

October 13, 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 (video), Legislator William Johnson, Dawn Munk, Dwight Goutremout, Tina Heringer, Gregor Smith, McKenzie Lehmon, and Marla Cohen.

**Privilege of the Floor**

***BCA Engineers and Architects:***

**Water Tower Painting**

Gregor from Bernier and Carr explained the process of the Three Mile Bay water tower painting. Sherwin Williams would like to go back to steel and do a new coating system on the tower. The tower hasn't been painted in 21 years and the average span is usually 15 years. The total construction cost of the project was \$250,000 to \$300,000. He reviewed his engineering service agreement for the cost of \$39,000. There were several important factors involved in engineering services. Deputy Supervisor Bourquin questioned if ARP funds the Town received could be used to pay for the water tower painting. Gregor responded that he would research this. Supervisor Aubertine stated we do have \$252,000 in the water reserve account. Councilmember Gosier stated that if Sherwin William's is doing the painting will their services and Bernier and Carr's services overlap. Gregor reiterated that the services they provide would be different than Sherwin Williams. They would be the project managers. Councilmember Villa asked if any necessary repairs will also be completed to the water tower. Gregor stated that when the inspection was done no repairs were needed.

**Resolution 2021-149:** Councilmember Villa made the motion to approve the proposal from Bernier and Carr Associates to strip and recoat the Water Tower in the estimate of \$250,000.00 to \$300,000.00; seconded by Councilmember Countryman; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

**Veteran's Memorial Public Park**

McKenzie from Bernier and Carr gave an update on Veterans Memorial Public Park. She mentioned in her update they are currently working on our 100% submission while they wait to hear back from the permitting agencies. Once the project is approved by these agencies, they can move forward with the 100% submission, followed by the bidding process, once the 100% submission is accepted by the Department of State. They anticipate bidding the project in late fall and beginning construction in the spring. Gregor stated that they would like to sit down with

the board to get the final review for the park complete. The reimbursement of funds will happen after the bidding process is complete.

#### 12E Water District

Bernier and Carr looked at multiple options for the cost of the project. Gregor stated that they need to have a public meeting to find out what the interest level is. The last study that was done the cost was over the comptroller limits which would require further legal process to form a district. Councilmember Gosier questioned whether water district 2 could be extended instead of creating a new district. This is a question for the Town attorney. Deputy Supervisor Bourquin stated that there may be a bill passed for infrastructure funds. Dawn Munk from the water board spoke about the new water district and the potential costs. There was also a discussion regarding the Lance Development Project and the extension of water district 2. Gregor said that they have looked at multiple scenarios, but the description of boundaries have not been completed. Marsha asked the Town Board to approve spending the money for the potential new water district. There are further questions the board needs answered by the Town attorney. Gregor is going to send a list of questions to Supervisor Aubertine for the attorney to keep the ball rolling for the potential water district.

**Legislator William Johnson:** At the last County meeting there was a concentration on ARP funding. The county is receiving \$42 million in ARP funds and they are discussing how it will be spent. Sales tax has gone up significantly as of August 31, 2021.

**Marla Cohen:** Mrs. Cohen stated that she had several signatures of local businesses in the area in support of their proposed RV Park and Marine at 7614 Rt. 12, Three Mile Bay. She presented the board with the signed letters. All of the local businesses agree it would be a great addition to the Town. She stated that a wedding venue had been approved for 250 people and would share the same concerns as the RV Park or worse. She continued to present reasons the RV Park should be allowed and the benefits it would bring to the Town.

#### Supervisor's Report

There was no supervisor report.

#### Highway Superintendent's Report

There was no report.

#### Clerk's Report

Monthly Receipts were as follow: Total Local Shares Remitted: \$5,616.50; Total State County & Local Revenues: \$5,635.50 Total Non – Local Revenues: \$19.00

#### Audit of the Bills

**Resolution 2021-150:** Councilmember Gosier made the motion to approve Abstract #19 in the amount of \$13,561.30; seconded by Councilmember Villa; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

**Resolution 2021-151:** Councilmember Gosier made the motion to approve Abstract #20 in the amount of \$148,042.84 which includes the paving of Beach Road; seconded by Councilmember Countryman; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

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

**Resolution 2021-152:** Councilmember Countryman made the motion to approve the September minutes; seconded by Councilmember Villa; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

#### **Committee Reports**

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

Marsha emailed her report and stated:

##### *Kingsley-Supreme Court Filing*

*We are supposed to be receiving some paperwork regarding a settlement instead of going to court. I haven't received anything as of this date.*

##### *Small Claims- Young*

*The hearing was held tele-conference. We have not received the decision yet.*

##### *Yearly Maintenance*

*The girls are out reviewing properties and I have started the valuation process for 2022.*

##### *New Assessor*

*Angela Kriegel's term of office is over on 12/31/21. She has chosen not to run again. No one has submitted a petition to be on the ballot. I am meeting with Jerry Collins, who has expressed an interest in doing a write-in for the position.*

##### **Municipal Water Board Report:**

Marsha emailed her report and stated:

##### *Point Salubrious Petition for Water*

*We have completed the validation process of the petition for water that was submitted by some of the residents of Point Salubrious.*

*The Water Board has found many problems with the petition submitted and are recommended the Town Board not accept the petition as a valid petition.*

*A valid petition must have 51% of the parcels in the proposed district and 51% of the assessment.*

*The petition submitted had 150 parcels. There are 331 parcels in the proposed district. This is only 45% of the parcels. The petition submitted had \$30,431,500 in assessment. The total assessment in the proposed district is \$53,788,300.  
This is 56% of the assessment.*

*A petition must have all property owners sign to make it a valid entry. There were only 78 valid parcels with all property owners signing. This changes the parcel percentage to 23.5%. After deducting the \$15,779,900 from the original total of \$30,431,500, the total valid assessment is \$14,651,600. This is 27% of the assessment.*

*This is enough to invalidate the petition. There was also a number of parcels that were counted as valid. These were parcels that were in a trust or life estate, where only one person in the trust signed. I did consult with Joe Russell regarding the validity of those signatures, but he said you would have to look at the trust paperwork to see if only one person could sign for the trust. That would have been impossible to do, so I did count them.*

*There were also two entries that had someone sign as a witness, but the subscribing witness signature was someone else.*

*I gave Scott the paperwork supporting our findings.*

*I will not be able to attend the meeting, but there will be some Water Board members there if you have any questions.*

*If the Town Board agrees with our findings, a letter should be sent to Warren Johnson informing him of the decision.*

#### Water Tower Painting

*Gregor from Bernier & Carr will be attending the meeting to submit the invoice for Engineering Services to the Board. There is one line item on the proposal that the Water Board would like you to review. It is \$17,000 for a representative from Bernier & Carr to spot check the job that is being done by the contractor. The Water Board feels that is a lot of money for someone who is not certified to review the job is being done correctly. I have checked with Sherwin Williams. If Sherwin Williams paint is used for the job, they have a representative with the "Protection and Marine Group", who will oversee the construction and application of the paint to the specs required and they do not charge for the service, as long as Sherwin Williams paint is used. His name is John Wolbert and his telephone number is 315-729-1535. The Water Board would like to recommend using Sherwin Williams paint to take advantage of Mr. Wolbert's services and save \$17,000.*

#### Rt 12E Water Project

*We were notified by Gregor Smith that we need to complete some items to have that project ready for financing when funds become available. One is to complete a map, plan and report, a SEQR and a bond resolution. I spoke with Joe Russell about the cost of the SEQR and a bond resolution, but he didn't give me an estimate. I also do not have an estimate for the map, plan and report from Gregor. The Water Board would like to ask the Town Board to approve spending the money so this project will be ready to go. The property owners have submitted 3 petitions and have been trying for 10 years to get water.*

**Planning Board:**

There was no planning board report.

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

There was no ZBA report.

**Youth Commission:**

Youth Commission is waiting for a response from the school to see if they can have use of their gym for the basketball program.

**ZEO/CEO Report:**

Total Permit Receipts: \$3800.00; Total RV Permit: YTD: \$900; Total Permit Receipts YTD - \$19,847.00.

**TMB Cemetery:**

Councilmember Gosier stated that there were \$1500.00 in plot sales. The mowing has been superior.

**TMB Ambulance Committee:**

Councilmember Countryman said there was not a lot to report. Jeff Call is waiting to get more information after the regional ambulance meeting. He will update the board as soon as he hears. Councilmember Gosier stated that the Three Mile Bay ambulance will be paying \$15,000.00 to Guilfoyle but the total bill was \$19,000.00. They will be submitting the remainder of the bill to the Town of Lyme.

**New Business:**

**Dog Control:**

**Resolution 2021-153:** Deputy Supervisor Bourquin made the motion to sign the new municipal agreement for Dog Control; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

**Teamsters Contract:**

**Resolution 2021-154:** Deputy Supervisor Bourquin made the motion that we do not sign the Teamsters health insurance contract until the labor and union are signed; seconded by

Councilmember Villa; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED;  
Motion carried.

**Highway Truck:**

Pat requested the Board's approval for a new 2022 Ford F-550. The current truck is in need of a replacement. The total cost is \$83,469.61 which includes a plow and spreader.

**Resolution 2021-155:** Councilmember Villa made the motion to purchase the 2022 Ford F-550 in the amount of \$83,469.61; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

**Old Business:**

There was no old business.

**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**

**Resolution 2021-156:** Councilmember Gosier made the motion to enter executive session at 7:46 p.m.; seconded by Councilmember Countryman; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

**Resolution 2021-157:** Councilmember Gosier made the motion to leave Executive session at 8:45 p.m.; seconded by Councilmember Villa; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

**Return to Open Meeting**

**Resolution 2021-158:** Motion made by Julia Gosier and seconded by Don Bourquin to accept the Assessor's recommendation to NOT accept the Kingsley settlement proposal. All in favor.

**Adjournment**

**Resolution 2021-159:** Councilmember Gosier made the motion to adjourn at 8:50 p.m.; seconded by Councilmember Countryman; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Respectfully Submitted,

*Ariana Henderson*

Ariana Henderson  
Town Clerk