

**Town of Lowville Regular Board Meeting
October 18, 2018**

A regular meeting of the Town Board of the Town of Lowville, County of Lewis and the State of New York was held at the Town Hall, 5533 Bostwick Street, Lowville, NY on the 18th day of October 2018.

Present: Randall Schell, Supervisor
Ruth Larabee, Councilwoman
Allison Millard, Councilman
Robert Mullin, Councilman
Paul Virkler, Councilman
Aimee Murphy, Town Clerk
Mark Tabolt, Highway Superintendent/Special Districts Superintendent
Nicholas Astafan, DCO
William Kiernan, Town Justice

Also Present: Mickey Dietrich, Ron Burns, Marguerite Wells, Danny Salmon

The meeting was called to order at 9:30 a.m. by Supervisor Schell who also led the Pledge of Allegiance.

MINUTES

Motion by Councilwoman Larabee, seconded by Councilman Millard to approve the minutes of the September 20, 2018 regular board meeting.

ADOPTED - AYES – Larabee, Millard, Mullin, Schell, Virkler NAYS – 0

CORRESPONDENCE

- Fire Contract: Passed for review
- Lewis County Humane Society – grant available for spay/neuter of feral cats.
- Notice of Information Forums and Public Statement Hearings on Number 3 Wind farm
- Ambulance Contract: Passed for review

VOUCHERS

Motion by Councilman Mullin, seconded by Councilman Millard to approve that bills be paid as listed in the following amounts.

ADOPTED - AYES – Larabee, Millard, Mullin, Schell, Virkler NAYS - 0

General	295 to 322	\$36,868.32
Highway	105 to 118	\$61,038.00
Trust & Agency		\$ 4,847.08 (9/28/18)
		\$13,415.49 (10/18/18)

Racog/Website

Mickey Dietrich gave a live presentation of the Town of Lowville website.
lowville.racog.org

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Suggestions were heard from different departments of the Town regarding what they would like to see added or changed.

Mr. Dietrich also gave a brief report of what is happening at RACOG. He indicated that the board would need to pass a resolution permitting Supervisor Schell to sign an IMA allowing the Town of Denmark to join RACOG.

Motion by Councilman Virkler seconded by Councilman Mullin to adopt **Resolution # 16-2018 “Authorizing Supervisor Schell to Sign the RACOG Inter Municipal Agreement”**.

ADOPTED – AYES – Laribee, Millard, Mullin, Schell, Virkler NAYS – 0

WHEREAS, the Town of Denmark wishes to join the River Area Council of Governments (RACOG), and

WHEREAS, RACOG requires the signature of each member township on an Inter Municipal Agreement (IMA) allowing another township to join RACOG, then Therefore

Be it Resolved, that Supervisor Schell is authorized to sign the IMA allowing the Town of Denmark to join RACOG.

Number Three Wind, LLC

Marguerite Wells spoke regarding the Number Three Wind farm. She stated that their application has been deemed complete and Information Forums and Public Hearings have been set by the NYS Board on Electric Generation Siting and the Environment. at the Town of Lowville Municipal Building on 11/14/18 at 2:00p.m. and 6:00p.m. and on 11/15/18 at 9:30a.m. Supervisor Schell expressed concerns that the Siting Board has not chosen a local representative from the list the Town was required to submit. Marguerite has also addressed this issue.

Discussion regarding the waivers requested by Number Three Wind took place. A public hearing will be set later in the meeting.

Mickey Dietrich left the meeting at 10:24a.m.

Marguerite Wells left the meeting at 10:25a.m.

SUPERVISOR’S REPORT

Receipts:	Town Clerk.....	\$1,590.80
	CEO.....	381.50 (\$5,886.90 ytd)
	Court – Judge Kiernan.....	5,536.00
	NYMIR rebate.....	283.10
	T/Montague W/C payment...	341.21
	Excellus Rebate (retirees)....	7,785.83 (retirees)
	Lewis County.....	3,431.70 (Hwy Dept. Reimburse)
	LCGH.....	1,833.33 (Hosp. Hill Reimburse)

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The Supervisor's activities report and financial report are in the board member's packets.

Motion by Councilwoman Laribee seconded by Councilman Virkler to accept the Supervisor's receipts, activities and financial reports.

ADOPTED - AYES – Laribee, Millard, Mullin, Schell, Virkler NAYS - 0

DEPARTMENT REPORTS

Attorney

Number Three Wind – Local Law Waivers.

Motion by Councilman Mullin, seconded by Councilman Millard to adopt **Resolution No.17-2018, “Setting a Public Hearing on the Application of Number Three Wind LLC for Waivers From Certain Provisions of Chapter 100 of the Town of Lowville Code.”**

ADOPTED– AYES – Laribee, Millard, Mullin, Schell, Virkler NAYS - 0

WHEREAS, Number Three Wind LLC has applied to the Town of Lowville for waivers from certain provisions of Chapter 100 of the Town of Lowville Code (“the Code”) Pursuant to Section 100-23 (A), and

WHEREAS, the application seeks waivers with regard to (A) Set back from roads; (B) Zoning restrictions for transmission lines; Requirements with regard to underground installation of transmission lines; and Setback requirements are set forth in Chapter 100 of the Code, and

WHEREAS, it is necessary to hold a public hearing upon the application of Number Three Wind LLC for waivers, and

WHEREAS, it is necessary for the public hearing to be advertised for at least five (5) days before the public hearing, then, therefore be it

RESOLVED, that the public hearing will be held on the 8th day of November, 2018 at 6:00 p.m. at the Special Town Board meeting.

Motion by Councilman Millard, seconded by Councilwoman Laribee to adopt **Resolution No.18-2018 “Setting the Public Hearing for the Town of Lowville Preliminary Budget for 2019.”**

ADOPTED – AYES – Laribee, Millard, Mullin, Schell, Virkler NAYS – 0

WHEREAS, it is necessary to hold a public hearing for the Town of Lowville Preliminary Budget for 2019, and

WHEREAS, it is necessary for the public hearing to be advertised for at least five (5) days before the public hearing is held, and

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WHEREAS, it is necessary to hold the public hearing at a special meeting of the Town of Lowville Town Board, then therefore,

BE IT RESOLVED, that the public hearing be held on November 8, 2018, at a Special Town Board meeting at 5:30 p.m.

Public Hearing on Water & Sewer Budgets

Supervisor Schell opened the Public Hearing at 10:37 a.m. Proof of publication was shown by the Town Clerk and notice of public hearing was posted on the clerk's bulletin board.

Public Hearing on CWD #1 Benefit Assessment Roll for 2019

Supervisor Schell opened the Public Hearing at 10:38 a.m. Proof of publication was shown by the Town Clerk and notice of public hearing was posted on the clerk's bulletin board.

Public Hearing on Wind Tower Fire Protection Benefit Assessment

Supervisor Schell opened the Public Hearing at 10:39 a.m. Proof of publication was shown by the Town Clerk and notice of public hearing was posted on the clerk's bulletin board.

Town Clerk

- Clerk's Monthly Report in Board Members' Packets & Daily Log passed for review.
- Update for Code Books received and distributed.
- Working on Website with Mickey D.
- DEC License sales continuing.
- Attended BAS user group meeting at the Town of LeRay.
- Looking into accepting credit card payments for Town Clerk fees.
- Postcards sent to CWD#1 re: Public Hearing for Benefit Assessment Rolls.
- Preparing for water relevies; Report of unpaid water accounts in board members packets.
- Year-End Payroll Checklist received from Scott, collecting updated information for W-2's.

CEO

- Monthly report for September in the board member's packets.

Superintendent of Highways/ Special Districts Superintendent

- Paving complete for the year
- Completing paperwork for CHIPS
- GAC Pilot – samples taken for 4 weeks. Results back for first 2 weeks look good.

Tearing down station now.

- Replacing pressure reducing valve at Seber farm
- Chlorine Analyzer – Not working properly, talking with company about options.
- New plow truck being built this month. Upon completion is will be going to Viking for plow installation.

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- Highway Superintendent vacancy – Discussion regarding the vacancy that will occur when Superintendent Tabolt retires. Attorney Meier inquired about a written “job description”. Supervisor Schell will look into this. Supervisor Schell also indicated that he would like to see the new person working with Superintendent Tabolt for 1 or 2 months before he retires. The Board will advertise for the position in January 2019.

Danny Salmon, Village Trustee, entered the meeting at 10:53 a.m.

DCO

- Monthly report is included in board member’s packets.

Mr. Astafan would like to see a formal IMA with the Town of Martinsburg to cover dog control if the DCO is unavailable.

Mr. Astafan would also like to have a deputy. The Town of New Bremen is willing to cover half the cost of the Rabies vaccinations and equipment. Mr. Astafan would cover the cost of the deputy under his contract.

Budget Officer/Bookkeeper

3rd Quarter financial report will be at the November meeting

OLD BUSINESS

- Hospital Hill Project – Still on hold.

- Administrative Order CWD #1 – Supervisor Schell sent in the third quarter report. Discussion about the need to come to a conclusion as to remedy by 11/30/18.

NEW BUSINESS

Fire Contract

Motion by Councilman Virkler, seconded by Councilwoman Laribee to adopt **Resolution No. 19-2018 “Setting the Public Hearing for the 2019 Fire Contract.”**

ADOPTED – AYES – Laribee, Millard, Mullin, Schell, Virkler NAYS – 0

WHEREAS, it is necessary to hold a public hearing for the 2019 Fire Contract, and

WHEREAS, it is necessary for the public hearing to be advertised for at least five (5) days before the public hearing is held, and

WHEREAS, it is necessary to hold the public hearing at a special meeting of the Town of Lowville Town Board, then therefore,

BE IT RESOLVED, that the public hearing be held on November 15, 2018, at a Special Town Board meeting at 12:30 p.m.

Water/Sewer Budgets

Motion by Councilman Virkler seconded by Councilwoman Laribee to close the Public Hearing for the Water and Sewer Budgets 2019 at 11:10 a.m.

ADOPTED - AYES – Laribee, Millard, Mullin, Schell, Virkler NAYS – 0

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No public comment was heard in regard to the Water and Sewer Budgets for 2019.

Motion by Councilwoman Laribee seconded by Councilman Virkler to adopt **Resolution #20-2018 “Adopt Water and Sewer Budgets for 2018.”**

ADOPTED – AYES – Laribee, Millard, Mullin, Schell, Virkler NAYS – 0

WHEREAS, the Town Board of the Town of Lowville held a public hearing for the Water and Sewer Budgets for their fiscal year 2018, on October 18, 2018, and

WHEREAS, the Town Board deems that it is in the public interest to adopt these budgets; then, therefore be it

RESOLVED, that the Water and Sewer Budgets for 2019 be adopted, and be it further

RESOLVED, that these budgets be incorporated into the 2019 Annual Budget for the Town of Lowville.

CWD#1 Benefit Assessments Roll

Motion by Councilman Virkler seconded by Councilman Millard to close the Public Hearing on CWD#1 Benefit Assessments Roll for 2019 at 11:11 a.m.

ADOPTED - AYES – Laribee, Millard, Mullin, Schell, Virkler NAYS – 0

No public comment was heard in regard to CWD#1 Benefit Assessments Roll for 2019.

MOTION by Councilman Mullin, seconded by Councilman Millard to adopt **Resolution No. 21-2018, “Adoption of Benefit Assessments Roll for Consolidated Water District #1 for 2019.”**

ADOPTED – AYES – Laribee, Millard, Mullin, Schell, Virkler NAYS - 0

WHEREAS, the Town Board held a public hearing on the Benefit Assessments Roll for Consolidated Water District #1 on October 18, 2018, and

WHEREAS, the Town Board deems that it is in the public interest to adopt the Benefit Assessments Roll; then, therefore be it

RESOLVED, that the benefit assessments be levied upon lots and parcels of lands listed in the assessment rolls at the time and in the manner provided by law for the levy of State, County and Town taxes.

Wind Tower Fire Protection Benefit Assessments

Motion by Councilman Millard seconded by Councilwoman Laribee to close the Public Hearing on Wind Tower Fire Protection Benefit Assessment Roll for 2019 at 11:12 a.m.

ADOPTED - AYES – Laribee, Millard, Mullin, Schell, Virkler NAYS – 0

No public comment was heard in regard to the Wind Tower Fire Protection Benefit Assessment Roll for 2019.

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MOTION by Councilwoman Larabee, seconded by Councilman Millard to adopt **Resolution No. 22-2018, “Adoption of Wind Tower Fire Protection Benefit Assessment Roll for 2019.”**

ADOPTED – AYES – Larabee, Millard, Mullin, Schell, Virkler NAYS - 0

WHEREAS, the Town Board held a public hearing on the Wind Tower Fire Protection Benefit Assessments Roll on October 18, 2018, and

WHEREAS, the Town Board deems that it is in the public interest to adopt the Wind Tower Fire Protection Benefit Assessments Roll then, therefore be it

RESOLVED, that these benefit assessments be levied upon lots and parcels of lands listed in the assessment rolls at the time and in the manner provided by law for the levy of State, County and Town taxes.

Danny Salmon addressed the board regarding Al Matuszack’s request to the Village Board for annexation of his property. Mr. Salmon was interested in if the Town Board was in favor of this annexation, as Mr. Matuszack had indicated. Discussion followed. No formal action has been taken on annexation by the Town Board.

Brookside PILOT

Discussion on increasing the Brookside PILOT for 2019.

Motion by Councilman Virkler, seconded by Councilwoman Larabee to increase the Brookside PILOT payment $\frac{3}{4}$ of 1% for 2019. Supervisor Schell recused himself as his wife is on the Brookside board.

ADOPTED – AYES – Larabee, Millard, Mullin, Virkler ABSTAIN – Schell NAYS – 0

Tentative Budget

Discussion and review of the tentative budget and the tax cap.

MOTION by Councilman Mullin, seconded by Councilman Millard to adopt **Resolution No. 23-2018, “Adopting the Town of Lowville Preliminary Budget for 2019.”**

ADOPTED – AYES – Larabee, Millard, Mullin, Schell, Virkler NAYS - 0

WHEREAS, the Town of Lowville Town Board was presented with the Tentative Town Budget at the Town Board meeting of September 13, 2018, and

WHEREAS, discussion concerning the budget was held at the October 18, 2018 meeting, then, therefore be it

RESOLVED, that the 2019 tentative budget for the Town of Lowville with changes be adopted as the 2019 Preliminary Budget.

Public Hearing on the Preliminary Budget was set earlier in this meeting.

Search and Rescue Contract

Discussion regarding the proposed contract 2019 Ambulance Service Contract.

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Motion by Councilwoman Laribee, seconded by Councilman Millard for Supervisor Schell to sign the 2019 Search and Rescue, Inc. Contract.

ADOPTED – AYES – Laribee, Millard, Mullin, Schell, Virkler NAYS – 0

Executive Session

Motion by Councilman Mullin, seconded by Councilman Millard to enter into executive session at 11:52 a.m. to discuss Maple Ridge confidential PILOT.

ADOPTED - AYES – Laribee, Millard, Mullin, Schell, Virkler NAYS – 0

Motion by Councilman Mullin, seconded by Councilwoman Laribee to exit executive session at 12:04p.m.

ADOPTED - AYES – Laribee, Millard, Mullin, Schell, Virkler NAYS – 0

Discussion was held regarding the need to meet on November 15, 2018 at an alternate time due to the Information Forums and Public Statement Hearings being held by the NYS Board on Electric Generation Siting and the Environment on the Application of Number Three Wind LLC being held at the Town of Lowville Municipal Building at the same time as the regular meeting would have been.

Motion by Councilman Virkler, seconded by Councilwoman Laribee to change the time of the November 15, 2018 Town Board meeting to 12:00 p.m.

ADOPTED - AYES – Laribee, Millard, Mullin, Schell, Virkler NAYS – 0

Motion by Councilman Millard, seconded by Councilman Mullin to adjourn the meeting at 12:06 p.m.

ADOPTED - AYES – Laribee, Millard, Mullin, Schell, Virkler NAYS – 0

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk