

Town of Lowville
Regular Town Board Meeting
September 21, 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 21st day of September 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
Erin Gratch, Assessor
Karen Shaw, Assessor's Administrative Assistant

Also Present: Chuck Terrillion, Village of Lowville Trustee; Vincent Nortz; Mickey Dietrich, RACOG; Accountant Scott Lawrence entered at 10:15 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 Councilwoman Birchenough to approve the minutes of the August 17, 2023 regular meeting and the September 7, 2023 special meeting as submitted by the Town Clerk.

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

CORRESPONDENCE

1. Lewis County Fair Board – Thank you card
2. Village of Lowville – Sidewalk installation connecting Jackson St. & Railroad St.; Mayor Beagle requested the Town contribute to the cost of the new sidewalk next to the Town owned cemetery. Discussion took place regarding the cost of the sidewalk versus the cost of refinishing the floors of the municipal building.

Motion by Councilman Ross, seconded by Councilman Farney to pay for the entire cost of refinishing the floors of the municipal building using ARPA funds and not bill the Village any portion in exchange for the Village paying the entire cost of installing the new sidewalk.

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

VOUCHERS

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

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

General – Abstract #9	Voucher #310 to #342	\$ 30,189.48
Highway – Abstract #9	Voucher #129 to #145	\$ 14,089.71

Town of Lowville Regular Board Meeting
September 21, 2023

Water/Sewer – Abstract#2	Voucher #12 to #24	\$ 4,510.96
Child Support		\$ 330.12
Trust & Agency		\$ 1,172.26
NYS Comptroller		<u>\$ 11,554.00</u>
	Total	\$ 60,664.27

SUPERVISOR’S REPORT

Receipts:	Town Clerk	\$ 2,291.87
	Town Court	\$ 7,592.78
	Zoning	\$ 372.50 (\$1,350.00 ytd)
	Retiree Health Insurance	\$ 3,060.30
	AIM	\$ 20,401.00

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

Discussion regarding highways by use and rights-of-way took place. Highway Law § 319 pertains to obstructions in the road. Superintendent Widrick can print this section of law and provide it to any land-owner whose property contains an obstruction and request the obstruction to be removed.

Motion by Councilman Ross, seconded by Councilwoman Birchenough 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.

ATTORNEY

1. Brookside PILOT: Attorney Meier stated he has had no interaction with Brookside since the last meeting. Supervisor Mullin inquired if the escalator could be increased. Attorney Meier said no. Town Clerk Murphy will look further into the minutes to see if there is any mention of the escalator, as Attorney Meier could not find it in the PILOT agreements.
2. Exemptions: Upon review of the current exemptions provided by the Town of Lowville, Assessor Gratch suggested raising the income cap for the senior citizen homeowner property tax exemption to equal the Lewis County rate.

Motion by Councilman Virkler, seconded by Councilman Farney to adopt **Resolution #31-2023, “Increasing the Income Cap for the Senior Citizen Homeowner Property Tax Exemption”**.

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

WHEREAS Real Property Tax Law Section 467 establishes a residential real property tax partial exemption for homes owned by one or more residents sixty-five years of age or over subject to the conditions and requirements set forth in Section 467; and

WHEREAS Section 467 gives discretion to taxing municipalities to establish an income cap with regard to the eligibility for such partial exemption; and

WHEREAS the Town of Lowville has previously set such cap at twenty thousand seven hundred dollars (\$20,700.00); and

Town of Lowville Regular Board Meeting
September 21, 2023

WHEREAS the Town Board of the Town of Lowville recognizes that the current economic conditions including inflation requires a reexamination of the amount of such income cap; now therefore be it

RESOLVED that the Town Board of the Town of Lowville, after consultation with the Town Assessor, and upon due deliberation, hereby increases the now existing income cap for the Senior Citizen Homeowner Property Tax Exemption to the amount of twenty-two thousand seven hundred dollars (\$22,700.00); and be it further

RESOLVED that the increase in the cap provided for herein shall take effect after the next taxable status date which shall occur after the passage of this resolution.

3. Mining Moratorium: Nothing new. Councilwoman Birchenough asked for this to be removed from the agenda as the Town Board has tabled the topic and has no plans to discuss it further at this time.

TOWN CLERK

1. The Clerk's Monthly Report is in the Board Members' packets.
2. Hunting licenses are being sold daily.
3. Setup online banking statements for Judge Philippe to assist in the timely filing of his monthly report.
4. The municipal building floors have been stripped and waxed.
5. Filed a Certificate of No Referendum for restoring the second Town Justice position.
6. Updating the water and sewer district property lists. Created a searchable Excel file with the updated data.
7. Code Book update received, copied, and disseminated.

ZONING/PLANNING

Homeless Housing: Zoning Officer (ZO) Manning has informed Supervisor Mullin of the possibility of Lewis County claiming governmental immunity from zoning pertaining to the proposed housing project on Outer Stowe Street and then leasing the property to Snowbelt Housing for 30 years. ZO Manning supplied the Board with a pamphlet on Governmental Immunity produced by the New York State, Department of State, Division of Local Government Services for the Town Board's information.

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

1. Seasonal Roads Designation letter: Declared Hoffman, Nefsey and Wilcox Road as seasonal limited use highways. Copy of letter forwarded to Lewis County Sheriff's Department. **Copy of letter attached to the end of these minutes.*
2. Seasonal Worker: The Board needs to set the hourly wage for the seasonal worker so Superintendent Widrick can advertise the position. Councilwoman Birchenough suggested keeping the same rate as last winter. After a brief discussion, the following motion was made.

Motion by Councilman Farney, seconded by Councilman Ross to adopt **Resolution No. 32-2023, "Setting Hourly Rate of Pay for Seasonal Highway Employee."**

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

RESOLVED, that the rate of pay for the seasonal highway employee be set at \$16.00/hour.

3. All speed zone signs have been installed for the Ebbly Rd., Emi Lane, Kamryn Rd. and Fox Path speed zone change.
4. Finished ditching on Bardo Rd.

Town of Lowville Regular Board Meeting
September 21, 2023

5. Ditched Gardner Rd. above the West Rd. intersection.
6. Continuing roadside mowing.
7. Working on tree trimming/removal
8. The auction for the 2021 F350 with plow ended with a winning bid of \$46,000.00. The Board would need to accept this bid to sell the truck.

Motion by Councilman Ross, seconded by Councilman Farney to adopt **Resolution No. 33-2023, "Sale of 2021 Ford F350 with Snowplow"**.

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

WHEREAS the Town of Lowville has declared the 2021 Ford F350 with snowplow as surplus and wish to sell them, and

WHEREAS the Town has received a bid of \$46,000.00 through Absolute Auctions & Realty, then therefore be it

RESOLVED, that the Town Board accept the bids through Absolute Auctions & Realty.

9. CWD#1 Disinfection By-Products numbers came back, and all are in compliance. The GAC filters are working well, and the Department of Health is pleased. Councilwoman Birchenough inquired about changing of the media and the future costs associated. Superintendent Widrick explained the process and costs.

ASSESSOR

Peter Cecconi's term on the Board of Assessment Review expires 9/30/2023. Town Clerk Murphy has been in contact with Mr. Cecconi and he is willing to be re-appointed.

Motion by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution #34-2023, "Appointment to the Board of Assessment Review"**.

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

RESOLVED, that Peter Cecconi be appointed to the Town of Lowville Board of Assessment Review with a term of office of 10/1/2023 to 9/30/2028.

Brookside Sewer: Bob Boliver of BC&A will be meeting with Supervisor Mullin and Superintendent Widrick next week to review numbers for the proposed project.

RACOG

Mickey Dietrich gave a brief update on the happenings of RACOG and the Tug Hill Commission. The next RACOG Board meeting will be 9/27/2023 at the Town of Champion. BOCES is looking into a Wastewater Operator Certification program.

BUDGET OFFICE/BOOKKEEPER

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

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

Town of Lowville Regular Board Meeting
September 21, 2023

Motion by Councilwoman Birchenough, seconded by Councilman Virkler to adopt **Resolution #35-2023, “Approve Budget Transfers”**.

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

RESOLVED the following Budget Adjustments are approved as listed.

FUND: General Fund - Town Wide

Account	Code	Increase	Decrease
Veterans- Contractual	6510.4	75.00	
Medical Insurance	9060.8		75.00

Approved by 
Supervisor

Approved by Town Board on: 09/21/23

Date: 09/21/23

Town Clerk 

FUND: Highway Fund - Town Wide

Account	Code	Increase	Decrease
Machinery - Equipment	5130.2	50,335.00	
Appropriated Fund Balance	599		50,335.00

Approved by 
Supervisor

Approved by Town Board on: 09/21/23

Date: 09/21/23

Town Clerk 


FUND: Water Fund #3 E State St

Account	Code	Increase	Decrease
Transmission & Dist - Contractual	8340.4	2,473.00	
Appropriated Fund Balance	599		2,473.00

Approved by 
Supervisor

Approved by Town Board on: 9/21/23

Date: 9/21/23

Town Clerk 

Town of Lowville Regular Board Meeting
September 21, 2023

FUND: Sewer Fund #1 Brookside

Account	Code	Increase	Decrease
Sanitary Sewers - Contractual	8120.4	75.00	
Appropriated Fund Balance	599		75.00

Approved by 
Supervisor

Approved by Town Board on: 09/21/23

Date: 09/21/23

Town Clerk 

FUND: Water Fund #1

Account	Code	Increase	Decrease
Transmission & Dist - Contractual	8340.4	1,926.00	
Appropriated Fund Balance	599		1,926.00

Approved by 
Supervisor

Approved by Town Board on: 9/21/23

Date: 9/21/23

Town Clerk 

Town Clerk Murphy provided copies of the Tentative Budget for 2024 to the Board Members. Accountant Lawrence reviewed the Tentative Budget and changes were suggested as follows.

- Zoning Fees (B2110) to \$500
- Fire Protection – Real Property Taxes (SF1001) to \$32,638
- Fire Protection – Appropriated Fund Balance to \$25,000.00

Motion by Councilman Ross, seconded by Councilwoman Birchenough to adopt **Resolution No. 36-2023, “Adopt Tentative Budget as Preliminary Budget for 2024”**

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

RESOLVED, that the Town of Lowville Tentative Budget for 2024 with changes be adopted as the Town of Lowville Preliminary Budget for 2024.

ASSESSOR Cont’d

Assessor Gratch reported being approached by WPBS television station. They would like to shadow Ms. Gratch, filming her doing her job as an assessor. This video will be used by schools to show children what the job of an assessor is and to help get children interested in the position. The filming of her completing field work will take place on October 16th.

Lewis County is developing a plan for adding a data collector to assist town assessors with data collection/field work.

OLD BUSINESS

Brookside Sewer: Previously addressed

LACS Building Project: Nothing

Town of Lowville Regular Board Meeting
September 21, 2023

Water Line Extension: Nothing
Quarry – Blasting: Nothing

NEW BUSINESS

Water & Sewer Rates for 2024: A copy of the water/sewer rate chart was provided to the Board Members in their packets. The Village of Lowville increased their sewer rates a total of 7% over 3 billing cycles. The Town increased sewer rates 5% for the November 2022 billing cycle. Supervisor Mullin would like the Board to consider increasing sewer rates 2% for the May 2024 billing cycle. Clerk Murphy provided projected rates with the 2% increase. After discussion, it was suggested to bring all the districts with lift stations to the rate of \$7.35 per unit and districts without lift stations to \$6.30 per unit. Clerk Murphy will research the sewer budget and Accountant Lawrence will compare it to expenditures and report back to the Board. Discussion tabled until the October meeting.

Benefit Assessments: Clerk Murphy presented a copy of the proposed changes to the Benefit Assessment Roll for CWD#1. The board reviewed the roll and set a public hearing as follows. After discussion, a public hearing was set.

Motion by Councilman Ross, seconded by Councilwoman Birchenough to adopt **Resolution No 37-2023, “Setting Public Hearing for Benefit Assessment Rolls for CWD#1”.**

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

WHEREAS, it is necessary to hold a public hearing for the Benefit Assessment Rolls for CWD #1; and

WHEREAS, it is necessary for the public hearings to be advertised for at least ten (10) days before the public hearing is held; then therefore be it

RESOLVED that the public hearing be held at the October 19th, 2023, Town Board meeting at 10:00 a.m., with notice being provided to residents of the district.

Motion by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution #38-2023, “Setting the Public Hearing for the Town of Lowville Preliminary Budget for 2024.”**

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

WHEREAS, it is necessary to hold a public hearing for the Town of Lowville Preliminary Budget for 2024, and

WHEREAS, it is necessary for the public hearing to be advertised for at least five (5) days before the public hearing is held, then; therefore be it

RESOLVED, that the public hearing be held on October 19, 2023, at a Regular Town Board meeting at 10:15 a.m.

Building Usage

The Current rate for Town/Village usage of the municipal building is 56/44. A brief discussion followed.

Motion by Councilwoman Birchenough, seconded by Councilman Ross that the building usage percentage for 2024 remain the same at 56 Town/ 44 Village.

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

Town of Lowville Regular Board Meeting
September 21, 2023

Vincent Nortz, resident and County Legislator candidate, informed the Board that Lewis County is looking into a new program for retiree insurance. They may open this up for participation by local municipalities and Mr. Nortz was inquiring if the Town would be interested in participating. Supervisor Mullin stated he did not believe the Town would be interested at this time, but would keep it in mind for the future.

Mr. Nortz also requested the Board keep him informed of opinions regarding the proposed Stowe Street housing project.

EXECUTIVE SESSION

Motion by Councilman Farney, seconded by Councilman Virkler to move into executive session at 12:19 p.m. to discuss collective bargaining.

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

Motion by Councilman Ross, seconded by Councilman Farney to leave executive session and return to regular session at 1:05 p.m.

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

The next regularly scheduled Town Board meeting will be October 19, 2023, at 9:30 a.m.

With no further business the following motion was presented.

Motion by Councilman Farney, seconded by Councilman Virkler to adjourn the meeting at 1:06 p.m.

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

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk