

**Town of Lowville Regular Board Meeting  
April 21, 2022**

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 21<sup>st</sup> day of April 2022.

**Present:** Robert Mullin, Supervisor  
Paul Virkler, Deputy Supervisor  
John D. Ross, Councilman  
Stephen Farney, Councilman entered at 9:37 a.m.  
Helen Birchenough, Councilwoman  
Raymond Meier, Town Attorney entered at 9:47 a.m.  
Aimee L. Murphy, Town Clerk  
Thomas Widrick, Highway Superintendent/Special Districts Superintendent

**Also Present:** Chuck Terrillion, Village of Lowville Trustee; Henry Avallone; Nicholas Astafan Jr., Dog Control Officer; 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 Councilman Virkler, seconded by Councilwoman Birchenough to approve the minutes of the March 17, 2022 regular board meeting.

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

**CORRESPONDENCE**

- Time Warner Special Assessment: Town of Lowville was served with Notice of Challenge to their assessment; however, the Town of Lowville was not listed as a respondent.
- Tug Hill Commission: Carla Fowler of the Tug Hill Commission thanked the Town of Lowville for sponsoring their application for the Preserve NY Grant.

**VOUCHERS**

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

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

General – Abstract #4	Voucher #104 to #144	\$ 33,443.97
Highway - Abstract #4	Voucher #31 to #37	\$ 10,364.15
Capital – Abstract #4	Voucher #5	\$ 977.50
Trust & Agency	(03/31/2022)	\$ 3,555.23
	(04/21/2022)	<u>\$ 15,536.46</u>
	Total	\$ 63,877.31

**SUPERVISOR’S RECEIPTS**

Receipts:	Town Clerk	\$ 1,468.93
	Tax Collector	\$ 1,486.34 (Interest)
	Town Court	\$ 3,310.00
	Zoning	\$ 405.00 (ytd \$1,497.50)
	T/Steuben	\$ 23.36 (Reimburse for J. Pfeiffer cell phone)
	Retiree Health Insurance	\$ 3,119.10

**SUPERVISOR’S REPORT**

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

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

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

**DEPARTMENT REPORTS**

**TOWN CLERK**

- Clerk's Monthly Report is in the Board Members' Packets.
- Confirmed update to code book/eCode. Three (3) new pieces of legislation will be inserted. The estimate to complete the update will be between \$675.00 and \$785.00.
- Deputy Town Clerk Olmstead has finished entering the Village vital records in the computer system.
- Assisted the Tug Hill Commission in applying for a Preserve NY Grant.
- Deputy Town Clerk Olmstead is currently disposing of old records per the retention schedule.
- Filed Certificate of No Referendum for the 2023 Mack truck.
- Standard Workday Resolution is needed for the New York State Retirement System.

**MOTION** By Councilman Virkler, seconded by Councilman Ross to adopt **Resolution No. 20-2022** "Standard Work Day & Reporting Resolution."

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

BE IT RESOLVED, the Town Board of the Town of Lowville hereby establishes the following as standard work days for the following elected/appointed officials – Aimee L. Murphy, Town Clerk/Tax Collector, Selina Olmstead, Deputy Town Clerk, Thomas N. Widrick, Highway & Special Districts Superintendent and Robert Mullin, Town Supervisor - and will report the officials to the New York State and Local Retirement System based on their record of activities maintained and submitted by these officials to the clerk of this body and that said resolution be posted on the Town's Official Website for at least 30 days according to state requirements.

Office of the New York State Comptroller  
**NYSLRS**  
New York State and Local Retirement System  
110 State Street, Albany, New York 12244-0001  
Please type or print clearly  
in blue or black ink.

Employer Location Code  
**30267**

Received Date

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE.

**Standard Work Day and Reporting Resolution for Elected and Appointed Officials**

**RS 2417-A**  
Rev. 12/20

BE IT RESOLVED, that the Town of Lowville, New York, hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
<b>Elected Officials:</b>									
Robert J. Mullin			Town Supervisor	01/01/2022-12/31/2022	6	11.59	<input type="checkbox"/>	Monthly	<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
<b>Appointed Officials:</b>									
Aimee L. Murphy			Town Clerk/Tax Collector	01/01/2022-12/31/2022	6	21.12	<input type="checkbox"/>	Monthly	<input type="checkbox"/>
Selina Olmstead			Town Clerk Deputy	01/01/2022-12/31/2022	6	19.7	<input type="checkbox"/>	Monthly	<input type="checkbox"/>
Thomas N. Widrick			Highway Superintendent	01/01/2022-12/31/2022	6	25.00	<input type="checkbox"/>	Monthly	<input type="checkbox"/>

Aimee L. Murphy, Secretary/Clerk of the governing board of the **Town of Lowville**, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 21st day of April, 2022 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Lowville on this 21st day of April, 2022.

*Aimee L. Murphy*  
Aimee L. Murphy, Secretary/Clerk of the governing board of the Town of Lowville, being duly sworn, deposes and says that the posting of the Resolution began on 04/21/2022 and continued for at least 30 days. That the Resolution was available to the public on the \_\_\_\_\_.

Employer's website at: www.lowville.racog.org  
Official sign board at: Town Clerk's Office  
Main entrance Secretary or Clerk's office at: 5533 Bostwick St., Lowville, NY 13367

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**TAX COLLECTOR**

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Tax Collection report is included in Board Members' Packets.

Tax Collected:	\$ 79,638.64
March Interest Collected:	\$ 1,485.90
Bank Interest Collected:	\$ <u>0.44</u>
Total Collected:	\$ 81,124.98
Paid to Supervisor:	\$ 1,486.34
Paid to Lewis County:	\$ <u>79,638.64</u>
Total Disbursed:	\$ 81,124.98

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

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

**ATTORNEY**

Dog Fee Increase – DCO Astafan and Attorney Meier reviewed the fine structures and suggested an increase in dog license fees as well as the imposition of a late fee. After discussion the following resolution was presented.

**Motion** by Councilman Farney, seconded by Councilwoman Birchenough to adopt **Resolution No. 21-2022, "Fees for the Licensing of Dogs"**.

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

Whereas Chapter 107 of the Code of the Town of Lowville establishes a regimen for the regulation of dogs within the Town; and

Whereas Section 107-4 provides for the licensing of dogs and within such section in paragraph C provides for a fee structure for licensing dogs; and

Whereas Section 197-4, paragraph C provides that the Town Board may from time to time review and revise such fees by resolution; Now therefore be it

RESOLVED, that Section 107-4, Paragraph 4 is revised to the extent that the fee for licensing a spayed or neutered dog shall be eleven dollars (\$11.00) which includes the assessment of a one dollar (\$1.00) surcharge for the purpose of carrying out animal population control; and the fee for licensing an unspayed or unneutered dog will be twenty-one dollars (\$21.00) (which includes the assessment of a three dollar (\$3.00) surcharge for the purpose of carrying out animal population control). Furthermore, in addition to the fees set forth herein there shall be a five dollar (\$5.00) late fee imposed for any initial license or any license renewal which shall be more than ten (10) business days late. The fee changes set forth shall take effect on the first day of the month next succeeding the adoption of this resolution.

Dangerous Dog Law – DCO Astafan has requested the Town have its own dangerous dog law. There was a discussion by the Board, Attorney Meier and DCO Astafan. Councilwoman Birchenough requested wording change in section A(1)(a). The words "Has previously been classified as at risk" will be changed to "Has exhibited". After additional discussion, the following motion was presented.

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**Motion** by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 22-2022, “Setting a Public Hearing for Local Law #2 of 2022, Dangerous Dog Control Law”**.

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 “Dangerous Dog Control Law of the Town of Lowville” 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 April 21, 2022; 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 May 19, 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.

Comprehensive Plan – The County Planning Department will not review the joint comprehensive plan until the Town has accepted it. Zoning Officer Manning has reviewed the plan and made notes for the Board to review and consider. These were forwarded onto the Board members prior to the meeting. There was a brief discussion before Zoning Officer Manning was asked to join the meeting. Councilwoman Birchenough offered to collaborate with Z.O. Manning to streamline the plan. She would also like to have the plan available in a Word document to make editing easier. Clerk Murphy offered to contact the Tug Hill Commission to obtain this. No action taken.

**RACOG**

Mickey Dietrich gave a brief update on the happenings at RACOG and the Tug Hill Commission. Friends of the Black River is applying for a Preserve NY Grant and requested the Town of Lowville sponsor the grant. The Tug Hill Commission will complete all of the paperwork and provide matching funds that are necessary.

**SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS**

- New meter and valves have been ordered for WD#3. The County will pay for the parts necessary for the new county highway garage building project. The town will complete the installation.
- The new garage doors are being installed. Upon completion, Superintendent Widrick will list the old doors for sale through the Constableville Auction Hall.
- Meter reading is complete.
- Dug out in front of the highway garage and installed stone. Paving is planned for late June/early July.
- Truck #11(2017 Mack) was damaged when the wing caught the edge of the payment. Bolts that mount the plow frame to the truck were sheared off. A hood, headlight, door and mirrors were also damaged. The insurance company was notified of the damages.

The potential for water run-off from the hospital building project was discussed. The Board would like an Intermunicipal Agreement (IMA) with the County to hold the Town harmless if the “run-off plan” fails. Attorney Meier will pursue.

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**DOG CONTROL OFFICER**

Dog Control Officer Astafan's monthly report is in Board Members' packets.

DCO Astafan is currently working issues with a Summit Ave. residence operating a dog breeding kennel that did not renew the dog licenses nor the kennel permit. He has been unable to serve tickets because they will not answer the door. DCO Astafan contacted the Lewis County Codes Department regarding zoning for home operated businesses. Lewis County Codes Department sent a letter to the owner explaining that their property does not have the proper zoning or permits to conduct a home business. NYS Department of Ag & Markets has also been trying to contact this resident. Discussion ensued with Attorney Meier about also drafting a letter to the resident.

DCO Astafan left the meeting.

**OLD BUSINESS**

Water/Sewer rates: The Village is raising their sewer rates 5% for the May 2022 billing and 5% for the November 2022 billing. The board discussed rates and the possibility of raising them. Fund balances need to be reviewed before a decision is made.

Benefit Assessments for CWD#1 may need to be raised to cover the Bond and Interest payments. Will discuss further at budget time.

**Motion** by Councilman Farney, seconded by Councilman Virkler to enter into executive session at 11:13 a.m. to discuss a personnel issue involving a specific employee of the Town.

**Motion** by Councilman Ross, seconded by Councilwoman Birchenough to exit executive session at 11:33 a.m.

The next meeting will be a regular board meeting on May 19, 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 11:34 a.m.  
ADOPTED – AYES – Birchenough, Farney, Mullin, Ross, Virkler                      NAYS – 0

Respectfully submitted,

Aimee L. Murphy  
Town Clerk