

Town of Lowville
Regular Town Board Meeting
July 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 July 2023.

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

Also Present: Nicholas Astafan Jr, DCO; Chris Barbora, RACOG; Chuck Terrillion, Village of Lowville Trustee; Vincent Nortz entered at 10:04 a.m.

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 June 15, 2023 regular meeting.

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

CORRESPONDENCE

1. NYMIR 2022 Report

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 #7	Voucher #234 to #276	\$ 32,111.15
Highway – Abstract #7	Voucher #82 to #105	\$185,479.43
Child Support		\$ 495.18
NYS Comptroller		\$ 5,671.00
	Total	\$223,756.76

SUPERVISOR’S REPORT

Receipts:	Town Clerk	\$ 1,593.96
	Town Court	\$ 4,786.00
	Zoning	\$ 980.00 (\$1,350.00 ytd)
	Tax Collector	\$ 49.92
	Suit-Kote	\$ 61.25 (Water)
	Town of Watson	\$ 886.75 (Assessor Reimbursement)
	Jordan Arthur	\$ 76.90 (Culvert Band)
	Lewis County	\$ 45.00 (Water for DSS Parking Lot)

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

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Upon review of the Supervisor's activities report, Councilman Ross questioned the "Leviker incident". DCO Astafan gave a brief explanation of the incident involving a resident who was extremely upset about getting a delinquent dog license letter from dog control. A workplace violence incident report was filed by both DCO Astafan and Town Clerk Murphy and forwarded to Attorney Meier and NYMIR representative Kevin Townsend for review and documentation.

Discussion occurred regarding the possibility of returning to two (2) elected Justice positions.

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

DEPARTMENT REPORTS

DOG CONTROL

The Dog Control Officer's (DCO) monthly report is included in the Board Members' packets. DCO Astafan stated his annual inspection with NYS Ag & Markets has been completed satisfactorily. There are some changes being made to Article 7 of the Ag & Markets Law allowing for temporary shelters to house dogs for no more than a 24-hour period. The temporary shelter would need a cage, water and a suitable place to house the dog. The only place DCO Astafan could think of placing this temporary shelter would be at the Town highway garage. DCO Astafan spoke with Superintendent Widrick who in turn discussed the suggestion with the highway employees. Superintendent Widrick would prefer to not have other people in the highway garage. Councilwoman Birchenough is concerned with the noise in the garage and the possibility of bringing in traumatized dogs to areas with loud noises. The Town Board agreed not to have a temporary shelter.

ATTORNEY

1. Brookside PILOT: Attorney Meier stated he needs to speak with Assessor Gratch. Assessor Gratch then entered the meeting. She stated Brookside needs to be appraised. Either the Town could hire an appraiser, Brookside could hire their own appraiser, or the Town and Brookside could share an appraisal. Discussion continued. Supervisor Mullin will contact Joe Monnat. Assessor Gratch also brought up her concerns with the lack of local training for assessors, code enforcement and zoning. She asked Chris Barbora of RACOG to look into the possibility of the Tug Hill Commission/RACOG sponsoring local training sessions.
2. Mining Moratorium: The County Planning Board meets later today. Waiting for their response.
3. Second Justice Position: Councilman Ross feels reinstating the second Justice position is a good idea. Supervisor Mullin will speak with Amanda Eaves, who won the primary election and is running unopposed in November for the position, regarding the possibility of bringing back the second judge position and splitting the salary amount in half for each Justice. No action taken.

TOWN CLERK

1. The Clerk's Monthly Report is in the Board Members' packets.
2. Town Clerk Murphy authorized the printing of the update to the Town of Lowville Code book. The Supplement will be forwarded to the Town Clerk upon completion by General Code and disseminated to individuals possessing code books.
3. On June 16th, Clerk Murphy received the resignation of Joseph J. Zehr from the Zoning Board of Appeals. A replacement will need to be found.
4. The Final Assessment Roll has been filed in the Town Clerk's office and uploaded to the Town's website.
5. Currently taking advantage of the slow time working on Records Management.

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6. Clerk Murphy completed a review of former Justice Coffman's bank account and turned over a list of unclaimed funds to Supervisor Mullin. These funds will need to be held for six (6) years, after which time, they will become property of the Town. Justice Coffman's account will also need to be closed.
7. Clerk Murphy also completed a review of former Acting Justice Thisse's financial records. Parking money that was inadvertently unreported will be turned over to Justice Philippe for reporting to the state.
8. Hunting license sales are scheduled to begin August 1st.
9. Credit Card Terminal Upgrade: CSG Forte has stated the credit card processing terminal will no longer be supported effecting 4/30/23. The company strongly suggests upgrading the terminal as soon as possible to be a PCI PTX5.x compliant device. The upgrade is necessary as the PCI Security Standards Council has retired the previous standard, resulting in the discontinuance of support for the current terminal. Cost to upgrade will be \$400 to \$450 depending on the purchase of cables with the terminal. This upgrade was NOT budgeted for. After a brief discussion, it was decided to hold off on the upgrade and budget for it in the 2024 fiscal year.

TAX COLLECTOR

1. Turned over a check in the amount of \$49.92 to Supervisor Mullin. This represents the bank interest collected for the month of June.

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

1. Ditching has started on Bardo Road.
2. The highway garage parking lot has been paved.
3. A water tap has been made for the new Lewis County highway garage.
4. Willow Grove Road has been paved.
5. Superintendent Widrick spoke with Megan Dolhoff, who purchased a piece of property on State Route 26 north of the old Climax building. She was wondering about the possibility of a sewer hookup. Since the sewer line end between the Climax building and the bowling alley, she would need to pay to get the line to the manhole in the Climax parking lot as well as get permission to go across the Climax or Matuszczak property.
6. Started roadside mowing.
7. The new 2023 F350 has arrived. Superintendent Widrick would like the Board to declare the 2021 F350 with plow as surplus and list it for sale with Tyler McDonald at Adirondack Assets Auctions. Resolution to follow.
8. Turned valves through all water districts.
9. Barton & Logudice has recommended that we put the Gardner Road and O'Brien Road bridges out to bid in the near future, likely in August.
10. Did not get funding from BridgeNY for Patten Road box culvert. Will reapply for funding in the next cycle.
11. Municipal building painting is scheduled for the last week of July.
12. The 2025 Mack plow truck purchase: purchase price for truck: \$165,389.05; box, plow wings: \$111,646.20 for a total purchase price of \$277,035.25. This quote may increase before the production of the truck. If approved today, the order will be placed in August with production scheduled for 2024.

Motion by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No.27-2023, "Declare as Surplus and List For Sale, 2021 F350 with Snow Plow"**.

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

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WHEREAS, the Town of Lowville Highway Department has a 2021 Ford F350 with 8.5' X-treme V-plow that is 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 2021 Ford F350 with 8.5' X-treme V-plow as surplus and be it further

RESOLVED, that the surplus items will be listed with Adirondack Asset Auctions for sale via auction.

Motion by Councilwoman Birchenough, seconded by Councilman Virkler to adopt **Resolution No. 28-2023, "Expenditure of Funds from the Highway Equipment Reserve Fund Subject to Permissive Referendum for Purchase of New Truck"**.

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

WHEREAS, the Town of Lowville has previously established a highway reserve fund for the purpose of funding certain capital expenses that may from time to time be required; and

WHEREAS, upon the recommendation of the Superintendent of Highways, the Town Board has determined that it is necessary to purchase for the Highway Department a new 2025 Mack tandem axle plow chassis with a Viking Cives plow, wings and sander/dump box; NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lowville authorizes the expenditure up to the sum of one hundred sixty-five thousand three hundred eighty-nine dollars and five cents (\$165,389.05) from the Highway Equipment Reserve Fund for the purpose of purchasing a 2025 Mack tandem axle plow, the sum of one hundred eleven thousand six hundred forty-six dollars and twenty cents (\$111,646.20) from the Highway Equipment Reserve Fund for the purpose of purchasing a new plow, wings and sander/dump box for a 2025 Mack tandem truck; and be it further

RESOLVED, that this resolution and the authorization set forth herein is subject to a permissive referendum; and be it further

RESOLVED, that should a petition for a permissive referendum be filed under the terms of Article 7 of the Town Law then this resolution shall take effect only if it is approved by the majority of the votes cast in such referendum, but if no such petition is filed, then this resolution shall take effect thirty days after its adoption.

RACOG

Chris Barbora gave a brief recount report on the happenings of RACOG and the Tug Hill commission. Mr. Barbora stated he made notes of suggestions from the meeting to take back to the Tug Hill Commission. The next RACOG meeting will be 09/27/2023, location to be determined.

BUDGET OFFICE/BOOKKEEPER

The Board reviewed the monthly financial report provided by Accountant Scott Lawrence.

Superintendent Widrick spoke with Dr. James Coffman, Esq. regarding the expansion of Fox Path. Dr. Coffman will need to build the road to town specifications with a snowplow turn-around at the end.

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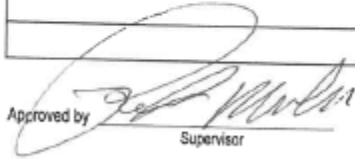
Motion by Councilwoman Birchenough, seconded by Councilman Farney to adopt **Resolution #26-2023, "Approve Budget Adjustments"**.

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

RESOLVED the following Budget Adjustments are approved as listed.


FUND: Water Districts

Account	Code	Increase	Decrease
Source of Supply - Trans & Distribution WD#1	8340.4	2,822.00	
Source of Supply - Contractual WD#1	8320.4		2,822.00

Approved by 
Supervisor

Approved by Town Board on: 7/20/23

Date: 7/20/23

Town Clerk 

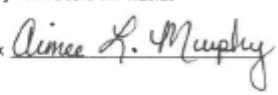
FUND: Highway Fund Town Wide

Account	Code	Increase	Increase
Contractual - Bridges	5120.4	86,145.00	
State Aid-Bridge Project	3505		86,145.00

Approved by 
Supervisor

Approved by Town Board on: 7/20/23

Date: 7/20/23

Town Clerk 


FUND: General Fund Part Town

Account	Code	Increase	Decrease
Contractual -Zoning (ARPA)	8010.41	250.00	
Contractual -Zoning	8010.4		250.00

Approved by 
Supervisor

Approved by Town Board on: 7/20/23

Date: 7/20/23

Town Clerk 

TEAMSTERS UNION NEGOTIATIONS

Attorney Meier explained procedures for the negotiations to the Board. Currently waiting on Accountant Lawrence to put together numbers to be used for the negotiations.

OLD BUSINESS

1. Brookside Sewer: Supervisor Mullin spoke with Bob Boliver of BC&A. The project has been sent to their CAD department, who are now back in the office full-time and should be finishing soon.
2. Municipal Building – Code Violations: The only thing left to correct is the painting of the building which is scheduled to begin the last week of July.
3. Reduced Speed Zone (Maple Run Development): There is a new person at the NYS Department of Transportation (DOT) who is handling this request. Superintendent Widrick is waiting for a response from the DOT.
4. Quarry – Blasting: There is a scheduled blast for today, July 20th.
5. Recreation Commission: Attorney Meier still has concerns about the telephone call from the Comptroller’s office with no follow-up documentation. He is suggesting re-vamping the existing commission and having them file annual reports. Supervisor Mullin will speak with Mayor Beagle.

NEW BUSINESS

1. Road Right of Ways: Superintendent Widrick stated there is no deeded right of way for most town roads, and that they are roads by use. His concern is with the right of way for plowing and mowing and people putting objects on the edge of the road. Superintendent Widrick wanted to know if there was anything the Town could do requiring the edge of the road to be left open. Attorney Meier stated there are setback requirements in the zoning law but will research further.

The next regularly scheduled Town Board meeting will be August 17, 2023, at 9:30 a.m.

With no further business the following motion was presented.

Motion by Councilman Farney, seconded by Councilwoman Birchenough to adjourn the meeting at 11:49 p.m.

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

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk