

**Town of Lowville Special Board Meeting  
December 27, 2022**

A special 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 27th 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; John Young, Deputy Dog Control Officer; Henry Avallone;

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

This meeting was held to conduct year-end Town business, re-organize for the coming year and any other business that comes before the board. Notice of special meeting was posted on the Town Clerk's bulletin board, the Town of Lowville website and the Lowville Journal & Republican, proof of publication being acknowledged.

**CORRESPONDENCE**

- US Environmental Protection Agency: Consolidated Water District #1 Administrative Order (AO) – The Town has satisfied the requirements of the AO. The Town is no longer required to submit Disinfection Byproduct test results to the EPA.
- Recreation Commission: Schedule of open skating.

**VOUCHERS**

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

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

General – Abstract #13	Voucher #499 to #515	\$ 13,650.71
Highway - Abstract #13	Voucher #160 to #165	\$ 28,104.43
Comptroller		<u>\$ 3,385.00</u>
	Total	\$ 45,140.14

**APPOINTMENTS**

**One-year appointments: (Term of office: 01/01/2023-12/31/2023)**

Accountant Scott Lawrence	Bookkeeper/Budget Officer
John Young	Deputy Dog Control Officer
BobbieJo Marra	Deputy Dog Control Officer
Charlotte Beagle	Historian
Katharine Manning	Zoning Officer/Administrative Assistant to the Planning Board and Zoning Board of Appeals
Janet Lee	Ice Rink Manager
BobbieJo Marra	Substitute Ice Rink Manager
Alex Dunckel	Ice Rink Assistant
Ian Dunckel	Ice Rink Assistant

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Christian McGukin  
Myah Nortz

Ice Rink Assistant  
Ice Rink Assistant

**Motion** by Councilman Virkler, seconded by Councilman Ross to approve the foregoing one-year appointments by the Town Board.

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

**Five-year appointments: (Term of office 01/01/2023-12/31/2027)**

Rachel Hillegas	Zoning Board of Appeals Member
Michael F. Young	Recreation Commission Member
Brian Hanselman	Recreation Commission Member
Daniel O'Brien	Planning Board Member

**Motion** by Councilman Ross, seconded by Councilwoman Birchenough to approve the foregoing 5-year appointments.

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

**2023 Meeting Dates**

**Motion** by Councilwoman Birchenough, seconded by Councilman Virkler to set the 2023 Town of Lowville Town Board meetings for the third Thursday of each month at 9:30 a.m. at the Town of Lowville Municipal Building.

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

**Designate Financial Institution**

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross designating Community Bank N.A., Key Bank N.A. and NYClass as financial depositories for the Town of Lowville for 2023.

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

**Official Newspaper**

**Motion** by Councilman Virkler, seconded by Councilman Ross to designate the Journal & Republican as the official newspaper and the Watertown Daily Times as the alternate for the Town of Lowville for 2023.

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

**Mileage Rate**

There was a brief discussion regarding the current mileage reimbursement rate in comparison to the state and federal rates. The current federal mileage reimbursement rate for 2023 has not been set at this time. The State rate for 2023 is \$0.625/mile. After discussion the following resolution was presented.

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 71-2022, "Set Mileage Rate"**.

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

RESOLVED, the mileage reimbursement rate will be the same as the federal/state government rounded up to the nearest cent, which is .63 cents per mile.

**Night Drop Deposits**

The Town Clerk/Tax Collector and Supervisor would like permission to use the night drop for deposits at Community Bank in Lowville for 2023.

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**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to permit the Town Clerk/Tax Collector to use the night drop box at Community Bank in Lowville for the year 2023.

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

**Bills Prior to Audit**

**Motion** by Councilman Virkler, seconded by Councilman Ross to adopt **Resolution No. 72-2022, “Authorizing Supervisor to Pay in Advance of Audit”**.

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

RESOLVED that the Town Supervisor is authorized to pay in advance of audit, all utility services, phone & internet bills, postage bills, water testing charges and fringe benefits when due in 2023.

**Procurement Policy**

Copies of the procurement Policy were provided to the Board Members prior to the meeting. The policy was discussed by the Board.

**Motion** by Councilman Virkler, seconded by Councilman Ross to leave the procurement policy as it is.

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

**Investment Policy**

Copies of the Investment Policy were provided to the Board Members prior to the meeting. The policy was discussed by the Board. After discussion, the following resolution was presented.

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 73-2022, “Adopting the Investment Policy”**.

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

WHEREAS, the Town of Lowville Town Board reviews its Investment Policy annually and updates as needed, be it

RESOLVED, section 4. Depositories shall be updated to include NYClass as an official depository of the Town of Lowville, and be it further

RESOLVED, that the Town Board adopts this Investment Policy for the year 2023.

**Elected and Appointed Officials Attending Training Sessions**

**Motion** by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 74-2022 “Attendance of Elected and Appointed Officials at Training Sessions.”**

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

WHEREAS, certain elected and appointed officials of the Town of Lowville are required to attend training sessions as part of their official duties on behalf of the Town, and

WHEREAS, occasionally it appears that attendance at such training sessions may occur when prior Town Board approval is not able to be obtained, and

WHEREAS, the Town believes it is important for their elected and appointed officials to be well trained and informed so that their official duties may be carried out on behalf of the Town. Now, therefore, be it

RESOLVED, that elected and appointed officials of the Town may attend training sessions for their position without prior Town Board approval, in the event such prior Town Board approval is unable to be

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obtained prior to the scheduled date of the training session in question, and it is further

RESOLVED, that the elected or appointed official who attends such a training session shall report at the next regularly scheduled Town Board meeting concerning the attendance at the training session.

**Undertaking Covering Officers, Clerks and Employees of the Town of Lowville**

**Motion** by Councilman Ross, seconded by Councilwoman Birchenough to adopt **Resolution No. 75-2022 “Approving the Form and Amount of a Blanket Undertaking Covering Officers, Clerks, and Employees of the Town of Lowville”.**

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

WHEREAS, Town Law §25 provides that the Town Supervisor, Town Clerk, Collector of Taxes, Town Justices and Town Superintendent of Highways, must execute and file with the Town Clerk an undertaking in such amounts as may be approved by the Town board;

WHEREAS, Public Officers Law §11(2) further provides that it is permissible with the consent and approval of the officer or governing body authorized to require the undertaking, for the Town to procure a blanket undertaking from any duly authorized corporate surety covering officers, clerks and employees; now, therefore, be it

RESOLVED:

**Section 1.**

That the Town Board hereby approves the following undertakings for the Town Clerk/Tax Collector in the amount of \$150,000; the Town Supervisor in the amount of \$150,000; the Town Justice in the amount of \$150,000; and the Town Highway Superintendent in the amount of \$150,000; to be obtained from a corporate surety company duly authorized to do business in the State of New York for the purpose of covering the Town Clerk/Tax Collector, Town Supervisor, Town Justice and Town Highway Superintendent of the Town of Lowville and that such officers, clerks and employees will faithfully discharge the duties of his or her office, and all trusts imposed upon him or her by law by virtue of his or her office, including the duty of promptly accounting for and paying over all moneys or property received by him as such officer, in accordance with law, and that if the said officers, clerks or employees fail to perform any of the above-mentioned conditions or is in default thereof, that the said corporate surety named herein will pay to the said Town and to the People of the State of New York, all damages, costs and expenses resulting from such default, not exceeding the sum specified above.

**Section 2.**

That a certified copy of this Resolution shall be filed with the Town Clerk’s office.

**Section 3.**

That this Resolution shall take effect immediately.

**Personnel Salaries**

A list of salaries and fringe benefits was provided to the board.

After discussion, the following resolution was presented.

**Motion** by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 76-2022 “Salaries for Elected and Appointed Officers and Employees.”**

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

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RESOLVED, that salaries for elected and appointed officers and employees be the same as set in the Town's Budget for 2023 with the following exceptions for hourly employees:

Justice Court Clerks	\$16.00/hr.
Data Collector/Administrative Assistant to Assessor	\$15.50/hr.
Ice Rink Managers	\$14.50/hr.
Ice Rink Assistants	\$14.20/hr.
Zoning Officer	\$15.75/hr. for 15 hrs./wk.

**OLD BUSINESS**

**Cleaning Services:** Clerk Murphy provided the revised cleaning contract to the Board Members for review. Tanya Dunn, current cleaner has also reviewed the revised contract and is in agreement with it.

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 77-2022, "Cleaning Services Contract"**.

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

RESOLVED, Supervisor Mullin is authorized to enter into a contract with Tanya Dunn for cleaning services at the Town of Lowville Municipal Building with compensation being set at \$14.50/hour as stated in the contract.

*\* A copy of said agreement is incorporated at the end of these minutes.*

**Water District Extensions:** Nothing new. Discussion tabled until the January 19, 2023, meeting.

**Plow Truck:** Supervisor Widrick received a letter from Utica Mack notifying him the truck order has been affected by a move in the production calendar. Mack Trucks will not hold or guarantee the pricing currently given for the new truck order. Utica Mack will requote when new pricing is available. The Town should be able to receive a truck mid-2024 from Mack. Superintendent Widrick contacted other truck company salesmen and has either had no reply or cost is higher than Mack with the same estimated date of receipt.

County Highway Superintendent, Tim Hunt, informed Superintendent Widrick about another County that had pursued legal action against a truck building company under similar circumstances and were not successful with their claim. Superintendent Widrick suggested not pursuing legal action because the Town of Lowville is high on the list for a new truck, and he does not want to risk the Town's place in line. He also stated that the quote was not directly through state contract, rather it was obtained through "Sourcewell", a municipal bidding company. No action taken.

**PayPortals:** Any employee/official interested in participating in the PayPortals program needs to sign up with the Town Clerk as soon as possible.

**NEW BUSINESS**

**Resignation:** Town Clerk Murphy reported receiving an email from Town Justice James Coffman, resigning effective December 31, 2022. There was a brief discussion about procedures and the next step for the Town. Supervisor Mullin has spoken with Hon. Lacey Thisse, Town of Martinsburg Justice to see if she was interested in temporarily acting as Lowville Justice until a replacement can be found and trained. She will consider the request and respond to Supervisor Mullin soon. Attorney Meier was consulted via telephone regarding the requirements of appointing a new Justice. Town Clerk Murphy will place an advertisement in the Lowville Journal & Republican, on the Town's website, linking lewiscounty.com and at the Lewis County Workplace. Applicants must be a resident of the Town of Lowville and be willing to take the April justice training. Applications to be accepted through February 8, 2023.

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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 Councilwoman Birchenough to adjourn the meeting at 10:45 a.m.

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

Respectfully submitted,

Aimee L. Murphy, Town Clerk