

September 8, 2021
Town of Lyme
STRU Public Hearing 6:15 P.M.
Cannabis Public Hearing 6:25 P.M.
Regular Monthly Meeting 6:30 P.M.

Short Term Rental Unit Law Public Hearing:

Supervisor Aubertine called the Short Term Rental Unit Law Hearing to order at 6:15 p.m.
Supervisor Aubertine read the public hearing notice.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Lyme shall conduct two public hearings on September 8, 2021 at the Town Offices, 12175 NYS Route 12E, Chaumont, NY, Jefferson County, to consider the adoption of two local laws as follows:

1. At 6:15 p.m., to consider a local law to establish regulations for the operation of Short Term Rentals.
2. At 6:25 p.m. or directly after the close of the first hearing, to consider a local law opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Town of Lyme, but outside the corporate limit of the Village of Chaumont.

The regular meeting of the Town Board shall resume after the close of the second hearing.

A full text of the local laws are available on the Town's website and at the Town Clerk's Office during normal business hours. All persons wishing to be heard on this matter should be present at the place, time and date aforesated or have submitted written comments in advance. Any persons requiring special accommodations to attend or participate in such hearings should notify the Town Clerk at least three (3) business days prior to the meeting.

Dated: August 26, 2021

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LYME

Ariana Henderson, Town Clerk

Supervisor Aubertine read the intent and purpose of the law:

The Town Board of the Town of Lyme has determined that the current Zoning Law of the Town of Lyme does not adequately address the operation of Short Term Rentals. It is the purpose this local law to establish regulations for the operation of same

He then read the ground rules for the hearing and opened the floor for public comments.

Gene Taylor 2009 South Shore Road: Mr. Taylor asked what the law contains. He had not seen the law and wondered what the specifics of the law were. Clerk Henderson provided him with a copy of the law. Supervisor Aubertine stated that the law was revised significantly

Lanie Taylor 2009 South Shore Road: Mrs. Taylor stated that their STRU property has brought great business to the Town of Lyme. They work very hard for everyone involved to have a great experience.

Supervisor Aubertine stated that we sent it to the Jefferson County Planning Board which was required by law. The Town Board does not have to accept their feedback. They had a few recommendations including; parking, dwelling definition, and occupancy. The Board will discuss this further into the agenda.

Resolution 2021-131: Councilmember Villa made the motion to close the Short Term Rental Unit Law Hearing; Councilmember Gosier seconded the motion; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Cannabis Law Public Hearing:

Supervisor Aubertine called hearing to order at 6:25 p.m. He stated the intent of the Board: *It is the intent of this local law to opt the Town of Lyme out of hosting retail cannabis dispensaries and/or on-site cannabis consumption establishments within its boundaries.*

He also read the advisement from our Town Attorney:

The Attorney suggests the Board consider an opt out at this time. There will be no facilities available with a license as of 12/31, and under the legislation if the Town does not opt out by then, it lose its opportunity to do so forever (or until the state modifies the statute). By opting out now, the Town buys some time about checking in with your constituents and plan for where you may want to have such facilities prior to any license being issued. Once you opt out, you can later on opt in and then you have more time to control what the Town may want to do.

There was no comments from the public.

Resolution 2021-132: Councilmember Villa made the motion to close the Cannabis Law Public Hearing; Councilmember Gosier seconded the motion; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

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, Highway Superintendent Patrick Weston, Legislator William Johnson, Tina Fahringer, Bruce Gates, Lanie Taylor, Gene Taylor, John Pirsas, Rob Company, and Nichole Jobson.

Privilege of the Floor

Fourth Coast: Fourth Coast was present to present plans for a New Municipal Town Office located by the Town of Lyme Salt Barn. Rob Company from Fourth Coast stated that the next step would be to declare the Town Board as the lead agency for the project and declaring a negative SEQR. After 30 days if there are no interested parties objecting to the lead agency the next step would be to develop a budget and bond resolution. Supervisor Aubertine stated that he had concerns about the public sharing the same driveway as the highway department. Rob stated that the NYS DOT would most likely not allow another driveway. It was mentioned by Pat Weston that there is a driveway near the ball fields that could be used and the bus garage driveway is also an option. There was a brief discussion regarding the plans. Fourth Coast will be meeting with the building committee on September 16th to discuss further building plans.

Resolution 2021-133: Councilmember Villa made the motion to declare lead agency for the proposed construction of the Town of Lyme Highway Garage and Municipal Building; Councilmember Gosier seconded the motion; Aubertine, Bourquin, Countryman, Villa and Gosier AYE; Motion carried.

Legislator William Johnson: Legislator Johnson had his County meeting last night and said there wasn't much to report. He attended the ribbon cutting ceremony for the Isthmus. There were a few board members, County representatives and State representative. He stated it was great PR for the Town. Councilmember Villa said that the Town of Lyme Highway received several compliments on the work they have completed and keeping the road clear through all of the high water.

Gene Taylor: Mr. Taylor stated that it is written in his deed that there are no campers or single wide trailers aloud on Pine Woods Road. He questioned the board as to why there are trailers and campers there. Supervisor Aubertine stated that he could asked the ZEO/CEO to check out the properties but believes it may be a civil issue.

Supervisor's Report

Resolution 2021-134: Councilmember Gosier made the motion to approve the August 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 spent the month working on County Route 125 and County Route 5. They fixed the sloping and shoulders on County Route 5. The County will reimburse the Town for these projects. They will be putting cold mix on beach road tomorrow. Councilmember Villa asked if Pat had a price on the new truck the highway department needs. Pat stated that he is waiting on the package to be put together from Henderson Equipment. Supervisor Aubertine asked Pat to take down the flags at the Morris Tract Field.

Clerk's Report

Monthly Receipts were as follow: Total Local Shares Remitted: \$7,413.55; Total State County & Local Revenues: \$7,440.55 Total Non – Local Revenues: \$27.00

Audit of the Bills

Resolution 2021-135: Deputy Supervisor Bourquin made the motion to approve Abstract #17 in the amount of \$283.12; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Resolution 2021-136: Deputy Supervisor Bourquin made the motion to approve Abstract #18 in the amount of \$91,359.33; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Approval of the Minutes

Resolution 2021-137: Councilmember Countryman made the motion to approve the August 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:

Small Claims and Supreme Court Filings

We have one Small Claims and one Supreme Court Filings. The Small Claims will be done online. I haven't heard anything from Joe Russell regarding the Supreme Court filing. I sent him all the information I have.

Yearly Maintenance

The girls are working in the field collecting data for the 2022 Assessment Roll. I am working on the values and computer work.

Solar Farm Assessment

The State has provided models for assessing solar farms. I hope to be working with them and possibly another assessor who has some experience with solar farms.

Municipal Water Board Report:

Marsha emailed her report and stated:

Lance Development

We received a letter from Catherine Burns Quencer regarding the Lance Development. It read "The approved extension of Town of Lyme Water District on the Lance Estate Development is moving forward. There are 35 projected units and the expected project date is 2022."

Replacement of Pipe on Boat Launch Road

Bill and Pat would like to replace the 2" line on Boat Launch Road. We still have some extra pipe that they could use for part of the pipe. They are going to get a cost prepared to present to you.

Bill Scarpicchi Cell Phone

Bill uses his own personal cell phone for a lot of water use. He is requesting to be reimbursed \$25 per month. If you approve it, I will include the cost in next year's budget.

Water Use Law Addition

This winter we will be reviewing the current Water Use Law. It has come to our attention that there are some revisions needed.

Rt 12E Proposed Water District

We are looking at the cost to prepare the Rt 12E Project ready for funding. To have our project ready for funding, we will have to prepare a map, plan and report, the SEQR and a bond resolution. We are currently working on getting an estimate of the cost to present to you. We hope to have the estimate for the October meeting.

Point Salubrious Proposed Water District.

We are currently working on validating their petition. This has taken a great deal of work. We had to prepare a data base for the petition and a data base for all of point Salubrious. We are preparing the percentages they need with what they have. I also had to contact the Town Attorney to get some answers on the validity of some signatures. We will have the report for the October meeting.

Planning Board:

Planning Board Chairman Reg Schweitzer requested that the Board review the 2013 zoning map located in the court room. The Planning Board is considering changing the zoning map to something similar. Schweitzer also wanted the Board's opinion on the new proposed event center in Three Mile Bay. The new center could be classified as a restaurant in our zoning law. If the Board does not agree with the planning board they can go to the ZBA for an interpretation. Deputy Supervisor Bourquin stated that it fits under the restaurant definition in our zoning law. Councilmember Gosier said that there were fourteen people at the Planning Board meeting and twelve were there in favor of the Event Center. They gave an extremely good presentation and there plans are thorough. Schweitzer is looking for approval to use the restaurant category for the project. Councilmember Villa said that when the zoning law was written an event center wasn't thought of which is why it isn't written in our law. He is in support of the Planning Boards decision. Councilmember Countryman agreed that they presented their project very well. He was in favor along with Deputy Supervisor Bourquin.

Zoning Board of Appeals (ZBA):

There was no ZBA report.

Youth Commission:

Youth Commission wasn't able to have all of their actives this summer. There has been purchases of equipment made for soccer.

ZEO/CEO Report:

There was no questions on the ZEO/CEO report.

TMB Cemetery:

Councilmember Gosier reported that there were two cremains burials this month. The mowing company has been doing a great job.

TMB Ambulance Committee:

Councilmember Countryman said there was not a lot to report. Jeff Call is working on the CON. The Cape Vincent ambulance has retained a lawyer and is working on the paperwork for the Town and transferring the ownership of the ambulance. The Three Mile Bay ambulance is still responding and working as it did before. Councilmember Gosier said that there were two days where Guilfoyle couldn't cover the ambulance. She said that we should check into that and make sure we don't pay. Councilmember Countryman will check into this.

New Business:

Cannabis Legislation:

Resolution 2021-138: Deputy Supervisor Bourquin made the motion to declare the SEQR for the Cannabis Law a negative declaration; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Resolution 2021-139: Deputy Supervisor Bourquin made the motion adopt the Cannabis Law; seconded by Councilmember Gosier; Aubertine, Bourquin, Countryman, Villa and Gosier AYE; Motion carried.

Barnes Bay Cemetery Repairs:

Councilmember Gosier met with Harry Wilson to discuss potential repairs for the Barnes Bay Cemetery. This is the cemetery located by Bicentennial Park. The condition of this cemetery is very bad. There are 48 burial records at the cemetery and only 12 stones left standing. Harry offered to replace the stones with 10x12 granite markers for \$600.00 which includes the foundation and inscribing. She stated that we also need a fence but want to do it after the stones are replaced. Gosier is bringing it up now because the budget process is starting. Councilmember Villa stated that the Board has been supportive to spend \$5,000.00 a year to fix stones. He doesn't believe \$600.00 is a bargain price. He said it would cost arounds \$24,000.00 to fix the stones. He also stated we should have our grant writer look into getting possible grants

related to the cemetery or any other funds that may be available. There was further discussion regarding the repairs to Barnes Bay cemetery.

Ambulance/Retain Attorney:

Supervisor Aubertine asked if the Board thought that we should retain a lawyer for the Ambulance transfer. There is an attorney that specializes in fire department and ambulance issues. Deputy Supervisor Bourquin stated that the Cape Ambulance may have already retained this lawyer. The Board would like to look into this. Councilmember Countryman is going to call Jeff Call from Cape Vincent Ambulance to find out which lawyer is representing them.

Solar Moratorium:

The Town Board met with Steve Le Fevre from Barton and Loguidice last week. They discussed a possible moratorium for Solar so the Town could study and revise the Zoning Law. This moratorium would not affect the Riverside Solar project. Supervisor Aubertine asked Barton and Loguidice for a proposal to update the entire Town of Lyme Zoning Law. There is also a proposal the Board is reviewing tonight regarding Barton and Loguidice representing the Town for the Riverside Solar project. Councilmember Villa asked Legislator Johnson if there would be a capacity issue that will hold the solar project back. He asked if the Board should be concerned about new solar projects. Legislator Johnson said the transmission lines are an issue, especially going south. There will have to be significant upgrades. Councilmember Gosier stated that it is better to update the solar law than be sorry because the companies will probably do the needed upgrades. Villa stated that we need to be more proactive with our zoning law. We do need to protect the citizens in this Town.

Resolution 2021-140: Councilmember Villa made the motion to have the Town Attorney draft a moratorium law to review our zoning law regarding solar to protect the citizens of this town; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

B & L New Service Proposal:

Resolution 2021-141: Deputy Supervisor Bourquin made the motion to accept the proposal from Barton and Loguidice for the review of proposed Riverside Solar Project; seconded by Councilmember Villa; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Set Budget Work Session:

Resolution 2021-142: Councilmember Gosier made the motion to advertise the budget work session days as follows; October 7, 2021 at 6:30 p.m. and October 14, October 21 and October 28, 2021 at 10:00 a.m.; seconded by Councilmember Villa; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Water Department Cell Phone:

Resolution 2021-143: Deputy Supervisor Bourquin made the motion to \$25.00 a month towards the Water Department Operator's Cell Phone bill; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Septic:

Councilmember Villa emailed the Board a copy of the Queensbury septic system law. He believes we need to move forward with the law. Upon the transfer of a property that is sold in the Town there would be an inspection of the septic system. We need to protect our shoreline in the Town. Deputy Supervisor Bourquin was opposed to adopting a septic law and councilmember Gosier was in favor. She does not agree with having an alarm system and her biggest question was how to regulate the law through code enforcement and informing the public. She suggested sending the law to the Association of Town's Attorney to get more advice on the law.

Old Business:

Short Term Rental Law:

Supervisor Aubertine stated if we wanted to make changes to the law it will need to go back to the Attorney for review. Councilmember Villa stated that the County Planning suggestion about parking and occupancy has been an issue in the past. He is on board with passing the law the way it is written and adjusting it down the road if needed. Councilmember Countryman agrees with Villa see how the law effects the Town. Councilmember Gosier would like the registration to be annual because it is growing rapidly. There was a question asked whether there would be a fee to register. There is currently no fee. The registration will start January 1, 2022. Tina Fahringer asked if the registration was just for Air BnBs or all rentals. Supervisor Aubertine then read the definition of what qualifies as a Short Term Rental Unit.

Resolution 2021-144: Councilmember Villa made the motion to approve the Short Term Rental Unit Law as written; seconded by Councilmember Gosier; Aubertine, Bourquin, Countryman, Villa and Gosier AYE; Motion carried.

Water Department Computer:

Councilmember Countryman did a lot of research on Billy's computer for the water department. He came in to look at the computer and took down all of the information. The one Core and Main recommend is a 2017. The thing that stands out that is different than his current computer is the graphics card. He has found a computer that will work for the water reading. There is a resolution the board passed last month to purchase the computer but he wanted to keep the board up to date.

Online Privilege of the Floor

There was no online privilege of the floor.

Privilege of the Floor

Tina Fahringer: Ms. Fahringer asked if the Board had any information about the rumor that NYS bought Galoo Island and the Galoo Island Landing. The Board had not heard any information regarding the purchase.

Executive Session

There was no executive session.

Adjournment

Resolution 2021-145: Deputy Supervisor Bourquin made the motion to adjourn at 8:47 p.m.; seconded by Councilmember Gosier; Bourquin, Countryman, Villa and Gosier AYE; Aubertine ABSTAINED; Motion carried.

Respectfully Submitted,

Ariana Henderson

Ariana Henderson
Town Clerk