTION 2010 – 8: Motion by Supervisor Aubertine and seconded by Councilman Johnson accepting the meeting minutes of the December 30, 2009 Year End Meeting as presented by Clerk Wallace. Five ayes. Motion carried.

Department Reports

Assessor's Report – Marsha Barton:

The exemption renewal forms are coming in, being reviewed and processed for the 2010 tax roll. There are a few properties that were checked last fall that require a recheck prior to March 1st.

The inventory on all the trailer parks in the Town has been updated this year. The new values based on the income approach have been completed. There are five trailer parks located within the Town.

Municipal Water Board Report – Marsha Barton:

At the January Water Board Meeting they will be looking at a possible addendum to the Town of Lyme Water Distribution Law. It has come to their attention that there is nothing in the current law that addresses the Village installing water lines outside the Village limits.

Water District #5 is progressing. The master meter has been installed and there are currently six homes that have been hooked up. The seasonal properties will be hooked up in the Spring. The first billing for Water District #5 will be going out in March.

As of the December 2009 Supervisor's Report, all of the Water Districts ended up in the black. A final financial report will be completed for the

February Meeting. Excess reserves over expenditures will be added to the Water Reserve Fund.

Billy Scarpocchi has requested that the Board look into the possibility of purchasing a vehicle that would be devoted to the Water operator. He has indicated that a used pickup would allow him to keep his tools and parts in a place where they may be readily available. Marsha has emailed Attorney Gebo, asking if the money for the purchase of a new vehicle could come out of the Water Reserve Account. If that is a possibility then we may want to consider the purchase for next years budget.

Three Mile Bay Cemetery Report – Julia Gosier:

The 2009 figures for grave lot sales are \$1,600.00 and burials are \$2,466.00. Total revenues for the Three Mile Bay Cemetery are \$4,066.00.

The vault was used once in 2009.

Julie has purchased an industrial weed eater and harness. There was also a new mowing deck put on the tractor.

The cemetery vault, tool shed and equipment have been added to the insurance inventory.

Luck Brothers were very cooperative about rescheduling their work to accommodate funerals this last summer.

In October, four Highway Department Employees brought their heavy equipment and helped Julie in the cemetery. They moved dirt, leveled graves, reset stones and did heavy duty cleanup. Julie would like to give them a big thanks.

In the winter months Julie has worked on purging old paperwork, organizing old records, and researching old vacant graves. Contacting heirs has led to the return of one grave site to cemetery ownership. More will surely be returned with future research.

Cemetery maintenance went smoothly this past year. We cannot expect most years to be so inexpensive and free of trouble.

Planning Board Report – Chairman Paul Norton:

Paul thanked Boo Harris and Donny Bourquin for their many years of dedicated service on the Planning Board.

Police Report – December 2009 – Written Report by Leo Wilson

Youth Committee Report – Charlie Mount:

The fourth, fifth and sixth grade boys and girls have started the basketball season. They have been struggling to get access to the school gym.

Lyme Central School Superintendent Karen Donahue has contacted Supervisor Aubertine and have discussed the possibility of a Shared Service Committee made up of a Board Members from the School and the Town. They are in hopes of collectively coming up with some ideas that could make a difference.

ZEO Report – Zoning Enforcement Officer Jim Millington:

There has been very little going on in the way of Zoning for the month of December. There was only one Zoning Permit Application submitted, one complaint, one site visit and one letter of correspondence.

RESOLUTION 2010 – 9: Motion by Councilman Johnson and seconded by Councilman Countryman appointing Donnie Bourquin to the Teamsters Negotiations Committee along with Councilman Johnson. Five ayes. Motion carried.

There was a five-minute recess from 7:45 to 7:50 p.m.

Appeals Court Decision

On December 30, 2009, The New York State Court of Appeals has ruled along with Supreme Court, Jefferson County Judge Hugh A. Gilbert, against the Town of Lyme in the matter of Guy Gosier, Julie Gosier, David Bourquin, Jeanine Bourquin, Charles Kingsley, Lawrence Comins, Janice Comins, Charles Mount, Charles Munk and Dawn Munk,

Petitioners – Respondents, versus Scott Aubertine, Michael Countryman, James Madill, Warren A. Johnson, and Norm Schreib, individually and as members of the Town Board of the Town of Lyme, Respondents – Appellants.

The Petitioners commenced the CPLR Article 78 proceeding seeking to annul the determination rejecting a protest petition with respect to a proposed amendment to the Zoning Ordinance of the Town of Lyme (Zoning Ordinance). The narrow issue raised on this appeal is whether, under Town Law § 265 (1) (a), the signature of only one spouse with respect to property held as tenants by the entirety is sufficient for the property to be included in order to meet the 20% threshold required for a valid protest petition. The Court concluded that it is.

Supervisor Aubertine stated that there are many possible options and obviously some changes are necessary.

Councilman Bourquin feels that they should take the personal wind turbines out of the Local Law rather than holding them hostage in case industrial turbines hold things up in the future.

Councilman Johnson would like to see the Law pass as written. The Town Board spent two years and a lot of money. The wind law protects the taxpayers. If the Town does not have any zoning laws in place to control this type of expansion they are not doing their job.

Supervisor Aubertine and Councilman Countryman are not willing to change their vote.

Councilman Johnson stated that Councilman Countryman was in favor of the Law until the final vote. What changed?

Supervisor Aubertine stated that the set backs are his biggest issue with the current law.

Councilman Harris stated that we can compromise and the Wind Law needs to be tweaked. She felt that it worked well when the Planning and Town Boards worked together. Boo would like to see a committee with the two different groups coming together and input from the citizens.

Councilman Bourquin has spoken to Keith Pitman from Empire Wind, he would be willing to look at the Town's Zoning Law and give some suggestions. Mr. Pitman's company would be willing to put up less turbines but the Town would stand to make more revenues.

Hester Chase has received a grant to study community wind in the Town of Cape Vincent, she is hoping to move some of that money to include the Town of Lyme.

Julie Gosier stated that if the Town formed a committee they could ask the public to send ideas in writing as to why they feel wind power would be beneficial. This wind situation is a huge responsibility and different than anything the Town Board has ever dealt with. Some of us look at the large wind companies as the enemy; they are intimidating and there seems to be a lack of trust. These people have a lot of valuable information and we should be using it and be open to it.

Supervisor Aubertine suggested TABLING any more discussion on this topic until next month.

Fourth Coast – Prioritized Projects

Supervisor Aubertine, Councilman Countryman and Clerk Wallace met with Gus Withington and Rob Campany on January 12, 2010 to discuss and draft a list of priorities and concerns for the Town. As a result of the discussions the following draft list was formed:

Highway Garage and Salt/Sand Storage

- Install sewer and water infrastructure to the Fuel Depot
- Relocate the Highway Garage and salt/sand to Fuel Depot location.
- Investigate funding relative to environmental concerns with reference to relocating salt/sand storage facility

Municipal Building

- Generator for Municipal Building
- Expand Town/Village offices to occupy newly vacated truck bays
- What to do with land after Highway garage is relocated?

Water and Sewer Infrastructure

- Sewer / Water infrastructure along Route 12E toward Watertown

Lighting

- Street lighting alternatives in Three Mile Bay

Departmental

- Review / study police department
- Village dissolution

Recreation

- Walking trail / athletic fields

The next step in preparation of evaluating funding opportunities is to develop preliminary budgets, including the evaluation of utilizing Town forces to conduct work. Preliminary design sketches will be needed to prepare initial budgets. Based on our conversation fourth coast recommended preparing preliminary designs for the Highway Garage, Sand/Salt storage, town Offices, Route 12E infrastructure and research funding for emergency generators.

Correspondence

Lyme Community Foundation – and the Lyme Recreation Department contributed money to purchase a portable ice skating rink approximately five or six years ago. For a few years the rink was set up in the front yard of the Alexander Copley House. Unfortunately it never proved to be an ideal location because of the configuration of the ground and the lack of anyone to properly maintain it. The Foundations Board of Directors has discussed this issue and would like to offer the Town the skating rink to use where we deem suitable. Possibly the Town could use the rink at the Morris Track Ball Field or at the tennis courts.

The Town Board decided that they would have the rink picked up from the Copley House in the Spring and find some storage for it in the Town. The condition of the rink is uncertain at this time.

Annual Local Government Conference at JCC – April 1, 2010

Resolutions and Motions

RESOLUTION 2010 – 10: Motion by Councilman Countryman and seconded by Councilman Johnson, The Town Board of the Town of Lyme, pursuant to the authority granted it under Article 12 and 12a of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

The Town Board of the Town of Lyme has determined that it is necessary to review water in order to generate sufficient revenues to cover all budgetary expenses for the year starting January 1, 2010. It is the purpose of this local law to amend such rates.

The Town Board of the Town of Lyme hereby enacts the water rates as follows:

<i>District #1</i>	<i>Debt</i>	<i>\$20.00</i>
	<i>O&M</i>	<i>\$23.00</i>
<i>District #2</i>	<i>Debt</i>	<i>\$47.13</i>
	<i>O&M</i>	<i>\$23.00</i>
<i>District #3</i>	<i>O&M</i>	<i>\$20.00</i>
<i>District #4</i>	<i>Debt</i>	<i>\$32.00</i>
	<i>O&M</i>	<i>\$18.00</i>
<i>District #5</i>	<i>Debt</i>	<i>\$46.00</i>
	<i>O&M</i>	<i>\$16.00</i>

The Town Board reserves the right to amend these rates from time to time as needed after the Public Hearing. Five ayes. Motion carried.

2010 Organizational Meeting and Annual Appointments

RESOLUTION 2010 – 11: Motion by Councilman Countryman and seconded by Councilman Harris approving the 2010 Annual Appointments as follows:

a. Budget Officer

Scott Aubertine

<i>b. Deputy Supervisor</i>	<i>Mike Countryman</i>
<i>c. Bookkeeper to Supervisor</i>	<i>Sovie and Bowie</i>
<i>d. Consolidated Health Officer</i>	<i>Scott Aubertine</i>
<i>e. Consolidated Health Doctor</i>	<i>Sam Verbeck</i>
<i>f. Deputy Highway Superintendent</i>	<i>Tim Hills</i>
<i>g. Transfer Site Foreman</i>	<i>George Perkins</i>
<i>h. Deputy Town Clerk</i>	<i>Jo Morrow</i>
<i>i. Records Management Officer</i>	<i>Kim Wallace</i>
<i>j. Registrar of Vital Statistics</i>	<i>Kim Wallace</i>
<i>k. Deputy Registrar of Vital Statistics</i>	<i>Jo Morrow</i>
<i>l. Chairman of Assessors</i>	<i>Marsha Barton</i>
<i>m. Police Chief</i>	<i>Leo Wilson, Sr</i>
<i>n. Police Officer</i>	<i>Leo Wilson, Jr.</i>
<i>o. Water Districts Billing Clerk</i>	<i>Marsha Barton</i>
<i>p. Water Districts Receiving Clerk</i>	<i>Kim Wallace</i>
<i>q. Zoning Enforcement Officer</i>	<i>Jim Millington</i>
<i>r. Deputy Zoning Enforcement Officer</i>	<i>ZEO's Appt.</i>
<i>s. Chairman of Zoning Board of Appeals</i>	<i>Mike Callahan</i>
<i>t. Secretary to ZBA</i>	<i>Jo Morrow</i>
<i>u. Secretary to ZEO</i>	<i>To Be Determined</i>
<i>v. Member to ZBA</i>	<i>Harry Staudenmayer</i>
<i>w. Chairman Board of Assessment Review</i>	<i>Ted Utess</i>
<i>x. Chairman of Planning Board</i>	<i>Paul Norton</i>
<i>y. Secretary to Planning Board</i>	<i>Jo Morrow</i>
<i>z. Town Historian</i>	<i>Ted Schofield</i>
<i>aa. Attorney for the Town</i>	<i>Mark Gebo</i>
<i>bb. Election Machine Custodian</i>	<i>Steve Long</i>
<i>cc. Town Office Maintenance</i>	<i>Jillesa Morrow</i>
<i>dd. Marriage Officer</i>	<i>Kim Wallace</i>
<i>ee. Municipal Water Board Chairman</i>	<i>Marsha Barton</i>
	<i>(five year term)</i>
<i>ff. Three Mile Bay Cemetery Supervisor</i>	<i>Julia Gosier</i>

Five ayes and the Motion was carried.

Supervisor Aubertine has established Committees and Appointments as follows:

Oversight Committee – Scott Aubertine and Mike Countryman
Website Committee – Scott Aubertine and Kim Wallace

Highway Department Committee – Mike Countryman and Don Bourquin

Youth Commission – Boo Harris

Building and Grounds Committee – Warren Johnson, Pat Weston, Scott Aubertine

2010 Resolutions for the Organizational Meeting

1. Establishment of Banks –

RESOLUTION 2010 – 12: Motion by Councilman Countryman and seconded by Councilman Johnson establishing the Town of Lyme’s primary bank for 2010 to be Citizens Bank of Cape Vincent with the Watertown Savings Bank being the Town’s secondary bank. Five ayes. Motion carried.

RESOLUTION 2010-13: Motion by Councilman Johnson and seconded by Councilman Harris establishing the following:

- 2. Establishment of Meeting Dates and Times – Meetings will take place at the Municipal Building 12175 NYS Route 12E, Chaumont*
 - a) Town Board 6:30 p.m. Second Wednesday*
 - b) Planning Board 7:00 p.m. Third Thursday*
 - c) Municipal Water Board 6:30 p.m. Fourth Wednesday*
 - d) Zoning Board of Appeals 6:30 p.m. First Wednesday*
- 3. Annual Appointments*
- 4. Establishment of Salaries as per 2010 Budget*
- 5. Establishment of Legal Newspaper – Watertown Daily Times and Thousand Island Sun*
- 6. Establishment of Signatures for Bank Transactions – Supervisor Aubertine and Councilman Countryman*
- 7. Establishment of Signatures for Consolidated Health – Supervisor Aubertine and Councilman Countryman*
- 8. Establishment of Signatures for Town Clerks Account – Clerk Wallace and Deputy Clerk Jo Morrow*
- 9. Establishment of Signatures for Tax Collector Account – Amy Barton*

- 10. Establishment of Signatures for Water District Accounts – Clerk Wallace and Deputy Clerk Jo Morrow*
- 11. Establishment of Mileage Rate – NYS Current Rate*
- 12. Establishment of Audit Committee – Supervisor Aubertine and Deputy Supervisor Countryman*
- 13. Designation of Polling Places – Municipal Building in Chaumont and the Three Mile Bay Fire Department*
- 14. Adoption of Investment Policy*
- 15. Adoption of Procurement Policy*
- 16. Retirement Resolution*
- 17. Town Officials Bond – Timmerman and Admas Insurance*
- 18. Prepayment of Claims – Supervisor Aubertine and Councilman Countryman*
- 19. Payment of Town Association Dues*
- 20. Payment of Elected / Appointed Officials Annual Dues*
- 21. Authorization of payment for attendance at Association of Towns Annual Conference*
- 22. Claims to be charged against General Fund A1620.4 (Contractual)*
 - a) Electric*
 - b) Heating*
 - c) Telephone / Fax*
 - d) Internet*
 - e) Water / Sewer*
 - f) Copiers – Maintenance and Repair*
 - g) Shared Supplies*

All Town Board Members were in agreement and the Motion was carried.

Privilege of the Floor

Bruce Kingsley – Point Peninsula – Feels it would be a good idea for the Town Board to take a look at some of the personal windmills in various places. There are two small windmills right in the middle of Washington D.C.

Charlie Mount – The Town Board has done everything to protect the neighbors. Property owners should have rights but they don't seem to have them any more.

Tonight's Meeting was adjourned at 9:15 p.m.

Minutes Respectfully Submitted by

*Kim Wallace
Town of Lyme Clerk*

