

**Town of Lowville Regular Board Meeting
March 17, 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 17th day of March 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; Paul Denise, Village DPW Superintendent; Nicholas Astafan Jr., Dog Control Officer; Dr. James Coffman, Esq, Town Justice, entered at 10:30 a.m.;

Also Present via Zoom: Mickey Dietrich, Tug Hill Commission; Josh Leviker, Lewis County Legislator; Randall Schell;

Absent: Raymond Meier, Town Attorney;

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 February 17, 2022 regular board meeting.

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

CORRESPONDENCE

- IDA reimbursement letter: IDA sent an overpayment for the Maple Ridge Wind Farm PILOT, and is requesting a reimbursement of the overpayment amount. Payment will be approved with rest of the vouchers.

- Department of Health – System monitoring requirements: Annual letter.

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 #3	Voucher #68 to #103	\$ 38,774.81
Highway - Abstract #3	Voucher #21 to #30	\$ 8,175.14
Capital – Abstract #3	Voucher #3 to #4	\$ 18,210.48
Trust & Agency	(02/28/2022)	\$ 10,507.89
	(03/17/2022)	\$ 2,103.64
	Total	\$77,771.96

SUPERVISOR’S RECEIPTS

Receipts: Town Clerk \$ 1,506.00

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Tax Collector	\$ 980.41 (Interest)
Town Court	\$ 2,300.00
Zoning	\$ 555.00 (ytd \$1,092.50)
Charter Communications	\$ 8,885.77 (Franchise Fees)
IDA	\$ 70,766.50 (Flat Rock Wind PILOT)
V/Lowville	\$ 2,364.56 (Lowville Heights/Lewis Apts PILOT)
V/Lowville	\$ 7,909.22 (Shared Building Expenses)
IDA	\$ 1,765.07 (Victorian Lake PILOT)
Lewis County	\$ 6,365.00 (Snow & Ice Agreement)

SUPERVISOR’S REPORT

Supervisor Mullin’s activities and financial reports are included in Board Members’ Packets. Supervisor Mullin will be attending a Zoom meeting with representatives of some other municipalities regarding the windmill PILOTS and possible legal action.

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

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

DEPARTMENT REPORTS

ATTORNEY

- Bateman: Supervisor Mullin reported that he had been in contact with Attorney Meier and Assessor Gratch regarding possibly raising the assessment on the Bateman, since it has new ownership.

- Comprehensive Plan: Supervisor Mullin reported that the Tug Hill Commission made corrections suggested by the Lewis County Planning Department to the Joint Comprehensive Plan and forwarded it back to the County for further review. Attorney Meier prepared a resolution for the Town Board to consider. Clerk Murphy read off the resolution to the Town Board. Councilwoman Birchenough has some concerns with items in the Comprehensive Plan and would like to see some of the wording changed.

- The plan states drinking and driving is an issue in the area, but then promotes additional breweries.
- The plan indicates the need for electric vehicle charging stations, but does not address where to locate them.
- The plan refers to a number of specific businesses, and should be more general, not naming specific companies.
- Truck traffic is listed as an issue, but with the installation of a digester, this problem should be greatly lessened.

After further discussion, the resolution to approve the Joint Town and Village Comprehensive Plan was tabled.

- Lewis County Building Projects: It was previously reported that the Village had proposed a \$100,000.00 bond from the County to be held until the completion of the building projects. DPW Superintendent Denise stated that the Village may retract this request for the Department of Social Services building since it should not have a significant effect on water run-off. However, they will pursue a bond when the hospital building project commences. The Town may still wish to pursue a bond for the County highway department building project. Attorney Meier will look into this further.

TOWN CLERK

- Clerk’s Monthly Report is in the Board Members’ Packets.
- Received notice from the Department of State, LL#1-2022 has been filed.
- Deputy Town Clerk Olmstead has been entering Village death records into the computer.

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- Setting up the annual Workplace Violence and Sexual Harassment & Discrimination training. Kevin Townsend of NYMIR will be conducting the training. Looking to host sometime during the first week of May. There also needs to be a safety committee meeting. There need to be new members from the Town Board. Supervisor Mullin and Councilman Virkler volunteered to be on the safety committee.

TAX COLLECTOR

Tax Collection report is included in Board Members' Packets.

Tax Collected:	\$ 2,349.62 (January)
Tax Collected:	\$ 98,639.61 (February)
February Interest Collected:	\$ 973.06
Bank Interest Collected:	\$ <u>7.35</u>
Total Collected:	\$ 101,969.64
Paid to Supervisor:	\$ 980.41 (February Interest & Bank Interest)
Paid to Lewis County:	\$ <u>100,989.23</u> (January & February Tax)
Total Disbursed:	\$ 101,969.64

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

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

- Water District #3 (WD#3): Water leak at Nolt's on 2/22/2022 has been repaired.
- Truck #15 had shifting issues, the synchronizer went bad. It was taken to Utica Mack and repaired. The truck is back in service.
- Consolidated Water District #1 (CWD#1): Tablets for remote access are working. The voucher is being paid this month.
- WD#3: Working on pricing to replace the master meter. The County has agreed to pay for this to allow increased flows at the new highway garage. Currently there is a six (6) inch main line and a four (4) inch meter installed. The new meter will be a six (6) inch meter. This will increase flow to other users in the district at the same time the County is using water as well as increase the fire flow.
- Looking to order a new plow truck. Estimated costs as follows: Truck - \$145,205.00; Plow/Sander - \$111,646.20 from Viking. This totals \$256,851.20. There is a possibility of a surcharge in the amount of \$2,100.00 being added to the price if New York passes the CARB emissions standards. The truck will be in production before the outcome is determined.

Motion by Councilman Ross, seconded by Councilman Farney to adopt **Resolution No. 16-2022, "Expenditure of Funds from the Highway Equipment Reserve Fund Subject to Permissive Referendum for Purchase of New Truck"**.

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

WHEREAS, the Town of Lowville has previously established a highway reserve fund for the purpose of funding certain capital expenses that may from time to time be required; and

WHEREAS, upon the recommendation of the Superintendent of Highways, the Town Board has determined that it is necessary to purchase for the Highway Department a new 2023 Mack Granite Model GU64FR tandem axle plow chassis with Allison automatic transmission and a Viking Cives plow, wings and sander/dump box ; now, therefore

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BE IT RESOLVED, that the Town of Lowville authorizes the expenditure up to the sum of one hundred forty-seven thousand three hundred five dollars (\$147,305.00) from the Highway Equipment Reserve Fund for the purpose of purchasing a 2023 Mack Granite Model (GU64FR tandem axle plow chassis with Allison automatic transmission, the sum of one hundred eleven thousand six hundred forty-six dollars and twenty cents (\$111,646.20) from the Highway Equipment Reserve Fund for the purpose of purchasing a new plow, wings and sander/dump box for a 2023 Mack tandem truck; and

BE IT FURTHER RESOLVED, that this resolution and the authorization set forth herein is subject to a permissive referendum; and

BE IT FURTHER RESOLVED, that should a petition for a permissive referendum be filed under the terms of Article 7 of the Town Law then this resolution shall take effect only if it is approved by the majority of the votes cast in such referendum, but if no such petition is filed, then this resolution shall take effect thirty days after its adoption.

- Supervisor Widrick reported that Brian Hanno has turned in his 2-week notice. His last day of full-time employment will be 3/27/2022. The Town will need to compensate Mr. Hanno for unused vacation time. He will get paid weekly until it is used up. He has also agreed to come in to plow early morning, nights and weekends if needed through the end of April. An advertisement has been placed for a replacement on linkinglewiscounty.com, the Town's website and at The WorkPlace.

DOG CONTROL OFFICER

Dog Control Officer Astafan's monthly report is in Board Members' packets. The Village of Lowville would like DCO Astafan to enforce Village dog ordinances. The Village does not wish to have an agreement with the Humane Society, and desires to go through the Town of Lowville to avoid this. Supervisor Mullin would like to see an intermunicipal agreement (IMA) with the Village for enforcement of Village dog laws and possibly recoup costs for said enforcement similar to how the Town bills the Village for Zoning expenses, possibly twice a year. This will increase DCO activity. DCO Astafan reviewed option available to the Village. Mayor Beagle has indicated to DCO Astafan that the only option that he has desire for is to have the Town enforce Village dog ordinances. After a brief discussion the following motion was presented.

Motion by Councilman Ross, seconded by Councilman Virkler to pursue an Intermunicipal Agreement with the Village of Lowville for dog control services.

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

DCO Astafan left the meeting.

JUSTICE

Full-time Court Clerk: With the Village and Town Court merge close at hand, Justice Coffman would like the Board to create a full-time Court Clerk position at the compensation rate of \$15/hour.

Motion by Councilman Virkler seconded by Councilman Farney to adopt **Resolution No. 17-2022, "Creating the position of Full-Time Justice Court Clerk"**.

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

WHEREAS, the Town of Lowville wishes to create a new position for the Justice Department, now therefore

BE IT RESOLVED, that the Town Board hereby establishes the full-time position of Justice Court Clerk, and

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BE IT FURTHER RESOLVED, that the Town Board sets the hourly wage for the position of full-time Justice Court Clerk at \$15.00/hr.

Motion by Councilman Virkler, seconded by Councilman Farney to adopt **Resolution No. 18-2022, "Appointment of Justice Court Clerk"**.

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

RESOLVED, that Erin R. Murphy is hereby appointed as full-time Justice Court Clerk for the term of 4/1/22 to 12/31/25.

RACOG

Mickey Dietrich gave a brief update on the happenings at RACOG and the Tug Hill Commission.

JUSTICE cont'd

It was noted that the Assistant Court Clerk position currently held by Aimee Murphy is due to expire on 03/31/2022. There was discussion on how much was budgeted for an assistant position after the Court consolidation. After discussion, the following resolution was presented.

Motion by Councilwoman Birchenough, seconded by Councilman Virkler to adopt **Resolution No. 19-2022, "Appointment of Assistant Justice Court Clerk"**.

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

RESOLVED, that Aimee L. Murphy is hereby appointed as Part-time Assistant Justice Court Clerk for the term of 04/01/2022 to 12/31/2022 at a compensation rate of \$15/hr. contingent upon funds being available in the Court budget.

NEW BUSINESS

Workplace Violence & Harassment and Discrimination Training

Kevin Townsend of NYMIR will be conducting the annual training. We are hoping to set up the training for the first week in May. Kevin has asked to include the Village of Lowville. All employees and officers are required to complete this training.

Water Allocation for Consolidated Water District #1

Paul Denise, Village of Lowville DPW Superintendent informed the Board that the Village has approved an increase in the daily allotment of water for CWD#1 to 50,000 gallons. The current allotment needed to be increased due to increased building in the district.

The next meeting will be a regular board meeting on April 21, 2022 at 9:30 a.m.

With no further business the following motion was presented.

Motion by Councilman Farney, seconded by Councilwoman Birchenough to adjourn the meeting at 11:04 a.m.

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

Respectfully submitted,

Aimee L. Murphy
Town Clerk