

**March 10, 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 Terry Countryman, Town Clerk Ariana Henderson, Councilmember Villa (via video), Legislator William Johnson, Highway Superintendent Pat Weston, and Gary Stinson.

**Privilege of the Floor**

***Gary Stinson:***

Gary Stinson stated that he put in a FOIL request to the Town regarding the legal costs associated with Klock Road. He said that it has cost the Town \$2,998.50 in the last 20 months in legal fees to fight against maintaining Klock Road. He said the logical thing to do would be to pay for 20 tons of stone which would cost the Town 140-160 dollars a year to maintain the road. He doesn't understand why the Town would rather pay legal fees than to buy stone for the portion of the road we should maintain. Supervisor Aubertine commented that there would be no legal fees spent on this issue if Mr. Stinson would stop questioning the Town. Mr. Stinson stated he made a mistake when he said Klock Road was a Town road. He asked the Town Board why we maintain the highway garage, Town Building, and recreational fields but will not maintain our property owned on Klock road; it is the same concept. There are two problems at hand- one is that the Town is not maintaining the property they own and the second is the culvert needs to be resized. All he is asking the Town for is the material to fix the road and he used his own tractor. Deputy Supervisor Bourquin stated that four different attorneys have recommended not to work on the private road. Mr. Stinson stated that the road is not private and the Town Board needs to accept that. Councilmember Gosier asked what the road was called if it isn't a Private Road and it is not a Town Road. She said it is illegal for the Town to work on a road that is not on the Towns Road inventory. Mr. Stinson stated it is not illegal to maintain a Town property. He asked to hear each Board members reason on not maintaining Klock Road. Councilmember Countryman said that Mr. Stinson has a right of way across the Town's property. It is up to the people who have the right of way in their deed to maintain the road. He doesn't want to maintain the property and set a precedent. Deputy Supervisor Bourquin stated he is strictly following the attorney's advice; there used to be a private road sign on that road and the Town can't work on a private road. Councilmember Gosier stated she would not question the authority of our attorneys or their advice. They know what they are talking about and they stated not to work on a private road, it is a matter of the law. Mr. Stinson asked why Supervisor Aubertine stated he understood his request. Supervisor Aubertine responded that he agreed with replacing the culvert pipe but agreed with Councilmember Gosier in that we should take the attorneys advice and not maintain the Klock Road Property.

***Legislator William Johnson:***

Legislator Johnson stated he sat in on the Riverside Solar Zoom meeting. They have withdrawn from the Article 10 process. He did not have any news on the Solar Project on County Route 179. Deputy Supervisor Bourquin asked if Lyme Central School accepted the PILOT agreement and if the Town wants to opt out of a PILOT agreement how does that work. Legislator Johnson stated that not everyone has to agree unless they were to go through the Jefferson County IDA. If they use the 487 process all entities do not have to agree. Deputy Supervisor Bourquin asked if it was backwards to build the Solar Project and ask for the PILOT agreement after the fact. Legislator Johnson agreed that it was a backwards process. Supervisor Aubertine met with Eric Will the project manager for the Riverside Solar project today. Supervisor Aubertine said that it is hard to see the layout of the solar panels for the project on the computer map. He could tell that the solar panels will be close to the Morris Tract Softball field and also mentioned that they will be planting vegetation for screening. Deputy Supervisor Bourquin would like to see a paper copy of the Riverside Solar map project. Supervisor Aubertine said that he will ask Mr. Will to meet with the board at our April meeting to show the Board a paper map and answer any questions the Board may have. Another concern Deputy Supervisor Bourquin had was if large trucks should be traveling over the bridge on Morris Tract road. He wasn't sure if the bridge could hold the trucks' weight. This is something to discuss with Mr. Will. Mr. Will was also going to look into possibly covering the attorney and legal costs for the Town until the intervening funds take into effect.

**Supervisor's Report**

**Resolution 2021-35:** Councilmember Gosier made the motion to approve the February Supervisor's Monthly Financial report; Councilmember Countryman seconded the motion; all were in favor; motion carried.

Town of Lyme  
Budget Transfers  
December 31, 2020

	<u>Increase</u>	<u>Decrease</u>	
<u>General Fund A</u>			
11104.1 Justices - CE	51		
13104.1 Payroll - CE	950		
14404.1 Engineer - CE	44,668		
16201.1 Buildings - PS	155		
64104.1 Publicity - CE	2,437		
75104.1 Historian - CE	850		
81602.1 Refuse and Garbage - EQ	1,280		
81604.1 Refuse and Garbage - CE	11,381		
88104.1.022 Cemeteries - CE TMB	27		
88104.1.0.35 Cemeteries - CE Mow Abandon	1,500		
90108.1 State Retirement	114		
90308.1 Social Security	254		
90558.1 Disability Insurance	806		
16202.1 Buildings - EQ		64,473	
<u>General Fund B</u>			
80101.2 Zoning - PS	1680		
80201.2 Planning - PS	694		
80101.20.24 Zoning - PS ZEO Deputy		2374	
<u>Highway DA</u>			
51304.3 Machinery - CE	15715		
514213 Snow Removal - PS	4703		
51421.3.0.49 Snow Removal - PS Overtime		20418	
<u>Highway DB</u>			
90308.4 Social Security	2480		
90608.4 Medical Insurance		2480	
<u>Water District No. 5</u>			
83101.12.0.48 Water Administration - PS Operator	291		
90308.12 Social Security	18		
83104.12 Water Administration - CE		309	
		<u>Increase</u>	<u>Increase</u>
<u>Water District No. 4</u>			
83104.11 Water Administration - CE		1,323	
2140.11 Metered Water Sales			1,323

**Resolution 2021-36:** Councilmember Gosier made the motion to approve the 2020 budget transfers as recommended by the Town Accountant; Councilmember Countryman seconded the motion; all were in favor; motion carried.

#### **Highway Superintendent's Report**

Pat Weston stated the highway department has started their spring projects. They have been filling pot holes and hauling stone for the new park. Pat has been working with Gregor from Bernier and Carr on the park project. He sent the figures the Town should be receiving from FEMA from the projects he has completed in an email to the Board. The projects are from 2017. Councilmember Gosier asked if the Beach Road will be built to prevent it from flooding. Pat responded yes, and it would be complete this summer. The County has started working on the Isthmus and they are raising it three feet and building a break wall. Pat and the Highway workers will be helping haul the stone. Supervisor Aubertine complimented him and all the work they have accomplished.

#### **Clerk's Report**

Monthly Receipts were as follow: Total Local Shares Remitted: \$3,643.60; Total State County & Local Revenues: \$3,670.60 Total Non – Local Revenues: \$27.00

Deputy Supervisor Bourquin asked when the bottles and cans were from and Clerk Henderson stated they were from November to present.

#### **Audit of the Bills (Abstracts #5 & #6)**

**Resolution 2021-37:** Councilmember Gosier made the motion to approve Abstract #5 in the amount of \$44.00; seconded by Councilmember Countryman; all were in favor and the motion was carried.

**Resolution 2021-38:** Councilmember Countryman made the motion to approve Abstract #6 in the amount of \$143,785.62; seconded by Councilmember Gosier; all were in favor and the motion was carried.

#### **Approval of the Minutes**

**Resolution 2021-39:** Councilmember Countryman made a motion to approve the February 10, 2021 Minutes as amended; seconded by Councilmember Countryman; all were in favor and the motion was carried.

#### **Committee Reports**

##### **Assessor's Report:**

##### **Tentative Roll**

We are completing the final work to complete the Tentative Roll.

##### **Grievance Day**

Grievance Day will be held on May 25<sup>th</sup>. The Board of Assessment Review hasn't set up times for Grievance. As soon as we have the times, we will be accepting appointments.

**Municipal Water Board Report:**

Water Tower Inspection

An inspection of the outside of the Water Tower was completed by Sherwin Williams. The Report will show the condition of the tank (rushing, etc.) This will tell us if we have to do any repair work prior to painting. Gregor Smith has he report and will present it to the Water Board at our March meeting. We will report to the Town Board at the April meeting.

Year End Reserve Balances

O&M Reserve	264,604.04
Capital Reserve	48,680.82

All water districts ended 2020 with excess of revenue.

We will need a resolution to withdraw \$59,286.59 from the Citizens Bank General Fund and deposit into Watertown Savings Bank O&M Water Reserve Account.

**Resolution 2021-40:** Councilmember Countryman made a motion to withdraw \$59,286.59 from the Citizens Bank General Fund and deposit into Watertown Savings Bank O&M Water Reserve Account; seconded by Councilmember Countryman; all were in favor and the motion was carried.

**Planning Board:**

Deputy Supervisor Bourquin questioned the section of the Planning Board minutes that mentioned the Solar Law. Clerk Henderson explained why it is was brought up at their meeting; one of the subdivision applicants should have been given a zoning permit without needing a special permit from the Planning Board for ground mounted solar panels. Clerk Henderson asked who edits the 98 page zoning law. Councilmember Gosier stated that we should discuss that at the Joint meeting.

**Zoning Board of Appeals (ZBA):**

There was no ZBA meeting or report.

**Youth Commission:**

The Youth Commission met by Zoom this month. They are still in limbo in waiting on what the School is going to allow for Sports in the spring. They are going to try and host soccer outdoors. Councilmember Countryman stated that the school is on track for allowing spring sports.

**ZEO/CEO Report:**

Supervisor Aubertine stated that Jim Millington submitted the log of his work he has been doing and the ZEO/CEO report.

Total Permit Receipts: \$665.00; Total RV Permit: YTD: \$1505.00; Total Permit Receipts YTD - \$2170.00.

### **Zoning Law Study Committee:**

Councilmember Gosier stated there was nothing new discussed, the committee will meet before the April Town Board meeting. Everyone that needed a Comprehensive Plan should have a copy that Councilmember Countryman had printed. She put a copy of the Town of Clayton's zoning law in everyone's mail box. She liked the section of the law that explained that the Town's Zoning Law should protect the environment. She believes that this is very important and that it need to be written in the Town's law. At their next committee meeting they will be scrutinizing the comprehensive map. The map should not have any properties in 2 different zoning districts. This is extremely important. Right now for example there are parcels that are in Waterfront and Residential-A district; this is also a topic to discuss at the Joint meeting.

### **TMB Cemetery:**

Councilmember Gosier stated she has been receiving calls for Spring burials. The last bill the Town received from Harry Wilson she assumed was paid but the money needed to be transferred from Three Mile Bay Savings at Watertown Savings Bank to the General Checking. Supervisor Aubertine needs to make that transfer. There is some work that needs to be done at the cemetery, but Julie needs to do research before it is complete. Several of the stones in the cemetery have fallen over and the names have worn off; she would like to find out who the stones are for so they can be repaired.

### **New Business:**

#### **Mowing Bids Public Notice:**

Supervisor Aubertine stated that it was time to advertise for the Three Mile Bay Cemetery mowing and also the abandoned cemeteries and ballfields are up for bid. One item that needs to be included in both ads this year is that the lawn care company needs to carry at least one million dollars' worth of liability insurance. There was discussion on the wording of the ads for the paper. The Board decided that they would be accepting one year bids for both. The bids will be awarded at the April Town board meeting.

**Resolution 2021-41:** Councilmember Gosier made the motion to advertise for the Three Mile Bay Mowing Bid and Abandoned Cemeteries and Ball Fields; seconded by Deputy Supervisor Bourquin; all were in favor and the motion was carried.

#### **Emergency Health Plan:**

Supervisor Aubertine said that Robin Grovesteen has worked hard on the Emergency Health Plan that Governor Cuomo is requiring. The Town Board had no comments or concerns regarding the plan.

**Resolution 2021-42:** Councilmember Countryman made the motion to approve the Emergency Health Plan; seconded by Councilmember Gosier; all were in favor and the motion was carried.

#### **New Mattress Fees:**

Deputy Supervisor Bourquin stated that Jefferson County is now charging \$10.00 per mattress at their transfer site. He stated that our transfer site should start charging \$15.00 for all mattresses and box springs. Councilmember Villa expressed his concerns to Pat over email and stated he agrees we need to charge more for mattresses.

**Resolution 2021-43:** Deputy Supervisor Bourquin made the motion to charge a fee of \$15.00 for mattresses at the transfer site; seconded by Councilmember Gosier; all were in favor and the motion was carried.

**Planning Board Application:**

There have been more Planning Board applications submitted to Chairman Reginald Schweitzer. Councilmember Gosier suggested holding off on appointing a new member.

**Resolution 2021-44:** Councilmember Gosier made a motion to table any actions on the Planning Board Applications; seconded by Councilmember Countryman; all were in favor and the motion was carried.

**Judges Concerns:**

Supervisor Aubertine had received a call for Judge Wallace who had gotten calls from concerned residents regarding Sheriffs and State Troopers going through Town at a fast speed without their lights on. Supervisor Aubertine said his opinion was that the police departments have done a great job patrolling our Town considering we don't have a local police officer. He said he would hate to upset them. The Board agreed with Supervisor Aubertine not to pursue any complaints from the residents against the police.

**REDI Meeting:**

Supervisor Aubertine stated Gregor Smith from Bernier and Carr would like to have a joint meeting with the Town Board and the representatives from New York State regarding the REDI project. He also stated that Gregor said REDI will only cover the 95% of the grant award. The Town can scale the project back and/or they will be responsible for any cost not covered by REDI.

**Advertise for Joint REDI Meeting:**

**Resolution 2021-45:** Councilmember Gosier made the motion to advertise for the Special Joint meeting with the Town Board, Bernier and Carr, and the REDI commission on April 7, 2021 at noon; seconded by Councilmember Countryman; all were in favor and the motion was carried.

**Resolution 2021-46:** Councilmember Gosier made the motion acknowledging the REDI funds will cover 95% of the grant money awarded for the Veteran's Memorial Public Park and the Town will be responsible for any cost not covered by REDI; seconded by Councilmember Countryman; all were in favor and the motion was carried.

Deputy Supervisor Bourquin asked when the Town would get our engineering cost reimbursed. Pat Weston asked if the materials were included in the in-kind services work. He also stated he has to wait to work on the road until he gets the right-of-way from the state. Supervisor Aubertine stated that those questions can be brought up to Gregor Smith at the special meeting.

### Old Business:

#### Three Mile Bay Ambulance:

Councilmember Countryman stated they held their first meeting February 17<sup>th</sup>. Councilmember Countryman, Legislator Bill Johnson, Fred Jackson, Heather Lipczynski, Charlie Mount, Justin Bourquin, and he were at the meeting. He stated by the end of the meeting they had action steps to get information from Jeff Call of Guilfoyle and **Fire Chief** Justin Bourquin also collected more information. They met again on March 3<sup>rd</sup> and Councilmember Countryman presented a PowerPoint with the information gathered so far. There were 5 options that were discussed.

- 1.) Guilfoyle has a Jefferson County contract and it doesn't cost anything for the Town but no one felt comfortable with this option
- 2.) Volunteer
- 3.) Town runs it as a Town service which would be the most expensive
- 4.) Create our own 501c3 like the Town of Cape Vincent
- 5.) Join with the Cape ambulance and look at a merger there

Jeff Call sent a bare budget out that he configured. It does give the Town an idea on a dollar amount. He came up with \$340,000.00 to run our own 501c3. Councilmember Countryman threw out a huge conservative number to what it might cost to run the worst case scenario which was \$500,000.00. On a \$100,000.00 home that would be around \$128.00 in taxes, which would double the tax rate. Councilmember Countryman stated that one of the numbers they are waiting back on is how much Guilfoyle would charge to have their employee sit at the Three Mile Bay Fire Hall for the rest of the year. This will give the committee time to sort through all of the information. For their next meeting Councilmember Countryman would like to invite the drivers and EMTs to see if they are willing to create their own 501c3. They would need someone to do their administrative paperwork and they will need a board. Councilmember Gosier said that Justin Bourquin had to drive for 3 out of the 5 calls last week even with their new plan in place with Guilfoyle. The committee has to look at the whole problem not just the shortage of EMTs. She stated that if we went the 501c3 route we can accept private donations as well. That has been a huge help in previous years. She doesn't believe we should put ourselves in a position where you can't accept donations. The Three Mile Bay Fire Hall is more than willing to host the new ambulance service there. Everyone on the committee was adamant that the Town of Lyme have their own ambulance.

#### STRU Proposal (Postpone or Continue?):

Councilmember Gosier stated that she thinks the Town should have a law that states all STRU owners need to register with the Town. The owner would be signing a statement that says they will follow and abide by New York State Codes. The big issue is having contact information of the owner in case of a problem; most issues are directed to law enforcement anyway. There was a

question on whether it could be a standalone law if it needed to be included in our zoning law. We could always add more restrictions in the future if need be. Deputy Supervisor Bourquin suggested waiting until after COVID has died down and masks are gone to have another public hearing. Councilmember Countryman stated that if the Town is going to continue to struggle with the law than maybe we should send a survey to the Town residents. The only people that tend to show up to the Public Hearings are the screamers and he thinks people who are in favor of the law won't show up. Councilmember Gosier said that if we advertise a public hearing than there is no reason people should not show up or submit their comments by email or letter. Supervisor Aubertine said they did a survey long ago for the possible sewer district in Three Mile Bay; it does cost a lot of money to mail. Councilmember Countryman said you could even do it online, he thinks we need to know where everyone stands on the law besides the one side against the law. Deputy Supervisor Bourquin stated he was against having it in our zoning law because once they have the permit they have it. He asked what happens if a STRU owner doesn't register their property. Councilmember Gosier suggested clarifying a few points with the lawyer and postponing the discussion. Deputy Supervisor Bourquin suggested postponing it for two months.

**Resolution 2021-47:** Deputy Supervisor Bourquin made the motion to postpone the discussion on the STRU proposal until the May meeting; seconded by Councilmember Countryman; all were in favor and the motion was carried.

#### **Sale of Excess Property:**

Councilmember Gosier said the first step is for the Klock Road property to be surveyed. A few years ago there was a resolution for all of the Town owned properties to be surveyed. When Supervisor Aubertine reviewed the minutes he read that he and Deputy Supervisor Bourquin were supposed to look at the property to figure out how much land the transfer site utilizes. They will go to the Klock Road property with Pat Weston and Al Crouse and discuss what they need for the transfer site. Councilmember Gosier stated that the property is a bone of contention and if something happens to someone on that property we are liable for it and we have a law suit.

**Resolution 2021-48:** Supervisor Aubertine made the motion to postpone the discussion about the excess property sale until the May meeting; seconded by Councilmember Gosier; all were in favor and the motion was carried.

#### **New Highway Garage:**

**Resolution 2021-49:** Deputy Supervisor Bourquin made the motion to table the discussion on a New Highway Garage until the April meeting; seconded by Councilmember Gosier; all were in favor and the motion was carried.

#### **Appointment of ZEO/CEO:**

**Resolution 2021-50:** Deputy Supervisor Bourquin made the motion to appoint Jim Millington as the Code Enforcement Officer and Richard Ingerson as the Zoning Enforcement Officer for 2021; seconded by Councilmember Gosier; all were in favor and the motion was carried.

Online Privilege of the Floor

There was no online privilege of the floor.

Privilege of the Floor

There was no privilege of the floor.

Executive Session

There was no executive session.

Adjournment

**Resolution 2021-51:** Councilmember Countryman a made the motion to adjourn; seconded by Councilmember Gosier; all were in favor and the motion was carried; meeting was adjourned at 8:54 p.m.

Respectfully Submitted

*Ariana Henderson*

Ariana Henderson  
Town Clerk