

**Town of Lowville
Year End/Reorganization Meeting
December 30, 2021**

A special 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 30th day of December 2021.

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

Also Present: Chuck Terrillion, Village Trustee; Paul Denise, Village DPW Superintendent; Steven Farney, Town Councilman – Elect; Selina Olmstead, Deputy Town Clerk; Dr. James Coffman, Esq, Town Justice entered at 10:22 a.m.

Present Via Zoom: Mickey Dietrich

The meeting was called to order at 9:30 a.m. by Supervisor Schell who also led the Pledge of Allegiance.

This meeting was held to conduct year-end Town business, re-organize for the coming year and any other business that comes before the board. Notice of Special meeting was posted on the Town Clerk's bulletin board, the Town of Lowville website and the Lowville Journal & Republican, proof of publication being acknowledged.

MINUTES

Motion by Councilman Mullin, seconded by Councilman Ross to approve the minutes of the December 16, 2021 regular board meeting.

ADOPTED - AYES – Birchenough, Mullin, Schell, Ross, Virkler NAYS – None

VOUCHERS

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

ADOPTED - AYES – Birchenough, Mullin, Schell, Ross, Virkler NAYS – None

General – Abstract #13	#421 to #436	\$ 5,145.40
Highway – Abstract #13	#135 to #140	\$ 2,167.44
CWD#1 Capital – Abstract #12	#33	\$ 21,67.50
Trust & Agency	(12/23/2021)	\$ 18.75
	(12/30/2021)	<u>\$11,741.75</u>
	Total	\$21,240.84

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Motion by Councilman Mullin, seconded by Councilman Ross, to adopt **Resolution No. 61-2021 “Agreement for the Expenditure of Highway Moneys”**.

ADOPTED - AYES – Birchenough, Mullin, Schell, Ross, Virkler NAYS – None

RESOLVED, Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, shall be expended as follows:

General Repairs. The sum of \$158,347.00 shall be set aside to be expended for primary work and general repairs upon 37.97 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

Permanent Improvements. The following Sum shall be set aside to be expended for the permanent improvement of town highways: (a) On various roads maintained by the Town of Lowville there shall be expended not over the sum of \$264,549.00.

** A copy of this Agreement is incorporated at the end of these minutes.*

APPOINTMENTS

One-year appointments: (Term of office: 01/01/2022-12/31/2022)

Accountant Scott Lawrence	Bookkeeper/Budget Officer
John Young	Deputy Dog Control Officer
BobbieJo Marra	Deputy Dog Control Officer
Charlotte Beagle	Historian
Katharine Manning	Zoning Officer/Administrative Assistant to the Planning Board and Zoning Board of Appeals
Teresa LaParr	Data Collector/Administrative Assistant to the Assessor
Janet Lee	Ice Rink Manager
BobbieJo Marra	Substitute Ice Rink Manager
Nick Hetzner	Ice Rink Assistant
Alex Dunckel	Ice Rink Assistant

Motion by Councilman Virkler, seconded by Councilwoman Birchenough to approve the foregoing one-year appointments by the Town Board.

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

Two-year appointments: (Term of Office: 01/01/2022-12/31/2023)

Thomas Widrick	Highway Superintendent/Special Districts Superintendent
Aimee L. Murphy	Town Clerk/Tax Collector/Registrar/Records Management Officer/Special Districts Clerk
Raymond Meier	Town Attorney

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

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

Four-year appointments: (Term of Office 01/01/2022-12/31/2025)

Erin R. Murphy	Justice Court Clerk
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Motion by Councilman Mullin, seconded by Councilman Ross to approve the foregoing appointment.

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

Five-year appointments: (Term of office 01/01/2022-12/31/2026)

Joseph Zehr	Zoning Board of Appeals Member
Robert Goss	Recreation Commission Member
Rebecca Kelly	Planning Board Member

Motion by Councilwoman Birchenough, seconded by Councilman Mullin to approve the foregoing 5-year appointments.

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

Clerk Murphy reported that she has received a resignation letter from Eric Quina, Zoning Board of Appeals member. Current vacancies on the Zoning Board of Appeals are for a full member and an alternate and one vacancy on the Recreation Commission.

Other appointments

Clerk Murphy has appointed Selina Olmstead as Deputy Town Clerk/Deputy Tax Collector/Deputy Registrar/Deputy Special Districts Clerk with a term of office from 01/01/2022-12/31/2023.

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

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

Highway Superintendent/Special Districts Superintendent Thomas Widrick hereby appoints Joseph Peters as Deputy Highway Superintendent/Deputy Special Districts Superintendent for the Town of Lowville with a term of office from 01/01/2022-12/31/2023.

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

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

Supervisor-Elect Mullin hereby appoints Paul Virkler as Deputy Supervisor for the Town of Lowville with a term of office from 01/01/2022-12/31/2023.

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

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

2022 Meeting Dates

Motion by Councilman Mullin, seconded by Councilman Ross to set the 2022 Town of Lowville Town Board meetings for the third Thursday of each month at 9:30 a.m. at the Town of Lowville Municipal Building.

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

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Designate Financial Institution

Motion by Councilman Ross, seconded by Councilman Virkler designating Community Bank N.A. and Key Bank N.A. as financial depositories for the Town of Lowville for 2022.

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

Official Newspaper

Motion by Councilwoman Birchenough, seconded by Councilman Ross to designate the Journal & Republican as the official newspaper and the Watertown Daily Times as the alternate for the Town of Lowville for 2022.

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain – Schell

Mileage Rate

There was a brief discussion regarding the current mileage reimbursement rate in comparison to the state and federal rates.

Motion by Councilman Mullin, seconded by Councilman Ross to set the mileage reimbursement rate at \$0.58/mile for 2022

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

Night Drop Deposits

The Town Clerk/Tax Collector and Supervisor would like permission to use the night drop for deposits at Community Bank in Lowville for 2022.

Motion by Councilwoman Birchenough, seconded by Councilman Mullin to permit the Town Clerk/Tax Collector to use the night drop box at Community Bank in Lowville for the year 2022.

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

Bills Prior to Audit

Motion by Councilman Ross, seconded by Councilwoman Birchenough to adopt **Resolution #62-2021, “Authorizing Supervisor to Pay in Advance of Audit”**.

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

RESOLVED that the Town Supervisor is authorized to pay in advance of audit, all utility services, phone & internet bills, postage bills, water testing charges and fringe benefits when due in 2022.

Procurement Policy

Copies of the procurement Policy were provided to the Board Members prior to the meeting. The policy was discussed by the Board.

Motion by Councilman Virkler, seconded by Councilman Ross to leave the procurement policy as it is.

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

Investment Policy

Copies of the Investment Policy were provided to the Board Members prior to the meeting. The policy was discussed by the Board.

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Motion by Councilman Mullin, seconded by Councilman Ross to leave the investment policy as it is.

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

Elected and Appointed Officials Attending Training Sessions

Motion by Councilman Virkler, seconded by Councilwoman Birchenough to adopt **Resolution No. 63-2021 “Attendance of Elected and Appointed Officials at Training Sessions.”**

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

WHEREAS, certain elected and appointed officials of the Town of Lowville are required to attend training sessions as part of their official duties on behalf of the Town, and

WHEREAS, occasionally it appears that attendance at such training sessions may occur when prior Town Board approval is not able to be obtained, and

WHEREAS, the Town believes it is important for their elected and appointed officials to be well trained and informed so that their official duties may be carried out on behalf of the Town.

NOW, THEREFORE, be it

RESOLVED, that elected and appointed officials of the Town may attend training sessions for their position without prior Town Board approval, in the event such prior Town Board approval is unable to be obtained prior to the scheduled date of the training session in question, and it is further

RESOLVED, that the elected or appointed official who attends such a training session shall report at the next regularly scheduled Town Board meeting concerning the attendance at the training session.

Undertaking Covering Officers, Clerks and Employees of the Town of Lowville

Motion by Councilman Mullin, seconded by Councilman Ross to adopt **Resolution No. 64-2021 “Approving the Form and Amount of a Blanket Undertaking Covering Officers, Clerks, and Employees of the Town of Lowville”.**

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

WHEREAS, Town Law §25 provides that the Town Supervisor, Town Clerk, Collector of Taxes, Town Justices and Town Superintendent of Highways, must execute and file with the Town Clerk an undertaking in such amounts as may be approved by the Town board;

WHEREAS, Public Officers Law §11(2) further provides that it is permissible with the consent and approval of the officer or governing body authorized to require the undertaking, for the Town to procure a blanket undertaking from any duly authorized corporate surety covering officers, clerks and employees;

NOW, THEREFORE, BE IT RESOLVED:

Section 1.

That the Town Board hereby approves the following undertakings for the Town Clerk/Tax Collector in the amount of \$150,000; the Town Supervisor in the amount of \$150,000; the Town Justice in the amount of \$150,000; and

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the Town Highway Superintendent in the amount of \$150,000; to be obtained from a corporate surety company duly authorized to do business in the State of New York for the purpose of covering the Town Clerk/Tax Collector, Town Supervisor, Town Justice and Town Highway Superintendent of the Town of Lowville and that such officers, clerks and employees will faithfully discharge the duties of his or her office, and all trusts imposed upon him or her by law by virtue of his or her office, including the duty of promptly accounting for and paying over all moneys or property received by him as such officer, in accordance with law, and that if the said officers, clerks or employees fail to perform any of the above-mentioned conditions or is in default thereof, that the said corporate surety named herein will pay to the said Town and to the People of the State of New York, all damages, costs and expenses resulting from such default, not exceeding the sum specified above.

Section 2. That a certified copy of this Resolution shall be filed with the Town Clerk's office.

Section 3. That this Resolution shall take effect immediately.

Cleaning Services

The Town Board reviewed the proposed contract for cleaning services beginning January 1, 2022. After a brief discussion the following motion was presented.

Motion by Councilman Ross, seconded by Councilwoman Birchenough to approve **Resolution No. 65-2021 "Cleaning Services Contract."**

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

Be it Resolved that Deputy Supervisor Virkler is authorized to enter into a contract with Susan Chapman for cleaning services at the Town of Lowville Municipal Building with compensation being set at \$13.00/hr. as stated in the contract.

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

New Business

Intermunicipal Agreement: The Board has been provided with a proposed intermunicipal agreement with Lewis County for the Uniform Prevention and Building Codes administration and enforcement commencing on 01/01/2022. Supervisor Schell explained the agreement to the Board. Zoning Officer Manning was asked to enter the meeting. She has questions regarding fees. She explained when a fee is currently charged for a zoning review and when it isn't and why. The "Land Use and Zoning Fee" is \$100, and the review ensures that the application complies with Town Zoning laws. The cost of the building permit was raised previously to cover the cost of this review, so only one fee needed to be charged. Currently, a fee of \$100 is charged to Ag buildings only because no building permit is required.

Discussion regarding the process and what fees if any will be required now that code enforcement will be handled by the Lewis County Building & Codes department effective 01/01/2022 continued. It was decided that the Zoning Officer will continue to collect the \$100 fee for Agriculture buildings, and that the Town will not try to recoup the land use & zoning fee for building permits issued at the County.

After discussion, the following resolution was presented.

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Motion by Councilman Mullin, seconded by Councilwoman Birchenough adopting **Resolution No. 66-2021, “Authorizing Supervisor to sign intermunicipal agreement for Code Enforcement”**.
ADOPTED – AYES – Birchenough, Mullin, Ross, Schell, Virkler NAYS – None

WHEREAS, the Town of Lowville wishes for Lewis County Building and Codes department for the uniform prevention and Building codes administration, then therefore be it

RESOLVED, that the Town Supervisor is hereby authorized to sign an intermunicipal agreement with the County of Lewis contingent upon the mutual agreement of all parties on the final draft of said agreement.

Exemption Applications: Assessor Gratch notified Supervisor Schell and Clerk Murphy that Executive Order 11.1 issued by Governor Hochul on 12/26/2021 allows municipalities the option to waive the requirement for seniors to renew their senior citizens exemptions. All seniors that receive the exemption on the 2021 assessment roll will receive it on the 2022 Assessment roll. Also, the assessor cannot remove the exemption even in the event of the death of the senior, a residency change, a transfer to a new owner, or the addition of an owner, unless the town passes a resolution granting permission to the assessor to make changes to the senior exemption in those limited scenarios.

Motion by Councilman Virkler, seconded by Councilwoman Birchenough to adopt **Resolution No. 67-2021, “Adopting Provisions of Executive Order 11.1 suspending the requirements of renewal applications as a condition to granting exemptions under sections 459-c and 467 of the Real Property Tax Law”**.

ADOPTED - AYES – Birchenough, Mullin, Ross, Schell, Virkler NAYS – None

WHEREAS, the Governor of the State of New York by Executive Order No. 11 dated November 11, 2021, declared a state disaster emergency for the entire State of New York; and

WHEREAS, both travel-related and community contact transmission of COVID-19 have been documented in New York State and are expected to continue; and

WHEREAS, pursuant to Section 29-a of Article 2-B of the Executive Law, New York State Governor Kathy Hochul did issue Executive Order 11.1 dated December 26, 2021, which authorized, by local option, the governing body, to adopt the provisions of that Executive Order 11.1, which temporarily suspends or modifies, subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law. The COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (Chapter 381 of the Laws of 2020) was signed into law by Governor Cuomo on December 28, 2020 mandating the provisions.

NOW THEREFORE BE IT RESOLVED, that pursuant to Executive Order 11.1 issued by New York State Governor Kathy Hochul and Chapter 381 of the Laws of 2020, the Town Board of the Town of Lowville hereby authorizes the Assessor to request an application where he or she has reason to believe that the applicant may have changed his or her primary residence, added an additional owner to the deed, transferred the property to a new owner, or died, and be it further

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RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Assessor; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

Personnel Salaries

A list of salaries and fringe benefits was provided to the board.

Town Justice Coffman addressed the Board reiterating his request for an additional Court Clerk. He also addressed his desire to have a full-time Court Clerk and a Part-time Court Clerk following the Town and Village Court merge 4/1/2022. He also requested the continuance of the second part-time Court Clerk position that expires 12/31/2021.

After discussion, the following resolution was presented.

Motion by Councilman Mullin, seconded by Councilman Virkler to adopt **Resolution No. 68-2021 “Salaries for Elected and Appointed Officers and Employees.”**

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain – Schell

Be it resolved, that salaries for elected and appointed officers and employees be the same as set in the Town’s Budget for 2022 with the following exceptions:

Justice Court Clerks	\$15.00/hr.
Data Collector/Administrative Assistant to Assessor	\$15.50/hr.
Ice Rink Manager	\$13.50/hr.
Ice Rink Assistants	\$13.20/hr.
Zoning Officer	\$15.35/hr. for 15 hrs./wk.

Motion by Councilman Mullin, seconded by Councilwoman Birchenough to continue the second Court Clerk position through 3/31/2021 at a rate of compensation at \$15.00/hour.

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain - Schell

Next meeting of the Town of Lowville Town Board will be held on January 20, 2022 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 11:18 a.m.

ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler NAYS – None Abstain – Schell

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk