

**July 14, 2021
Town of Lyme
Regular Monthly Meeting 6:30 P.M.**

Call to Order:

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

Those present included Supervisor Aubertine, Deputy Supervisor Bourquin, Councilmember Gosier, Councilmember Countryman, Councilmember Villa, Town Clerk Ariana Henderson, CEO Jim Millington, Legislator William Johnson, Jeffrey Cohen, Marla Cohen, and Justin Bourquin.

Privilege of the Floor

Legislator William Johnson: Legislator Johnson stated at their legislator meeting they passed the JCC budget for \$5,262,179.00. Sales Tax has increased. Councilmember Villa asked if there was a way to report individuals that were vaccinated in a different state. There are a lot of residences that go south for the winter and were vaccinated there. He would like to get onto the excelsior pass. Councilmember Gosier asked where the JCIDA derived their authority from and when they are involved with pilots are they representing the Town or the County. Legislator Johnson stated that municipal law is where they derive their authority and that the JCIDA doesn't get involve until the developer requests them to. The developer pays a fee for JCIDA to negotiate with the Town/Village. They have rules they follow. There was further discussion regarding Solar.

Supervisor's Report

Resolution 2021-102: Councilmember Countryman made the motion to approve the June Supervisor's Monthly Financial report; Councilmember Villa seconded the motion; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Highway Superintendent's Report

The Highway department has been busy working on Beach Road and helping Lyme Central School remove their playground in preparation for the new one to be delivered.

Clerk's Report

Monthly Receipts were as follow: Total Local Shares Remitted: \$7,614.60; Total State County & Local Revenues: \$7,651.60 Total Non – Local Revenues: \$37.00

Audit of the Bills

Resolution 2021-103: Deputy Supervisor Bourquin made the motion to approve Abstract #13 in the amount of \$7,408.40; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried..

Resolution 2021-104: Deputy Supervisor Bourquin made the motion to approve Abstract #14 in the amount of \$187,345.76; seconded by Councilmember Villa; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Deputy Supervisor Bourquin stated Abstract #14 was high due to the quarterly fire department payments and Chips worked completed.

Approval of the Minutes

Resolution 2021-105: Councilmember Countryman made a motion to approve the June 9, 2021 Minutes with the amendment stating Deputy Supervisor Bourquin abstained from the discussion regarding sending codes back to Jefferson County; seconded by Councilmember Villa; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Committee Reports

Assessor's Report:

There was no assessor report.

Municipal Water Board Report:

There was no water board report.

Planning Board:

There was no questions on the Planning Board minutes.

Zoning Board of Appeals (ZBA):

There was no ZBA report.

Youth Commission:

The T-Ball program is still going on and there is no summer recreation program this summer.

ZEO/CEO Report:

Total Permit Receipts: \$3,494.00; Total RV Permit: YTD: \$700.00; Total Permit Receipts YTD - \$11,969.00.

TMB Cemetery:

Councilmember Gosier reported that the mowing contractor is going well. There have been one full burial and three cremains burials.

TMB Ambulance Committee:

Supervisor Aubertine stated that the most recent report from the committee stated that the Town of Cape Vincent had land donated to them located at the old White farm to build a new facility for their ambulance. Supervisor Aubertine stated that if we were to merge with them his concern would be that it is located a significant distance away from the Town of Lyme. Councilmember Countryman stated that the facility would be 24/7 live in facility. This would make the response much quicker and also would be much quicker than Guilfoyle coming from Watertown. The Cape Vincent Board is having a hearing for a \$250,000 ambulance district. Jeff Call would like to hear the level of commitment for the Lyme Town Board tonight. Fire Chief Justin Bourquin stated that the majority of the fire department is willing to donate the Three

Mile Bay Ambulance to the Cape Vincent Ambulance dependent on what the board decides. Councilmember Bourquin asked if each Town gave \$250,000 if there would still be a cost for the building. Councilmember Countryman stated yes but they will most likely be able to get grants and donations to cover the cost. If the board agrees to this Guilfoyle would still be a backup ambulance service. Chief Bourquin stated anything would be better than the system they have now. There was further details discussed regarding the possible ambulance merge.

Resolution 2021-106: Councilmember Villa made the motion to authorize the merge of the Three Mile Bay Ambulance and Cape Vincent Ambulance and work toward the mutual benefit of the Town residents with the anticipated cost of \$250,000.00; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

New Business:

ZBA Applicants:

There were two applicants that applied for the ZBA position including Maria Millington and Jose Bernier. The ZBA recommended Jose Bernier who has had previous experience with the Village of Dexter.

Resolution 2021-107: Councilmember Countryman made the motion to accept the ZBA recommendation to appoint Jose Bernier to the ZBA Alternate position; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

T-Ball Request:

There was a request for a four year old to play T-Ball. Supervisor Aubertine said the player is already playing because the coaches agreed on it but they need a formal resolution. Councilmember Villa stated that players shouldn't be playing without approval because of insurance purposes. Supervisor Aubertine said from here forward no one will play without Board approval.

Resolution 2021-108: Councilmember Gosier made the motion to allow the child to play T-Ball; seconded by Councilmember Countryman; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Chaumont Campground Cabin Request:

Marla Cohen stated that they would like to put a cabin on an RV site. The Department of Health considers a cabin and RV as the same thing. They have no issues with the cabin. They fall under the definition of a campground. Our zoning law also states any primitive structure is allowed at a campground. The cabin has no bathroom or kitchen it is basically four walls. Planning Board Chairman stated that all primitive structures are interchangeable. He had no problem with their request. They already have two existing cabins at their campground. Deputy Supervisor Bourquin stated that they shouldn't be speaking with the Planning Board or Town Board. They should request their cabin through the CEO/ZEO and if it is denied they should be presenting the issue to the ZBA. They would ask for an interpretation of the Zoning Law. They shouldn't be discussing

it. Marla stated that they were asked to come to the Town Board. She stated that if we look at the zoning law it describes a Cabin as an allowable structure at a campground. She read the campground definition from the law as well. Mr. Cohen stated that they are already approved for two cabins and he doesn't understand why they have an issue. Supervisor Aubertine says that the Zoning law does not have a cabin listed in the definitions. CEO Jim Millington stated that he questioned that a cabin is a temporary structure and sent them to the Planning Board because they are commercial. He stated that they should first go to the planning board and then they would refer them to the ZBA. Deputy Supervisor Bourquin questioned why it would go to the planning board first if Jim denies the permit. He said that because it is commercial it first has to go to the planning board. Supervisor Aubertine explained to the Cohen's that he looked at the PDD as having only RV's sites not cabin sites. He understands where the Cohen's are coming from that the structures are all primitive whether it is an RV or a cabin. Councilmember Gosier said there is a misunderstanding. They need to go to the ZBA if Jim denies a permit. She believes that Chairman Schweitzer was correct and that if it is a moveable structure it is acceptable. Councilmember Villa asked how many approved sites the DOH issued the Cohen's permit for. They responded with 60 sites. Villa asked if that was shared with the Town. They would have had to expand their septic system. Cohen's stated that everything that is required the Town has. Villa's second question was if the structure will be left on a specific RV site unless someone wants it on a different site. Cohen said it is not in his intention to move the structure. Supervisor Aubertine stated that he won't take phone calls during meetings and they will need to use the online privilege of the floor. There was further discussion regarding the definitions of the zoning law and the permitting process. Marla continued to voice her opinion that a cabin is an allowable structure. Supervisor Aubertine asked the board what they would like to do. Councilmember Gosier stated that it is not the Town Boards decision. Jim asked the board allow him 24 hours to reconsider his decision. Marla agreed.

Electrical Vehicle Charging Station:

Councilmember Gosier stated that electric cars are an up and coming thing. The state is putting charging systems on threw ways and there are ongoing grants if the Town is interested in getting electric car charging stations. She stated that maybe we should put it in the Lyme Light to get feedback on the subject. Councilmember Countryman stated he believes it would people who are not Town residents. They are the only ones that would need the charging stations, therefore the Lyme Light wouldn't help receive feedback if they were needed in the Town. Most individuals have a charging station at home if they own an electric car. Deputy Supervisor Bourquin stated that we aren't ready for them yet. Councilmember Villa stated that we should have them when our new building is built.

New Computer Water Department:

Water Operator Bill Scarpcci is having computers with the laptop he is using for the water billing and reading. He may need a new computer because the other hard drive keeps shutting down after he reads the water meters. The Board asked Supervisor Aubertine to look into the specs needed for the water reading program. Supervisor Aubertine is going to email Marsha for the contact information of the company that provided the reading equipment.

LWRP (Local Waterfront Revitalization Plan):

Councilmember Villa stated that a few years ago we did an LWRP for Chaumont River Corridor and our Shoreline. It is time for the plan to be updated. It becomes an important document when we try to obtain grants. The opportunity to submit one for this year is too late. It is very clear on how to update it and he has been speaking to Robin Grovesteen about it. He would like approval from the board to update LWRP and have it ready for next July. The original plan was created by a regional committee.

Resolution 2021-109: Councilmember Villa made the motion to approve updating the LWRP for the Town of Lyme; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Cannabis Legislation:

Supervisor Aubertine stated that NYS Cannabis law allows local government to choose if they will allow retail cannabis sales and use, in their jurisdiction. Supervisor Aubertine read facts regarding the new law. If we want this issue to be on the November ballot we need to pass a resolution. The Board of elections needs to know by August 2, 2021.

Resolution 2021-110: Deputy Supervisor Bourquin made the motion to require the local law as established by the state regarding cannabis legislative be put to the vote of the Town of Lyme residents; seconded by Councilmember Villa; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Old Business:

Zoning Fees:

Resolution 2021-111: Deputy Supervisor Bourquin made the motion to adopt the proposed Zoning Fee Schedule effective immediately; seconded by Councilmember Countryman; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

STRU Discussion:

Supervisor Aubertine suggested having the Short Term Rental law that was created by Rick Hathaway, Tom Streljau, Deputy Supervisor Bourquin and himself reviewed by County Planning and our lawyer so we have a public hearing. Councilman Villa stated that someone mentioned the law that was originally submitted was inappropriate and too soon. The original law was the law for Town of Queensbury. The law is not discretionary or inappropriate in regards to codes or anything else. The law that is currently proposed doesn't address occupancy or parking. He doesn't have a problem with this proposed law but does have a problem with someone attacking him over email. We need to move forward because it has been four years. Septic is another concern of Councilmember Villa. He suggested that Jim Millington watch the Zoom meeting regarding this in Warren County. Jim stated that since the beginning of the year if there is a change of occupancy he is requesting a letter from an engineer certifying the septic system. Councilmember Gosier agrees with Councilmember Villa. She believes we should propose the STRU law or work on this law and revise the 2 weak points it has. There was a discussion

regarding registration. Councilmember Countryman stated that there was only one full meeting with the STRU committee. They never had a second meeting because of coronavirus. We didn't approach it correctly from the beginning. Two STRU owners have now come up with the law we are considering. He studied the Tug Hill information and there are many more issues than just parking and occupancy. It changes the Town in many ways including the population of the school decreasing. He suggested going through with this law to discover how many rentals we had in the Town and where they were located. Then edits to the law can be made as issues may arise. The Board agreed to send the STRU law to the attorney.

Resolution 2021-112: Councilmember Gosier made the motion to propose the STRU law to our Town attorney and County Planning.; seconded by Councilmember Countryman; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Code Enforcement:

The Code Enforcement committee is Glenn Goldberg and Jim Millington. They came up with a job description for the Deputy CEO. Robin Grovesteen emailed Supervisor Aubertine and stated that the County Human Resources has specific requirements for each position including Deputy CEO. Also the information Glenn submitted only has the employee being paid \$7.00 an hour. This isn't even minimum wage. Supervisor Aubertine stated that we will have to wait until budget discussions to make any final decisions about the position.

Online Privilege of the Floor

There was no online privilege of the floor.

Privilege of the Floor

Jim Millington: CEO Millington states that our zoning laws need to be revised. This is the first Town he has worked for that doesn't have a zoning committee to discuss the zoning law and address the issues the codes and zoning enforcement department have. He stated that he thinks he will issue the Cohen cabin permit because of the discrepancy in our law. Going forward our law needs to be updated. One of his concerns is the junk that has piled up in the campground. Another concern was that he was thinking cabins will continue to replace the RV sites. Councilmember Villa asked if Jim was aware that the campground was now approved for 60 sites. Jim answered yes. He stated that he would like a definition of commercial from our zoning law. This is why he sent the Cohens to the Planning Board because our law states that if it is a commercial operation the Planning Board reviews the request.

Executive Session

Resolution 2021-113: Supervisor Aubertine made the motion to enter Executive Session at 9:05 p.m.; seconded by Councilmember Villa; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Resolution 2021-114: Councilmember Villa made the motion to close Executive Session at 9:39 p.m.; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Return to Open Meeting

Resolution 2021-115: Councilmember Villa made the motion to enter Open Meeting at 9:40 p.m.; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Resolution 2021-116: Councilmember Villa made the motion to approve the Teamster's Contract for four years pending ruling from Comptroller regarding the lump sum payment on the HSA; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Adjournment

Resolution 2021-117: Councilmember Villa made the motion to adjourn at 9:50 p.m.; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Respectfully Submitted

Ariana Henderson

Ariana Henderson
Town Clerk