

Town of Lyme
November 18, 2009
Public Hearing – Local Law Establishing Zoning/Code Enforcement
Officer Position 6:15 P.M.
Regular Monthly Meeting 6:30 P.M.

Supervisor Aubertine called tonight's Public Hearing to order at 6:15 p.m.

Present at tonight's Meeting: Supervisor Aubertine, Councilmen Madill, Countryman and Johnson, Assessor's Barton and Gotham, ZEO Jim Millington, Bookkeeper Tom Bowie and approximately 15 others.

Clerk Wallace read the Public Hearing Notice that was published in the Watertown Daily Times on November 3, 2009 as follows:

A Local Law for the Town of Lyme Establishing Zoning/code Enforcement Officer

Article 1. – Statement of Authority. The Town Board of the Town of Lyme, pursuant to the authority granted it under Article 16 of the Town Law, the New York State Uniform Fire Prevention and Building Code and Sections 10 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. – Findings and Purpose. The Town Board of the Town of Lyme hereby finds that establishing the appointed position of Zoning /Code Enforcement Officer is necessary to provide for proper administration of the Zoning Laws of the Town of Lyme as well as the administration of the New York State Uniform Fire Prevention and Building Code. It is the purpose of this Local Law to establish the parameters for the same.

Article 3. – Enactment. The Town Board of the Town of Lyme hereby enacts as follows:

- 1. Position of Zoning/Code Enforcement Officer is hereby created as a salaried, part time position.***
- 2. The Town Board at its Organizational Meeting shall appoint the Zoning/Code Enforcement Officer annually.***

3. *The Town Board by Resolution shall determine the salary of the part time Zoning/Code Enforcement Officer of the Town of Lyme from time to time.*
4. *The Zoning/Code Enforcement Officer shall be charged with the administration and enforcement of the Zoning Laws of the Town of Lyme and the New York State Uniform Fire Prevention and Building code.*
5. *The Town Board may also from time to time fund an administrative assistant for the Zoning/Code Enforcement Officer to be paid hourly.*

Article 4. – Sever ability. *If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.*

Article 5. – Effective Date. *This Local Law shall take effect upon filing with the Secretary of State and further upon the expiration of the above noted terms.*

Julie Gosier – Empie Road – Three Mile Bay: Feels that this Law should be put on the back burner for the time being. The Municipal Building is cramped enough now and the Town Employees have enough trouble working effectively. The Town Board should focus on improving the space for the people that are already here. Julie also feels that the Town Board should look into the exact details surrounding the job.

A Motion was made by Councilman Countryman and seconded by Councilman Madill to close tonight’s Public Hearing at 6:20 p.m.

Supervisor Aubertine called the November 18, 2009 Regular Meeting to order at 6:30 p.m. The Meeting was opened with a Prayer and the Pledge of allegiance.

Privilege of the Floor

Mike Kieff – Jefferson County Code Enforcement: Mike gave some history of the County Code Office in Jefferson County since it came into existence in 1984. He went on to explain some of the pros and cons of the Town taking on the position themselves. Jefferson County code Enforcement Office is responsible for 29 Municipalities throughout the County and they have six full time Code Enforcement Officers working 6 days a week.

Oren Olsen – BEE Adaptive Sports – The purpose of this organization is to promote and facilitate affordable recreational opportunities through education and training for Wounded Warriors and others affected with disabilities such as MS, debilitating birth defects and others inconvenienced.

Anyone looking for further information is welcome to call Mr. Olsen at 315-649-5298 or email him at bee.adaptive@gmail.com.

Village Mayor – Mark Zegarelli: The Village of Chaumont is requesting that Doris Bevens, 11856 County Route 125 (Point Salubrious) be allowed to annex into the Village for purpose of accessing Village utilities. Any costs associated with the construction will be at the Bevens' expense. They are hoping, with the approval of the Town, that they will start work this fall. The Town Board did not have any concerns with going forward with the annexation.

County Legislator – Bob Thomas: Cell phone numbers will be going public to telemarketing companies this month. In an effort to prevent this unsolicited annoyance call 1-888-382-1222. Making this call will block your number for five years.

Supervisor's Report

RESOLUTION 2009 – 166: Motion by Councilman Madill and seconded by Councilman Johnson accepting the October 2009 Supervisor's Report as presented by Bookkeeper Tom Bowie at tonight's meeting. Four ayes. Motion carried.

RESOLUTION 2009 – 167: Motion to approve Budget Transfers #3 – 2009 and a Budget Amendment as suggested by Bookkeeper Tom Bowie as follows:

<i>GENERAL FUND A</i>		<i>FROM</i>	<i>TO</i>
A9060.8	Hospital Insurance	\$10,000	
A1620.2	Buildings-Equipment	4,050	
A7310.1	Teen Center – Personnel	600	
A1110.4	Municipal Court – Contractual		400
A6810.1	Lyme Garden Club – Personnel		2,500
A7510.4	Historian – Personnel		150
A7310.4	Teen Center – Contractual		600
A8160.1	Refuse and Garbage – Personnel		11,000
Total		14,650	14,650

HIGHWAY DA

DA5130.2	Machinery – Equipment	500	
DA5140.1	Brush and Weeds – Personnel		500

WATER DISTRICT #1

F8310.4	Administrative – Personnel	100	
F8330.4	Purification – Contractual		100

WATER DISTRICT #2

F8310.4	Administrative – Contractual	3,500	
F8310.1	Administrative – Personnel		3,200
F9030.8	Social Security		200
F8330.4	Purification – Contractual		100
Total		3,500	3,500

BUDGET AMENDMENT

DB599	Appropriated Fund Balance	30,000	
DB5110.1	Personnel Services		25,000
DB9030.8	Social Security		1,000
DB9060.8	Health Insurance		4,000

Total 30,000 30,000

Four ayes. Motion carried.

RESOLUTION 2009-168: *Motion by Councilman Countryman and seconded by Councilman Madill approving Abstract #21 in the amount of \$569.00. Four ayes. Motion carried.*

RESOLUTION 2009 - 169: *Motion by Councilman Madill and seconded by Councilman Johnson approving Abstract #22 in the amount of \$169,753.33. Four ayes. Motion carried.*

Minutes

RESOLUTION 2009 – 170: *Motion by Supervisor Aubertine and seconded by Councilman Countryman approving the October 14, 2009 Public Hearings and Regular Monthly Meeting Minutes. Four ayes. Motion carried.*

RESOLUTION 2009 – 171: *Motion by Councilman Countryman and seconded by Councilman Madill approving the Meeting Minutes of the October 27, 2009 Budget Work Session. Four ayes. Motion carried.*

RESOLUTION 2009 – 172: *Motion by Councilman Countryman and seconded by Councilman Johnson approving the November 5, 2009 Budget Hearing of the 2010 Preliminary Budget. Four ayes. Motion carried.*

RESOLUTION 2009 – 173: *Motion by Councilman Countryman and seconded by Councilman Madill approving the Meeting Minutes as submitted by Clerk Wallace for the Budget Work Sessions held on November 10th and 16th, 2009. Four ayes. Motion carried.*

Department Reports

Assessor's Report – Marsha Barton: The assessor's are currently working on field review and have recently completed data updating Failing Shores. A citizen had complained that there had been some building going on in the area of Failing Shores and residents had not received the proper permits. After reviewing the situation, the Assessors found there were only a couple

of small sheds that were not included in the Town inventory. They did find several properties where sheds or decks had been torn down and they were removed from the inventory.

The Assessor's have re-arranged their office space to make it more workable. They would like to request that the floor be covered with some type of tile or carpet; it has been bare for many years.

Municipal Water Board Report – Marsha Barton:

Water District #5 – Construction has begun on Water District #5. The Contractor estimates that the construction will be complete in approximately three weeks. Final restoration will be completed in the Spring of 2010. The Inspector from Bernier and Carr is Steve VanArnam. His cell phone number is 778-0539, if anyone should have any questions.

Water Billing error- Spence Mount Property – It has recently come to the Water Board's attention that there has been a water billing error on Spence Mount's vacant parcel in Water District #2. There had been a meter pit installed on his property that actually serviced the property next door. The property next door was billed properly as 1 EDU. Mr. Mount was billed as having a curb stop, ½ EDU. He should have been billed as ¼ EDU. The Town will need to reimburse Mr. Mount approximately \$1,500.00, which is an estimate of the amount he was over billed. The Town should leave the curb stop that serves the other property, as it is on the right-of-way. The Water Board is suggesting that they would like to take the money needed to reimburse Mr. Mount, out of the Water Reserve Fund, since it was an error made several years ago.

Water Re-L Levy – The re-levy of delinquent water bills has been completed and sent to Jefferson County. The re-levy amount for this year is \$2,790.02. The amount of last year was \$6,880.61.

Water District #1 – Billy Scarpocchi had to replace Pressure Release Valve's in District #1, costing approximately \$1,200.00. There has also been a valve ordered for the Millens Bay Pit. The cost of that valve will be split between Districts #1 and #4.

DANC Meeting – Supervisor Aubertine and Marsha attended the DANC Meeting in Dexter on October 29th. They voiced the Town's concerns with

the new DANC agreement. A request was made to have DANC submit the Town with a copy of the Authority's Rules and Regulations. It was mentioned that the Town would like to see a term of 30 years added to the WD #5 agreement, rather than 27. The Town has also requested a two-year notice to find an alternate source of water, rather than six months.

The DANC proposed cost estimate based on allocation of \$203.00 would result in an increase of approximately \$16.50 per billing period for our customers. This was based on allocations of 45,000 per day. The Town's proposed allocation of 85,000 would result in approximately \$33.00 per billing increase. These estimates would be subject to change as some of the Municipalities are changing their allocations. The Town is able to drop the O & M rates for 2010 about \$6.00 per billing, so that should help offset any increases DANC makes.

RESOLUTION 2009 – 174: Motion by Councilman Countryman and seconded by Councilman Madill agreeing to pay Spence Mount the amount of \$1,500.00 that was recommended by the Municipal Water Board. Funds will be paid out of Water District #2 account FT8310.4. Four ayes. Motion carried.

RESOLUTION 2009 – 175: Motion by Councilman Countryman and seconded by Councilman Madill scheduling a Public Hearing to hear the changes in water rates in all Districts at 6:15 p.m. on December 9, 2009 before the Regular Monthly Meeting. Marsha Barton will provide the figures needed to advertise the Public Hearing Notice. Four ayes. Motion carried.

Planning Board – Chairman Paul Norton – A draft of the Second Chapter of the Comprehensive Plan has been prepared and submitted to the Town Board for their perusal. The Planning Board will have to meet another six to eight months until they will have finalization of the Comprehensive Plan. The County Planning Board has done a lot of research and they have been a great service from the County.

October Police Report – Written Report submitted by Police Chief Leo Wilson.

Youth Committee Report – Charlie Mount – The attendance for the after school youth program is about the same as it was last year. Mike Nichols

has been requested to submit copies of the daily sign in sheets so the Town Board can review the number of children attending the program.

The winter basketball program will be starting at the school next month. The Youth Committee is anticipating several children will be involved in the program.

There was a ten-minute recess lasting from 8:05 to 8:15 p.m.

RESOLUTION 2009 – 176: Motion by Councilman Countryman and seconded by Councilman Madill recommending a reimbursement of \$400.00 (four hundred dollars) to Andy Williams for the replacement of a forty foot aluminum extension ladder that the Highway plow had pushed snow onto, causing it to break, during the 2008-2009 winter season. It has been determined that the new parking lot is two to three feet over onto the Williams' property. Trident Insurance has refused payment for the ladder stating that the incident should have been reported within 90 days of the occurrence. The Town Board feels they should take responsibility as a "good neighbor", due to the fact they have exceeded the Town's property boundaries and paving onto the neighboring parcel. Four ayes. Motion carried.

Correspondence

Paychex – Payroll Company – Has submitted information regarding the services provided and costs associated with doing business with them.

Resolutions and Motions

RESOLUTION 2009 – 177: Motion by Councilman Madill and seconded by Councilman Johnson reappointed Dave Detweiler to the Board of Assessment Review for a term of 5 years, with the term ending in October of 2014. Four ayes. Motion carried.

RESOLUTION 2009 – 178: motion by Councilman Madill and seconded by Councilman Countryman TABLING the adoption of the Code/Zoning Enforcement Officer position until the December 9, 2009 Regular Monthly Meeting. Four ayes. Motion carried.

RESOLUTION 2009 – 179: *Motion by Councilman Countryman and seconded by Councilman Madill approving the advertisement in the Help wanted section of the Watertown Daily Times for the positions opening on the Town Planning Board, Highway Department, Part-time MEO's with a NYS class "A" drivers license, a Health Officer and the qualifications set forth by the Associate Counsel of the Association of Towns of the State of New York. Four ayes. Motion carried.*

RESOLUTION 2009 – 180: *Motion by Supervisor Aubertine and seconded by Councilman Madill scheduling an Emergency Meeting for a brief Budget Work Session and the Adoption of the 2010 Final Budget on Friday November 20th, 2009 at 5:30 p.m. to be held at the Municipal Offices 12175 NYS Route 12E, Chaumont. Four ayes. Motion carried.*

Supervisor Aubertine is TABLING the idea of the appointment of members to a Zoning Ordinance Review Committee until January.

RESOLUTION 2009 – 181: *Motion by Councilman Countryman and seconded by Councilman Madill authorizing Supervisor Aubertine to renew the CD, Account #902242 in the amount of \$316,805.21. Four ayes. Motion carried.*

RESOLUTION 2009 – 182: *Motion by Councilman Johnson and seconded by Councilman Madill directing Attorney Mark Gebo to attend the December 9th, 2009 Appeal "Gosier, et al verses Town of Lyme" regarding Local Law #3 – 2008, with respect to the proposed Local Law amending the Zoning Ordinance to govern wind energy facilities. The Town Board feels it is important to have Mr. Gebo present for legal representation during the Appeal process. Four ayes. Motion carried.*

Privilege of the Floor

Charlie Mount – Would like to see the Meetings moved to 7:00 p.m. so people have a better chance of making them on time. **Julie Gosier** – Would like to see the Town look into the possibility of having all the property the Town owns surveyed or any existing surveys updated. The recent issue with the Municipal parking lot is a good example of what can occur when we are uncertain of property lines. Julie is not sure where the boundaries of the Three Mile Bay Cemetery lie. It is good business to have Town owned properties surveyed.

Jim Millington – ZEO –The Zoning Enforcement Officers are requiring current surveys with Zoning Permit Applications. FEMA is requiring a Certificate of Elevation with all Lake front properties.

Larry Comins – The Village Code Enforcement Officer allowed someone to build on his property because nobody was aware of the boundaries.

Don Metzger – Has been attending the Town Board Meetings in Cape Vincent when possible. He said it is refreshing to come to the Town of Lyme’s meetings, where it is a much different atmosphere, with a citizen friendly environment. He feels that right now things in Cape Vincent are “broken”. Mr. Metzger applauds the Planning and Town Boards.

Mr. Metzger has concerns with the fact that the Spanish wind company is keeping important documentation concerning the Town of Lyme’s infrastructure locked up in their office and it can only be seen during business hours. He feels the Spanish have treated him in an arrogant way. He has been in contact with Mr. Tomasick of the NYS DEC in Albany and has requested that the documentation be distributed to the Town’s of Lyme and Cape Vincent for citizen’s review. The majority of the project will be going through the Town of Lyme, we should have documentation here.

Paul Norton – Revisiting the ice fishing-parking situation. Dave Hutchinson of Three Mile Bay is offering to open up his parking lot at the old bus garage for ice fisherman parking this winter. If the Town could keep the parking lot plowed out it would be an ideal place to accommodate quite a few vehicles.

Supervisor Aubertine stated that Geordie McGee has allowed access between Cheever’s and Calhoun’s, right here in the Village. He would like permission from the Town Board to try it and offer access to the ice fisherman. Sue Lyth also has permission to set up her concession stand on the property. Scott would like to see her move the operation further toward the shoreline as not to interfere with the Cheevers or Calhouns, he promised them they wouldn’t see a lot of activity.

Charlie Mount stated that Leo Wilson would have enough parking for seven or eight vehicles.

Julie Gosier – Stated that the Reed Street property in Three Mile Bay has been totally blocked off by a chain link fence right down the middle of it and there are vehicles parked on it.

Don Metzger – Provided the Town Board with a copy of the latest Wind Law from Cape Vincent. It indicated in the paperwork that they would have the ability to erect a wind turbine within 1000 feet of the Town of Lyme boundary. Any of our residents residing in these areas could conceivably have a turbine within 1000 feet of their home. This is an issue the Town of Lyme should be aware of. We must make sure the foreigners aren't going to take advantage of us.

A Motion was made by Councilman Madill adjourning tonight's meeting at 9:10 p.m.

Tonight's Minutes are respectfully submitted by

*Kim Wallace
Town of Lyme Clerk*