

February 8, 2023
Town of Lyme
Regular Monthly Meeting 6:30 P.M.

Call to Order:

Supervisor Countryman called the regular monthly meeting to order at 6:30 p.m. opening the meeting with the Pledge of Allegiance.

Those present included Supervisor Countryman, Deputy Supervisor Bourquin, Councilmember Gosier, Councilmember Farrell, Town Clerk Ariana Henderson (remote), County Legislator William Johnson, William Pfaff, Mark Cullen, Karen and Rick Darrah and Gail Miller.

Privilege of the Floor

Legislator William Johnson: Mr. Johnson asked if there were any further questions regarding the installment tax payments that were questioned last meeting. Terry already shared that information with the Board. Last year the Sales Tax figures were 3% higher. At the County Meeting they passed a resolution which puts the same sales tax reduction on gasoline that was in affect prior years. It is only the County portion. It takes affect June 1, 2023 through the end of November.

Barton and Loguidice: Mr. Condino from Barton and Loguidice was present to discuss the proposal to revise the Town of Lyme Zoning Law. There were 5 outlined areas including Solar, RV, Subdivision and updating the definitions and the schedule. Keith and his team along with Mr. Condino believe that it can be complete in about 3 meetings. Supervisor Countryman said that there are some volunteers willing to help such as the ZBA chair, planning Board chair and himself. The first areas concentrated on are the Solar, RV and subdivision law. This meeting should be set up as soon as possible. Deputy Supervisor Bourquin asked if the law would be complete and re-written Zoning Law or if the Town would receive revisions and have to re-type the law. Mr. Condino said that a draft law would be reviewed by the Town and then finalized and then can be submitted to the County.

Gail Miller: Ms. Miller presented the Board with a letter regarding the Point Salubrious Water District that was also sent by email.

Donald Tedford: Mr. Tedford said from what he learned at the December 14th meeting the cost of the water was based on 150 gallon usage per day. It would be an additional cost for installation of \$2,000 annually. He asked if this would be sent to the tax residents by letter.

Supervisor Countryman explained that a letter was already sent and the information was on the Town website. There was also an informational meeting and public hearing. He said that he was not aware of what the cost was going to be until the December meeting.

Karen Darrah: Ms. Darrah agreed with Mr. Tedford that she didn't find out about the Water District until the December meeting. She was concerned that people on the Point are not receiving this information.

Supervisor Countryman reiterated that the reason the letter was mailed to the residents on the Point was to provide them with the information regarding the water district.

Gail Miller: Ms. Miller stated that the information in the letter was very brief and lacked several items. She stated that she researched the grants that are included in the numbers from Bernier and Carr. One of the grants included, 95 million went to NYC and did nothing but improve existing infrastructure that was failing. There was nothing awarded for new infrastructure. The letter was not neutral. It should have stated that if anyone needed more information they should visit the website.

Donald Tedford: Mr. Tedford said the reason he brought up this issue was that his neighbor has no idea what the cost will be.

Supervisor Countryman said that the cost is an estimate from our engineer. The study that was completed was superficial. It started over a year ago. They believe that it needs a shot from the majority. They made the assumption from the petition that they received originally. That was enough for us to go forward with the update to the study.

Donald Tedford: Mr. Tedford reported that when he moved here they studied the quality of the lake. There was several contaminates in the water. It is not uncommon to release sewage into the Black River and St. Lawrence River. If later down the road we do receive water he doesn't believe everyone will think it is potable water.

Mark Cullen: Mr. Cohen stated that the final cost is unknown at this time for the water district. He asked if there will be a final vote after the cost is finalized.

Supervisor Countryman said many of the questions will be answered as they move forward in the agenda. The Board is going to revoke the resolution that was passed at the Year End meeting to form Water District #6. He will go through the new resolutions later in the meeting. If the Board receives a petition within the 30 days of the new resolution the Board will have to have a permissive referendum.

Rick Darrah: Mr. Darrah stated that they will have several yes votes turn to no for the water when they discover the final cost.

Gail Miller: Ms. Miller stated that in NYS in e-signatures are accepted. When she asked if they would be accepted for this petition Supervisor Countryman said they were not going to be. When she read the law it is up to the Town whether they are accepted or not.

Supervisor Countryman said he went to the lawyer and has a paper printed with FAQ. If she would like a copy she can get one from him.

Gail Miller: Ms. Miller stated that the law states it is up to the Town to decide. She wants an answer of whether e-signatures will be allowed on the petition. How do they find the answer to that?

Karen Darrah: Ms. Darrah asked if the Board could clarify whether the signatures are needed for the petition are strictly based on the residents on Point Salubrious and not registered voters in the Town of Lyme. It should be based on the people that live on the Point.

Supervisor Countryman read #15 from the frequently asked questions form.

Karen Darrah: Ms. Darrah said that she asked the Board of Elections and they told her it was a 45 days window to complete a petition not 30.

Supervisor Countryman stated that it was 30 days because it is a water district.

Karen Darrah: Ms. Darrah asked for the copy of the petition from our lawyer.

Gail Miller: Ms. Miller asked if 5 people owned one parcel if they receive 5 votes or is it one vote per parcel.

Supervisor Countryman said from what he understands that partnerships or corporations are entitled to one vote, if there are multiple property owners but they meet the qualifications they can each vote.

There were further questions regarding who is qualified to vote in a permissive referendum.

There was further discussion on the timeline on the petition and the state application for the Water District.

Supervisor's Report

There was no January report.

Highway Superintendent's Report

There was no report from Patrick Weston.

Lance Water Line Inspection: Supervisor Countryman shared something with the Board from Bernier and Carr regarding the process where the water line goes in and who will be qualified to do the inspection for that installation. Gregor Smith stated that he believed Pat Weston and Bill Scarpocchi would be qualified. Deputy Supervisor Bourquin said that our water use law states any water operator would be qualified. Gail Miller stated that they are waiting for approval from the

NYS DOT to go under the road. They also are questioning whether a culvert pipe needs to be installed.

Clerk's Report

There was no clerk report.

Audit of the Bills (Abstracts #1 & 2)

Abstract #1 was \$0.00. There were no prepaid bills.

Resolution 2023-16: Councilmember Gosier made the motion to approve Abstract #2 in the amount of \$215,393.85 (this is one and a half months bills and county chargebacks); seconded by Councilmember Farrell; all were in favor and the motion was carried.

Approval of the Minutes

There were no minutes to approve.

Old Business:

Resolution to Form Water District #6:

Supervisor Countryman read the resolution as follows:

**RESOLUTION OF THE TOWN BOARD
OF THE TOWN OF LYME
PURSUANT TO NY TOWN LAW §209-e**

At meeting of the Town Board of the Town of Lyme, held at the Town Offices located at 12175 NYS Route 12E, Chaumont, NY 13622, on February 8, 2023 at 6:30 p.m., there were:

PRESENT:

Terry Countryman
Julia Gosier
Donald Bourquin
Tim Farrell

ABSENT:

Daniel Villa

WHEREAS, a resolution subject to permissive referendum was adopted by the Town Board on December 28, 2022; and

WHEREAS, the Town Board has determined that there existed the possibility of deficiencies regarding the posting and/or publishing requirements associated with the December 28, 2022 resolution; and

WHEREAS, out of an abundance of caution the Town Board has determined the December 28, 2022 resolution must be revoked and replaced in its entirety, and therefore the permissive referendum period associated therewith must also be revoked and replaced; and

WHEREAS, the Town Board wishes to replace the December 28, 2022 resolution with the current resolution; and

WHEREAS, by Order of this Board dated September 14, 2022, a public hearing was scheduled to consider the formation of Point Salubrious (Water District No. 6) within the Town of Lyme, pursuant to a certain revised Map, Plan and Report filed with the Town Clerk and which is incorporated by reference; and

WHEREAS, the Order scheduling the public hearing was duly posted, uploaded to the Town's website and published as required by law on September 22, 2022 and the public hearing was opened on September 27, 2022 and continued through December 14, 2022 and a second Notice of Public Hearing was uploaded to the Town's Website and published on November 15, 2022 to consider all persons interested in the formation of Water District No. 6; and

WHEREAS, the Town Board also wrote residents seeking additional input associated with the proposed District formation; and

WHEREAS, the Town Board learned during the public hearings that strong support exists for the Water District; and

WHEREAS, the Engineer for the Town of Lyme has estimated the total project cost to be \$17,480,000 and has recommended the Town proceed in efforts to provide abundant potable water to residents and safeguard the environment; and

WHEREAS, it is anticipated that a substantial part of the total project cost will be paid by various grants and/or low interest loans(s) all as specified in the filed Map, Plan and Report; and

WHEREAS, the Town Board anticipates adopting a Bond Resolution to encompass the maximum amount to be expended up to \$17,480,000 for the project and has asked the Engineer to ensure the Official Map, Plan and Report reflect the same.

NOW THEREFORE, on motion duly made and seconded, this Board makes the following determinations, and

IT IS HEREBY RESOLVED:

1. The above recitations are incorporated herein.
2. The original Notice of Public Hearing and a second Notice of Public Hearing were duly published and posted as required by law. The Public Hearing was conducted on September 27, 2022 and continued to December 14, 2022, along with additional public outreach and substantial compliance has been met and notice/input is otherwise sufficient.
3. The Water District shall be created to include the three hundred twenty-eight (328) parcels, identified in the Map, Plan and Report.
4. All property and property owners to be benefited by the proposed Water District are included within the limits of the proposed District.
5. All of the property owners and all of the property located within the proposed Water District are benefited thereby.
6. All specifics of Point Salubrious (Water District No. 6) pursuant to the Map, Plan and Report is/are on file in the office of the Town Clerk, and upon which the public hearing was held beginning on September 27, 2022 and continued to December 14, 2022 and comply with applicable law and public input confirm the District formation is in the public interest.
7. The creation of the boundaries of the Water District to include all parcels as described in the Map, Plan and Report and providing for the service as described therein is hereby approved.
8. The maximum amount which may be expended for the public improvements within the Water District is hereby established as \$17,480,000 for the project and it is in the public interest to authorize and establish the Water District accordingly.
9. There shall be no individual cost for hook-up fees during construction of the Project, and the estimated costs to a typical property annually (EDU) is anticipated to be \$2,048.
10. The Town Attorneys, engineers and Town Clerk shall cooperate to seek NYS Comptroller permission to establish the District per NYS Town Law §209-f and take all steps necessary to do so.

This Resolution and Order is adopted as required by NY Town Laws §209-e and is subject to a Permissive Referendum.

The foregoing Resolution was offered by Board Member, Gosier, and seconded by Board Member, Bourquin, and upon roll call vote of the Board was duly adopted as follows:

Terry Countryman, Supervisor	yes <input checked="" type="checkbox"/> no ___
Donald Bourquin	yes <input checked="" type="checkbox"/> no ___
Julia Gosier	yes <input checked="" type="checkbox"/> no ___
Timothy Farrell	yes <input checked="" type="checkbox"/> no ___
Daniel Villa	yes <input checked="" type="checkbox"/> no ___

Before making a motion Councilmember Farrell stated that he has neighbors that are for and against it. He understands both sides. When he votes to make this motion he is opening the opportunity, it does not say they are for it. The Comptroller because of the cost being 2x the maximum amount the Comptroller can squash this. He understands you can't bank on the grants. But he understands there is infrastructure available. If we have a district we can apply for receive the grant. He has mixed feelings about it.

Councilmember Gosier added that she fully understands no one wants to pay \$2,000 dollars. It is not realistic to pay that high price and end up with unpaid water bills. If the Town does not take the initial step of forming the district you can never get a grant.

Deputy Supervisor Bourquin said he was surprised to hear residents didn't hear about this. The Board bent over backwards including postcards, letters and holding the hearing open for two months.

Karen Darrah and Gail Miller asked specific questions regarding the petition.

Supervisor Countryman said he wanted to state something personal that has been weighing on his mind. He feels like our local school system is failing by not teaching young people to learn what type of Government they live in.

Notice of Public Hearing of Local Law to elect Code Enforcement to elect Code Enforcement to be turned over to the County:

Supervisor Countryman read the hearing notice as follows:

**NOTICE OF PUBLIC HEARING
Town of Lyme, New York**

Proposed Local Law: Adoption of a Local Law in regard to the Administration and Enforcement of NYS Uniform Fire Prevention and Building Codes and the NYS Energy Conservation Construction Codes

PLEASE TAKE NOTICE that a Local Law has been introduced before the Town Board of the Town of Lyme which would elect Jefferson County as the entity responsible for the Administration and Enforcement of Codes within the Town of Lyme.

PLEASE TAKE NOTICE that a public hearing in connection with the proposed legislation will be held at the **Municipal Office, 12175 NYS Route 12E, Chaumont, NY 13622** on March 8, 2023 at **6:15 p.m.** An opportunity to be heard in regard thereto will then and there be given to all persons interested in this proposed legislation.

Resolution 2023-17: Councilmember Gosier made the motion to advertise the Public Hearing to elect Jefferson County as the entity responsible for the Administration and Enforcement of Codes within the Town of Lyme March 8, 2023 at 6:15 p.m.; seconded by Councilmember Farrell; all were in favor and the motion was carried.

Prepayments for Veterans Memorial Park:

Resolution 2023-18: Councilmember Gosier made a motion to submit the payment for Powis Contracting for \$105,517.07 to DASNY; seconded by Councilmember Farrell; all were in favor and the motion was carried.

New Business:

Resolution to hire Barton and Loguidice:

Deputy Supervisor Bourquin stated that we are spending a lot more money on engineering and lawyer fees. We will have to cut back on this when we get a new building. He wants to have meetings in person and not on zoom. Mr. Condino said the Town would not be charged more for in person meetings.

Resolution 2023-19: Councilmember Gosier made a motion to hire Barton and Loguidice to revise the Zoning Law; seconded by Councilmember Farrell; all were in favor and the motion was carried.

Advertise 2023 Water Rates Hearing:

Resolution 2023-20: Councilmember Gosier made a motion advertise the 2023 Water Rates Public Hearing for March 8, 2023 at 6:20 P.M.; seconded by Councilmember Farrell; all were in favor and the motion was carried.

DANC Water Line Cost Allocation:

Supervisor Countryman sent the Board all of the information on what DANC is doing with the fees for each municipalities. He received letters from several municipalities. There is a meeting February 15th at the Village of Dexter to discuss the matter. DANC is raising the cost for the Village of Dexter significantly which is why the Mayor is against it. The new figures are based on Maximum Capacity and usage. Supervisor Countryman stated that our Town and Village bill will be decreasing. There was further discussion regarding the DANC Water Line Cost Allocation.

Volunteer Fire + EMT Real Property Tax Exemption:

Supervisor Countryman stated he would like to research what it would do to our tax base. Councilmember Gosier said that both fire departments are having a hard time recruiting members and a property tax credit would be helpful. She assumes that in order to qualify for it you would need a specific level of participation. She questioned how it would impact the work load to our assessors. It should be discussed with Susan Locy. Deputy Supervisor Bourquin said that the Board has never passed it in the past. There were several questions that need to be answered. Supervisor Countryman read the requirements for the resident to receive the exemption.

Workplace- Youth Summer Work:

Deputy Supervisor Bourquin said he spoke with Scott Aubertine and there is money in the budget to hire someone to help with summer projects such as lining the fields and painting fences. Scott offered to supervise them when he is available. Councilmember Gosier said the items she needs done in the cemetery could be done by a young kid. Supervisor Countryman asked her to take the lead on this.

Committee Reports

Assessor's Report:

There was no report. Supervisor Countryman stated that exemption notices were sent to senior citizens by Real Property. There are several that have been returned.

Municipal Water Board Report:

There was no questions on the December meeting minutes.

Planning Board:

There was no Planning Board Minutes.

Zoning Board of Appeals (ZBA):

There was no report.

Youth Commission:

There were no questions on the Youth Commission Minutes. Stephanie Doney has decided to step back from Summer Rec Director.

Resolution 2023-21: Councilmember Gosier made the motion to advertise for the vacant Summer Recreation Director position; seconded by Councilmember Farrell; all were in favor and the motion was carried.

ZEO/CEO Report:

There was no report.

TMB Cemetery:

There was no report.

Cape Vincent Ambulance:

Supervisor Countryman said that the meeting is after the Town meeting this month. The Cape Ambulance is getting ready to close on a new building. Councilmember Gosier asked if there is an ambulance at the Chaumont location. Supervisor Countryman said that there is one there. There is always one ambulance with a paramedic ready to respond. Jeff Call told Supervisor Countryman that there are only 3 at the most failed calls a month. There is always a reason behind it such as the ambulance being on another call. Councilmember Farrell questioned why we were only manning one rig when both Towns are paying the same amount of money. We are paying for response time. The ambulance should not always be based out of Cape Vincent. There was further discussions regarding where the ambulance is stationed. Supervisor Countryman said that eventually they would also like to have a building in the Town of Lyme.

Cape Vincent Ambulance:

Councilmember Gosier reported that Kathy and Dennis McCarthy are connected to the heritage center. They received an email from them about Public Meetings being held about NOAH agency. NOAH has been working for a few years establishing a historic designated area in the great lakes. A big part of it is to preserve the water fronts and underwater archology such as ship wrecks. They have decided to keep the St. Lawrence out of the project but including all of our water fronts. This will affect property owners. They will be holding a Public Hearing on March 2nd at 6:30 P.M. at Jefferson Community College.

Online Privilege of the Floor

Online Viewer: Will the FAQ be on the website for the Point Salubrious Water District?

Supervisor Countryman responded YES

Privilege of the Floor

There was no privilege of the floor.

Executive Session

There was no executive session.

Adjournment

Resolution 2023-22: Councilmember Gosier a made the motion to adjourn; seconded by Councilmember Gosier; all were in favor and the motion was carried; meeting was adjourned at 8:17 p.m.

Respectfully Submitted,

Ariana Henderson

Ariana Henderson
Town Clerk