

**Town of Lowville Regular Board Meeting
September 19, 2019**

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 19th day of September 2019.

Present: Randall Schell, Supervisor
Ruth Larabee, Councilwoman
Allison Millard, Councilman
Robert Mullin, Councilman
Paul Virkler, Councilman
Raymond Meier, Town Attorney
Aimee Murphy, Town Clerk
Thomas Widrick, Highway Superintendent/Special Districts Superintendent
Nicholas Astafan, Jr., Dog Control Officer
William Kiernan, Town Justice

Also Present: Mickey Dietrich and Jeong Park, RACOG; Henry Avallone; Ron Burns, Lewis County Legislator; Lori Kunert, Invenergy; Minchael Fingar, US Light Energy (entered at 10:15 a.m.).

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

MINUTES

Motion by Councilman Millard, seconded by Councilwoman Larabee to approve the minutes of the August 15, 2019 regular board meeting.

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

CORRESPONDENCE

- Maple Run Homes
- NYMIR Insurance Claims
- Senator Shumer’s office
- Volunteer Transportation letter

VOUCHERS

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

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

General – Abstract #9	Voucher # 268 to #302	\$ 40,633.75
Highway - Abstract #9	Voucher # 108 to #123	\$ 13,638.23
Trust & Agency	(08/30/2019)	\$ 12,458.37
	(09/19/2019)	\$ 13,941.82
	Total Expenditures	\$ 80,699.17

SUPERVISOR’S REPORT

Receipts:	Town Clerk.....	\$ 2,050.70
	CEO.....	\$ 1,806.90 (\$7,396.26 ytd)

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Courts-Judge Kiernan.....\$ 4,140.00

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

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

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

DEPARTMENT REPORTS

Attorney

- Maple Ridge PILOT – Waiting for the IDA to finalize the documents. Supervisor Schell voiced concerns with how the 2 outbuildings will be handled.
- #3 PILOT – Still in discussions. Some open issues still being addressed.
- Revision to Prior Notice Law – Copy of the proposed law is included in the Board Members' packets.

Motion by Councilman Mullin, seconded by Councilwoman Larabee to adopt **Resolution No. 24-2019 "Setting Public Hearing for Local Law No. 1-2019"**.

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

WHEREAS, the Town Board of the Town of Lowville, and each and every member thereof was presented with copies of a proposed Local Law entitled "A Local Providing for Written Notification of Defects and Obstructions on Town Highways, Bridges, Streets, Sidewalks, Crosswalks and Culverts in the Town of Lowville," and such copy of the proposed Local Law was placed upon the desks of the members of the Town Board at their regular meeting held on September 19, 2019; and

WHEREAS, Municipal Home Rule Law §10, paragraph 5 provides that the Town Board may not act upon such Local Law except after a public hearing held upon at least five days' notice, now therefore be it,

RESOLVED by the Town Board of the Town of Lowville that the public hearing for the above referenced proposed Local Law is set for the next regular meeting of the Town Board on October 17, 2019 at 10 a.m. at the Town Hall located at 5533 Bostwick Street, Lowville, New York 13367, and be it further

RESOLVED, that the Town Clerk is directed to publish notice of the public hearing in the official town newspaper and also post the notice of public hearing on the Town Clerk's bulletin board.

Town Clerk

- Town Clerk's Monthly Report is in Board Members' Packets & Daily Log passed for review.
- Continuing to sell DEC Licenses daily.
- Mailed Delinquent Water Bill letters; Copies of the Unpaid List in Board Members' Packets.
- Need to decide if going with installment payments for Tax Collection at this meeting. Clerk Murphy gave a brief description of the proposed process. Also discussed the use of online credit card and eCheck payments for tax collection and the fees associated with this program. After a brief discussion, the following motions were presented.

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Motion by Councilman Millard seconded by Councilman Mullin to adopt **Resolution # 25-2019**
“PERMIT INSTALLMENT PAYMENTS OF REAL PROPERTY TOWN TAXES AND
AUTHORIZATION TO OPT IN TO COUNTY LOCAL LAW NO. 2-2019 INSTALLMENT
PAYMENT OF TOWN AND COUNTY REAL PROPERTY TAX COLLECTION
PROCEDURES AND SOFTWARE SYSTEM (TOTAL COLLECTION SOLUTION)
MAINTAINED BY SYSTEMS EAST, INC.”

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

WHEREAS, by Resolution No. 213 – 2019, the Lewis County Board of Legislators approved and adopted Local Law No. 2-2019 entitled “A LOCAL LAW PROVIDING FOR THE INSTALLMENT PAYMENT OF REAL PROPERTY TOWN AND COUNTY TAXES IN LEWIS COUNTY”, with the intended purpose of establishing a coordinated system for the collection of annual Town and County real property taxes by two (2) installments in order to afford taxpayers with the ability to pay these annual taxes timely and not fall into delinquency status; and

WHEREAS, pursuant to said Local Law and Real Property Tax Law §§ 972-976, the Town and County Real Property Taxes due January 1, 2020 may be paid in installments only if each Town opts into County Local Law No. 2 – 2019 and the procedures therein set forth, and agrees to use the same computer software collection system designated and used by the County for tax collection and billing, by affirmative vote of the Town Board by Resolution certified to the County Board of Legislators by October 1st; and

WHEREAS, pursuant to said County Local Law, each Town that opts into the installment system and procedures therein set forth, will be entitled to collect and retain the 2% service charge for participation in the installment payment program. In addition, if a Town opts in by October 1, 2019, the cost of the software program and the annual support services and maintenance charges by Systems East, Inc. will be paid by the County for the first two years, and for such additional years as the County, in its discretion, may thereafter pay on behalf of the Town; and

WHEREAS, pursuant to Resolution No. 266 – 2019 the Lewis County Board of Legislators authorized an agreement with Systems East, Inc., to provide software licensing, custom tax billing and annual support and maintenance services for the Real Property Tax Services Department for the installment payment tax collection system known as Total Collection Solution (TCS), inclusive of software licensing and support and maintenance for each Town that opts in; and

WHEREAS, the Lowville Town Board wishes to opt in to County Local Law No. 2- 2019 and authorize annual real property tax collection by installments and agrees to have its Tax Collector(s) use the Systems East, Inc., tax collection software system known as Total Collection Solution therein designated by the County, as its Town tax collection system;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lowville Town Board herein affirms its approval to opt into the Town and County Real Property Installment Payment Tax Collection system and procedures as set forth in Lewis County Local Law No. 2 – 2019.

Section 2. That the Lowville Town Board authorizes and directs the Town Tax Collector(s) to coordinate with the County and Systems East, Inc., in setting up, establishing and using the

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Systems East, Inc., Tax Collection Software system known as “TCS” as the Town’s tax collection system for taxes due January 1, 2020.

Section 3. That the Supervisor is herein authorized to execute any agreements and/or documents required by Systems East, Inc. and the County of Lewis in order to give effect to this Resolution.

Section 4. That the Clerk of the Board is directed to forward a certified copy of this Resolution to the Lewis County Clerk of the Board before October 1, 2019.

Section 5. That the within resolution shall take effect immediately.

Motion by Councilwoman Laribee seconded by Councilman Virkler to adopt **Resolution # 26-2019 “To Enroll In Xpress-Pay SubscriXion Plan For The Online Collection of Town and County Real Property Taxes by the Tax Collector .”**

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

RESOLVED, that the Town of Lowville Town Board hereby authorizes the Tax Collector to enroll through “Xpress-pay SubscriXion Plan” for the online collection and acceptance of credit card and eCheck payments for Town and County Real Property Taxes starting with the 2020 collection year.

CEO

The CEO officer’s report is in the Board Member’s packets.

- DANC/Ft. Drum Local Law requests – nothing new.

Superintendent of Highways/ Special Districts Superintendent

- CHIPS reimbursement for the Eagle Factory Road and Nefsey Road paving will be \$119,411.68.

- On 9/4/19 Pump Station 2 on the Number Three Road was struck by lightening. All communications and automation was lost. Estimated repair of \$4,410.87. They have been turning the water/chlorine pumps on/off manually each day to keep the tank full. As of 9/17/19 Pump Station 2 communication and automation is back up and running. Insurance should cover cost of repairs.

- Lighting upgrades to the office building are complete.

- Waters Road culvert replacement is almost complete. The final 5’ pipe on the 812 end remains to be replaced. The County is going to assist with this due to the size of the pipe. Hopefully next Wednesday it will be completed.

- DBP report back HAA5 is at 64.7, limit is 60. The yearly running average is 121.6, which is outside the limit. TTHM is at 78.7, limit is 80. The yearly running average is 69.2, which is within the limit.

- Start working 8 hour days on 09/30/2019.

- Lewis County Public Health will be using the Town garage for a rabies clinic tonight (9/19/19).

- Requesting permission to purchase a Ford F350 Dually Regular Cab with a dump body and 9 ½’ V-plow as a cost of \$54,195.00 from Nortz & Virkler. Supervisor Schell discussed what money is available in the equipment reserve fund. Estimated value of the truck that is being replaced is \$35,000 to \$38,000.

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Motion by Councilwoman Larabee, seconded by Councilman Mullin to adopt **Resolution No. 27-2019 “Expenditure of Funds From the Highway Equipment Reserve Fund Subject to Permissive Referendum for Purchase of New Truck”**.

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

WHEREAS, the Town of Lowville has previously established a highway reserve fund for the purpose of funding certain capital expenses that may from time to time be required; and

WHEREAS, upon the recommendation of the Superintendent of Highways, the Town Board has determined that it is necessary to purchase for the Highway Department a new F350 Dually Regular Cab, with Dump Box, and V-Plow; NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lowville authorizes the expenditure up to the sum of fifty-four thousand one hundred ninety-five dollars (\$54,195.00) from the Highway Equipment Reserve Fund for the purpose of purchasing a new Ford F350 Dually Regular Cab truck with dump body and 9 ½’ Fisher Extreme V-plow; and be it further

RESOLVED, that this resolution and the authorization set forth herein is subject to a permissive referendum; and be it further

RESOLVED, that should a petition for a permissive referendum be filed under the terms of Article 7 of the Town Law then this resolution shall take effect only if it is approved by the majority of the votes cast in such referendum, but if no such petition is filed, then this resolution shall take effect thirty days after its adoption.

RACOG

Mickey Dietrich gave a brief update of the happenings at RACOG. He also introduced the Ft. Drum intern, Jeong Park. The Village of Castorland and the Village of Copenhagen have joined RACOG.

Lori Kunert of Invenergy reported nothing new for #3 Wind Farm Project.

DCO

- Activities Report in board members’ packets.
- Rabies clinic will be held tonight at the Town garage. He has given people whose dogs have expired rabies vaccination time to attend tonight’s clinic, and will follow up.
- Enumeration results: Previous to the enumeration, the Village of Lowville had 378 licensed dogs and the Town of Lowville (outside the Village) had 132 licensed dogs. Post enumeration, the Village has 466 licensed dogs and the Town (outside the Village) has 126 licensed dogs.

Assessor

John Searl’s BAR term will be ending on 09/30/2019.

Motion by Councilwoman Larabee, seconded by Councilman Virkler to reappoint John Searl to the Town of Lowville Board of Assessment Review, with a term of office of October 1, 2019 thru September 30, 2024.

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

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Supervisor Schell spoke with Assessor Gratch regarding exemptions for 2020. She has recommended no changes to current exemptions. Copies of the exemption chart are in the board members' packets.

Motion by Councilman Millard, seconded by Councilman Virkler to adopt **Resolution No. 28-2019 "Tax Exemptions to Remain The Same"**

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

WHEREAS, the Lewis County Real Property Tax Services Office has requested to know whether there are any changes in the tax exemptions allowed by the Town, and

WHEREAS, the Town's assessing unit has recommended that there be no changes in the exemptions allowed then, therefore be it

RESOLVED, that the Town Board of the Town of Lowville adopts the present level of tax exemption for the Fiscal Year 2020 as recommended by the Town's Assessor.

Budget Office/Bookkeeper

The Tentative Budget is not available today, but should be done before the end of the week. Supervisor Schell will email copies to the board members and file the hard copy with the Town Clerk as soon as it is completed.

Solar Project

US Light Energy representative, Michael Fingar, made a brief presentation to the board in regard to a proposed solar project on Waters Road. Mr. Fingar stated that National Grid has determined that the 5 megawatt project is feasible, and they expect the same result for the 2 megawatt project when that study is complete. The area is not zoned for large scale solar projects. Discussion regarding zoning changes, SEQR requirements and possible local law changes followed. No action taken.

Town Engineer

CWD#1 Administrative Order: Supervisor Schell spoke with Mickey Lehman of BC&A, the engineered plans should be done in a week or two. They need to be submitted to DOH by the end of September. Mickey Lehman plans on attending the October board meeting.

Old Business

Hospital Hill Project/Ross Road Drainage – Completed application to allow funds to be split between the two projects. JD Ross has signed an easement. No action taken.

Mill Creek – Nothing new

New Business

Water & Sewer Budgets for 2020:

Motion by Councilwoman Laribee, seconded by Councilman Mullin to adopt **Resolution No. 29-2019 "Setting the Public Hearing for the Water and Sewer Budgets for 2020"**.

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

WHEREAS, it is necessary to hold a public hearing for Water and Sewer Budgets for 2019, and

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

BE IT RESOLVED, that the public hearing be held on October 17, 2019 at the Regular Town Board meeting at 10:10 a.m.

Benefit Assessment Rolls for CWD#1:

Motion by Councilman Mullin, seconded by Councilman Millard to adopt Resolution No. 30-2019 “**Setting the Public Hearing for Benefit Assessment Rolls for CWD#1.**”
ADOPTED - AYES – Larabee, Millard, Mullin, Schell, Virkler NAYES – 0

WHEREAS it is necessary to hold a public hearing for the Benefit Assessment Rolls for CWD #1, and

WHEREAS it is necessary for the public hearings to be advertised for at least ten (10) days before the public hearing is held, then therefore

BE IT RESOLVED that the public hearing be held at the October 17th, 2019, Town Board meeting at 10:20 a.m.

Fire Protection District Benefit Assessment for Wind Towers:

Motion by Councilman Virkler, seconded by Councilwoman Larabee to adopt **Resolution No. 31-2019 “Setting the Public Hearing for the Fire Protection District Assessment for Wind Towers.”**
ADOPTED - AYES – Larabee, Millard, Mullin, Schell, Virkler NAYES – 0

WHEREAS it is necessary to hold a public hearing for the Benefit Assessment Rolls for the Wind Tower Fire Protection, and

WHEREAS it is necessary for the public hearings to be advertised for at least ten (10) days before the public hearing is held, then therefore

BE IT RESOLVED that the public hearings be held at the October 17th, 2019 Town Board meeting at 10:30 a.m.

Water & Sewer Rates for Fiscal Year 2020

The current rate chart for Water and Sewer fees was in the board members’ packets. Upon review and discussion, the following motion was made.

Motion by Councilman Virkler, seconded by Councilman Mullin to keep the Water and Sewer rates the same for 2020.
ADOPTED - AYES – Larabee, Millard, Mullin, Schell, Virkler NAYES – 0

Building Usage

Current rate for Town/Village usage of the municipal building in 57/43. A brief discussion followed.

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Motion by Councilman Virkler, seconded by Councilman Mullin that the building usage percentage to remain the same for the coming year.

ADOPTED - AYES –Millard, Mullin, Schell, Virkler NAYES – Laribee

Motion by Councilman Millard, seconded by Councilman Mullin to adjourn the meeting at 11:10 a.m.

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk