

**Town of Lowville Regular Town Board Meeting  
May 18, 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 18<sup>th</sup> day of May 2023.

**Present:** Robert Mullin, Supervisor  
Paul Virkler, Deputy Supervisor  
John D. Ross, Councilman  
Helen Birchenough, Councilwoman  
Stephen Farney, Councilman  
Raymond Meier, Town Attorney entered at 9:45 a.m.  
Thomas Widrick, Highway Superintendent  
Aimee Murphy, Town Clerk  
Selina Olmstead, Deputy Clerk

**Also Present:** Nicholas Astafan Jr, DCO; Chuck Terrillion, Village of Lowville Trustee; Vincent Nortz; Henry Avallone; Paul Denise, Village of Lowville DPW Superintendent; Ian Gilbert, Lewis County Legislator.

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 Virkler, seconded by Councilman Farney to approve the minutes of the April 20, 2023 regular meeting.

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

**CORRESPONDENCE**

1. Federal Energy Regulatory Commission: Notice of preliminary permit application accepted for filing & soliciting comments, motions to intervene, and competing applications. Great Mills Hydro Project Plant #1 & Plant #2 on the Black River, Jefferson County, NY.
2. Lewis County Ag Society & Fair Board: Village of Lowville bill for electricity usage at pavilion during ice rink operations.

**VOUCHERS**

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

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

|                       |                      |                    |
|-----------------------|----------------------|--------------------|
| General – Abstract #5 | Voucher #160 to #201 | \$ 75,960.28       |
| Highway – Abstract #5 | Voucher #63 to #71   | \$ 8,882.66        |
| Child Support         |                      | \$ 330.12          |
| Trust & Agency        |                      | <u>\$ 1,042.40</u> |
|                       | Total                | \$ 85,215.46       |

**SUPERVISOR’S REPORT**

|           |                                   |                        |
|-----------|-----------------------------------|------------------------|
| Receipts: | Town Clerk                        | \$ 2,166.00            |
|           | Town Court                        | \$ 4,801.24            |
|           | Zoning                            | \$ 0.00 (\$270.00 ytd) |
|           | Tax Collector                     | \$ 2,484.39            |
|           | Lewis County (Snow & Ice)         | \$ 6,755.00            |
|           | Lewis County (Mortgage Tax)       | \$ 22,190.51           |
|           | Lewis County (Hydrant Sale Water) | \$ 72.50               |

Town of Lowville Regular Board Meeting  
May 18, 2023

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

**Motion** by Councilwoman Birchenough, seconded by Councilman Virkler to accept the Supervisor's receipts, activities and financial reports.

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

**DEPARTMENT REPORTS**

**DOG CONTROL**

The Dog Control Officer's (DCO) monthly report is included in the Board Members' packets. DCO Astafan gave a brief report on the new microchip scanner recently purchased.

**PRIVILEGE OF THE FLOOR**

Lewis County Legislator Ian Gilbert briefly explained the redistricting due to the population shifts revealed in the last census. The district he represents, District 4, beginning in 2024, will include part of the Town of Lowville. He will be running for re-election this fall and if re-elected, will attempt to attend most Town Board meetings. Mr. Gilbert provided each Board Member with his contact information.

**TOWN CLERK**

1. Clerk's Monthly Report is in the Board Members' packets.
2. Clerk Murphy attended the New York State Town Clerk's Association (NYSTCA) annual conference in Syracuse, NY. No big changes are expected in the near future. It was suggested the Town have a video conferencing policy.
3. Hot Topic: 1-day Marriage Officiant license. New York State has mandated Town Clerks who issue marriage licenses also issue 1-day Marriage Officiant license to any person interested in officiating over a marriage. The officiant must obtain the license from the same Town Clerk who issued the marriage license and is good only for that one marriage. The Town Clerk has created a license form to use with the help of NYSTCA. There is a \$25.00 license fee that remains with the Town.
4. Water bill payments are coming in. The Town Clerk's office has received many questions and complaints regarding the new minimum usage rate.

**TAX COLLECTOR**

1. Tax Collection report is included in Board Members' Packets.
2. Payments have slowed down.
3. Will continue collecting through the end of May, then collections will be turned over to the Lewis County Treasurer.

|                            |                                      |
|----------------------------|--------------------------------------|
| Tax Collected              | \$ 90,585.66                         |
| Interest Collected         | \$ 2,239.72                          |
| Bank Interest Collected    | \$ 150.67                            |
| <u>Penalties Collected</u> | <u>\$ 94.00</u> (second notice fees) |
| Total Collected – March    | \$ 93,070.05                         |

|                             |                                 |
|-----------------------------|---------------------------------|
| Paid to Supervisor          | \$ 2,484.39                     |
| <u>Paid to Lewis County</u> | <u>\$ 90,585.66</u> (April tax) |
| Total Disbursed             | \$ 93,070.05                    |

Councilman Farney requested information on uncollected taxes. Clerk Murphy will forward this onto the Board.

Town of Lowville Regular Board Meeting  
May 18, 2023

Attorney Meier entered the meeting.

**ATTORNEY**

1. Brookside PILOT: Attorney Meier is requesting two (2) years of audited financials from Brookside. He is also requesting a meeting with the Brookside Board and their attorney.
2. Recreation Commission: Attorney Meier recommends dissolving the joint Town and Village recreation commission then entering into an Intermunicipal Agreement (IMA) with the Village of Lowville and creating a joint Town and Village Recreation Board. Attorney Meier will prepare the IMA.
3. Quarry/Blasting: Attorney Meier explained how restricted the Town is with what it can do. Supervisor Mullin would like to see a local law eliminating all new mining operations in the Town of Lowville be created. Attorney Meier does not believe the Town can do this per NYS Law. Attorney Meier will investigate further.
4. Abundant Life Church water & sewer service requests: At the April board meeting, representatives of the church inquired if there was opportunity for reimbursement if they paid for the installation of a new water main and the district expanded further in the future. Attorney Meier believes this would be allowable. No definite decisions by church to date as to how they will proceed.
5. Wal-Mart: There is a 24% rate of unaccounted for water usage in Water District #5 (WD#5), also known as the “Wal-Mart district”. Superintendent Widrick explained that there is no meter on Wal-Mart’s fire protection water line. When Wal-Mart tests their fire flow system, they may open the line and dump water onto the ground. This water is unmetered. Fire system testing occurs two (2) times during each billing cycle. Attorney Meier will send Wal-Mart a letter requesting installation of a new water meter on the fire protection water line.

**ZONING/PLANNING**

1. In December 2022, Lisa Hetzner was appointed to the Planning Board to fill the unexpired term of Jeffrey Sauter. Mrs. Hetzner failed to sign her oath of office within 30 days, therefore the position is officially vacant. Clerk Murphy spoke with Mrs. Hetzner, and she would like to be reappointed and promises to come in and sign her oath of office immediately.

**Motion** by Councilman Ross, seconded by Councilman Farney to adopt **Resolution No. 21-2023, “Appointment to Planning Board”**.

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

RESOLVED that Lisa Hetzner is appointed to the Town of Lowville Planning Board as a full member. Term of office 5/18/2023 through 12/31/2024.

2. Selina Olmstead, Deputy Town Clerk, has given a letter of interest to be an alternate member of the Zoning Board of Appeals and/or the Planning Board. She is a village resident. Clerk Murphy deferred to Attorney Meier for an opinion of any conflict of interest. Attorney Meier does not believe the offices to be conflicting.

**Motion** by Councilman Farney, seconded by Councilman Ross to adopt **Resolution No. 22-2023, “Appointment to Planning Board and Zoning Board of Appeals”**.

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

RESOLVED that Selina Olmstead is appointed to the Town of Lowville Planning Board as an alternate member. Term of office 5/18/2023 through 12/31/2027, and be it further

Town of Lowville Regular Board Meeting  
May 18, 2023

RESOLVED that Selina Olmstead is appointed to the Town of Lowville Zoning Board of Appeals as an alternate member. Term of office 5/18/2023 through 12/31/2025.

**SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS**

1. ISO Fire rating: As per request following the April board meeting, Superintendent Widrick researched where the data from the hydrant testing is stored and accessed. The data is stored in a subscription required database. The information collected will be published in the database. As insurance policies are renewed, the companies use the new ratings to determine insurance rates. The Town was previously listed in the non-hydrant class with a score of 9 (1 to 10 scale with 1 being best and 10 being worst). The score has changed to a 4 and is now listed in the hydrant class. This change should show as a savings on a resident's fire insurance policy if they are in close proximity to a fire hydrant.
2. Shoulders have been cut on the Delles, Griffith, Shack, Sharp, East, O'Brien and Gardner Roads.
3. Curb boxes for all the Brookside duplex homes have been located. Previously, there were no good records of their locations.
4. Brookside Sewer: Bob Boliver of BC&A is working on the upgrade, he is concerned that the current National Grid service may not be adequate and may also need to be updated. Superintendent Widrick completed time testing for the pumps and forwarded the results to Mr. Boliver for analysis.
5. Garage paving: Superintendent Widrick reported the blacktop index for June will not be released until 05/28. Jason Carroll will contact Mr. Widrick as soon as it is available with the price. Mr. Widrick will then email the quote to the Board Members.
6. Speed Zone request: New York State Department of Transportation (DOT) has approved a linear speed zone of 40 miles per hour (mph) on Ebbly Road from NYS Route 26 approximately 800'. They have requested the Town change its previous request for the remainder of the Maple Run Homes Development to an area speed limit of 25 mph. A new resolution will be needed for this.

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 23-2023 "Area Speed Limit Request"**.

RESOLVED, that a speed reduction application be submitted to the New York State Department of Transportation requesting the establishment of an area speed limit of 25 miles per hour beginning approximately 800 feet from NYS Route 26 on Ebbly Road and the entirety of Emi Lane, Kamryn Road and Fox Path.

7. Auction results: Final bid results for the following surplus equipment are as follows:  
Xerox Printer/Copier \$1.00  
Spreader Chain \$5.00  
Water Pump \$9.00

After a brief discussion, the following motion was made.

**Motion** by Councilman Ross, seconded by Councilman Farney to reject all bids received for the surplus equipment listed through Adirondack Asset Auctions.

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

8. Superintendent Widrick will be attending the NY Rural Water Conference in Lake Placid.

Councilman Farney left the meeting at 10:27 a.m.

Town of Lowville Regular Board Meeting  
May 18, 2023

**BUDGET OFFICE/BOOKKEEPER**

Accountant Scott Lawrence reviewed financial reports for the first quarter, Budget Transfers, Budget Adjustments and reviewed them with the Board. Mr. Lawrence briefly explained their new accounting software for water accounting and how he should be able to present complete financial reports such as the first quarter reports monthly, for the Town Board meetings.

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution #24-2023, “Approve Budget Adjustments and Budget Transfers”**.


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

RESOLVED the following Budget Transfers and Budget Adjustments are approved as listed.

**TOWN OF LOWVILLE  
BUDGET TRANSFERS**

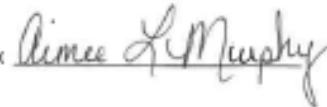
FUND: General Fund Townwide

| Account                  | Code   | Increase | Decrease |
|--------------------------|--------|----------|----------|
| Payroll - Youth Programs | 7310.1 | 245.00   |          |
| Health Insurance         | 9060.8 |          | 245.00   |
|                          |        |          |          |
|                          |        |          |          |

Approved by   
Supervisor

Date: 05/18/23

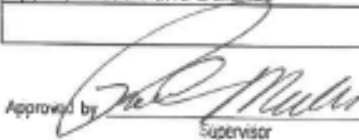
Approved by Town Board on: 05/18/23

Town Clerk 

**TOWN OF LOWVILLE  
BUDGET ADJUSTMENTS**

FUND: Highway Town Wide

| Account                   | Code   | Expenditures | Revenues  |
|---------------------------|--------|--------------|-----------|
| Bridges-Contractual       | 5120.4 | 33,350.00    |           |
| Equipment-Machinery       | 5130.2 | 58,325.00    |           |
| Sale of Equipment         | 2665   |              | 52,000.00 |
| State Aid-Bridge Project  | 3505   |              | 21,603.35 |
| Appropriated Fund Balance | 599    |              | 18,071.65 |
|                           |        |              |           |

Approved by   
Supervisor

Date: 05/18/23

Approved by Town Board on: 05/18/23

Town Clerk 

Town of Lowville Regular Board Meeting  
May 18, 2023

**TOWN OF LOWVILLE  
BUDGET ADJUSTMENTS**

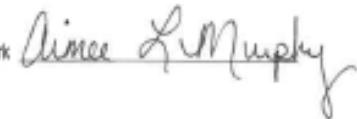
FUND: Fire District

| Account                   | Code   | Expenditures | Revenues |
|---------------------------|--------|--------------|----------|
| Workers Comp              | 9040.8 | 1,225.00     |          |
| Appropriated Fund Balance | 599    |              | 1,225.00 |
|                           |        |              |          |
|                           |        |              |          |
|                           |        |              |          |
|                           |        |              |          |

Approved by   
Supervisor

Approved by Town Board on: 05/18/23

Date: 05/18/23

Town Clerk 

**TOWN OF LOWVILLE  
BUDGET ADJUSTMENTS**


FUND: Water Districts

| Account                               | Code    | Expenditures                    | Revenues                        |
|---------------------------------------|---------|---------------------------------|---------------------------------|
| Transmission & Dist-Contractual (SW1) | 8340.41 | 16,749.00                       |                                 |
| Interfund Transfers (ARPA)            | 5031    |                                 | 16,749.00                       |
| Transmission & Dist-Contractual (SW6) | 8340.4  | 158.00                          |                                 |
| Appropriated Fund Balance             | 599     |                                 | 158.00                          |
| Transmission & Dist-Contractual (SW5) | 8340.4  | 1,418.00                        |                                 |
| Appropriated Fund Balance             | 599     |                                 | 1,418.00                        |
| Serial Bonds-Interest (SW1)           | 9710.7  | <del>3,290.62</del><br>3,206.00 |                                 |
| Appropriated Fund Balance             | 599     |                                 | <del>3,290.62</del><br>3,206.00 |
|                                       |         |                                 |                                 |
|                                       |         |                                 |                                 |

Approved by   
Supervisor

Approved by Town Board on: 05/18/23

Date: 05/18/23

Town Clerk 

**RACOG**

Mickey Dietrich gave a brief recount report on the happenings of RACOG and the Tug Hill commission.

**OLD BUSINESS**

1. Mike Tracy of the NY Department of Health (DOH) did an inspection of the CWD#1 GAC building and pump stations. Superintendent Widrick stated, while there were a couple

Town of Lowville Regular Board Meeting  
May 18, 2023

small things to do, there was nothing really bad reported. Supervisor Mullin has a copy of this report, and will provide it to Clerk Murphy so she can email it to the Board Members.

Superintendent Widrick left the meeting.

2. Brookside Sewer – Previously discussed: Superintendent Widrick provided BC&A data for electricity use at the lift station.
3. LACS – nothing new.
4. Water Line Expansion – nothing new.
5. Municipal Building – Code Violations: Painting of the municipal building should take place in July.
6. Recreation Commission: As previously discussed, Attorney Meier will draw up an IMU.

**New Business**

1. Teamsters Contract: Attorney Meier explained the Union negotiations process. Councilwoman Birchenough stated she should recuse herself from the negotiations, as her brother is a member of the Highway Department. Attorney Meier and Supervisor Mullin will handle the negotiations and hope to have a settled contract by Tentative Budget time.

The next regularly scheduled Town Board meeting will be June 15, 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 11:37 a.m.

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

Respectfully submitted,

Aimee L. Murphy, RMC  
Town Clerk