

June 9, 2021
Town of Lyme
Public Hearing 6:15 P.M.
Regular Monthly Meeting 6:30 P.M.

Public Hearing for Local Law 1-2021:

Supervisor Aubertine opened the Public Hearing at 6:20 P.M. and read the ground rules for the hearing. Clerk Henderson read the Public Hearing Notice of Publication.

The Town of Lyme will be holding a Public Hearing on Wednesday June 9, 2021 at 6:15 p.m. at the Three Mile Bay Fire Hall located at 8581 NY-12E, Three Mile Bay, NY 13693 to give code enforcement in the Town of Lyme back to Jefferson County. 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. Dated May 30, 2021

Those present included Supervisor Aubertine, Deputy Supervisor Bourquin, Councilmember Countryman, Councilmember Villa, Councilmember Gosier, Town Clerk Ariana Henderson, Jim Millington, Tara Morina, Mark Morina, Johan Deblieck, Justin Bourquin, Rich Peterson, Barb Guga, Ellie Becker, David Becker, Glenn Goldberg, David Rehm, Tony Netto, Ernie Brister, Peter Loftus, Anthony Figueireno, Ray Joseph, Josephine Johnston Millington, Joseph Romaello, Joseph Chernick, Leslie Nilano-Luongo, James Hilbert, Charlie Valentine, James Collins, John Wilson, Diane Wilson, Leslie LaRose-Collins, Jane Collins, Jim Hughes, Ray Joseph, William Ball, John Mercer, Bernie Podsiedlik , Rebecca Kron, James Kron Jr., Charles Bruce Kingsley, and Carol Cabic.

Maria Millington: 19341 South Shore Road

Maria spoke in opposition of sending codes to Jefferson County. She stated that Mr. Millington has worked for the Town for about 13 years and receives calls all day and night. The community should not have to wait an extended period of time for building permits because of the short building season we have. The Town hired Mr. Millington for just this reason, to give a better and more efficient permit process to our Town residents.

Leslie Nilano-Luongo: 19376 South Shore Road

Leslie spoke in opposition of sending codes to Jefferson County. She doesn't understand the facts behind the matter. Mr. Millington has done several hours of education and we should keep him employed. The County will be a bureaucratic nightmare.

Glenn Goldberg: 4955 South Shore Road Ext.

Glenn spoke in opposition of sending codes to Jefferson County. He has worked with both the Town and the County to receive building permits. The County was difficult and abusive to work with. The Town was peaceful and efficient. He doesn't understand why the Town is considering

this. He questioned whether it was a financial situation. He believes if the County takes over the interests of the Town residents will be overlooked.

James Collins: 28701 Three Mile Point Road

James spoke in opposition of sending codes to Jefferson County. He has dealt with both the County and Town in the building process and it was much better dealing with the Town. He is thankful for Jim Millington.

David Becker: 29642 Spencer Drive North

David spoke in opposition of sending codes to Jefferson County. He stated that Jim Millington made it very easy for them to build in the Town and it has been a pleasure working with him.

Ernie Brister: 6241/223 Fire Road 40

Ernie spoke in opposition of sending codes to Jefferson County. He stated it was much easier to work with the Town than the County. The County always responds that they will send someone right over to inspect the building and it takes forever. Instead of calling the County he stated that he would call the inspectors himself for a faster response. If we lose the Town inspector we will regret it. He also spoke with Steve Hall who agrees if we lose the local Town Code officer it will increase the Town's headaches.

David Rehm: 29354 Old Town Springs Road

David spoke in opposition of sending codes to Jefferson County. He said that it is great to live in a small community because everyone knows each other and what is going on. Jim has helped in the renovation of their recent home purchase. He has knowledge and has anticipated problems before they occur. They thanked Jim for his help.

Anthony Figueireno: 19384 South Shore Road

Anthony spoke in opposition of sending codes to Jefferson County. He stated that Jim always answers his phone and that he is extremely impressed by Jim's knowledge of codes. He believes that the County will take too long to inspect the properties and it won't be an easy process as a seasonal resident. Having the county take over codes will also encourage people to not apply for permits.

Ray Joseph: 18835/43 S Shore Rd

Ray spoke in opposition of sending codes to Jefferson County. Ray owns Shangri-la campground. He stated that Jim has helped him on many occasions, he loves his job and will do anything to get the correct answers for residents. He knows soil, wind, and water conditions along with codes. Ray would rather have a root canal than deal with the County.

Bernie Podsjedik: 25159 Selter Road

Bernie spoke in opposition of sending codes to Jefferson County. Jim has been extremely responsive and helpful. He doesn't believe we should give away the community touch we have on codes. All of the employees have been great and very helpful at the Town.

Bruce Kingsley: 6241/223 Fire Road 40

Bruce spoke in opposition of sending codes to Jefferson County. He reminded the board that they fought to keep the school local a few years ago. Jefferson County is too big to control local codes. He has yet to hear anyone complain about the job Jim has done.

Jim Hughes: 1937 South Shore Road

Jim Hughes spoke in opposition of sending codes to Jefferson County. Jim stated that Mr. Millington goes the extra mile to talk to people and help them with their projects. He knows his job and codes should stay within the Town.

Johan Deblieck: 26926 Co Rte 57

Johan spoke in opposition of sending codes to Jefferson County. He has been dealing with Jim for years and he is a walking code book. He will help anyone and is amazing. He carries integrity and stands behind what he does. It will be a nightmare to go to the County for codes. The County will not put forth the effort like Jim does.

William Ball: 4813 Hidden Harbor Rd

William spoke in opposition of sending codes to Jefferson County. He is the owner of Hidden Harbor Campground. It would be a crime to give up local control such as code enforcement. Jim does a great job and continues to help people. It would be a nightmare if codes goes back to the County.

Peter Loftus: 24850 County Rte. 57

Peter spoke in opposition of sending codes to Jefferson County. In 2017 he built a house and that is when he met Jim. He took Pete by the hand because he didn't know what he was doing. He would show up on a Sunday and help or fix any issues or problems. He is willing to help anyone and there will be big problems if the Town doesn't keep him employed.

John Mercer: 20497 South Shore Road

John spoke in opposition of sending codes to Jefferson County. When he built his home in 2003 he worked with Jim and it was like heaven. He is always available by phone and on weekends. He is a keeper.

Jane Collins: 8691 Lotts Point Road

Jane spoke in opposition of sending codes to Jefferson County. She thanked the board. She stated that bigger is not better. The local schools will build young local people just as local code enforcement can build local fees and create money for the Town. The results from the County won't be the same as if codes remains local. We can create what we want to create here in our Town.

James Kron: 8361 Route 12E

James spoke in opposition of sending codes to Jefferson County. He has been a contractor for 35 years. It is a huge mistake to rely on the County. When jobs need to be inspected you have to wait around. Local people are more reliable and come in when you need them.

Mark Morina: 11599 Circle Drive

Mark spoke in opposition of sending codes to Jefferson County. He owns the Chaumont Bay Marina and has had a great experience with Jim. When he has dealt with the County on other business related matters he would receive different answers every time he called. He moved here to keep his business local and community oriented. It is much easier to keep codes local.

Glenn Goldberg: 4955 South Shore Road Ext.

Glenn spoke again in opposition of sending codes to Jefferson County. He was blindsided when he heard about this issue. His first assumption was the financial aspect. The second assumption is Jim Millington must have stated he could no longer do the job. He identified that everyone at the hearing is against sending codes to the County. He suggested taking a vote and adjourning the issue.

Jim Hilbert: 19009 South Shore Road

Jim spoke in opposition of sending codes to Jefferson County. He stated if Jim's job is lost whose is next. He said that if the board was to consider the pros and cons of the issue there would be more cons to sending codes to the County.

Leslie Nilano-Luongo: 19376 South Shore Road

Leslie spoke again in opposition of sending codes to Jefferson County.

Supervisor Aubertine stated that the Town has received complaints about Jim Millington but no one showed up to the hearing to speak. The complaints included not doing proper site visits and not following up with projects. Zoning and Code Enforcement are now separate in the Town. This may help relieve some of the complaints. Supervisor Aubertine has to listen to both sides and thanked everyone for coming and expressing their opinions on the issue.

Jim Hilbert: 19009 South Shore Road

Jim spoke again in opposition of sending codes to Jefferson County. He stated the same people must have complained about Jim that complained about Short Term Rentals and never showed up to the public hearing.

Ray Joseph: 18835/43 S Shore Rd

Ray spoke again in opposition of sending codes to Jefferson County. He asked if the complaints about Jim are public records and if they were he would like to see them. He stated that phone call complaints do not count because there is no documentation.

Councilmember Villa stated that he has gone through both the County and the Town when he was building his home. Both Jim and the County did a good job. The first issue he addressed was that the financial aspect of Jim's position is not the issue. Jim is not going to be here forever and the Town put money in the budget for an assistant to be trained and no one was ever hired. He has been an advocate of keeping codes local until Jim filed a petition for Town Board. If Jim was elected to be on the board we would no longer have a codes officer. Then what would the Town do. The County has to be notified six months in advance and that is the main reason he voted to

send codes to the County. An issue the public should be very concerned about is that at the end of September the Three Mile Bay Ambulance service is ending. This is a very important issue the Town is dealing with.

CEO Jim Millington stated that in January he was told he wasn't going to have a job. He wanted to stay involved with the Town so he filed a petition to be a board member. He told Supervisor Aubertine that he would sign an affidavit stating he would not accept the board seat if he could keep his job as codes officer. Supervisor Aubertine forgot to tell the board that information. Supervisor Aubertine agreed with Jim. He stated that the board has no clue what he does and the amount of time he dedicates. He stated he does his very best to give people the best building experience. Supervisor Aubertine did send an email to the board stating he forgot to tell them Jim would not accept the board seat if he could keep his job.

Ernie Brister: 6241/223 Fire Road 40

Ernie spoke again in opposition of sending codes to Jefferson County. He stated that if codes goes to the County Supervisor Aubertine will be getting far more complaints than he does now.

Supervisor Aubertine stated that if he received phone calls and emails complaining his response would be to please contact Jefferson County Codes, the Town no longer handles codes.

Jim Hilbert: 19009 South Shore Road

He stated that he believes the numbers may be skewed and there is more people in opposition of sending codes to the County because people are not here yet for the summer.

David Becker: 29642 Spencer Drive North

David spoke again stating that the Town he currently lives in, codes was taken over by the County and now people don't get building permits. The process takes too long and people ask for forgiveness instead of permission.

Glenn Goldberg: 4955 South Shore Road Ext.

Glenn stated that it is an administrative issue if Jim isn't doing his job. The Board should have addressed their concerns. We shouldn't be eliminating the position for this reason.

Supervisor Aubertine asked Jim Millington how many times the board has entered executive session to address the issues that they had. Jim responded several times but since then we have had a new ZEO and he has spent more time on codes.

Jim Millington said he has tried to find someone to train so when he retires the person taking over the job will be knowledgeable. There is no young people interested in this job. He stated that he will find someone in the Town that can do his job because he cares about his Town.

Maria Millington: 19341 South Shore Road

Maria thanked councilmember Villa for always supporting Jim. The people that have been complaining have not come forward and therefore they don't count. He does his job very well.

Ernie Brister: 6241/223 Fire Road 40

He suggested that the only people who are complaining are the people that Jim has had issues with and have not built up to codes. This would lead the people to complain if they had an issue with something Jim made them correct.

Maria Millington: 19341 South Shore Road

Maria asked is there had been any letters of support of keeping codes in the Town received.

Supervisor Aubertine stated that there was several received and he acknowledged them and forwarded them to the board but is not going to read them out loud.

Barb Guga: 27472 Madison Street

Barb asked how it would help the community if Supervisor Aubertine responded that when codes goes back to the county it won't be his problem anymore. Also she asked how Jim was supposed to train someone if he already has too much to do. She suggested that he should be given a trial period. He has been very helpful in several situations.

Supervisor Aubertine responded that it wouldn't be fair to the community to respond this way.

David Rehm: 29354 Old Town Springs Road

David asked where the people in favor of sending codes to the County were and who made so many complaints about Jim?

Supervisor Aubertine agreed and said that he wished people would show up when they complain.

Call to Order:

Supervisor Aubertine called the regular monthly meeting to order at 7:21 p.m. opening the meeting with a prayer and the Pledge of Allegiance.

Privilege of the Floor

Legislator William Johnson: Legislator Johnson had an update on the radio systems that he will save for the July meeting. Councilmember Countryman asked Legislator Johnson if he had any input on Codes returning to Jefferson County. Legislator Johnson stated that he wrote down several questions but did not have any input. He has never received complaints about Jefferson County codes while he has been Legislator.

Supervisor Aubertine: Normally, I don't listen to local gossip or rumors. And, if it's about me, I tend to get over it because in most cases, the people only know one side of the issue. Maybe I'm getting older, or maybe since my time is short as Supervisor, I'm tired of putting up with comments from ignorant people who don't know the facts. Maybe the people saying the things about me are doing it to hurt my chances for re-election. Of course, if that is the case, they are ignorant and really don't know what is going on... because I am not running for re-election.

I have been told there are certain people, who have the opportunity to see many people on a daily basis and who are telling others that I am the one making all the decisions regarding the new park, I'm the one not allowing a committee to be formed and I'm the one who controls everything that does or does not happen in the town.

Obviously, those people are not watching our meeting videos or reading our minutes. Again, not knowing the true facts.

With that being said, I will continue as always to be the moderator of the meetings. However, starting tonight, I will only moderate the meetings and I will abstain from any voting of the town board, unless there is a tie. Madam Clerk, let all minutes from here on out, until the end of the year, show that the Supervisor abstained from voting.

Councilmember Villa stated that this speech caught him off guard. Supervisor Aubertine has never had a closed door meeting and always informs the public of what is happening in the Town. The Town is a better place with him as our Supervisor. It has been a pleasure sitting by him on the board for several years even if they don't agree on something.

Councilmember Gosier stated that she has been on several boards and this was the most rewarding. Under the direction of Supervisor Aubertine their goal is to provide the best leadership without raising taxes. The Board is dealing with a lot of difficult issues right now. They all do their very best, especially Scott. She is very pleased to be a part of the Town board.

Councilmember Countryman stated he has 20 years of experience on the school Board. Supervisor Aubertine forwards every email he ever receives and everyone on the board knows what is going on.

Deputy Supervisor Bourquin stated that 5 years ago Supervisor Aubertine was one of the lowest paid Supervisor in the County. He just received a raise.

Glenn Goldberg: Mr. Goldberg asked Supervisor Aubertine to reconsider running for Election. He said it would be devastating to be replaced. He thanked him for his hard work.

Supervisor Aubertine stated it would be too late to get on the ballot and that he is retired and becoming a snow bird in January. He didn't feel it would be fair to continue the Supervisor position when he was gone in the winter.

Supervisor's Report

Resolution 2021-93: Councilmember Villa made the motion to approve the May Supervisor's Monthly Financial report; Councilmember Gosier seconded the motion; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Highway Superintendent's Report

There was no report for the Highway Department.

Clerk's Report

Monthly Receipts were as follow: Total Local Shares Remitted: \$4,325.75; Total State County & Local Revenues: \$4,359.75 Total Non – Local Revenues: \$34.00

Audit of the Bills

Resolution 2021-94: Councilmember Countryman made the motion to approve Abstract #11 in the amount of \$10,500.00; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried..

Resolution 2021-95: Deputy Supervisor Bourquin made the motion to approve Abstract #12 in the amount of \$73,127.92; seconded by Councilmember Countryman; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Approval of the Minutes

Resolution 2021-96: Councilmember Countryman made a motion to approve the May 9, 2021 Minutes; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Resolution 2021-97: Councilmember Gosier made a motion to approve the April 20, 2021 Minutes; 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:

The Planning Board emailed their minutes to the Town Board. Supervisor Aubertine asked if the Board was aware we would be amending PDD#2. Deputy Supervisor Bourquin stated that the owner planned to take a trailer off of a parcel. This will need an amendment to the PDD and this is also why they are exempt from the moratorium.

Zoning Board of Appeals (ZBA):

There was no ZBA report.

Youth Commission:

The girls' softball tournament is coming up. The coaches will be responsible for lining the fields.

ZEO/CEO Report:

Total Permit Receipts: \$2,646.00; Total RV Permit: YTD: \$600.00; Total Permit Receipts YTD - \$8,502.00.

TMB Cemetery:

Councilmember Gosier reported that burials have begun. The mowing contractor is doing a great job.

TMB Ambulance Committee:

Councilmember Countryman shared how the fire department was responding to the ambulance discussion. Joining the ambulance with Cape Vincent was an option Councilmember Countryman looked into. Jeff Call stated that he would consider it and put together an emergency work session with his Board. Jeff reported to Councilmember Countryman that the Cape ambulance is still using the fire department to house their ambulance and the Town of Cape is giving them a significant amount of money to subsidize them. Jeff is running the administrative side of the ambulance for free. Medicare and Medicaid is billed through a company in Syracuse. There is a paid EMT that runs the operation and they use volunteer drivers. There is one volunteer driver that shows up to almost every call. There were questions and concerns about how donations would be accepted if Lyme was to join with Cape ambulance and also the response time to make it to Point Peninsula. Jeff is going to put together a few options to present to the Cape Vincent Board. They are still trying to work out the numbers. If nothing is done about the ambulance it would go back to Guilfoyle and the ambulance would be running out of Watertown. Councilmember Villa stated that we are in a crisis stage. Our Town can't afford a half a million dollar tax levy. We are trying to find the best outcome. Councilmember Countryman said that the ambulance committee would like to explain to the public what is happening. They want to come up with a letter to the residents explaining all of the ambulance options. The committee will continue to meet and discuss all of the possible options.

New Business:

Veteran's Memorial Park Trash Cans:

A letter was received from a concerned resident, Martha Garrett, that there has been a lot of kids fishing and having a good time at the park, but there has been trash left behind. She was hoping that the Town would consider putting trash cans at the Park. Councilmember Gosier believes we should. Deputy Supervisor Bourquin asked who would empty the trash cans. Supervisor Aubertine emailed the Village to see if Jessman's Trash Removal could empty them but hasn't received a response. The Board agreed that trash cans should be placed in the park. Mrs. Garrett also asked if the silt fence could be fixed which is falling down and if cones could be placed around the hole for the foundation of the bathrooms until they are constructed. Supervisor Aubertine will email Pat Weston with the requests.

Bridge Replacement Virtual Meeting:

Supervisor Aubertine reminded the public that the Chaumont Bridge will be replaced by the DOT and there will be an informational virtual meeting June 16, 2021 at 5:30 P.M. For any residents that do not have access to internet it will be available to watch at the Town Office.

Old Business:

Zoning Fees Work Session Reminder:

Supervisor Aubertine reminded the board of the work session June 16, 2021 at 7:00 P.M to review the Town fee schedule.

STRU Discussion:

Supervisor Aubertine suggested viewing the Short Term Rental Webinar put on by the Tug Hill Commission June 23, 2021 before discussing the Short Term Rental Units. Supervisor Aubertine will also put the information on the Town website for residents if interested.

Code Enforcement Opt Out Decision:

Councilmember Villa said he has wrestled with the decision regarding codes for some time. He came to the meeting tonight to vote to send codes back to the County. The people here tonight made several valid points. After hiring a Zoning Officer the last few month's things have gone smoother. It is not a simple process. He has decided we need to keep codes in the Town and hire an assistant to learn the codes process and laws. We are one of the last community's with lake front property left and we need to protect it. Councilmember Countryman said that we have been discussing this for months and it has consumed there time. There are only six towns left who are not enforced by the County. The issue needs to be resolved so we aren't discussing it every meeting. Councilmember Gosier said that this situation has not been an easy decision for the board. They have a responsibility of everyone who came tonight, emailed or called. Part of the problem will be solved by having an assistant for Jim. The past year or so Jim has been out of town a lot and no one was there to cover for zoning and codes. It is a tough decision because the County won't come in and take care of things if they don't have a 6 month notice. She agrees to keep codes in the Town. She has a lot of concerns going forward. Jim Millington stated no one in the two months he had his heart surgery went without help. Everyone received a building permit. His wife answered his phone calls and he issued permits with help from the Town Clerk. He is willing to train someone, the hard part will be finding someone who is interested in the job. The Board agreed that Code Enforcement will remain in the Town.

Online Privilege of the Floor

There was no online privilege of the floor.

Privilege of the Floor

Glenn Goldberg: Glenn suggested forming a committee to find a deputy zoning officer to assist Mr. Millington. He has someone in mind that may be interested. Supervisor Aubertine stated that he is not opposed to the idea. Glenn asked Clerk Henderson to send him the ad that was put in the paper in the past advertising for a Deputy CEO.

Jim Millington: Jim thanked the board for their decision on keeping codes in the Town of Lyme.

Maria Millington: Maria also thanked the board for their decision on keeping codes in the Town of Lyme.

Rebecca Kron: 8261 NYS Rte 12E

Mrs. Kron asked when she would receive her decision back for the Board of Assessment Review. The response was she should have it in the next 2-3 weeks. She also had concerns regarding her water bill. She would like to be charged for only one water bill because she is in the agricultural district. As of right now she is being charge for two water services because the water runs through her property. She does not use the second connection because she has a well that they water their cattle with. She spoke with Marsha and she stated that the Board would need to approve her request. Supervisor Aubertine requested that she submit her request in an email to the Town Board. He will then research the water law further and get an answer for her.

Ray Joseph: 18835/43 S Shore Rd

Ray asked if this issue would be brought up again. Supervisor Aubertine responded that if someone is not happy with Jim's work they will need to revisit the issue again. Ray suggested that any issues people may have should be put I writing. Jim should also be notified of these complaints. Supervisor Aubertine agreed and said that he normally does request everything in writing and will continue to do so in the future.

Executive Session

Resolution 2021-98: Councilmember Villa made the motion to enter Executive Session at 9:05 p.m.; seconded by Councilmember Countryman; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Resolution 2021-99: Councilmember Villa made the motion to close Executive Session at 9:37 p.m.; seconded by Councilmember Countryman; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Return to Open Meeting

Resolution 2021-100: Councilmember Villa made the motion to enter Open Meeting at 9:37.5 p.m.; seconded by Councilmember Countryman; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Adjournment

Resolution 2021-101: Councilmember Gosier a made the motion to adjourn at 9:38 p.m.; seconded by Deputy Supervisor Bourquin; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Respectfully Submitted

Ariana Henderson

Ariana Henderson
Town Clerk