

**Town of Lowville**  
**Regular Town Board Meeting**  
**December 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 21<sup>st</sup> day of December 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 entered at 10:06 a.m.  
Thomas Widrick, Highway Superintendent  
Aimee Murphy, Town Clerk  
Selina Olmstead, Deputy Town Clerk

**Also Present:** Mickey Dietrich, RACOG; Henry Avallone; Jacob Monnat, Councilman-elect; Chuck Terrillion, Village Trustee; Accountant Scott Lawrence entered at 10:00 a.m.; Vincent Nortz, Legislator-elect entered at 11:23 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 Councilwoman Birchenough, seconded by Councilman Virkler to approve the minutes of the November 16, 2023 regular meeting as submitted by the Town Clerk.

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

**CORRESPONDENCE**

Lewis County Shared Services Program: Supervisor Mullin presented a proposed shared services plan from Lewis County. The County would like the municipalities to voice their interest in writing by 12/29/23. Supervisor Mullin would like to participate.

**PUBLIC HEARING**

Supervisor Mullin opened the public hearing on the Fire Contract for 2024 with proof of advertising in the Journal & Republican being acknowledged. Supervisor Mullin left the public hearing open for comment.

Supervisor Mullin introduced Jacob Monnat, Councilman-elect to the members of the Town Board.

Councilwoman Birchenough would like make sure the Town receives a certificate of insurance from all contracted emergency response departments.

**VOUCHERS**

Supervisor Mullin was informed that Health Officer, Dyana Manning is moving to Florida. Her term of office expires 12/31/2023. Mr. Mullin would like to leave the office vacant and use the County's Health Officer for any emergency. No action taken.

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**Motion** by Councilman Ross, 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 #12	Voucher #403 to #459	\$ 61,400.43
Highway – Abstract #12	Voucher #179 to #195	\$ 41,747.49
Water/Sewer – Abstract#5	Voucher #53 to #66	\$ 5,271.48
Child Support		\$ 495.18
Trust & Agency		\$ 1,634.28
	Total	\$110,548.86

**Fire Contract Addendum**

Supervisor Mullin read a “hold harmless statement” to the Town Board from the Lowville Fire Department to be added to the Fire Contract for 2024.

**Motion** by Councilman Farney, seconded by Councilwoman Birchenough to close the Public Hearing on the 2024 Fire Contract at 9:49 a.m.

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

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to adopt **Resolution No. 58-2023 “Authorizing Supervisor to sign the 2024 Fire Protection Contract”**.

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

WHEREAS, the Town of Lowville held a public hearing on December 21, 2023 on the 2024 Fire Protection Contract, and

WHEREAS, there was no public comment, and

WHEREAS, the Town Board deems it is in the best interest of the Town of Lowville to enter into this Fire Protection Contract, then, therefore be it

RESOLVED, that the Supervisor is authorized to sign the Fire Protection Contract for 2024.

**SUPERVISOR’S REPORT**

Receipts:	Town Clerk	\$ 1,345.22
	Town Court	\$ 3,097.78
	Zoning	\$ 1,00.00 (\$2,822.50 ytd)
	Retiree Health Insurance	\$ 5,104.43 (Insurance Premiums)
	USDA Rural Development	\$ 3,262.90 (Refund Int. Overpayment)
	Sherwin Williams	\$ 150.21 (Refund Overpayment)

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

Supervisor Mullin’s activities report was discussed.

**RACOG**

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

1. The next RACOG meeting will be on January 24, 2024 with a venue to be determined.
2. Wastewater Operator Licensing at BOCES – BOCES is backing the program with the Heavy Equipment Class beginning to draft a curriculum.

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3. BOCES has purchased a truck for the Heavy Equipment class for driver license class “B” training.

**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

**575b** – the County cannot sign on to the lawsuit due to the type of action; however, \$20,000 has been earmarked to assist local municipalities with the costs of the action. Supervisor Mullin stated many Supervisors will not join the lawsuit because they would be responsible for all additional costs above \$20,000. No action taken.

**DEPARTMENT REPORTS**

**DOG CONTROL**

1. The Dog Control Officer’s (DCO) monthly report is included in the Board Members’ packets.
2. Municipal Shelter Report: Lewis County Humane Society found satisfactory.
3. The 2024 agreement for Dog Control Services was emailed to the Board Members prior to the meeting.

**Motion** by Councilman Ross, seconded by Councilman Virkler, to adopt **Resolution No. 59-2023 “Agreement for Dog Control Officer Services”**.

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

RESOLVED, that the Town of Lowville will contract with Nicholas J. Astafan Jr. for Dog Control Officer Services for 2024 at a monthly rate of compensation of \$775.00 plus mileage.

*\*A copy of the signed agreement is included at the end of these minutes.*

**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.

Councilwoman Birtchenough believes there needs to be a Child Protection Policy for ALL youth programs, not just for the Winter Recreation/Skating program.

**TOWN CLERK**

1. The Clerk’s Monthly Report is included in the Board Members’ packets.
2. Penalties were posted for unpaid water bill as of December 1<sup>st</sup>. There were 25 unpaid accounts, down from 28 at the same time last year.
3. A bill was sent to Ox paper for all the water used from the Fire Protection line since the meter was installed.
4. Filed a Certificate of No Referendum for the purchase of the 2024 CAT 938 14A Wheel Load using funds from the Highway Equipment Reserve.
5. The Association of Towns is sponsoring a “Newly Elected Town Officials School” on January 10-12, 2024 in Rochester and January 17-19, 2024 in Albany.
6. Town Clerk Murphy spoke with Tanya Dunn, and she would like to continue cleaning the municipal building. A copy of the 2024 cleaning contract was forwarded to the Board Members’ email. A rate of pay will need to be set.

**Motion** by Councilman Ross, seconded by Councilman Farney to adopt **Resolution No. 60-2023, “Cleaning Services Contract”**.

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

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RESOLVED, Supervisor Mullin is authorized to enter into a contract with Tanya Dunn for cleaning services at the Town of Lowville Municipal Building with compensation being set at \$15.00/hour as stated in the contract.

*\* A copy of said agreement is incorporated at the end of these minutes.*

7. Bill sent to the Town of New Bremen for shared Dog Control expenses for 2024.
8. Contracts for the Library, American Legion and the VFW were emailed to the board members previously for review. If no changes suggested, would the Board like the contracts to be forwarded to the appropriate organizations?

**Motion** by Councilwoman Birchenough, seconded by Councilman Ross to authorize Town Clerk Murphy to forward 2024 contracts to the Lowville Free Library, Lowville VFW and Lowville American Legion.

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

9. Preparing for the upcoming tax collection season. There was a voucher on the abstract for \$120 for the tax collector to cover the online tax payment fee for the year, as the company withdraws it automatically from the tax collector's bank account in the beginning of January.
10. The new credit card machine will be ordered after the first of the year.

**SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS**

1. New road signs have been installed on the Rice Road.
2. DBP number for CWD#1: Current TTHM 27.7 (limit is 80), HAA5 36.1 (limit 60). Fourth quarter average TTHM 20.4, HAA5 33.0. Numbers look good. The GAC system is working well.
3. Working on a lead service line inventory. This needs to be completed by October 2024. Almost completed now. Appears there will be some service lines the Town will need to replace.
4. Mack plow truck is scheduled to go to production on 2/8/24. Viking is behind schedule, hope to have truck by next fall for winter plow season.
5. The new sewer lift station at the County Highway Garage has been installed and is now in service.
6. Boshart Road culvert pipe partial failure. Photos provided to the Board as explanation. Matt Schooley from Barton & Loguidice will be meeting with Highway Superintendent Widrick to review the damage and see what needs to be done to repair/replace the pipe and possible cost to the Town.
7. Superintendent Widrick slid off the road with the Town pickup truck, and the damage needs to be repaired. When the truck goes to the garage for repairs, Superintendent Widrick asked the Board if they wish him to use his own vehicle and pay mileage or to allow him to use the Town's gas card. After a brief discussion, it was decided to allow Superintendent Widrick to use his personal vehicle and use the Town gas card to pay for gas, since he will be using it for Town business.
8. BridgeNY, O'Brien Road & Gardner Road: Resolution need to officially award bids to BP Excavating.

**Motion** by Councilman Ross, seconded by Councilwoman Birchenough to adopt **Resolution No. 61-2023, "O'Brien Road Culvert over Mill Creek Bid Award"**.

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

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RESOLVED, that the Town Board of the Town of Lowville accepts the bid of BP Excavating LLC in the amount of \$642,405.00 for the replacement of O'Brien Road culvert over Mill Creek D040464.

**Motion** by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 62-2023, "Gardner Road Culvert over Mill Creek Tributary Bid Award"**.

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

RESOLVED, that the Town Board of the Town of Lowville accepts the bid of BP Excavating LLC in the amount of \$664,841.00 for the replacement of Gardner Road culvert over Mill Creek Tributary D040463.

**Motion** by Councilman Farney, seconded by Councilwoman Birchenough, to adopt **Resolution No. 63-2023, "Agreement for the Expenditure of Highway Moneys"**.

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

RESOLVED, Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, shall be expended as follows:

General Repairs. The sum of \$184,750.00 shall be set aside to be expended for primary work and general repairs upon 37.97 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

Permanent Improvements. The following Sum shall be set aside to be expended for the permanent improvement of town highways: (a) On various roads maintained by the Town of Lowville there shall be expended not over the sum of \$370,000.00.

**Motion** by Councilman Virkler, seconded by Councilman Ross, to adopt **Resolution No. 64-2023, "Appointing Second Town Justice"**.

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

WHEREAS the Town Board of the Town of Lowville reestablished a second Town Justice position in 2023 pursuant to the term of Town Law Section 60-a and

WHEREAS after the passage of the period for a permissive referendum had passed, the date for placing the reestablished second Town Justice on the ballot for the next succeeding general election had passed, leaving the second Town Justice position vacant; and

WHEREAS Honorable Franz Philippe is currently serving as an appointed Town Justice with a term which will expire December 31, 2023; and

WHEREAS the Town Board finds that the Honorable Franz Philippe has executed the duties of Town Justice with demonstrated ability, now therefore, be it

RESOLVED that the Town Board of the Town of Lowville hereby appoints Franz Philippe for the now vacant second Town Justice position for a term of one year commencing on January 1, 2024 and ending on December 31, 2024 and that the position will be filled for a full term at the General Election to be held on November 5, 2024.

**BUDGET OFFICER/BOOKKEEPER**

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

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**Motion** by Councilman Ross, seconded by Councilwoman Birchenough to adopt **Resolution #64-2023, "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 ADJUSTMENTS**


FUND: General Fund - Town Wide

Account	Code	Increase	<del>Increase</del> <i>Decrease</i>
Municipal Bldg-Contractual	1620.42	2,733.39	
ARPA Revenue	4089		2,733.39

Approved by   
Supervisor

Approved by Town Board on: 12/21/23

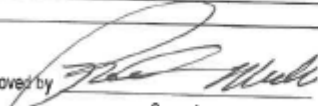
Date: 12/21/23

Town Clerk 

**TOWN OF LOWVILLE  
BUDGET TRANSFERS**


FUND: General Fund Town-Wide

Account	Code	Increase	Decrease
Veterans - Contractual	6510.4	200.00	
Medical Insurance	9060.8		200.00
Appropriated Fund Balance	599		0.00

Approved by   
Supervisor

Approved by Town Board on: 12/21/23

Date: 12/21/23

Town Clerk 

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**TOWN OF LOWVILLE  
BUDGET TRANSFERS**


**FUND:** Highway Fund - Town Wide

Account	Code	Increase	Decrease
Machinery - Equipment	5130.4	10,000.00	
Appropriated Fund Balance	599		10,000.00

Approved by   
Supervisor

Approved by Town Board on: 12/21/23

Date: 12/21/23

Town Clerk 

**TOWN OF LOWVILLE  
BUDGET TRANSFERS**

**FUND:** Sewer Dist #1, 2, 3, 4 & 5

Account	Code	Increase	Decrease
Sewer Disposal- Contractual #1	8130.4	350.00	
Sewer Disposal- Contractual #3	8130.4	1,300.00	
Sewer Disposal- Contractual #4	8130.4	1,300.00	
Sewer Disposal- Contractual #5	8130.4	1,000.00	
Appropriated Fund Balance	599		3,950.00

Approved by   
Supervisor

Approved by Town Board on: 12/21/23

Date: 12/21/23

Town Clerk 

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**TOWN OF LOWVILLE  
BUDGET TRANSFERS**

**FUND: Water Funds #1, 3, 4, 5, 6 and 9**

Account	Code	Increase	Decrease
Source of Supply - Contractual #1	8320.4	2,000.00	
Source of Supply - Contractual #3	8320.4	1,500.00	
Source of Supply - Contractual #4	8320.4	500.00	
Source of Supply - Contractual #5	8320.4	1,500.00	
Source of Supply - Contractual #6	8320.4	100.00	
Source of Supply - Contractual #9	8320.4	50.00	
Appropriated Fund Balance	599		5,650.00

Approved by   
Supervisor

Approved by Town Board on: 12/21/23

Date: 12/21/23

Town Clerk 

**Health Insurance Premiums**

Accountant Lawrence and Supervisor Mullin reviewed cost for retiring employees with the Board.

**Teamsters Union Contract**

The proposed union contract was agreed upon by the Highway Department employees, Town Supervisor and Union Representative.

**Motion** by Councilman Ross, seconded by Councilman Farney, to adopt **Resolution No. 65-2023, "Approving Collective Bargaining Agreement"**.

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

RESOLVED, that the Town of Lowville Town Board approves the Collective Bargaining Agreement with the Teamsters Local Union No. 687.

**OLD BUSINESS**

**Brookside Sewer:** Bob Boliver spoke with Supervisor Mullin. BC&A is still working on the plans.

**LACS Building Project:** Nothing new.

**Water Line Extension:** Nothing new.

**NEW BUSINESS**

**Ambulance Contract**

Councilwoman Birchenough asked Clerk Murphy to request a copy of the liability insurance certificate and copy of most recent audit from Lewis County Search and Rescue as stated in the Ambulance Contract.

**Motion** by Councilwoman Birchenough, seconded by Councilman Virkler **Resolution No. 66-2023 "Approving the Ambulance Agreement 2024"**.

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



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RESOLVED, that the Town of Lowville does hereby enter into an agreement with the Lewis County Search and Rescue, Inc., to provide ambulance services to the Town of Lowville and its residents for 2024 for a fee of twenty-one thousand seven hundred sixteen dollars and ten cents (\$21,716.10).

**End of year/Re-Organizational Meeting**

**Motion** by Councilman Virkler, seconded by Councilwoman Birchenough to hold the End of Year/Reorganizational meeting on December 28, 2023 @ 9:00 a.m.

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

The next regularly scheduled Town Board meeting will be January 18, 2024, 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 11:30 a.m.

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

Respectfully submitted,

Aimee L. Murphy, RMC  
Town Clerk