

**Town of Lowville Regular Board Meeting  
December 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 December 2022.

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

**Also Present:** Nicholas Astafan Jr., Dog Control Officer; Henry Avallone; Mickey Dietrich, Tug Hill Commission; Paul Denise, Village DPW Superintendent

The meeting was called to order at 9:30 a.m. by Supervisor Mullin who also led the Pledge of Allegiance. Supervisor Mullin asked for a moment of silence in honor of the passing of Councilman Ross' father, John H. Ross.

**MINUTES**

**Motion** by Councilman Virkler, seconded by Councilwoman Birchenough to approve the minutes of the November 17, 2022 regular board meeting.

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

**CORRESPONDENCE**

- Lowville Fire Department: Invitation to the annual Member's Banquet. Anyone interested in attending, contact Clerk Murphy for RSVP information before January 7, 2023.

**VOUCHERS**

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

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

|                        |                      |              |
|------------------------|----------------------|--------------|
| General – Abstract #12 | Voucher #457 to #498 | \$ 35,104.94 |
| Highway - Abstract #12 | Voucher #152 to #159 | \$ 32,919.07 |
| NYS Child Support      |                      | \$ 330.12    |
|                        | Total                | \$ 68,354.13 |

**SUPERVISOR'S RECEIPTS**

|           |                          |                            |
|-----------|--------------------------|----------------------------|
| Receipts: | Town Clerk               | \$ 1,651.59                |
|           | Town Court               | \$ 5,206.55                |
|           | Zoning                   | \$ 380.00 (\$2,835.50 ytd) |
|           | Retiree Health Insurance | \$ 4,767.56                |

**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.

**Motion** by Councilman Virkler, seconded by Councilman Ross to adopt **Resolution No. 64-2022, "Transfer of Money to NYClass"**.

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ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler      NAYS – 0      ABSENT – Farney  
WHEREAS, the Town of Lowville has been approved for membership in NYClass and now wishes to transfer funds to the program, therefore be it

RESOLVED, the Town Supervisor is authorized to instruct the following amounts to be transferred from the Community Bank accounts to NYClass totaling \$1,500,000.00.

|                        |              |
|------------------------|--------------|
| ARPA                   | \$100,000.00 |
| Equipment Reserve Fund | \$300,000.00 |
| Fire Protection        | \$ 50,000.00 |
| General Fund Savings   | \$300,000.00 |
| Highway Fund Savings   | \$500,000.00 |
| Water Savings          | \$250,000.00 |

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

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

**DEPARTMENT REPORTS**

**TOWN CLERK**

- Clerk’s Monthly Report is in the Board Members’ Packets.
- Deputy Town Clerk Olmstead is back! She has not been released to continue any cleaning duties for the building. She has also decided not to renew her cleaning contract for 2023 and suggested contracting with Tanya Dunn, who is currently filling in as cleaner.
- Filed Certificate of No Referendum for the purchase of a new 2023 F250 Pickup with snow plow
- As of December 1<sup>st</sup>, there were 28 unpaid water accounts for the Town of Lowville. At the same time in 2021 there were 25 unpaid accounts. Penalties were posted for those unpaid accounts in the amount of \$1,001.73.
- Permission requested to close the offices on December 26<sup>th</sup> and January 2<sup>nd</sup> in observance of Christmas and New Year’s days. They are the federally observed holidays, therefore banks and post offices are also closed.

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to close the Town of Lowville town offices on December 26, 2022 in observance of Christmas Day and January 2, 2023 in observance of New Year’s Day.

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

- Preparations are being made for the end of year and for the beginning of tax collection season.
- Vouchered the \$120.00 fee for Xpress-Pay credit card service for the 2023 tax season. This will be deposited in the Tax Collector’s account to be automatically withdrawn by the credit card processing company.

**Minimum Water Usage**

Superintendent Widrick, Clerk Murphy and Attorney Meier have been working on suggestions for a minimum water charge for districts that do not have a master meter. The Village of Lowville charges \$85.25 for the first 1,000 cubic feet of water used along with a consumption rate of \$3.51 for 1,001 to 8,000 cubic feet of water. The proposed minimum rate for the Town is \$170.50 which includes the first 1,000 cubic feet of water used with a consumption rate of \$7.00 per 100 cubic feet of water used. The Board has time to consider the rate before May 1<sup>st</sup> when the new billing cycle starts. Attorney Meier is looking into the process for developing this type of billing structure. Supervisor Mullin would like to see all water districts have a similar minimum usage charge. Discussion was tabled until the December 27<sup>th</sup> special meeting.

**SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS**

- John Deere is still working on a resolution for the issue with the Diesel Particulate Filter/exhaust issues.
- Bob Boliver of BC&A has had a surveyor at Brookside regarding the lift station upgrade. Nothing to report at this time.
- Superintendent Widrick reported the new F350 truck and plow is scheduled to be delivered by the end of the year. He is requesting the Board declare the 2020 F350 with dump box and plow as surplus and suggests listing it for sale through Tyler McDonald at Adirondack Assets auctions. After a brief discussion the following resolution was presented.

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 65-2022, “Declare as Surplus and List For Sale, 2020 F350 with Snow Plow”.**

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

WHEREAS, the Town of Lowville Highway Department has a 2020 Ford F350 with snow plow that is longer of use to the Town of Lowville and wish to declare it as a surplus item and

WHEREAS, Adirondack Asset Auctions has expressed interest in helping the Town sell surplus items via auction, be it

RESOLVED, that the Town of Lowville declares the 2020 Ford F350 with snow plow as surplus and be it

FURTHER RESOLVED, that the surplus items will be listed with Adirondack Asset Auctions for sale via auction upon receipt of the new F350 with snow plow.

- Superintendent Widrick would like to declare the old meters removed from CWD#1 as surplus, remove all the plastic parts and sell the remainder as scrap.

**Motion** by Councilman Ross, seconded by Councilwoman Birchenough to adopt **Resolution No. 66-2022, “Declare as Surplus and Sell For Scrap, Old Water Meters”.**

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

WHEREAS, the Town of Lowville has used water meters that are no longer needed, then therefore be it

RESOLVED, that the Town of Lowville declares the used water meters as surplus and be it further

RESOLVED, that the Highway Superintendent be permitted to sell the metal portions of the meters as scrap.

- DBP sampling has been completed for CWD#1 and the results are in compliance. The GAC vessel #1 is no longer removing the DBP’s from the water. Vessel #2 is properly removing DBPs. The media needs to be removed from Vessel #1 and new media needs to be installed. Superintendent Widrick received proposals from Evoqua Water Technologies in Pennsylvania. For removal of the media and taking it for recycling: \$11,940.55. To remove the media, take it for recycling and installation of new media in the vessel: \$18,518.55. Superintendent Widrick recommends the first option at a cost of \$11,940.55 as the Highway/Water Department can install the new media. Going forward, Evoqua will return the recycled media and reinstall the media into the vessel from which old media is removed. Recycled media is \$0.94 per pound plus fuel surcharge. Recycled media loses about 10-15% volume, therefore, a small amount of new media will need to be added to the vessel. It is approximately \$4 per pound cheaper to recycle than to purchase all new media. When the Town purchased new media in 2021 the cost was \$5.15 per pound.

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**Motion** by Councilman Virkler, seconded by Councilman Ross to adopt **Resolution No. 67-2022, “Recycle Media from Consolidated Water District #1, GAC Vessel #1”**.

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

WHEREAS, the media in Consolidated Water District #1 (CWD#1) GAC Vessel #1 is no longer removing the Disinfection By-Products (DBPs) from the water and needs to be replaced, be it

RESOLVED, the Highway Superintendent is authorized to retain the services of Evoqua Water Technologies to remove and recycle the used media from GAC Vessel #1 at a cost of \$11,940.55.

-The Utica Mack salesman called Highway Superintendent just prior to the Board meeting to inform him that 2023 Mack dump truck that was authorized to be purchased earlier this year will not be able to be ordered as per instruction by the factory. Pricing will also not be able to be honored. Superintendent Widrick has set up a meeting with the salesman later today. Questions regarding the state contracts not being honored. Councilwoman Birchenough requested Attorney Meier look into any recourse the Town may have through the State Comptroller’s office regarding the state contract not being honored.

**Motion** by Councilman Virkler, seconded by Councilwoman Birchenough, to adopt **Resolution No. 68-2022 “Agreement for the Expenditure of Highway Moneys”**.

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

RESOLVED, Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, shall be expended as follows:  
General Repairs. The sum of \$181,440.00 shall be set aside to be expended for primary work and general repairs upon 37.97 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

Permanent Improvements. The following Sum shall be set aside to be expended for the permanent improvement of town highways: (a) On various roads maintained by the Town of Lowville there shall be expended not over the sum of \$527,069.00.

**DOG CONTROL OFFICER**

- The dog control officer’s monthly report is in the Board Members’ packets.
- DCO Astafan gave a brief update on dog control.
- The Lewis County Humane Society shelter report completed by NYS Department of Ag & Markets was unsatisfactory. The shelter has released dogs without proof of licensing. DCO Astafan does not “sign-off” on release of any dog without proof of valid license.
- DCO Astafan would like the Board to consider raising the mileage rate for 2023 to be comparable to the state and federal mileage reimbursement rate.

The annual Agreement for Dog Control Services need to be reviewed and approved.

**Motion** by Councilman Ross, seconded by Councilwoman Birchenough, to adopt **Resolution No. 69-2022 “Agreement for Dog Control Officer Services”**.

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

RESOLVED, that the Town of Lowville will contract with Nicholas J. Astafan Jr. for Dog Control Officer Services for 2023 at a monthly rate of compensation of \$741.67 plus mileage.

*\*A copy of the signed agreement is included at the end of these minutes.*

**BUDGET OFFICER/BOOKKEEPER**

PayPortals: North Country CPA’s (NCCPAs) are in the process of adding PayPortals. This program is a secure, self-service portal for the town and the town’s employees that will allow town employees to access paycheck stubs and W-2s at any time from any device. There is no additional charge for this service. The staff will be contacting the Town with more information in the next few weeks. It is the understanding of the Town Clerk, if there are employees who don’t have an account a town representative will be able to access and print out their check stubs or W-2s for them.

**RACOG**

Mickey Dietrich gave a brief update on the happenings of RACOG and the Tug Hill Commission. The next RACOG meeting will be January 25, 2023, at 6:00 p.m. with the location to be determined.

Discussion occurred regarding the portable digital radar signs. The cost is approximately \$2,900 each. If possible, RACOG will “piggy-back” off another community’s contract for an approximate cost of \$2,100 each.

Councilwoman Birchenough requested an update to the town’s website with regard to the Comprehensive Plan page. Clerk Murphy to investigate with assistance of the Tug Hill Commission website person, Brian. She was also concerned with the difficulty in finding the town’s website. Mickey will look into the possibility of updating the URL for the website.

**OLD BUSINESS**

**NYClass:** previously addressed.

**Brookside Sewer:** previously addressed.

**LACS Building Project:** Nothing new.

**Water District Extensions:** Nothing new. Councilwoman Birchenough asked if this could be addressed at the same time as the proposed new water rate schedule.

**NEW BUSINESS**

**Ambulance Service Contract 2023**

Clerk Murphy received a copy of the Proposed Ambulance Service Agreement for 2023 with the Lewis County Search and Rescue (LCSR). Upon review, Councilwoman Birchenough noted missing verbiage in section 6.d. Clerk Murphy has an updated version of the agreement and will forward to LCSR.

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 70-2022 “Approving the Ambulance Agreement 2023”**.

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

RESOLVED, that the Town of Lowville does hereby enter into an agreement with the Lewis County Search and Rescue, Inc., to provide ambulance services to the Town of Lowville and its residents for 2023 for a fee of \$20,682.00.

*\*Copy of contract attached to end of these minutes*

**Cleaner**

Clerk Murphy provided a copy of the proposed cleaning contract to the Board Members previous to the meeting. Councilwoman Birchenough suggested edits, copies also provided in the Board Members packets.

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Councilwoman Birchenough recommended determining the number of hours per week needed for the cleaning services.

After discussion, Clerk Murphy will revise the proposed contract and bring it back to the Board at the next meeting.

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 January 19, 2023 at 9:30 a.m.

With no further business the following motion was presented.

**Motion** by Councilman Ross, seconded by Councilman Virkler to adjourn the meeting at 10:58 a.m.

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

Respectfully submitted,

Aimee L. Murphy, Town Clerk