

**Town of Lowville Regular Town Board Meeting
April 20, 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 20th day of April 2023.

Present: Robert Mullin, Supervisor
Paul Virkler, Deputy Supervisor
John D. Ross, Councilman
Helen Birchenough, Councilwoman
Stephen Farney, Councilman entered at 9:35 a.m.
Thomas Widrick, Highway Superintendent
Aimee Murphy, Town Clerk

Absent: Raymond Meier, Town Attorney

Also Present: Nicholas Astafan Jr, DCO; Chuck Terrillion, Village of Lowville Trustee; Cheyenne Steria, Abundant Life Church; Steve Olmstead, engineer for Abundant Life Church; Chris Barbora, RACOG; Kristle Hinola, RACOG; Vincent Nortz; Henry Avallone;

The meeting was called to order at 9:32 a.m. by Supervisor Mullin who also led the pledge of allegiance.

MINUTES

Motion by Councilman Virkler, seconded by Councilwoman Birchenough to approve the minutes of the March 16, 2023 regular meeting.

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

CORRESPONDENCE

1. NYS DEC: Request for lead agency – GraRok Mining permit modification request. After a brief discussion the following motion was presented.

Motion by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 19-2023, “DEC as Lead Agency for Mining Permit Modification”**.

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

WHEREAS, GraRok, LLC operates a mining operation in the Town of Lowville and has submitted an application to modify the existing mining permit to the New York State Department of Environmental Conservation (DEC), and

WHEREAS, the proposal is a Type I action subject to the State Environmental Quality Review Act (SEQR), with the DEC requesting Lead Agency status, then therefore be it

RESOLVED, the Town Board of the Town of Lowville has no objections to the DEC taking Lead Agency status and authorizes Supervisor Mullin to approve this request.

VOUCHERS

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

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

General – Abstract #4	Voucher #113 to #159	\$ 69,683.02
Highway – Abstract #4	Voucher #43 to #62	\$ 30,352.80
Child Support		\$ 330.12

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NYS Comptroller		\$ 2,953.30
	Total	\$103,319.24

SUPERVISOR’S REPORT

Receipts:	Town Clerk	\$ 1,961.82
	Town Court	\$ 6,506.00
	Zoning	\$ 150.00 (\$270.00 ytd)
	Tax Collector	\$ 1,139.61

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

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

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

ABUNDANT LIFE CHURCH

The Abundant Life Church (Church) on Waters Road has made a request for water and sewer hookups for their new church expansion project.

WATER: The church is a current water user of Water District #4 (WD#4), but has lower pressure that will not adequately service the proposed expansion. The current water line comes from Brookside Retirement Community. Steve Olmstead, engineer for the Church, has contacted the Department of Health (DOH) regarding the possibility of connecting to the Village of Lowville transmission line, and was told to contact the Town and Village. Supervisor Mullin would prefer a main line to be installed down the Waters Road and a fire hydrant installed directly in front of the church. Since the Church is already in an established water district, there would be no need to expand said district. Mr. Olmstead inquired if the Town would allow the church to hire a private contractor to install the mail line under the Town’s supervision. Supervisor Mullin felt this would be allowable. Mrs. Steria asked if there would be an opportunity for the Church to be reimbursed for some or all of the cost of the main line should the district and water line be expanded further in the next few years. Supervisor Mullin stated he would need to consult with the Town’s Attorney. Mrs. Steria also stated the Church is considering installing a holding tank to increase the water pressure. Mr. Olmstead asked if the Town would have any concerns about a storage tank. Superintendent Widrick stated he didn’t think there would be any problems with that from the Town.

SEWER: The Church is NOT currently in a sewer district, so an expansion of the district would be necessary before any additional hookup could be considered. The current Sewer District #1 (SD#1) lift station needs an upgrade and is having difficulty keeping up with the current demand. Superintendent Widrick explained how the Town is currently looking at an upgrade to the lift station equipment for reliability, not capacity. It would not be feasible to upgrade the capacity of the pumps at this time due to the Village sewer lines not being large enough to handle additional demand. Mr. Olmstead indicated another option for the Church may be to install a raised bed septic system. Supervisor Mullin agreed that the raised bed system may be the more cost effective option for the Church at this time.

Mrs. Steria and Mr. Olmstead left the meeting at 10:09 a.m.

DEPARTMENT REPORTS

DOG CONTROL

The Dog Control Officer’s (DCO) monthly report is included in the Board Members’ packets. DCO Astafan gave a report on the DCO seminar he attended on April 14th.

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1. Microchipping: The Department of Ag & Markets is considering combining mandatory microchipping with the licensing of dogs. Ag & Markets are in discussion with software vendors, such as BAS, to allow for tracking of the microchip numbers. There is no mandate to microchip dogs at this time. DCO Astafan is looking into purchasing a microchip scanner that would scan and read microchips. There are many different types, but he would like one that reads universally. Currently, the Humane Society and Countryside Vet Clinic are the only ones with microchip scanners. Councilwoman Birchenough requested DCO Astafan ask other DCOs to see if and what they use to scan microchips. DCO Astafan to look into further.

HISTORIAN

Supervisor Mullin stated the Lewis County Historical Society will be having presenters on May 19, 2023, regarding cemeteries. He plans on attending to see if the Town is doing what is necessary with its cemeteries.

ZONING/PLANNING

Councilwoman Birchenough reported hearing that Cazenovia Equipment will be building on the Matuszczak property on State Route 26. Nothing was confirmed at this time. Chuck Terrillion, Village Trustee, is concerned with drainage from the property and how it will affect some of the Village properties on Summit Ave., Dewitt St., and the Fairgrounds. No action taken

TOWN CLERK

1. Clerk's Monthly Report is in the Board Members' packets.
2. Clark Murphy attended the Lewis County Town Clerk and Tax Collector's Association meeting.
3. The Town's website has been updated.
4. New York State amended the Public Notary law requiring specific record keeping and also allowing for electronic notary services. Clerk Murphy reviewed these requirements with Deputy Clerk Olmstead. We are already in compliance with the record-keeping requirements but will not be offering electronic notary services at this time.
5. Preparations for water billing are under way. Bills will be going out in the mail on April 28th.
6. Workplace Violence and Harassment Training will be held on May 3rd at 2:00 p.m. and 5:30 p.m.
7. The Safety Committee meeting will be held immediately following the Town Board meeting.
8. Clerk Murphy will be attending the New York State Town Clerks Association annual conference in Syracuse, April 23rd through the 26th. Deputy Clerk Olmstead will be manning the office during this time.

TAX COLLECTOR

1. Tax Collection report is included in Board Members' Packets.
2. Second notices were mailed out to all owners of unpaid tax parcels.
3. Payments are slowly coming in.

Tax Collected	\$57,430.25
Interest Collected	\$ 979.69
Bank Interest Collected	<u>\$ 159.92</u>
Total Collected – March	\$58,569.86
Paid to Supervisor	\$ 1,139.61
Paid to Lewis County	<u>\$57,430.25</u> (March Tax)
Total Disbursed	\$58,569.86

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Motion by Councilman Ross, seconded by Councilwoman Birchenough to accept the Town Clerk and Tax Collector's reports as submitted.

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

JUSTICE

Justice Thisse's last court day is today, with her last official day being the 22nd. Justice Philippe will begin on the 22nd, immediately following completion of the "Taking the Bench" school. Supervisor Mullin would like to pro-rate his payroll to include the week of schooling.

Motion by Councilman Ross, seconded by Councilman Virkler to pro-rate payroll for Justice Philippe to include the week of training beginning April 17th through the end of April 2023.

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

RACOG

Chris Barbora and Kristle Hinola are the RACOG interns. They gave a brief update on the work they are doing at RACOG.

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

1. Water meters in WD#3, WD#5 and WD#6 have been changed to the new remote read meters, same as what is in CWD#1. The meters at Walmart have not been changed due to the larger size and cost of the replacement meters.
2. Superintendent Widrick received two quotes for painting the Town Hall:
Westward Painting Company, Inc: \$12,300.00
Klpainting, LLC: \$20,700.00

After discussion the following motion was presented.

Motion by Councilman Ross, seconded by Councilman Farney to accept the quote from Westward Painting Company, LLC to paint the Town Hall and part of the roof of the Town Hall.

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

3. Water meter readings have been completed.
4. International Standardization Organization (ISO) testing for fire ratings was conducted. Hydrants were tested near six (6) large buildings around the town. Superintendent Widrick explained how during a fire, the system must maintain at least 20 pounds of pressure in the main to avoid pulling pressure away from nearby houses. He believes our system could maintain adequate pressure for approximately 20 minutes without having to bring in drop tanks to fight fires. Supervisor Mullin believes taxpayers who live near hydrants will get better fire insurance rates. Councilwoman Birchenough is interested in knowing how the insurance companies get the information and where the results of these tests are kept. Superintendent Widrick will inquire.
5. Walmart/WD#5: Fire protection line at Walmart does not have a meter installed in it. Walmart has the system tested every 3 to 6 months. Sometimes they flow water and sometimes they do not. Superintendent Widrick asked if Walmart could notify the Town any time they are having the system tested. The Walmart representative said they would try but they are not given any prior notice from Corporate when the test is being done. New York Rural Water Association (NYRWA) listened for leaks and found none.
6. All water district hydrants have been flushed.
7. Sewers have been flushed and the Brookside lift station pit has been cleaned.
8. Trees were removed from Gardner Rd. and O'Brien Rd. bridge work areas. Mr. Widrick spoke with Matt Schooley of Barton & Louguidice regarding the bridge projects. Until the state

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budget is passed, nothing will happen with the BridgeNY projects. Mr. Schooley has submitted the plans to the State for review and their final stamp of approval before going out to bid. He is hoping the plans get approved, but at this point he is concerned that both projects are going to be moved into 2024. We will not lose our funding however, inflation is a big concern.

9. Superintendent Widrick has a spreader chain and an old water pump he wishes the Board to declare as surplus and list for sale with Tyler McDonald at Adirondack Asset Auctions.

Motion by Councilman Ross, seconded by Councilwoman Birchenough to adopt **Resolution No. 20-2023, “Declare as Surplus and List For Sale, Spreader Chain and Water Pump”**.

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

WHEREAS, the Town of Lowville Highway Department has a spreader chain and water pump that are 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 spreader chain and water pump as surplus and list for sale via auction with Adirondack Asset Auctions.

10. Quote for paving parking lot at highway garage. Paverite provided a quote for milling appropriate areas to tie-in including road, installation of 1.5” type 7 overlay and 1 full day labor & equipment totaling \$31,820.00. This price is good through the end of May. It will go up in June, but not sure how much. Due to the school bus traffic, work should be postponed until after school is out at the end of June. Councilman Ross is concerned with the quality of the materials being used by Paverite. Tim Hunt, Lewis County Highway Superintendent has given specific requirements for materials that must be used to Paverite. Superintendent Widrick reminded the Board of the discussion last year to use ARPA funds to pay for the project. Supervisor Mullin stated he would also like to use ARPA funds for the Municipal Building repairs. Discussion continued regarding funding.
11. After inquiry by Councilman Ross, Superintendent Widrick reported the John Deere tractor is working well.

OLD BUSINESS

1. **Brookside Sewer:** Superintendent Widrick contacted Bob Boliver of BC&A, nothing new to report. Councilman Ross made the suggestion for Supervisor Mullin to contact Mr. Boliver to have this project move forward as soon as possible or the Town may need to contact another engineering company. Discussion occurred about funding for the project. Brookside has agreed to pay a percentage of the costs for the project. BC&A should also be looking into funding for the project.
2. **Brookside PILOT:** Supervisor Mullin spoke with Attorney Meier, who will continue communications with Brookside and their legal representative.
3. **LACS Building Project:** Nothing new.
4. **Waterline Extension:** Cassandra Buell, Lewis County Planning Department has looked into funding for the waterline extension projects. A copy of a letter from Congresswoman Elise M. Stefanik to the House Appropriations Committee supporting approximately 20 miles of waterline expansion was provided to the Board. Superintendent Widrick is concerned with the quantity of water available to the Town. Supervisor Mullin spoke with Village DPW Superintendent Paul Denise. Mr. Denise feels there will be no problem with increasing the Town’s water allotment, provided the Department of Health agrees with the increase.

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Councilwoman Birchenough asked if the Town's tanks are high enough to provide water to the proposed expansion area. Superintendent Widrick believes another tank will need to be installed. Councilwoman Birchenough also inquired about the #3 Wind operations building and their search for good water. Supervisor Mullin reported they are looking into a cistern system for water.

5. **SNIRT:** Superintendent Widrick reported "No ATV" signs have been installed this morning on the Bardo Rd.
6. **Reduced Speed Zone:** Paperwork has been forwarded to the County Highway Superintendent for approval, then it will go to the State Department of Transportation for their part.
7. **Quarry – Blasting:** Zoning Officer Manning has provided the Board with a list of what the Town can "control" regarding the quarry. A copy of the "Lead Agency Request" has been provided to the Board for review. A copy of the proposed modifications to the permit has been provided to the Town Clerk. Councilwoman Birchenough asked for the permit to be emailed to the Board members. Supervisor Mullin has asked Attorney Meier to investigate a local law or mining moratorium to prevent new mining in the Town of Lowville.

New Business

1. **Recreation Commission:** The New York State Comptroller contacted Village Clerk St. Louis stating the recreation commission has not filed an Annual Update Document (AUD) since 2000. It was suggested by the Comptroller's office to officially abolish the commission at both the Town and Village level. The Town and Village could immediately establish a Recreation Board with an Intermunicipal Agreement (IMU) and have the same members as the commission. Supervisor Mullin would like to wait to abolish the Commission until grant funds are received that have been applied for.
Supervisor Mullin received a 2023 proposal for summer recreation from Double Play. Mr. Mullin received an email from Lewis County Manager Ryan Piche confirming the County will contribute to the summer recreation program for participating children who reside outside of the Town and Village of Lowville, at the same rate as last year. Mike Young will be setting up a meeting with other municipalities to discuss contributions to the recreation program.
2. **Workplace Violence and Discrimination Training:** Kevin Townsend will be presenting this training at the Town/Village Municipal Building on May 3rd. Training is mandatory, if unable to attend, contact the Town Clerk for alternative arrangements.
3. **Ice Rink:** Councilman Ross stated the chiller for the floor needs to be upgraded as the current pump is undersized. Lewis County Treasurer, Eric Virkler believes there may be money available to assist with the replacement. Councilman Ross stated the Hockey Association may be able to contribute as well. Mr. Ross would like to see ARPA funds and/or budget funds available to pay for large repairs at the rink. Councilwoman Birchenough asked who owns the pavilion that is used for the ice rink. Paul Denise, Village of Lowville DPW entered the meeting and stated the Village of Lowville owns the building and the Lewis County Ag Society owns the land it sits on. The school leases the football field from the Ag. Society.
Mr. Denise also informed the Board that he has submitted for grant funding for Veterans Park in the Village for park improvements including a walking path and a splash pad. He also applied for the George Davis grant to purchase picnic tables.
Councilwoman Birchenough and Supervisor Mullin would like to wait and see what Accountant Lawrence says is available for ARPA funding before obligating any funds. No action taken.

The Safety Committee will meet immediately following the Town Board meeting.

The next regularly scheduled Town Board meeting will be May 18, 2023 at 9:30 a.m.

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With no further business the following motion was presented.

Motion by Councilman Farney, seconded by Councilwoman Birchenough to adjourn the meeting at 12:15 p.m.

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

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk