

March 8, 2023
Town of Lyme
Public Hearing Moving Code Enforcement to Jefferson County 6:20 P.M.
Public Hearing 2023 Water Rates 6:25 P.M.
Regular Monthly Meeting 6:30 P.M.

Public Hearing for Code Enforcement to Jefferson County:

Supervisor Countryman called the Public Hearing for the Town of Lyme Code Enforcement to be sent to Jefferson County to order at 6:22 p.m.

Those present included Supervisor Countryman, Deputy Supervisor Bourquin, Councilmember Gosier, Councilmember Farrell, Town Clerk Ariana Henderson, Code Enforcement Officer Jim Millington, Legislator William Johnson, Peter Loftus, Joseph Chernick, Catherine Stone, Catherine Ward, Jennifer Kingsley, Bruce Kingsley, John Mersa, Rebecca Kron and Jim Kron.

Public Hearing Questions and Comments:

Supervisor Countryman stated that he received several emails supporting the Code Enforcement to stay in the Town of Lyme and supporting Jim Millington (CEO). To begin the hearing he stated 3 strong reasons why the Board has considered this route.

The first is that NYS automatically designates each County in NYS to be the Enforcer of the NYS building codes. In order for a municipality either a Town or Village in order to be their own code enforcement officer they have to get a waiver form. In Jefferson County 16 out of 22 towns use Jefferson County. The County automatically includes the cost of Code Enforcement to the Town. There are several legacy costs that are associated with it.

The second reason is that we are a part time Code Enforcement office. They have a full time office always available. They have several code officers and staff members. The availability for our residents should improve significantly.

The third is that it is a risk to have your own Code Enforcement officer if there is an issue if the Town is sued based on the codes of a building. It is not common but it can happen. If the County takes it over they would be on the hook for the lawsuit. This is why the Board feels it is the right direction to go. He opened the floor for residents to speak.

Joseph Chernick: Mr. Chernick asked if the Board has ever used the County for a permit.

Supervisor Countryman stated that it is not a question and answering session, they are listening to the public input and won't be answering questions. He voiced his concern with Codes returning to Jefferson County. The residents that are building in the Town are on a time restriction. The County takes all of their permits and throws them in a drawer and they don't look at them for two months. The Code Enforcement Officer brings money to this Town. He supports keeping Codes in the Town of Lyme.

Peter Loftus: Mr. Loftus stated that Jim Millington has helped him on several occasions. The County will not be helpful and this is a big mistake. Jim even answers his phone on Saturday and Sundays.

Bruce Kingsley: Mr. Kingsley reiterated that Code Enforcement should stay at the local level. We need to keep control of what we can in our Government.

Rebecca Kron: Ms. Kron stated that we should keep Code Enforcement local it is much easier to deal with local people.

John Mersa: Mr. Mersa has dealt with the County Codes in the past and it was a circus act. The residents shouldn't have to deal with this.

Joseph Chernick: Mr. Chernick stated that there is no cost savings moving Codes to the County.

Jim Millington: Mr. Millington stated that he has been through this before with the Board. There were even more people in September to support him. The residents are not going to be happy with the County. The County does not understand the community. There is multiple miles of shoreline in our Town. They won't be considerate of the small lots and very specific guidelines the residents have to follow. He wants to work for a few more years and will train someone to take over his position when he retires. The Town Board was elected to serve the residents and hear what the people want. The people in our Town want to keep my position local. He stated that he has always protected our Town and has never been sued and never will be.

Jim Kron: Mr. Kron has done construction for 40 years. He knows that when he needs Jim to do an inspection he will be there when he needs him. Construction is based on a time schedule and this will be difficult to work with the County.

Jennifer Kingsley: Ms. Kingsley said that Jim has always answered any of her calls at any time of the day. As a citizen who wants to be more informed she is upset that the Board won't answer questions and have answers for the citizens.

Resolution 2023-23: Councilmember Gosier made the motion to close the Code Enforcement Public Hearing; seconded by Councilmember Farrell; all were in favor and the motion was carried.

Public Hearing for 2023 Water Rates Hearing:

Supervisor Countryman called the 2023 Water Rates Public Hearing to order at 6:46 P.M. The Water Rates did not change from 2022.

**Town of Lyme
Public Hearing Notice
2023 Water Rates**

PLEASE TAKE NOTICE that the Town of Lyme Board shall conduct a Public Hearing on Wednesday March 8, 2023 at 6:25 p.m. at the Town Municipal Offices located at 12175 NYS RT 12E, Chaumont, NY to consider the adoption of the 2023 Water Rates for the Town’s Water Districts #1 thru #5.

<u>Bi-monthly Rates Per EDU</u>				
WD # 1	Debt	\$14.00	Water Reserve O&M	\$9.00
	O&M	\$15.00	Water Reserve Capital	\$3.00
WD# 2	Debt	\$35.00	Water Reserve O&M	\$9.00
	O&M	\$19.00	Water Reserve Capital	\$3.00
WD# 3	O&M	\$5.00	Water Reserve O&M	\$9.00
			Water Reserve Capital	\$3.00
WD# 4	Debt	\$25.00	Water Reserve O&M	\$9.00
	O&M	\$19.00	Water Reserve Capital	\$3.00
WD# 5	Debt	\$56.00	Water Reserve O&M	\$9.00
	O&M	\$20.00	Water Reserve Capital	\$3.00

A full text of the above referenced law 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 or email lymetownclerk@townoflyme.com at least 3 business days prior to the hearing.

Town of Lyme Board

Joseph Mersa: Mr. Mersa asked if there were more water districts. Supervisor Countryman said that it has nothing to do with the current rates.

Resolution 2023-24: Councilmember Gosier made the motion to close the Water Rates Public Hearing at 6:47 p.m.; Councilmember Farrell seconded the motion; all were in favor; motion carried.

Call to Order:

Supervisor Countryman called the regular monthly meeting to order at 6:47 p.m. opening the meeting with the Pledge of Allegiance.

Privilege of the Floor

Legislator William Johnson: Mr. Johnson explained the Volunteer + EMS firefighter property tax exemption. The County has been in a similar program since 2006 that gives you 10% of your assessment and it is capped at \$3,000.00. Any taxing jurisdiction can pass a local law to do this. You can't take this property tax credit and the income tax credit. You have the choice between the two exemptions. Supervisor Countryman said that when the Board discussed it they believed it would only be pennies to the tax payers.

Catherine Ward: Catherine Ward asked if there were any updates regarding the proposed Solar Project on Old Town Springs Road. She also questioned if the amendments to the Zoning Law specifically the solar law were ever put into place. Supervisor Countryman stated that the Board hired Barton and Loguidice to revise our Zoning Law including the solar law. Ms. Ward stated several areas of concern in the solar law.

Ms. Ward also asked if there would be public docks at the new park. The Board responded that there will be 80 foot of temporary docking. This can be used for residents to explore the Town and eat at local restaurants. There will be no overnight stays. Supervisor Countryman said everything should be complete May 31st.

Supervisor's Report

Resolution 2023-25: Deputy Supervisor Bourquin made the motion to approve the January and February Supervisor's Monthly Financial report; Councilmember Gosier seconded the motion; all were in favor; motion carried.

Supervisor Countryman asked the Board if they were okay with writing a letter of support for the Fort Drum Advocate group to the Association of Towns. The Board agreed.

Highway Superintendent's Report

Pat Weston reported that it is a 2 year wait to get a new truck. He is still researching the best deals. The truck we ordered last year just hit production.

Deputy Supervisor Bourquin questioned what truck Pat was thinking to replace. There was a discussion on getting rid of the yellow plow/dump truck.

Pat asked the Board to keep him posted regarding Veteran's Park so he can complete the water and sewer lines. Supervisor Countryman stated he will send Pat the park construction timeline.

Clerk's Report

Monthly Receipts were as follow: Total Local Shares Remitted: \$2,383.05; Total State County & Local Revenues: \$2,421.05 Total Non – Local Revenues: \$38.00

Audit of the Bills (Abstracts #3 & #4)

Resolution 2023-26: Councilmember Gosier made the motion to approve Abstract #3 in the amount of \$80.00; seconded by Councilmember Farrell; all were in favor and the motion was carried.

Resolution 2023-27: Councilmember Gosier made the motion to approve Abstract #4 in the amount of \$280,669.41; 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:

Code Enforcement Local Law:

Supervisor Countryman read the Code Enforcement Local Law.

Ending Local Enforcement of the Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code

WHEREAS, the Town of Lyme, New York has administered and enforced the Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code (the “Codes”) on a local level within the Town; and

WHEREAS, such local enforcement has become an unnecessary burden on the Town; and

WHEREAS, the Town Board has determined that it would be in the best interest of the Town to have the County resume administrating and enforcing the Codes; and

WHEREAS, New York Executive Law § 381 empowers the Town to cease such duties associated with Code enforcement and allows the Town to elect the County to perform such functions in the alternative; and

WHEREAS, the Town Board has considered the matter and is prepared to proceed under the timeline set forth by New York Executive Law § 381 in order to cease Town Code enforcement by January 1, 2024, at which time, such enforcement shall be the sole responsibility of the County.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board resolves to enact a local law prior to the first day of July, which provides that the Town will not enforce the Codes on or after the first day of January 2024.

BE IT FURTHER RESOLVED, by the Town Board of the Town of Lyme, New York:

1. This Resolution shall take effect June 1, 2023 in order to be considered timely under

relevant New York law.

The foregoing Resolution was offered by Board Member, Countryman, and seconded by Board Member, Gosier, 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	Absent

Resolution 2023-28: Supervisor Countryman made a motion for Code Enforcement to return to Jefferson County effective January 1, 2024; seconded by Councilmember Gosier; all were in favor and the motion was carried.

Prepayments for Veterans Memorial Park:

Resolution 2023-29: Councilmember Gosier made a motion to submit the payment for Northern Pioneer for \$82,509.88 to DASNY; seconded by Councilmember Farrell; all were in favor and the motion was carried.

Water District #2 Extension Survey:

A letter and postcard survey was sent to all of Water District #2 and the Water District #2 extension users. There was 213 letters and post cards mailed.

126 post cards were returned

102 valid

11 duplicate property owners

4 bad addresses

Current Water Users:

140 mailed 66 returned

11- YES 55-NO

New Water Users:

73 mailed 36 returned

31- YES 5-NO

Councilmember Gosier said the only thing to do is contact the State and Federal representatives to find out if they have any ideas if they have infrastructure funds coming down the pipeline. The Water Board discussed if they could move forward with a district on their own, not an extension of District #2. It would be very expensive. They also discussed if they could include Three Mile Point in the district would the cost decrease.

New Business:

2023 Water Rates:

Resolution 2023-30: Councilmember Gosier made a motion to approve the 2023 water rates as listed above; seconded by Councilmember Farrell; all were in favor and the motion was carried.

2022 Justice Court Audit:

Resolution 2023-31: Councilmember Farrell made a motion to approve the Justice Audit performed by the Town's Audit Committee and required by the Uniform Justice Court Act upon the examination of Town Justice Robin Curtis' Court Records for the fiscal year 2022; seconded by Councilmember Gosier. All information, documentation and figures were found to be in order and in compliance.

Resolution 2023-32: Councilmember Farrell made a motion to approve the Justice Audit performed by the Town's Audit Committee and required by the Uniform Justice Court Act upon the examination of Town Justice Richard Wallace's Court Records for the fiscal year 2022; seconded by Councilmember Gosier. All information, documentation and figures were found to be in order and in compliance.

Ben Rubacha:

Mr. Rubacha reported that on February 21, 2023 a Town email password was compromised. They had access to the email for 3 days. He stated that some employees SSN may have been compromised. He suggested the Town looking into credit monitoring for all employees. Ben offered several ways for the Town to take to make sure their email and computers are safe going forward such as frequently changing passwords, sophisticated passwords and MFA on email accounts. Looking at the IT department as a whole employees should not be using personal laptops for Town business. In addition they should also not be using personal emails. **There was further discussion regarding cyber security and how to improve the Town's security.**

Hire HR Firm to Update Employee Policy and Handbook:

Supervisor Countryman stated that he provided the Board with a quote from Public Sector HR Consultants LLC to update our employee polices and handbook. He said it is nothing that the Board could handle. The quote included a full year of edits if needed. Deputy Supervisor Bourquin showed the Board the original policy that was effective in 1994. It needs to be updated. Clerk Henderson asked what happens with current employees who were hired prior to the new policy being put in place. Supervisor Countryman said they will need to follow new policy.

Resolution 2023-33: Councilmember Farrell made a motion to hire Public Sector HR Consultants LLC for \$5,000.00 to develop and implement an Employee Handbook for the Town of Lyme; seconded by Councilmember Gosier; all were in favor and the motion was carried.

Committee Reports

Assessor's Report:

There was no report.

Municipal Water Board Report:

There was no questions on the February minutes.

Planning Board:

There was no questions on the Planning Board Minutes.

Zoning Board of Appeals (ZBA):

There was no ZBA meeting.

Youth Commission:

The meeting for February was cancelled.

ZEO/CEO Report:

Jim Millington stated that 2022 annual zoning and codes report was submitted. Mr. Millington formally asked the Board to return his Zoning position to him in 2024. He had this position for 14 years prior to when Richard Ingerson was hired. Supervisor Countryman said that the Board will consider this. Mr. Millington said to get another position will be nearly impossible and this will affect him as he has a limited income. If the Board cares about his service and the 14 years he gave to the Town they will consider giving zoning back to him. Supervisor Countryman responded that they would consider it.

TMB Cemetery:

Councilmember Gosier suggested hiring two individuals from the Youth Work Group program that would be at no cost to the Town. Scott Aubertine said he would supervise the individual's on the Ball fields and Councilmember Gosier stated that she could supervise them at the cemetery. They discussed the Youth group program at length.

Resolution 2023-34: Councilmember Farrell made a motion to advertise for the Three Mile Bay cemetery, seven abandoned cemeteries and Town of Lyme Ballfields mowing bids; seconded by Councilmember Gosier; all were in favor and the motion was carried.

Cape Vincent Ambulance:

There were no questions on the minutes.

Privilege of the Floor

Joseph Chernick: Mr. Chernick stated that he and Frank Hirrill presented a maintenance law to the Board last year. The Town of Lyme is starting to look like a NYC dump. We need to get a maintenance law in place so people clean up their properties and we people don't lose interest in coming to our Town. Supervisor Countryman said that the Town uses the NYS Property Maintenance law to enforce property maintenance. There have been letters sent to the property owners telling them to clean up their properties. Councilmember Gosier responded that the Maintenance Law should be enforced by the Code Enforcement Officer. Supervisor Countryman

said that ZEO Richard Ingerson has been handling this situation. Eventually the Town can clean up the properties and put the fees on the individuals tax bills.

Rebecca Kron: Ms. Kron stated that Public Notices should be on the website and the residents should be receiving emails about public hearings and events happening in the Town. She stated that the minutes on the website had not been updated since October. Clerk Henderson responded that the minutes can be requested at any time. Ms. Kron proceeded to say that it is shady of the Town Board that they held the Code Enforcement hearing when seasonal residents are not in Town. If the Town is holding a Public Hearing it should be notified to the residents through email or text. Jennifer Kingsley agreed with Ms. Kron. There was further discussion on how to update the Town residents with current issues. Councilmember Farrell agrees with Rebecca that he felt out of the loop when it came to Town issues. This is why he got involved and joined the Board.

Supervisor Countryman said that the Board is struggling dealing with all of the issues that have come forward. There is more issues this year than there has ever been in the past.

Rebecca Kron: Ms. Kron also said that Gregor Smith from Bernier and Carr stated that Water District #2 Extension would not increase their water bills. Jennifer Kingsley agreed with Mr. Kron.

Online Privilege of the Floor

Online Guest: Please post Public Hearings and Minutes sooner on the website. They also asked why the Code Enforcement issue was under Old Business in the agenda. Deputy Supervisor Bourquin stated that it was discussed at the February meeting and a motion was passed to advertise the Code Enforcement Public Hearing.

Point Salubrious Water District #6 Petition

Clerk Henderson presented the Board with a petition she received from Karen Darrah at 4:00 p.m. March 8, 2023 to request a permissive referendum for the Point Salubrious Water District #6.

Adjournment

Resolution 2023-35: Councilmember Gosier a made the motion to adjourn; seconded by Councilmember Farrell; all were in favor and the motion was carried; meeting was adjourned at 9:16 p.m.

Respectfully Submitted,

Ariana Henderson

Ariana Henderson
Town Clerk