

**Town of Lowville Regular Board Meeting
December 16, 2021**

DRAFT

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 December 2021.

This meeting was also broadcast via Zoom Video Conference.

Present: Randy Schell, Supervisor
John D. Ross, Councilman
Robert Mullin, Councilman
Helen Birchenough, Councilwoman
Aimee L. Murphy, Town Clerk
Thomas Widrick, Highway Superintendent/Special Districts Superintendent
Raymond Meier, Town Attorney – entered at 10:00 a.m.
Nicholas Astafan Jr., Dog Control Officer

Absent: Paul Virkler, Deputy Supervisor

Also Present: Chuck Terrillion, Village of Lowville Trustee; Henry Avallone; Paul Denise, Village DPW Superintendent; Ron Burns, County Legislator entered at 10:20 a.m.

Also Present via Zoom: Mickey Dietrich, Tug Hill Commission;

The meeting was called to order at 9:34a.m. by Supervisor Schell who also led the Pledge of Allegiance.

MINUTES

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

ADOPTED - AYES – Birchenough, Mullin, Ross, Schell NAYS – 0 ABSENT - Virkler

CORRESPONDENCE

- Judge Coffman: Supervisor Schell received a memo from the Judge Coffman, that the books of the Justice Court will be available for audit after the first of the year.

-Volunteer Transportation Center: Requesting financial support for 2022.

VOUCHERS

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

ADOPTED - AYES – Birchenough, Mullin, Ross, Schell NAYS – 0 ABSENT - Virkler

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|------------------------|----------------------|--------------|
| General – Abstract #12 | Voucher #377 to #420 | \$ 19,602.15 |
| Highway - Abstract #12 | Voucher #125 to #134 | \$ 91,302.87 |
| Trust & Agency | (11/30/21) | \$ 3,640.19 |
| Trust & Agency | (12/09/21) | \$ 43,455.48 |
| | Total | \$158,000.69 |

SUPERVISOR’S REPORT

| | | |
|-----------|------------|----------------------------|
| Receipts: | Town Clerk | \$ 1,359.96 |
| | Town Court | \$ 2,196.00 |
| | CEO | \$ 100.00 (\$9,685.23 ytd) |

| | |
|-----------------|---|
| Zoning | \$ 0 (\$3,514.10 ytd) |
| NYS Comptroller | \$ 20,401.44 (AIM payment) |
| ADK Auctions | \$ 11,000.00 (Sale of Gradall) |
| Kimco Steel | \$ 2,195.20 (Scrap Steel, Ridge Rd. Culverts) |
| Tax Collector | \$ 12.82 (Unclaimed Funds - Rudisill) |
| Cranesville | \$ 4,786.50 (WD#1 – Water purchase) |
| Ferguson | \$ 280.69 (WD#1 equipment return) |

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

Discussion regarding Brookside PILOT, which is due to expire in 2026. Brookside is looking into a possible extension of the PILOT agreement.

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

ADOPTED - AYES – Birchenough, Mullin, Ross, Schell NAYS – 0 ABSENT - Virkler

DEPARTMENT REPORTS

HISTORIAN

Historian Beagle sent in her final report on the East Road Cemetery for the George Davis Grant.

TOWN CLERK

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

- The Town Clerk received one (1) additional application for the Deputy Town Clerk position. She has appointed Selina R. Olmstead to fill the position through the end of the year. Her first day in the office will be December 20, 2021.

Motion of Councilman Ross, seconded by Councilman Mullin to approve the foregoing appointment.

ADOPTED - AYES – Birchenough, Mullin, Ross, Schell NAYS – 0 ABSENT - Virkler

- The majority of water bills have been paid through the month of November. There are 25 accounts that remain unpaid as of 12/13/2021.

-The Town Clerk received a letter of resignation/retirement from Code Enforcement Officer Joseph Pfeiffer, Jr. effective December 30, 2021.

-Preparations for the end of year meeting/appointments have begun.

TAX COLLECTOR

- Preparing for the upcoming tax collection season.

-Gave Supervisor Schell a check in the amount of \$12.82 as unclaimed funds from a refund check during the 2021 tax season where the check was never cashed. Explained that the Town must hold these funds for a minimum of six (6) years before they become property of the Town.

- Vouchered the \$120.0 fee for Xpress-Pay credit card service for the 2022 tax season. This will be deposited in the Tax Collector’s account to be automatically withdrawn by the company.

CEO

County Building Projects: Lewis County has plans to build a new highway garage and wash bay at the end of the East Road. They are also planning renovations to the Department of Social Services Building and to build a storage building at that location. Typically, the County would need to pay fees

for Planning and Zoning. Supervisor Schell has no desire to charge another taxing jurisdiction and would like to see the fees waived.

Motion by Councilman Ross, seconded by Councilwoman Birchenough to waive any Planning & Zoning fees payable to the Town of Lowville for the following County Building Projects: New highway garage and wash bay on the East Road, Renovations to the Department of Social Services building on Outer Stowe Street and new storage building at the DSS location.

ADOPTED - AYES – Birchenough, Mullin, Ross, Schell NAYS – 0 ABSENT - Virkler

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

-Gradall has been purchased. Old Gradall has been picked up and paid for.
- Jaden Peebles has started as the winter wing man. Going well.
- DBP numbers for CWD#1 are back. We are in compliance for the Annual running average, but our numbers for this quarter were not good. HAA5's were 84.5, the limit is 60. TTHM were 73.1, the limit is 80. Superintendent Widrick has some concerns about the accuracy of these numbers and is working on finding another lab to do some comparison sampling. DPW Superintendent Denise stated that he shares Superintendent Widrick's concerns with regard to some recent test results for the Village.

PUBLIC HEARING

Supervisor Schell declared the public hearing on the Fire Protection Contract for 2022 open at 10:00 a.m. Clerk Murphy provided proof of publication in the Lowville Journal & Republican as well as on the Town's website and the Town Clerk's bulletin board.

Councilwoman Birchenough has some concerns that the wording in "Compensation, section A" is unclear as to who payment is made to and would like to strike out "the Village". After discussion, and upon review, Attorney Meier stated that striking out the words "the Village" would be acceptable. Supervisor Schell left the Public Hearing open for any comments.

HIGHWAYS CONT'D

- Bardo Road speed zone change was approved by the New York State Department of Transportation and signs are up. The speed limit has been lowered from 55 mph to 45 mph from the intersection at County Route 31 (West Martinsburg Rd.) to .41 miles on the Bardo Road.
- BRIDGE NY funding was awarded yesterday. The Town of Lowville was selected to receive \$952,000.00 for the Gardner Road culvert replacement and \$783,000.00 for the O'Brien Road culvert replacement.

Supervisor Schell asked if the County has discussed any water/sewer accommodations for the anticipated building projects. Superintendent Widrick stated that they had and that fire flow testing had been completed.

ATTORNEY

Local Law – Flood Plain Administrator: Attorney Meier prepared a local law transferring administration of the Town of Lowville flood damage prevention law to the Lewis County Department of Building & Fire Codes. A public hearing must be held on the proposed local law.

Motion by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 56-2021, "Setting public hearing on Local Law #1-2022"**.

ADOPTED - AYES – Birchenough, Mullin, Ross, Schell NAYS – 0 ABSENT - Virkler

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 Transferring Administration of

the Town of Lowville Flood Damage Prevention Law to the Lewis County Department of Building and Fire Codes,” 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 December 16, 2021; 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 January 20, 2022 at 10:00 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 and the Town’s website.

Intermunicipal Agreement with Lewis County: Attorney Meier will be speaking with County Attorney, Joan McNicol again today. Discussion regarding Zoning and what will happen when the County takes over the codes office.

DCO

Monthly report is included in board members’ packets.

DCO Astafan has provided a Dog Control Officer Agreement for 2022.

Motion by Councilman Mullin, seconded by Councilman Ross, to adopt **Resolution No. 57-20210 “Agreement for Dog Control Officer Services”**.

ADOPTED - AYES – Birchenough, Mullin, Ross, Schell NAYS – 0 ABSENT - Virkler

RESOLVED, that the Town of Lowville will contract with Nicholas J. Astafan Jr. for Dog Control Officer Services for 2022 at a monthly rate of compensation of \$541.67 plus mileage.

**Copy of said agreement is incorporated at the end of these minutes.*

JUSTICE

Part-time Clerk Position: Judge Coffman has hired Aimee L. Murphy to fill the position of part-time assistant court clerk through 12/31/2021.

Motion by Councilman Ross, seconded by Councilwoman Birchenough to approve the foregoing appointment.

ADOPTED - AYES – Birchenough, Mullin, Ross, Schell NAYS – 0 ABSENT - Virkler

RACOG

Mickey Dietrich gave a brief update on the happenings at the Tug Hill Commission. The next RACOG Board meeting will be in January. The Town of New Bremen was voted in at the last RACOG meeting. They are interested in a Co-operative ZBA for Lewis County. The Town of Croghan may also be interested in joining RACOG.

OLD BUSINESS

COMPREHENSIVE PLAN

The Comprehensive Plan Committee has set a public hearing for January 5, 2022 @ 6:00 p.m. at the Town of Lowville Municipal Building.

Motion by Councilman Mullin, seconded by Councilwoman Birchenough to close the public hearing on the 2022 Fire Protection Contract at 10:35 a.m.

ADOPTED - AYES – Birchenough, Mullin, Ross, Schell NAYS – 0 ABSENT - Virkler

Motion by Councilman Mullin seconded by Councilwoman Birchenough to adopt **Resolution No. 58-2021 “Authorizing Supervisor to sign the 2022 Fire Protection Contract”**.

ADOPTED - AYES – Birchenough, Mullin, Ross, Schell NAYS – 0 ABSENT - Virkler

WHEREAS, the Town of Lowville held a public hearing on December 16, 2021 on the 2022 Fire Protection Contract, and

WHEREAS, there was no public comment, and

WHEREAS, the words “the Village” were stricken from Compensation section A, and

WHEREAS, the Town Board deems it is in the best interest of the Town of Lowville to enter into this Fire Protection Contract, then, therefore

BE IT RESOLVED, that the Supervisor is authorized to sign the Fire Protection Contract for 2022.

NEW BUSINESS

Volunteer Transportation Center Allocation

Discussion regarding the proposed contract and allocation to the Volunteer Transportation Center took place.

Motion by Councilman Ross, seconded by Councilman Mullin to adopt **Resolution #59-2021 “Volunteer Transportation Allocation”**.

ADOPTED – AYES – Birchenough, Mullin, Ross, Schell NAYS – 0 ABSENT – Virkler

WHEREAS, the Volunteer Transportation Center provides transportation services to the citizens of the Town of Lowville and the Town of Lowville is desirous of promoting opportunities for recreation among its citizens, then, therefore be it

RESOLVED, that the Town of Lowville will allocate \$1,500.00 from the General Fund contingency line to the Volunteer Transportation Center, and be it further

RESOLVED, that Supervisor Schell is hereby authorized to sign the contract for said funds with the Volunteer Transportation Center, Inc.

**A copy of the signed contract is incorporated at the end of these minutes.*

Ambulance Contract

Clerk Murphy has received a copy of the Proposed Ambulance Service Agreement for 2022 with the Lewis County Search and Rescue. Upon review, Councilwoman Birchenough noted missing verbiage in section 6.d. Clerk Murphy contacted LCSR and has an updated version of the agreement.

Motion by Councilwoman Larabee, seconded by Councilman Mullin to adopt **Resolution No. 60-2021 “Approving the Ambulance Agreement 2022”**.

ADOPTED – AYES – Birchenough, Mullin, Ross, Schell NAYS – 0 ABSENT – Virkler

RESOLVED, that the Town of Lowville does hereby enter into an agreement with the Lewis County Search and Rescue, Inc., to provide ambulance services to the Town of Lowville and its residents for 2022 for a fee of \$20,276.47.

The next meeting will be the re-organizational meeting on December 30, 2021 at 9:30 a.m.

With no further business the following motion was presented.

Motion by Councilman Ross, seconded by Councilman Mullin to adjourn the meeting at 10:47 a.m.

ADOPTED – AYES – Birchenough, Mullin, Ross, Schell NAYS – 0 ABSENT – Virkler

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk