

**Town of Lowville Regular Board Meeting
June 16, 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 16th day of June 2022.

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

Via Telephone: Raymond Meier, Town Attorney

Also Present: Henry Avallone; Nicholas Astafan Jr., Dog Control Officer; Chuck Terrillion, Village of Lowville Trustee

The meeting was called to order at 9:31 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 May 19, 2022 regular board meeting.

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

ATTORNEY

Bridge NY: Attorney Meier gave a brief explanation of what is needed to pursue the Bridge NY funding.

Motion by Councilman Virkler, seconded by Councilman Ross, to adopt **Resolution No. 26-2022, “Authorizing the implementation and funding 100% of the costs of a transportation project, of which qualified costs may be reimbursed from Bridge NY funds.”**

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

WHEREAS, a project for the Town of Lowville, P.I.N. 775413 (the “Project”) is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, the Town of Lowville will design, let, and administer all phases of the Project.

WHEREAS, the Town of Lowville desires to advance the Project by making a commitment of 100% of the costs of Gardner Road culvert work for the Project or portions thereof; now therefore be it

RESOLVED, that the Town Board hereby approves the Project; and be it further

RESOLVED, that the Town Board hereby authorizes the Town of Lowville and/or the County of Lewis to pay 100% of the cost of Gardner Road culvert work for the Project or portions thereof, with the understanding that qualified costs will be reimbursed from Bridge NY funding; and be it further

RESOLVED, that the sum of \$952,083.00 is hereby appropriated from County of Lewis and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that the Town Board hereby agrees that the Town of Lowville shall be responsible for all costs of the Project, including costs which exceed the amount of reimbursement available from the NY Bridge Funding awarded to the Town of Lowville; and be it further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the Town of Lowville shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Highway Superintendent thereof; and be it further

RESOLVED, that the Town Board hereby agrees that the Town of Lowville hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and be it further

RESOLVED, that the Supervisor of the Town of Lowville be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding on behalf of the Town of Lowville in connection with the advancement or approval of the Project and providing for the administration of the project and the municipality's funding of the Project costs; and be it further

RESOLVED, THAT THE Town of Lowville will be responsible for all maintenance of the Project; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this Resolution shall take effect immediately.

Motion by Councilman Farney, seconded by Councilwoman Birchenough, to adopt **Resolution No. 27-2022, "Authorizing the implementation and funding 100% of the costs of a transportation project, of which qualified costs may be reimbursed from Bridge NY funds."**

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

WHEREAS, a project for the Town of Lowville, P.I.N. 775413 (the "Project") is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, the Town of Lowville will design, let, and administer all phases of the Project.

WHEREAS, the Town of Lowville desires to advance the Project by making a commitment of 100% of the costs of O'Brien Road culvert work for the Project or portions thereof; now therefore be it

RESOLVED, that the Town Board hereby approves the Project; and be it further

RESOLVED, that the Town Board hereby authorizes the Town of Lowville and/or the County of Lewis to pay 100% of the cost of O'Brien Road culvert work for the Project of portions thereof, with the understanding that qualified costs will be reimbursed from Bridge NY funding; and be it further

RESOLVED, that the sum of \$782,806.00 is hereby appropriated from the County of Lewis and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that the Town Board hereby agrees that the Town of Lowville shall be responsible for all costs of the Project, including costs which exceed the amount of reimbursement available from the NY Bridge Funding awarded to the Town of Lowville; and be it further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the Town of Lowville shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Highway Superintendent thereof; and be it further

RESOLVED, that the Town Board hereby agrees that the Town of Lowville hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and be it further

RESOLVED, that the Supervisor of the Town of Lowville be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding on behalf of the Town of Lowville in connection with the advancement or approval of the Project and providing for the administration of the project and the municipality's funding of the Project costs; and be it further

RESOLVED, THAT THE Town of Lowville will be responsible for all maintenance of the Project; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this Resolution shall take effect immediately.

Attorney Meier left the meeting.

CORRESPONDENCE

- Health Insurance proposed rate change: Excellus has proposed a rate increase of over 14.26%. This increase is subject to approval of the NYS Department of Financial Services. Copies of the notification letter were distributed to all employees who receive health insurance benefits through the Town.

VOUCHERS

Motion by Councilman Virkler, 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 #6	Voucher #184 to #225	\$ 97,097.45
Highway - Abstract #6	Voucher #50 to #58	\$ 33,265.62
Capital Water – Abstract #5	Voucher #6	\$ 1,885.00
NYS Child Support		\$ 495.18
	Total	\$132,743.25

SUPERVISOR'S RECEIPTS

Receipts:	Town Clerk	\$ 1,744.77
	Tax Collector	\$ 50.00 (Return of Petty Cash)
	Town Court	\$ 7,035.00
	Zoning	\$ 0.00 (ytd \$1,647.50)
	Absolute Auctions	\$ 1,750.00 (Sale of Garage Doors)
	Retiree Health Insurance	\$ 3,239.64

SUPERVISOR'S REPORT

Supervisor Mullin's activities report is included in Board Members' Packets.

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

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

DEPARTMENT REPORTS

TOWN CLERK

- Clerk's Monthly Report is in the Board Members' Packets.
- Water bill payments have slowed down. Penalties have been assessed for unpaid bills. Clerk Murphy inquired if the Board wished her to send out delinquent notices on unpaid water accounts. This is not currently the practice. Clerk Murphy is concerned, because there are a number of delinquent accounts from November and May billings that are not usually delinquent. After a brief discussion the Board expressed their desire to have delinquent notices sent for unpaid water accounts.

Motion by Councilman Virkler, seconded by Councilwoman Birchenough directing the Water Clerk to mail delinquent letters to all unpaid water/sewer account holders.

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

- Began collecting overdue license fees for delinquent dog licenses in May. 16 fees were collected in the month of May.
- Susan Chapman, cleaner, turned in her keys to Clerk Murphy. She has terminated her contract for cleaning services with the Town of Lowville effective May 10, 2022 due to health issues. Selina Olmstead is interested in contracting with the Town in Susan's place.

Motion by Councilman Ross, seconded by Councilman Farney to approve **Resolution No. 28-2022 "Cleaning Services Contract."**

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

Be it Resolved that Supervisor Mullin is authorized to enter into a contract with Selina Olmstead 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*

TAX COLLECTOR

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

Tax Collected:	\$ 52,222.35
May Interest Collected:	\$ 1,548.05
Penalties Collected:	\$ 62.00
Bank Interest Collected:	\$ <u>0.28</u>
Total Collected:	\$ 53,832.68

Motion by Councilman Ross, seconded by Councilman Virkler 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

- Reprofilng and paving are complete on the Ridge Road. Sealing the road and laying down shoulders will be done later. Some of the residents of the Ridge Road were unhappy with their driveway approaches and the height of the road, stating it was too steep an incline. Repairs were made to them with hot mix and the assistance of Paverite.
- The Phinney Road was paved. Sealing and shoulders also need to be completed at a later date.
- Disinfection By-Product (DBP) test numbers are back for Consolidated Water District #1 (CWD#1). The 4-quarter averages were at acceptable levels.

- Number 3 Wind: culvert installation correspondence. Number 3 Wind will install pipe in exchange for road inspection. Superintendent Widrick will ride the road with a Number 3 Wind construction manager, to inspect at no charge in exchange for the installation of the culvert pipe.

PUBLIC HEARING

Supervisor Mullin opened the public hearing for the proposed sewer rate increase at 10:07 a.m. with proof of publication being acknowledged by the Board.

Highway cont'd.

- Guiderail quote from Town & Country Bridge and Rail (TCBR) to install 384' of town supplied box beam guiderail with TCBR supplied posts, angles, splice plates and assembly hardware. Cost of the project: \$16,191.00.

Motion by Councilwoman Birchenough, seconded by Councilman Virkler to approve **Resolution No. 29-2022, "Accepting quote for installation of Guiderails on Yancey Road"**.

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

WHEREAS, the Town of Lowville desires to install guiderails on the Yancey Road, then therefore be it,

RESOLVED, that the Town Board accepts the quote from TCBR in the amount of \$16,191.00 for installation of guiderails on the Yancey Road.

- Garage Driveway Paving: Superintendent Widrick presented two(2) quotes for paving the garage driveway. The first quote from Paverite is for the front area of the driveway, binder only. Since the installation would not take place until July, there would be a price increase of approximately \$600. With increase added in, cost would be approximately \$11,542.40. The second quote from Paverite is for the top coat only of \$34,538.00. To complete the entire project, binder and top coat, cost would be approximately \$41,980.00. Superintendent Widrick recommends installing just a binder now and waiting for a top coat later. After a brief discussion, the following motion was presented.

Motion by Councilwoman Birchenough, seconded by Councilman Ross to approve **Resolution No. 30-2022, "Accepting Quote for Paving Garage Driveway"**.

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

WHEREAS, the Town of Lowville needs to pave the driveway at the Highway Garage, be it

RESOLVED, that the Town Board accepts the quote from Paverite in the amount of \$11,542.40 to install a binder only on the driveway.

- Brookside Sewer: Supervisor Mullin and Superintendent Widrick have not met with Brookside representatives regarding the sewer lift station. Superintendent Widrick has a 2016 proposal from P&T for upgrades to the sewer district lift station, he is currently working to obtain an updated proposal. There is a possibility that engineered plans may be required for a proper upgrade.

DOG CONTROL OFFICER

- Dog Control Officer Astafan's monthly report is in Board Members' packets.
- DCO Astafan reported that he went through the annual New York State Ag & Markets inspection this week. The only problem reported was two (2) little rust spots on the cage doors. This has been corrected. Superintendent Widrick also fixed the big cage so it can be used.

- Discussion regarding the Humane Society contract with the Town. Supervisor Mullin would like to speak with Ned Merrell, attorney for the Humane Society about the terms of the contract. The major concern with our contract is the ten (10) day waiting period for unidentified dogs. New York State Ag & Markets law only requires a five (5) day waiting period. The shelter manager at the Humane Society has indicated that she would like the shorter waiting period, but the Board of Directors has no appetite for changing the contract.

PUBLIC HEARING

The proposed increase to sewer rates of 5% for all districts. Since no public comment was voiced, the following motion was presented.

Motion by Councilwoman Birchenough, seconded by Councilman Ross to close the public hearing on the Proposed Sewer Rate Increase at 10:22 a.m.

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

Motion by Councilman Ross, seconded by Councilman Virkler, to adopt **Resolution No. 31-2022, “Increase Sewer Rates For All Districts”**.

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 June 22, 2022 at 10:07 a.m. for Increase sewer rates for all Districts, and

WHEREAS, no public comment was heard; then therefore be it,

RESOLVED, that the Town Board of the Town of Lowville adopts a sewer rate increase of 5% for all sewer districts, and be it further

RESOLVED, that this increase will be effective for the November 2022 to May 2023 billing cycle.

OLD BUSINESS

Comprehensive Plan: Councilwoman Birchenough reviewed suggestions presented to her. Historian Beagle addresses the Historical District. A Zoning Board of Appeals (ZBA) member would like to see the plan more organized. Councilwoman Birchenough has received no specific comments from the Village. Supervisor Mullin says that Mayor Beagle has indicated that he thinks Councilwoman Birchenough’s efforts are great.

Councilwoman Birchenough acknowledged the great effort put into collecting and documenting the historical data. She suggested either putting it on its own page on the Town’s website or a link to the Lewis County Historical Society’s website, and excluding it from the Comprehensive Plan.

Matt at the Tug Hill Commission is concerned that the Land Use content was reduced too much, and would like to have a meeting to discuss this. Discussion continued with no action taken by the Board.

Councilwoman Birchenough will be developing a revised draft for the Board’s review.

Summer Recreation: Discussion about the cost of the summer recreation program. The Village Mayor would like the Town to pay the same amount as last year. The cost for 2021 youth recreation was \$17,026.17. The Youth Recreation includes summer and winter recreation programs which was paid with ARPA funds.

Mike Young, Recreation Commission chairperson, did receive one grant to assist with the cost of field trips. Mr. Young is looking into another grant as well. The grants lower the overall cost of the summer recreation program.

Budget discussions continued. The 2022 budget for the Town of Lowville has \$18,000.00 budgeted for youth recreation.

Lewis County will be contributing \$10,000.00 to help offset the cost for participants outside the Town and Village of Lowville.

The Town Board will need to consider an increase in next year's budget. Councilwoman Birchenough is concerned with charging for participation and participation dropping off because of it. She feels that this should be a free program. Supervisor Mullin would like a meeting with the Recreation Commission and the County.

Clerk Murphy reported that there is a vacancy on the recreation commission.

Motion by Councilman Ross, seconded by Councilwoman Birchenough to continue with the recreation program with the same contribution as in 2021.

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

The next meeting will be a regular board meeting on July 21, 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 10:59 a.m.

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

Respectfully submitted,

Aimee L. Murphy
Town Clerk