

**January 13, 2021**  
**Town of Lyme**  
**Public Hearing 6:15 P.M.**  
**Regular Monthly Meeting 6:30 P.M.**

**Public Hearing for Draft Short Term Rental Law:**

Supervisor Aubertine opened the Public Hearing at 6:15 P.M. Clerk Henderson read the Public Hearing notice as follows:

“The Town of Lyme will be holding a Public Hearing on Wednesday January 13, 2021 at 6:15 p.m. at the Three Mile Bay Fire Hall located at 8581 NY-12E, Three Mile Bay, NY 13693 to consider the proposed amendments to our Zoning Law to establish a Short Term Rental Law in the Town of Lyme. The regular monthly meeting and any other business that may come before the Board will follow. A full text of the above referenced laws are on file with the Town Clerk and may be inspected during normal business hours. All persons wishing to be heard on the issue should be present at the time and place set forth or have written comments submitted to the Town Board or Clerk prior to that date and time. Any person requiring special accommodations to participate in such Public Hearing should notify the Town Clerk at 315-649-2788 at least 3 business days prior to the hearing.”

Supervisor Aubertine read the ground rules for the hearing.

Those present included Supervisor Aubertine, Deputy Supervisor Bourquin, Councilmember Countryman, Councilmember Gosier, Town Clerk Ariana Henderson, Sharon Nicholson, Jeff Call, David McIntyre, Gail Miller, Amanda Miller, Rick Hathaway, Thomas Strejlau, Patrick Wolf, Linda Denny, Bruce Kingsley, Justin Bourquin, William Woofter, Abbey Buttacavoli and Gary Stinson.

***Rick Hathaway:*** 11809 Quarry Ln

Rick spoke in opposition of the proposed Short Term Rental Law. He stated that he was the Chairman of the Short Term Rental Unity (STRU) committee. The Public Hearing that was held last year for the same reason was filled with people who were against having a law. It was then decided to form a STRU committee. The committee met several times with members on both sides. They never had a chance to take their findings to the Town Board due to COVID-19. The committee decided to have a self-governing association to help govern STRUs. Rick described the thoughts that the committee had put together. One of the issues he has with the proposed law is that occupancy is based on the number of bedrooms and most requirements that are listed in the law are already in the NYS code. The law is too strict and unnecessary and he doesn't see a need for this legislation. He would like the Board to consider the law that the STRU committee had come up with.

***Supervisor Aubertine*** read an email from Michael and Barbara Tierney.

Dear Supervisor Aubertine and Lyme Town Board,

We own a cottage on Failing Shores Lane that we rent out through Airbnb. We absolutely agree that any guests have to follow basic rules for health, safety and general welfare and to be

considerate to others. We have a comment regarding the requirement in Section C Item F regarding the need for the renter to have a paper copy of the signed rental rules on the property. When renting through Airbnb, the renter has to acknowledge the rental rules during the booking process electronically. So upon demand the renter can prove acceptance of the rules by A – having an Airbnb reservation, as there is no reservation without accepting the rules, and B – they can show the agreed upon rules electronically. We therefore would like to respectfully ask the Town Board to amend the language in Section C, Item F to allow for electronic proof of agreement to rules and regulations. This will also save printed paper, which eventually could end up in the garbage, or worse, the lake. We appreciate the efforts of the Town Board to ensure everyone can enjoy the peace and quiet and beauty of living along this beautiful lake. If you have further questions, we can be reached by cell phone at 518-369-8483.

Respectfully,  
Michael and Barbara Tierney

**Amanda Miller:** 27202 Independence Point Rd

Amanda spoke in opposition of the proposed Short Term Rental Law. She stated that the public hearing was a waste of time. The penalty of \$950.00 in the proposed law is ludicrous. Amanda said that the Town can't keep up with the codes and zoning violations that are currently in place in the Town how would they enforce this. She has spent a lot of money on her properties improving them and raising the value of the property. The law has got to go it is garbage.

**Supervisor Aubertine** stated that the Board has to go through this process when a board member presents a law.

**Thomas Strojilau:** 9188 County Route 125

Thomas spoke in opposition of the proposed Short Term Rental Law. He sent an email to the Town Board expressing how he felt about the law. He stated it was clear from the first public hearing for the original Short Term Rental Law, no one wanted a law. He stated that this is a waste of taxpayers' funds and a law isn't required. The way the Town Board thinks is unorthodox. There are sections of the law that are illegal and make the Town Board look stupid.

**Patrick Wolf:** 25612 Benson Point Drive

Patrick spoke in opposition of the proposed Short Term Rental Law. He stated if you over legislate you will over litigate. He reminded the Board that the reason the STRU committee never presented their law was because the pandemic hit. He also has an email from the Planning Board agreeing that Short Term Rentals are not a legislation issue. He is starting to feel like it is the Town against the Board. He also thanked the Board for working through a pandemic.

**Gail Miller:** 11633 County Route 125

Gail spoke in opposition of the proposed Short Term Rental Law. She stated that we live in a small Town not New York City. The disrespect the Town Board is showing is appalling. The Planning Board worked on a law and gave it to the Board and so did the STRU committee and the Board disregarded. She stated she had problems with a Short Term Rental next to her home and

she simply called the police. There is no need for a Town Law. This is a very frustrating process for all of us.

***Bruce Kingsley:*** 8384 State Park Road

Bruce spoke in opposition of the proposed Short Term Rental Law. He stated that is embarrassing that the hall wasn't filled with people. He was upset that he never saw any notification about the Public Hearing. Only 5% of the people have a problem in the Town with Short Term Rentals. The Town Board is trying to destroy the community. He continued to speak in opposition about the law.

***Patrick Wolf:*** 25612 Benson Drive

Patrick stated the wise and informed thing to do is to probably never have a public hearing during a pandemic. He said that the Town will end up getting sued because we had the hearing during a time where no one felt comfortable attending. Also Patrick stated that the Town should not have a law that stated no campgrounds and marinas are allowed in the Town.

***Gail Miller:*** 11633 County Route 125

Gail stated her biggest concern was that the Town is currently not taking care of the rules and regulations we have on the books now. She asked if we were going to treat the community like a democracy. She stated that the rules need to be uniform. The Planning Board made it clear that the code enforcement officer can't enforce this law.

***Amanda Miller:*** 27202 Independence Point Rd

Amanda stated that is was very clear no one was in favor of the law and asked if it was going to be dismissed. She highly encourages the Board to throw the law out.

***Rick Hathaway:*** 11809 Quarry Ln

Rick asked the Town Board if they had to present the Law and have a public hearing because a Town Board member presented the law for the Board to review. Supervisor Aubertine said that the Board had to pass a resolution to hold the public hearing and send the law to the Jefferson County Planning Board.

***Linda Denny:*** 19016 S Shore Road

Linda stated that she lives next to an Air BnB and has always had great neighbors. If she did have any issues she stated that she would call the police to solve them.

**Resolution 2021-5:** Deputy Supervisor Bourquin made the motion to adjourn the Public Hearing; Councilmember Gosier seconded the motion; all were in favor; motion carried.

**Intermission**

**Call to Order:**

Supervisor Aubertine called the regular monthly meeting to order at 7:25 p.m. opening the meeting with a prayer and the Pledge of Allegiance.

### Privilege of the Floor

**Thomas Strelau:** 9188 County Route 125

Thomas asked the Town Board why there was a part time employee being paid for 30 months to not show up to work. Supervisor Aubertine stated that he continued to pay the employee out of the kindness of his heart. She was going through a difficult situation with her health and that is why he continued to pay her. The Town stopped paying her after the third quarter of 2020. Thomas stated that it could have been more like 6 months after the member was not present at meetings. After reading the Planning Board minutes, Supervisor Aubertine stated that the Planning Board can't appoint member but can recommend them. He stated Thomas Strelau would be consider for the Planning Board after the current member is removed next month at the Public Hearing.

### Supervisor's Report

**Resolution 2021-6:** Councilmember Gosier made the motion to approve the December Supervisor's Monthly Financial report; Councilmember Countryman seconded the motion; all were in favor; motion carried.

### Highway Superintendent's Report

Pat Weston was not present at the meeting.

### Clerk's Report

Monthly Receipts were as follow: Total Local Shares Remitted: \$1,213.40; Total State County & Local Revenues: \$1,220.40 Total Non – Local Revenues: \$7.00

### Audit of the Bills (Abstracts #1 & #2)

**Resolution 2021-7:** Deputy Supervisor Bourquin made the motion to approve Abstract #1 in the amount of \$105.00; seconded by Councilmember Gosier; all were in favor and the motion was carried.

**Resolution 2021-8:** Deputy Supervisor Bourquin made the motion to approve Abstract #2 in the amount of \$72,194.31; seconded by Councilmember Gosier; all were in favor and the motion was carried.

### Approval of the Minutes

**Resolution 2021-9:** Councilmember Countryman made a motion to approve December 9, 2020 Minutes; seconded by Councilmember Gosier; all were in favor and the motion was carried.

**Resolution 2021-10:** Councilmember Gosier made a motion to approve Year End Meeting Minutes; seconded by Councilmember Countryman; all were in favor and the motion was carried.

**Resolution 2021-11:** Councilmember Countryman made a motion to approve the Organizational Meeting 2021 Minutes; seconded by Councilmember Gosier; all were in favor and the motion was carried.

### **Committee Reports**

**Assessor's Report:**

There was no Assessor's Report.

**Municipal Water Board Report:**

There was no Water Board Report.

**Planning Board:**

There was no questions on the Planning Board minutes for December and January.

**Zoning Board of Appeals (ZBA):**

There was no ZBA Report.

**Youth Commission:**

There was no Youth Commission report.

**ZEO/CEO Report:**

Total Permit Receipts: \$195.00; Total RV Permit: YTD: \$1,400.00; Total Permit Receipts YTD - \$23,525.00.

**TMB Cemetery:**

Councilmember Gosier stated that there was no business.

### **New Business:**

**Advertise for Water Rates Public Hearing:**

**Resolution 2021-12:** Councilmember Countryman made the motion to advertise for the 2021 Water Rates Public Hearing February 10, 2021 at 6:15 p.m.; seconded by Councilmember Gosier; all were in favor and the motion was carried.

**Klock Road Proposal:**

There was a proposal given to the Town Board by Gary Stinson regarding Klock Road. Councilmember Gosier stated that she didn't think that the Town Board had a legal right to approve it if Klock Road isn't a Town Road. Supervisor Aubertine agreed but stated it is a Board decision. Councilmember Gosier also said that there were items in the proposal that had nothing to do with the Town Board and should not be in the proposal letter. Mr. Stinson stated he agreed that it is not a Town road but it is a passage way owned by the Town that should be

maintained by the Town. We maintain the Town Hall and the Three Mile Bay cemetery because we own it, and it should not be any different. Supervisor Aubertine stated that our Attorney advised the Board not to accept the proposal. Councilmember Gosier stated that the Town was not being asked to maintain our portion of the road. Mr. Stinson stated he just wanted the Town to maintain our section of the road. Mr. Stinson discussed the culvert pipe that the Town installed. He stated it wasn't adequate for the water flow that passes through. Supervisor Aubertine reminded Mr. Stinson that he got the culvert pipe from the County. Mr. Stinson responded that Jim Lawrence County Highway Superintendent gave the pipe to him. Deputy Supervisor Bourquin stated that Gary Stinson supplied the culvert pipe that was installed by the Town. That was the only way the Town agreed to do it. Mr. Stinson stated that he did not supply the culvert pipe. Councilmember Gosier suggested that we table the decision until we get further clarification on the matter. Mr. Stinson stated he would like to meet with two Town Board members to work through this issue. Supervisor Aubertine tabled everything until he can get further clarification from the Town attorney.

#### **Three Mile Bay Ambulance Letter:**

Supervisor Aubertine stated that the Three Mile Bay Fire Co. sent a letter to the Town Board. Supervisor Aubertine read the letter. In summary the Three Mile Bay Ambulance is reducing their level of EMS care from BLS Ambulance to First Responders. They are having a hard time getting enough volunteer to respond to ambulance calls. The Three Mile Bay Fire Co. is requesting the Town begin the process to research another Agency to provide Ambulance Service to the Town. Three Mile Bay Fire Co. will continue to provide Ambulance Service to the Town until a new contract is in place. Supervisor Aubertine recommends that the Town of Lyme Board and the Town of Cape Vincent Board meet with each other first to see what their point of view is on the matter since they have been in a similar situation. David McIntyre from Cape Vincent Ambulance Service and Jeff Call the general manager of Guilfoyle were both there to help discuss the options for the Town. David McIntyre stated that the Town of Cape Vincent has been through all of the scenarios and would love to help the Town and save the time. Jeff Call stated that if the Town used Town of Cape Vincent ambulance he thought the response time would be too long. He also mentioned that the Town probably could not afford to hire Guilfoyle's private services. Guilfoyle will already attend the calls because there are legally obligated. Mr. Call suggested to the Town Board that they should be very transparent in letting the Town residents know what is going on. They will understand why there taxes may increase next year if they know that will have a quick ambulance response if their family member or they are sick. There was a lengthy discussion about the options that the Town could do for an ambulance. Supervisor Aubertine stated he was envisioning a committee of 5 to 10 people to discuss the ambulance options for the Town. He will be in contact with the necessary individuals through email shortly after the meeting to set a date and time.

#### **Old Business:**

There is no Old Business discussed.

#### **Online Privilege of the Floor**

There was no online privilege of the floor.

**Privilege of the Floor**

**Thomas Strejlau:** 9188 County Route 125

Thomas stated that he was very happy with the ZBA. They were professional.

**Executive Session**

**Resolution 2021-13:** Supervisor Aubertine made the motion to enter Executive Session at 9:00 p.m.; seconded by Councilmember Countryman; all were in favor and the motion was carried.

**Resolution 2021-14:** Councilmember Gosier made the motion to close Executive Session at 9:15p.m.; seconded by Councilmember Countryman; all were in favor and the motion was carried.

**Return to Open Meeting**

**Resolution 2021-15:** Councilmember Countryman made the motion to enter Open Meeting at 9:15:10 p.m.; seconded by Councilmember Gosier; all were in favor and the motion was carried.

**Adjournment**

**Resolution 2021-16:** Councilmember Villa a made the motion to adjourn; seconded by Councilmember Countryman; all were in favor and the motion was carried; meeting was adjourned at 9:15:15 p.m.

Respectfully Submitted

*Ariana Henderson*

Ariana Henderson  
Town Clerk