

**Town of Lowville Regular Board Meeting
October 20, 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 20th day of October 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
Selina Olmstead, Deputy Town Clerk
Thomas Widrick, Highway Superintendent/Special Districts Superintendent

Also Present: Chuck Terrillion, Village of Lowville Trustee; Cassandra Buell, Lewis County Planning Department; Doug Miller, Miller Engineers; Accountant Scott Lawrence (entered at 10:51 a.m.); 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 Councilman Ross to approve the minutes of the September 15, 2022 regular board meeting.

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

CORRESPONDENCE

- Association of Towns: Notice of annual meeting and training school in NY City.
- Josh Leviker: Report of County activities.

VOUCHERS

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

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

| | | |
|-----------------------------|----------------------|--------------------|
| General – Abstract #10 | Voucher #344 to #399 | \$ 36,155.43 |
| Highway - Abstract #10 | Voucher #111 to #135 | \$ 55,926.74 |
| Capital Water – Abstract #7 | Voucher#9 | \$ 3,750.00 |
| NYS Child Support | | \$ 165.06 |
| Comptroller | | <u>\$ 3,348.00</u> |
| | Total | \$ 99,345.23 |

Lewis County Water Study

Cassandra Buell, Lewis County Planning Director and Douglas Miller, Miller Engineers gave an updated presentation on the Central Lewis County Water Study, supplemental study. Mr. Miller provided the Board with a Summary of Findings of this phase of the study and reviewed it with the Board. The County is interested in knowing what the municipalities need/want before they commit to assisting with any specific projects.

PUBLIC HEARING

Supervisor Mullin declared the Public Hearing for Consolidated Water District #1 Benefit Assessment Roll open at 10:00 a.m. with proof of publication in the Lowville Journal & Republican and posting on the Town’s website and Clerk’s bulletin board being acknowledged by the Board. Copies of the Benefit

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Assessment Rolls were provided to the Board Members at the September board meeting. Supervisor Mullin left the public hearing open for comments to be heard.

Discussion regarding the water study continued.

PUBLIC HEARING

Supervisor Mullin declared the Public Hearing for the joint Town and Village Comprehensive Plan open at 10:11 a.m. with proof of publication in the Lowville Journal & Republican and posting on the Town's website and Clerk's bulletin board being acknowledged by the Board. Copies of the Comprehensive Plan were provided to the Board Members. Supervisor Mullin left the public hearing open for comments to be heard.

Water study discussion continued.

Mrs. Buell and Mr. Miller left the meeting at 10:17 a.m.

Benefit Assessment Roll

Benefit Assessment Roll for Consolidated Water District #1 was previously provided to Board members for review. Clerk Murphy gave a brief explanation of the purpose of the Benefit Assessment and reviewed the roll with the Board.

Discussion regarding properties with a water tap installed but have not been developed occurred. Clerk Murphy explained that these properties have a benefit assessment of one (1) whereas users have a benefit assessment of at least a two (2).

Discussion continued regarding users in all districts who do not have a significant amount of water usage, not being billed enough to cover the cost of the water purchased from the Village for their property. The Village has a minimum rate that is billed no matter how little the usage. This has caused a problem with Water District #6, as the only user in the district is not using much water, so the Town is paying more to the Village for Source of Supply than the Town is billing for actual usage. Supervisor Mullin asked Attorney Meier what the procedure is for setting a minimum rate for water usage. Attorney Meier will need to review the Town Code to determine the most beneficial way for the Town to proceed.

Motion by Councilwoman Birchenough, seconded by Councilman Ross to close the Public Hearing on the Benefit Assessment Rolls for CWD#1 at 10:30 a.m. with no public comment being heard.

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

Motion by Councilwoman Birchenough, seconded by Councilman Virkler to adopt **Resolution No. 50-2022, "Adoption of Benefit Assessment Rolls for CWD#1 for 2023."**

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

WHEREAS, the Town Board held a public hearing on the Benefit Assessments Roll for Consolidated Water District #1 on October 20, 2022 where no public comment was heard, and

WHEREAS, the Town Board deems that it is in the public interest to adopt the Benefit Assessments Roll; then, therefore be it

RESOLVED, that the benefit assessments be levied upon lots and parcels of lands listed in the assessment rolls at the time and in the manner provided by law for the levy of State, County and Town taxes.

Comprehensive Plan

Councilwoman Birchenough explained that the Comprehensive Plan does touch on municipal water.

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Supervisor Mullin declared the public hearing on the Comprehensive Plan closed at 10:33 a.m. with no public comment being heard.

Motion by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 51-2022, “Adopting the Joint Town and Village of Lowville Comprehensive Plan”**.

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

WHEREAS, the Lowville Town Board charged the Lowville Comprehensive Plan Committee with the development of a comprehensive plan; and the Lowville Comprehensive Plan Committee developed such plan; held a public hearing on such plan; and recommended such plan to the Town Board, and

WHEREAS, the Lowville Town Board reviewed, amended and submitted the *Town and Village of Lowville Comprehensive Plan* to the Lewis County Planning Board for review under General Municipal Law Section 239-m; and the Lewis County Planning Board approved the *Plan* with conditions/recommendations which have been addressed, and

WHEREAS, the Lowville Town Board held a public hearing on the *Plan* on October 20, 2022, at 10:10 a.m., and

WHEREAS, the Lowville Town Board established itself as lead agency under the State Environmental Quality Review Act, and declared that the *Plan* will not have a significant negative effect on the environment, then, therefore be it,

RESOLVED that, pursuant to Town Law Section 272-a, the Lowville Town Board hereby adopts the *Town and Village of Lowville Comprehensive Plan*.

Councilwoman Birchenough is editing the appendices from the original draft of the comprehensive plan to appear on the Town’s website.

SUPERVISOR’S RECEIPTS

| | | |
|-----------|----------------------|---|
| Receipts: | Town Clerk | \$ 2,053.46 |
| | Town Court | \$ 4,598.00 |
| | Zoning | \$ 107.50 (\$2,455.50 ytd) |
| | BridgeNY | \$ 18,310.46 (O’Brien Rd) |
| | AIM | \$ 20,401.00 |
| | NYS Comptroller | \$227,836.01 (CHIPS, EWR, PaveNY) |
| | NYS Comptroller | \$ 22,403.15 (POP – Pave Over Pothole) |
| | Retiree Insurance | \$ 3,179.37 (Quarterly Insurance Premium) |
| | Excellus Health Plan | \$ 1,327.55 (Retiree Medicare C Refund) |
| | Lewis County | \$ 27,176.00 (Fuel Cost Assistance) |

SUPERVISOR’S REPORT

Supervisor Mullin’s financial report is included in the Board Members’ packets. Supervisor Mullin did not provide an activities report this month.

Supervisor Mullin reported speaking with Community Bank. The bank is willing to give 2% interest on money market accounts and 2.45% on CD’s. Discussion regarding accessibility of funds through NY Class vs. Community Bank. Councilman Farney would like Supervisor Mullin to go back to the bank and ask for a better rate.

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

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

DEPARTMENT REPORTS

ATTORNEY

- County Local Event Law: Attorney Meier explained the County law and process for permitting to the Board. Copies of the Intermunicipal Agreement and a draft resolution were provided to the Board. Councilwoman Birchenough suggested striking the word "Village" from the first paragraph of the Intermunicipal Agreement. Concerns were expressed about the County being able to declare town roads open with a special event permit without the town's consent, timing of the issuance of permits and notification to the town of permitted events. Attorney Meier will speak with the County Attorney regarding the Board's concerns.

PUBLIC HEARING

Supervisor Mullin declared the public hearing for the Water and Sewer Budgets open at 11:11 a.m. with proof of publication in the Journal & Republican, on the Town's website and on the Town Clerk's bulletin board being acknowledged. Copies of Water and Sewer budgets were previously supplied to Board Members. Suggested updates to the Water Budgets were also provided to Board Members.

Discussion resumed regarding the County Local Event Law. No action taken pending response from the County Attorney.

Municipal Water Request

Karen Quina, resident of the Rice Rd. presented a request to the Town Board for an expansion of the municipal water line connecting the Rice Rd., along the Gordon Rd. to State Rte. 12. The majority of the residents who signed the petition do not live in a current water district. Attorney Meier explained the process involved in expanding or creating a new water district. Councilwoman Birchenough suggested Mrs. Quina contact Cassandra Buell at Lewis County Planning and Community Development for more information from the Central Lewis County Water Study. No action taken.

PUBLIC HEARING

Supervisor Mullin declared the public hearing for the 2023 Preliminary Budget for the Town of Lowville open at 11:27 a.m. with proof of publication in the Journal & Republican, on the Town's website and on the Town Clerk's bulletin board being acknowledged.

TOWN CLERK

- Clerk's Monthly Report is in the Board Members' Packets.
- Hunting licenses are being sold daily, but starting to slow down as the opening of season nears.
- Consolidated Water District #1 water meter readings have been imported and reviewed. A considerable amount of time has been spent preparing for the import and double-checking consumption amounts for accuracy in the conversion. Adjustments will be needed before billing is completed at the end of the month.
- Deputy Clerk Olmstead will be out beginning November 2nd, and will be unable to return to her cleaning duties for approximately eight (8) weeks. The Board will need to find a temporary replacement at the same rate of compensation as the current cleaner. Councilman Ross has a person in mind who might be interested in filling in. He will contact her and report back.
- Assisted Supervisor Mullin to get signed in for the ARPA reporting. Accountant Lawrence will complete the actual reporting.

WATER/SEWER BUDGET

Clerk Murphy and Accountant Lawrence reviewed the water and sewer budgets with the Board Members. Accountant Lawrence reviewed the 2020 water leak in Water District #5 (WD#5) and how the repairs made the fund balance drop greatly. The district has been unable to bring the fund balance back up because it is not making enough money.

Accountant Lawrence gave the allocation percentages for the water districts and fund balances for each district. Councilwoman Birchenough suggested raising rates for WD#5 to \$7.50/unit. Discussion continued with review of the rates for all districts.

Motion by Councilwoman Birchenough, seconded by Councilman Farney to adopt **Resolution No. 52-2022, "Adopting Water District Rate Increase"**.

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

WHEREAS, water rates for usage are set by the Town Board before there is actual usage by the users and,

WHEREAS, Water District #3, Water District #4, Water District #5, Water District #6 and Water District #9 have expenditures that meet or exceed their revenues, therefore be it

RESOLVED, that the Town Board of the Town of Lowville shall increase the usage rate to \$7.00 per unit, residential and industrial, commercial and tax-exempt users, in Water District #3, Water District #4, Water District #5, Water District #6 and Water District #9 for 2023, and

ALSO RESOLVED, that this rate increase will be in effect for the spring billing cycle.

PRELIMINARY BUDGET

Copies of the Preliminary Budget were provided to the Board Members. Accountant Lawrence provided copies of the tax levy calculation sheet. Discussion about using fund balance to reduce the tax levy occurred. After discussion, it was agreed that a special meeting is necessary to complete the budget discussion.

Motion by Councilman Ross, seconded by Councilwoman Birchenough to hold a special meeting on November 1, 2022 at 9:00 a.m. for the purpose of reviewing the preliminary budget for 2023 and any other business that may come before the Board.

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

Motion by Councilman Ross, seconded by Councilwoman Birchenough to hold the public hearings on the Water & Sewer Budgets and the Preliminary Budget for 2023 open until the November 1, 2022 special meeting.

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

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

- Meter reading is complete. New drive-by system seems to be working well.
- Trimmed trees on the East Rd. with the County's bucket truck.
- Dead end sewers have been flushed.
- Sewer lift stations have been cleaned for winter.
- Fire hydrants have been flushed.
- A water tap has been installed for the Brady property on the Rice Road and for Maple Run Homes on Ebbly Road. One more tap will need to be installed on another property before winter.
- The John Deere mower is having issues with the DPF/emissions. Working with Cazenovia Equipment to get it repaired. The tractor is still under warranty.

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- New Truck and Plow: Superintendent Widrick would like permission to order a new F350 pickup and plow. To receive state pricing, he will have until the week of November 7th to sign up. Following a brief discussion, the following resolution was presented.

Motion by Councilman Ross, seconded by Councilman Mullin to adopt **Resolution No. 53-2022, “Expenditure of Funds From the Highway Equipment Reserve Fund Subject to Permissive Referendum for Purchase of New 2023 F350 Pickup and V-Plow”.**

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 F350 4x4 pickup truck and Fisher 8.5-foot Xtreme V-plow; then, therefore be it,

RESOLVED, that the Town of Lowville authorizes the expenditure up to the sum of no more than Fifty-five thousand dollars (\$55,000.00) from the Highway Equipment Reserve Fund for the purpose of purchasing a new 2023 F350 4x4 Pickup truck and no more than Seven thousand six hundred dollars (\$7,600.00) for the purpose of purchasing a new 8.5-foot Xtreme V-Plow; 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 (30) days after its adoption.

- Brookside Sewer: Has heard nothing from Bernier, Carr & Associates.
- Three (3) applications have been received for seasonal help. Applications will continue to be accepted through November 5th.

DOG CONTROL OFFICER

- The dog control officer’s monthly report is in the Board Members’ packets.

BUDGET OFFICER/BOOKKEEPER

- Deferred Compensation: North Country CPAs are requesting permission to set up the Town with ACH payments to NYS Deferred Compensation on a payroll basis (bi-weekly, monthly, quarterly, etc.) . Currently, a check is being written on a monthly basis. Since money is deducted from employee’s checks at different times, it should be reported immediately, instead of just once a month.

Motion by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 54-2022, “Permission to Use ACH for NYS Deferred Compensation Payments”.**

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

WHEREAS, North Country CPAs, as accountants to the Town of Lowville, have begun filing the NYS Deferred Compensation reporting electronically as of 09/30/2022, and are requesting permission to begin ACH payments on a payroll basis, then, therefore be it,

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RESOLVED, that North Country CPAs are permitted to set up ACH payments from the Town of Lowville to NYS Deferred Compensation on a payroll basis.

RACOG

The Town Board will need to sign a new Intermunicipal Agreement (IMA) to allow the Town of Croghan to join RACOG. The following resolution was presented.

Motion by Councilman Virkler, seconded by Councilman Farney to adopt **Resolution No. 55-2022, “Adopting RACOG Intermunicipal Agreement (IMA)”**.

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

WHEREAS, the undersigned communities of the Village of Carthage, the Village of West Carthage, the Village of Deferiet, the Village of Lowville, the Village of Copenhagen, the Village of Castorland, the Town of Wilna, the Town of Champion, Town of Lowville, the Town of Denmark and the Town of Croghan believe that efficiencies and economies of scale which will benefit residents of all communities participating in this agreement can be uncovered through close communication and council with each other and;

WHEREAS, these communities believe that often, community development initiatives should be considered and reviewed on a cooperative basis toward the end of uncovering these efficiencies and economies and;

WHEREAS, these communities believe that regular meetings of representatives from participating towns and villages will encourage communication and research on opportunities that might exist for cooperative action between communities in such areas as land use planning and zoning administration, park and recreation development, staffing, highway management, and all other areas of general municipal management and;

WHEREAS, such communication can assist in setting priorities for action and in leveraging assistance from outside sources such as the Tug Hill Commission, the Development Authority of the North Country, Jefferson County, Lewis County, the State of New York and the federal government; then, therefore be it

RESOLVED, that the undersigned communities do hereby form a council to be known as River Area Council of Governments herein after referred to as the council to perform activities as will be determined by the council according to agreed upon by-laws. By-laws shall include provision for fiscal responsibility prior to the council raising or spending funds and; be it further

RESOLVED, that membership in the council will be made up of the chief elected official of each participating community and one additional member from each participating town or village to be appointed by the respective boards. It shall be the responsibility of all members to report to their respective town or village boards on council proceedings and; be it further

RESOLVED, that the council will encourage active involvement of all town and village board members from participating communities and interested citizens and will assume that open and active communication between the council and residents is a primary objective of the council and; be it further

RESOLVED, that this agreement can be amended when necessary by approval from the governing boards of all participating communities and; be it further

RESOLVED, that this agreement will take effect upon approval and signing by all interested communities.

**A copy of this agreement is attached at the end of these minutes*

OLD BUSINESS

Brookside Sewer – No updates. Superintendent Widrick will reach out to Robert Boliver of BC&A for more information.

Lowville School Capital Building Project – Nothing new to report.

Water District #9 Extension – Brief discussion occurred, no action taken.

NEW BUSINESS

VFW & American Legion Contracts

Review and discussion occurred.

Motion by Councilman Farney, seconded by Councilman Virkler to approve the wording of the contract and to forward on to the appropriate organization.

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

Lowville Senior Citizens Club Contract

Review and discussion occurred.

Motion by Councilman Ross, seconded by Councilwoman Birchenough to approve the wording of the contract and to forward to the organization in January of 2023.

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

Library Contract

Review and discussion occurred.

Motion by Councilwoman Birchenough, seconded by Councilman Virkler to approve the wording of the contract and authorize Supervisor Mullin to sign the contract in January of 2023.

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

Brookside PILOT

As per section C PILOT Amendments, Part 3 of the Brookside PILOT, an increase of $\frac{3}{4}$ of 1% for the 2023 PILOT payment may be assessed. After a brief discussion, the following resolution was adopted.

MOTION By Councilman Virkler, seconded by Councilman Farney to adopt **Resolution No. 56-2022, “Approving Increase in Brookside PILOT”**.

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

WHEREAS, the Town of Lowville has a Payment In Lieu of Taxes Agreement (PILOT) with Brookside Redevelopment Company, Inc. and

WHEREAS, the Agreement states that the Town may increase the value of the PILOT by a multiplier (equity cost) that allows three quarters of one percent (.75%) on “Duplex Units”, then therefore be it

RESOLVED, that the Town Board of the town of Lowville shall notify Brookside Senior Living Community that it will exercise the provisions agreed to in the PILOT.

Fire Contract

Copies of the proposed Fire Protection Contract with the Village of Lowville and the Lowville Volunteer Fire Department, Inc. were provided to the Board members. The Village of Lowville Board of Trustees

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approved the contract at their meeting on 10/19/2022. A public hearing will need to be held before the Town Board can approve of the contract.

Motion by Councilman Farney, seconded by Councilwoman Birchenough to adopt **Resolution No. 57-2022 “Setting the Public Hearing for the 2023 Fire Contract”**.

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

WHEREAS, it is necessary to hold a public hearing for the 2023 Fire Contract, and

WHEREAS, it is necessary for the public hearing to be advertised for at least five (5) days before the public hearing is held, then therefore be it

RESOLVED, that the public hearing be held on November 17, 2022, at the Regular Town Board meeting at 9:45 a.m.

Municipal Water Request continued

Town Clerk Murphy received petition and notice of interest in municipal water for residents on the Rice Rd. and Gordon Rd. Copies were provided to the Board Members. Brief discussion occurred. No action taken at this time.

The next regular board meeting will be on November 17, 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 1:05 p.m.

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

Respectfully submitted,

Aimee L. Murphy, Town Clerk