

Town of Lowville
Regular Town Board Meeting
May 16, 2024

REVISED
3:59 pm, Jun 11, 2024

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 16th day of May 2024.

Present:

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

Others Present:

- Raymond Meier, Town Attorney at 9:52 a.m.
- Thomas Widrick, Highway Superintendent
- Aimee Murphy, Town Clerk
- Selina Olmstead, Deputy Town Clerk
- Nick Astafan, Dog Control Officer

Also Present: Vincent Nortz, County Legislator; Andrea Moroughan, County Legislator; Mickey Dietrich, RACOG; Accountant Scott Lawrence entered at 10:27 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 Ross to approve the minutes of the April 18, 2024 regular meeting as presented by the Town Clerk

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

VOUCHERS

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

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

General – Abstract #5	Voucher #124 to #1143	\$ 39,935.94
Highway – Abstract #5	Voucher #64 to #76	\$ 12,601.55
Water – Abstract#3	Voucher #21 to #27	\$ 34,976.65
Sewer – Abstract#3	Voucher #9 to #13	\$ 19,285.51
Trust & Agency		\$ 1,788.89
	Total	\$108,588.54

SUPERVISOR’S REPORT

Receipts:	Town Clerk	\$ 1,626.63
	Tax Collection	\$ 1,445.36
	Town Court	\$ 6,745.59
	Zoning	\$ (\$875.00 ytd)
	Lewis County	\$ 6,852.00 (Snow & Ice)
	Lewis County	\$ 21,065.63 (Mortgage Tax)
	Northstar Salvage	\$ 908.20 (Recycled Water Meters)

Supervisor Mullin’s financial and activities reports are included in the Board Members’ packets. Discussion regarding the Supervisor’s report took place.

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

ADOPTED – AYES –Farney, Monnat, 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. There will be a rabies clinic at the Town of Lowville Highway Department on 5/22/24 from 7-8 p.m.
3. Lewis County Humane Society: Concerns regarding discrepancies in the billing. No bills were received during 2023 until the Town’s started asking for a bill. When received, the bills did not adhere to the terms in the shelter agreement with the Humane Society. The municipalities are being charged fees for dogs that were redeemed by the owners, where the owners should be paying all fees, and the municipalities being credited for the impound fees. Councilman Monnat volunteered to contact the Humane Society for further information.

Motion by Councilman Farney, seconded by Councilman Monnat to suspend all payments to the Lewis County Humane Society until further review is conducted.

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

TOWN ATTORNEY

1. Recreation Board: Attorney Meier drew up a proposed agreement and gave it to the Village Attorney for review. Attorney Burrows to speak with Mayor Beagle. Waiting for response.

Public Hearing

Supervisor Mullin opened the Public Hearing at 10:04 a.m. to consider the expenditure of \$230,000.00 for the acquisition, construction and installation of improvements for Sewer District No. 1, including, but not limited to, the replacement or rehabilitation of the Brookside Pump Station and other facilities, and the acquisition of machinery, equipment or apparatus required in connection therewith, with proof of advertising being acknowledged. Supervisor Mullin left the public hearing open for comment.

Town Attorney Continued

2. Lewis County Amateur Hockey Association contract: Copies of the proposed contract were provided to the Board Members for review. Authorization is needed for payment. Discussion tabled until later in meeting with Accountant Lawrence present.
3. SD#1 (Brookside) Improvement Project Funding: Attorney Meier explained the necessary steps to obtaining bonding for the sewer improvements project.

TOWN CLERK

1. The Clerk’s Monthly Report is included in the Board Members’ packets.
2. Water bills were mailed, payments are coming in daily.
3. Starting to see more birth certificates being filed with the hospital maternity unit opening back up.
4. Deputy Town Clerk Olmstead has turned in her resignation effective 5/31/24, as she has accepted a position elsewhere. Advertisements have been placed in the Journal & Republican, on linkinglewiscounty, the town’s website and the Lewis County Workplace with applications due on June 5, 2024.

TAX COLLECTOR

The Tax Collector’s report is included in the Board Members’ packets.

Tax Collected	\$48,344.27
Interest Collected	1,155.92
<u>Bank Interest Collected</u>	<u>221.44</u>
Total Collected	\$49,789.63

Paid to County Treas.	\$48,344.27
<u>Paid to Supervisor</u>	<u>1,445.36</u>
Total Disbursed	\$49,789.63

ZONING/PLANNING

Mayor Beagle expressed concern to Supervisor Mullin regarding the amount the Village is paying for Zoning/Planning. The current intermunicipal agreement needs to be reviewed in August.

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

1. Cut shoulders on Waters Rd., Boshart Rd. and Cemetery Rd.
2. Met with representatives from the Army Corps of Engineers, and the DEC to look over and come up with a plan for the river edge on Waters Road near Dadville. US Fish/Wildlife Service will be here to look at it on 5/30/24.
3. Brookside Sewer: Waiting on Jefferson Concrete to complete structure.
4. CWD#1:GAC media: working with Desotec to get account setup; DBP sampling has been done.
5. Phinney Road: Request from Aaron Miller to cross town property to gain access to his property on the Phinney Road.
6. Dr. James Coffman, Esq., builder of the Maple Run Homes Development, contacted Attorney Meier regarding his proposed Fox Path extension. Last fall, the Town Board authorized BCA to draw up plans for the Fox Path extension with a written agreement drawn up by Attorney Meier. Dr. Coffman declined to sign the agreement. Attorney Meier suggested tabling the discussion until Executive Session at the end of the meeting due to Dr. Coffman speaking of potential litigation.
7. Mud in road from farm fields. Supervisor Mullin would like to charge farmers/individuals leaving mud/debris in the road when leaving farm fields. He is concerned about drivers sliding in mud and causing an accident. Attorney Meier stated the Town has an obligation to keep town roads free of debris, however an argument could be made for the Town being properly noticed of the defects. Councilman Ross suggested contacting offenders and requesting they clean up when leaving fields.
8. Lost Water following six-month billing: CWD#1 – 13%; WD#3 (E. State St.) – 4%; WD#4 (Brookside) – 5%; WD#5 (Walmart) – 8%, meter was installed on the fire protection line in November and Rifenburg used water when working on the parking lot. The numbers should be better this fall but is much improved already. 10-15% is considered exceptional in a water system our size.

Motion by Councilman Ross, seconded by Councilman Virkler to authorize Aaron Miller to cross town property in order to access his Phinney Road property. Documents to be prepared and subject to approval by the Town Attorney.

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

Motion by Councilman Ross, seconded by Councilman Virkler to have the Highway Superintendent contact any individuals leaving field debris in town roads and request it be cleaned up.

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

ASSESSOR

The equalization rate for 2024 is 95%. There will be a reassessment in 2025. This will need to be planned for in the 2025 town budget.

Public Hearing cont'd

Since there was no public comment heard, the following motion was presented.

Motion by Councilman Ross, seconded by Councilman Monnat to close the Public Hearing on the SD#1 Improvements Project at 10:42 a.m.

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

RACOG

Mickey Dietrich gave a brief update on the happenings of the Tug Hill Commission and RACOG. The next RACOG meeting will be 5/30/24 at 6 p.m. at the Town of Wilna Town Hall.

BUDGET OFFICER/BOOKKEEPER

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

Motion by Councilman Virkler, seconded by Councilman Ross to adopt **Resolution No. 27-2024, “Approve Budget Transfers”**.

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

RESOLVED the following Budget Transfers are approved as listed.

FUND: General Fund

Account	Code	Increase	Decrease
Unallocated Insurance	1910.4	1,800.00	
Medical Insurance	9060.8		1,800.00

Approved by 
Supervisor

Approved by Town Board on: 05/16/24

Date: 05/16/24

Town Clerk 

FUND: Sewer Fund - SS 3

Account	Code	Increase	Decrease
Sewer Disposal-Contractual	8130.4	3,000.00	
Appropriated Fund Balance	599		3,000.00

Approved by 
Supervisor

Approved by Town Board on: 05/16/24

Date: 05/16/24

Town Clerk 

LCAHA Agreement

Proposed budget amendment to increase Interest and Earnings (A2401) by \$30,000.00 and increase the Youth Recreation (A7310.4) line in the town budget by \$30,000.00 to cover the amount to be presented to the Lewis County Amateur Hockey Association (LCAHA) for use toward a new ice chiller. Attorney Meier provided a contract between the Town and the LCAHA to be signed before a check will be issued.

Motion by Councilman Ross, seconded by Councilman Monnat to adopt **Resolution No. 27-2024, “Approving Budget Amendment and Authorizing Contract with the Lewis County Amateur Hockey Association”**.

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

WHEREAS, the Town of Lowville wishes to enter into a contract with the Lewis County Amateur Hockey Association (LCAHA) to support and promote recreational activities and opportunities for its residents pursuant to General Municipal Law §242; and

WHEREAS, the LCAHA provides numerous such opportunities to the Town of Lowville community including youth and adult hockey programs, an introduction to hockey program, a learn to skate program and general skating. In addition, LCAHA maintains the ice sheet and items of equipment related thereto at the community facility located at the Lewis County Fair Pavilion; and

WHEREAS, the operation, duration and viability of the programs operated and supported by LCAHA have been limited by the fact that the chiller, which is necessary for the creation and maintenance of the ice sheet has become outmoded and inadequate to reliably perform those functions, then therefore be it

RESOLVED, in consideration of the significant recreational opportunities made available to the resident of the Town of Lowville through the work and efforts of the LCAHA, the Town Board of the Town of Lowville appropriates the sum of \$30,000.00 for the purpose of assisting LCAHA in securing a new chiller to insure the continuation of LCAHA's community recreation programs. Be it further

RESOLVED, that a copy of the signed contract will be on file with the office of the Town Clerk; be it further

RESOLVED, the Town of Lowville budget for 2024 be amended as follows:

General Fund: Account A2401 Interest & Earnings: Increase \$30,000.00
Account A7310.4 Youth Recreation: Increase \$30,000.00

Motion by Councilman Farney, seconded by Councilman Monnat to adopt **Resolution No.28-2024, "Approving the Acquisition, Construction, and Installation of Improvements to the Town of Lowville Sewer District No.1"**.

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

WHEREAS, pursuant to Town Law Section 202-b, the Town Board of the Town of Lowville (the "Town") proposes to undertake the acquisition, construction and installation of improvements for Sewer District No. 1, including, but not limited to, the replacement or rehabilitation of the Brookside Pump Station and other facilities, and the acquisition of machinery, equipment or apparatus required in connection therewith (the "Improvements"); and

WHEREAS, the total estimated maximum cost of the Improvements is \$230,000.00; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-b of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations") by Resolution adopted on April 18, 2024, the Town Board determined that the acquisition, construction, and installation of the Improvements (the "Project") will not have any significant adverse environmental impacts; and

WHEREAS, on May 16, 2024, prior to adopting this Resolution, the Town Board held a public hearing regarding the Project, as required by Town Law Section 202-b; and

WHEREAS, the Town Board now desires to authorize the Project in accordance with Town Law Section 202-b. Now, therefore be it

RESOLVED that the Town Board hereby determines it is in the public interest to acquire, construct and install the Improvements; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor and other proper officers of the Town to proceed with the Improvements; provided, however, that the financing of the Improvements shall not occur until the Town Board has adopted a Bond Resolution in accordance with the New York Local Finance Law.

A brief discussion took place regarding the funding of the sewer improvement project.

Motion by Councilman Virkler, seconded by Councilman Monnat to adopt **Resolution No. 29-2024 “Bond Resolution of the Town of Lowville, New York, Authorizing the Issuance of \$230,000.00 Serial Bonds to Finance the Cost of Town of Lowville Sewer District No.1 Improvements”**.

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

BE IT RESOLVED by the Town Board of the Town of Lowville, Lewis County, New York, as follows:

Section 1. The Town of Lowville, New York (the "Town") hereby approves the acquisition, construction and installation of improvements to the Town of Lowville Sewer District No. 1, including but not limited to, the replacement or rehabilitation of the Brookside Pump Station, and other facilities, and the acquisition of machinery, equipment or apparatus required in connection therewith, and is hereby authorized at an estimated maximum cost of \$230,000.00.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose to be financed by the Town is \$230,000.00, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$230,000.00 in serial bonds (the "Bonds") of the Town which are hereby authorized to be issued pursuant to this resolution and the provisions of the Local Finance Law; PROVIDED, HOWEVER, that to the extent that any Federal or State grants are received for such specific objects or purposes, the amount of Bonds to be issued pursuant to this Resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years pursuant to subparagraph 4 of Section 11.00(a) of the Local Finance Law. The proposed maturity of the Bonds will be in excess of five years.

Section 4. Pursuant to Section 107.00(d)(3)(l) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be apportioned and assessed upon the several lots and parcels of land within the Town of Lowville Sewer District No. 1, which the Town Board shall determine and specify to be especially benefited by the capital purpose described in Section 1 of this resolution, an amount sufficient to pay the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, as the same becomes due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on such obligations.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver the

Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by United States Treasury Department Regulation 1.150-2.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer, with the serial bonds and bond anticipation notes authorized by other bond resolutions previously or heretofore adopted by the Town Board for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the use of electronic bidding, the consolidation of the serial bonds and the bond anticipation notes with other issues of the Town and the serial maturities of the bonds are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The Supervisor and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved thereby.

Section 11. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution, or a summary thereof, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. This resolution is not subject to a permissive referendum in accordance with Section 35.00(b)(2) of the Local Finance Law.

Section 14. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 15. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 16. This resolution shall take effect immediately.

Old Business

Water Line Extension: Nothing new. Supervisor Mullin will have an update for the next meeting.

Verizon Tower Request: Councilman Monnat inquired if there was any further information about the request to install a pole on town property. Nothing new.

New Business

Executive Session

Motion by Councilman Farney, seconded by Councilman Ross to enter into executive session at 11:22 a.m. to discuss potential litigation.

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

Motion by Councilman Ross, seconded by Councilman Virkler to exit executive session and return to regular session at 11:51 a.m.

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

The next regularly scheduled Town Board meeting will be June 20, 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 11:52 a.m.

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

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk