

**Town of Lowville Regular Board Meeting
February 21, 2019**

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 21st day of February 2019.

Present: Ruth Larabee, Councilwoman
Allison Millard, Councilman arrived at 11:13 a.m.
Robert Mullin, Councilman
Paul Virkler, Deputy Supervisor
Aimee Murphy, Town Clerk
Thomas Widrick, Highway Superintendent/Special Districts Superintendent
Nicholas Astafan, DCO
William Kiernan, Town Justice
Scott Lawrence, Accountant/Bookkeeper arrived at 10:07 a.m.
Raymond Meier, Attorney arrived at 10:17 a.m.

Absent: Randall Schell, Supervisor

Also Present: Henry Avallone, Mickey Dietrich - RACOG, Steven Fuller, Lori Kunert - Invenergy

The meeting was called to order at 9:30 a.m. by Deputy Supervisor Virkler who also led the Pledge of Allegiance.

MINUTES

Motion by Councilwoman Larabee, seconded by Councilman Mullin to approve the minutes of the January 17, 2019 regular board meeting.

ADOPTED - AYES - Larabee, Mullin, Virkler NAYS – 0 Absent - Schell

CORRESPONDENCE

- Village of Lowville: Will be increasing water rates by 5% effective for the November 2019 billing statement.
- Summer Recreation Proposal: Received a brief synopsis of the proposed 2019 program and a summary of the 2018 program.
- Hockey Association: Looking for donations from all interested parties.
- Board of Elections: Updated list of elections for 2019; Local Primaries will now be held on the same date as the State Primary elections (06/25/2019).
- Town of Denmark: Considering a change to their current zoning laws in relation to Solar Projects; looking for any information from other municipalities.

SUPERVISOR’S REPORT

| | | |
|-----------|----------------------------|-----------------------|
| Receipts: | Town Clerk..... | \$ 1,131.00 |
| | CEO..... | 291.50 (\$814.00 ytd) |
| | Court – Judge Kiernan..... | 3,825.00 |

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| | |
|-----------------------------|----------------------------------|
| Tax Collector..... | 546,619.65 |
| Brookside..... | 86,758.40 (PILOT Payment) |
| Town of New Bremen..... | 214.36 (Shared dog ctrl exp.) |
| Lewis County..... | 141,534.71 (FlatRock Wind PILOT) |
| Lewis County..... | 69.50 (Wash Shed Repair) |
| Charter Communications..... | 6,398.79 (Franchise Fee) |

The Supervisor's financial report is in the board member's packets.

Motion by Councilman Mullin, seconded by Councilwoman Larabee to accept the Supervisor's receipts and financial reports.

ADOPTED - AYES - Larabee, Mullin, Virkler NAYS – 0 Absent - Schell

VOUCHERS

Motion by Councilman Mullin, seconded by Councilwoman Larabee to approve that bills be paid as listed in the following amounts.

ADOPTED - AYES - Larabee, Mullin, Virkler NAYS – 0 Absent - Schell

| | | |
|-----------------------|--------------------|-------------|
| General – Abstract #2 | Voucher #31 to #79 | \$61,663.89 |
| Highway - Abstract #2 | Voucher #9 to #17 | \$ 4,659.29 |
| Trust & Agency | (01/31/2019) | \$ 4,379.09 |
| | (02/21/2019) | \$17,338.30 |

DEPARTMENT REPORTS

Town Clerk

- Clerk's Monthly Report in Board Members' Packets & Daily Log passed for review.
- Have been having trouble with US Postal Service. Mail being returned to send as undeliverable when addressed properly to Tax Collector. Have been in contact with Lowville Postmaster, and was told problem is with Syracuse sorting facility and that it is being looked into.
- Local Government Conference at JCC, March 28th. Have applications ready to send in. Still time if anyone else wants to register.
- Retirees insurance billing done.
- Received complaint about snow covered sidewalk on Dayan St. outside the village limits; Filed and forwarded to Hwy. Superintendent Widrick.
- NYSTCA annual conference will be held May 5-8, 2019 at the Marriott Syracuse Downtown. Would like permission to attend conference. Approximate cost will be \$650 for registration and hotel stay.

Motion by Councilwoman Larabee, seconded by Councilman Mullin to permit the Town Clerk to attend the NYSTCA annual conference.

ADOPTED - AYES - Larabee, Mullin, Virkler NAYS – 0 Absent - Schell

Tax Collector

January collection report is in the board member's packet.

| | | |
|-------------------------|---------------|-----------|
| Paid to Supervisor..... | \$ 450,000.00 | 1/14/2019 |
| | \$ 546,619.65 | 1/30/2019 |

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Paid County Treasurer.....\$1,452,745.17 2/14/2019

Total taxes collected thru 1/31/19: \$2,449,364.84

CEO

CEO monthly report in board members' packets.

Draft – Hazard Mitigation Plan available for board members to review in Town Clerk's office.

DCO

Monthly report is included in board members' packets. DCO Astafan reported that Deputy DCO Young has completed the rabies vaccinations and has responded to a couple calls, as indicated in his report.

Superintendent of Highways/ Special Districts Superintendent

- Garage door has been installed and is working well.
- Going to Albany March 5 & 6 with the Highway Superintendent's Association to support the CHIPS program.
- Waters Road was closed in 2/5/19 due to an ice jam on Mill Creek behind the Village sewer treatment plant. Lewis County Highway removed the jam with their track-hoe.
- The rebuilt pump has been installed at the Brookside sewer station, noticed a lot of water coming in the system. Found that one of the UCP houses had two sump-pumps running lines into the sewer. They have been asked to remove them, and have done so.
- DBP sample has been taken, waiting for results, Mark Tabolt was called in to assist.
- Superintendent Widrick was recently rear-ended with the Town's pick-up during a snow storm. The insurance company of the other vehicle and NYMIR have been in contact to settle the claim. An estimate has been obtained from Beller's Auto. Only damage was to the bumper. Town Clerk Murphy reported that a check has already been received from NYMIR for the cost above the deductible.
- The new plow truck is at Viking getting the plow installed.
- Councilwoman Larabee praised Superintendent Widrick for his good work so far.

SNIRT Run

Deputy Supervisor Virkler reviewed the SNIRT run agreement.

Motion by Councilwoman Larabee, seconded by Councilman Millard to adopt **Resolution No. 2-2019 "Authorizing Deputy Supervisor to Sign the SNIRT Agreement."**

ADOPTED - AYES - Larabee, Mullin, Virkler NAYS – 0 Absent - Schell

WHEREAS, the Barnes Corners Sno-Pals Snowmobile Club has requested the Town to enter into an agreement to open the Bardo Road from Ridge View to the Gardner Road and the Gardner Road, in accordance with Vehicle and Traffic Law Subsection 2408, for the SNIRT Run being held April 20, 2019, and

WHEREAS, the agreement is basically the same as previous years, Then Therefore

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Be it Resolved, that Deputy Supervisor Virkler is authorized to sign the agreement for the 2019 SNIRT Run, and

Be it Further Resolved, that this is contingent on the Sponsor naming the Town of Lowville as an additional insured for the purposes of the event and obtaining the appropriate insurance policies as called for in the agreement.

Budget officer/Bookkeeper

Accountant Scott Lawrence reviewed the 4th quarter financials with the board. AUD report is in progress and will be completed by the 2/28/19 deadline.

Scott Lawrence left the meeting at 10:38 a.m.

RACOG

Mickey Dietrich gave an update on RACOG; they will be having another meeting sometime in March.

Attorney

Attorney Meier reviewed the proposed agreement with the Town of Martinsburg for DCO services with the Board. DCO Astafan requested his opinion on the specific duties the DCOs will be required to perform for the reciprocal town. Attorney Meier opined that the specific duties should be left for the DCO's to decide. DCO Astafan informed the Board that he and DCO Marra have discussed this agreement and decided that they will ONLY pick up stray dogs for each other's town if the other is not available.

Motion by Councilwoman Larabee, seconded by Councilman Mullin to approve the agreement to provide dog control services with the Town of Martinsburg and allow Deputy Supervisor Virkler to sign said agreement.

ADOPTED - AYES - Larabee, Mullin, Virkler NAYS – 0 Absent - Schell

Attorney Meier reviewed agreements for services to the Town of Lowville with DCO, Cleaner and Mark Tabolt with the Board.

Motion by Councilman Mullin, seconded by Councilwoman Larabee to approve the agreement for consultation services as needed by the Highway Superintendent with Mark Tabolt at a rate of \$25.00 per hour.

ADOPTED - AYES - Larabee, Mullin, Virkler NAYS – 0 Absent - Schell

Motion by Councilman Mullin, seconded by Councilwoman Larabee to approve the agreement for cleaning services at the Town of Lowville Municipal Building to be performed by Susan L. Chapman at a rate of \$12.00 per hour.

ADOPTED - AYES - Larabee, Mullin, Virkler NAYS – 0 Absent - Schell

Motion by Councilman Mullin, seconded by Councilwoman Larabee to approve the agreement for dog control officer services to the Town of Lowville with Nicholas J. Astafan Jr. at a monthly rate of \$500.00 plus mileage.

ADOPTED - AYES - Larabee, Mullin, Virkler NAYS – 0 Absent - Schell

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Discussion regarding the failure to sign Oath of Office by Suzanne Peters, Planning Board Member. Atty Meier informed the Board that failure to sign the oath of office within thirty (30) days of appointment renders the office vacant.

Maple Ridge Wind PILOT: A letter was received from the Lewis County IDA proposing a deviation from Uniform Tax Exemption Policy. Attorney Meier suggested waiting for discussion and action on this proposition until after Supervisor Schell returns from vacation. No action taken.

OLD BUSINESS

- Administrative Order CWD #1 – Attorney Meier stated that he has completed the SEQR and believes there to be no significant environmental impact

Motion by Councilwoman Larabee, seconded by Councilman Millard to adopt **Resolution No. 3-2019 “Designating the Town Board as the Lead Agency for Determining the significance of a proposed project to address issues of disinfection byproduct levels in Water District #1 Which are not in compliance with EPA’s stage 2 disinfection byproduct rule.”**

ADOPTED - AYES - Larabee, Mullin, Virkler NAYS – 0 Absent - Schell

WHEREAS, the Town Board of the Town of Lowville (hereafter “Town Board”) has reviewed Part 1 of a full Environmental Assessment Form prepared by the Town’s consulting engineer with regard to a proposed project to address issues of disinfection byproducts in Water District #1 by measures including the installation of a Granular Activated Carbon (GAC) filtration system at the Town’s water storage tank located on Number Three Road and the replacement of town owned pumps at Pump Station #1 with higher head pumps in order to pump the water through the new filters and then into the tank; and

WHEREAS, the Town Board as a result of its review has made a preliminary determination that the proposed project is an unlisted action; and

WHEREAS, the Town Board has received a completed Part 2 Full Environmental Assessment Form prepared by the town attorney under the direction of the Town Supervisor and finds the same to be complete and accurate;

NOW THEREFORE, BE IT RESOLVED that the Town Board does hereby accept as complete and accurate the aforementioned Part 2 Full Environmental Assessment Form and does further designate itself as the lead agency for the purpose of making the required Determination of Significance under the State Environmental Quality Review Act (SEQRA) and the relevant regulations thereunder.

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Motion by Councilman Mullin, seconded by Councilwoman Laribee to adopt **Resolution No. 4-2019 “Determining the significance of a proposed project to address issues of disinfection byproduct levels in Water District #1 which are not in compliance with EPA’s stage 2 disinfection byproduct rule, finding such project will not have any significant adverse impacts on the environment and issuing a negative declaration with regard thereto.”**

ADOPTED - AYES - Laribee, Mullin, Virkler NAYS – 0 Absent - Schell

WHEREAS, the Town Board of the Town of Lowville (hereafter “Town Board”) has reviewed Part 1 of a full Environmental Assessment Form prepared by the Town’s consulting engineer with regard to a proposed project to address issues of disinfection byproducts in Water District #1 by measures including the installation of a Granular Activated Carbon (GAC) filtration system at the Town’s water storage tank located on Number Three Road and the replacement of town owned pumps at Pump Station #1 with higher head pumps in order to pump the water through the new filters and then into the tank; and

WHEREAS, the Town Board has received a completed Part 2 Full Environmental Assessment Form prepared by the town attorney under the direction of the Town Supervisor and finds the same to be complete and accurate; and

WHEREAS, the Town Board has designated itself as the lead agency for the purpose of the environmental review under the State Environmental Quality Review Act; and

WHEREAS, the Town Board has conducted a complete review of both Part 1 and Part 2 of the full Environmental Assessment Form; and

WHEREAS, the Town Board notes that the proposed action involves improvements and upgrades to existing town facilities utilized by Water District #1 and will result in bringing the town into compliance with disinfection byproducts in District #1 and will therefore actually confer an environmental benefit upon the community; and

WHEREAS, a review of the Full Environmental Assessment Form demonstrates that the footprint of the proposed project is minimal, and that it poses no significant adverse effects to the environment; and

WHEREAS, the Town Board finds that the proposed action is an unlisted action;

NOW THEREFORE, be it resolved that

The Town Board finds the proposed action to be an unlisted action; and

Be it further resolved that the Town Board finds that the proposed action will not cause any significant adverse effects to the environment and the Town Board, as lead agency therefore issues this negative declaration.

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Attorney Meier stated that the Bond Resolution will be completed and ready for review at the next board meeting.

- #3 Wind Road Agreement: Attorney Meier will be contacting Attorney Mark Gebo to finalize.

NEW BUSINESS

- Discussion regarding the concern the IDA has about the Planned Development designation at the former Climax building. Attorney Meier requested an informal “list” of prospective projects/users from the IDA for the board to review before considering any zoning change. No action taken

Lori Kunert of Invenegy gave a brief update of the #3 Wind project; they are still in negotiations for PILOT with the IDA; they have downsized from 45 to 31 turbines; Still submitting updates for the Article 10 proceedings.

Councilman Millard entered the meeting at 11:13 a.m. and was brought up to date regarding the reappointment of Suzanne Peters. After a brief discussion the following motion was made.

Motion by Councilman Millard, seconded by Councilman Mullin to re-appoint Suzanne Peters as a member of the Planning Board for a five year term (01/01/2019 – 12/31/2023).

ADOPTED - AYES – Millard, Mullin, Virkler NAYS – 0 ABSTAIN – Larabee
ABSENT - Schell

Executive Session

Motion by Councilman Mullin, seconded by Councilman Millard to enter into executive session at 11:17 a.m. to discuss the employment status of two employees.

ADOPTED - AYES - Larabee, Millard, Mullin, Virkler NAYS – 0 Absent - Schell

Motion by Councilman Millard, Seconded by Councilman Mullin to leave executive session at 11:25 a.m.

ADOPTED - AYES - Larabee, Millard, Mullin, Virkler NAYS – 0 Absent - Schell

Motion by Councilman Millard, seconded by Councilman Mullin to adjourn the meeting at 11:26 a.m.

ADOPTED - AYES - Larabee, Millard, Mullin, Virkler NAYS – 0 Absent - Schell

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk