

**Town of Lowville Regular Board Meeting
August 19, 2021**

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 August 2021.

This meeting was also broadcasted via Zoom Video Conference.

Present: Randy Schell, Supervisor
Paul Virkler, Deputy Supervisor
John D. Ross, Councilman
Robert Mullin, Councilman
Vacant, Councilman
Raymond Meier, Town Attorney
Aimee L. Murphy, Town Clerk
Thomas Widrick, Highway Superintendent/Special Districts Superintendent

Also Present: Chuck Terrillion, Village of Lowville Trustee; Charlotte Beagle, Town Historian;

Also Present via Zoom: Mariah Monnat, Deputy Town Clerk; Mickey Dietrich, RACOG; Matt Price, ANCA;

The meeting was called to order at 9:36 a.m. by Supervisor Schell who also led the Pledge of Allegiance.

Supervisor Schell called for a moment of silence in memory of Councilwoman Ruth Larabee.

MINUTES

Motion by Councilman Virkler, seconded by Councilman Ross to approve the minutes of the July 18, 2021 regular board meeting.

ADOPTED - AYES – Mullin, Ross, Schell, Virkler NAYS – 0 VACANCY - 1

CORRESPONDENCE

- Grant from NNYCF: The Town of Lowville sponsored Lowville Rural Cemetery’s grant application to assist with their construction of a new storage building. They were awarded \$2,250.00.
- DOH WD#1 Violation: Forwarded to CWD#1 water customers.
- Excellus rate increase: Requesting a rate increase from the Department of Financial Services
- Tax Dept. – Re-Val \$\$: Requirements met for aid for Cyclical Reassessment on the 2020 Assessment Roll. Aid granted in the amount of \$6,854.19.
- LC Search & Rescue: Anticipated increase in the 2022 contract of 2% totaling \$20,276.47. They will be holding a Budget Meeting on September 14th at 6:00 p.m., Supervisor Schell plans to attend.

VOUCHERS

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

ADOPTED - AYES – Mullin, Ross, Schell, Virkler NAYS – 0 VACANCY - 1

General – Abstract #8	Voucher #234 to #262	\$ 14,374.38
Highway - Abstract #8	Voucher #72 to #85	\$ 8,786.63
Capital Water – Abstract #8	Voucher #20 to #22	\$ 22,773.10
Trust & Agency	(07/31/21)	\$ 11,985.86
Trust & Agency	(08/19/21)	<u>\$ 13,728.41</u>
	Total	\$ 71,648.38

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SUPERVISOR'S REPORT

Receipts:	Town Clerk	\$ 1,396.38
	Town Court	\$ 1,723.00
	CEO	\$ 759.36 (\$4,300.69 ytd)
	Zoning	\$ 680.00 (\$3,056.61 ytd)
	Village of Lowville	\$ 19,104.00 (parking lot paving)
	NYS	\$ 76,712.21 (Rescue Plan Funds)
	USDA Loan WD#1	\$600,000.00
	USDA Grant WD#1	\$366,843.84
	NYS Taxation Dept	\$ 6,854.19
	NYS Comptroller	\$ 181.30

Supervisor Schell's activities and financial reports are included Board Members Packets.

Supervisor Schell reported that some people have come forward regarding the vacancy left by the passing of Councilwoman Laribee. After a brief discussion, it was decided that the vacancy should be posted on Linkinglewiscounty.com and the Town's website. Interested parties will need to submit a letter of interest to the Town Clerk by September 10th.

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

ADOPTED - AYES – Mullin, Ross, Schell, Virkler NAYS – 0 VACANCY - 1

DEPARTMENT REPORTS

HISTORIAN

Historian Beagle has been approached by Sue Kasloske regarding the Spafford Cemetery. The cemetery has approximately 10 stones, some of which are in poor condition, and is owned and cared for by the Town. She would like to apply for a George Davis to work on the cemetery. She would also like to apply for another grant to have stones placed for veterans who may be buried in this cemetery. She will come to the Board with the proposed letter of support at a later date. Historian Beagle also gave an update on the work at the East Road Cemetery.

Motion by Councilman Mullin, seconded by Councilman Virkler to adopt **Resolution No 20-2021, "George Davis Community Fund Grant Application"**

ADOPTED - AYES – Mullin, Ross, Schell, Virkler NAYS – 0 VACANCY - 1

Resolved, that the Town of Lowville Town Board supports the Town Historian applying for a George Davis Community Fund Grant for the restoration of Head Stones in the Spafford Cemetery, and be if further

Resolved, that Supervisor Schell be authorized to sign same.

Motion by Councilman Mullin, seconded by Councilman Ross to support the efforts of Sue Kasloske and authorizing the Town Supervisor to send a letter of support for VA memorial stones at the Spafford Cemetery.

ADOPTED - AYES – Mullin, Ross, Schell, Virkler NAYS – 0 VACANCY - 1

BUDGET OFFICER/BOOKKEEPER

Accountant Scott Lawrence reviewed the financials through 07/31/2021 with the Town Board. He reported that he and Zoning Officer Manning are working together on the Village bill for Zoning.

Supervisor Schell stated that there may be a need to raise the amount of Benefit Assessment for property owners in the Consolidated Water District #1 to pay for the additional debt occurred for the water treatment plant improvements project. Supervisor Schell suggested that an increase of \$25/unit would be enough.

Motion by Councilman Mullin, seconded by Councilman Virkler to adopt **Resolution No 21-2021, “Adopting Benefit Assessment Rate for 2022”**

ADOPTED - AYES – Mullin, Ross, Schell, Virkler NAYS – 0 VACANCY - 1

WHEREAS, the Town of Lowville established a Benefit Assessment Policy in 2010 to maintain and sustain the operational and fiscal integrity of the water districts and to ensure reliable services for potable water and fire protection; and

WHEREAS, the Town of Lowville CWD#1 was required to enter into a Water Treatment Plant Improvements Project which in turn has forced the district to accrue additional debt; and

WHEREAS, the Town Board of the Town of Lowville, in accordance with the established policy, has determined that it is necessary to increase the amount charged per unit; then therefore be it

RESOLVED, that the amount charged for Benefit Assessment for CWD#1 be increased to \$130 per unit.

Motion by Councilman Virkler, seconded by Councilman Ross to adopt **Resolution No 22-2021, “Setting Public Hearing for Benefit Assessment Rolls for CWD#1”**.

ADOPTED - AYES – Mullin, Ross, Schell, Virkler NAYS – 0 VACANCY - 1

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 September 16th, 2021, Town Board meeting at 10:00 a.m., with notice being provided to residents of the district.

ATTORNEY

- Cannabis Law: Completed, Certificate of No Referendum prepared for Town Clerk to file.
- Clean Energy: Attorney Meier reviewed proposed resolutions. There was discussion regarding the possibility of installing electric car charging stations in the Town/Village of Lowville and the credit given towards designation as Clean Energy Communities.

Motion by Councilman Mullin, seconded by Councilman Ross to adopt **Resolution No 23-2021, “Establishing Energy Benchmarking Requirements for Certain Municipal Buildings”**.

ADOPTED - AYES – Mullin, Ross, Schell, Virkler NAYS – 0 VACANCY - 1

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Lowville is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town Board of the Town of Lowville desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Lowville; and

WHEREAS, the Town Board of the Town of Lowville desires to establish procedure or guideline for Town of Lowville staff to conduct such Building Energy Benchmarking; and Now Therefore Be It

RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(1) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(2) “Building Energy Benchmarking” shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(3) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Lowville that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Town Clerk.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2022 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town Board of Town of Lowville including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Motion by Councilman Mullin, seconded by Councilman Ross to adopt **Resolution No 24-2021, "Adoption of the New York State Unified Solar Permit"**.

ADOPTED - AYES – Mullin, Ross, Schell, Virkler NAYS – 0 VACANCY - 1

WHEREAS, The Town Board of the Town of Lowville duly adopted the "NYS Fire Prevention and Building Construction" code to provide minimum requirements to safeguard the public safety; and

WHEREAS, The Town of Lowville Code Enforcement Officer, who administers and enforces all provisions of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, and the Town of Lowville Code; and

WHEREAS, The Town of Lowville requires the issuance of a building permit for the construction, enlargement, alteration, repair, removal or demolition of any building or other structure; and

WHEREAS, The New York State Uniform Fire Prevention and Building Code regulates the design, construction, installation, alteration and repair of equipment and systems using solar systems; and

WHEREAS, The New York State Energy Research and Development Authority has developed a New York State Unified Solar Permit that reduces the cost for solar projects by streamlining municipal permitting processes: and

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WHEREAS, The Town Board of the Town of Lowville desires to promote the streamlining of the application process for small-scale photovoltaic system installations under 25 kW in size by adopting the New York State Unified Solar Permit application form and implementing the new procedures, Now Therefore, be it

RESOLVED, The Town Board of the Town of Lowville hereby adopts the New York State Unified Solar Permit application form and procedures for the installation of small scale photovoltaic systems; and it is further

RESOLVED, The Town of Lowville Code Enforcement Officer is hereby directed to use said New York State Unified Solar Permit application for and procedures in the issuance of building permits for the installation of small-scale photovoltaic systems; and it is further

RESOLVED, Any further actions required of the Town of Lowville to effect the foregoing are hereby authorized and the Town Supervisor is hereby authorized to execute and deliver any instruments, documents or the like as required to effect the same.

TOWN CLERK

- Clerk's Monthly Report is in the Board Members' Packets and Daily Log has been passed for review.
- Hunting licenses went on Sale August 1st.
- Completed Certificate of No Referendum and Filed Opt Out Cannabis Law with the Secretary of State.
- Began working on budgets for Water & Sewer and Benefit Assessments for CWD#1.

TAX COLLECTOR

- Still have \$12.82 in tax collector account. This is for an overpayment refund check that was not cashed. If not cashed in a couple months, the Tax Collector will be transferring it to Supervisor Schell who will hold in the Town's General Fund as unclaimed funds for 6 years before becoming property of the Town.

CEO

Monthly Report included in the Board Members' packets.
Supervisor Schell and Councilman Mullin met with County representatives regarding the possibility of transferring the Codes Department to the County on 01/01/2022. The County will need a definitive answer by the end of September.

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

- Working on Ridge Road culverts
- Jackson Street Cemetery flag pole has been painted
- Brian got his water license
- Took DBP sample on 8/10/21, waiting on results
- Requesting permission to purchase a 2022 F350 dually dump for \$36,125.00, Gallion Dump box for \$19,600.00, and Fisher 9.5-foot Xtreme V plow for \$6,600.00 for a total of \$58,425.00. Nick Nortz of Nortz and Virkler thought the 2020 F350 we currently own should sell for \$52,000-\$55,000.

Motion by Councilman Ross, seconded by Councilman Mullin to adopt **Resolution No. 25-2021, "Expenditure of Funds From the Highway Equipment Reserve Fund Subject to Permissive Referendum for Purchase of New 2022 F350 Dually with Dump Box and V-Plow"**

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ADOPTED - AYES – Mullin, Ross, Schell, Virkler NAYS – 0 VACANCY - 1

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 2022 F350 Dually dump, Gallion dump box and Fisher 9.5-foot Xtreme V-plow; Now, therefore be it

RESOLVED, that the Town of Lowville authorizes the expenditure up to the sum of Fifty-eight thousand three hundred twenty-five dollars (\$58,325.00) from the Highway Equipment Reserve Fund for the purpose of purchasing a new 2022 F350 Dually Dump truck with Gallion Dump Box and 9.5-foot Xtreme; 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.

-Superintendent Widrick would like to replace existing water meters in CWD#1 with new meters that have a drive by reading system that would negate the need to walk up to and/or enter residences. It would also allow for easy readings in between billings to check for high usage. He received two (2) quotes:

Ferguson Water Works/Master Meter: \$55,050.00
Blair Supply/Zenner: \$53,725.00

Superintendent Widrick recommended the Town go with Master Meter. The current meters are Master Meter and we have a supply of repair parts in stock at the highway garage. If Zenner was chosen, then not only would the town need to purchase repair parts for the new meters, but would still need to keep a supply of the other parts to use with the meters in the other districts. Superintendent Widrick would like to use money “left-over” from the USDA grant for CWD#1 to cover the purchase. After discussion, the following motion was made.

Motion by Councilman Mullin, seconded by Councilman Virkler to permit Superintendent Widrick to pursue permission to use USDA grant money to fund the purchase of a drive-by meter reading system.
ADOPTED - AYES – Mullin, Ross, Schell, Virkler NAYS – 0 VACANCY – 1

- Sandra Birchenough has made a request for a reduced speed limit on the Bardo Road in the Town of Lowville. Superintendent Widrick asked the County Highway Department to put out counters for a traffic study. Results of this are in the Board Members’ packets. It was also noted that many employees of the County Department of Social Services walk along this road during their lunch breaks. After discussion the following resolution was presented.

Motion by Councilman Ross, seconded by Councilman Mullin to adopt **Resolution No. 26-2021, “Request for Speed reduction on Bardo Road”**.

ADOPTED - AYES – Mullin, Ross, Schell, Virkler NAYS – 0 VACANCY – 1

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Whereas the Town Board has been presented with a request by Sandra Birchenough to request a reduction in the allowed maximum speed on the Bardo Road in the Town of Lowville, from the existing 55 miles per hour zone to a 40 miles per hour zone beginning at County Route 31 continuing .5 miles north on the Bardo Road; and

Whereas in view of the number of curves, and number of families living along the road, the Gardner Road intersection and County Route 31 being a 40 miles per hour zone; and

Whereas the Highway Superintendent has caused a Traffic Count Study to occur, with the results being submitted for review, the Town Board finds Ms. Birchenough's request to be reasonable and deserving of action; then therefore be it

Resolved that pursuant to the terms of Vehicle and Traffic Law §1622, the Town Board requests that the present 55 miles per hour zone on the Bardo Road be reduced to a 40 mile per hour zone from County Route 31 continuing .5 miles north on Bardo Road or that some other reduction in speed be made as the New York State Department Of Transportation may find suitable; and be it further

Resolved that this resolution be sent to the New York State Department Of Transportation and to the Superintendent of Highways for Lewis County with the request that he join in making this request.

- The GAC is running well. There are a few things that still need to be done.
- Fire flow testing for the potential new County highway garage project and for the DSS building was completed satisfactorily.

DCO

- Monthly report is included in board members' packets.

JUSTICE

Supervisor Schell spoke with Town Justice Coffman regarding the Town/Village Court consolidation. Judge Coffman feels that he will be able to handle the additional case load without the need for a second judge. He does feel that a full-time clerk and a part-time clerk will be necessary.

RACOG

Mickey Dietrich gave a brief update on the happenings at the Tug Hill Commission. There will be a RACOG meeting in September. There is a new Ft. Drum intern. There will be a Planning Board Overview training @ JCC on September 27th.

OLD BUSINESS

Common Energy- Community Distributed Generation: Supervisor Schell sent an email that the Town will wait to see what the County will be doing.

NEW BUSINESS

Letter of Support for Downtown Revitalization Project. – Supervisor Schell has been approached for a letter of support in favor of the Village of Lowville Downtown Revitalization Project.

Motion by Councilman Mullin, Seconded by Councilman Ross to allow Supervisor Schell to write a letter of support of the Village of Lowville's Downtown Revitalization Initiative grant application.
ADOPTED - AYES – Mullin, Ross, Schell, Virkler NAYS – 0 VACANCY – 1

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TAP Grant Application: Assist pedestrian traffic in the Village and Town such as sidewalks from Brookside to the Village; Sidewalks from the Village to the Bowling Alley; Sidewalks to the Town and Village municipal building.

Motion by Councilman Virkler, seconded by Councilman Mullin to authorize the Town of Lowville to enter into a joint grant application with the Village of Lowville.

ADOPTED - AYES – Mullin, Ross, Schell, Virkler NAYS – 0 VACANCY – 1

Supervisor Schell reported that he will have a Tentative Budget ready for the September 16th meeting.

There will be a presentation on the Lewis County Water Study on September 16th at 10:30am.

Attorney Meier reminded the Town Board that the JCAP grant applications need to be submitted by October 1st.

With no further business the following motion was presented.

Motion by Councilman Ross, seconded by Councilman Mullin to adjourn the meeting at 11:19 a.m.

ADOPTED - AYES – Mullin, Ross, Schell, Virkler NAYS – 0 VACANCY - 1

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk