

**Town of Lyme**  
**May 13, 2009**  
**Public Hearing Considering the Adoption of a Mobile Seasonal**  
**Residency Law**  
**Immediately Followed by the Regular Monthly Meeting of the Town**  
**Board**  
**6:30 p.m.**

**Supervisor Aubertine called the Public Hearing to order at 6:30 p.m.**

**Present at tonight's Meeting:** Supervisor Aubertine, Councilmen Johnson, Countryman and Madill, Assessor Marsha Barton, Bookkeeper Tom Bowie, ZEO Dave Rush, Clerk Wallace and approximately 20 others. Councilman Schreib was not present at tonight's meeting.

**Clerk Wallace Read The Public Hearing Notice As Follows:**

**Please Take Notice** that the Town Board of the Town of Lyme, shall conduct a Public Hearing on Wednesday, May 13, 2009 at 6:30 p.m. at the Town of Lyme Offices, Chaumont, New York to consider the adoption of a Mobile Seasonal Residency Law which would affect the placement of motor homes, mobile travel trailers, and fifth wheel travel trailers on certain properties in the Town and provides certain limitations on the same.

**Supervisor Aubertine stated** the following ground rules for the Public Hearing:

- Address remarks to the Town Board only.
- No person will speak a second time until everyone who wants to speak has spoken.
- The five-minute rule will be enforced.
- The Town board is here to listen, not necessarily express its own view or opinions.
- No person has the right to demand an answer to a specific question from a member of the Board. All such questions shall be directed to the Supervisor.

This Hearing is not being held to debate questions. We are here to listen to your opinion on the proposal before us tonight. We want your advice and help in coming to the proper conclusion on the matter concerning which the

Hearing has been called. If you are in favor of the proposal, simply tell us and give us your reasons why; and likewise, if you are against.

**Ted Smith – Town of Lyme, Village of Chaumont Resident** – Had some questions after he reviewed the Draft of the law presented this evening. Does this mean his grandchild cannot stay in the camper in their yard? How will this law affect Long Point, Hidden Harbor, Sportsman Hideaway, and Millen’s Bay Marina? Would you have to obtain a permit to park before you came into Town?

**Supervisor Aubertine** stated that the Town Board has been hasty; they have comments and concerns to address and change. There is the possibility of another Public Hearing after the final draft is in.

**ZEO Rush** – Has reviewed the Draft Copy of the Mobile Seasonal Residency Law and presented the following comments:

The title “Mobile Seasonal Residency Law” does not fit the application of this proposed law. “Resort District Recreational Vehicle Law” seems to be more in line with what this law deals with.

**Article II - Definitions:** The proper industry standard terminology for these are: Motor Home, Travel Trailer and Fifth Wheel Trailer. You should also consider including Park Model Trailer in this list.

**Article VII – Specific Use Regulations – Procedures:** (i) A Zoning Permit Application for Seasonal Residency shall be made to the Zoning Enforcement Officer (ZEO). Mr. Rush feels that this law should require an Application for a “Resort District R/V Permit”. The present Zoning Permits apply to construction type situations.

Prior approval, by the Zoning Board of Appeals, after a Public Hearing for all permits issued under this law, is required. Mr. Rush stated that the ZBA’s duties are to hear and decide appeals from decisions of the Zoning Enforcement Officer and to interpret the Zoning Ordinance or Local Law and to grant variances.

(II) Application shall include a detailed site plan (Note 1)

Note 1. The Site Plan.... setbacks. Proposed and existing...ZEO Rush feels that the word proposed must be removed. Water, septic and electrical connections must be present and operational prior to approval of a permit.

“And an application fee assigned by the Town Board of the Town of Lyme”. Paragraph four of the current Zoning Ordinance states that the Zoning Officer will determine the amount of the fees for matters requiring his approval or action.

(iii) The Site Plan will be the basis for which the permit is issued... The purpose of the site plan, considering the transient nature of the occupancy, is to ensure continued compliance with the permit terms and conditions. Mr. Rush feels that the purpose of the Site Plan is for the parcel owner to provide the required details necessary to allow the Zoning Officer to conduct a Site Visit prior to approving the permit request. The only way is to insure continued compliance with the terms and conditions of the permit and that it allows for a periodic inspection of the site.

b). Terms and Conditions for Approval:

- (v) Suitable provision for potable water, septic, and gray water waste shall be detailed in the site plan submitted for the permit. Mr. Rush stated that the Zoning Enforcement Office couldn't approve a permit on the basis of suitable provisions. What is the definition of Suitable Provisions?
- (viii) The existence of a pre-existing condition may be considered in granting a permit. What would be an example of a pre-existing condition?
- (ix) The permit shall be issued only if neighborhood appropriate by taking.... This sentence is not very clear.
- (l) An undesirable change will not be produced in the character of the neighborhood nor will there be a detriment to nearby properties by granting the permit; Mr. Rush stated that the ZEO does not have the power to make this type of determination.

**Ted Smith** – Is there a Grandfather Clause for existing travel trailers that haven't rolled in twenty years?

*A Motion was made by Councilman Countryman and seconded by Councilman Madill to close the Public Hearing at 6:55 p.m.*

**Supervisor Aubertine called the Regular Meeting to order at 6:55 p.m.**

***RESOLUTION 2009 – 70: Motion by Councilman Countryman and seconded by Councilman Johnson scheduling a Work Session date of Wednesday May 20, 2009 at 6:30 p.m. to continue with modifications to the Mobile Seasonal Residency Law. Four ayes. Motion carried.***

**Bob Thomas – County Legislator** – the Lyme Central School Odyssey of the Mind Team has been invited to the Boards Chambers to decorate them with some more certificates.

**Dave Rush – County Route 125** – Stated that there is a speeding problem out on the Point and it is not the summer residents, we need a police presence. Mr. Thomas will ask the task force to come in to the Town of Lyme.

**Jill Evans – Frontier Housing** – Frontier Housing Corporation is a not-for-profit corporation established in 1975 to develop, own and manage affordable housing and to participate in community and economic development for the betterment of the public. Frontier currently serves the Town of Brownville, which includes the Villages of Dexter, Brownville and Glen Park. There are five (5) affordable housing apartment complexes in the Village of Dexter comprised of ninety-four (94) family units and twenty (20) elderly units. Frontier owns and manages four complexes, sixty-four (64) units for low to moderate-income families.

Frontier has continued to develop housing and community needs plan in order to identify solutions and prioritize funding in the community. As such, Frontier continues to receive input from local leaders to prioritize communities' needs in categories of housing, community facilities and economic development. Frontier is currently reviewing the area it serves and would like to include the Town of Lyme and the Town of Hounsfield in its servicing area. We intend to use every resource available in the next few

years to help lower income resident's deal with these changes in the housing market.

Frontier Housing Corp. Has developed several strategies for dealing with current problems and taking advantage of future opportunities, which include two primary components: 1) economic development initiatives and 2) housing preservation.

Frontier Housing Corp. continues to meet the objectives that were established in the Jefferson County Consolidated Plan as the basis for the overall strategy:

- To preserve and increase the supply of decent, safe and affordable housing available to low and moderate income households.
- To improve the ability of low and moderate-income households to access rental housing and home ownership opportunities.
- To assist communities with economic development initiatives.
- To assist communities with infrastructure projects affecting public health, safety and welfare.

Revitalizing the owner occupied homes is critical to improving the Town of Lyme's economy. Housing preservation will assist in making the appearance of these properties a more attractive place for the low to middle income residents to live.

Frontier Housing Corp. is committed to promoting equal housing opportunity, fair housing, and M/WBE participation in the communities we serve. We will continue to comply with all related requirements set forth by NYS Affordable Housing Corp.

Frontier Housing has been very successful with administering four (4) grants awarded by NYS Affordable housing Corp:

- AHC-804R First Time Homebuyers awarded \$250,000 for 12 homes
- AHC-A09 First Time Homebuyers awarded \$250,000 for 14 homes
- AHC-7B19 Home improvement Project awarded \$300,000 for 22 homes

- AHC-7HH70 Home Improvement Project awarded \$175,000 for 10 homes

As well as the following grants:

- North Country HOMR Consortium: Owner Occupied Rehabilitation awarded \$200,000 for 22 homes
- North Country HOME Consortium: First Time Homebuyers awarded \$118,000 for 9 homes
- Housing Preservation Grant (USDA): Owner Occupied Rehabilitation awarded \$90,000 for 20 homes
- DHCR: Owner Occupied Rehabilitation awarded \$200,000 for 26 homes
- North Country HOME Consortium: Owner Occupied Rehabilitation awarded \$142,554 for 9 homes
- Housing Preservation Grant (USDA): Owner Occupied Rehabilitation awarded for 10 homes
- NYS Main Street Grant (Office of Community Renewal): Village of Brownville Main street Project was awarded \$200,000 to revitalize and preserve 6 buildings in a three-block radius.
- North Country HOME Consortium: Rental Rehabilitation Project was awarded \$230,000 to revitalize and preserve 20 apartment units in 6 buildings in the three block radius.

Frontier Housing Corporation is requesting a letter of support from the Town of Lyme as part of our efforts to change the certificate of incorporation to expand our servicing area.

***RESOLUTION 2009 – 71: Motion by Councilman Johnson and seconded by Councilman Madill authorizing the Supervisor to send a letter of support to Frontier Housing as part of an effort to change the***

*certificate of incorporation expanding their service area. Four ayes. Motion carried.*

**Supervisor's Report – Tom Bowie**

**RESOLUTION 2009 – 72:** *Motion by Councilman Countryman and seconded by Councilman Madill accepting the April 2009 Supervisor's Report as presented by Bookkeeper Tom Bowie. Four ayes. Motion carried.*

**RESOLUTION 2009 – 73:** *Motion by Councilman Countryman and seconded by Councilman Madill authorizing Budget Transfer #1 as suggested by Bookkeeper Tom Bowie as follows:*

<i>Highway DA</i>		<u><i>From</i></u>	<u><i>To</i></u>
<i>DA599</i>	<i>Appropriated Fund Balance</i>	<i>\$3,320</i>	
<i>DA1001</i>	<i>Real Property Taxes</i>		<i>\$3,320</i>
 <i>General Fund A</i>			
<i>A1310.4</i>	<i>Bookkeeper Contractual</i>	<i>\$4,000</i>	
<i>A1310.1</i>	<i>Bookkeeper PS</i>		<i>\$4,000</i>

*Four ayes. Motion carried.*

**Clerk's Report**

April 2009 Clerk's Report Total State, County and Local Revenues totaled \$6,861.02.

**RESOLUTION 2009 – 74:** *Motion by Councilman Countryman and seconded by Councilman Madill approving Abstract # 9 in the amount of \$11,154.64. Four ayes. Motion carried.*

**RESOLUTION 2009 – 75:** *Motion by Councilman Johnson and seconded by Councilman Countryman approving Abstract #10 in the amount of \$74,574.08. Four ayes. Motion carried.*

## **Approval of Minutes**

***RESOLUTION 2009 –76: Motion by Councilman Madill and seconded by Councilman Countryman approving the Minutes of the April 8, 2009 Regular Town Board Meeting. Three ayes. Motion carried. Supervisor Aubertine abstained because he hadn't had a chance to review them in their entirety.***

## **Department Reports**

### **Assessor's Report - Marsha Barton**

**2009 Tentative Assessment Roll** – A copy of the 2009 Town of Lyme and Village of Chaumont Tentative Assessment Roll is on file in the Office for review.

The assessor's will be in attendance with the roll for public review on the following dates:

Saturday	May 16 <sup>th</sup>	9:00 A.M. – 1:00 P.M.
Monday	May 18 <sup>th</sup>	1:00 P.M. – 4:00 P.M.
Tuesday	May 19 <sup>th</sup>	9:00 A.M. – 1:00 P.M.
Thursday	May 21 <sup>st</sup>	6:00 P.M. – 8:00 P.M.

If these hours are not convenient for anyone, they can call the Assessor's at 649-2387 to set up an appointment.

Grievance Day is Tuesday, May 26<sup>th</sup> from 6:00 - 10:00P.M.

As always, we encourage anyone with a question to contact us prior to Grievance Day to discuss concerns.

**New Office Hours** – The assessor's are now in the office every Monday, except Holidays, from 9:00 A.M. – Noon and 2:00 P.M. – 5:00 P.M., or by appointment.

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

**Report For April 28<sup>th</sup> Meeting with Bernier and Carr:** Bill Scarpocchi, Dave Rush and Marsha Barton met with Gregor Smith to review final



drawings. Plastic pipe will be used since it is more affordable. They also requested a meter pit, if it is affordable. There will be a T installed at the intersection of Old Town Springs Road and Cheever Roads for the future expansion. Meter pits will be installed for all hookups.

Paperwork has been submitted to the Health Department for approval.

Since there will not be enough flow for Fire Department use, black hydrants will be installed, only to be used for flushing.

Once the Health Department approval is granted, plans will be submitted to Rural Development's Engineer for approval. It will then go out to bid. We are looking at fall construction.

A Resolution is needed to state, that for all Water Districts in the Town of Lyme, Mueller Hydrants, Sensus Meters and 1000-gallon meter pits will be used. This Resolution is necessary to show the Health Department and Rural Development that we have a standard Resolution in place. A copy of this Resolution needs to be sent to Bernier and Carr.

**Point Salubrious Update:** Kris Dimmick will be attending the May Water Board Meeting to give an update. They have stated that they are presently working on a comprehensive plan for the Village of Chaumont and there will be a possibility of Shared Services for some of the project.

**Three Mile Bay DOT Project:** Bill Scarpocchi is monitoring the project daily. Dave Rush met with the Contractor and the State to see if we are going to get reimbursed for Bill's wages for the time he spends there and also for the testing that will be required. Dave is trying to negotiate with them, but it doesn't look too promising. They have now learned that it is imperative to attend the planning meetings to get reimbursement included in their budget.

**Property Owner Easements for Water District #5 Project:** They have received most of the easements back from property owners. They are in the process of contacting those who haven't returned them.

Marsha also expressed her gratitude for having Dave Rush as a member of the Water Board due to his expertise in the field with water lines and the vast knowledge he brings to the table with all aspects of the construction phases

and the process required for the formation of a Water District. The project is moving slowly.

***RESOLUTION 2009 – 77: Motion by Councilman Countryman and seconded by Councilman Madill stating that for all Water Districts in the Town of Lyme, They we utilize Mueller Hydrants, Sensus Meters and 1000 – gallon meter pits. Four ayes. Motion carried.***

### **Planning Board – Paul Norton – Chairman**

688 of the Community Surveys were returned. The Planning Board has had a busy month; they have met jointly with the Village Planning Board twice.

During the first meeting, County Planning interpreted the initial results of the Community Survey. Andy and Betsy from County Planning believe this is a great tool for the Town to refer to in developing our comprehensive plan. Hopefully the Town Board will have a chance to review the results, Paul feels that the County has done a great job.

The second meeting was a work session where the joint boards reviewed the comments from the surveys. They read aloud comments that seemed relevant. County planning will break down the survey even further at the next meeting.

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

There is a cremains burial scheduled for Thursday May 14<sup>th</sup> and a full burial scheduled for Friday May 15, 2009.

Julie met with Paul Kamerer to go over the job of cemetery caretaker (mowing, weed eating, etc.) Paul has done one full mowing.

Julie also spoke with the Luck Brothers Foreman about cemetery access.

Superintendent Parker and Julie did a walk through the Cemetery this morning, looking over issues with stones. They will be discussing needs in the future, there needs to be more work done in that area.

### **Police Report – April 2009 – Written Report From Police Chief Leo Wilson.**

## **Youth Committee Report – Charlie Mount –**

They have been very busy; the summer ball program has started. Charlie thanked Supervisor Aubertine, Charlie O'Brien, and Travis Fulmer for their help in preparing the field for the upcoming season. The Morris Track Ball Fields is being used for 5 or 6 days a week. The School is also using the field for varsity games.

The Teen Center will continue to be open until June 1<sup>st</sup>; several kids are attending the program.

Charlie requested that the Town Board look into the possibility of grooming an area of the 66 acres for a new ball fields. He feels that it would not take much to get some practice fields ready although they probably wouldn't be game ready. It would be nice to be able to utilize the land that the Town has owned for ten years. New fields would be great, the Town and School are in need of them. It would be a good idea to get the original plans from Bernier and Carr and have the Board take a look at the possibilities for expansion.

Suzanne Rush asked Charlie about the Summer Youth Program. She remarked that the Village Beach is appalling and the kids deserve more.

Charlie mentioned that the Youth Committee meets on the second Tuesday of each month and she would be welcome to attend.

Charlie asked if they could have some wood chips delivered to the Three Mile Bay Playground, they are in need of them.

## **ZEO Report – Dave Rush**

Dave needs some feedback from the Town Board regarding the 4 unsafe structures he reported on last month. Some of the properties have had some efforts made and 2 of them have had nothing done. 10656 County Route 125 has remained the same way for years now; this is not a new problem.

These buildings are unsafe and the ZEO's would like to serve notice on them. Deputy ZEO Millington is in full agreement with Dave on this issue.

***RESOLUTION 2009 – 78: Motion by Councilman Madill and seconded by Councilman Johnson implementing Section 3, Local Law #1 –1993 – Unsafe Buildings and Structures Law: The Town Board shall thereafter consider such report and by Resolution, determine if in it’s opinion the report so warrants, that such buildings are unsafe and dangerous and order that it be made safe and secure or removed and further order that a notice be served upon the persons and in the same manner provided herein.***

***Roll Call Vote***

<b><i>Councilman Johnson</i></b>	<b><i>Yes</i></b>
<b><i>Councilman Countryman</i></b>	<b><i>Yes</i></b>
<b><i>Councilman Madill</i></b>	<b><i>Yes</i></b>
<b><i>Supervisor Aubertine</i></b>	<b><i>Yes</i></b>

***Four ayes. And the Motion was carried.***

**Gauthier Situation – Deputy ZEO Millington –** Has determined the Mean High Water Mark on the Hall property, Point Peninsula by taking the lot dimensions from a known point, such as the center of the road, and measure from that point toward the Lake. This will give you the original end point of the lot at the time the map was drawn. Due to shore erosion this point would most likely be in the water. From this point they can measure their setbacks. On July 10, 2008, ZEO Millington measured the setback at the Hall property using this method of measurement. This method revealed that the original water mark for this parcel is actually + or – 5 feet out of the water. When the setback was measured using the standard method, measuring from the edge of the existing shoreline, the setback was measured at 31 feet.

***RESOLUTION 2009-79: Motion by Councilman Johnson and seconded by Councilman Madill having the letter drafted by ZEO Dave Rush to Mr. and Mrs. Edward Gauthier forwarded to Attorney Gebo once the letter is modified. Four ayes. Motion carried.***

***This will be a topic at the next work session so that Mr. Gauthier is made aware of what step is to take place next.***

Mr. Brad Clark requested his letter of May 7, 2009 be spread across the minutes of tonight's meeting. *Refer to Attachment A for a copy of the letter.*

**Jim Millington** – Both Clark's and Gail Miller's Zoning Permit Applications are in, no Permits have been issued as of yet. The Zoning Enforcement Office is waiting for a recommendation from the Town Board before they make their decision. Both parties are eligible for a fence. Ms. Miller had turned in her application, it was deemed incomplete due to the lack of a plot plan that included measurements and there was no parcel number provided. By the time these issues were rectified by Ms. Miller, the Clark's had submitted their Zoning Permit Application. Each party can legally have a fence placed on their property. ZEO Rush feels that both parties should be issued a Permit providing that they comply with the visibility issue that is set forth in the Town's Zoning Ordinance addressing the fence from the front of the house to the water.

If one of these parties appeals the permit, this issue will be turned over to the Zoning Board of Appeals.

ZEO Millington stated that it poses a problem with the past ZEO for allowing the house to be built so close to the property line. The property lines have been verified.

The Town Board will leave this issue in the hands of the Zoning Enforcement Officers and the Zoning Board of Appeals.

*Motion by Councilman Countryman and seconded by Councilman Johnson to have a five minute break at 8:40 p.m.*

*The Meeting was called back to order at 8:50 p.m.*

**Purchase of Mower** – The Village was not sure if they wanted to let the Town use the new mower for the Cemeteries. This will be on the Village’s agenda at their next meeting. The Town will not proceed with a decision until they know more.

**Councilman Johnson** took a look at the sign at the Transfer Site and reported to the Board that the existing sign is fine and there is no need to purchase a new one.

**RESOLUTION 2009 – 80:** *Motion by Councilman Madill and seconded by Councilman Countryman TABLING The Code Enforcement Officer position until the Town Board can meet and hold a Work Session on it. Four ayes. Motion carried.*

## **New Business**

**County Route 125 – Complaint** – Supervisor Aubertine was asked by Village of Chaumont resident Ron Young to look at a road problem he has been concerned with for a number of years. He lives on the right hand fork of County Route 125, the third home on the right. He is a former Town Councilman and stated that Jefferson County Highway Superintendent Jim Lawrence, County Legislators Bob Thomas and Mr. Behling and Superintendent Tom Parker inspected his road concerns several years ago; he was told it would be taken care of, but it has not.

He is concerned about the “hill” on the corner that blocks the view of oncoming vehicles and also forces pedestrians into the road because of the sidewalk, which has been broken up by the snowplow. He does not understand why the hill cannot be cut away, the sidewalk repaired and

moved farther away from the road, and the curbing put around the area of the curve to protect the sidewalk from damage by the plow.

Supervisor Aubertine feels Mr. Young's request is appropriate. Frankly he is surprised that there has not been a serious problem there. The cutting away of the hill, and repairing the sidewalk does not seem to be a very difficult or time-consuming project. The installation of curbing could take some time and work, and perhaps the sidewalk could be marked in the winter months to keep the plow from hitting it.

Supervisor Aubertine will meet with Jefferson County Highway Superintendent Jim Lawrence, County Legislator Bob Thomas and Superintendent Tom Parker to address the situation further and hopefully provide a resolution that will be agreeable with Mr. Young.

***RESOLUTION 2009 – 81: Motion by Councilman Madill and seconded by Councilman Countryman authorizing the use of the Morris Track Ball Field for the Lyme Central Schools Spring Sporting Program for 2009. Four ayes. Motion carried.***

The School has provided verification of their liability insurance to the Town Board.

***RESOLUTION 2009 – 82: Motion by Councilman Countryman and seconded by Councilman Madill authorizing Clerk Wallace to place an advertisement in the Watertown Daily Times for the hiring of a Planning Board Secretary. Four ayes. Motion carried.***

***RESOLUTION 2009 – 83: Motion by Councilman Countryman and seconded by Councilman Madill authorizing Supervisor Aubertine to renew the CD that will be maturing May 21, 2009 with the Citizens Bank of Cape Vincent. Four ayes. Motion carried.***

**Grant Projects** – Alicia Dewey, the town's Grant Writer asked the Town Board to brainstorm to come up with projects in the past that might warrant her looking at possible grants that would meet our needs.

***RESOLUTION 2009 –84: Motion by Councilman Countryman and seconded by Councilman Madill TABLING the Transfer Site Fees until the June Town Board Meeting. Four ayes. Motion carried.***

**Water Tower Bids – Billy Scarpicchi** – recommended to the Town Board, Liquid Engineering to provide service for the cleaning and inspection of the Three Mile Bay Water Tower. He stated that they would send in divers to inspect the inside of the water tank and they would not require the water tank to be shut down. If they do not feel the tank needs cleaning they will only charge the lower price. It has been ten years since the tank has been there, in Billy's professional opinion he feels that the water tank should be cleaned.

***RESOLUTION 2009 – 85: Motion by Councilman Countryman and seconded by Councilman Madill accepting Bill Scarpicchi's recommendation for the Town to hire liquid Engineering to clean the Three Mile Bay Water Tower at the price quoted of \$3,295.00. Four ayes. Motion carried.***

***RESOLUTION 2009 – 86: Motion by Councilman Countryman and seconded by Councilman Johnson to advertise for bids to have the outside of the Three Mile Bay Water Tower cleaned and repainted. Four ayes. Motion carried.***

**Air Exchanger** – The Fire Department was at the Municipal building on Monday due to a problem with a floodlight in the Court Room; the light got hot and emitted a smell that caused a concern, so the Fire Department was notified. CREG Systems came and made repairs to the light and they also fixed an error light in the Fire alarm box.

There was a suggestion made to have the Town install an air exchanger due to bad air that comes from the Highway Garage into the Office area. Councilman Madill will look into a solution for some type of air exchanger system with Lawman.

**Councilman Countryman** made reference to the fact that the Village Clerk still uses the Town's safe for Village materials. The Village was asked quite some time ago to purchase their own safe and remove their materials from the Town's safe, to date this has not been done. This recommendation was suggested by the Accountant, Tom Bowie and also Attorney Gebo, it's time the Village came into compliance.



***RESOLUTION 2009 – 87: Motion by Councilman Countryman and seconded by Councilman Madill requesting that the Village purchase their own safe and remove their materials from the Town safe as suggested by the Town Accountant and Attorney. Four ayes. Motion carried.***

**Camera For Sign** – Supervisor Aubertine reported that someone has continually been throwing their trash out at the Chaumont / Brownville Town Line, right at the sign. The Highway Department has to clean that particular area a couple of times a week. Supervisor Aubertine would like to figure out a way to police the area to see if they can stop the individual who is most definitely repeating this offense regularly.

## **Correspondence**

**Public Hearing Notice – Supplemental Draft Environmental Impact Statement For Proposed St. Lawrence Wind Farm Project – Saturday May 16<sup>th</sup>, 2009.** The Public Hearing will be held from 10:00 a.m. to 1:00 p.m. at the Recreation Park, 602 South James Street, Cape Vincent, New York. Representatives from the St. Lawrence Wind power will be available from 8:30 a.m. until 10:00 a.m. to answer questions.

The Supplemental Draft Environmental Impact statement (SDEIS) for the proposed St. Lawrence Wind power project is available for viewing and downloading through its website: [www.stlawrencewind.com](http://www.stlawrencewind.com).

Printed copies of the SDEIS are available to the public in the following six locations:

- Cape Vincent Town Clerk's Office, 1964 Route 12E
- Cape Vincent Village Clerk's Office, 127 East Joseph Street
- Cape Vincent Library, 157 North Real Street
- St. Lawrence Wind Farm Office, 122 South Point Street
- Lyme Town Clerk's Office, 12175 NYS Route 12E Chaumont
- Lyme Free Library, 12165 NYS Route 12E Chaumont

The St. Lawrence Wind Farm office is open Monday – Thursday, 8 a.m. – 6 p.m.

**Lyme Central School – U. S. News and World Report – Bronze Status Award in the school gymnasium.** The Town Board has requested that Clerk Wallace represent the Town at the award ceremony May 15<sup>th</sup> at 2:00 p.m.

**IVI Property Condition and Environmental Due – Diligence  
106 Corporate Park Drive, Suite 417, White Plains, New York**

**RE:** Section 106 Public Outreach “Indian Hill” 6390 Route 12E, Three Mile Bay.

IVI Due Diligence Services, Inc. is writing on behalf of Verizon Wireless to solicit the Town’s input concerning the above referenced project. Briefly, the project includes the installation of a 195’ self-support tower with appurtenances in a rural area located near the mapped address above. As the project is a federal undertaking regulated by the Federal communications commission (FCC), it is being reviewed under Section 106 of the National Historic Preservation Act for its impacts on historic architectural resources. Federal regulations allow for public participation as part of the Section 106 process.

Representatives of local governments are entitled to participate in the Section 106 process as a Consulting Party. A Consulting Party has the opportunity to provide input into the findings and determinations for the above referenced project. As section 106 involves the identification of historic architectural and archaeological resources within the Municipality, IVI recommends appointing someone knowledgeable about local historic properties to lead the consultation process. If your Municipality would like to be a consulting party in the Section 106 process, we will receive a copy of the completed Section 106 Survey report. Furthermore, the Municipality may be asked to be a signatory for a Memorandum of agreement should the above-referenced project constitute an adverse affect on a historic resource within the project area.

IVI provided a copy of a USGS Quadrangle map and the site plan. If the Town of Lyme would like to be a consulting party we need to respond.

***RESOLUTION 2009 – 88: Motion by Councilman Madill and seconded by Councilman Countryman directing Supervisor Aubertine to send a letter to IVI Due Diligence Service, Inc. indicating that the***

*Town of Lyme will appoint residents Julia Gosier and Ted Scofield as representatives to participate in the Section 106 consultation process. Four ayes. Motion carried.*

**Letter From Bert Bowers – addressed to Stephen Tomasik, Project Manager, NYS DEC, Albany, New York –**

*“I am a resident of the Town of Lyme, Village of Chaumont and a member of the Planning Board for the Town of Lyme. I have done a significant amount of research over the past few years regarding industrial scale wind turbines and their effects, during the past few years, as we on the Planning Board have worked on a Zoning Law for wind turbines to be certain their impact on our citizens will not cause Distress.*

*There are many common factors in analyzing wind turbine effects With the considerations I have faced in designing propulsion and electrical machinery on ships during my career. The sizes of the generators in wind turbines are similar to those I have installed in ships. Additionally the problem of low frequency impulses, generated when the blades of the wind turbine pass the supporting pylon, are similar to those of a low rom ship’s propeller as its blades pass by the stern post and rudder of the ship. Sound levels have always been an important consideration in ships I have designed and built. Ship owners have often been successfully sued by crewmembers because of hearing loss caused by extended exposure to the noise of the ship’s machinery.*

*My experience with the shipboard noise leads me to be concerned about the noise levels produced by large wind turbines. First, the noise of the turbine and its gear train in considerable, being listed in the manufacturer’s specification as 104 dBA. Secondly there is the aerodynamic noise of the blades of the turbine and thirdly, the low frequency impulse created each time one of the turbine blades passes the supporting pylon. While the intensity of sound naturally diminishes with the distance, the attenuation of the turbine sounds will be less over the water (or over ice in the winter) as there is nothing to absorb the sound energy. Over land, some of the sound energy will be absorbed and dissipated by trees, buildings or variations in terrain.*

*Most of us have had the experience of sound, even if a person's voice, carrying long distances over water on quiet summer evenings. I have recently been told by a Town resident, Don Metzger, who is a ship pilot on the Seaway, of some anecdotal evidence of this effect specifically related to wind turbines. It seems there is a field of turbines installed in the water off the Gaspé Peninsula, in the mouth of the St. Lawrence River. Ship Captains passing these turbines have commented to Mr. Metzger that they are surprised how noisy the turbines are as they pass them at a distance of 2 to 3 miles in the shipping channel. The bridge wings of a ship, outside the pilothouse, are not in a quiet place. There is considerable wind noise as well as nearby ventilation ducts from the engine spaces emitting machinery noise. If the wind turbines can be heard over the typically high noise levels on the bridge of a ship, from a distance of 2 to 3 miles, the noise levels are significant.*

*I therefore believe it will be necessary, as part of the environmental impact study of the Galloo Project, to do studies of the noise that will be transmitted by the turbines on Galloo to the nearby points on the mainland, including Point Peninsula (Lyme) and Pillar Point (Brownville). Such noise studies should consider the condition of a stable atmosphere where the winds at ground level are still, but the turbines are operating in the steady winds at higher elevations. The sound levels should be predicted for the shoreline of the Lake on both the A and C decibel scales. Unless predicted sound levels fall within 5 dBA of the ambient nighttime levels on the lakeshore, the sound levels generated by the Galloo project may be unacceptable to the residents of those areas.”*

**Anthony and Angelo Williams Letter** – The Williams boys live in a residence on the Main Street that borders the Municipal parking lot. The boys approached the Town and asked that if they purchased a nice basketball hoop, would it be possible to have it installed at the far end of the pavement, so they and their friends of the Community could have a spot more convenient to them.

The insurance company was contacted in regard to their request and Mike Gillette of Fuller Insurance suggested that the Town avoid unnecessary liability hazards. There is also a direct cost to Liability Insurance to insure these types of exposures. So the Town has to decline the boy's request.

**George Perkins Memo – Town of Lyme Transfer Site Supervisor:**

George wanted to thank anyone who was involved with the renovations at the Transfer Site. The new addition and the renovations have made a big difference to the facility and he appreciates what it has been done for him and the taxpayers. The last fuel delivery was 62 gallons, compared to approximately 250 gallons for a normal delivery, prior to the new construction. The transfer site is a much more comfortable place to work. George stated that with the new location of the baler it has made his job easier and he can be more efficient with his time.

**Land Use in New York Conference – May 14 & 15 – West Harrison, New York – 800-854-8009 to register.**

**Resolution and Motions**

**TDS – Justin Horvath and Bill Schmitt –** TDS is pursuing a stimulus package for funding a broadband expansion. TDS will be using stimulus funds to bring broadband access to those in the Town of Lyme that currently have no access.

***RESOLUTION 2009 – 89: Motion by Councilman Countryman and seconded by Councilman Madill recommending that the Town of Lyme send a letter of support to TDS in regard to the stimulus package funding for the extension of broadband service in the Township. Three ayes. Motion carried. Supervisor Aubertine abstained.***

**Letter to Cape Vincent –** The Town Board recommended drafting a letter to the Town of Cape Vincent that was similar to the letter that was sent to the Town of Hounsfield expressing concerns with wind turbines and their proximity to the Town of Lyme.

***RESOLUTION 2009 – 90: Motion by Councilman Countryman and seconded by Councilman Madill drafting a letter to the Town of Cape Vincent Town Board addressing the concerns the Town of Lyme has with the proximity of the wind turbines, noise levels, distance of closest turbine to the Town Line, request to bury the transmission lines that will be crossing the Town of Lyme. Also include a copy of the Local***

*Wind Law to accompany the letter. All pending Board approval of the drafted letter. Four ayes. Motion carried.*

**RESOLUTION 2009 – 91:** *Motion by Councilman Countryman and seconded by Councilman Madill directing Warren A. Johnson to attend the May 18<sup>th</sup>, 2009 meeting at the Town of Hounsfield to read the letter addressing the concerns the Lyme Town Board has with the Wind Farm development in the Town of Hounsfield. Four ayes. Motion carried.*

**Charlie Mount** – does not feel a copy of the Wind Law should be sent due to the fact that it is not a legal document.

**Bruce Kingsley** – A cautionary note to the Town Board asking them to relax the rules so private citizens can have personal windmills.

**Supervisor Aubertine and Councilman Madill** feel that Charlie Mount may have a point, the Local Wind Law is not legal, the Town Board will have to seek legal advice from Attorney Gebo, as to whether or not a copy of the Appealed Law should be sent.

**Julia Gosier** – everything is up in the air and there is no Zoning Law in place regarding wind towers. There are not Zoning Laws or setback laws in place. How could the Town Board ask somebody else to abide by a law that we don't have. If the Law were to be approved, then we could make recommendations to encourage them to stay within our proposed law.

**Bruce Kingsley** – How many people here are in favor of personal windmills?

**Councilman Johnson** – (Addressing Mr. Kingsley) suggested that Mr. Kingsley has been “bad mouthing” this Board. Personal turbines are part of the law that is in court. If Mr. Kingsley did not appeal the law, they would have been able to have personal windmills a year ago. At this time Mr. Kingsley made obscene gestures that were directed toward Councilman Johnson and he was asked to take his seat by Supervisor Aubertine.

**Dick Nagel – Point Peninsula** – any time the wind is blowing out on the Point, nothing can be heard beyond 50 feet from the shoreline. Jay Leno has personal wind turbines in downtown LA.

**Dawn Munk** – Are we doing any work on this process or is it six months wasted? She once again suggested forming a Committee to discuss compromises.

**Julie Gosier** – Moratoriums are intended to give time to work out problems. You cannot legally have a moratorium and not try to work out the problem. The state could step in if a solution is not being worked on. The Town must be seeking a solution to the problem.

*At 10:00 p.m. a Motion was made by Supervisor Auberine and seconded by Councilman Countryman to move into Executive session to discuss an issue with Attorney – Client Confidentiality.*

*At 10:15 p.m. a motion was made by councilman Countryman and seconded by Councilman Johnson to return to the open meeting.*

*A Motion to adjourn tonight's meeting was made by Councilman Countryman at 10:15 p.m.*

*Minutes Respectfully Submitted by*

*Kim Wallace  
Town of Lyme Clerk*