

**Town of Lowville Regular Board Meeting
March 24, 2020**

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 24th day of March 2020.

Present: Randall Schell, Supervisor
Ruth Larabee, Councilwoman
John D. Ross, Councilman
Robert Mullin, Councilman
Paul Virkler, Councilman
Aimee Murphy, Town Clerk
Thomas Widrick, Highway Superintendent/Special Districts Superintendent
Nicholas Astafan, DCO

Also Present: Paul Denise, Village DPW (entered at 10:04 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 Mullin, seconded by Councilwoman Larabee to approve the minutes of the February 20, 2020 regular board meeting.

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

CORRESPONDENCE

DEC MJL Excavating – modified mining permit has been granted.

NYMIR – Insurance renewal

BCA – WD#1 project funding: WBE subcontractors

VOUCHERS

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

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

General – Abstract #3	Voucher #69 to #103	\$32,900.47
Highway - Abstract #3	Voucher #18 to #28	\$61,519.23
Trust & Agency	(02/15/2020 thru 03/24/2020)	<u>\$21,418.11</u>
		\$115,837.81

SUPERVISOR’S REPORT

Receipts:	Town Clerk.....	\$ 1,025.25
	CEO.....	50.00
	Zoning.....	150.00
	Court – Judge Kiernan.....	3,639.00
	Tax Collector.....	700.84
	NYS WD#1 grant.....	155,382.85
	IDA.....	1,690.82 (Victorian Lake PILOT)
	Lewis County.....	6,000.00 (Snow & Ice)

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

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

DEPARTMENT REPORTS

Attorney – Supervisor Schell reported on behalf of Attorney Meier.

- Maple Ridge PILOT: Receive PILOT payment from Lewis County, but it was \$3,000.00 short. Supervisor Schell has been in contact with Lewis County Treasurer and the short was acknowledged and will be rectified.

- #3 PILOT: Nothing new

- US Light Energy/Steria Zone change: Received notices from the Village of Lowville and the Lewis County Planning Department agreeing to the Town of Lowville having Lead Agency Status. A Public Hearing will need to be set.

Bickford Rd. Local Law: A public Hearing will need to be set.

Motion by Councilman Mullin, seconded by Councilwoman Larabee to adopt **Resolution # 5-2020, "Setting Public Hearing for Local Law #1-2020"**

ADOPTED - AYES – Larabee, Mullin, Ross, 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 Law Defining the Use of Agriculture Commerce and Permitting Such Use in an Agriculture (AG) Zone Subject to a Zoning Permit," 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 February 20, 2020; 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 April 16, 2020 at 10:30 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.

Motion by Councilman Ross, seconded by Councilman Mullin to adopt **Resolution # 6-2020, "Setting Public Hearing for Zone Change Application"**.

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

WHEREAS, Jeremy & Andrea Steria have applied to the Town of Lowville for a Change of Zone for parcel number 213.00-01-46.000 located on Waters Road, in the Town of Lowville, and

WHEREAS, the application seeks to change present zones of "OC, R039B and R-30" to "Agriculture for Solar", and

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WHEREAS, it is necessary to hold a public hearing upon the application of Jeremy & Andrea Steria for a Change of Zone, 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 16th day of April, 2020 at 11:00 a.m. at the Regular Town Board meeting at the Town Hall located at 5533 Bostwick Street, Lowville, NY 13367.

State Budget Amendments

Discussion re: Governor's Budget Amendments pertaining to the Article 10 process.

Motion by Councilwoman Laribee, seconded by Councilman Mullin adopting **Resolution 7-2020, "Requesting the Withdrawal of the State Budget's Energy Siting Amendment"**.

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

WHEREAS, NYS is a Home Rule State, which basically means that any and all powers of the State emanate from the people, and

WHEREAS, Per the NYS Constitution, Article IX, it is our statutory obligation to protect the health, safety and welfare of citizens of our community, and

WHEREAS, On February 21, 2020, Governor Cuomo proposed a Budget Amendment "to dramatically speed up the permitting and construction of renewable energy projects", and

WHEREAS, This amendment Could be passed with the Budget by April 1st, replacing the current Article 10 process with a radically new method for siting renewable energy projects, and

WHEREAS, This amendment will effectively remove any meaningful input from citizens, towns, counties, local environmental groups, and community businesses regarding the siting and regulation of renewable energy projects, and

WHEREAS, The new process is structured such that scientific data, or testimony from qualified experts, will have little bearing regarding siting regulations and approval, and

WHEREAS, Once an application is submitted, the new Office of Renewable Energy Siting (ORES) has 60 days to review and determine to be complete. If the ORES decision is **not** made in that time, the application is *automatically* deemed complete, and

WHEREAS, Once an application is determined to be complete, ORES has 12 months to approve the project. If the ORES decision is **not** made in that time, the application is *automatically* approved! There is no provision for extending his time limit, and

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WHEREAS, The Governor’s proposal also seems to indicate that the State might get into the ownership and/or operation of renewable energy generation. Such a profound change would also severely limit the ability of local communities to regulate such industrial projects, and

WHEREAS, All of these proposed changes are not only in conflict with our Home Rule rights, but are also contrary to our obligation to protect the health, safety and welfare of our constituents, THEREFORE BE IT

RESOLVED, That the Town of Lowville formally requests that this Budget Amendment be withdrawn before the Budget is voted on. Additionally, we petition the State to respect our Home Rules rights, and to defend our authority to regulate renewable energy projects as the citizens of our community see fit.

Town Clerk

- Clerk’s Monthly Report in Board Members’ Packets & Daily Log passed for review.
- Forwarded copy of LL#1-2020 and SEQR to County Planning for Bickford Rd.

Warehouse project.

- Sent Claim for Payment to DOH reimbursement CWD#1.
- Mailed Lead Agency request packets for zone change. Two responses so far (County Planning & Village of Lowville). Also referred zone change to County Planning. 30-day time period to end April 2nd. Did not receive completed packet from US Light so enough to have time completed by March Town Board meeting.
- Had a problem with email errors, contacted Tim Munn @ Pixamation. Corrected for a couple days, then back again. Tim came back and fixed again. He suggested purchasing a domain name for email for the Town of Lowville.
- Have reduced staff in office by 50%. Mariah and I are alternating days.

Tax Collector

- Collection report from February 1 to February 29 is in the board member’s packets.

Total taxes collected thru 3/01/2020:	\$ 85,562.99
Interest Collected.....	\$ 813.23
Bank Interest – February.....	\$ <u>7.61</u>
Total Collected	\$ 86,383.83

Paid to Treasurer: (3/9/2020).....	\$ 85,562.99
Direct Withdrawal (Bancard fee).....	\$ 120.00**
Paid to Supervisor (3/9/2020).....	\$ <u>700.84</u>
Total Disbursed	\$ 86,383.83

**\$120.00 Bancard fee direct debited from Tax Collector account. Voucher for tax collector contractual has been submitted for this amount that will be deposited to Tax Collector bank account. Then a check will be issued to the Supervisor for the remaining \$120 in interest collected for February.

- Second notices have been printed, and will be mailed out on the 30th.

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Budget Officer/Bookkeeper

Copies of the 2019 year end financials are in the board members' packets. Accountant Scott Lawrence reviewed the financial report with the Board.

Discussion regarding the Village of Lowville's proposed increase in water rates 5% effective 2021. The Town may need to look into increasing rates as well.

Accountant Lawrence left the meeting at 10:18 a.m.

CEO

CEO monthly report in board members' packets.

Superintendent of Highways/ Special Districts Superintendent

- Pipe, stone, and catch basin for Ross Rd./Hospital Hill are here and paid for.
- AED battery and pads were changed for defibrillator in large meeting room.
- #4 Road lift station not operating correctly, P&T will be putting together an estimate for repairs.
- Forced Sewer main for Brookside leaking. Cleanout cap for main broke. Replaced cap and is now working properly.
- DBP report sent to DOH. HAA5's are still too high, a letter will be sent to residents of CWD#1.
- Water meter reading is going on now.
- Matt Schooley from B&L looked at the Gordon Road Bridge. He will put some plans together and get them ready to send out for bid. A crane will need to be rented. With the County's help, should be able to get done this summer.
- Working at ½ staff
- New tractor not received yet; has a "loaner" broom unit to use until the tractor is received.
- Plan to widen and pave Waters Road. Letters have been sent to the property owners informing them of the same.

DCO

- Monthly report is included in board members' packets.

DCO Astafan reviewed his report with Board, and requested permission to attend a DCO conference being held in Guilderland, NY.

Motion by Councilwoman Laribee, seconded by Councilman Mulling, allowing DCO Astafan to attend the DCO conference being held in Guilderland, NY.

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Town Engineer

Bids for CWD#1: Supervisor Schell and Superintendent Widrick were present for the bid opening for the CWD#1 Water Project on 3/12/2020. BCA provided a bid tabulation for a summary of the bids received. After discussion, the following resolution was presented.

Motion by Councilman Virkler, seconded by Councilman Mullin to adopt **Resolution 8-2020, “Accepting Bids for the CWD#1 Water Treatment Plant Improvements Project.”**

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

WHEREAS, the Town of Lowville, under an Administrative Order in regard to CWD#1, must complete a Water Treatment Plant Improvement Project, and

WHEREAS, the Town of Lowville has received and opened bids on 3/12/2020 for General Construction and Electrical work for said Water Treatment Plant Improvements Project, THEN THEREFORE BE IT

RESOLVED, that the Town of Lowville Town Board accept the bid of \$979,999.99 by North Country Contractors, LLC for General Construction and the bid of \$55,687.00 by New Century Electric, Inc. for Electrical, and BE IT FURTHER

RESOLVED, that Supervisor Schell is hereby authorized to sign the Notice of Award to each contractor, awarding the contract for the completion of the Water Treatment Plant Improvements Project.

Justices

The Justice Court has been closed by the State for at least 45 days per Administrative Order. Court staff is not permitted to conduct ANY court work during this time, nor should they even be in their office. In light of this Order, Judge Kiernan and Supervisor Schell discussed the possibility of changing the part-time court clerk position from an hourly rate to a set monthly salary. After discussion the following resolution was presented.

Motion by Councilwoman Larabee, seconded by Councilman Virkler to adopt **Resolution 9-2020, “Converting Compensation From an Hourly Rate to a Set Salary for Justice Court Clerk”**

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

RESOLVED, that the Town of Lowville change the compensation paid to the Justice’s Part-Time Court Clerk from and hourly rate to an annual salary of \$3,000.00 to be distributed at a rate of \$250.00 per month.

RACOG

Mickey Dietrich was not present, Supervisor Schell reported on his behalf. The Tug Hill Commission has offered to assist in setting up remote meeting capabilities for Board if the need to hold public meetings which are to be closed to the public.

OLD BUSINESS

- Hospital Hill/Ross Road Projects – Previously discussed.

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- Administrative Order CWD #1 – DBP results have been sent in; First quarter report is due April 15th.

- Mill Creek – Nothing new to report.

Councilman Ross expressed his concerns that the problem has not been rectified. Discussion followed. No action taken.

NEW BUSINESS

JCAP grant: Door Replacement – Supervisor Schell reported that the Village of Lowville has agreed to cover a portion of the municipality responsibility costs for replacing the entrance doors with ones that are handicap accessible. After discussion, the following was presented.

Motion by Councilman Ross, seconded by Councilman Mullin to adopt **Resolution 10-2020, “Expenditure of Funds for the Replacement of Entrance Doors”**

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

WHEREAS, The Town of Lowville Court and Village of Lowville Court have applied for a grant through the Justice Court Assistance Program (JCAP) for funds to replace entrance doors to the Municipal Building with ones that are handicap accessible in the amount of \$25,365.17, and

WHEREAS, The Courts have been approved for construction costs in the amount of \$8,378.00, requiring the municipalities to cover the remainder of the construction costs, and with the Village of Lowville has approved to expend the amount of \$6,867.50,
THEREFORE BE IT

RESOLVED That the Town of Lowville hereby authorizes the expenditure of \$10,301.25 to cover the balance of the construction costs to replace the outside entrance doors of the Municipal Building located at 5533 Bostwick Street, Lowville, NY.

Natural Gas

Councilman Ross stated that he would like to see the Town implement some type of plan with the Village to have sites pre-approved for the use of Natural Gas. Discussion followed.

Not-for-profit Agencies

Discussion about not-for-profit agencies taking over properties and as a result, removing them from the tax roll. Councilman Ross would like to look into a policy regarding restriction of the number of not-for-profit owned properties in the Township.

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

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

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk