

**Town of Lowville Regular Board Meeting  
November 18, 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 18<sup>th</sup> day of November 2021.

This meeting was also broadcast via Zoom Video Conference.

**Present:** Randy Schell, Supervisor  
Paul Virkler, Deputy Supervisor  
John D. Ross, Councilman  
Robert Mullin, Councilman  
Helen Birchenough, Councilwoman  
Aimee L. Murphy, Town Clerk  
Thomas Widrick, Highway Superintendent/Special Districts Superintendent

**Also Present:** Chuck Terrillion, Village of Lowville Trustee; Paul Denise, Village DPW Superintendent; Dr. James Coffman, Esq., Town Justice entered at 10:20 a.m. ; Accountant Scott Lawrence entered at 10:34 a.m.

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

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 Councilman Ross to approve the minutes of the October 21, 2021 regular board meeting.

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

**CORRESPONDENCE**

- Summer Recreation Program Report: Contract price was more than actual expenses. A rebate was issued for the Town and Village.
- George Davis Grant Report: Historian Beagle sent her report on repairs to the Ebblic/East Road cemetery.
- IDA: Notice of Public Hearing for #3 Wind
- Proposed Hockey Contract for 2021-2022
- Invenergy: #3 Wind Decommissioning Bond – Changing banks as long as there is no objections from the Town.
- Tug Hill Roasters: Wish to purchase the “Old Jail” building and move their coffee roastery into the building. Also, a bakery and make other space available for other local producers. They are pursuing a PILOT agreement from the IDA.

**VOUCHERS**

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

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

General – Abstract #11	Voucher #333 to #376	\$130,383.69
Highway - Abstract #11	Voucher #109 to #124	\$ 56,651.22
Capital Water – Abstract #11	Voucher #29 to #32	\$ 16,581.25
Trust & Agency	(10/29/21)	\$ 2,789.74
Trust & Agency	(11/18/21)	<u>\$ 14,559.02</u>

Total \$220,964.92

**SUPERVISOR’S REPORT**

Receipts:	Town Clerk	\$ 1,360.02
	Town Court	\$ 4,378.00
	CEO	\$ 3,241.48 (\$9,585.23 ytd)
	Zoning	\$ 0 (\$3,514.10 ytd)
	USDA Grant WD#1	\$225,637.70
	V/Lowville	\$ 3,183.73 (Summer Recreation rebate)
	Lewis County	\$ 32,150.47 (Mortgage Tax)
	ADK Auctions	\$ 750.00 (sale of pressure tanks CWD#1)

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

Discussion regarding Community Choice Aggregation. Supervisor Schell will contact Matt Price of ANCA to clarify the Town’s progress.

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

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

**DEPARTMENT REPORTS**

**TOWN CLERK**

- Clerk’s Monthly Report is in the Board Members’ Packets and Daily Log has been passed for review.
- Assisted Superintendent Widrick with advertisement for Winter Laborer.
- Received resignation from Deputy Town Clerk Monnat, effective November 18, 2021. I have advertised on the Town’s website and Linkinglewiscounty.com for a replacement as well as by word of mouth. I received one (1) resume’ from a person who resides outside of Lewis County (Carthage). I have continued to advertise and am hoping to have some other interest by the end of the month. Would like to fill the position before the end of the year if possible.
- Completed water relevies to the County for inclusion on January tax bills.
- Completed November water/sewer billing. Payments have been coming in.
- Sent copies of the 2022 budget to the County via Supervisor Schell.
- Filed LL#2-2021 transferring Codes department to the County, with the Department of State.
- Updated the Town’s website as needed.
- Received correspondence from the Association of Towns regarding the “Newly Elected Officials School”. Any interested officials can see me for more information if interested.
- Request to close the office on Friday, November 26<sup>th</sup>. Clerk Murphy had planned a vacation the week of November 22-26, but has had to cancel due to the resignation of Deputy Clerk Monnat.

**Motion** of Councilman Mullin, seconded by Councilman Virkler to close the Town of Lowville Town Clerk/Collector’s office on Friday, November 26, 2021.

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

**CEO**

Monthly Report included in the Board Members’ packets.

Flood Plain Administration needs to be transferred to the County. Attorney Meier has been asked to draft a local law to do so.

**SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS**

- CWD#1: DBP sampling has been completed. Waiting for results.
- Winter wing person: two (2) applications have been received. He will be hiring Jaden Peebles as the Full-Time Seasonal laborer.
- Gradall: The machine currently owned by the town was listed on the Constableville Auctions website. A bid of \$11,000 was received for the machine and grapple.

**Bid Opening**

The Town Clerk presented Proof of Publication in the Journal & Republican for sealed bids for One (1) used Gradall. Two (2) bids were received and are as follows:

- |                    |  |
|--------------------|--|
| Yacano Enterprises | Unit #222 One (1) Used 2005 Gradall XK4100 6x6 w/approx.. 2500 hrs. Serial #0210017501; New Mercedes Engine August 2021; Includes one (1) used 60” bucket;<br>Eighty-eight Thousand Dollars (\$88,000.00)  |
| Yacano Enterprises | Unit #222 One (1) Used 2005 Gradall XK4100 6x6 w/approx.. 2500 hrs. Serial #0210017501; New Mercedes Engine August 2021; Includes one (1) used 60” bucket;<br>Trade-in of one (1) used Gradall 1991 660E w/Grapple (\$10,000.00)<br>Seventy-eight Thousand Dollars (\$78,000.00) |

Superintendent Widrick suggested accepting the bids for the Town’s currently owned Gradall and the bid without trade-in from Yacano.

**Surplus Equipment**

**Motion** by Councilman Ross, seconded by Councilwoman Birchenough to adopt **Resolution No. 48-2021 “Declaration as Surplus and List for Sale Used 1991 Gradall 660.”**

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

WHEREAS, the Town of Lowville Highway Department has one (1) used 1991 Gradall 660 with grapple that is no longer of use to the Town of Lowville and wish to declare them as surplus items and

WHEREAS, the Constableville Auction Hall has expressed interest in helping the Town sell surplus equipment via auction,

BE IT RESOLVED, that the Town of Lowville declares the one (1) used 1991 Gradall 660 as surplus and

BE IT FURTHER RESOLVED, that the surplus items will be listed with the Constableville Auction Hall for sale via auction.

**Motion** Councilman Virkler, seconded by Councilman Mullin to adopt **Resolution No. 49-2021 “Sale of 1991 Gradall 660 with grapple”.**

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

WHEREAS the Town of Lowville has declared the 1991 Gradall 660 with grapple as surplus and wish to sell it, and

WHEREAS the Town has received a high bid of \$11,000.00 through the Constableville Auction Hall, then therefore

BE IT RESOLVED, that the Town Board accept the bid through the Constableville Auction Hall.

**Motion** by Councilman Mullin, seconded by Councilman Ross to adopt **Resolution #50-2021, “Accepting Bid for Purchase of Gradall”**.

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

BE IT RESOLVED, the Town Board accepts the bid from Yacano Enterprises for the 2005 Gradall XL4100, 6x6, Serial No. 0210017501 with one (1) used 60” bucket at a cost of \$88,000.00; and Be It Further

RESOLVED, that this purchase is contingent upon repairs being completed as directed by Superintendent Widrick.

-CWD#1 Water Plant Improvements Project Update: Complete except for the repair of a door handle. NCC has been informed that it is in need of repair. Supervisor Schell suggested holding the final payment check until repairs are completed.

**Motion** by Councilman Mullin, seconded by Councilwoman Birchenough to adopt **Resolution No. 51-2021, “Water Treatment Plant Improvements Project Budget Modifications”**.

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

WHEREAS, the Town of Lowville has received a Grant from Rural Development for their Water Treatment Plant Improvements Project (“Project”); and

WHEREAS, Rural Development requires the Town Board to authorize all changes to the Administrative and Direct Expenditures Budgets as shown on the Form E; then Therefore,

BE IT RESOLVED, that the Town Board of the Town of Lowville authorizes the following Administrative and Direct Expenditures Budgets modifications for the Project:

Bonding	Decrease of	\$1,688.12
Net Interest	Decrease of	\$1,878.84
Miscellaneous	Decrease of	\$ 694.00
ATL Special Inspections	Decrease of	\$3,455.00
Contingency	Increase of	\$7,715.96

Roll Call Vote as Follows:

Supervisor, Randall A. Schell	Aye
Councilman, Robert Mullin	Aye
Councilman, Paul R. Virkler	Aye
Councilwoman, Helen Birchenough	Aye
Councilman, John D. Ross	Aye

Change order No.2: New Century Electric has completed electrical/wiring portion of the Water treatment improvements project. They did not spend all of the money allotted in the contract.

**Motion** by Councilman Virkler, seconded by Councilman Mullin to adopt **Resolution No. 52-2021, “Approving Change Order No. 2, Contract No. #2 – Electrical”**.

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

WHEREAS, It has become necessary to make an adjustment in contract price in CWD#1, Water Treatment Improvements Project, Contract No. #2 – Electrical; then Therefore

BE IT RESOLVED, that Supervisor Schell is authorized to signed to Change Order No. 2 for the CWD#1 Water Treatment Plant Improvements Project Contract No. 2 – Electrical, decreasing the contract price by \$6,860.54.

### **DCO**

- Monthly report is included in board members’ packets.

### **JUSTICE**

Judge Coffman feels that he is being inundated with paperwork in the Court. He would like to hire an assistant Court Clerk , part-time to help catch up the backlog. There is \$400 remaining above the Clerk funds allocated in the 2021 budget, that Judge Coffman would like to use to fund a new assistant Court Clerk for the remainder of the year. He also discussed with the Board, the need to have a part-time and a full-time Court Clerk after the Village of Lowville Court dissolves. He is also concerned that he will not be able to find help for \$13.50/hour. Judge Coffman will contact the Office of Court Administration to find out what to do if he cannot find a new clerk. He would like the Board to create a new Part-time assistant Court Clerk position at a rate of compensation of \$15.00/hour. Councilwoman Birchenough would like Judge Coffman to come up with a job description.

**Motion** by Councilman Ross, seconded by Councilwoman Birchenough to adopt **Resolution No 53-2021, “Creating the Position of Part-Time Assistant Court Clerk”**.

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

WHEREAS, the Town of Lowville Court is in need of additional support staff;

BE IT RESOLVED, that the Town of Lowville will create the position of “Part-time Assistant Court Clerk” through 12/31/2021 at a rate of compensation of \$15.00/hour, not to exceed \$400.00.

Judge Coffman left the meeting at 10:48 a.m.

### **BUDGET OFFICER/BOOKKEEPER**

Accountant Scott Lawrence reviewed the financials through 10/31/2021 with the Town Board.

Mr. Lawrence left the meeting at 11:23 a.m.

There was a brief discussion about the water & sewer Village/Town billing comparison.

### **RACOG**

Mickey Dietrich gave a brief update on the happenings at the Tug Hill Commission. The Tug Hill Commission Local Government Conference 2022 will be held at Turning Stone Casino & Resort. RACOG has approved the Town of New Bremen to join RACOG, but they cannot join the joint co-operative ZBA at this time because the ZBA is full. May start a second co-operative ZBA for just Lewis County.

**COMPREHENSIVE PLAN**

The Comprehensive Plan Committee must hold a public hearing on the proposed new comprehensive plan. A copy of the plan is available at the Town Clerk's office. After the Committee's public hearing, the Town Board and Village Board will need to hold a public hearing within 90 days. Supervisor Schell will contact Alaina Mallette of the Tug Hill Commission in regard to setting a date for the Committee's public hearing.

**NEW BUSINESS**

**FIRE CONTRACT**

The Town Clerk has received the fire contract for 2022 with the Village of Lowville and the Lowville Fire Department. A public hearing will need to be set.

**Motion** by Councilman Mullin, seconded by Councilman Ross to adopt **Resolution No. 54-2021, "Setting the Public Hearing for the 2022 Fire Contract"**.

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

WHEREAS, it is necessary to hold a public hearing for the 2022 Fire Contract, and

WHEREAS, it is necessary for the public hearing 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 December 16, 2021, at the Regular Town Board meeting at 10:00 a.m.

**#3 WIND PILOT**

Supervisor Schell reviewed the proposed PILOT agreement with the Board. Discussion followed.

**Motion** by Councilman Mullin, seconded by Councilman Ross authorizing Supervisor Schell to sign the #3 Wind project PILOT agreement.

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

**OLD BUSINESS**

**HEALTH INSURANCE**

Supervisor Schell proposed a change to the calculation for employee contribution for current/active employees who are non-highway and/or not covered by the Teamsters Insurance plan. After discussion, the following resolution was presented.

**Motion** by Councilman Mullin, seconded by Councilman Ross to adopt **Resolution No. 55-2021, "Amendment to Health Insurance Chart"**.

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

WHEREAS, the Town of Lowville has heretofore adopted a policy with reference to payment of part or all of the cost of health insurance premiums for employees of the Town, which policy was adopted on October 15, 1992; and

WHEREAS, the Town of Lowville did thereafter amend such policy by Resolutions adopted on the following dates:

October 24, 1994  
January 15, 1998  
August 21, 2003

November 9, 2005 and  
February 15, 2007; and

WHEREAS, subparagraph 2 of the first “RESOLVED” paragraph of the November 9, 2005 Resolution makes reference to “any newly elected, re-elected, appointed, reappointed or hired official who becomes employed by the Town of Lowville after January 1, 2006...”; and

WHEREAS, this Resolution should not affect any current Town of Lowville retiree or any member of the Teamsters Union Insurance; then Therefore,

BE IT RESOLVED, that the Town of Lowville Health Insurance Policy Chart be amended as follows:

The Town of Lowville Share for all active employees, regardless of when hired shall be 75% of the premium. The Employee shall be responsible to pay 25% of the premium.  
And, Be It Further,

RESOLVED that this Resolution be adopted by the Town Board of the Town of Lowville this 18<sup>th</sup> day of November, 2021 and shall take effect January 1, 2022.

**Year End/Re-Organizational Meeting**

Supervisor Schell stated that the Board will need to set a date for a re-organizational meeting to conclude any business for the year 2021 and organize for the year 2022, along with any additional business that may come before the Board. The Re-Organizational/End of Year meeting will be held on December 30, 2021 at 9:30 a.m. at the Town of Lowville Municipal Building. Town Clerk will advertise in the Journal & Republican, on the Town’s website, Town Clerk Bulletin Board and on Linkinglewiscounty.com.

With no further business the following motion was presented.

**Motion** by Councilman Ross, seconded by Councilman Mullin to adjourn the meeting at 11:56 a.m.  
ADOPTED - AYES – Birchenough, Mullin, Ross, Schell, Virkler      NAYS – 0

Respectfully submitted,

Aimee L. Murphy, RMC  
Town Clerk