

**Town of Lowville Regular Board Meeting  
January 20, 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 20<sup>th</sup> day of January 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  
Selina Olmstead, Deputy Town Clerk  
Thomas Widrick, Highway Superintendent/Special Districts Superintendent  
Raymond Meier, Town Attorney – entered at 10:38 a.m.

**Absent:** Aimee Murphy, Town Clerk

**Also Present:** Chuck Terrillion, Village of Lowville Trustee; Henry Avallone; Paul Denise, Village DPW Superintendent; Accountant Scott Lawrence, Budget Officer/Bookkeeper – entered at 10:00 a.m.; Dr. James Coffman, Esq, Town Justice entered at 10:30 a.m.; Kathy Manning, Zoning Officer entered at 11:17 a.m.

**Also Present via Zoom:** Mickey Dietrich, Tug Hill Commission; Alaina Mallette, Tug Hill Commission; Nicholas Astafan Jr., Dog Control Officer

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

**MINUTES**

Councilwoman Birchenough made suggestions to the Dec. 30<sup>th</sup> minutes, page 6: Intermunicipal Agreements- changing “this” to “land use zoning fee”.

**Motion** by Councilman Ross, seconded by Councilman Birchenough to approve the minutes of the December 30, 2021 special board meeting.

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

**SUPERVISOR’S RECEIPTS**

Receipts:	Town Clerk	\$ 1,129.19
	Town Court	\$ 7,245.00
	Zoning	\$ 0 (\$0 ytd)
	T/ Denmark	\$ 365.00 (DCO expenses 2021)
	Tax Collector	\$500,000.00 (tax collected)
	N. Seimeinowicz	\$ 474.54 (retiree insurance)
	Lewis County	\$ 1,105.66 (Comp. Plan Reimbursement)



**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, Virkler, Farney      NAYS – 0

General – Abstract #1	Voucher #1 to #30	\$ 64,732.26
Highway - Abstract #1	Voucher #1 to #7	\$ 15,245.99
Capital – Abstract #1	Voucher #1	\$ 6,063.10
Trust & Agency	(01/01/2022)	<u>\$ 17,646.16</u>
	Total	\$103,687.51

**CORRESPONDENCE**

- Association of Towns: training session for town officials.

**SUPERVISOR’S REPORT**

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

Councilwoman Birchenough had a question about the outcome of the water usage from the Martinsburg fire. The Village will subtract the estimated usage from the Town’s master meter when billing in May.

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

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

**DEPARTMENT REPORTS**

**TOWN CLERK**

- Clerk’s Monthly Report is in the Board Members’ Packets.
- Letters for appointments have been sent for people to sign their oaths of office.
- Selina is doing an excellent job! She is picking up on things quickly!
- Annual reports have been sent to the appropriate state agencies.
- Supervisor Mullin has conducted the annual audit of books for the Town Clerk 2021.
- Tug Hill Conference will be on Tuesday, April 19, 2022 @ Turning Stone. Anyone interested in attending, please contact Aimee for registration.
- Billed Village for 2021 shared building expenses.

**TAX COLLECTOR**

- Tax Collection report is included in Board Members’ Packets.
- Tax Collection has begun! We are over halfway through the first month, and things are going pretty smoothly.
- Supervisor Mullin has conducted the annual audit of books for Tax Collection 2021.

Councilwoman Birchenough had questions regarding the procedure for handling tax money. Supervisor Mullin explained.

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

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



**SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS**

- Water leak at Ox Paper on 1/3. Backflow preventer froze.
- Snowplowing is going well.

**Motion** by Councilman Virkler, seconded by Councilwoman Birchenough to adopt **Resolution No. 1-2022, “Approving Engineer for Gardner Road Box Culvert Project”**.

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

WHEREAS, Barton & Loguidice was selected through a Qualifications Based Selection (QBS) basis to complete the original BridgeNY application for the Gardner Road Box Culvert and

WHEREAS, the Town was successful with the application and the Gardner Road Box Culvert was selected under the current BridgeNY funding, then Therefore, Be It

RESOLVED, that in accordance with the initial “Expression of Interest Letter”, the Town of Lowville has decided to exercise its right to utilize Barton & Loguidice to complete the Design and Construction phase services for the designated project.

**Motion** by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 2-2022, “Approving Engineer for O’Brien Road Box Culvert Project”**.

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

WHEREAS, Barton & Loguidice was selected through a Qualifications Based Selection (QBS) basis to complete the original BridgeNY application for the O’Brien Road Box Culvert and

WHEREAS, the Town was successful with the application and the O’Brien Road Box Culvert was selected under the current BridgeNY funding, then Therefore, Be It

RESOLVED, that in accordance with the initial “Expression of Interest Letter”, the Town of Lowville has decided to exercise its right to utilize Barton & Loguidice to complete the Design and Construction phase services for the designated project.

-Would like to start specing out a new plow truck. Mack salesman said the wait if ordered today is 12-18 months.

-CWD#1 water testing- samples have been taken and sent to two different labs. Waiting for results.

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to accept the Highways/Special Districts Superintendent’s report.

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

**DCO**

Monthly report is included in board members’ packets.

DCO Astafan submitted a copy of the “current” shelter agreement with the Lewis County Humane Society, which was last done in 2016. He is recommending the Board review and consider updating – Section 8. Redemption Periods – to change the holding period from ten (10) days to five (5) days, is allowed per Ag & Markets and adding a section to state that a dog is not to be released back to the owner unless proof of a current license is provided or a letter from a vet stating the dog is unable to be licensed due to medical reasons. LCHS has been doing the 5-day holding period with other organizations and feels they should do the same for Towns. Supervisor Mullin feels changing the agreement is a good idea.

**Motion** by Councilman Ross, seconded by Councilwoman Birchenough, to pursue changes to the shelter agreement with LCHS.

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

**BUDGET OFFICER/BOOKEEPER**

Accountant Scott Lawrence gave an update on the use of ARPA funds.  
Accountant Lawrence left the meeting.

**RACOG**

-Mickey Dietrich gave a brief update on the happenings at the Tug Hill Commission. The next RACOG Board meeting was January 25, 2022. Will be provided by zoom meeting and the Chief of the Hiawatha Nation will be there as well.

**OLD BUSINESS**

**COMPREHENSIVE PLAN**

Alaina Mallette of the Tug Hill Commission described the next steps to adopting the Comprehensive Plan. The Committee has officially submitted the plan to the Town and Village Boards for review and adoption. A SEQR review needs to be completed. After part 1 is complete the plan needs to be sent to Lewis County Planning for review. They have 30 days to respond. After this, a public hearing needs to be held. This must be done before April 5, 2022. Advertising must be done at least 10 days in advance. When complete, the final draft needs to be sent to Lewis County Planning.

Ms. Mallette inquired as to why there was a drop in taxes between 2007 and 2020. She suggested it may have been due to a windmill PILOT. She also asked if we could find out how many people are employed by LACS. Supervisor Mullin to find out.

-New RACOG representatives were announced; Councilwoman Birchenough and Supervisor Mullin.

**JUSTICE**

Justice Coffman provided his books for the Board to review. Supervisor Mullin conducted an audit of the records prior to the meeting. Copies were emailed to Board Members. There was a discussion with Justice Coffman regarding the annual audit of justice records and accounts. Councilwoman Birchenough had a question for Justice Coffman about why there was a question mark in his TSLED report section and also wondered where his notifications came from. Justice Coffman stated that he needed more clarification in order to complete his records accordingly.

**ZONING**

Supervisor Mullin conducted an audit of Zoning Office. There was a brief discussion of the audit paperwork.

Zoning Officer Manning submitted the annual codes report to the state.

**NEW BUSINESS**

**Library Agreement**

Discussion regarding the library agreement for 2022. Councilwoman Birchenough pointed out a typo within the agreement that needed correcting.

**ATTORNEY**

LL#1-2022: Flood Plain Administration to County- public hearing needed.

Comprehensive Plan- Attorney Meier will speak with the Village Attorney. The Board needs to pass a resolution that the Town Board finds that the Comprehensive Plan is subject to review under SEQR and that Supervisor Mullin is authorized with the Town Attorney to complete and sign the SEQR long form. After part 1 of the SEQR is complete, it and the Comprehensive Plan are forwarded to Lewis County Planning for review. The County review is advisory only. Attorney Meier needs to speak with the Village Attorney for coordinated review.

Discussion regarding the County Facilities Improvement Projects. The County may be asserting governmental immunity.

Councilwoman Birchenough attended the newly elected Town Officials School virtually and gave a brief report of the sessions.

**PUBLIC HEARING**

A New Public Hearing date is needed for LL#1-2022, Transferring Flood Plain Administration to Lewis County.

**Motion** by Councilwoman Birchenough seconded by Councilman Ross to adopt **Resolution No. 3-2022, “Setting Public Hearing for LL#1-2022”**.

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

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 February 17, 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.

**Motion** by Councilwoman Birchenough, seconded by Councilman Virkler to approve library agreement for 2022.

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

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

**County Building Projects**

Paul Denise reported that the Village Trustees are looking for an opinion of the Town Board. The County is upset with the Town because they feel the Town is not moving fast enough for their building projects. The County wants to be lead agency and declare “governmental immunity”. Copies of Attorney McNichol’s letter to the Town and Village Attorney’s provided for the Board to review. Supervisor Mulling explained why the County “pushed off” submission of their Zoning applications. The County did not submit their documentation before the deadline for the January meeting. Discussion with Attorney Meier continued. Attorney Meier suggested consent to County being lead agency along with a coordinated review.

Zoning Officer Manning was asked to join the meeting. She explained all that has happened and what needs to happen. Zoning Officer Manning stated that the County has not submitted a completed application with documentation to the Town to date. Attorney Meier will speak with Village Attorney Russell to collaborate a reply to the County Attorney’s letter.

After further discussion, no action was taken.

The next meeting will be a regular board meeting on February 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 12:04 p.m.  
ADOPTED – AYES – Birchenough, Farney, Mullin, Ross, Virkler                      NAYS – 0

Respectfully submitted,

Selina R. Olmstead  
Deputy Town Clerk