

**Town of Lowville
Regular Town Board Meeting
March 21, 2024**

DRAFT

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 Municipal Office Building, 5533 Bostwick Street, Lowville, NY on the 21st day of March 2024.

Present:

- Robert Mullin, Supervisor
- Paul Virkler, Deputy Supervisor
- John D. Ross, Councilman
- Stephen Farney, Councilman

Absent:

- Jacob Monnat, Councilman

Others Present:

- Thomas Widrick, Highway Superintendent
- Aimee Murphy, Town Clerk
- Selina Olmstead, Deputy Town Clerk

Also Present: Chuck Terrillion, Village Trustee; Vincent Nortz, County Legislator; Andrea Moroughan, County Legislator; Casandra Buell, Lewis County Director of Planning; Henry Avallone; Luke Thisse, #3 Wind; Leo Walters; Mickey Dietrich, RACOG; Neil Birchenough; Accountant Scott Lawrence entered at 10:30 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 February 15, 2024 regular meeting as presented by the Town Clerk

ADOPTED – AYES – Farney, Mullin, Ross, Virkler NAYS – 0 ABSENT - Monnat

PUBLIC COMMENT

Supervisor Mullin opened the floor for public comment.

- Leo Walters, resident of the Phinney Road expressed his disinterest in a waterline extension to the Dadville area. He is dissatisfied with the winter maintenance of the road he resides on. Mr. Walters also does not feel the Town should be mowing/maintaining the Fair View Cemetery/Reed Burying Ground, as it is located on privately owned property.

Mr. Walters left the meeting at 9:39 a.m.

VOUCHERS

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

ADOPTED – AYES – Farney, Mullin, Ross, Virkler NAYS – 0 ABSENT - Monnat

General – Abstract #3	Voucher #62 to #97	\$ 23,612.20
Highway – Abstract #3	Voucher #29 to #50	\$ 25,169.97
Water – Abstract#1	Voucher #1 to #10	\$ 4,868.56
Sewer – Abstract#1	Voucher #1 to #6	\$ 12,729.23
Trust & Agency		<u>\$ 2,347.82</u>
	Total	\$ 68,727.78

SUPERVISOR'S REPORT

Receipts:	Town Clerk	\$ 1,585.22
	Tax Collection	\$ 4,236.71
	Town Court	\$ 4,758.00
	Zoning	\$ 375.00 (\$575.00 ytd)
	Lewis County	\$ 6,852.00 (Snow & Ice 2024)
	Merchant Mutual Ins.	\$ 251.18 (Plow Truck Accident Claim)
	Village of Lowville	\$ 741.30 (Shared Dog Control)
	Village of Lowville	\$ 27,519.93 (Joint Bld & Zoning/Planning)



	Expenses)
Village of Lowville	\$ 1,191.77 (Lowville Heights PILOT)
#3 Wind	\$ 15,453.38 (Host Community Agreement)
Lewis County IDA	\$ 45,932.46 (Flat Rock Wind PILOT)
Lewis County IDA	\$ 2,062.31 (Victorian Lake PILOT)
NYMIR	\$ 1,539.14 (Insurance Supplement for F150 Accident Claim)
Charter Communications	\$ 9,792.82 (Franchise Fees)

Public Hearing

Supervisor Mullin opened the Public Hearing at 9:44 a.m. for the increase in sewer rates for all sewer districts located in the Town of Lowville with proof of advertising being acknowledged. Copies of the proposed rates were provided to the Town Board members. The public hearing was left open for comment.

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 –Farney, Mullin, Ross, Virkler NAYS – 0 ABSENT - Monnat

CFO Audit

Motion by Councilman Ross, seconded by Councilman Farney to adopt **Resolution No. 8-2024, “Approving the Audit of Chief Fiscal Officer Records of the Town of Lowville”**.

ADOPTED – AYES –Farney, Mullin, Ross, Virkler NAYS – 0 ABSENT - Monnat

WHEREAS, the Town of Lowville Supervisor audited the records of the Chief Fiscal Officer (CFO) on February 12, 2024 and found them to be in good order, then therefore be it

RESOLVED, that the Town Board of the Town of Lowville approved the annual audit of the CFO Records as presented by Supervisor Mullin.

DEPARTMENT REPORTS

DOG CONTROL

1. The Dog Control Officer’s (DCO) monthly report is included in the Board Members’ packets.

TOWN CLERK

1. The Clerk’s Monthly Report is included in the Board Members’ packets.
2. Updated inventory listing for the accountant’s use in preparing the annual report.
3. Reviewed MET Tower application procedures with ZO Manning.
4. Hosted a Lewis County Town Clerk and Tax Collector’s Association meeting.
5. The annual audit of the Town Clerk’s records for 2023 was conducted by Supervisor Mullin and copies were forwarded to the Town Board for review.

TAX COLLECTOR

1. The Tax Collector’s report is included in the Board Members’ packets.
2. Tax Collection continues to slow down.
3. Second notices for unpaid bills will be sent out at the end of March. The second notice fee will be charged beginning 4/2/24 in the amount of \$2 per parcel. This is in addition to tax and interest amounts due. As of 3/19/24 there are 151 unpaid parcels.
4. The annual audit of the Tax Collector was conducted by Supervisor Mullin and copies forwarded to the Town Board members for review.

Tax Collected (January)	\$130,004.94
Interest Collected:	1,056.79
<u>Bank Interest Collected:</u>	<u>3,179.78</u>
Total Collected:	\$134,241.65

Paid to Supervisor:	\$120,000.00
<u>Paid to Lewis County:</u>	<u>4,236.71</u>
Total Disbursed:	\$124,236.71

Town Clerk Murphy reported having issues with the current telephone system at the municipal building. The NCC Communications service representative explained how the system is outdated and parts for these telephones are no longer available. The Village Clerk has set up a meeting with the Spectrum representative to talk about a new telephone system. Our current telephone service is provided by Spectrum.

Motion by Councilman Ross, seconded by Councilman Farney to adopt **Resolution No. 9-2024, “Approving the Audits of Town Clerk and Tax Collector Records for the Town of Lowville.”**

ADOPTED – AYES –Farney, Mullin, Ross, Virkler NAYS – 0 ABSENT - Monnat

WHEREAS, the Town of Lowville Supervisor audited the records of the Town Clerk and Tax Collector of the Town of Lowville on February 14, 2024 and found them to be in good order, then therefore be it

RESOLVED, that the Town Board of the Town of Lowville approved the annual audits of the Town Clerk and Tax Collector records as presented by Supervisor Mullin.

ZONING/PLANNING

Supervisor Mullin reviewed the books/records of the Zoning Office. A copy of the audit was forwarded to the Board Members for review prior to the meeting.

Motion by Councilman Farney, seconded by Councilman Virkler to adopt **Resolution No. 10-2024, “Approving the Audit of Zoning Department Records for the Town of Lowville.”**

ADOPTED – AYES –Farney, Mullin, Ross, Virkler NAYS – 0 ABSENT - Monnat

WHEREAS, the Town of Lowville Supervisor audited the records of the Zoning Department of the Town of Lowville on February 14, 2024 and found them to be in good order, then therefore be it

RESOLVED, that the Town Board of the Town of Lowville approved the annual audit of the Zoning Department records as presented by Supervisor Mullin.

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

1. The DBP results for CWD#1 for February: TTHM 22.5 (12-month average 24.2), limit is 80. HAA5 20.7 (12-month average 36), limit is 60. The GAC media is working but getting used up in vessel 2. The Department of Health (DOH) is recommending changing the media in vessel this summer/fall. Superintendent Widrick reached out to Evoqua, the company who changed the media in vessel 1 in 2023. The company has been sold to Desotec. Mr. Widrick is working with Desotec to arrange for a time to complete the media change.
2. CWD#1 water tank level sender failed on 2/19/24. The sender was replaced and recalibrated by Motion Ai.
3. Gardner Road bridge repair is scheduled to begin 6/1/24. O’Brien Road is scheduled to begin 7/15/24. There are contract documents and specifications for each project that require signatures from the Town Supervisor and Town Attorney.

Motion by Councilman Ross, seconded by Councilman Virkler to permit Supervisor Mullin to the Contract Documents and Specifications for the Gardner Road and O’Brien Road BridgeNY projects.

ADOPTED – AYES –Farney, Mullin, Ross, Virkler NAYS – 0 ABSENT - Monnat

4. Superintendent Widrick spoke with NCC regarding the Brookside Sewer project. Jefferson Concrete has not finished the structure for the project. Start date for the project will be sometime in May 2024.
5. The 2025 Mack has arrived at Utica Mack. The plow equipment and sander body will be installed at Viking Cives. No time frame has been set for installation. Hope to have the truck set up for plowing in November.

JUSTICE

Supervisor Mullin conducted the audit of the Justice Court records for 2023.

Motion by Councilman Ross, seconded by Councilman Farney to adopt **Resolution No. 11-2024, “Approving the Audit of Justice Court Records for the Town of Lowville Justice Court.”**

ADOPTED – AYES –Farney, Mullin, Ross, Virkler NAYS – 0 ABSENT - Monnat

WHEREAS, the Town of Lowville Justice Court Records were made available for audit by the Town of Lowville Board, and

WHEREAS, the Town of Lowville Supervisor audited said records on March 19, 2024 and found them to be in good order, then therefore

BE IT RESOLVED, that the Town Board of the Town of Lowville approved the annual audit of the Justice Court Records as presented by Supervisor Mullin.

RACOG

Mickey Dietrich gave a brief update on the happenings of the Tug Hill Commission and RACOG. The next RACOG meeting will be on 05/30/24 @ 6pm at the Town of Wilna offices.

Public Hearing

Supervisor Mullin closed the public hearing on the sewer rate increase at 10:05 a.m. with no public comment being heard.

Motion by Councilman Virkler, seconded by Councilman Ross, to adopt **Resolution No. 12-2024, “Increase Sewer Rates For All Districts”.**

ADOPTED – AYES –Farney, Mullin, Ross, Virkler NAYS – 0 ABSENT - Monnat

WHEREAS, the Town Board of the Town of Lowville, held a public hearing at a Town Board meeting on March 21, 2024 at 9:45 a.m. for increase sewer rates for all Districts, and

WHEREAS, no public comment was heard; then therefore be it,

RESOLVED, that the Town Board of the Town of Lowville adopts a sewer rate increase of 3% for all sewer districts, and be it further

RESOLVED, that this increase will be effective for the May 2024 to November 2024 billing cycle.

Cassandra Buell, Lewis County Director of Planning and Community Development addresses the Board regarding multiple issues.

1. Rice Road/Gordon Road/Number Three Road water line extension: A petition was filed previously with the Town Clerk requesting water line be installed on the Rice Road/Gordon Road. After speaking with Supervisor Mullin, Mrs. Buell looked into possibly funding sources for this potential project. Mrs. Buell submitted a simplified federal grant request in 2023 for the Rice Rd, Gordon Rd., Number Three Rd., Number 4 Rd and Markowski Rd. A Preliminary Engineering Report (PER) will be needed. The

cost was estimated at \$10.6 million with approximately 20 linear miles of water line infrastructure. Congresswoman Stefanik asked to have the project scaled down. Request reduced to Number Three Road, Gordon Rd., Rice Rd. at a cost of approximately \$4 million. Supervisor Mullin received notification that the Town of Lowville would receive \$2.7 million for water district expansion. The Town of Lowville PER will be paid for through the Lewis County Planning Department.

2. Restore NY grant program: This program helps fund vacant property renewals. Casandra Buell gave an update on properties in the area. Applications must be sponsored by host municipalities. Mrs. Buell would like the Town of Lowville to assist with final funding of the “Stevens Block” building upgrade for 8 housing units through the Restore NY grant program. A letter of intent to apply will need to be submitted by the Town.

Motion by Councilman Virkler, seconded by Councilman Ross to adopt **Resolution No. 13-2024, “Setting Public Hearing for Restore NY Funding Application”**.

ADOPTED – AYES –Farney, Mullin, Ross, Virkler NAYS – 0 ABSENT - Monnat

WHEREAS, the Town of Lowville Board wishes to apply for funding to assist with the Stevens Block Rehabilitation project, located at 7623 North State Street in the Village of Lowville, the purpose of this project will be to rehabilitate the 2nd and 3rd floors of the building into eight (8) marketable-rate housing units, and

WHEREAS, a public hearing is required before an application is made for funding of this project through Restore NY, therefore be it

RESOLVED, by the Town Board of the Town of Lowville that the public hearing for the above referenced application is set for the next regular meeting of the Town Board on April 18, 2024 at 9:45 a.m. at the Town Hall located at 5533 Bostwick Street, Lowville, New York 13367, and be it further

RESOLVED, that the Town Clerk is directed to publish notice of the public hearing in the official town newspaper and also post the notice of public hearing on the Town Clerk’s bulletin board and the Town’s website.

3. Pro-Housing Community Designation program: The Village of Lowville received the designation of a Pro-housing Community. There was a typo in the publication of this announcement in the Tug Hill Times, stating the Town has received this designation. Supervisor Mullin is interested in the Town receiving this designation. Mrs. Buell explained the procedure.

Motion by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 14-2024, “Pro-Housing Communities”**.

ADOPTED – AYES –Farney, Mullin, Ross, Virkler NAYS – 0 ABSENT - Monnat

WHEREAS, the Town of Lowville (hereinafter “local government”) believes that the lack of housing for New York residents of all ages and income levels negatively impacts the future of New York State’s economic growth and community well-being;

WHEREAS, the housing crisis has negative effects at regional and local levels, we believe that every community must do their part to contribute to housing growth and benefit from the positive impacts a healthy housing market brings to communities;

WHEREAS, we believe that supporting housing production of all kinds in our community will bring multiple benefits, including increasing housing access and choices for current and future residents, providing integrated accessible housing options that meet the needs of people with sensory and mobility disabilities, bringing economic opportunities and vitality to our communities, and allowing workers at all levels to improve their quality of life through living closer to their employment opportunities;

WHEREAS, we believe that evidence showing that infill development that reduces sprawl and supports walkable communities has significant environmental and public health benefits; and

WHEREAS, we believe that affirmatively furthering fair housing and reducing segregation is not only required by law, but is essential for keeping our community strong and vibrant; now therefore be it

RESOLVED that the Town of Lowville, in order to take positive steps to alleviate the housing crisis, adopts the Pro-Housing Communities pledge, which will have us endeavor to take the following important steps:

1. Streamlining permitting for multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.
2. Adopting policies that affirmatively further fair housing.
3. Incorporating regional housing needs into planning decisions.
4. Increasing development capacity for residential uses.
5. Enacting policies that encourage a broad range of housing development, including multifamily housing, affordable housing, accessible housing, accessory dwelling units and supportive housing.

Motion by Councilman Ross, seconded by Councilman Farney to adopt **Resolution No. 15-2024, “Water System Projects RFQ”**.

ADOPTED – AYES –Farney, Mullin, Ross, Virkler NAYS – 0 ABSENT - Monnat

WHEREAS, the Town of Lowville is anticipating a water system projects that necessitates the procurement of an engineering firm to assist with engineering tasks associated, and

WHEREAS, the Town of Lowville will be soliciting funding from a variety of programs which requires the development of a Professional Engineering Report (PER), therefore be it

RESOLVED, the Town of Lowville will submit a Request for Qualifications (RFQ) with such request advertised in the Town’s official newspaper, website and on the Town Clerk’s bulletin board. Copies of the full RFQ may be obtained in the Town Clerk’s office.

BUDGET OFFICER/BOOKKEEPER

Accountant Lawrence reviewed the monthly financial report and budget transfer with the Board.


Motion by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 16-2024, “Approve Budget Transfer”**.

ADOPTED – AYES –Farney, Mullin, Ross, Virkler NAYS – 0 ABSENT - Monnat

RESOLVED the following Budget Transfer is approved as listed.

FUND: General Fund Townwide

Account	Code	Increase	Decrease
Workers Compensation	9040.8	135.00	
Unemployment Insurance	9050.8	1,000.00	
Medical Insurance	9060.8		1,135.00

Approved by 
 Supervisor

Date: 03/20/24

Approved by Town Board on: 03/20/24

Town Clerk 

1. The annual financial report has been submitted to the State Comptroller.
2. The financials have been submitted to the USDA as per the bond requirements.
3. Supervisor Mullin closed the ARPA checking account upon final transfer of funds to appropriate accounts.

Supervisor Mullin explained the USDA bond requirement of a line item designation of at least \$500 per year to a reserve fund for potential repairs/replacement of portions of the GAC water system. Supervisor Mullin would like to open a new account to keep these funds in. It was suggested perhaps the current CWD#1 Capital checking account could be used. Accountant Lawrence will look into this.

New Business

SNIRT RUN: The SNIRT Run is scheduled for 3/30/2024. After a brief discussion the following resolution was presented.

Motion by Councilman Farney, seconded by Councilman Virkler to adopt **Resolution No. 16-2024, “Roads Closed to ATVs for SNIRT Run”**.

ADOPTED - AYES – Farney, Mullin, Ross, Virkler NAYS – 0 ABSENT - Monnat

WHEREAS, the Town Board has concerns with town roads being open to ATV/UTVs for the SNIRT Run; then therefore be it

RESOLVED, that roads in the Town of Lowville will be closed for ATV/UTV use during the SNIRT Run in 2024.

MET Tower Permit Application: Copies of a MET Tower Permit application submitted by #3 Wind were emailed to the Board Members for review prior to the meeting. The application was reviewed by Town Clerk Murphy and Zoning Officer Manning and appears to be complete.

Motion by Councilman Virkler, seconded by Councilman Ross to adopt **Resolution No. 17-2024, “MET Tower Permit Application Approval”**.

ADOPTED - AYES – Farney, Mullin, Ross, Virkler NAYS – 0 ABSENT - Monnat

WHEREAS, an application for a MET Tower Permit has been submitted by #3 Wind at the Corner, East of the Willow Grove Rd., South of the Number Three Rd. on the Lloyd Roes property, tax map number 177-00-01-01.200, then therefore be it

RESOLVED, the Town Board of the Town of Lowville deems the application complete.

The next regularly scheduled Town Board meeting will be April 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 11:11 a.m.

ADOPTED – AYES –Farney, Mullin, Ross, Virkler NAYS – 0 ABSENT - Monnat

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk