

**Town of Lowville Regular Board Meeting
September 15, 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 15th day of September 2022.

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

Also Present: Chuck Terrillion, Village of Lowville Trustee; Matt Schooley, Barton & Loguidice; Paul E. Smith; Mike Mealus; Accountant Scott Lawrence (entered at 9:50 a.m.); Mickey Dietrich, Tug Hill Commission;

Present via Teams Videoconference: Kathy Saville, NY Class

The meeting was called to order at 9:32 a.m. by Supervisor Mullin who also led the Pledge of Allegiance.

MINUTES

Motion by Councilman Ross, seconded by Councilwoman Birchenough to approve, with changes, the minutes of the August 18, 2022 regular board meeting.

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

CORRESPONDENCE

- Volunteer Transportation Center: Request for donation. Discussion ensued as to if a donation was made last year and in what amount.

Motion by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 42-2022, “Funds for the Volunteer Transportation Center”**.

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

WHEREAS the Volunteer Transportation Center has requested funding that was not included in the 2022 Budget, then therefore be it

RESOLVED that the Supervisor be directed to pay \$1,000.00 from the General Fund Contingency to the Volunteer Transportation Center.

- New York State Department of Tax & Finance – Reassessment Project 2023 – In order to qualify for state aid for this reassessment project under the Aid for Cyclical Reassessment program, the town needs to submit a Cyclical Reassessment Plan prior to January 1, 2023.

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 #9	Voucher #309 to #343	\$ 24,989.01
Highway - Abstract #9	Voucher #97 to #110	\$ 16,745.34

Town of Lowville Regular Board Meeting
September 15, 2022

NYS Child Support		\$ 330.12
Total		\$ 42,064.47

BridgeNY

Matt Schooley from Barton & Loguidice (B&L) gave an update on the BridgeNY Gardner Road and O'Brien Road Bridge/Box Culvert projects. The projects are currently in the conceptual design stage. The cost will be higher than what was estimated in 2020 when the projects were submitted to the program for funding.

Gardner Road: \$952,083 funding was granted through Bridge NY. It has been determined the culvert needs to be enlarged into a bridge instead of a box culvert because it will need to be 20 feet long. Anything over 18 feet must be a bridge. B&L suggested reducing the shoulder width from 4 feet to 2 feet to reduce the cost. A traffic counter will be installed in an effort to prove it to be a low volume road, allowing for the smaller shoulders. Currently the proposed new cost for this bridge is \$996,000. It was suggested to set aside approximately \$120,000 for the town's share of this project.

O'Brien Road: This will remain a box culvert. It will have 10' travel lanes and 2' shoulders at a cost of \$748,000. The local share will be \$100,000. BridgeNY funding grant is \$782,806. It should be noted that there are engineering costs in addition to the build costs for each project.

More accurate numbers will be available soon. Timeline for the projects: Bid out in spring 2023 and build in summer of 2023. Mr. Schooley explained the Town could save money if allowed to use one inspector for both projects. Barton & Loguidice will work with the Town to request one inspector when the time comes. It is not guaranteed to be allowed by the State. Barton & Loguidice will also hold a public information meeting in approximately one month. The Town will be responsible for publishing the meeting notice in the newspaper once the date and time are set.

NY Class

Kathy Saville, representing NY Class, gave a presentation via Teams video conference. Lewis County, The Towns of Montague and Diana along with multiple local school districts currently participate. Money can only be invested as authorized in the General Municipal Law. There is no cost to the municipality. The Comptroller's office is very supportive of the program and often recommends it to municipalities. Funds are fully insured, collateralized and remain liquid. Should the Board wish to participate, it would need to pass a resolution approving NY Class as a depository and complete the setup paperwork.

Currently, M&T Bank holds the town's collateral. Discussion continued. Accountant Lawrence stated extra interest could be used to lower the tax levy. Councilwoman Birchenough inquired as to which funds would potentially be invested. The Board agreed that Community Bank should be contacted to see if they could provide a better interest rate before pulling funds to invest elsewhere. Supervisor Mullin will set up an appointment with Kim at Community Bank.

Budget

Town Clerk Murphy presented copies of the Tentative Budget to the Board Members in their packets. Accountant Lawrence reviewed the Tentative Budget with the Board. The following changes to the Tentative Budget were suggested:

- Reduce Town Clerk Contractual (A1410.4) to \$3,520.00
- Increase General Fund Appropriated Fund Balance to \$238,500.00
- Increase Highway Fund – Part Town Appropriated Fund Balance to \$300,000.00
- Increase Highway Fund – Part Town Highway Improvements Contractual (DB5112.4) to \$420,000.00
- Reduce Water District Expenditures to \$3,799.00
- Reduce Sewer Administration Contractual to \$799.00

Town of Lowville Regular Board Meeting
September 15, 2022

Discussion was held regarding water and sewer budgets and benefit assessments.

Discussion regarding contracts for Senior Citizens Club, VFW, American Legion and Library Contract. Supervisor Mullin to contact Attorney Meier for updated/new contracts.

Discussion regarding how to cover the cost of paving the highway garage parking lot and what ARPA funds are available for use.

Motion by Councilman Ross, seconded by Councilman Farney to use ARPA funds to pave highway garage parking lot in the amount of \$35,000.00.

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

Supervisor Mullin stated that ARPA monies cannot be used to balance the budget. After discussion, Councilman Ross rescinded his motion.

Motion by Councilman Virkler, seconded by Councilwoman Birchenough to approve the Tentative Budget with changes as the Preliminary Budget.

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

Water District Expansion

Supervisor Mullin stated there will be a meeting at the Lewis County Courthouse regarding the County-wide water studies. No action taken at this time.

SUPERVISOR'S RECEIPTS

Receipts:	Town Clerk	\$ 2,514.66
	Town Court	\$ 5,817.75
	Suit-Kote	\$ 250.50 (water for paving)

SUPERVISOR'S REPORT

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

Brookside Lift Station Upgrade: Superintendent Widrick reported on the progress of the proposal. They are still working up numbers.

Supervisor Mullin will continue to work on the letter to Senator Griffo opposing the solar valuation model.

Lowville Academy & Central School will have a public meeting regarding the Capital Project.

Motion by Councilman Ross, 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

TOWN CLERK

- Clerk's Monthly Report is in the Board Members' Packets.
- Hunting licenses are still being sold daily.
- Received invitation to the NYS Tug Hill Commission Annual Dinner on Thursday, October 20th. Any Board member interested in attending, please contact Clerk Murphy for additional details.
- Preparing the water/sewer billing program for use with the new meter reading system.

Town of Lowville Regular Board Meeting
September 15, 2022

Motion by Councilman Farney, seconded by Councilman Ross to accept the Town Clerk's report.
ADOPTED - AYES – Birchenough, Farney, Mullin, Ross, Virkler NAYS – 0

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

- Water District #3 master meter has been installed. The meter needed to be changed to accommodate the fire flow for the new County Highway Garage.
- Sold water to Suit-Kote for paving NYS Rte 177. The bill has been paid in full.
- CWD#1: Water Valves have been exercised.
- Insurance overpayment: Truck #11 was damaged last April. An estimate was received from Express Auto in the amount of \$22,027.16 and submitted to the Town's insurance company. Liberty Mutual Insurance paid the claim in the amount of \$21,527.16. Superintendent Widrick authorized repair of the hood and door instead of replacement. The repairs were satisfactory. Actual repair costs were \$5,031.90. Superintendent Widrick proposed the Board refund the insurance company \$16,495.26 (the balance remaining after paying the repair bill and deductible) to help keep the insurance premium costs down, as the premium is based on claim amounts.

Motion by Councilman Virkler, seconded by Councilman Farney to adopt **Resolution No. 43-2022**.
"Refund to Insurance Company".

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

RESOLVED that the Town of Lowville Town Board authorizes the refund of \$16,495.26 to Liberty Mutual Insurance Company for unused portion of paid insurance claim.

- Seasonal Roads Designation letter: Declared Hoffman, Nefsey and Wilcox Road as seasonal limited use highways. Copy of letter forwarded to Lewis County Sheriff's Department.

Motion by Councilman Ross, seconded by Councilwoman Birchenough authorizing the declaration of the Hoffman, Nefsey and Wilcox Roads as seasonal limited use highways.

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

**Copy of letter attached to end of these minutes.*

- Seasonal help wages: Superintendent Widrick asked the Board to set wages for the seasonal highway employee. Last year, the Board set the compensation rate at \$15.00 per hour. After a brief discussion the following resolution was made.

Motion by Councilman Mullin, seconded by Councilman Ross to adopt **Resolution No. 44-2022**, **"Setting Hourly Rate of Pay for Seasonal Highway Employee."**

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

RESOLVED, that the rate of pay for the seasonal highway employee be set at \$16.00/hour.

RACOG

Mickey Dietrich gave a brief report on the happenings of RACOG and the Tug Hill Commission. Next RACOG meeting will be on September 28th at 6:00pm.

DOG CONTROL OFFICER

- The dog control officer's monthly report is in the Board Members' packets.
- Intermunicipal agreement with Village has been signed and dog control has commenced enforcement as of the first of September.

Town of Lowville Regular Board Meeting
September 15, 2022

ASSESSOR

Assessor Gratch would like the Board to appoint Amy Wolfe as her new Administrative Assistant.

Motion by Councilman Virkler, seconded by Councilman Farney to adopt **Resolution No. 45-2022, "Appointment of Administrative Assistant to the Assessor"**.

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

WHEREAS the Town of Lowville has a vacancy in the position of Administrative Assistant to the Assessor due to the resignation of Teresa LaParr, therefore be it

RESOLVED that the Town Board of the Town of Lowville hereby appoints Amy Wolfe as Administrative Assistant to the Assessor for the Town of Lowville with a term of office from September 14, 2022 through December 31, 2022.

Received 2023 Exemption Questionnaire from Lewis County Real Property Tax Services office. Copy of the 2023 Lewis County Exemption Chart included in Board Member's packets. Spoke with Assessor Gratch, she suggested no changes. Need to pass resolution approving exemptions for 2023.

Motion by Councilman Farney, seconded by Councilman Ross to adopt **Resolution No. 46-2022, "Tax Exemptions to Remain the Same."**

WHEREAS, the Lewis County Real Property Tax Services Office has requested to know whether there are any changes in the tax exemptions allowed by the Town, and

WHEREAS, the Town's assessing unit has recommended that there be no changes in the exemptions allowed, then, therefore be it

RESOLVED, that the Town Board of the Town of Lowville adopts the present level of tax exemption for the Fiscal Year 2023 as recommended by the Town's Assessor.

OLD BUSINESS

VFW, American Legion, Lowville Senior Citizen Club contracts: Attorney Meier is writing/updating contracts for the Board.

NEW BUSINESS

WATER/SEWER

Board Members were provided proposed budgets for the Water and Sewer Districts along with a proposed rate chart for 2022 water and sewer rates. Rates need to be reviewed and set for the upcoming billing cycle. Water District #6 is currently losing money because of the small amount of water usage in the district. The Village of Lowville has a minimum rate for water use (1100 cubic feet), while the Town bills for exact usage (400 cubic feet). Since the usage is so small, the Village is charging more to the Town than the Town is charging the user. Rates were reviewed and discussed. The Town may need to amend their law to include a minimum flat rate. Attorney Meier will need to be consulted regarding the proper procedure. Discussion tabled until the next meeting.

Motion by Councilwoman Birchenough, seconded by Councilman Virkler to adopt **Resolution No. 47-2022 "Setting the Public Hearing for Water and Sewer Budgets for 2023."**

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

WHEREAS, it is necessary to hold a public hearing for Water and Sewer Budgets for 2023, and

Town of Lowville Regular Board Meeting
September 15, 2022

WHEREAS, it is necessary for the public hearings 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 October 20, 2022 at the Regular Town Board meeting at 11:00 a.m.

Town Clerk Murphy presented the Board with the Benefit Assessment Roll for Consolidated Water District #1 (CWD#1) with proposed changes and reviewed with the Board. Clerk Murphy suggested the Board consider raising the Benefit Assessment rate for property owners in the CWD #1 to \$150/unit, to pay for the additional debt occurred for the water treatment plant improvements project. After discussion and consideration, the following resolution was adopted.

Motion by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 48-2022, “Adopting Benefit Assessment Rate for 2023”**

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

WHEREAS, the Town of Lowville established a Benefit Assessment Policy in 2010 to maintain and sustain the operational and fiscal integrity of the water districts and to ensure reliable services for potable water and fire protection; and

WHEREAS, the Town of Lowville Consolidated Water District #1 (CWD#1) was required to enter into a Water Treatment Plant Improvements Project which in turn has forced the district to accrue additional debt; and

WHEREAS, the Town Board of the Town of Lowville, in accordance with the established policy, has determined it is necessary to increase the amount charged per unit; then therefore be it

RESOLVED, that the amount charged for Benefit Assessment for CWD#1 be increased to \$150 per unit.

Motion by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 48-2022, “Setting Public Hearing for Benefit Assessment Rolls for Consolidated Water District #1 (CWD#1)”**.

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

WHEREAS, it is necessary to hold a public hearing for the Benefit Assessment Rolls for Consolidated Water District #1(CWD #1); and

WHEREAS, it is necessary for the public hearings to be advertised for at least ten (10) days before the public hearing is held; then therefore be it

RESOLVED that the public hearing be held at the October 20th, 2022, Town Board meeting at 11:10 a.m., with notice being provided to residents of the district.

Motion by Councilman Virkler, seconded by Councilwoman Ross to adopt **Resolution #48-2022, “Setting the Public Hearing for the Town of Lowville Preliminary Budget for 2023.”**

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

WHEREAS, it is necessary to hold a public hearing for the Town of Lowville Preliminary Budget for 2023, 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

Town of Lowville Regular Board Meeting
September 15, 2022

RESOLVED, that the public hearing be held on October 20, 2022, at a Regular Town Board meeting at 11:15 a.m.

Building Usage

Current rate for Town/Village usage of the municipal building is 56/44. A brief discussion followed.

Motion by Councilwoman Birchenough, seconded by Councilman Virkler that the building usage percentage for 2023 remain the same at 56 Town/ 44 Village.

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

Comprehensive Plan

Councilwoman Birchenough emailed the board members copies of the Proposed Comprehensive Plan with suggested changes incorporated. A public hearing will need to be held if the Board wishes to approve the plan as amended.

Motion by Councilman Ross, seconded by Councilman Farney to adopt **Resolution No. 49-2022, “Accepting the Comprehensive Plan as adjudicated and Setting the Public Hearing”**.

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

WHEREAS, the Town Board of the Town of Lowville wishes to adopt a joint comprehensive plan for the Town and Village of Lowville; and

WHEREAS, the draft comprehensive plan was referred to the Lewis County Planning Board under the terms of Section 239-m of the General Municipal Law and was approved with conditions, and those conditions reviewed and incorporated where appropriate; and

WHEREAS, the Town Board of the Town of Lowville must hold a public hearing before adopting the final draft of the comprehensive plan; then therefore, be it

RESOLVED, that the Town Board of the Town of Lowville hereby accepts changes to the joint comprehensive plan; and be it further

RESOLVED, that a public hearing will be held at the next Town Board meeting, October 20, 2022 at 10:10 a.m.

Workplace Violence and Harassment & Discrimination Training

Kevin Townsend, NYMIR will be presenting the annual Workplace Violence and Harassment & Discrimination training to any Town and Village personnel that have not already completed this training for the year. Sessions will be on October 28, 2022 at 1:30 p.m. 3:00 p.m. and 5:30 p.m.

The next meeting will be a regular board meeting on October 20, 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 12:40 p.m.

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

Respectfully submitted,

Aimee L. Murphy, Town Clerk