

**Town of Lowville Regular Board Meeting  
January 19, 2023**

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 19<sup>th</sup> day of January 2023.

**Present:** Robert Mullin, Supervisor  
Paul Virkler, Deputy Supervisor  
John D. Ross, Councilman  
Helen Birchenough, Councilwoman  
Aimee Murphy, Town Clerk  
Thomas Widrick, Highway Superintendent/Special Districts Superintendent  
Raymond Meier, Town Attorney – entered at 10:04 a.m.

**Absent:** Stephen Farney, Councilman

**Also Present:** Chuck Terrillion, Village of Lowville Trustee; Henry Avallone; Mickey Dietrich, Tug Hill Commission; Nicholas Astafan Jr., Dog Control Officer

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 Ross, seconded by Councilman Birchenough to approve the minutes of the December 15, 2022 regular board meeting and the December 27, 2022 special board meeting  
ADOPTED - AYES – Birchenough, Mullin, Ross, Virkler      NAYS – 0      Absent - Farney

**CORRESPONDENCE**

- Association of Towns: 2023 training school & annual meeting
- 5<sup>th</sup> Judicial District Administrative Order: Appointing Hon. Lacey Thisse of the Town of Martinsburg Court as Acting Justice for the Town of Lowville until April 22, 2023. Clerk Murphy reported receiving three (3) letters of interest from Lowville residents for the open Town Justice position.
- North Country CPA's: NCCPA staff will no longer communicate directly with individual employees regarding payroll related inquiries. All inquiries must go through the employee's supervisor or the designated payroll representative.

**VOUCHERS**

Councilwoman Birchenough questioned the high cost of the Fire Protection Workers Compensation vs. the budgeted amount. Supervisor Mullin contacted Accountant Scott Lawrence. Accountant Lawrence will look into it.

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

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

General – Abstract #1	Voucher #1 to #37	\$ 93,040.76
Highway - Abstract #1	Voucher #1 to #12	\$ 28,055.54
Child Support		\$ 330.12
NYS Comptroller		<u>\$ 5,147.00</u>
	Total	\$126,573.42

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**SUPERVISOR’S RECEIPTS**

Receipts:	Town Clerk	\$ 1,141.55
	Town Court	\$ 8,364.55
	Zoning	\$ 120.00 (\$120 ytd)
	Tax Collector	\$275,000.00 (tax collected)

**SUPERVISOR’S REPORT**

Supervisor Mullin’s financial reports are included in Board Members’ Packets.

Councilwoman Birchenough inquired if Supervisor Mullin would be supplying an activities report, either verbal or written to the Board. Supervisor Mullin gave a brief oral report of his activities over the month.

Discussion occurred regarding how much tax money will be transferred into NYClass when received by the Supervisor. No action taken.

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

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

Supervisor Mullin conducted an audit of the Chief Financial Officer’s books. Councilwoman Birchenough noticed missing information for the “Last Recorded Check” section. The Town Board is supplied with a check register at every meeting. The Town Clerk will insert this information into the audit form.

**Motion** by Councilwoman Birchenough, seconded by Councilman Virkler to adopt **Resolution No.1-2023, “Approving the Audit of Chief Fiscal Officer records of the Town of Lowville”**.

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

WHEREAS, the Town of Lowville Supervisor audited the records on January 18, 2023 and found them to be in good order, then therefore be it

RESOLVED, that the Town Board of the Town of Lowville approved the annual audit of the Justice Court Records as presented by Supervisor Mullin upon completion of the “Last Recorded Check” section.

**DEPARTMENT REPORTS**

**TOWN CLERK**

- Clerk’s Monthly Report and Annual Report are the Board Members’ Packets.
- Letters for appointments have been sent for people to sign their oaths of office.
- Annual reports have been sent to the appropriate state agencies.
- Supervisor Mullin has conducted the annual audit of books for the Town Clerk 2022.
- Tug Hill Conference will be in April @ Turning Stone. Early registration closes March 3<sup>rd</sup>, anyone interested in attending, please contact Clerk Murphy for registration.

**TAX COLLECTOR**

- Tax Collection has begun. We are over halfway through the first month, and things are going well.
- Supervisor Mullin has conducted the annual audit of books for Tax Collection 2022.

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Tax Collected through 1/18/23	\$863,983.75
Installment Fees Collected	<u>147.86</u>
Total Collected through 1/18/23	\$864,131.61
Paid to Supervisor	\$275,000.00

**Motion** by Councilman Ross, seconded by Councilwoman Birchenough to adopt **Resolution No. 2-2023, “Approving the Audits of Town Clerk and Tax Collector Records for the Town of Lowville.”**

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

WHEREAS, the Town of Lowville Supervisor audited the records of the Town Clerk and Tax Collector of the Town of Lowville on January 17, 2023 and found them to be in good order, then therefore be it

RESOLVED, that the Town Board of the Town of Lowville approved the annual audits of the Town Clerk and Tax Collector records as presented by Supervisor Mullin.

**ZONING**

Zoning Officer’s annual report is included in Board Members’ Packets.  
Supervisor Mullin conducted an audit of Zoning Office.

**Motion** by Councilman Virkler, seconded by Councilman Ross to adopt **Resolution No. 3-2023, “Approving the Audit of Zoning Department Records for the Town of Lowville.”**

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

WHEREAS, the Town of Lowville Supervisor audited the records of the Zoning Department of the Town of Lowville on January 17, 2023 and found them to be in good order, then therefore be it

RESOLVED, that the Town Board of the Town of Lowville approved the annual audit of the Zoning Department records as presented by Supervisor Mullin.

**SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS**

- John Deere is still working on a resolution with the Diesel Particulate Filter (DPF)/exhaust issues. A software update has been completed. They are running it to make sure this fixes the issue. Superintendent Widrick wrote a letter to Cazenovia Equipment expressing concern that the tractor will not be available to be used when needed this spring. Also, inquiring about the warranty extension that was verbally assured, but nothing has been received in writing as requested. Since the letter has not been sent out yet, it was decided to hold it back as long as John Deere is actively working on the equipment. Superintendent Widrick will continue to monitor the situation.
- The Granular Activated Charcoal (GAC) media in Vessel #1 has been changed and is back in service. Everything went well.
- The Willow Grove Road needed to be repaired. Number 3 Wind did not lay any stone on the road in the section that was disturbed while burying the transmission cable. With the thaw and rain over New Year’s Day, the road turned into a “muddy mess”. The Highway Department removed the mud and laid down 939 tons of stone. Number 3 Wind has agreed to reimburse the Town for the cost of the stone.
- Brookside Sewer: Bob Boliver of BC&A is working on putting pricing together. He has prices for the concrete structure, but needs prices for pumps, etc.

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- The old water meters from CWD#1 have been disassembled. Scrap prices are currently low, so the meters will be stored at the highway garage until prices come back up.
- Superintendent Widrick has submitted an application to the BRIDGENY program for the Patten Road bridge. Estimated cost: \$1,117,491.00. Project selection is scheduled to take place on 03/01/2023. The Town will be notified of the application status after that date.
- The new F350 is scheduled to arrive at Nortz & Virkler on 1/20/2023. It will be taken directly over to All Seasons for plow installation.

**ATTORNEY**

LL#1-2023: Affirming the Authority of the Town Board of the Town of Lowville to Establish Water Rates, Fees and Charges and to add the Authority to Establish a Minimum Charge for the Use of Water. Copies of the law were provided in the Board Members' packets. Attorney Meier reviewed the proposed law with the Board. After discussion, the following motion was presented.

**Motion** by Councilwoman Birchenough, seconded by Councilman Virkler to adopt **Resolution No. 4-2023, "Setting a Public Hearing for Local Law #1 of 2023"**.

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

WHEREAS, the Town Board of the Town of Lowville, and each and every member thereof was presented with copies of a proposed Local Law entitled "A Local Law Affirming the Authority of the Town Board of the Town of Lowville to Establish Water Rates, Fees and Charges and to further Establish a Minimum Charge for the Use of Water Within any or all of Water Districts Within the Town " and such copy of the proposed Local Law was placed upon the desks of the members of the Town Board at their regular meeting held on January 18, 2023; and

WHEREAS, Municipal Home Rule Law §10, paragraph 5 provides that the Town Board may not act upon such Local Law except after a public hearing held upon at least five days' notice, now therefore be it,

RESOLVED by the Town Board of the Town of Lowville that the public hearing for the above referenced proposed Local Law is set for the next regular meeting of the Town Board on February 16, 2023 at 10:00 a.m. at the Town Hall located at 5533 Bostwick Street, Lowville, New York 13367, and be it further

RESOLVED, that the Town Clerk is directed to publish notice of the public hearing in the official town newspaper and also post the notice of public hearing on the Town Clerk's bulletin board and the Town's website.

Brookside PILOT: Attorney Meier reported having conversations with Brookside Attorney, Kevin McArdle. Attorney Meier is still unsure what Brookside would like to happen. Assessor Gratch has expressed her concern that Brookside is not paying their fair share of taxes. Attorney Meier stated that a PILOT can be up to 40 years long with extensions. Discussion occurred regarding the ¾ of 1% increase that is assessed every year. Clerk Murphy to provide Attorney Meier with a copy of the letter the Town sends each year to Brookside regarding the increase. Attorney Meier will look into further.

Rails to Trails: Lewis County is pursuing Lead Agency for this project. Zoning Officer Manning has indicated the application is incomplete. No action taken.

**DCO**

Monthly and annual reports are included in board members' packets.

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DCO Astafan gave a brief update on dog control.

**ASSESSOR**

Assessor Gratch would like the Board to appoint Karen Shaw as the new Administrative Assistant to the Assessor. Ms. Shaw is currently working as assessor for the Towns of Turin, West Turin and Mexico.

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 5-2023, "Appointment of Administrative Assistant to the Assessor"**.

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

RESOLVED, that Karen Shaw is hereby appointed as Administrative Assistant to the Assessor for the term of 01/01/2023 to 12/31/2023.

**JUSTICE**

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 6-2023, "Appointment of Assistant Justice Court Clerk"**.

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

RESOLVED, that Aimee L. Murphy is hereby appointed as Part-time Assistant Justice Court Clerk for the term of 01/01/2023 to 12/31/2023.

Former Justice Coffman has turned over his financial records to the Town Clerk. At the time of the board meeting, the audit of the Justice Court records was incomplete.

**RACOG**

-Mickey Dietrich gave a brief update on the happenings at the Tug Hill Commission. The early registration for the Tug Hill conference at Turning Stone is March 3<sup>rd</sup>. The Town of Lowville website has been updated with regard to the Comprehensive Plan. Mickey also investigated Councilwoman Birchenough's concern about the town's website not coming up with a Google search. Hopefully this issue has also been resolved.

**OLD BUSINESS**

**LACS Building Project:** Nothing new to report.

**Waterline Extension:** No further data has been provided by the County. Supervisor Mullin to reach out to Cassandra Buell, Lewis County Director of Planning.

**NEW BUSINESS**

Zoning Officer Manning would like to purchase a new copier, as there is no further maintenance agreement for her current machine and obtaining parts for repairs is becoming increasingly difficult and expensive.

The next meeting will be a regular board meeting on February 16, 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 10:59 a.m.

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

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Respectfully submitted,

Aimee L. Murphy, RMC  
Town Clerk