

**Town of Lowville Regular Board Meeting
August 18, 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 18th day of August 2022.

Present: Robert Mullin, Supervisor
Paul Virkler, Deputy Supervisor
John D. Ross, Councilman
Stephen Farney, Councilman
Helen Birchenough, Councilwoman
Raymond Meier, Esq. Town Attorney(entered at 10:00 a.m.)
Aimee L. Murphy, Town Clerk
Thomas Widrick, Highway Superintendent/Special Districts Superintendent

Also Present: Charlotte Beagle, Town Historian; Nicholas Astafan Jr., Dog Control Officer; Chuck Terrillion, Village of Lowville Trustee; Paul E. Smith; Michael Hlad; Accountant Scott Lawrence (entered at 10:05 a.m.)

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 July 21, 2022 regular board meeting.

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

CORRESPONDENCE

- Lowville Senior Citizens Club Activities Report: Treasurer, Betty Davis provided a letter of appreciation and brief overview of activities of the Club. Supervisor Mullin stated the contract with the Lowville Senior Citizens Club has not been updated since 1999, and should be revisited by the Board.

Councilwoman Birchenough would like to see all contracts, including the VFW, the American Legion and the Lowville Senior Citizens Club, be reviewed annually and require the organization to provide an annual activities report to the Town Board. Clerk Murphy will pull any current contracts and contact the associated agencies to request reports and updated contracts.

- Real Property Tax Office: Wind/Solar Valuation Model – The temporary restraining order against implementation of the state’s wind and solar valuation model is still in place. The County Real Property Tax Director’s office will be monitoring the progress of the lawsuit and will notify us of any developments. Councilman Ross would like the Town to send Senator Griffo’s office a letter stating the Town of Lowville opposes the solar valuation model.

Motion by Councilman Ross, seconded by Councilman Farney authorizing Supervisor Mullin to send a letter to Senator Griffo’s office on behalf of the Town Board opposing the implementation of the Solar Valuation Model.

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

- Josh Leviker, County Legislator – Provided a written update from August Legislator’s meeting: “County Local Event Law”, Supervisor Mullin would like the Town to “opt-in” to this law using an Intermunicipal Memorandum of Understanding (IMU) with the County for road damage reimbursement caused by recreation/special events. This agreement should include ATV’s, and snowmobiles. If the Town does not enter into an IMU with the county, then there will be no recourse for recouping cost of road damage received by special/permitted events/recreation.

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The County Rules & Finance Committee has passed an Excess Sales Tax distribution to all municipalities. This proposed resolution will be voted on at the September 6, 2022 legislators meeting. Each municipality will receive a distribution based on the town’s assessed value, road mileage and population. The amount to be distributed to the Town of Lowville will be \$27,176.00. The Board discussed using these funds to offset the rising cost of diesel/gasoline.

VOUCHERS

Motion by Councilman Farney, seconded by Councilman Ross to approve bills be paid as listed in the following amounts.

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

General – Abstract #8	Voucher #276 to #308	\$ 25,605.85
Highway - Abstract #8	Voucher #78 to #96	\$ 13,288.50
CWD#1 Capital – Abstract #6	Voucher#7 to #8	\$ 52,094.52
State Comptroller – Justice Court Fund		\$ 7,474.00
NYS Child Support		\$ 330.12
	Total	\$ 98,792.99

SUPERVISOR’S RECEIPTS

Receipts:	Town Clerk	\$ 2,120.15
	Town Court	\$ 4,423.00
	Zoning	\$ 450.50 (ytd \$2.348.00)
	Bradymore Properties	\$ 50.00 (Water)
	ARPA	\$ 77,025.40 (Second payment)

SUPERVISOR’S REPORT

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

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

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

DEPARTMENT REPORTS

HISTORIAN – Historian Beagle reported the Lewis County Historical Society received money from the Number Three Wind Farm for the purpose of funding cemetery restoration or rehabilitation efforts in the Towns of Harrisburg and Lowville. Historian Beagle would like to contact Artisan Engraving for estimates on restoration of monuments in the Frary Cemetery, Friends Burying Ground and Spafford Landing Cemetery. She will also contact the County regarding the County Poorhouse Cemetery and Ned Merrell for the Lowville Rural Cemetery, both active cemeteries, to see if they are interested in participating as well. If there is not enough money, she would put in for a George Davis grant to cover the remaining balance. She requested permission to apply for funds from the Historical Society.

Motion by Councilman Ross, seconded by Councilwoman Birchenough to adopt **Resolution #36-2022, “Lewis County Historical Society, Cemetery Restoration Money Application”**.

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

RESOLVED, that the Town of Lowville Town Board supports the Town Historian applying to the Lewis County Historical Society for Number Three Wind Farm mitigation monies for the restoration/rehabilitation of the Frary Cemetery, the Friends Burying Ground and the Spafford Landing Cemetery, and be it further

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RESOLVED, that Supervisor Mullin be authorized to sign same.

Historian Beagle reported about her current research on abolitionists, and the anti-slavery association in Lewis County.

TOWN CLERK

- Clerk's Monthly Report is in the Board Members' Packets.
- Hunting licenses went on sale August 1st, and sales have been steady. No major problems yet this year with license sales.
- Received resignation of Teresa LaParr, Administrative Assistant to the Assessor. Assessor Gratch had Clerk Murphy advertise in the newspaper, the town's website and on linkinglewiscounty.com for a replacement.
- Updating water meter replacements as they are installed by the highway department. When completed, the new meter reading software should upload meter readings directly into the billing software.
- Received Petition to extend the waterline along the Number Four Rd. Clerk Murphy created a map using the information from the petition showing the properties interested in obtaining water and the existing #5 and #9 water districts.

Michael Hlad, resident of the Number Four Rd., asked the Board to consider extending the water line. Some residents were also interested in sewer and natural gas. Cost estimate to extend water line in 2009 was \$608,400. Discussion ensued regarding the possibility of extending or creating a new water district along the Number Four Rd & Markowski Rd and the costs of the engineering to determine the feasibility of creating/extending water lines. It was suggested to approach the County to see what studies etc., have already been conducted so as not to duplicate them. Mr. Hlad inquired if the Town could apply for funds to help pay for the initial engineering. It was suggested the Town tie in with the Watson water line and buy water from the Town of Watson.

BUDGET OFFICER/BOOKKEEPER

Accountant Scott Lawrence reviewed the financials through July 31, 2022 with the Board.

NYCLASS: Mr. Lawrence provided the Board with information regarding the New York Cooperative Liquid Assets Securities System. He would like the Board to consider this company as an alternative to invest the Town's money with, as the return rate is currently significantly higher than banks at 1.89%. A potential downside to this fund is that it could negatively affect Town/bank relations. Councilwoman Birchenough is concerned with the risk factor associated with this type of investment fund without significantly more information on the funds held in the NYCLASS investments. Lewis County, Towns of Pinckney, Montague and Watson all participate in NYCLASS. The Board asked Accountant Lawrence to set up a meeting with the NYCLASS representative for the September 15th Board meeting date.

Accountant Scott Lawrence left the meeting at 11:15 a.m.

ATTORNEY

Comprehensive Plan: Attorney Meier put together the SEQR form and Clerk Murphy submitted all documents to the Lewis County Planning Board. The Planning Board will be meeting this day and will forward their recommendations to the Town.

County Local Events Law: Attorney Meier has not made contact with County Attorney McNichol to date. He will call Attorney McNichol and make sure that damage to roads due to snowmobiles will be covered as well as ATV/UTVs.

ZONING

Clerk Murphy spoke with Planning Board alternate member, Lisa Hetzner. She has agreed to move to a full-member position to complete the unexpired term of Jeffrey Sauter.

Motion by Councilman Farney, seconded by Councilman Virkler to adopt **Resolution No. 37-2022, “Appointment of Planning Board Member”**.

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

WHEREAS, the Town of Lowville Town and Village Joint Planning Board has a vacancy that the Town Board wishes to fill, then therefore be it

RESOLVED, that Lisa Hetzner be appointed as a full-member of the Town and Village of Lowville Joint Planning Board with a term of office through 12/31/2025.

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

- A water line failed in Pump Station #1 (PS1) on 7/21/22. The water line broke and filled PS1 vault with water. The electric motors in the pumps were under water for at least an hour. Everything was removed from the pit, the motors were dried out and the pumps reinstalled. Pump 2 is pumping at approximately 85 gallons per minute (GPM) and Pump 1 is pumping at approximately 100 GPM. When working properly, the pumps should be able to produce approximately 105 GPM. The Town’s insurance company was contacted and will cover the cost of replacing both pumps when a claim is filed. Estimate to replace both pumps is \$9,700. The Town will be responsible for the insurance deductible.

PS1 had problems again on 8/9. Air got into the supply line from the Village tank. The Village turned off a valve at their tank and when they turned it back on, air was pushed into the supply line. Had to bleed air out of both pumps.

Contractors at the Lewis County General Hospital project hit the main line again on 8/18/22. The pumps were shut down quickly, but more problems are expected.

- Repaired washed out culvert outfall on Boshart Road with large chunks of stone from the hospital project. The hospital contractors hauled the stone to the site at no cost to the Town.

- Water meter changeover in CWD#1 is very close to completion. There are two (2) meters in CWD#1 and 10-12 on Hillcrest & Sunset. The new software is already reading meters and two (2) leaks have already been addressed. Software training for Superintendent Widrick and Clerk Murphy will be in September.

- Price estimate on changing pipe in PS1 from Schedule 80 plastic to HDPE or similar piping: The schedule 80 plastic currently installed in PS1 was not made to handle the water system. Received proposal from P&T Supply and Services to provide and install new stainless-steel piping. Pump will be installed above the centerline of existing suction to facilitate priming and decreasing likeliness of air bounding at a total cost of \$16,749.00. Superintendent Widrick recommends the Board approve the proposal and replace the piping.

Motion by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 38-2022, “Replace Consolidated Water District #1, Pump Station #1 Piping”**.

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

WHEREAS, Consolidated Water District #1, Pump Station #1 is in need of replacement piping; then therefore be it

RESOLVED, that the Town of Lowville Town Board accepts the proposal of P&T Supply and Services to provide and install new stainless-steel piping and valves at a proposed cost of \$16,749.00.

A brief discussion was held on where the funds would come from to cover the cost of the piping upgrade.

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Motion by Councilwoman Birchenough, seconded by Councilman Virkler to use ARPA funds to pay for the Consolidated Water District #1, Pump Station #1 piping upgrade.

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

DOG CONTROL OFFICER

- The dog control officer’s monthly report is in the Board Members’ packets.
- DCO Astafan reported that he and Supervisor Mullin met with Judge Coffman regarding the disposition of dog cases in Court. Judge Coffman agreed to look into older cases and take care of what he can. DCO Astafan will be issuing tickets again if necessary for unlicensed or unvaccinated dogs.
- The Village has agreed to an Intermunicipal Agreement with the town for dog control services, effective 09/01/2022. As a result of the additional responsibilities associated with this agreement, DCO Astafan has asked for an increase in his salary beginning September 1, 2022. A new contract with DCO Astafan will need to be approved for this change to take effect.

Motion by Councilman Virkler, seconded by Councilman Ross to adopt **Resolution No. 39-2022** “**Agreement for Dog Control Officer Services**”.

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

RESOLVED, that the Town of Lowville will contract with Nicholas J. Astafan Jr. for Dog Control Officer Services beginning on September 1, 2022 at a monthly rate of compensation of \$741.67 plus mileage.

**Copy of said agreement is incorporated at the end of these minutes.*

Motion by Councilman Farney, seconded by Councilwoman Birchenough to adopt **Resolution No. 40-2022**, “**Intermunicipal Agreement with Village of Lowville for Dog Control Services**”.

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an intermunicipal agreement for dog control services with the Village of Lowville, contingent upon review and approval of the Town Attorney.

OLD BUSINESS

Brookside Sewer – Supervisor Mullin and Superintendent Widrick met with Joe Widrick & Joe Monnat from the Brookside Senior-Living Community. The purpose of the meeting was to discuss the current sewer lift station and the need to update it to handle the current volume of sewage. Brookside represents approximately 80% of the sewer usage in sewer district #1 (SD#1). The Brookside Board did agree to allow the Town of Lowville to hire an engineering firm to look into the cost of improving SD#1. The Brookside Board has also indicated there are no plans for further expansion of the facility. Once proposed costs for improving SD#1 are put together, the Town will need to present to the Brookside Board and the rest of Sewer District #1 before moving forward.

Motion by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 41-2022**, “**Hire Engineer for Sewer District #1 Lift Station Upgrade Proposal**”.

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

WHEREAS, the Town of Lowville Sewer District #1 lift station is in need of upgrading; and

WHEREAS, an engineer will be required to put together a proposal for the lift station upgrade; then, therefore be it

RESOLVED, that the Town Supervisor is hereby authorized to retain the services of Bernier, Carr & Associates (BC&A) to draw up a proposal for consideration by the Town Board.

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Lowville Academy and Central School Capital Improvement Project – Discussion regarding the LACS Board taking lead agency occurred. Attorney Meier stated a coordinated review could be done with the Village as part of a Type I action. Supervisor Mullin understood that Mayor Beagle previously responded to the school with concerns about drainage. Supervisor Mullin will speak with Mayor Beagle to see if he has heard anything further. Supervisor Mullin also spoke with Zoning Officer Manning. She has indicated that the SEQR form is not acceptable as submitted. Attorney Meier suggested speaking with the school superintendent, Rebecca Dunckel-King to set up a meeting with the engineers for LACS, the Village and the Town. Zoning Officer Manning entered the meeting and addressed the Board. She has received only the SEQR form and no other plans. Attorney Meier stated that at some point the school project will lead to a Type II SEQR action and drainage will have to be addressed at that time. Supervisor Mullin will speak with Mayor Beagle and see what his feelings are before Supervisor Mullin reaches out to the school. No action taken.

The next meeting will be a regular board meeting on September 15, 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 12:07 p.m.

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

Respectfully submitted,

Aimee L. Murphy
Town Clerk