

**Town of Lowville Regular Board Meeting
July 16, 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 16th day of July 2020.

Due to the ongoing state of emergency situation for New York State, the Town of Lowville will be allowing the public to join in via video conference.

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, Jr, DCO

Also Present: Ron Burns, Lewis County Legislator; Henry Avallone

Also Present via Zoom: Raymond Meier, Town Attorney

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 Virkler to approve the minutes of the June 18, 2020 regular board meeting.

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

CORRESPONDENCE

-Number Three Wind Update: Many more months of paperwork filings before allowed to “put a shovel in the ground”.

-District Attorney Diversion: Treasurer Eric Virkler requested information regarding court revenue and expenses to assess the impact to municipalities of the Traffic Reduction Program implemented by the DA’s office.

-LACS: Preparing for eventual return to school. Not room to maintain social distancing. Looking for possible off campus learning spaces in the Village.

-Ft. Drum: “Programmatic Environmental Assessment” (PEA) and “Draft Findings of No Significant Impact” (FONSI) are available. Regarding analysis and evaluation of the potential environmental impacts of increasing mission and training activities at Ft. Drum and within the Local Flying Area.

VOUCHERS

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

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

Town of Lowville Regular Board Meeting
July 16, 2020

General – Abstract #7	Voucher #197 to #228	\$ 25,640.59
Highway - Abstract #7	Voucher #61 to #71	\$ 90,156.53
Trust & Agency	(06/30/20)	\$ 12,265.73
	(07/16/20)	<u>\$ 5,869.60</u>
		\$ 139,802.05

SUPERVISOR’S REPORT

Receipts:	Town Clerk.....	\$ 1,852.58
	Town Court.....	400.00
	CEO.....	2,043.40 (\$5,863.78 ytd)
	Zoning.....	207.50 (\$615.00 ytd)
	NNY C. Foundation.....	4,000.00 (East Rd. Cemetery)
	Tax Collector.....	2,581.65
	NYMIR.....	313.10 (rebate, capital)
	Humane Society.....	50.00 (Impound Fees)

Supervisor Schell’s activities report is in Board members’ packets.

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

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

DEPARTMENT REPORTS

ATTORNEY

- #3 PILOT: No change.

- BAN on the CWD#1 Project: Supervisor Schell reported that closing date for the BAN is scheduled for August 3rd.

-Justice Court Vacancy – Atty Meier explained that due to the effective date of Judge Kiernan’s resignation (8/10/20), the office will NOT appear on the ballot this year. He explained that an appointee would need to attend Judicial Basic Training School in December, before taking the bench. He suggested contacting Judge Murphy at the 5th Judicial District and ask for a current justice to be assigned in the interim.

Motion by Councilman Virkler, seconded by Councilman Ross making the request of Judge Murphy of the 5th Judicial District to assign a judge to sit at the Town of Lowville Court temporarily beginning August 11, 2020.

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

- SEQR for CWD#1 GAC project: Concerns were received from the engineer about the SEQR. Atty Meier stated that a SEQR was not needed for this project as the project was not discretionary.

Motion by Councilwoman Larabee, seconded by Councilman Mullin to adopt **Resolution #20-2020 “Determining that Proposed Action is a Type II Action For Purposes of the New York State Environmental Quality Review Act.”**

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

Town of Lowville Regular Board Meeting
July 16, 2020

WHEREAS, the Town Board of the Town of Lowville, New York (the “Town”) is considering undertaking a project (“the “Project”) consisting of the installation of a Granular Activated Carbon filtration system at the Town of Lowville’s water storage tank site located on Number Three Road and the replacement of the Town-owned pumps at Pump Station Number One all for the purpose of reducing disinfection byproduct levels;

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the “SEQR Act”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the “Regulation”), the Town desires to comply with the SEQR Act and the Regulations with respect to the Project;

WHEREAS, pursuant to a certain Administrative Order from the United States Environmental Protection Agency dated April 18th, 2018, the Town is required to undertake and complete the project and therefore the Project is not discretionary;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF LOWVILLE, NEW YORK AS FOLLOWS:

1. The Project constitutes a “Type II Action” under 6 NYCRR § 617.5(c)(31), and no further action under the SEQR Act and the Regulations is required.
2. This resolution and the findings contained herein replaces and supersedes any previous resolution concerning SEQR with regard to the Project.
3. This resolution shall take effect immediately.

ROLL CALL VOTE:

Ayes: Larabee, Mullin, Ross, Schell, Virkler

Noes: None

Absent: None

- Tax Exempt Properties: Councilman Ross asked Attorney Meier to see if the Town could “cap” exempt properties. Attorney Meier explained that the Board has a limited control over exemptions granted by the Town. The Board cannot broadly “cap” exempt properties in the Town. Supervisor Schell explained that the Board does get a list of exemptions in the fall that needs to be reviewed annually. This would be the limited control of the Board.

TOWN HISTORIAN

- Have received \$4,000.00 from the Northern New York Community Foundation, George Davis Fund, to be used for the East Road/Ebbly Cemetery.

TOWN CLERK

- Clerk’s Monthly Report in Board Members’ Packets & Daily Log has been passed for review.

- New legislation has been sent to General Code to be included in the update to the Town Code. Estimate received to be between \$670 and \$775 to Codify the laws, update the Code Book and eCode.

Town of Lowville Regular Board Meeting
July 16, 2020

Motion by Councilwoman Larabee, seconded by Councilman Mullin authorizing Town Clerk Murphy to approve and sign the Estimate for General Code, permitting the codification of the Town Code updates.

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

- DECALS has changed vendors, and in turn there is a new printer and software for the issuance of sporting licenses. The new system went into use on June 29th. The true test of the system will be when hunting licenses for the fall season go on sale August 1st.
- Working on records retention/disposition and inputting of Village of Lowville death records into the Town’s BAS system.

TAX COLLECTOR

May collection report is in the board members’ packets.
Tax Collection ended June 1st. Receipts returned to the County Treasurer and Settlement with the County took place on 6/29/2020.
The End of Collection Year report is in the Board Members’ packets.

Paid to Supervisor.....	\$ 2,581.65	07/01/2020
Paid County Treasurer.....	\$104,698.27	06/29/2020

Total collected for
the month of May 2020:.....\$107,279.92

2020 Collection period:

Total Tax Collected.....	\$2,950,123.81
Total Paid to Supervisor.....	\$1,948,204.06
Total Returned Uncollected.....	\$ 157,177.97 (59 parcels)
Penalties, Interest & Fees collected..	\$ 11,319.90

CEO

CEO monthly report in board members’ packets.

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

- East Road Extension water line (WD#5) has been installed and the 3” line is off and capped. The 6” line was turned on 7/8/2020. This project is complete. The new lines should provide some fire protection for the customers in that district. The Town should see a decrease in unaccounted water loss.
- Waters Road has been paved. Need to do shoulders and chip seal it yet.
- There was an accident with the loader on 6/22/20. The loader got caught in the pug mill, which twisted the cab and three (3) of the windows were broken out of it. It was taken to the John Deere Dealer, 5 Star in Syracuse for a complete cab replacement. Insurance claim has been filed, and they will pay for the replacement minus the cost of the deductible.
- Gordon Road bridge was red flagged again by the NYS DOT. They advised that the posted weight needs to be reduced to 12 tons. Superintendent Widrick informed the DOT that the Town is planning on replacing the bridge this summer. DOT requested to be informed when work starts. Superintendent Widrick is also working with National Grid to

Town of Lowville Regular Board Meeting
July 16, 2020

get the power pole next to the bridge moved to accommodate the crane that will be needed to lift the precast into place. This should happen within the next 2 weeks. Disassembling the bridge should begin around 7/29/2020.

- On 7/11/2020 CWD#1 Pump Station 2 experienced a power surge of some kind and knocked out the communications equipment. Kaman Automation was there on 7/13/2020 and diagnosed the problem as a bad PLC. This is the same part that failed last summer due to lightning. The technician from Kaman is going to advise us on how to put some more protection in the circuit to prevent this from happening again. Kaman is working on getting the PLC and getting it programmed. We are running the water plant manually at this time. The DOH has been notified and are ok with this.

- Number 4 Road lift station upgrades have been completed on 07/15/2020.

- DEC lift station has a pump that isn't working properly. P&T removed the pump and will get an estimate for repair.

- East Rd railroad tracks – There have been complaints about the rubber mats sticking up on the railroad tracks. Superintendent Widrick has been in contact with Jeff Collins from the Rail Road, about the possibility of removing the rubber mats and permitting the town to pave over the railroad tracks. Awaiting response from Mr. Collins.

DCO

- Monthly report and six-month reports are included in board members' packets.

- DCO Astafan gave a brief update.

- Dog Control Inspection Report completed on 06/02/2020 and received a "satisfactory" rating.

- The LC Humane Society has on occasion accepted dogs from individuals without proper surrender, and just on their word that the dog was "found", then the township is being charged for the impoundment fees. While the DCO explained that this has not happened in the Town of Lowville, he has seen it in other towns that he works for. He has informed NYS Dept. of Ag & Markets of this and they agree with him that the town should not be responsible for the costs associated with dogs that were not properly surrendered, and will address this with the Humane Society.

- DCO Astafan reported that he was requested to "sign-off" on release of a dog from impound without proof of current license by the Humane Society. Mr. Astafan stated that he will not "sign-off" on any impounded dog without current license. This issue will also be addressed with Humane Society by Ag & Markets.

- There is an ongoing situation with a property on Shady Ave. where approximately eight (8) unlicensed dogs are residing. The Lowville Village Police Department is involved as well, and they are in the process of attempting to obtain a court order to seize the animals. The Humane Society has agreed to help with the transport as well.

BUDGET OFFICER/BOOKKEEPER

Accountant Scott Lawrence should have the second quarter financial report for next month's meeting.

JUSTICE

Supervisor Schell reported receiving notice that we can receive \$1,000 for COVID upgrades/expenses for the Justice Court.

Town of Lowville Regular Board Meeting
July 16, 2020

Automatic Doors: electric has been installed, yesterday, and the doors will be replaced next week.

RACOG

Mickey Dietrich gave a brief update on the happenings of RACOG and the Tug Hill Commission. They currently have a Ft. Drum intern working and is available to assist with projects.

Work on the Comprehensive Plan will be starting back up soon.

Supervisor Schell thanked Mickey for all his work setting up and hosting ZOOM video Conference meetings.

OLD BUSINESS

- Hospital Hill/Ross Rd. Drainage: Waiting for Lewis County Highway to begin, as the use of the County's equipment is needed.

- Administrative Order CWD#1: Supervisor Schell sent the second quarter report; EPA is concerned because the Town did not meet the 6/29 construction start date on-site.

Construction on the building is being done off-site, except for the roof. A meeting was held with the contractor, and the building should arrive in October. The system must be operational by 06/30/2021. Robert Boliver of BCA is looking for additional funding from the USDA to assist in paying for the system.

- Mill Creek: - Nothing new

NEW BUSINESS

- Workplace Violence/Sexual Harassment Training: NYMIR will present a webinar on July 28, 2020 at 9:00 a.m. via ZOOM. Employees are strongly encouraged to attend this webinar to meet their annual training requirements. Kevin Townsend of NYMIR has also offered to present this training in person at the Town Municipal Office Building at various times to accommodate employees who are unable to attend the webinar. Times and date to be determined.

Motion by Councilman Mullin, seconded by Councilman Ross to enter into executive session to discuss Teamsters contract negotiations and other legal matters at 10:40 a.m.

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

Motion by Councilman Mullin, seconded by Councilman Virkler to exit executive session at 11:28 a.m.

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

Motion by Councilman Ross, seconded by Councilman Mullin to adjourn the meeting at 11:36 a.m.

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

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk