

**Town of Lowville Regular Board Meeting
November 17, 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 17th day of November 2022.

Present: Robert Mullin, Supervisor
Paul Virkler, Deputy Supervisor
John D. Ross, Councilman
Stephen Farney, Councilman entered at 9:32 a.m.
Helen Birchenough, Councilwoman
Raymond Meier, Esq. Town Attorney
Aimee L. Murphy, Town Clerk
Thomas Widrick, Highway Superintendent/Special Districts Superintendent

Also Present: Chuck Terrillion, Village of Lowville Trustee; Henry Avallone; Josh Leviker, County Legislator; Mickey Dietrich, Tug Hill Commission (entered at 9:35 a.m.); Accountant Scott Lawrence (entered at 9:55 a.m.);

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

PUBLIC HEARING

The public hearing from October 20 and November 1, 2022 on the 2023 Preliminary Budget was continued. No public comment was heard.

Motion by Councilwoman Birchenough, seconded by Councilman Virkler to close the Public Hearing on the 2023 Preliminary Budget at 9:31 a.m.

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

CORRESPONDENCE

Community Bank – Supervisor Mullin and Councilman Ross met with representatives of Community Bank. Following their meeting, Community Bank provided a list of options and rates for the Board to consider.

COUNTY UPDATE

Legislator Josh Leviker addressed concerns the Board has with the County Event Law and proposed Intermunicipal Agreement (IMA). Mr. Leviker stated the Town would retain control over which roads may be open to any events. Councilman Farney is concerned with how the insurance company would consider any reimbursement. Discussion continued with regard to the requirements of the Highway Superintendent should the Town enter into this agreement. Reports of any road damage would be provided to the County Recreation Forestry and Parks Director. Councilwoman Birchenough would like the word “Village” stricken from the IMA. No action taken at this time.

MINUTES

Motion by Councilwoman Birchenough, seconded by Councilman Virkler to approve the minutes of the October 20, 2022 regular board meeting and the November 1, 2022 special board meeting with correction.

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

VOUCHERS

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

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

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General – Abstract #11	Voucher #400 to #445	\$154,731.08
Highway - Abstract #11	Voucher #136 to #151	\$ 94,676.80
Trust & Agency	(10/21/22 – 11/17/22)	\$ 1,686.21
NYS Child Support		\$ 495.18
Comptroller		<u>\$ 7,422.00</u>
	Total	\$259,011.27

SUPERVISOR’S RECEIPTS

Receipts:	Town Clerk	\$ 2,144.65
	Town Court	\$ 7,443.00
	Zoning	\$ 0.00 (\$2,455.50 ytd)
	BridgeNY	\$ 34,983.47 (O’Brien/Gardner Roads)
	Lewis County	\$ 24,586.49 (Mortgage Tax)

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.

DEPARTMENT REPORTS

ATTORNEY

- Brookside PILOT: The last extension of the original PILOT was in 2016 and was for ten (10) years. Brookside attorney, Kevin McArdle believes that it should have been for thirty (30) years, but feels the Brookside Board would be amenable to another ten (10) years past the expiration date of the last extension. The Brookside Board wants to keep it affordable for people to live in the retirement community. Assessor Gratch informed Supervisor Mullin there is nothing more the Town can do to lower the assessment. There was talk of having an appraisal done of the property. However, the appraisal will likely be significantly higher than the current assessment. Under the current PILOT agreement, the Town is permitted to increase the payment $\frac{3}{4}$ of 1% each year, and has done so. Attorney Meier would like to see the last two (2) years of audited financials from Brookside before any negotiations take place, and would also like to speak more with Assessor Gratch.

- County Local Event Law: Attorney Meier is concerned about adopting the IMA as it stipulates the municipality must adopt the County’s local law. The law states “consultation” with town, not “consent” of town. This wording is of great concern, as Attorney Meier interprets it as the Town giving up control over which roads are used during an event.

PUBLIC HEARING

Supervisor Mullin declared the public hearing for the 2023 Fire Protection Contract open at 10:30 a.m. with proof of publication in the Journal & Republican and posting on the Town’s website and Town Clerk’s bulletin board being acknowledged. Supervisor Mullin left the public hearing open for comment.

County Local Event Law continued

Upon additional discussion, the following motion was presented.

Motion by Councilman Farney, seconded by Councilman Virkler to opt-out of the County Local Event Law and Intermunicipal Agreement.

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

- Minimum Water Usage Charge: Councilman Ross believes there should be a charge of at least \$100 for up to 1,000 cubic feet or 10 units of water used. Superintendent Widrick explained how the Village bills the

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Town for water. It was agreed that Clerk Murphy, Superintendent Widrick and Attorney Meier will work together to provide a rate schedule for the Town Board to consider.

TOWN CLERK

- Clerk's Monthly Report is in the Board Members' Packets.
- Hunting licenses continue to be sold.
- Unpaid water bills were relieved to the County at the end of October to be added to the January taxes.
- Water billing was completed November 1st. Payments are received daily.
- Deputy Town Clerk Olmstead will be returning to work on November 28th.

Supervisor Mullin explained the need to update the Employee Handbook to address medical leave. No action taken at this time.

FIRE PROTECTION CONTRACT

Motion by Councilman Virkler, seconded by Councilman Farney to close the public hearing on the 2023 Fire Protection Contract at 10:56 p.m. with no public comment heard.

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

Motion by Councilman Mullin seconded by Councilwoman Birchenough to adopt **Resolution No. 60-2022 "Authorizing Supervisor to sign the 2023 Fire Protection Contract"**.

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

WHEREAS, the Town of Lowville held a public hearing on November 17, 2022 on the 2023 Fire Protection Contract, and

WHEREAS, there was no public comment, and

WHEREAS, the Town Board deems it is in the best interest of the Town of Lowville to enter into this Fire Protection Contract, then, therefore be it

RESOLVED, that the Supervisor is authorized to sign the Fire Protection Contract for 2023.

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

- John Deere is still working on a resolution for the DPF/exhaust issues with the Town's tractor. John Deere has agreed to an extended warranty verbally, but nothing has been received in writing to date.

Superintendent Widrick will follow up.

- The Highway Department hauled sand to the NYS Department of Transportation for the County to help offset the Town's cost of sand/salt for the 2022-2023 plowing season. The Town will be compensated \$4.00/ton for hauling 2,206 tons of sand.

- The shipping date for Consolidated Water District #1 (CWD#1), Pump Station #1 (PS1) pump has been moved to February 23, 2023. Currently PS1 is getting by with what is installed. Superintendent Widrick has notified the insurance company of the delay.

- DBP sampling is complete, waiting on the results.

- Bob Boliver of BC&A is working on the Brookside lift station upgrades. He does not have any estimated costs at this time.

- Superintendent Widrick researched hours worked by highway employees doing check, test, etc. for CWD#1 during the time of 11/1/2021 through 10/31/2022. The employees worked 235 hours of straight time and 298 hours of overtime.

- Superintendent Widrick would like to hire Frank Urbaniak to fill the winter wing person position with compensation of \$16.00 per hour. No opposition was voiced by the Board.

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- Superintendent Widrick received an official price for the new 2023 F350 pickup truck of \$50,333.82, which is lower than the cost allowed by the Board of \$55,000.00.

DOG CONTROL OFFICER

- The dog control officer's monthly report is in the Board Members' packets.
DCO Astafan reported getting a lot of rabies vaccinations updated. He also stated there has been a slight increase in activity due to adding the Village of Lowville. There are still some open court cases that are pending the judge's response. DCO Astafan will not be renewing his contract with the Town of Denmark at the end of 2022. Supplies will then be split between the Towns of Lowville and New Bremen beginning January 1, 2023.

BUDGET OFFICER/BOOKKEEPER

- Quarterly Financials; Accountant Lawrence reviewed the third quarter financials with the Town Board.
- Zoning Bill: Accountant Lawrence will speak with Zoning Officer Manning about preparing the Village zoning expense bill.
- NYCLASS: Accountant Lawrence wished to know the Board's feelings with regard to participating with NYCLASS. Discussion continued comparing Community Bank and NYCLASS and who should have access to the system. It was agreed that the Town Supervisor, Deputy Town Supervisor, Accountant, and Bookkeepers at NCCPAs should have transfer authorization. The Town Clerk should have "read only" access. After discussion the following was presented.

Motion by Councilman Ross, seconded by Councilwoman Birchenough to adopt **Resolution No. 61-2022, "Registration and Participation with NY Class"**.

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

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and village, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis; and

WHEREAS, the Town of Lowville wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019; and

WHEREAS, the Town of Lowville wishes to satisfy the safety and liquidity needs of their funds; now therefore be it

RESOLVED, that Robert Mullin, Town Supervisor of the Town of Lowville is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019.

Discussion concerning Community Bank's recommendation of changing the Town's current savings accounts to Public Funds Money Market accounts, which would earn a variable rate of 3.00% took place.

Motion by Councilwoman Birchenough, seconded by Councilman Farney to adopt **Resolution No. 62-2022, "Authorizing Change of Town Savings Accounts to Public Funds Money Market Accounts"**.

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

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WHEREAS, the Town of Lowville would like to earn the best possible interest rate on monies owned by the Town, and

WHEREAS, Community Bank has recommended changing the Town's current savings accounts to Public Funds Money Market Accounts to earn a variable rate of 3.00%, then therefore be it,

RESOLVED, the Town Supervisor is hereby authorized to change the Town of Lowville's current savings accounts to Public Funds Money Market Accounts.

BUDGET

Copies of the Preliminary Budget with adjustments were in the Board Member's packets. Following a brief discussion, the following resolution was presented.

Motion by Councilman Virkler, seconded by Councilman Farney to adopt **Resolution No. 63-2022, "Adoption of the Town of Lowville Town Budget for 2023."**

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

WHEREAS, the Town Board of the Town of Lowville held a public hearing, on October 20, 2022 and continued on November 1, 2022 on the preliminary budget for fiscal year 2023, where no public comment was heard, and

WHEREAS, the Town Board deems that it is in the public interest to adopt this budget; then, therefore be it

RESOLVED, that this Town Budget for 2023 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 and said budget will be attached to the proceedings of this meeting, and be it further

RESOLVED, that the Town Clerk shall prepare and certify duplicate copies of the newly adopted annual budget, and deliver two of such copies to the Supervisor of the Town, and that he shall present such copies to the Board of Legislators of the County of Lewis.

**Copy of Budget included at the end of these minutes*

Accountant Lawrence left the meeting at 11:30 a.m.

RACOG

Mickey Dietrich gave a brief update on the happenings at the Tug Hill Commission and RACOG. The next RACOG meeting will be on January 25, 2023 at a location to be determined. Town of Croghan was approved to join the RACOG board.

NEW BUSINESS

End of Year/Reorganizational Meeting: Special meeting will be held on December 27, 2022 at 9:30 a.m.

The next regular board meeting will be on December 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 11:43 a.m.

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

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Respectfully submitted,

Aimee L. Murphy, Town Clerk