

**Town of Lowville Regular Board Meeting
February 16, 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 16th day of February 2023.

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

Absent: Helen Birchenough, Councilwoman

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

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 Virkler to approve the minutes of the January 19, 2023 regular board meeting and the December 27, 2022 special board meeting
ADOPTED - AYES – Farney, Mullin, Ross, Virkler NAYS – 0 Absent - Birchenough

CORRESPONDENCE

NYS Uniform Fire Prevention & Building Code Fire Inspection Report: Repairs to both the office building and stone building will need to be addressed when weather is better. No action taken at this time.

- Lewis County Planning & Community Development: Notice of Public Hearing – Ag District Inclusion Request – Town of Lowville: To be held at the County building on March 7, 2023 at 5:00 p.m.

VOUCHERS

The Village of Lowville overbilled the Town for the 2023 Fire Protection Workman’s Compensation in January. A reimbursement will be coming back from in the Village in the amount of \$1,272.33. Payment was approved at the Village’s February Board of Trustee’s meeting.

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

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

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|-----------------------|--|--------------|
| General – Abstract #2 | Voucher #38 to #48 & Voucher #50 to #70 | \$ 92,447.66 |
| Highway - Abstract #2 | Voucher #13 to #32 | \$134,076.20 |
| Child Support | | \$ 330.12 |
| | Total | \$226,853.98 |

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SUPERVISOR’S RECEIPTS

| | | |
|-----------|--------------------------|---|
| Receipts: | Town Clerk | \$ 1,445.93 |
| | Town Court | \$ 4,655.00 |
| | Zoning | \$ 0.00 (\$120 ytd) |
| | Tax Collector | \$722,486.11 |
| | Invenergy | \$ 5,681.37 (Stone for Willow Grove Rd) |
| | Brookside | \$ 87,005.29 (PILOT) |
| | Lewis Co. Humane Society | \$ 10.00 (Dog Impoundment Fee) |
| | Village of Lowville | \$ 8,129.04 (Joint Building Expenses) |
| | IDA | \$ 78,132.80 (#3 Wind PILOT) |
| | IDA | \$ 5,380.26 (Waters Rd. Solar PILOT) |
| | IDA | \$ 2,118.73 (Waters Rd. Solar PILOT) |
| | Lewis County | \$ 6,755.00 (Snow & Ice Contract) |

SUPERVISOR’S REPORT

Supervisor Mullin reported not receiving the Maple Ridge PILOT payment to date. He expects it to be coming in the mail soon.

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

Supervisor Mullin spoke with a representative of Community Bank and they have moved the interest amount to 3.5%, which will show on the February statement.

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

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

DEPARTMENT REPORTS

HISTORIAN

Historian Charlotte Beagle provided an annual report to the Town Board and reviewed it with them. The Board thanked Historian Beagle for her excellent work.

TOWN CLERK

- Clerk’s Monthly Report is in the Board Members’ Packets.
- Assisted Supervisor Mullin with the Audit of Justice Coffman’s financial records.
- NYS Deferred Compensation has offered onsite services to participating municipalities.
- Tug Hill Conference at Turning Stone, April 6, 2023. Early registration must be completed before March 3 2023 to receive the reduced rate.

TAX COLLECTOR

-Tax Collection report is included in Board Members’ Packets.

| | |
|----------------------------|-----------------------|
| Tax Collected | \$2,804,763.24 |
| Installment Fees Collected | 1,864.79 (37 parcels) |
| Bank Interest Collected | 971.22 |
| Unclaimed Funds | 47.54 (2022 season) |
| Total Collected – January | \$2,807,646.79 |

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| Paid to Supervisor | \$ 994,602.56 (Tax Warrant) |
| Paid to Supervisor | 2,883.55 (Fees, Interest & Unclaimed Funds) |
| Paid to Lewis County Treasurer | <u>1,810,160.68</u> (January Tax) |
| Total Disbursed | \$2,807,646.79 |

Motion by Councilman Ross, seconded by Councilman Farney to accept the Town Clerk & Tax Collector's reports as presented.

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

PUBLIC HEARING

Supervisor Mullin opened the public hearing for Local Law #1 of 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” at 10:00 a.m. with proof of advertising being acknowledged by the Board. The public hearing was left open for comment.

ATTORNEY

Brookside PILOT: Discuss in executive session.

Petitions for water service: Petitioners do not reside in a current water district. Attorney Meier suggested extending an existing water district. He stated the process is just like establishing a new district and would take at least three months to do so. Supervisor Mullin asked if it was possible for the users in the extension to be solely responsible for the debt incurred to create or extend the district, and not levy the debt onto the current district residents. Attorney Meier assured the Board it is possible to assess to only the newly added residents the debt. Attorney Meier suggested an extension would be the best way to proceed. He addressed the expenses associated with an extension along with the procedures that need to be followed. Supervisor Mullin has been in contact with Cassandra Buell at the Lewis County Planning Department regarding possible funding. Waiting for information from Mrs. Buell before proceeding.

Reduced Speed Zone Petition: Town Clerk Murphy received a petition signed by residents of Ebbly Rd., Fox Path, Emi Lane, and Kamryn Rd. requesting a reduced speed zone in the sub-division. Currently there is no speed zone set, so the default is the state speed limit of 55 miles per hour. Highway Superintendent Widrick recommends a 30-mph zone. Attorney Meier and Superintendent Widrick explained the process of applying for a reduced speed zone to the NYS Department of Transportation (DOT). Attorney Meier feels it should be easily obtained. Superintendent Widrick explained how the residents are worried about children and people walking along the road as well as a lack of sidewalks. Attorney Meier will write up a resolution for the Board to review and approve at the next meeting.

Local Law #1 of 2023:

Motion by Councilman Ross, seconded by Councilman Virkler to close the public hearing on Local Law #1 of 2023 at 10:14 a.m. with no public comment being heard.

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

Motion by Councilman Farney, seconded by Councilman Ross to adopt **Resolution No. 7-2023, “Adopting Local Law #1-20232 “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 District Within the Town.””**

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

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WHEREAS, the Town Board of the Town of Lowville, held a public hearing at a Town Board meeting on February 16, 2023, at 10:00 a.m. for Local Law No. 1 of 2023; and

WHEREAS, no public comment was heard; then therefore be it

RESOLVED, that the Town Board of the Town of Lowville adopts Local Law No. 1-2023 known as “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 District Within the Town.”

After a brief discussion as to which water districts should be charged a minimum usage fee, the following motion was presented and adopted.

Motion by Councilman Virkler, seconded by Councilman Ross to adopt **Resolution No. 8-2023, “Establishing a Minimum Charge for the Use of Water”**.

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

WHEREAS the Town Board of the Town of Lowville has found that there are a number of properties within the Town and its established Water Districts where the water used does not render a metered usage charge adequate to cover costs of the Town to secure the water from the Village of Lowville; and

WHEREAS there has been discussion among the Town Board members and with the Highway Superintendent in his capacity as Water Superintendent about the imposition of a minimum fee for the purpose of covering costs related to acquisition of the water from the Village of Lowville; then therefore be it

RESOLVED that a minimum charge of \$175.00 shall be imposed for every property owner who has water service for their property which sum shall also include the first 1,000 cubic feet of water. Usage above 1,000 cubic feet will be billed at the rate set by the Town Board for that District; and be it further

RESOLVED such minimum charge shall be billed in two equal six month installments and shall be governed by all other provisions of Code of the Town of Lowville Section 22-9 with regard to payment, interest and penalties; and be it further

RESOLVED that the minimum charge as authorized in this resolution shall apply to all water districts within the Town of Lowville; and be it further

RESOLVED that this resolution shall take effect immediately and shall be implemented with the May 2023 and November 2023 water bills.

BOOKKEEPER/BUDGET OFFICER

Accountant Scott Lawrence reviewed the 2022 financials with the Board. Accountant Lawrence stated the Town has made \$10,629.38 in interest with NYCLASS since joining in mid-December. Rates continue to climb.

Superintendent Widrick asked Accountant Lawrence if ARPA funds could be used to offset water district #5’s (WD#5) deficit. Attorney Meier believes it could be used if the guidelines allow. Accountant Lawrence does not know if it would be considered as replenishing a fund balance, which is

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not allowed. Discussion continued as to why WD#5 is losing money. Supervisor Mullin will speak with Village Clerk St. Louis and Supervisor Terry Thisse of the Town of Martinsburg about billing procedures and possible unaccounted water.

Budget Transfers: Accountant Lawrence presented the Town Board with budget transfers and adjustments necessary to close out the 2022 financial records. Clerk Murphy read all transfers and adjustments to the Board.

Motion by Councilman Ross, seconded by Councilman Farney to adopt **Resolution No. 9-2023, "Approval of Budget Transfers and Adjustments."**

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

RESOLVED, that the requested budget transfers and adjustments are hereby authorized as presented.

**Copies of Budget Transfers are incorporated at the end of these minutes.*

ARPA: Accountant Lawrence will be filing another ARPA update in April 2023.

ZONING

Zoning Officer Manning has provided the Board with three quotes for a new copy machine. After review and a brief discussion, the following motion was presented.

Motion by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 10-2023, "Purchase of Konica Minolta Bizhub 300i from SymQuest."**

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

WHEREAS the Town of Lowville Zoning Office is in need of a replacement copy machine; and

WHEREAS three quotes were provided to the Town Board for comparable machines to the one currently in use by the Zoning Office; then therefore be it

RESOLVED the Town of Lowville purchase a Konica Minolta Bizhub 300i through SymQuest for the amount of \$2,960.00 with a service contract of \$250 annually. Cost of purchasing the machine will be paid for using ARPA funds.

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

John Deere Tractor: After extensive testing, the John Deere tractor has been returned and is back in service. Documentation was provided showing the emissions warranty has been extended out 2 years and 1,000 hours.

Brookside Sewer: No update available.

Disinfection By-Products Sampling: Completed on 2/14/23.

Converse Labs: Received correspondence from Converse Labs explaining the current situation with Adirondack Environmental in Albany regarding samples for HAA5. Superintendent Widrick has decided to submit his samples to Summit Analytical for current testing via Converse Labs.

Sale of 2020 F350. Auction closed with the high bid of \$52,000.00 from the Town of Denmark.

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Motion by Councilman Farney, seconded by Councilman Virkler to adopt **Resolution No. 11-2023, “Sale of 2020 Ford F350 Truck and Plow.”**

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

WHEREAS the Town of Lowville has declared the 2020 Ford F350 Tuck with Plow as surplus and wish to sell; and

WHEREAS the Town has received a high bid of \$52,000.00 from the Town of Denmark through the Adirondack Asset Auctions; then therefore be it

RESOLVED, that the Town Board accept the bid through Adirondack Asset Auctions.

An old printer from the Town Clerk’s office with additional toner was also listed for sale receiving a high bid of \$110.00.

Motion by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 12-2023, “Sale of Printer and Toner.”**

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

WHEREAS the Town of Lowville has an HP Laser Jet printer and additional toner it wishes to sell; and

WHEREAS the Town has received a high bid of \$110.00 through Adirondack Asset Auctions; then therefore be it

RESOLVED that the Town Board accept the bid through Adirondack Asset Auctions.

Superintendent Widrick reported he will be attending Highway advocacy day in Albany on March 7th & 8th.

DOG CONTROL OFFICER

DCO’s monthly report is included in the Board Members’ Packets.

The January Public Health sponsored rabies clinic at Maple Ridge was well attended.

DCO Astafan gave a brief update on the shelter: They are no longer releasing dogs without a current proof of license and will be contacting law enforcement if dog owners become unruly.

DCO Astafan purchased a new cage to comply with Ag & Market’s requirements.

JUSTICE

Justice Coffman’s records are available for the Board to review. Audit of the Court’s 2022 records was conducted by Supervisor Mullin and Clerk Murphy. The audit was reviewed by the Town Board.

Motion by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 13-2023, “Approving the Audit of Justice Court Records for the Town of Lowville Justice Court.”**

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

WHEREAS, the Town of Lowville Justice Court Records were made available for audit by the Town of Lowville Board on February 16, 2023, and

WHEREAS, the Town of Lowville Supervisor audited said records on February 9, 2023 and found them to be in good order; then therefore

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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.

RACOG

Mickey Dietrich gave a brief report on the happenings at RACOG and the Tug Hill Commission. The next RACOG meeting will be on May 24, 2023 at 6:00 p.m., location to be determined, possibly at Castorland.

OLD BUSINESS

LACS Building Project: Nothing new to report.

Brookside Sewer: To be discussed during executive session.

NEW BUSINESS

EXECUTIVE SESSION

Motion by Councilman Farney, seconded by Councilman Virkler to enter into an executive session at 11:22 a.m. to discuss pending PILOT negotiations and to discuss applications for the Town Justice position.

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

Motion by Councilman Ross, seconded by Councilman Farney to leave executive session and return to regular session at 12:01 p.m.

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

Motion by Councilman Virkler, seconded by Councilman Ross to adopt **Resolution No. 14-2023, “Setting Special Meeting”**.

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

WHEREAS the Town of Lowville has a vacant Town Justice position and has received applications to fill the vacancy, and

WHEREAS the Town Board wishes to conduct interviews for this position, then therefore be it

RESOLVED that there will be a Special Meeting of the Town of Lowville Town Board on Thursday, February 23, 2023 at 1:00 pm for the purpose of entering into an executive session to conduct interviews to fill the Town Justice vacancy.

Town Clerk Murphy will contact the candidates the Board wishes to interview and advertise the special meeting.

The next meeting will be a regular board meeting on March 16, 2023, 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 12:05 p.m.

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

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk