

**Town of Lowville Regular Board Meeting  
September 17, 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 17th day of September 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  
Raymond Meier, Town Attorney – entered at 9:45 a.m.  
Thomas Widrick, Highway Superintendent/Special Districts Superintendent

**Also Present:** Henry Avallone, Ron Burns, Legislator, Tim Widrick, Village of Lowville Trustee

**Also Present via Zoom:** Mickey Dietrich, Tug Hill Commission, Marguerite Wells, Invenergy

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 Ross to approve the minutes of the August 20, 2020 regular board meeting.

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

**CORRESPONDENCE**

- OYA Solar PILOT - #3 Road. Attorney Meier stated that the Town needs to decide if the Town will negotiate their own PILOT or permit the IDA to handle it. After a brief discussion, it was determined that the Town would not waive their right to negotiate their own PILOT at this time. Attorney Meier indicated that if the Town wishes to allow the IDA to take care of it at a later date, they would be able to waive it then.

**Motion** by Councilman Mullin, seconded by Councilwoman Larabee authorizing Attorney Meier to draft a letter stating the Town’s intentions regarding negotiations of a PILOT.

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

- IDA UTEP revision/solar PILOTs

**#3 Wind**

Marguerite Wells gave an update on the #3 Wind project. There has been a problem with the lack of room in transmission lines; upgrades need to be completed. They hope to begin “digging holes” in 2021 and have the “power on” in 2022. Marguerite stated that they would like to finalize the host community agreement. Supervisor Schell stated that the

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latest revision has been emailed to Marguerite. The PILOT agreement with the IDA should be completed in 2021.

**VOUCHERS**

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

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

General – Abstract #9	Voucher #261 to #291	\$ 40,161.45
Highway - Abstract #9	Voucher #91 to #105	\$ 81,540.63
Trust & Agency	(08/31/20)	\$ 10,279.47
	(09/17/20)	<u>\$ 13,475.62</u>
		\$ 145,457.17

**SUPERVISOR’S REPORT**

Receipts:	Town Clerk.....	\$	1,841.64
	Town Court.....		1,630.00
	CEO.....		668.80 (\$7,440.50 ytd)
	Zoning.....		425.00 (\$1,647.50 ytd)

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

**Motion** by Councilwoman Larabee, 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**

- #3 Wind Host Community Agreement: Sent a modified agreement to #3 Wind, waiting for comment.
- CWD#1 Funding Source: USDA offer of loan and grant - Discussion

**TOWN CLERK**

- Clerk’s Monthly Report in Board Members’ Packets & Daily Log has been passed for review.
- Under direction of Attorney Meier, filed easements with the Lewis County Clerk for WD#5 – Stanton and Staring properties.
- Completed the Workplace Violence Training for 2020.
- Mailed Delinquent/Relevy Water notices for unpaid accounts. A list of these accounts is in the Board Members’ Packets.
- Received Blast Notice for 9/25/2020 @ 1:00 p.m.
- Found a discrepancy with the Town Clerk bank account during reconciliation. New DECALS system did not give the Town commission on a sale. DEC found error after issuing invoice for sweep, but did not contact Town Clerk. When sweep was conducted, it left \$0.28 in Town Clerk account for adjustment. Made adjustments in Town Clerk

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software and reprinted reports for July 2020 to show adjustment. Issued check to Town Supervisor for the \$0.28.

- Request from DCO to look into the possibility of online dog license renewals. City of Watertown has just begun this program. They also raised their dog license fees to off-set the cost of the program. Got quote from BAS. Cost would be \$1,450/one-time fee and annual cost of \$350 for maintenance. Will be conducting a survey of town/village dog owners to determine if there is sufficient interest to pursue further.

**CEO**

CEO monthly report in Board Members' packets.

**SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS**

- Seasonal Roads designation letter is included in the Board Members' Packets. \* *A copy of this letter is incorporated at the end of these minutes\**
- Window in Town Clerk's office has been changed.
- Waters Road paving has been completed.
- CHIPS, PAVENY and EWR funding has been officially reduced by 20%. This means a reduction of \$27,778.36. Superintendent Widrick explained that Waters Rd. paving will still be covered.
- The new F350 dump truck arrived on 9/10/2020.
- Request to have the 2015 F350 Dump with 9.5" Fisher plow declared as surplus and list it with Tyler McDonald of Constableville Auctions.

**Motion** by Councilman Virkler, seconded by Councilman Mullin to adopt **Resolution #26-2020, "Declaration as Surplus and List for Sale 2015 F350 Dump Truck with 9.5' Fisher plow."**

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

WHEREAS, the Town of Lowville Highway Department has items no longer of use to the Town of Lowville and wish to declare them as surplus items, then therefore

BE IT RESOLVED, that the Town of Lowville declares the following items as surplus:

- 1 – 2015 Ford F350 Dump Truck with 9.5' Fisher plow

BE IT FURTHER RESOLVED, that the Highway Superintendent has permission to sell the item by auction with the Constableville Auction House.

- John Deere loader is back. Working good so far. Cost of repairs was paid by insurance company minus the \$500 deductible.

- CWD#1 is working well. Tried to get reimbursed for the OT to run the system manually. It was denied based on the fact that it is considered a separate claim, therefore subject to the \$1,000.00 deductible.

- Gordon Road bridge cost to date sheet has been included in the Board Members' packets. Guide rails are being installed now. Bridge may be open later today.

- Have prices for replacing the 2017 Ford F150 Pickup and 2016 Ford F350 Truck with 8.5' wide Fisher Xtreme-V plow.

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**Motion** by Councilman Mullin, seconded by Councilwoman Larabee to adopt Resolution #27-2020, “**Expenditure of Funds From the Highway Equipment Reserve Fund Subject to Permissive Referendum for Purchase of New Trucks**”.

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 Crew Cab 4x4, Fisher Xtreme-V, 8 ½ foot wide plow and a new F150 Crew Cab 4x4 pickup truck; therefore be it,

RESOLVED, that the Town of Lowville authorizes the expenditure up to the sum of thirty-five thousand eighty-one dollars and eighty-four cents (\$35,081.84) from the Highway Equipment Reserve Fund for the purpose of purchasing a new Ford F350 Crew Cab 4x4 truck, the sum of six thousand three hundred dollars (\$6,300.00) from the Highway Equipment Reserve Fund for the purpose of purchasing a new Fisher Xtreme-V, 8 ½ foot wide plow and the sum of thirty-seven thousand three hundred forty-seven thousand dollars and ninety-two cents (\$37,347.92) from the Highway Equipment Reserve Fund for the purpose of purchasing a new Ford F150 Crew Cab 4x4 pickup truck; 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.

- Hospital Hill/Ross Road Drainage: Waiting for the County’s track-hoe to become available.

**DCO**

- Monthly report is included in board members’ packets.  
DCO Astafan is attending a DCO conference in Oswego today.

**Assessor**

Received notice of retirement from Data Collector, Cheryl Cole effective 09/30/2020. Assessor Gratch has requested the appointment of Teresa LaParr as her replacement. Ms. LaParr is already trained and works as Data Collector in two other townships with Assessor Gratch.

**Motion** by Councilwoman Larabee, seconded by Councilman Ross to adopt **Resolution # 28-2020, “Appointment of Data Collector.”**

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

WHEREAS the Town of Lowville has a vacancy in the position of Data Collector due to the retirement of Cheryl Cole, therefore be it

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RESOLVED that the Town Board of the Town of Lowville hereby appoints Teresa LaParr as Data Collector for the Town of Lowville with a term of office from October 1, 2020 through December 31, 2020.

**Justice**

Discussion regarding the application for a joint JCAP grant with the Village of Lowville for Filing Cabinets to be placed in the storage rooms.

**Motion** by Councilman Mullin, seconded by Councilwoman Laribee to adopt **Resolution #29-2020 “Support for the Town/Village of Lowville Justice Court Assistance Program Joint Grant Application.”**

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

WHEREAS, New York State has established the Justice Court Assistance Program to enable Towns and Villages to apply to the Chief Administrative Judge for a grant of state funds to assist in the operation of the Local Justice Courts, and

WHEREAS, the Town and Village of Lowville share the same courtroom facilities, and

WHEREAS, the Town and Village of Lowville recognize the need for additional storage, now, therefore be it

RESOLVED, that the Town of Lowville authorizes the Town of Lowville Court to make a joint application with the Village of Lowville Court to apply for a JCAP grant in the 2020-21 grant cycle up to \$60,000.00.

**RACOG**

Mickey Dietrich gave a brief update on the happenings of RACOG and the Tug Hill Commission.

**OLD BUSINESS**

Hospital Hill/Ross Road Drainage: Previously addressed in meeting.

Administrative Order CWD#1: Supervisor Schell stated that the third quarter report is due. Project: Building and units will be here mid to late November. Contractors need to complete the pad and leach field.

**NEW BUSINESS**

**Water & Sewer Rates**

Supervisor Schell proposed a \$.50 increase in water rates across the board for all districts. Following a brief discussion, the following motion was presented.

**Motion** by Councilman Mullin, seconded by Councilman Virkler to adopt **Resolution #30-2020, “Water District Rate Increase and Adoption of Water and Sewer Rate Structure for 2021.”**

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

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WHEREAS, water rates for usage are set by the Town Board before there is actual usage by the users and,

WHEREAS, Consolidated Water District #1, Water District #3, Water District #4, Water District #5, Water District #6 and Water District #9 have expenditures that meet or exceed their revenues and

WHEREAS, the Town of Lowville purchases their water from the Village of Lowville, and the Village will be increasing their fees for water by 5%, therefore be it

RESOLVED, that the Town Board of the Town of Lowville shall increase the usage rate \$.50 per unit for Consolidated Water District #1, Water District #3, Water District #4, Water District #5, Water District #6 and Water District #9 for 2021, and be it further

RESOLVED, that this rate increase will be in effect for the spring 2021 billing cycle, and be it further

RESOLVED, that the Town Board of the Town of Lowville approves the Sewer District Rates as presented without adjustment.

**Water and Sewer Budgets**

Proposed water and sewer budgets for the 2021 year were presented to the Board. After a brief discussion the following motion was presented.

**Motion** by Councilwoman Larabee, seconded by Councilman Ross to adopt **Resolution #31-2020, "Setting the Public Hearing for Water and Sewer Budgets for 2021."**

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

WHEREAS, it is necessary to hold a public hearing for Water and Sewer Budgets for 2021, and

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 15, 2020 at the Regular Town Board meeting at 10:00 a.m.

**CWD#1 Benefit Assessments**

Town Clerk Murphy reviewed the proposed changes to the Benefit Assessment Rolls for CWD#1. After a brief discussion, the following motion was made.

**Motion** by Councilman Mullin, seconded by Councilman Virkler to adopt **Resolution #32-2020, "Setting the Public Hearing for Benefit Assessment Rolls for CWD#1."**

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

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

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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 15<sup>th</sup>, 2020, Town Board meeting at 10:15 a.m.

Trustee Tim Widrick left the meeting at 10:54 a.m.

**Hazard Mitigation Plan**

Lewis County Emergency Management office in conjunction with the townships in the County and with the assistance of Tetra Tech, have been working on a Hazard Mitigation Plan (HMP). Supervisor Schell briefly explained the purpose of the HMP.

**Motion** by Councilwoman Larabee, seconded by Councilman Ross to adopt **Resolution #33-2020, “Adopting the 2019 Lewis County Hazard Mitigation Plan (HMP).”**

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

WHEREAS, Town of Lowville, with the assistance from Tetra Tech, has gathered information and prepared the 2019 Lewis County Hazard Mitigation Plan (HMP); and

WHEREAS, the 2019 Lewis County Hazard Mitigation Plan (HMP) has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, Town of Lowville is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS Town of Lowville have reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the Town Board that Town of Lowville adopts the 2019 Lewis County Hazard Mitigation Plan (HMP) as this jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

**Exemption Rolls**

A copy of the 2021 Lewis County Exemption Chart was provided to the Town Board, along with explanations of each exemption and recommendations from Assessor Gratch.

**Motion** by Councilman Mullin, seconded by Councilman Virkler to adopt **Resolution #34-2020, “Tax Exemptions to Remain the Same.”**

ADOPTED - AYES – Larabee, Mullin, Ross, 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.

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**Surplus**

Supervisor Schell stated that there is some office equipment in the storage closet in the Village side of the building that he would like to declare as surplus, so that it can be moved to make room for additional storage of records. The office equipment includes a metal desk, miscellaneous file cabinets, and a printer/copier cart. After a discussion, the following motion was presented.

**Motion** by Councilman Mullin, seconded by Councilman Ross to adopt **Resolution #35-2020, “Declaration as Surplus Items and List for Sale.”**

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

WHEREAS, the Town of Lowville has items no longer of use to the Town of Lowville and wish to declare them as surplus items,

BE IT RESOLVED, that the Town of Lowville declares the following items as surplus:

- 1 – Used Metal Desk
- 1 – Used copier/Printer Cart
- Miscellaneous File Cabinets

BE IT FURTHER RESOLVED, that the surplus items will be available for sale at a cost of \$20 per item.

**Tentative Budget**

The Tentative Budget for the year 2021 was presented to the Board Members. A brief synopsis was given by Supervisor Schell. A budget work session will be set at a later date.

**CWD#1 DBP Project**

Supervisor Schell reported that the USDA has offered funding for the CWD#1 DBP Project in the form of a Loan of \$600,000.00 and a grant in the amount of up to \$700,000.00. Supervisor Schell explained the terms of the loan and grant to the Board Members. After discussion, the following resolutions were presented.

**Motion** by Councilman Ross, seconded by Councilman Mullin to adopt **Resolution #36-2020, “Accepting USDA Grant for CWD#1 DBP Water Project.”**

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

WHEREAS the Town of Lowville, under executive order, has undertaken a Disinfection By-Products Water Project for Consolidated Water District #1, and

WHEREAS the United States Department of Agriculture, Rural Utilities Service (USDA) has offered a grant in the amount, not to exceed \$700,000.00 to assist the Town of Lowville with financing said Water Project,

BE IT RESOLVED, that the Town of Lowville Supervisor is hereby authorized to accept said grant and the Supervisor and Town Clerk to sign the grant agreement.

**Motion** by Councilwoman Larabee, seconded by Councilman Virkler to adopt **Resolution #37-2020, “Accepting USDA Loan for CWD#1 DBP Water Project.”**

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



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Position 5

RUS BULLETIN 1780-27

APPROVED  
OMB. No. 0572-0121

**LOAN RESOLUTION**  
(Public Bodies)

A RESOLUTION OF THE Town Board

OF THE Town of Lowville

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Drinking Water

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Lowville

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Six Hundred Thousand & 00/100

pursuant to the provisions of NYS Town and Local Finance Law; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.



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**Motion** by Councilman Ross, seconded by Councilman Mullin to adjourn the meeting at 11:14 a.m.

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

Respectfully submitted,

Aimee L. Murphy, RMC  
Town Clerk

**DESIGNATION OF SEASONAL LIMITED USE HIGHWAYS  
IN THE TOWN OF LOWVILLE FOR 2020-2021**

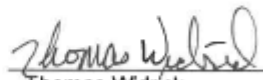
WHEREAS, Section 205-a of the New York State Highway Law authorizes and empowers the Superintendent of Highways to annually designate certain highways within the Town as seasonal, limited use highways provided that no occupied residences or commercial buildings are located on such highways; and

WHEREAS, upon inspection, it appears that there are no occupied residential or commercial buildings on the Hoffman, Nefsey, and Wilcox Roads which are located within the Town of Lowville and therefore meet the requirements provided for by law for designation as seasonal limited use highways;

Now, therefore, I Thomas Widrick as the duly appointed and acting Superintendent of Highways of the Town of Lowville, hereby designate the Hoffman, Nefsey, and Wilcox Roads in the Town of Lowville as seasonal limited use highways; and I do further

Order and Direct that snow and ice removal and maintenance shall be discontinued on the aforementioned roads from December 1, 2020 to April 1, 2021 and that any opening to such roads shall be posted with appropriate signage advising of such designation.

Dated this 24<sup>th</sup> day of August, 2020  
At Lowville, New York

  
\_\_\_\_\_  
Thomas Widrick  
Town of Lowville  
Superintendent of Highways