

**Town of Lowville**  
**Regular Town Board Meeting**  
**November 16, 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 16<sup>th</sup> day of November 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:** Vincent Nortz, Legislator Candidate; Mickey Dietrich, RACOG; Henry Avallone; Accountant Scott Lawrence entered at 10:05 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 Farney, seconded by Councilman Virkler to approve the minutes of the October 16, 2023 regular meeting as submitted by the Town Clerk.

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

**CORRESPONDENCE**

1. Verizon Wireless: Looking to lease property for a cell tower at the Town’s quarry. Verizon has also contacted other property owners in the area. Supervisor Mullin contacted the Verizon representative and requested further information.
2. NYS Deferred Compensation: Beginning in 2024, any entity offering NYSDCP has to offer the option of contribution Roth. If any entity does not allow for Roth contributions, then NYSDCP will then not be available to the employees. Councilwoman Birchenough would like more information on what funds will be allowed in the Roth. Clerk Murphy will contact NYSDCP for more information and forward to the Board Members.

**VOUCHERS**

**Motion** by Councilwoman Birchenough, seconded by Councilman Virkler to use ARPA funds to pay for the new AED for the office building.

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

**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 #11	Voucher #373 to #402	\$ 26,899.78
Highway – Abstract #11	Voucher #162 to #178	\$ 72,513.71
Water/Sewer – Abstract#4	Voucher #39 to #52	\$ 65,727.90

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Child Support	\$ 330.12
Trust & Agency	<u>\$ 1,513.81</u>
Total	\$166,985.32

**SUPERVISOR’S REPORT**

Receipts:	Town Clerk	\$ 1,477.66
	Town Court	\$ 7,990.00
	Zoning	\$ 1,000.00 (\$2,722.50 ytd)
	Lewis County	\$ 24,843.59 (Mortgage Tax)

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

**DEPARTMENT REPORTS**

**DOG CONTROL**

1. The Dog Control Officer’s (DCO) monthly report is included in the Board Members’ packets.
2. Update to Lewis County Humane Society (LCHS) mandated upgrades: LCHS has applied for and are awaiting approval on a \$500,000 matching grant to assist with the cost of the updates. LCHS is working to raise the required match of \$167,000.00 to be eligible, and currently are hoping to not have to reach out for further funding from the town.

**ATTORNEY**

**Recreation Committee:** Attorney Meier needs to speak with the Village Attorney to create an Intermunicipal Agreement (IMA) for the creation of the new board.

Supervisor Mullin provided a Child Protection Policy the Village Board adopted at their last meeting. Clerk Murphy will forward a copy of this policy to the Board Members to review at the December meeting.

**PUBLIC HEARING**

Supervisor Mullin opened the public hearing on the water and sewer budgets for 2024 with proof of advertising in the Journal & Republican being acknowledged.

**TOWN CLERK**

1. The Clerk’s Monthly Report is included in the Board Members’ packets.
2. Hunting licenses are still being sold daily, however sales have slowed significantly.
3. Unpaid water bills were relieved at the end of October and will be included on January tax bills.
4. Water bills were sent out November 1<sup>st</sup>. Payments are coming in daily.
5. Clerk Murphy received a contract renewal from Williamson Law Book Company for software support of the water/sewer billing program from 12/1/23 through 11/30/24 in the amount of \$1,243.00. Clerk Murphy would like permission to execute and return the contract.

**Motion** by Councilman Virkler, seconded by Councilman Ross to authorize Clerk Murphy to sign and return the software support contract with Williamson Law Book Company for the water and sewer billing software.

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

**SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS**

1. The new AED has been delivered and installed in the Meeting Room. Superintendent Widrick requested confirmation that the device was to be paid for with ARPA money. Board agreed.
2. Hauled sand to NYS Department of Transportation.
3. The Fire Protection system meter at Walmart is reading a significant amount of water usage. Superintendent Widrick will be keeping an eye on this as it may account for most of the unbilled water usage in Water District #5. Supervisor Widrick inquired if the Board wished to charge the base rate for the fire protection lines as well as the regular usage meters. Also discussed the receipt of a bill from the Village of Lowville for water that went through the fire protection meter at Ox Paper but has not been billed since the meter was installed. Clerk Murphy will send Ox Paper a separate water bill for the fire protection meter usage along with a letter of explanation.

**Motion** by Councilwoman Birchenough, seconded by Councilman Farney to charge all fire protection meters the base rate for the associated size water line.

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

4. Winter Labor: Superintendent Widrick would like to hire Christopher Klotz as the new seasonal laborer.

**Motion** by Councilman Virkler, seconded by Councilman Farney to hire Christopher Klotz as the seasonal laborer.

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

5. Dead tree removal on Arthur, Boshart, Gordon and Waters Roads has taken place.
6. Purchase of CAT Loader: Superintendent Widrick reviewed quotes received from CAT and John Deere for the purchase of a new Wheel Loader. After a brief discussion it was decided to table the discussion until later in the meeting after reviewing the 2024 budget and month to date financials.
7. Supervisor Mullin inquired if the Highway Department is making road sign updates to reflective signs as per the request of NYMIR. Superintendent Widrick stated that sign replacement is expensive and time consuming. It will be completed in small increments as time and budget permit.
8. Supervisor Mullin reported Dr. James Coffman, Esq., developer/owner of Maple Run Homes has agreed to have his engineer draw up plans for the extension of Fox Path and then bring them to the Town for review.

**RACOG**

Mickey Dietrich gave a brief update on the happenings of RACOG and the Tug Hill Commission.

1. Moving forward with the Wastewater Operator program at BOCES.
2. BOCES is getting a new truck for class “B” drivers license training.
3. The Town of Watson has expressed interest in joining RACOG. This will be voted on at the next RACOG meeting.

**PUBLIC HEARING**

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to close the public hearing on the water and sewer budgets for 2024 at 10:35 a.m.

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

**BUDGET OFFICER/BOOKKEEPER**

Accountant Lawrence reviewed the monthly financial report, budget transfers and adjustments with the Board.

**Motion** by Councilman Farney, seconded by Councilwoman Birchenough to adopt **Resolution #51-2023, "Approve Budget Adjustments and Transfers"**.

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

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

**TOWN OF LOWVILLE  
BUDGET TRANSFERS**

**FUND: Sewer Fund #2 No. 4 Road**

Account	Code	Increase	Decrease
Transmission & Dist - Contractual	8120.4	300.00	
Appropriated Fund Balance	599		300.00

Approved by   
Supervisor

Approved by Town Board on: 11/16/23

Date: 11/16/23

Town Clerk 


**FUND: Sewer Fund #1 Brookside**

Account	Code	Increase	Decrease
Transmission & Dist - Contractual	8120.4	300.00	
Appropriated Fund Balance	599		300.00

Approved by   
Supervisor

Approved by Town Board on: 11/16/23

Date: 11/16/23

Town Clerk 

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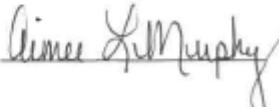
**FUND: General Fund Town-Wide**

Account	Code	Increase	Decrease
Unemployment Insurance	9050.8	100.00	
Medical Insurance	9060.8		100.00

Approved by   
Supervisor

Approved by Town Board on: 11/16/23

Date: 11/16/23

Town Clerk 


**FUND: General Fund Town-Wide**

Account	Code	Increase	Decrease
Personnel - Contractual	1430.4	20.00	
Municipal Bldg - Contractual	1620.4		20.00
Appropriated Fund Balance	599		0.00

Approved by   
Supervisor

Approved by Town Board on: 11/16/23

Date: 11/16/23

Town Clerk 

**FUND: Water Fund #3 - Rte 812/E State St**

Account	Code	Increase	Decrease
Transmission & Dist - Contractual	8340.4	300.00	
Appropriated Fund Balance	599		300.00
Appropriated Fund Balance	599		0.00

Approved by   
Supervisor

Approved by Town Board on: 11/16/23

Date: 11/16/23

Town Clerk 

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**FUND: Water Fund - #1**

Account	Code	Increase	Decrease
Transmission & Dist - Contractual	8340.4	4,000.00	
Appropriated Fund Balance	599		4,000.00

Approved by   
Supervisor

Approved by Town Board on: 11/16/23

Date: 11/16/23

Town Clerk 

**TOWN OF LOWVILLE  
BUDGET ADJUSTMENTS**

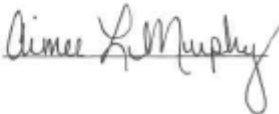
**FUND: Highway Fund - Town Wide**

Account	Code	Increase	Increase
Bridges - Contractual	5120.4	79,919.59	
State Aid Bridge Project	3505		79,919.59

Approved by   
Supervisor

Approved by Town Board on: 11/16/23

Date: 11/16/23

Town Clerk 

**CAT LOADER revisited**

After discussion the following motion was presented.

**Motion** by Councilman Farney, seconded by Councilman Ross to adopt **Resolution No. 52-2023** “Expenditure of Funds from the Highway Equipment Reserve Fund Subject to Permissive Referendum for Purchase of new CAT Wheel Loader”.

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 2024 CAT 938 14A Wheel Loader; now, therefore, be it

RESOLVED, that the Town of Lowville authorizes the expenditure up to the sum of two hundred forty thousand nine hundred ninety-six dollars (\$249,996.00) from the Highway Equipment Reserve Fund for the purpose of purchasing a 2024 CAT 938 14A Wheel Loader; and be it further

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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 (30) days after its adoption.

**OLD BUSINESS**

**Brookside Sewer:** Engineering services will need to be procured in order to move forward.

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 53-2023,” Engineering Services for Brookside Lift Station Update”.**

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

WHEREAS the Town of Lowville has determined it necessary to update the Sewer District #1 (SD#1) lift station in order to continue providing adequate sanitary sewer services to users; and

WHEREAS it is necessary to retain the services of an engineer to continue with the project; then therefore be it

RESOLVED, that the Town of Lowville will engage the engineering services of BCA Architects & Engineers for the SD#1 lift station update project.

**LACS Building Project:** Supervisor Mullin received an email and map projection of the project, which he shared with the Board.

**Water Line Extension:** Nothing new

**Volunteer Transportation Center:** Request for funds. The Town Board discussed the desire to provide funds to the Volunteer Transportation Center (VTC) however would like to see additional statistical information regarding the amount of transportation provided to residents of the Town of Lowville.

**Motion** by Councilman Virkler, seconded by Councilman Ross to adopt **Resolution No. 54-2023, “Funds for the Volunteer Transportation Center”.**

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

WHEREAS the Volunteer Transportation Center has requested funding that was not included in the 2023 Budget; then therefore be it

RESOLVED that the Supervisor be directed to pay \$1,000.00 from the General Fund Contingency to the Volunteer Transportation Center along with a letter requesting statistical information relative to the transportation provided to residents of the Town of Lowville.

**NEW BUSINESS**

**VFW Emergency Generator:** The Lowville VFW Post is looking to purchase an emergency generator at a cost of \$20,490.00 and would like the Town to use ARPA money to assist in paying for it. Discussion ensued. Accountant Lawrence does not believe this to be an accepted use of ARPA

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funds. Councilman Ross suggested the VFW contact Ft. Drum to see if there are any surplus emergency generators that would fulfill the need.

**ADOPTION OF 2024 WATER AND SEWER BUDGETS**

**Motion** by Councilman Farney, seconded by Councilman Virkler to adopt **Resolution No. 55-2023, “Adoption of Water and Sewer Budgets for 2024.”**

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

WHEREAS, the Town Board of the Town of Lowville held a public hearing for the Water and Sewer Budgets for their fiscal year 2024, on November 16, 2023, and

WHEREAS, no public comment was heard, and

WHEREAS, the Town Board deems that it is in the public interest to adopt these budgets; then, therefore be it

RESOLVED, that the Water and Sewer Budgets for 2024 be adopted; and be it further

RESOLVED, that these budgets be incorporated into the 2024 Annual Budget for the Town of Lowville.

**FIRE PROTECTION CONTRACT**

The Village of Lowville has provided the 2024 Fire Protection Contract to the Town Clerk. Clerk Murphy will email the contract to the Board Members for review. A public hearing will need to be held before the Town Board can approve the contract.

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 56-2023 “Setting the Public Hearing for the 2024 Fire Contract”.**

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

WHEREAS, it is necessary to hold a public hearing for the 2024 Fire Contract, 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 December 21, 2023, at the Regular Town Board meeting at 9:37 a.m.

**ADOPTION OF THE 2024 BUDGET**

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 57-2023, “Adoption of the Town of Lowville Town Budget for 2024.”**

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

WHEREAS, the Town Board of the Town of Lowville held a public hearing, on October 19, 2023 on the preliminary budget for fiscal year 2024, where no public comment was heard, and

WHEREAS, the Town Board deems that it is in the public interest to adopt this budget; then, therefore be it



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RESOLVED, that the Town Board of the Town of Lowville does hereby adopt the Preliminary Budget with the following changes as the Final Town Budget for the fiscal year 2024:

- Increase DA5130.1 Machinery Payroll to \$18,219.00
- Decrease DA 5140.8 Brush& Weeds – Employee Benefits to \$10,570.00
- Decrease DA5142.8 Snow Removal - Employee Benefits to \$97,203.00
- Decrease DB5110.8 Highway Repairs - Employee Benefits to \$43,337.00
- Increase DB5112.1 Highway Improvements – Payroll to \$84,888.00
- Increase DB5112.8 Highway Improvements – Employee Benefits to \$47,784.00
- Increase DB5110.1 Highway Repairs – Payroll to \$83,894

and be it further

RESOLVED, that the Town Clerk shall prepare and certify a copy of the newly adopted annual budget and pursuant to Town Law and within 5 days thereof deliver one copy to the Supervisor of the Town, for submission to the Board of Legislators of the County of Lewis.

*\*Copy of Budget included at the end of these minutes*

**EXECUTIVE SESSION**

**Motion** by Councilman Virkler, seconded by Councilman Farney to move into executive session at 11:45 p.m. to discuss collective bargaining.

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

**Motion** by Councilman Farney, seconded by Councilwoman Birchenough to leave executive session and return to regular session at 12:27 p.m.

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

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

With no further business the following motion was presented.

**Motion** by Councilman Farney, seconded by Councilman Ross to adjourn the meeting at 12:28 p.m.

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

Respectfully submitted,

Aimee L. Murphy, RMC  
Town Clerk