

**Town of Lyme**  
**May 10, 2017**  
**Public Hearing – Water District #4 Extension - 6:25 P.M.**  
**Regular Monthly Meeting - 6:30 P.M.**

Supervisor Aubertine called tonight's Public Hearing to order at 6:28 p.m.

The Public Hearing Notice was published in the Watertown Daily Times on April 28, 2017 as follows:

*Please Take Notice that the Town Board of the Town of Lyme shall conduct a Public Hearing on May 10, 2017 at the Town Offices located at 12175 NYS Route 12E, Chaumont, NY to consider a petition for the Extension of Water District #4 consisting of the properties listed below. The improvements proposed include the construction of metering devices, meter pits and connections to the Regional Water Line operated by the Development Authority of the North Country. The maximum amount to be expended by the Town of Lyme for these capital improvements within the proposed District Extension is zero dollars (\$0) as all costs associated with the Extension of Water District #4 shall be borne by the property owners listed below. A map, plan and report prepared by GYMO, P.C.; duly licensed civil engineers, are on file with the Town Clerk for public inspection. The annual expenses for the typical property owner within the District are as follows:*

<i>Debt Service</i>	<i>\$162.00</i>
<i>DANC Capital Charge</i>	<i>\$229.00</i>
<i>O &amp; M</i>	<i>\$144.00</i>
<i>Water Reserve O &amp; M</i>	<i>\$ 18.00</i>
<i>Water Reserve Capital</i>	<i><u>\$ 64.00</u></i>
<i>Total</i>	<i>\$607.50</i>

*All persons wishing to be heard on the creation of the Water District Extension should be present at the date and times so stated and/or have written comments prior to that time. Any persons requiring special accommodations to attend or participate in such Hearing should contact the Town Clerk at least five business days prior to the Hearing.*

*The District Extension shall include the following parcels:*

*51.00-2-8.1 (Gaffney)*

*51.00-2-9.222 (Hetzler)*

*Dated April 27, 2017*

*BY ORDER OF THE TOWN BOARD OF THE TOWN OF LYME*

***RESOLUTION 2017 – 52: Motion by Councilman Villa and seconded by Councilwoman Gosier closing tonight's Public Hearing at 6:40 p.m. Four ayes. Motion carried.***

Supervisor Aubertine called the Regular Monthly Meeting to Order at 6:40 p.m.

Present at tonight's Meeting: Supervisor Aubertine, Councilwoman Gosier, Councilmen Bourquin and Villa, Highway Superintendent Pat Weston, Assessor Chairwoman Marsha Barton, BAR Chairman David Bourquin, ZEO/CEO Jim Millington, Jefferson County Legislator William Johnson and approximately six others.

**Privilege of the Floor**

Jefferson County Legislator, William Johnson – The first quarter sales tax distributions for 2017 were a good start to the year.

**Officer's Reports**

**Supervisor's Report – April 2017**

***RESOLUTION 2017 – 53: Motion by Councilwoman Gosier and seconded by Councilman Villa approving the April 2017 Supervisor's Report as submitted by Town Accountant Cathy Satterley of Bowers and Company. Four ayes. Motion carried.***

***RESOLUTION 2017 – 54: Motion by Councilman Villa and seconded by Councilwoman Gosier approving the following Budget Transfer as recommended by Bowers and Company, Town Accountant Cathy Satterley:***

<b><u>Transfer From:</u></b>	<b><u>Transfer to:</u></b>	<b><u>Amount:</u></b>
<b><u>Highway Fund DA:</u></b>		
9785.6 Installment Purchase Debt Principal - \$3161.00	9786.7 Installment Purchase Debt – Interest	\$3161.00

***Four ayes. Motion carried.***

**Highway Superintendent's Report – Pat Weston**

The Highway Department has been spending the majority of their time building shorelines and filling sand bags due to the recent flooding.



***RESOLUTION 2017 – 55: Motion by Councilman Villa and seconded by Councilwoman Gosier approving the “Agreement for the Expenditure of Highway Monies” as follows:***

***AGREEMENT between the Town Superintendent of the Town of Lyme, Jefferson County, New York and the undersigned members of the Town Board Pursuant to the provisions of Section 284 of the Highway Law, we agree the moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of Town Highways, shall be expended as follows:***

- 1. GENERAL REPAIRS: The sum of \$133,322.00 shall be set aside to be expended for primary work and general repairs upon 1.3 miles of Town Highway, including sluices, culverts and bridges having a span of less than five feet and boardwalks or renewals thereof.***
  - 2. PERMANENT IMPROVEMENTS: The following sums shall be set aside to be expended for the permanent improvements of the Town Highways:***
    - (a) On the Road commencing at the intersection of NYS Route 12E and the Moffatt Road and leading to a distance of 1.3 miles there shall be expended not over the sum of \$84,711.00.  
Type 6 Hot Mix  
Width of Travel Surface – 20 Feet  
Thickness – 2 Inches***
    - (b) On the Road commencing at the South Shore Road/South Shore Road Extension Intersection Point Peninsula and leading to Hidden Harbor and, a distance of 3168 feet there shall be expended not over the sum of \$27,244.50.  
Type – ¾ Cold Mix  
Width of Travel Surface – 16 Feet  
Thickness – 2.5 Inches***
    - (c) On the Road Commencing in the Hamlet of Three Mile Bay at the Intersection of NYS Route 12E and Mill Street and leading to a distance of 780 feet that there shall be not over the sum of \$10,367.00.  
Type 6 Hot Mix  
Width of Travel Surface – 17 Feet***
- Beach Road \$10,000.00 for Shore Line Bank.***

*Executed in duplicate this 10<sup>th</sup> day of May, 2017.*

*Four ayes. Motion carried.*

**Clerk's Report- April 2017**

<b>Total State, County and Local Revenues:</b>	<b>\$5,065.25</b>
<b>Total Local Shares Remitted:</b>	<b>\$5,006.25</b>

***RESOLUTION 2017 – 56: Motion by Councilman Bourquin and seconded by Councilman Villa approving Abstract #9 in the amount of \$5,127.58. Four ayes. Motion carried.***

***RESOLUTION 2017 – 57: Motion by Councilman Bourquin and seconded by Councilman Villa approving Abstract #10 in the amount of \$52,671.70. Four ayes. Motion carried.***

***RESOLUTION 2017 – 58: Motion by Councilman Villa and seconded by Councilwoman Gosier approving the April 10, 2017 Meeting Minutes as submitted by Clerk Wallace. Four ayes. Motion carried.***

**Committee Reports**

**Municipal Water Board Report**

**The DANC Meeting will be held on May 24, 2017, which is the same day as the Municipal Water Board Meeting, the Municipal Water Board Members have agreed to attend the DANC Meeting.**

**The Municipal Water Board had requested a meeting with DANC to straighten out their billing error. Marsha had received a call from DANC last week informing her that they had found the reason for the error. The issue is resolved and the billing has been corrected.**

**The Municipal Water Board is gathering information regarding possible refinancing of some of the Water District loans. It is possible they might find financing with lower interest rates. Marsha will provide a full report once they have all the information.**

**A questionnaire will be sent to all property owners in a proposed district along NYS Route 12E to see what critical water issues they have. Bernier and Carr has informed the Town that there may be some additional grant**



money available if there are enough critical issues. The Water Board is suggesting that each property owner get their water tested as part of the report.

Everything has been running smoothly at the Water Facility. Revenues are on track compared to last year.

Standpipes – Gregor Smith is gathering information on a standpipe system that could possibly replace our water tower. Gregor will be attending their June meeting to present the information to the Water Board. The Water Board has also extended an invitation to the Village to hear the presentation. Gregor has indicated that the standpipe could possibly replace both water towers; the Villages and the Three Mile Bay tower. There is also more grant money available if the project is a shared service project. They don't know if this is the answer but they want to explore all options before money is spent on repairs.

The standpipe system is supposed to be more efficient, it is glass lined, newer technology and there is not as much maintenance.

**Planning Board Report- Jim Millington**

The new Zoning Law is in effect. Councilwoman Gosier would like to see backyard burials and property maintenance pertaining to free range chickens addressed.

Youth Committee Report – Supervisor Aubertine provided the Agenda and minutes from their meeting.

**ZEO/CEO Report – Jim Millington – April 2017**

<b>Building/Zoning Permits Issued:</b>	<b>10</b>
<b>Certificates of Occupancy:</b>	<b>1</b>
<b>Site Visit Inspections:</b>	<b>8</b>
<b>Complaints:</b>	<b>1</b>
<b>Permits Issued For:</b>	
<b>Home or Cottage:</b>	<b>1</b>
<b>Garage/Barn:</b>	<b>2</b>
<b>Deck/Porch:</b>	<b>1</b>
<b>Addition:</b>	<b>2</b>
<b>Other:</b>	<b>4</b>

Jim provided a "Notice of Apparent Zoning Violation – Order to Remedy" to the Town Board and asked for their approval to incorporate the document so it may be used in Zoning Enforcement for the Town. Upon Attorney Gebo's review, the document did meet his satisfaction and it was suggested to be approved by the Town Board.

***RESOLUTION 2017 – 59: Motion by Councilwoman Gosier and seconded by Councilman Villa adopting the "Notice of Apparent Zoning Violation – Order to Remedy" form to be used by the Town of Lyme's Zoning/Code Enforcement Officer. A copy of the approved form is added as EXHIBIT "B" to the final page of the Minutes of this Meeting. Four ayes. Motion carried.***

#### **Cemetery Report – Julia Gosier**

It has been a hectic month at the Three Mile Bay Cemetery. They have had to improvise a lot, the Cemetery is a "swamp". The day of one burial a dug grave caved in and filled to the top with water. Brian Cosselman and the Highway Department worked hard to straighten things out. The grave had to be pumped out with a sump pump. They will not be able to do another burial in the Cemetery until June. Julie said it is a real mess in spots.

Julie reported that the Point Peninsula Cemetery has many stones that have tipped a lot more this year. With the winter snow, ice, wind and lack of proper foundations, it has raised havoc with the stones. She would like to see the situation addressed.

#### **New Business**

##### **Summer Recreation Assistant Appointment**

***RESOLUTION 2017 – 60: Motion by Councilwoman Gosier and seconded by Councilman Bourquin appointing Ashley Lothrop as the Summer Recreation Assistant for the 2017 Season, replacing Lauren Barry. Four ayes. Motion carried.***

***RESOLUTION 2017 – 61: Motion by Councilman Villa and seconded by Councilman Bourquin approving the Water District Number Four Extension to the Hetzler property (parcel #51.002-9.222) and the Gaffney property (parcel #51.00-2-8.1) at no expense to the Town. Four ayes. Motion carried.***

***RESOLUTION 2017 – 62: Motion by Councilman Villa and seconded by Councilman Bourquin approving an Order Extending Water District #4 (Extension #1) in the Town of Lyme, County of Jefferson, New York.***



***WHEREAS, a map, plan and report for the proposed Extension of Town of Lyme, Water District #4, has been prepared by GYMO, P.C., duly licensed engineers in the State of New York, in a manner and in such detail as has been determined by the Town Board and has been filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and***

***WHEREAS, a Resolution was duly adopted by this Board resulting in the filing of the map, plan and report detailing the improvements proposed, the boundaries of the proposed district, the proposed method of financing, the fact that the map, plan and the report describing the same are on file in the Town Clerk's Office for public inspection, stating all other matters required by Law to be stated, and specifying May 10, 2017 at 6:25 and 7:00 p.m. at the Town Offices, Town of Lyme, Jefferson County, New York as the date, times and place where the Town Board met and considered the extension of such district in accordance with the map, plan and report and to hear all persons interested in the subject thereof concerning the same and take such action thereon as required and authorized by Law; and***

***WHEREAS, such Order was duly published and posted as required by Law; and***

***WHEREAS, a Hearing on the matter was duly held at the Town Offices before the Town Board at the times, date and place set forth in the Public Hearing Notice, and comments received thereat;***

***NOW, THEREFORE, BE IT RESOLVED AND DETERMINED:***

- A) That the Notice of the Hearing was published and posted as required by Law;***
- B) That all the property owners within the proposed District Extension are benefited thereby;***
- C) That all property and property owners benefited are included within the limits of the proposed District Extension;***
- D) That it is in the public interest to extend the District; be it further***

***RESOLVED, that the Town Board in accordance with its map plan and report for the Extension of the Town of Lyme Water District #4 – Extension #1 as set forth in the map, plan and report, and the report be approved and the improvements therein mentioned by such District Extension; and the District Extension shall be bounded and described as set forth in Exhibit "A"***

*Attached hereto and made part hereof; and it is further*

***RESOLVED AND DETERMINED that the maximum capital cost to be expended on such Extension is ZERO and no/dollars (\$0.00) and that a cost for a typical user (single family home), based upon such map, plan and report for the proposed Water District #4 Extension #1 would be as follows:***

<i>Debt Service</i>	<i>\$162.00</i>
<i>DANC Capital Charge</i>	<i>\$229.50</i>
<i>O &amp; M</i>	<i>\$114.00</i>
<i>Water Reserve O &amp; M</i>	<i>\$ 18.00</i>
<i>Water Reserve Capital</i>	<i>\$ 54.00</i>
<i>Total Cost per EDU</i>	<i>\$607.50</i>

***It is proposed that the cost associated with the Extension of Water District #4 shall be \$0.00 as the capital expense to provide water service to the additional parcels will be borne by the property owners within the proposed District Extension boundaries.***

***The property owners will also be responsible for all lateral construction and hookup fees. The property owners in the proposed Extension will share existing debt costs with the existing users, and be it further***

***RESOLVED that this Resolution is adopted pursuant to Article 12 of the Town Law and is therefore subject to permissive referendum. Any person wishing to request such referendum must make proper application to the Town Clerk within thirty (30) days of the publishing of this Resolution, and it is further***

***RESOLVED that the Town Clerk is directed to publish a copy of this Order in full in the official newspaper of the Town.***

***Dated: May 10, 2017***

***Present:***

***Scott G. Aubertine  
Donald Bourquin  
Julia Gosier  
Daniel Villa***

***Supervisor  
Councilman  
Councilwoman  
Councilman***

***Absent:***

***Anne Harris***

***Councilwoman***



***All Four Town Board Members were in favor of this Resolution and the Motion was carried.***

## **Correspondence**

**Letter Concerning Chickens in Three Mile Bay – Terry Petrie has complaints about all the chickens free ranging in the Hamlet of Three Mile Bay. The Town Board would like to direct the Planning Board to take a look at the situation and see what might be able to be done to alleviate the problem.**

## **Old Business**

### **Three Mile Bay Sewer Project**

**The results of the second survey concerning the Three Mile Bay Sewer Project indicated that the majority of the residents falling into the proposed district were not in favor of proceeding.**

**The final tally was 27 residents saying they would not be in favor of the district and 17 residents indicating they would be interested in having a public sewer system.**

**Councilwoman Gosier stated that the Town took the wrong approach to the sewer study, the request should have come from the residents of Three Mile Bay; those residents who would be involved in it. The study, she felt was initiated by Bernier and Carr, Engineers.**

***RESOLUTION 2017 – 63: Motion by Councilman Bourquin and seconded Councilman Villa authorizing the discontinuation of any more action concerning the Three Mile Bay Sewer Project. Based on the negative results of the survey the Town Board is suspending the project. Supervisor Aubertine will contact Bernier and Carr with this Town Board decision. Four ayes. Motion carried.***

### **Privilege of the Floor – None Heard**


***RESOLUTION 2017 – 64: Upon a Motion by Councilman Villa and seconded by Councilwoman Gosier the Town Board, under Public Officers Law 105, moved into Executive Session at 7:45 p.m. to discuss a pending litigation matter. Four ayes. Motion carried.***

***RESOLUTION 2017 – 65: Motion by Councilman Villa and seconded by Councilwoman Gosier moving the Town Board back into Open Session at 8:20 p.m. Four ayes. Motion carried.***

Councilman Villa indicated that the Town of Lyme should work with Cape Vincent, spending the \$500.00 it would cost to hire an attorney to review possible litigation issues.

***Upon a Motion offered by Councilman Villa and seconded by Councilwoman Gosier the Town Board adjourned tonight's meeting at 8:22 p.m. Four ayes. Motion carried.***

***The Minutes of the May 10, 2017 Regular Monthly Meeting of the Town Board are respectfully submitted by,***

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



# **EXHIBIT "A"**

## **Concerning the Extension of Water District #4**

### **Town of Lyme May 10, 2017 Regular Monthly Meeting Minutes**

Gaffney – Parcel #51.00-2-8.1

Hetzler – Parcel #51.00-2-9.222

**EXHIBIT "B"**

**May 10, 2017**

**Regular Monthly Meeting Minutes**

**Notice of Apparent Zoning Violation  
Order to Remedy**



Town of Lyme  
Zoning & Building Office  
P.O. Box 66, Chaumont New York, Jefferson County

**Notice of Apparent Zoning/ Building Code Violation**

Name

Date

Address

Address

Dear

According to our records, you are the owner of the property located at

On Date I observed an apparent violation of the Town's Zoning or Building Code Law at the property identified above, specifically

A copy of that law is attached for your information.

You are hereby directed to either remedy the violation immediately or file plans with this office to complete the following corrective action by June 28,2017 , or penalties will be assessed.

Corrective Action:

For purposes of applying penalties described in our laws, your first violation shall be deemed to have occurred as of Date A violation of our zoning and building laws is punishable by a fine of \$350.00 or imprisonment for a period not exceeding six (6) months, or both for the first offense. Each weeks continued violation shall constitute a separate additional offense.

**This is the only letter that you will receive regarding this matter. Your next communication will involve formal enforcement action.**

If you wish to discuss any aspect of your case, you may call me at (315) 777-6115 during my office hours: Tuesday or Wednesday between the hours of 1:00 PM and 4:00 PM.

Sincerely,

James Millington  
Zoning & Building Enforcement Officer

Cc: Lyme Town Board

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