

**Town of Lowville**  
**Regular Town Board Meeting**  
**August 17, 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 17<sup>th</sup> day of August 2023.

**Present:**

Robert Mullin, Supervisor  
Paul Virkler, Deputy Supervisor  
John D. Ross, Councilman  
Helen Birchenough, Councilwoman  
Stephen Farney, Councilman

**Others Present:**

Raymond Meier, Town Attorney  
Thomas Widrick, Highway Superintendent  
Aimee Murphy, Town Clerk  
Selina Olmstead, Deputy Town Clerk

**Also Present:** Nicholas Astafan Jr, DCO; Chuck Terrillion, Village of Lowville Trustee; Henry Avallone; Vincent Nortz; Accountant Scott Lawrence entered at 10:40 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 Ross to approve the minutes of the July 20, 2023 regular meeting as submitted by the Town Clerk.

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

**CORRESPONDENCE**

1. Missing Link Snowmobile Club – Request for support: Snowmobile Trails Grant-in-Aid Application 2023-2024. After a brief discussion, Clerk Murphy was asked to respond with a request for more information.
2. Rails to Trails: Supervisor Mullin received a request from Joanne Dicob, property owner on NYS Rte 812, to send a letter to the Federal Service Transportation Board in opposition to the official abandonment of railroad lines in Lewis County. After discussion, the following motion was presented.

**Motion** by Councilwoman Birchenough to authorize Supervisor Mullin to send a letter of opposition of railroad abandonment to the Federal Service Transportation Board. This motion received no second. No vote taken.

Councilman Ross suggested contacting Congresswoman Stefanik and State Senator Walczyk for additional information and possibly an extension of time to respond to the issue of railroad abandonment. Supervisor Mullin will make phone calls.

**VOUCHERS**

Due to clerical error the July Highway Abstract #7, Voucher #92 for Paverite in the amount of \$31,820.00 was coded incorrectly as DB5112.4 Highway Improvements. It should have been coded as A5132.4 Garage Contractual. This amount to be reimbursed by ARPA funds.

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**Motion** by Councilwoman Birchenough, seconded by Councilman Virkler to adopt **Resolution No. 27-2023, “Correcting Highway Fund Abstract #7, Voucher #92”**.

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

RESOLVED that due to a clerical error, Highway Fund Abstract #7, Voucher #92 account code be corrected to General Fund account A5132.4 garage contractual.

**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 #8	Voucher #277 to #309	\$ 32,792.74
Highway – Abstract #8	Voucher #106 to #128	\$206,629.92
Water/Sewer – Abstract#1	Voucher #1 to #11	\$ 6,273.38
Child Support		\$ 330.12
Trust & Agency		\$ 1,512.23
NYS Comptroller		\$ 6,047.38
	Total	\$253,585.77

**SUPERVISOR’S REPORT**

Receipts:	Town Clerk	\$ 1,486.02
	Town Court	\$ 9,990.00
	Zoning	\$ (\$1,350.00 ytd)
	Village of Lowville	\$ 100.00 (Reimburse Eq. Repair)
	#3 Wind	\$ 1,250.00 (Wingwall Repair)

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

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

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

**DEPARTMENT REPORTS**

**DOG CONTROL**

1. The Dog Control Officer’s (DCO) monthly report is included in the Board Members’ packets.
2. DCO Astafan is looking to add an additional Deputy Dog Control Officer (DDCO), Lindsay Hess. Ms. Hess will be working under the same arrangement as DDCO Young. DCO Astafan requested the Town Board give Ms. Hess authority as a DDCO in the Town of Lowville. Resolution to follow.
3. DCO Astafan reported regarding pre-exposure rabies vaccination boosters. Each County is responsible to make their own policy regarding the booster. Lewis County Public Health is only giving post-exposure vaccinations in the occasion of a bite incident.

**Motion** by Councilman Farney, seconded by Councilman Virkler to adopt **Resolution No. 28-2023, “Appointment of Deputy Dog Control Officer.”**

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

RESOLVED, that Lindsey Hess be appointed as a Deputy Dog Control Officer for the Town of Lowville with a term of office ending December 31, 2023.

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**ATTORNEY**

1. Brookside PILOT: Attorney Meier inquired as to who was going to get the appraisal of Brookside. Supervisor Mullin will contact Joe Monnat of Brookside to discuss this. Assessor Gratch suggested letting the PILOT expire with no further action. Attorney Meier stated if the PILOT expires and no action has been taken, then Brookside will go to 100% assessment. No action taken.
2. Mining Moratorium: The Lewis County Planning Board reviewed the referral from the Town Board and provided a recommendation of “Disapproval”. Attorney Meier reviewed this recommendation with the Board. After additional discussion, the subject was tabled.
3. Second Justice Position: A resolution will be needed to reinstate the second justice position. After discussion, a motion was made to adopt a resolution restoring the second Town Justice position. Resolution to follow.
4. Setbacks/Right of Ways/Roads: Zoning Officer (ZO), Kathy Manning entered the meeting. ZO Manning contacted Jeff Kehoe of the NYS Department of Ag & Markets. Mr. Kehoe believes it may be unreasonably restrictive to not allow farmers to not be able to use all their property by restricting how close fences can be to the road. Superintendent Widrick contacted CLRP and was told it is permissible for the Town to pass a local law or zone change to address this issue. ZO Manning is concerned with roads that are in an “Ag District”. NYS Department of Ag & Markets will be contacting ZO Manning with further information. Supervisor Mullin would like to adopt a local law stating nothing can be placed within twelve feet of the edge of the road. The major concern of all is the safety of the public. Attorney Meier will put something together for the Board to review at the next meeting.

**Motion** by Councilman Farney, seconded by Councilwoman Birchenough to adopt **Resolution 29-2023, “Restoring a Second Town Justice Position”**.

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

WHEREAS, the Town Board of the Town of Lowville pursuant to Town Law Section 60-a adopted resolution 1-2017 on January 19, 2017 which eliminated the second Town Justice Position and resulted in the Town of Lowville Justice Court having one Town Justice; and

WHEREAS, the Board of Trustees of the Village of Lowville adopted a Local Law on March 31, 2022 abolishing and dissolving the Village Court; and

WHEREAS, upon the dissolution of the Village Court, those cases before that Court passed by operation of law to the Town Court of the Town of Lowville; and

WHEREAS, dissolution of the Village Court has resulted in an increase in the number of cases before the Town Court; and

WHEREAS, the Town Board believes it is in the best interests of the Town due to the increased case load to restore the second Town Justice position; now therefore be it

RESOLVED that the Town Board of the Town of Lowville hereby restores and reestablishes a second Town Justice position subject to the provisions of Section 60-a of the Town Law; and be it further

RESOLVED that this resolution restoring the second Justice position shall be subject to a permissive referendum.

**TOWN CLERK**

1. The Clerk’s Monthly Report is in the Board Members’ packets.

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2. Hunting licenses went on sale August 1<sup>st</sup>. Sales are going smoothly.
3. Budget request forms have been distributed to all departments on behalf of the Budget Officer. Most have been returned.
4. Working on water and sewer budgets for 2024 as well as the Benefit Assessment rolls.
5. Published “Notice of Highway Expenditure Subject to Permissive Referendum” in the newspaper, the Town’s website and on the Town Clerk’s bulletin board. If no petition is filed with the Town Clerk by the 19<sup>th</sup> of August, a Certificate of No Referendum will be filed.

**SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS**

1. Dave Payne purchased the Christman property on the Number Four Road and would like to raise the sewer lift station, septic tank, and electrical panel to make the property more developable. Superintendent Widrick told Mr. Payne that the Town would not be interested in covering the cost associated with that type of project. However, if Mr. Payne had an engineer draw up an acceptable solution, the Town would review the project provided Mr. Payne was willing to pay the costs.
2. Patten Road has been paved.
3. Municipal Building painting has been completed.
4. Boshart Road wing wall and foundation have been repaired. The wing wall was tipping inward, and the foundation was starting to wash out on the western side.
5. DBP sampling for Consolidated Water District #1 (CWD#1) has been completed. Awaiting test results.
6. Bid openings for the O’Brien Road and Gardner Road Box Culvert Projects were held on Wednesday, August 16<sup>th</sup>. Thirteen (13) bids were received. Barton & Logudice (B&L) will review all the bids to be sure they are complete and Superintendent Widrick will be notified of their recommendations. At first review, it is believed the Gardner Road project will be completely covered by Bridge NY funds. However, B&L recommends the Town Board set aside \$150,000 in addition to the Bridge NY funds for the O’Brien Road project. Superintendent Widrick will adjust his 2024 budget requests to reflect this.
7. Maple Run Homes subdivision reduced speed zone request: Received notification from the New York State Department of Transportation (DOT) of the completion of the evaluation of the requests for reduced speed zones on Ebbly Road, Emi Lane, Kamryn Road and Fox Path. Currently, these roads have a speed limit of 55 MPH. A 40 MPH zone has been approved for the portion of Ebbly Road beginning at the intersection with NY26 and continuing approximately 800 feet. A 25 MPH area speed limit has been deemed appropriate for the remaining portion of Ebbly Road and the rest of the roads within the subdivision. Superintendent Widrick will have the appropriate signage installed at which time, enforcement of the speed zones may begin.
8. Replacement of CAT Loader: Superintendent Widrick would like to replace the 2006 CAT Wheel Loader with a new CAT 938 Wheel Loader with a cost of \$242,274.30. The dealer has offered \$50,000 as a trade-in for the old loader. Superintendent Widrick believes the Town may get a higher price if the loader were auctioned off. After a brief discussion, the board requested Superintendent Widrick adjust his budget request for 2024 to reflect the cost of the new loader.

**OLD BUSINESS**

1. Brookside Sewer: Superintendent Widrick called Bob Boliver of BC&A for an update. The project is still with the CAD Department. Supervisor Mullin will speak with Mr. Boliver about furthering this along.
2. Municipal Building – Code Violations: All violations have been corrected, Code Enforcement Officer Ward J. Daily has been informed of the same.

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**NEW BUSINESS**

**BUDGET OFFICE/BOOKKEEPER**

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

	Jul 31, 23
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
Community Bank Accounts	
Community Bank-GF Checking 8383	
A200.1 - GF Comm Ckg - General Fd 8383	58,706.86
SW200.1 - GF Comm Ckg - Water Dist 8383	566.02
Community Bank-GF Checking 8383 - Other	-23.52
Total Community Bank-GF Checking 8383	59,229.16
Community Bank-HWY Check 8391	
DA200.1 - Highway Ckg(Townwide)-Comm 8391	7,767.87
DB200.1 - Highway Ckg(TOV)-Comm 8391	92,713.13
Community Bank-HWY Check 8391 - Other	1,274.26
Total Community Bank-HWY Check 8391	101,755.26
SW200.3 - Community Bank-WD#1Capital 0503	57,551.62
TA200.1 - Community Bank-T&A 8748	66,313.48
Total Community Bank Accounts	284,849.52
Community Bank Money Markets	
A200.51 - Community Bank-GF MM 7979	46,616.50
A200.52 - Community Bank-ARPA MM 7987	10,597.17
DA200.5 - Community Bank-HWY MM 7961	9,744.41
DA20051 - Community Bank-Gar Res MM 7946	34,907.19
DA20052 - Community Bank-Equip Res MM 7920	129,306.36
SF200.5 - Community Bank-Fire Pro MM 7938	26,517.83
SW200.5 - Community Bank-Water MM 7953	288,480.11
Total Community Bank Money Markets	546,151.57
NY Class Accounts	
Highway Fund Svgs-NY Class 2559	
DA200.7 - Hwy Svg(Townwide)-NY Class 2559	382,487.56
DB200.7 - Hwy Svgs (TOV)-NY Class 2559	1,058.82
Highway Fund Svgs-NY Class 2559 - Other	56,280.83
Total Highway Fund Svgs-NY Class 2559	439,807.00
A200.7 - General Fund Svgs-NY Class 2667	1,404,432.19
A200.8 - ARPA Savings-NY Class 8649	40,656.45
DA200.9 - Equip Reserve-NY Class 2105	308,515.35
SF200.6 - Fire Protection-NY Class 2485	51,419.29
SW200.6 - Water Dist Ckg-NY Class 2634	257,096.02
Total NY Class Accounts	2,501,926.30
Total Checking/Savings	3,332,927.39
Total Current Assets	3,332,927.39
<b>TOTAL ASSETS</b>	<b>3,332,927.39</b>
<b>LIABILITIES &amp; EQUITY</b>	<b>0.00</b>


 Town of Lowville Supervisor Date 8/17/23

Accountant Lawrence reviewed the budget adjustments and transfers needed with the Board. After brief discussion, the following motion was presented.

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**Motion** by Councilman Farney, seconded by Councilman Ross to adopt **Resolution #30-2023, "Approve Budget Adjustments and Budget Transfers"**.

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

RESOLVED the following Budget Adjustments are approved as listed.

**TOWN OF LOWVILLE  
BUDGET ADJUSTMENTS**

FUND: General Fund Townwide

Account	Code	Expenditures	Revenues
Town Garage-Contractual (Paving)	5132.41	31,820.00	
Federal Revenue-ARPA	4089		31,820.00

Approved by   
Supervisor

Date: 8/17/23

Approved by Town Board on: 8/17/23

Town Clerk 

**TOWN OF LOWVILLE  
BUDGET TRANSFERS**


FUND: General Fund Townwide

Account	Code	Increase	Decrease
Unemployment Insurance	9050.8	211.00	
Medical Insurance	9060.8		211.00

Approved by   
Supervisor

Date: 08/17/23

Approved by Town Board on: 08/17/23

Town Clerk 

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**TOWN OF LOWVILLE  
BUDGET TRANSFERS Adjustment**

FUND: Highway Town Wide

Account	Code	Revenue Increase	Expend. Decrease
Equipment - Machinery	5130.2	50,334.00	
????????? Equipment Reserve			50,334.00
<del>**Did the Board authorize a transfer from Equipment Reserve</del>			
<del>to cover one or both of the truck purchases?</del>			

Approved by   
Supervisor

Date: 8/17/23

Approved by Town Board on: 8/17/23

Town Clerk 

**TOWN OF LOWVILLE  
BUDGET TRANSFERS**


FUND: Water Funds

Account	Code	Increase	Decrease
Transmission and Dist-Contractual (WD #1)	8340.4	1,828.00	
Appropriated Fund Balance (WD#1)	599		1,828.00

Approved by   
Supervisor

Date: 8/17/23

Approved by Town Board on: 8/17/23

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**TOWN OF LOWVILLE  
BUDGET TRANSFERS**

**FUND: Sewer Funds**

Account	Code	Increase	Decrease
Sewer Admin-Contractual (SD #1)	8110.4	18.00	
Sanitary Sewers-Contractual (SD #1)	8120.4	131.00	
Sewer Admin-Contractual (SD #2)	8110.4	60.00	
Sewer Admin-Contractual (SD #3)	8110.4	112.00	
Appropriated Fund Balance (SD #1)	599		18.00
Appropriated Fund Balance (SD #1)	599		131.00
Appropriated Fund Balance (SD #2)	599		60.00
Appropriated Fund Balance (SD #3)	599		112.00

Approved by   
Supervisor

Date: 8/17/23

Approved by Town Board on: 8/17/23

Town Clerk 

Accountant Lawrence would like to set up a budget workshop to work on the 2024 budget. The budget workshop will be held on September 7, 2023 at 9:00 a.m. at the Town of Lowville Municipal Building.

**EXECUTIVE SESSION**

**Motion** by Councilwoman Birchenough, seconded by Councilman Virkler to move into executive session at 11:50 a.m. to discuss collective bargaining.

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

**Motion** by Councilman Farney, seconded by Councilman Virkler to leave executive session and return to regular session at 1:12 p.m.

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

The next regularly scheduled Town Board meeting will be September 21, 2023, at 9:30 a.m.

With no further business the following motion was presented.

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to adjourn the meeting at 1:15 p.m.

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

Respectfully submitted,

Aimee L. Murphy, RMC  
Town Clerk