

August 9, 2023
Town of Lyme
Regular Monthly Meeting 6:30 P.M.

Call to Order:

Supervisor Countryman called the regular monthly meeting to order at 6:32 p.m. opening the meeting with the Pledge of Allegiance.

Those present included Supervisor Countryman, Deputy Supervisor Bourquin, Councilmember Farrell, Councilmember Villa, Councilmember Gosier, Town Clerk Ariana Henderson, Tina Fahringer, Lipczynski, Cathy Ward, Cathy Stone, Susan Nichols, Ken O'Neil, Sherly Jones and Jennifer Kingsley.

Privilege of the Floor

Cathy Ward: Ms. Ward asked if there were any updates on the Solar Farm Fire. Supervisor Countryman responded that the NYS DEC is testing individuals' wells that live on Rockledge drive and surrounding areas. The results are not back yet.

Susan Nichols: Ms. Nichols is one of the residents that had her well tested from the Solar Fire. She also had a private company test her well. She asked the NYS DEC if they were doing any soil testing across the road, and she hasn't gotten a response. She knows that there are contaminants in the soil. She also spoke with Mark Walczyk and he said to let his office know if there is anything we need.

Cathy Ward: Ms. Ward asked if there were any updates on the Solar Law. Supervisor Countryman stated that he met last Thursday with Barton and Loguidice. They are still working on the law.

Sheryl Jones: Ms. Jones came to the Town to explain their situation. They are the buyer of the property located at 7550 NYS Route 12E Three Mile Bay, NY. They showed the Board the original purchase contract. Ms. Jones stated that the inspection report was done illegally by the original owner. All the issues in the report will be addressed by next week including the installation of the water heater. Ms. Jones read a text from her attorney Steve Munoz. Supervisor Countryman said that he is not concerned with the lawyers or the sale of the property. The Town is concerned with the condition of the property.

Ken O'Neil: Mr. O'Neil stated that when the inspection report was done it was trespassing. Ms. Jones said the only person that was authorized was someone from the Town of Lyme to complete the inspection. Supervisor Countryman said the Town did not order the inspection. Mr. O'Neil said that everything besides the water tank was fixed today. Ms. Jones said people were saying there are dog feces in the house which is a lie. Supervisor Countryman said if the dogs are in good standings and are healthy and licensed that is the main concern. Supervisor Countryman asked if they had 100 dogs. Ms. Jones said they have 26 adult dogs and Mr. Jones has 13 or 14

adult dogs plus there puppies. Puppies are not selling this year and they refuse to just get rid of them. They have made arrangements with the Town Clerk in regard to renewing the dogs' licenses because they are moving to another County very soon.

Supervisor's Report

Resolution 2023-99: Councilmember Gosier made the motion to approve the July Supervisor's Monthly Financial report; Councilmember Villa seconded the motion; all were in favor; motion carried.

Highway Superintendent's Report

Superintendent Weston said that the Highway Department is caught up on road work. Suite Kote will be coming to finish paving. The Driveway is finished for the new Town Barn and the sewer is also approved through the DEC. He is waiting to hear to receive an update on Veteran's Public Park to finish his portion. Supervisor Countryman stated that we are waiting for approval from the Army Core of Engineers to approve moving the dock location. Boo Harris has swapped some of the original plans for the trees. Pat has given her stakes so a UFPO can be done. This is also so the Board can see the location of the trees.

Chevy Bid: There was one bid received for the 2008 Chevy 3500 HD truck.

Donald Perkins: \$2,805.00

Resolution 2023-100: Deputy Supervisor Bourquin made the motion to accept the bid in the amount of \$2,805.00 from Donald Perkins for the 2008 Chevy 3500 HD truck; seconded by Councilmember Gosier; all were in favor and the motion was carried.

Clerk's Report

Monthly Receipts were as follow: Total Local Shares Remitted: \$5,016.60; Total State County & Local Revenues: \$5,060.10 Total Non – Local Revenues: \$43.50

Clerk Henderson stated she would like to appoint Dawn Van Nostrand as Deputy Clerk.

Resolution 2023-101: Councilmember Gosier made the motion to ratify the Clerk's appointment of Dawn Van Nostrand as Deputy Clerk; seconded by Councilmember Farrell; all were in favor and the motion was carried.

Audit of the Bills (Abstracts #13 + 14)

Resolution 2023-102: Councilmember Gosier made the motion to approve Abstract #13 in the amount of \$717.15; seconded by Councilmember Villa; all were in favor and the motion was carried.

Resolution 2023-103: Councilmember Gosier made the motion to approve Abstract #14 in the amount of \$141,571.89; seconded by Councilmember Villa; all were in favor and the motion was carried.

Approval of the Minutes

Councilmember Villa would like to postpone the approval of the July minutes until September. He stated that he did not have enough time to review the minutes because of the time they were submitted to the Board.

Resolution 2023-104: Deputy Supervisor Bourquin made the motion to table the July minutes until September; seconded by Councilmember Villa; all were in favor and the motion was carried.

Old Business:

RV Law Revision:

Supervisor Countryman would like to set the hearing date for September and send the information to the County for 239M review. Councilmember Villa had some concerns about the revisions. One concern is how will the vehicle ever be inspected if it is not removed from the property. You can also have a structure attached to the vehicle with this revision. The problem we have currently is the lack of enforcement. Councilmember Farrell said that you can input an inspection number when you register your vehicle with the DMV. You can have it inspected before registration. They are starting to enforce that.

Resolution 2023-105: Councilmember Gosier made a motion to hold a public hearing for the Section 750 Recreational Vehicle Law Revision on September 13, 2023, at 6:15 p.m.; seconded by Councilmember Farrell; all were in favor and the motion was carried.

487 Law:

Supervisor Countryman said that once the law is in place and listed with the State and NYSERDA when a solar farm comes into our Town, they are required to deal with us. They are not allowed a tax exemption. They will either be under full taxation or negotiate a PILOT with the Town. We all know that we didn't have it in place when the County 179 solar farm came into Town.

Resolution 2023-106: Councilmember Gosier made a motion to hold a public hearing for the 487 Law on September 13, 2023, at 6:20 p.m.; seconded by Councilmember Farrell; all were in favor and the motion was carried.

Employee Handbook:

The Employee Handbook covers all Federal and State laws for employees. Councilmember Villa shared his concerns about part time employees and the benefits they will receive. The additional expense the Town will incur for Part time employees benefits is significant. Deputy Supervisor Bourquin agreed. His main concern was how the Holiday Pay for part time employees would work especially the transfer site. One question was whether they would receive double time pay if they were to work a Holiday. Councilmember Gosier stated that at her previous job you only got paid for the Holiday if you worked the day before and the day after the Holiday. She suggested having a work session to iron out the issues with the policies.

New Business:

Assessor Resignation:

Susan Locy submitted her resignation as an assessor. There were on going discussions on Sue becoming qualified to be the Town's Sole Appointed assessor. Supervisor Countryman stated she declined to go down that road.

Resolution 2023-107: Deputy Supervisor Bourquin made a motion to accept Susan Locy's resignation as assessor; seconded by Councilmember Gosier; all were in favor and the motion was carried.

Sole Appointed Assessor:

Carol Quencer has been approved by New York State to be Sole Appointed Assessor for the Town. Marlene has agreed to continue training her.

Resolution 2023-108: Councilmember Villa made a motion to appoint Carol Quencer as Sole Appointed Assessor; seconded by Councilmember Gosier; all were in favor and the motion was carried.

Resolution 2023-109: Councilmember Gosier made a motion to advertise for a Tax Assessor Assistant; seconded by Councilmember Farrell; all were in favor and the motion was carried.

Veterans Park Policies:

Supervisor Countryman reported that the Park Committee has prepared policies and are off to a good start. The Board requested copies of the policies. Supervisor Countryman will send them in an email.

Sally Port Liquor License 30 Day Waiver:

Sally Port requested a 30-day waiver for their liquor license from the Town. They have hired a consultant to complete this paperwork. Councilmember Villa expressed his concerns that the letter the Board received looked like it was from NYS liquor authority. He did not like the way it was handled. They now only have 15 days to wait to file for their license. Supervisor Countryman explained that they used this firm because they have experience to apply for liquor licenses. The application describes everything they plan on doing with their liquor license.

Resolution 2023-110: Deputy Supervisor Bourquin made a motion to support the 30-day liquor license waiver for Sally Port View; seconded by Councilmember Gosier; all were in favor and the motion was carried.

Committee Reports

Assessor's Report:

Supervisor Countryman stated that there has been a lot of discussion regarding the tax exemption for Convergent Solar Farm. He met with the Lyme Central School Superintendent and Chaumont Mayor Jim Morrow last week. The Lyme Central School Lawyer and Marlene Norfolk were also present. Paul Warneck (former County assessor) did a spreadsheet on the tax implications with the exemption and without the exemption to show the school the different figures. Going forward with the current negotiation with the school the tax rate would increase \$0.22. If they are not granted the exemption, they will have to pay their school taxes every September. This will benefit the taxpayers. Supervisor Countryman explained how the Village and the Town and County is exempt from taxation. The County requires a PILOT and they have not received one for 2 years. He has reached out to Legislator Johnson to see if the County can help with this process. The Board of Assessment Review (BAR) has not granted an exemption. Convergent is required to file a response called an Article 7. They filed on July 31st on the last day they could. It was not valid until they served the Town Clerk. They did not serve the Town Clerk by the 31st. They served the paperwork on August 7th at noon. The timeframe starts Monday August 7th. We could exempt them from taxes in September through a correction of error process with the County. Attorney Jim Burrows is hopeful that we can negotiate a deal. The school was supposed to get their money by March 1st from Convergent and they haven't received their money yet.

Municipal Water Board Report:

There was no report.

Planning Board:

There was no report submitted.

Zoning Board of Appeals (ZBA):

There was no report submitted.

Youth Commission:

There was no meeting in July.

ZEO/CEO Report:

Jim Millington emailed his report and there were no questions.

TMB Cemetery:

Councilmember Gosier reported that the girls continue to work for the Town from the Jefferson County Work Program. They are doing a great job. There were three lots sold at the cemetery. There are several plots that are hidden by brush. She spoke with Mark Doctuer who currently mows the cemetery, and he is going to give her a price on what he would charge to trim the brush. This will be presented to the board at the September meeting. She stated that he is doing a phenomenal job mowing and it looks better than it ever has. She is submitting a bill to the Town Clerk to be reimbursed for the supplies she bought to clean the headstones at the

cemetery. She requested a prepaid check. The Board said the work looks amazing that has been completed.

Cape Vincent Ambulance:

Heather Lipczynski stated that the Cape Vincent Ambulance Board met last night, and the ambulance should be moved into the new building by the end of next week.

DANC:

Supervisor Countryman has been attending the recent DANC meetings that are held in Dexter. Currently The Town of Lyme, Village of Chaumont, Village of Dexter, Town of Brownville, Town of Cape Vincent, and the Village of Brownville are discussing the cost allocation for the Water Billing. DANC recently changed presented a change in the way the billing would be calculated in their new budget year. The formula currently is 11 years old. They worked out something that is based on the maximum use per day capacity per EDU. The issue is that the Village of Brownville, Village of Dexter and Town of Brownville's bills are going up significantly. These three municipalities would like the billing to be based on water usage. Several of their residents are still using private wells which is the argument. Councilmember Villa explained his opinion that it is like having insurance. Councilmember Gosier suggested leaving the billing the same as it has been all along. There will be further meetings with the municipalities to discuss this issue and decide on a billing plan.

NY Class:

Clerk Henderson forwarded the Board information on NY Class. A representative stopped into the Clerk's Office with information on the current interest rates, which is 4.5% and climbing. The Jefferson County Treasurer is a member on their Board. Councilmember Villa asked how they are funded, if there are fees and where the insurance on our investment would be. Supervisor Countryman suggested having a Zoom meeting to discuss questions and concerns. One suggestion was to take this information and approach one of our local banks to see if they can match the interest rates.

Privilege of the Floor

Susan Nichols: Ms. Nichols asked if the 94C process is being changed in the year 2025. She said that she heard there are new assessment models, and our taxes will increase so that the solar farm can be assessed lower. The Solar Farm is making her property value decrease. Supervisor Countryman said that the original model has been held up in a moratorium.

Cathy Ward: Ms. Ward asked how many Solar Farms the Town has heard about. Supervisor Countryman said that the Riverside Solar is waiting for NYSERDA for a contract on transmission lines. Everything else is permitted and set to go. There are no other approved projects that the Board is aware of.

Jennifer Kingsley: Ms. Kingsley stated that it is a sad day for the Town of Lyme. Susan Locy was an asset to this Town. As an employee of the BAR everything ran very smoothly with Sue as the assessor. Councilmember Villa said that it was a NYS decision. Ms. Kingsley responded that the

Board knew Sue was not certified when she was hired as a Sole Appointed assessor. Supervisor Countryman said that they prepared a package to get her to Sole Appointed assessor. He agrees that she was very valuable to this Town. Marlene Norfolk is the real asset to the Town.

Online Privilege of the Floor

There was no online privilege of the floor.

Executive Session

Resolution 2023-111: Councilmember Gosier made the motion to go into executive session at 8:08 p.m. to discuss employment matters; Councilmember Farrell; seconded the motion; all were in favor; motion carried.

Return to Open Meeting

Resolution 2023-112: Councilmember Gosier made the motion to enter the Open Meeting at 9:26 p.m.; seconded by Councilmember Farrell; all were in favor and the motion was carried.

Adjournment

Resolution 2023-113: Councilmember Gosier a made the motion to adjourn; seconded by Councilmember Farrell; all were in favor and the motion was carried; meeting was adjourned at 9:27 p.m.

Respectfully Submitted,

Ariana Henderson

Ariana Henderson
Town Clerk