

**Town of Lowville Regular Board Meeting  
July 21, 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 21<sup>st</sup> day of July 2022.

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

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

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

Councilwoman Birchenough asked for clarification regarding the voucher submitted for payment to Betty Davis, Treasurer of the Lowville Senior Citizens Club. She was under the impression that the Town would be using the “Adult Recreation” line of the budget to offset the cost of the Adult Recreation portion of the Double Play summer recreation agreement. Supervisor Mullin explained that it could not be used for that as there was a contract with the organization and that is the line item that funds it. Supervisor Mullin also stated that he has requested information from Betty Davis for a brief report of what the organization uses the funds for, but has not received it to date. He will be contacting the organization to request again. Clerk Murphy will provide the contract for review by the Board.

**MINUTES**

**Motion** by Councilman Virkler, seconded by Councilwoman Birchenough to approve the minutes of the June 16, 2022 regular board meeting.

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

**ASSESSOR**

Assessor Gratch explained the need for the Town of Lowville to conduct a reappraisal. It is predicted that the equalization rate for 2023 will drop from 100% to approximately 75%. If this happens, the town will be responsible for approximately 20% of the County taxes, and exemptions will fall, including the STAR, ag land, veterans and senior citizens exemptions. The only budget expenses that would increase from a reappraisal would be the postage and envelopes. Assessor Gratch has been working on a new land schedule and depreciation schedule. She also stated that tax exempt properties do not have a factor in figuring for the equalization rate.

**Motion** by Councilwoman Virkler, seconded by Councilman Farney to adopt **Resolution No. 32-2022 “Authorizing the 2023 Reassessment/Data Collection Project for the Town of Lowville”**.

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

WHEAREAS, Section 305 of the Real Property Tax Law requires that the Town maintain a practice of uniform assessment; and

WHEREAS, the assessor of the Town of Lowville has made a presentation to the Town Board concerning the benefits and necessity of conducting town wide reassessment and

WHEREAS, the Town Board believes that it is in the best interest of the Town of Lowville to conduct a town wide reassessment,

BE IT RESOLVED, that the Town Board of the Town of Lowville authorizes and directs the Town Assessor to conduct a town wide reassessment of all properties located within the Town of Lowville for the 2023 tax roll and to expend funds within her budget or such state grants as may be obtained to support the reassessment as provided for hereinafter to accomplish such reassessment,

BE IT FURTHER RESOLVED, that the Town Board of the Town of Lowville hereby request State assistance, specifically from the Office of Real Property Services (ORPS), to carry out the town wide reassessment,

BE IT FURTHER RESOLVED, that the Supervisor of the Town of Lowville is authorized and directed to make application to ORPS for financial assistance concerning the reappraisal project pursuant to Section 1573 of Real Property Tax Law and to further enter into and execute such agreements and/or memorandum of understanding between the Town of Lowville and ORPS as may be necessary.

Assessor Gratch explained the informal hearing process to the Board.

Assessor Gratch left the meeting at 9:52 a.m.

### **CORRESPONDENCE**

- ARPA funds allocation: The second 50% is due in the summer of 2022 in the amount of \$77,025.40.

### **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 #7	Voucher #226 to #275	\$ 37,110.25
Except Voucher #246 (Duplicate payment)		
Highway - Abstract #7	Voucher #59 to #77	\$263,245.32
State Comptroller – Justice Court Fund		\$ 8,999.00
NYS Child Support		\$ 495.18
	Total	\$309,849.75

### **SUPERVISOR'S RECEIPTS**

Receipts:	Town Clerk	\$ 1,938.99
	Tax Collector	\$ 1,770.88
	Town Court	\$ 8,825.00
	Town Court	\$ 270.00 (Unaccounted Funds)
	Zoning	\$ 250.00 (ytd \$1,897.50)
	LC Humane Society	\$ 20.00 (Dog Impound Fees)

### **SUPERVISOR'S REPORT**

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

Supervisor Mullin has previously requested an activities report from Betty Davis, treasurer of the Lowville Senior Citizen Club. He will contact the club and make a second request.

**Motion** by Councilman Farney, 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**

**ATTORNEY**

Comprehensive Plan: Part 1 of the SEQR form needs to be completed, and a referral to the County Planning Board. Discussion continued regarding the Town taking lead agency status.

**Motion** by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution #33-2022, "Review of the Proposed Comprehensive Plan"**.

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

**Motion** by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution #33-2022, "Comprehensive Plan Review and Referral"**.

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

WHEREAS, the Town and Village of Lowville have been working cooperatively to develop and adopt a joint comprehensive plan for the Town and Village and such efforts have resulted in the development of a revised and amended proposed comprehensive plan; and

WHEREAS, the Town Board has determined that it wishes to advance the process for the review and eventual approval of the revised and amended comprehensive plan; and

WHEREAS, the Town Board has determined that the proposed comprehensive plan is subject to review under 6 NYCRR Part 617 (SEQRA) and that the proposed action is a Type I action thereunder; and

WHEREAS, the Town Board proposes to be the lead agency with regard to the review and possible adoption of the proposed revised and amended comprehensive plan; and

WHEREAS, the Town Board has determined that the proposed revised and amended comprehensive plan is also subject to review by the Lewis County Planning Board under the terms of Section 239-m of the General Municipal Law; Now therefore, be it

RESOLVED, that the Town Board will advance a review and possible approval of the revised and amended comprehensive plan; and be it further

RESOLVED, that the Town Board finds that the review and possible approval is subject to review under SEQRA, that the same is a Type I action and that the Town Board wishes to assert its rights to be lead agency thereunder in a coordinated review with the Village of Lowville; and be it further

RESOLVED, that the Town Board will communicate to the Village of Lowville the Town's desire to be lead agency and to conduct a coordinated review with the Village of Lowville; and be it further

RESOLVED, that the Town Board shall cause Part I of a long form Environmental Assessment Form to be completed and signed by the Supervisor as well as a General Municipal Law referral form and submit both of the same to the Lewis County Planning Board along with a copy the revised and amended comprehensive plan.

Fuel Costs: Superintendent Widrick asked if fuel costs could be covered by reserve funds. He explained that there is not enough money budgeted for the rest of the year to cover the rising fuel costs. Attorney Meier advised that a resolution to do a transfer for a specific dollar amount could be done without permissive referendum. Superintendent Widrick suggested \$25,000.00.

**Motion** by Councilwoman Birchenough, seconded by Councilman Virkler to adopt **Resolution #34-2022, “Authorizing transfer of funds from Highway Reserve Fund”**.

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

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

WHEREAS, upon recommendation of the Superintendent of Highways, the Town of Lowville finds the need to expend money from the Highway Reserve Fund to offset the rising cost of fuel; then therefore be it

RESOLVED, that the Town of Lowville authorizes the expenditure up to the sum of twenty-five thousand dollars (\$25,000.00) from the Highway Equipment Reserve Fund for the purpose of purchasing gasoline and diesel fuel for the Highway Department.

County Road Damage Fund: Lewis County has established a motorized recreational road fund for damage on Village and Town roads. This will be used to reimburse Lewis County Towns and Villages that adopt an Inter Municipal Agreement (IMA) with Lewis County to assist in covering road material costs incurred by damage from motorized recreational vehicles. Councilwoman Birchenough wondered if this would cover damage from snowmobiles as well as ATVs and UTVs. Attorney Meier will call County Attorney Joan McNichol for further explanation.

Lowville Academy and Central School Capital Improvement Project: LACS is requesting its Board of Education act as lead agency with regard to the SEQR for it’s proposed capital project, and that the Town agree to this. Discussion continued regarding the project itself and concerns of the Board. The Village is concerned with drainage. No action taken.

#### **TOWN CLERK**

- Clerk’s Monthly Report is in the Board Members’ Packets.
- Clerk Murphy reported receiving a resignation from Planning Board member Rebecca Kelley. Due to the recent death of Jeffrey Sauter, there are now two (2) vacancies on the Planning Board.
- Attended the #3 Wind luncheon with Supervisor Mullin, Superintendent Widrick and Councilman Ross celebrating workers for 200,000 hours of work without incident.
- Getting ready for hunting licenses to go on sale August 1<sup>st</sup>.
- Deputy Clerk Olmstead passed her notary exam and has made application to the Department of State for her commission.

#### **TAX COLLECTOR**

- Tax Collection end of season report is included in Board Members’ Packets.
- Settlement with the County

Interest Collected:	\$	0.33
Total Collected:	\$	0.33

Lewis County Treasurer:     \$    52,064.13

Town Supervisor	\$ 1,770.88
Total Disbursed:	\$ 53,835.01

- There is one outstanding refund check in the amount of \$47.54 for Housing for Humanity Holdings. Once that is cashed, then the tax collectors checking account will be zero.

**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

## **ZONING**

As previously stated, there are two (2) vacancies on the Planning Board that need to be filled. Lisa Hetzner is currently the Town appointed alternate. Clerk Murphy is directed to contact Mrs. Hetzner to see if she is interested in moving to a full member position.

## **SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS**

- Ridge Road/Phinney Road paving is complete. Bills paid this month. Will send in for CHIPS reimbursement as soon as checks clear the bank.

- Guiderail on Yancey Road has been installed. Installation came in under budget. Superintendent Widrick inquired as to where the Board would like payment to come from. Mr. Widrick suggested using ARPA funds. After a brief discussion the following motion was presented.

**Motion** by Councilman Ross, seconded by Councilman Farney to pay for the installation of guidrails with ARPA funds.

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

- The driveway/parking lot at the highway garage has had a binder coat installed and cost billed was at the June price originally quoted. Superintendent Widrick would also like to pay for this with ARPA funds. After a brief discussion the following motion was presented.

**Motion** by Councilwoman Birchenough, seconded by Councilman Virkler to pay for the installation of a binder on the highway garage driveway/parking lot with ARPA funds.

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

- CWD#1: Water was sold to Allen Brady on the Rice Road from the hydrant in front of the property. There is a building project commencing on the property. He billed Mr. Brady \$50 for the water and costs associated with providing the water. Superintendent Widrick suggested that the Town Board adopt a policy for the sale of water. Discussion continued regarding price per gallon and base charge.

**Motion** by Councilman Farney, seconded by Councilwoman Birchenough to adopt **Resolution No. 35-2022, “Charges for water purchase from Water Districts”**.

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

WHEREAS, the Town of Lowville feels the need to set a policy for providing water to non-customers of the Town of Lowville, then therefore be it

RESOLVED, that the Town of Lowville will charge a base fee of \$50.00 (fifty dollars) for hooking up to any Town hydrant and supplying the needed equipment, and be it further

RESOLVED, that a charge of 1½ (one a one half) times the current rate charged to residential customers of CWD#1 will be charged per gallon of water used, and be it further

RESOLVED, that this resolution will be effective immediately, excluding any agreements previously made for the sale of water.

- Brookside sewer: Supervisor Mullin will set up a meeting with Brookside representatives, himself and Superintendent Widrick next week.

#### **DOG CONTROL OFFICER**

- Dog Control Officer Astafan's monthly report and mid-year reports are in Board Members' packets.
- DCO Astafan is concerned with not having backing by the Court, so they are currently not writing tickets. He would like to have a meeting with Justice Coffman, Supervisor Mullin and Attorney Meier.
- The Village will have an answer in August regarding a dog control agreement and payments to the town.
- Shelter Agreement: DCO has not heard of the Humane Society Board agreeing to amend any of the municipal contracts. Clerk Murphy reported that the Town of New Bremen has been in contact with the Humane Society and is waiting for the Humane Society Board's response from their legal counsel.
- Rabies Vaccinations: There has been an issue with dog owners being unable to get into Countryside for vaccinations. DCO Astafan spoke with Dr. Pauley at Countryside Veterinary Clinic. Dr. Pauly stated that the current wait time for getting a dog vaccinated is not acceptable, and will speak with the Countryside staff to see what they can do to get people in quicker, especially if they get a notice from the DCO.

DCO Astafan left the meeting at 11:20 a.m.

The next meeting will be a regular board meeting on August 18, 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 11:20 a.m.

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

Respectfully submitted,

Aimee L. Murphy  
Town Clerk