

Town of Lowville Regular Board Meeting, September 19, 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 19th day of September 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 entered at 9:37 a.m.
- Thomas Widrick, Highway & Special Districts Superintendent
- Aimee Murphy, Town Clerk
- Nick Astafan, Dog Control Officer

Also Present: Chuck Terrillion, Village Trustee; Vincent Nortz, County Legislator; Andrea Moroughan, County Legislator; Henry Avallone; Accountant Scott Lawrence entered at 10:21 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 Ross, seconded by Councilman Monnat to approve the minutes of the August 15, 2024 regular meeting and the September 9, 2024 special meeting as presented by the Town Clerk.

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

CORRESPONDENCE

Letter of Recognition: The Town and Village of Lowville received a framed letter of recognition from Operation Jaded Thunder, a military exercise conducted from the Wheeler-Sack Army Airfield on Fort Drum, thanking the municipalities for their support of the operation. Mayor Beagle would like to hang it in the meeting room for the public to view.

NYS DOH: Lead & Copper Rule Revisions - Upcoming 2024 Compliance Deadline. Inventory of lead service lines must be submitted by 10/16/24. Superintendent Widrick has completed and submitted the report to DOH.

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 #9	Voucher #222 to #256	\$ 32,073.19
Highway – Abstract #9	Voucher #131 to #150	\$ 19,279.47
Water – Abstract#7	Voucher #53 to #60	\$ 2,623.26
Sewer – Abstract#7	Voucher #23 to #28	\$117,387.05
Trust & Agency		\$ 540.68
	Total	\$171,903.65

SUPERVISOR’S REPORT

Receipts:	Town Clerk	\$ 1,598.55
	Town Court	\$ 5,050.00
	Zoning	\$ 412.50 (\$1,645.00 ytd)
	NYS	\$ 1,427.00 (Temporary Municipal Aid)
	NYS (BridgeNY)	\$321,992.86 (Reimbursement)

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NYS (CHIPS, POP, EWR)	\$154,540.46
Retiree Health Insurance	\$ 2,869.38
NYS ORPTS	\$ 973.77 (Reimburse for Assessor School)

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

Motion by Councilman Monnat, seconded by Councilman Virkler 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. Big delinquent list for August; made calls & sent 86 letters; will try to make personal contact within the next 2 weeks.
3. Working with the Lewis County Humane Society attempting to correct incomplete paperwork returned to DCO. Failure to do so will result in a negative report when DCO is audited by NYS Ag & Markets.

TOWN ATTORNEY

1. Recreation: The IMA has been approved by the Village of Lowville but needs to be approved by the Town. Resolution to follow.
2. Sewer District #1 (Brookside) lift station improvements project: Benefit Assessment Policy – Attorney Meier reviewed the proposed Benefit Assessment Policy with the Board. This will be how the district pays off the debt accrued from the lift station improvements project. Discussion as to if the Board desired to pay only the interest amount from the BAN in 2025, or if payment of the principal in addition to the interest would be best. Resolution to follow.

Motion by Councilman Farney, seconded by Councilman Virkler to adopt **Resolution No 43-2024, “Authorizing Intermunicipal Agreement for the Provision of Recreational Services Within the Village and Town of Lowville”**.

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

WHEREAS, the Town and Village of Lowville wish to work together cooperatively to operate and fund the Youth Recreation Program; and

WHEREAS, in order to assist in accomplishing this purpose, the Village and Town agree to establish a citizens’ Recreation Committee to assist and advise the Village and Town in funding organization and operation of the recreation program, which will consist of ten (10) members, five (5) members appointed by the Village Board of Trustees and five (5) being appointed by the Town Board; now therefore be it

RESOLVED, the Town of Lowville Town Board enter into an Intermunicipal Agreement (IMA) with the Village of Lowville to cooperatively operate the Town and Village recreation program and create the joint Recreation Committee to assist with said operation.

Motion by Councilman Ross, seconded by Councilman Monnat to adopt **Resolution No 44-2024, “Establishing a Benefit Assessment Policy for Sewer District Number One”**.

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

WHEREAS, the Town of Lowville has established Sewer District Number One for the purpose of providing sanitary sewer service to the properties located within such district; and

WHEREAS, the Town Board has previously determined that the pump station servicing Sewer District Number One was in need of replacement in order to provide sufficient pump capacity for the efficient and proper operation and delivery of sanitary sewer services; and

WHEREAS, the Town Board has authorized the replacement of the pump station and further authorized that this capital improvement be financed by bonding, including Bond Anticipation Notes (BAN'S), in the amount of two hundred thirty thousand dollars (\$230,000.00); and

WHEREAS, the Town Board wishes to adopt and use a benefit assessment methodology based upon the assignment of "Equivalent Dwelling Units" (hereinafter referred to as "EDU's) to recapture the cost of the pump station and for any future capital improvements which may become necessary and approved; now therefore, upon motion duly made, seconded, and approved, it is hereby

RESOLVED, that the Town Board hereby adopts a benefit assessment methodology for the purpose of assessing the costs of capital improvements to the properties within the district according to the benefit conferred upon each property. Benefit assessments shall be made according to the policy which is set forth below and hereby adopted. and be it further

RESOLVED, that the adoption of the benefit assessment method and the policy with regard to its implementation are established to maintain and sustain the operational and fiscal integrity of Sewer District Number One , to ensure reliable service for wastewater treatment, and to further take into account the current composition of uses and the possible future establishment of uses within the district; and be it further

RESOLVED, that users and non-users in Sewer District Number One paying benefit assessments shall be governed by the following rules:

BENEFIT ASSESSMENT RULES

1. Equivalent Dwelling Units (EDU's). This is the foundation of the benefit assessment method. One EDU is assigned according to the nature and extent of the property's use of sanitary sewer services. Calculations may also employ the term "Primary Units" with one EDU equal to two Primary Units and one-half EDU equal to one Primary Unit.
2. The use of property may be considered insofar as it affects the actual use of sanitary sewer services as well as the benefit received by the property whether a user or not. Use categories include:
 - A. Private residence, which shall include a free-standing single-family residence or one of two single family residences comprising a duplex. A duplex shall be two single family residences immediately adjacent to each other separated by a shared wall. Private residence shall also include multi-unit with three or more residences, and congregate residences with individual living units and shared services
 - B. Commercial
 - C. Government
 - D. Non-profit and other tax exempt.
 - E. Educational, human services, day care or related and comparable uses.
 - F. Commercial or personal/professional services.
3. Properties will be assigned EDU's as follows:
 - A. Each property within the district is serviced by the Town of Lowville's water system which delivers water secured from the Village of Lowville Water System. The Village of Lowville bills for delivery of water on a unit basis, assigning one unit for every one-hundred cubic feet of water consumed by the subject property as demonstrated by water meter readings measuring water usage within each property. The Town Board finds that the consumption of water substantially correlates with the amount of wastewater discharged into the sewer system by each property.
 - B. One hundred units on the Village's billing system shall equal one EDU. Fractional numbers yielded by this calculation shall be rounded up to the nearest one-half or the nearest whole number as the case may be. The Town Board shall rely upon the last available water unit assessments from the Village as the primary basis for assigning EDU's for the benefit assessment calculation.

- C. The primary method for calculating EDU's and Primary Units shall be based upon the Village of Lowville's unit billing methodology as set forth above. However, the Town Board may also, in its discretion, consider the nature of the use(s) on each parcel of real property, the benefit conferred upon such property by having sanitary sewer service, the level and nature of demand placed upon the sewer system, and any reasonably expected increase in use of the sanitary sewer system by reason of change or expansion of use.
- D. The Town Board retains the right to determine which category of use applies to the property and to add additional property use classifications and to assign appropriate EDU's to them.

TOWN CLERK

- 1. The Clerk's Monthly Report is included in the Board Members' packets.
- 2. Hunting Licenses continue to be sold daily.
- 3. List of Unpaid water & sewer bills is included in the Board members' packets. Letters have been mailed to the owners notifying if not paid, amounts will be relieved onto the January tax bills.
- 4. Worked with Attorney Meier on creating the Benefit Assessment Policy and Rolls for SD#1.
- 5. Worked with Accountant Lawrence & Superintendent Widrick to prepare the water & sewer budgets for 2025.
- 6. Water and Sewer Rates need to be reviewed and set for 2025. A copy of the rate chart was provided to the Board Members'.

Discussion regarding raising the sewer rates took place. It was decided that a rate increase of 1% would be needed to cover sewer expenses. Resolution to follow.

Motion by Councilman Ross, seconded by Councilman Virkler to raise sewer rates by 1% for all sewer districts.
ADOPTED – AYES –Farney, Monnat, Mullin, Ross, Virkler NAYS - 0

Motion by Councilman Virkler seconded by Councilman Monnat to adopt **Resolution No. 45-2024, "Setting a Public Hearing on Sewer Rate Increase"**.

ADOPTED - AYES – Farney, Monnat, Mullin, Ross, Virkler NAYS – None

WHEREAS, it is necessary to hold a public hearing for the increase of sewer rates, 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 17, 2024, at the Regular Town Board meeting at 9:45 a.m.

ZONING/PLANNING

- 1. Certificate of Compliance: The Planning Board would like to see a Certificate of Compliance be issued for all projects set in front of the Planning Board. Zoning Officer Manning would prefer to see the Code Enforcement Officer not issue a Certificate of Occupancy until after a Certificate of Compliance has been issued. The question was posed as to who is enforcing the Village Zoning Laws. Trustee Terrillion believed the County Codes Department was doing this. ZO Manning suggested the Village review the IMA with the County to be sure that was in the agreement.
- 2. Zoning Officer Manning requested the Board appoint Lisa Hetzner as Vice-Chair of the Joint Town and Village Planning Board.

Motion by Councilman Ross, seconded by Councilman Farney to adopt **Resolution No. 46-2024, "Appointment of Planning Board Vice-Chair"**.

ADOPTED - AYES – Farney, Monnat, Mullin, Ross, Virkler NAYS – None

RESOLVED, that Lisa Hetzner, member of the joint Town and Village Planning Board be appointed as Vice-Chair of said board.

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

1. Brookside Sewer update: Waiting for P&T to install pumps and electrical panel.
2. O'Brien Rd. box culvert is open.
3. Declare CAT loader and CAT bulldozer as surplus and sell at auction. Resolution to follow.
4. Seasonal Roads Designation letter: Declared Hoffman, Nefsey and Wilcox Road as seasonal limited use highways. Copy of letter to be forwarded to Lewis County Sheriff's Department. Motion to follow.
5. Snow & Ice Policy: Board to review and approved. Motion to follow.
6. Seasonal Worker hourly rate: Current rate is \$17.00 per hour. Discussion regarding wages for the upcoming winter season took place. Resolution to follow.
7. Cost of Labor/Materials/Equipment spreadsheet: Superintendent Widrick provided a spreadsheet of the expenses from the July storm/flood. Total spent \$54,932.41.

Motion by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 47-2024, "Declare as Surplus and List For Sale, 2006 CAT 930G Loader & 1978 CAT D5B Bulldozer"**.

ADOPTED - AYES – Farney, Monnat, Mullin, Ross, Virkler NAYS – None

WHEREAS, the Town of Lowville Highway Department has a 2006 CAT 930G Wheel Loader and a 1978 CAT D5B Bulldozer that are of no use to the Town of Lowville and wish to declare it as a surplus items and

WHEREAS, Adirondack Asset Auctions has expressed interest in helping the Town sell surplus items via auction, be it

RESOLVED, that the Town of Lowville declares the 2006 CAT 930G Wheel Loader and 1978 CAT D5B Bulldozer as surplus and be it further

RESOLVED, that the surplus items will be listed with Adirondack Asset Auctions for sale via auction.

Motion by Councilman Virkler, seconded by Councilman Monnat authorizing the declaration of the Hoffman, Nefsey and Wilcox Roads as seasonal limited use highways.

ADOPTED - AYES – Farney, Monnat, Mullin, Ross, Virkler NAYS – None

**Copy of letter attached to end of these minutes.*

Motion by Councilman Farney, seconded by Councilman Ross to leave the Snow & Ice Policy the same.

ADOPTED - AYES – Farney, Monnat, Mullin, Ross, Virkler NAYS – None

**Copy attached to end of these minutes.*

Motion by Councilman Farney, seconded by Councilman Virkler to adopt **Resolution No. 48-2024, "Setting Hourly Rate of Pay for Seasonal Highway Employee."**

ADOPTED - AYES – Farney, Monnat, Mullin, Ross, Virkler NAYS – None

RESOLVED, that the rate of pay for the seasonal highway employee be set at \$17.50/hour.

ASSESSOR

Assessor Gratch would like the Board to increase the income level for the aged exemption and the fire fighter's exemption to be equal with Lewis County. As soon as Candy Akin, Director of Real Property at Lewis County has the figures, she will forward to Assessor Gratch.

Motion by Councilman Ross, seconded by Councilman Farney to table the discussion until further information is received.

ADOPTED - AYES – Farney, Monnat, Mullin, Ross, Virkler NAYS – None

John Searl's appointment as Chairman of the Board of Assessment Review expires on 9/30/2024.

Motion by Councilman Farney, seconded by Councilman Virkler to reappoint John Searl to the Town of Lowville Board of Assessment Review, term of office 10/1/2024 to 09/30/2029.

ADOPTED - AYES – Farney, Monnat, Mullin, Ross, Virkler NAYS – None

BUDGET OFFICER/BOOKKEEPER

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

Motion by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 49-2024, “Approve Budget Transfers.”**

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

RESOLVED the following Budget Transfers are approved as listed.

FUND: Sewer Funds - #SS1 Brookside

Account	Code	Increase	Decrease
Contractual-Sanitary Sewers	8120.4	116,000.00	
Unassigned Fund Balance	599		116,000.00

Approved by 
Supervisor

Approved by Town Board on: 9/19/24

Date: 9/19/24

Town Clerk 

FUND: Water Funds - #SW1 Consolidated

Account	Code	Increase	Decrease
Payroll - Transmission and Dist	8340.1	2,000.00	
Appropriated Fund Balance	599		2,000.00

Approved by 
Supervisor

Approved by Town Board on: 9/19/24

Date: 9/19/24

Town Clerk 

TENTATIVE BUDGET

The Tentative budget was presented to the Town Board and reviewed with Accountant Lawrence. Discussion ensued regarding the budget and use of fund balance.

Motion by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No 50-2024, “Adopt Tentative Budget as Preliminary Budget for 2025”**

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

RESOLVED, that the Town of Lowville Tentative Budget for 2025 with changes be adopted as the Town of Lowville Preliminary Budget for 2025.

Motion by Councilman Farney, seconded by Councilman Ross to adopt **Resolution No 51-2024, “Setting the Public Hearing for the Town of Lowville Preliminary Budget for 2025.”**

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

WHEREAS, it is necessary to hold a public hearing for the Town of Lowville Preliminary Budget for 2025, 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 17, 2024, at a Regular Town Board meeting at 10:00 a.m.

WATER & SEWER BUDGETS

The water and sewer budgets for 2025 were presented and reviewed by the Town Board. Adjustments to the sewer budget were made to accommodate the proposed rate increase. After discussion, the following resolution was presented.

Motion by Councilman Ross, seconded by Councilman Virkler to adopt **Resolution No. 52-2024 “Setting the Public Hearing for Water and Sewer Budgets for 2025.”**

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

WHEREAS, it is necessary to hold a public hearing for Water and Sewer Budgets for 2025, and

WHEREAS, it is necessary for the public hearings 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 17, 2024. at the Regular Town Board meeting at 10:15 a.m.

BENEFIT ASSESSMENT ROLLS

Town Clerk Murphy provided proposed Benefit Assessment Rolls for CWD#1 and SD#1 and reviewed said rolls with the Town Board. Following discussion, a public hearing was set.

Motion by Councilman Farney, seconded by Councilman Virkler to adopt **Resolution No 53-2024, “Setting Public Hearing for Benefit Assessment Rolls for CWD#1 and SD#1”.**

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

WHEREAS, it is necessary to hold a public hearing for the Benefit Assessment Rolls for CWD#1 and SD#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 17th, 2024 Town Board meeting at 10:20 a.m., with notice being provided to residents of the district.

BUILDING USAGE

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

Motion by Councilman Ross, seconded by Councilman Farney that the building usage percentage for 2025 remain the same at 56 Town/ 44 Village.

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

Motion by Councilman Farney, seconded by Councilman Monnat to adjourn the meeting at 11:59 a.m.
ADOPTED – AYES –Farney, Monnat, Mullin, Ross, Virkler NAYS - 0

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk

DRAFT