

**Town of Lowville Regular Board Meeting  
February 17, 2022**

**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 17<sup>th</sup> day of February 2022.

This meeting was also broadcast via Zoom Video Conference.

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

**Also Present:** Chuck Terrillion, Village of Lowville Trustee; Henry Avallone, Village DPW Superintendent; Cheyenne Steria, IDA; Josh Leviker, Lewis County Legislator; Accountant Scott Lawrence, Budget Officer/Bookkeeper – entered at 10:11 a.m.;

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

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

**MINUTES**

**Motion** by Councilwoman Birchenough, seconded by Councilman Virkler to approve the minutes of the January 20, 2022 regular board meeting.

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

**CORRESPONDENCE**

- Level of Assessment Certification Form: Assessment is at 100% for the 2022 tentative and final assessment rolls.

- SNIRT Run: agreement will be reviewed later in this meeting.

**VOUCHERS**

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

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

General – Abstract #2	Voucher #31 to #67	\$ 18,451.23
Highway - Abstract #2	Voucher #8 to #20	\$ 38,193.10
Capital – Abstract #2	Voucher #2	\$ 2,917.50
Trust & Agency	(01/31/2022)	\$ 3,080.41
	(02/17/2022)	<u>\$ 16,538.83</u>
	Total	\$79,181.07

**SUPERVISOR’S RECEIPTS**

Receipts:	Town Clerk	\$ 1,193.00
	Tax Collector	\$489,250.42 (Taxes, Interest & Fees)
	Town Court	\$ 4,595.00
	Zoning	\$ 537.50 (ytd \$537.50)
	Brookside	\$ 87,010.55 (2022 PILOT)
	Cranesville	\$ 2,001.00 (CWD#1 Water for #3 Wind)

Discussion regarding the Bateman’s new ownership and how the sale may affect the assessment.

**CYBERSECURITY**

Kevin Townsend representative of Eastern Shore Associates Insurance Company will be getting a quote from New York Municipal Insurance Reciprocal (NYMIR) for cybersecurity insurance.

**SUPERVISOR’S REPORT**

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

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

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

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 4-2022, “Approving the Audit of Chief Fiscal Officer records of the Town of Lowville”**.

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

WHEREAS, the Town of Lowville Supervisor audited the records on January 14, 2022 and found them to be in good order, then therefore

BE IT RESOLVED, that the Town Board of the Town of Lowville approved the annual audit of the Justice Court Records as presented by Supervisor Mullin.

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

**DEPARTMENT REPORTS**

**TOWN CLERK**

- Clerk’s Monthly Report is in the Board Members’ Packets.
- Nothing extraordinary happening. Mostly busy with tax collection.
- Tug Hill Conference – Turning Stone – Anyone interested in attending needs to contact the Town Clerk before the end of the month to get the reduced registration rate.
- Updating Town inventory listing for the Annual Update Document (AUD) report.

**Motion** by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 5-2022, “Approving the Audit of Town Clerk Records for the Town of Lowville.”**

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

WHEREAS, the Town of Lowville Supervisor audited the records of the Town Clerk of the Town of Lowville on January 14, 2022 and found them to be in good order, then therefore

BE IT RESOLVED, that the Town Board of the Town of Lowville approved the annual audit of the Town Clerk records as presented by Supervisor Mullin.

**TAX COLLECTOR**

-Tax Collection report is included in Board Members' Packets.

Tax Collected:	\$2,775,876.92
Installment Fees Collected:	\$ 1,474.81 (33 parcels)
Bank Interest Collected:	\$ 3.02
Overpayment:	<u>\$ 2.00</u>
Total Collected:	\$2,777,356.75
Paid to Supervisor:	\$ 989,250.42 (Tax Warrant, Jan. Interest & Bank Interest)
Paid to Lewis County:	<u>\$1,788,104.33 (January Tax)</u>
Total Disbursed:	\$2,777,354.75

**Motion** by Councilman Virkler, seconded by Councilwoman Birchenough to accept the Town Clerk and Tax Collector reports as presented.

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

**Motion** by Councilman Ross, seconded by Councilman Farney to adopt **Resolution No. 6-2022, “Approving the Audit of Tax Collector Records for the Town of Lowville.”**

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

WHEREAS, the Town of Lowville Supervisor audited the records of the Tax Collector of the Town of Lowville on January 14, 2022 and found them to be in good order, then therefore

BE IT RESOLVED, that the Town Board of the Town of Lowville approved the annual audit of the Tax Collector records as presented by Supervisor Mullin.

**ZONING**

A new liaison to the Planning Board and Zoning Board of Appeals is needed. Councilman Ross volunteered to fill the position.

**Motion** by Councilman Ross, seconded by Councilman Farney to adopt **Resolution No. 7-2022, “Approving the Audit of Zoning Department Records for the Town of Lowville.”**

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

WHEREAS, the Town of Lowville Supervisor audited the records of the Zoning Department of the Town of Lowville on January 18, 2022 and found them to be in good order, then therefore

BE IT RESOLVED, that the Town Board of the Town of Lowville approved the annual audit of the Zoning Department records as presented by Supervisor Mullin.

**SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS**

- The Disinfection By-Product (DBP) surveillance numbers at the Ebbly Rd. Hydrant were good.

HAA5:            ALS Environmental 15.8      Adirondack Environmental Services 21.3

TTHM:           ALS Environmental 4.9      Adirondack Environmental Services 10.3

The acceptable limit for HAA5s is 60 and for TTHMs it is 80. All samples fall within acceptable levels.

The quarterly DBP sampling was done on 2/8/22. Samples were sent to ALS for testing. This is not the usual lab used. Results should be in by the second week of March.

**PUBLIC HEARING**

Supervisor Mullin declared the public hearing for Local Law#1-2022, “A local law transferring administration of the Town of Lowville flood damage prevention law to the Lewis County Department of Building and Fire Codes”, open at 10:00 a.m. No public comment was heard. Supervisor Mullin left the public hearing open in case anyone came forward with comment.

**Superintendent of Highways continued**

- Repaired an emergency light that was not functioning properly in the big courtroom of the office building.
- Salt for the year has been ordered and delivered to the NYS Department of Transportation (DOT). Cost is \$28,364.69.
- The Sewer lift station on the Number Four Rd. was frozen on 1/22/22. The pipes were thawed out and insulation board was installed to prevent another issue. More work will need to be done in the spring to prevent freezing in the future.
- Garage door installation is scheduled to start next week. Superintendent Widrick would like permission to pay the bill upon completion of the installation. He also suggested declaring the old doors surplus. After a brief discussion about what to do with the old doors, the following motion was presented.

**Motion** by Councilman Ross, seconded by Councilwoman Birchenough to adopt **Resolution No. 8-2022, “Declare as Surplus and List For Sale, Used Garage Doors”**.

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

WHEREAS, the Town of Lowville Highway Department has four (4) used garage doors that are no longer of use to the Town of Lowville and wish to declare them as surplus items and

WHEREAS, the Constableville Auction Hall/Adirondack Asset Auctions has expressed interest in helping the Town sell surplus items via auction,

BE IT RESOLVED, that the Town of Lowville declares the four (4) used garage doors as surplus and

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

- A 6’ squash drainage pipe has been ordered for the Willow Grove Rd. at a cost of \$11,728.08. Request permission to pay for the pipe with American Rescue Plan Act (ARPA) funds.

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to allow Superintendent Widrick to use ARPA funds to pay for the 6’ drainage pipe for the Willow Grove Road.

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

**IDA**

Cheyenne Steria from the Lewis County Industrial Development Agency (IDA) spoke to the Board regarding the IDA’s vision of a Commerce Park located on the Matuszczak property bordering the Lewis Lanes bowling alley property on NYS Rte. 26. This property is 46 acres with approximately 32 acres being developable. Two (2) local businesses have expressed interest in relocating to a new

Commerce Park at this location, Cazenovia Equipment and the Lowville Farmer's Co-Op. Discussion followed.

Superintendent Widrick questioned if the road would be private or if the Town would be asked to take it over. Mrs. Steria stated that the IDA would prefer to build the road to town specifications and then turn it over to the Town for ownership and maintenance.

There was also a question about the possibility of looping the water line into the Maple Run Homes development. Cheyenne will consider this.

Superintendent Widrick explained that Consolidated Water District #1 (CWD#1) is currently meeting its daily allotment for water from the village. Paul Denise from the Village of Lowville has agreed that an increase of the allocation by 1,000 gallons per day could easily be done.

- BridgeNY: Lewis County has passed a resolution to act as sponsor for the Town of Lowville Bridge NY projects. The County Attorney has prepared an Inter-Municipal Agreement (IMA) for each of the box culvert projects for the Board to review.

**Motion** by Councilman Farney, seconded by Councilman Ross to adopt **Resolution No. 9-2022, "Authorizing Intermunicipal Agreement with Lewis County for Shared Services Under NYS DOT Town Bridge Project – Gardner Road"**.

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

WHEREAS, the County, through the Superintendent of Highways, is charged with the responsibility of maintaining and repairing of bridges within the municipalities comprising Lewis County; and

WHEREAS, the Town of Lowville submitted an application to the NYS Department of Transportation under the BridgeNY program, for culvert replacement at Gardner Road over Deer River, identified by NYS DOT as PIN 775412, estimated to cost \$0.952M; and

WHEREAS, this project is scheduled by NYS DOT to enter the design phases in 2022, and construction phases in 2023; and

WHEREAS, the County Highway Superintendent has expertise in BridgeNY projects and has the financial resources to advance funding and act as sponsor of the Town's named bridge project. The NYS DOT liaison supports this shared service as a way to expedite the project and keep it on schedule; and

WHEREAS, pursuant to Resolution No. 21-2022, the Lewis County Board of Legislators authorized this shared services project to have the county, through the Highway Superintendent to serve as sponsor/administrator of the project and interact directly with NYS DOT provided that the County and Town enter into an Inter-Municipal Agreement to set forth the terms and conditions of each under this shared services project; and

WHEREAS, pursuant to GML Article 5-G, inter-municipal agreements may be entered into for the benefit of the municipalities; now therefore be it

RESOLVED, that the Town of Lowville enter into an inter-municipal agreement with Lewis County for shared services under the NYS DOT Town Bridge Project, PIN 775412.

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

**Motion** by Councilman Farney, seconded by Councilman Ross to adopt **Resolution No. 10-2022, “Authorizing Intermunicipal Agreement with Lewis County for Shared Services Under NYS DOT Town Bridge Project – O’Brien Road”**.

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

WHEREAS, the County, through the Superintendent of Highways, is charged with the responsibility of maintaining and repairing of bridges within the municipalities comprising Lewis County; and

WHEREAS, the Town of Lowville submitted an application to the NYS Department of Transportation under the BridgeNY program, for culvert replacement at O’Brien Road over the Mill Creek, identified by NYS DOT as PIN 775413, estimated to cost \$0.783M; and

WHEREAS, this project is scheduled by NYS DOT to enter the design phases in 2022, and construction phases in 2023; and

WHEREAS, the County Highway Superintendent has expertise in BridgeNY projects and has the financial resources to advance funding and act as sponsor of the Town’s named bridge project. The NYS DOT liaison supports this shared service as a way to expedite the project and keep it on schedule; and

WHEREAS, pursuant to Resolution No. 21-2022, the Lewis County Board of Legislators authorized this shared services project to have the county, through the Highway Superintendent to serve as sponsor/administrator of the project and interact directly with NYS DOT provided that the County and Town enter into an Inter-Municipal Agreement to set forth the terms and conditions of each under this shared services project; and

WHEREAS, pursuant to GML Article 5-G, inter-municipal agreements may be entered into for the benefit of the municipalities; now therefore be it

RESOLVED, that the Town of Lowville enter into an inter-municipal agreement with Lewis County for shared services under the NYS DOT Town Bridge Project, PIN 775413.

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

**PUBLIC HEARING**

No public comment was heard.

**Motion** by Councilman Ross, seconded by Councilwoman Birchenough to close the public hearing on Local Law #1-2022 at 10:34 a.m.

**Motion** by Councilman Virkler, seconded by Councilman Ross to adopt **Resolution 11-2022, Adopting Local Law #1-2022 “A local law Transferring Administration of the Town of Lowville Flood Damage Prevention Law to the Lewis County Department of Building and Fire Codes”**.

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

WHEREAS, the Town Board of the Town of Lowville, held a public hearing at a Town Board meeting on February 17, 2022 at 10:00 a.m. for Local Law No. 1-2022; and

WHEREAS, public comment was heard and discussed;

THEN THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Lowville adopts Local Law No. 1-2022 known as “A Local Law Transferring Administration of the Town of Lowville Flood Damage Prevention Law to the Lewis County Department of Building and Fire Codes”.

**LOCAL LAW NUMBER 1 OF 2022 OF THE TOWN OF LOWVILLE  
A LOCAL LAW TRANSFERRING ADMINISTRATION OF THE TOWN OF LOWVILLE  
FLOOD DAMAGE PREVENTION LAW TO THE LEWIS COUNTY DEPARTMENT OF  
BUILDING AND FIRE CODES**

Be it enacted by the Town Board of the Town of Lowville as follows:

Title: The title of this Local Law shall be “A Local Law Transferring Administration of the Town of Lowville Flood Prevention Law to the Lewis County Department of Building and Fire Codes.”

Text: Section 53-20 of the Town of Lowville Code is hereby repealed, and a new Section 53-20 is hereby enacted which shall read as follows:

“The Lewis County Department of Building and Fire Codes is hereby appointed and designated to administer, enforce and oversee the Town of Lowville’s flood plain regulations as set forth in Chapter 24 of the Town of Lowville Code which shall include the application process for permits and insuring compliance with such regulations and permits granted thereunder.”

Effective Date: This Local Law shall take effect upon filing with the New York State Secretary of State.

**BUDGET OFFICER/BOOKEEPER**

Accountant Scott Lawrence reviewed 2021 financial report with the Town Board.  
Budget Transfers needed to close out the books for 2021 were reviewed with the Board.

**Motion** by Councilman Mullin, seconded by Councilwoman Laribee to adopt **Resolution No. 12-2022, “Approval of Budget Transfers.”**

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

RESOLVED, that the requested budget transfers are hereby authorized.

*\*Copies of Budget Transfers are incorporated at the end of these minutes.*

Accountant Lawrence left the meeting.

**DOG CONTROL OFFICER**

Dog Control Officer Astafan’s monthly report is in Board Member’s packets.  
Supervisor Mullin sent a letter to the Lewis County Humane Society, addressing the concerns that DCO Astafan brought to the Board’s attention at the January meeting.  
DCO Astafan has commenced talks with the Village of Lowville regarding dog control in the Village. Currently, he only enforces licensing of dogs in the Village. Any other dog control law issues are handled by the Village Police Department.

**OLD BUSINESS**

**COMPREHENSIVE PLAN**

Attorney Meier is filling out the SEQR form for the Board's review. There still needs to be a public hearing and review by the Lewis County Planning department.

**RACOG**

-Mickey Dietrich gave a brief update on the happenings at the Tug Hill Commission. The next RACOG meeting will be in March.

**JUSTICE**

Supervisor Mullin reported that the concerns brought up by Councilwoman Birchenough at the January meeting have been addressed sufficiently. After a brief discussion the following resolution was presented .

**Motion** by Councilman Ross, seconded by Councilwoman Birchenough to adopt **Resolution No. 13-2022, "Approving the Audit of Justice Court Records for the Town of Lowville Justice Court."**

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

WHEREAS, the Town of Lowville Justice Court Records were made available for audit by the Town of Lowville Board on January 20, 2022, and

WHEREAS, the Town of Lowville Supervisor audited said records on January 19, 2022 and found them to be in good order, then therefore

BE IT RESOLVED, that the Town Board of the Town of Lowville approved the annual audit of the Justice Court Records as presented by Supervisor Mullin.

**OLD BENCH**

Justice Lacey Northrup from the Town Martinsburg Court has expressed interest in purchasing the old courtroom justice bench after the Village/Town Court consolidation. Discussion regarding ownership of the bench took place.

**Motion** by Councilman Farney, seconded by Councilwoman Birchenough to adopt **Resolution No. 14-2022, "Declaring as Surplus, Justice Court Bench"**.

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

WHEREAS, the Town of Lowville has a courtroom bench no longer of use to the Town of Lowville and wishes to declare it as a surplus item, then therefore

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

- 1 – Courtroom bench with side desk

**NEW BUSINESS**

**SNIRT Run**

The Barnes Corners Sno-Pals Snowmobile Club will be holding their annual SNIRT run (ATV rally event) on April 9, 2022. They have presented the Town Board with an agreement to review and accept. Supervisor Mullin spoke with Kevin Townsend of Eastern Shore Associates on behalf of NYMIR Insurance Company. Mr. Townsend is aware of the SNIRT run and would like to review the agreement before the Town signs it. The Snowmobile Club would like to use all of the Gardner Road and part of the Bardo Road from the Ridgeview Motel to the Gardner Road on it's route.

**Motion** by Councilman Ross, seconded by Councilman Farney to authorize Supervisor Mullin to sign the SNIRT Run agreement contingent upon review and approval of the Town's NYMIR insurance representative.

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

**County Legislator**

Josh Leviker, Lewis County Legislator gave a brief update on the happenings at the County.

The next meeting will be a regular board meeting on March 17, 2022 at 9:30 a.m.

With no further business the following motion was presented.

**Motion** by Councilman Farney, seconded by Councilman Ross to adjourn the meeting at 12:15 p.m.

ADOPTED – AYES – Birchenough, Farney, Mullin, Ross, Virkler                      NAYS – 0

Respectfully submitted,

Aimee L. Murphy  
Town Clerk