

**Town of Lowville Regular Board Meeting
August 15, 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 15th day of August 2019.

Present: Randall Schell, Supervisor
Ruth Larabee, Councilwoman
Allison Millard, Councilman
Robert Mullin, Councilman
Paul Virkler, Councilman
Raymond Meier, Town Attorney
Aimee Murphy, Town Clerk
Thomas Widrick, Highway Superintendent/Special Districts Superintendent
Nicholas Astafan, Jr., Dog Control Officer

Also Present: Ron Burns, Legislator; Cheyenne Steria, Lewis County IDA; Mike Fingar & Mark Richardson, US Light Energy, Mickey Dietrich, Tug Hill Commission.

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

MINUTES

Motion by Councilwoman Larabee, seconded by Councilman Virkler to approve the minutes of the July 18, 2019 regular board meeting.

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

CORRESPONDENCE

- Volunteer Transportation Center – Funding Request
- Hockey Association Letter – Funding Request
- Public Service Commission
- Deer River Wind
- DOL Boiler Violation
- NYMIR endorsement for County

VOUCHERS

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

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

General – Abstract #8	Voucher # 239 to #267	\$ 22,658.31
Highway - Abstract #8	Voucher # 88 to #107	\$ 9,503.92
Trust & Agency	(07/31/2019)	\$ 11,238.30
	(08/15/2019)	\$ 8,313.22
	Total Expenditures	<u>\$ 51,713.75</u>

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SUPERVISOR’S REPORT

Receipts:	Town Clerk.....	\$ 1,865.95
	CEO.....	\$ 922.16 (\$5,589.36 ytd)
	Courts-Judge Kiernan.....	\$ 4,355.00
	8/5/19 Wirecard.....	\$ 62.71 (overcharge on NYSEG bill)
	Eaves.....	\$ 133.80 (culvert reimbursement)

The Supervisor’s activities report and financial report are in the board member’s packets.

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

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

DEPARTMENT REPORTS

Attorney

- Maple Ridge PILOT – not signed by IDA yet.
- #3 PILOT – Discussed 3 possible scenarios for PILOT that were previously provided to board members; Randy will be attending a meeting on 08/27/2019 at the Town of Lowville.
- Ross Road SEQR – Attorney Meier informed the Board that they will need to pass a resolution declaring the Town of Lowville lead agency for this project.

Motion by Councilman Mullin, seconded by Councilman Virkler to adopt **Resolution No. 20-2019 “Assuming Lead Agency Status Under The New York State Environmental Quality Review Act With Regard To The Ross Road Drainage Project”**.

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

Whereas drainage in the vicinity of Ross Road from the land comprising the Ross Farms presently runs from West to East, the Northeast under the Ross Farms dairy barn, and then outlets into an unnamed tributary of Mill Creek (identified as 805-539 C); and

Whereas sink holes are now forming between the Ross Road and the Ross Farms dairy barn; and

Whereas the Town of Lowville wishes to reroute the drainage, upsize the culvert to handle peak flows and install new drainage pipe and ditching which will follow the field boundary behind the barn and discharge out to the same aforementioned tributary; and

Whereas the above mentioned changes must be made to allow adequate drainage without causing erosion or sedimentation ending up in the Mill Creek and the Black River; and

Whereas the Town Board of the Town of Lowville has determined that the proposed action is subject to review under the New York State Quality Review Act (SEQRA); and

Whereas the Town of Lowville is the sponsor of the action and is the applicant for funding related to the proposed action;

Now Therefore, be it

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Resolved that the Town of Lowville hereby declares itself the lead agency for the purposes of the SEQRA review of the proposed action; and be it further

Resolved that the Town Board finds that the proposed action is an Unlisted Action under SEQRA.

Attorney Meier reviewed the Short Environmental Assessment Form, Part I – Project Information with the Board.

Motion by Councilman Mullin, seconded by Councilman Virkler, authorizing Supervisor Schell to sign Part I of the Short Environmental Assessment Form.

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

Attorney Meier reviewed the Short Environmental Assessment Form, Part II and Part III with the Board.

Motion by Councilman Millard, seconded by Councilman Mullin, authorizing Supervisor Schell to sign Part III – Determination of Significance, of the Short Environmental Assessment Form.

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

Upon further discussion, the following resolution was presented.

Motion by Councilwoman Larabee, seconded by Councilman Mullin, to adopt **Resolution No. 21-2019 “SERQA review of the Ross Road Drainage Project”**.

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

WHEREAS this Board has previously determined that the proposed Ross Road Drainage Project is an action subject to SEQRA review and is an Unlisted Action; and

WHEREAS the Town has caused Parts I, II and III of a short form Environmental Assessment Form (EAF) concerning the proposed project to be completed and

WHEREAS the Town Board has carefully considered the EAF and reviewed every aspect of the proposed project;

NOW THEREFORE:

BE IT RESOLVED: the Town Board finds that the proposed project will not create any substantial adverse impact on the environment and therefore issues this Negative Declaration.

Supervisor Schell reported that he had previously met with Cheyenne Steria from the Lewis County IDA regarding tenants at the Center for Business (former Climax building). Supervisor Schell stated that he would like to review the current building uses and have a proposed list of suggested future usage. Cheyenne will have a listing available for the next meeting.

Historian

- Historian Beagle has requested to make a grant application to the George Davis Community Fund for repairing headstones in the East Road Cemetery.

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Motion by Councilwoman Larabee, seconded by Councilman Mullin to adopt **Resolution No. 22-2019 “George Davis Community Fund Grant Application”**

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

Resolved, that the Town of Lowville Town Board supports the Town Historian applying for a George Davis Community Fund Grant for the restoration of Head Stones in the East Road Cemetery, and be it further

Resolved, that Supervisor Schell be authorized to sign same.

Town Clerk

- Clerk’s Monthly Report in Board Members’ Packets & Daily Log passed for review.
- Filed Certificate of No Referendum and sent to the J & R for publication.
- Estoppel Notice also published in J & R pertaining to the Bond Resolution for CWD#1.
- Attended demonstration of County tax software program.
- Sent one of the Village Vital Records books to Kofile for preservation.
- Completed Dog Enumeration.
- Water Violation notice from Village mailed to WD#3, 4, 5, 6 & 9.
- DEC License sales opened up August 1st.
- 2020 Budget request worksheets have been distributed to Department heads.
- Received notice of planned rock blast by MJL Crushing on 8/15/19.
- Received another IT quote from Advanced Business Systems.
- Clerk’s Monthly Report in Board Members’ Packets & Daily Log passed for review.

RACOG

Mickey Dietrich gave a brief update of the happenings at RACOG.

Budget Office/Bookkeeper

Accountant Scott Lawrence reviewed the second quarter financials with the board.

A brief discussion was held regarding the joint Town and Village Planning and Zoning Boards and what percentage of expenses the Town and Village will each be responsible for. Zoning Officer Kathy Manning provided the Town/Village breakdown of applications and meetings, which indicate an adjustment of proportion billing to 60% Village/40% Town beginning 8/1/2019 thru 7/31/2020 in accordance with the original inter-municipal agreement.

CEO

The CEO officer’s report is in the Board Member’s packets.

Supervisor Schell reported that he had received correspondence from the DEC regarding MJL Crushing’s application to increase the size of their pit. Attorney Meier stated that a Site Plan Review must be field with the Planning Board before MJL can continue. DEC has requested comments from the Town within 30 days. Supervisor Schell will submit the Town’s concerns to the DEC.

Superintendent of Highways/ Special Districts Superintendent

- New mower tractor ordered. Expected arrival is Nov./Dec.
- Continued roadside mowing

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- Culvert replacement on the waters road in anticipation of paving next year.
- DBP sample on Ebbly Rd. completed today.
- Cut/Repaired shoulders on the O'Brien Rd. and Gardner Rd.
- Had Air Conditioning unit for the Town side of the Municipal Building repaired.

Councilwoman Laribee commended Highway Employee, Brian Hanno on a good job mowing the roadsides.

Supervisor Schell would like Mickey Lehman from BC&A to give the Board an update on the WD#1 Administrative Order and funding applications. Deadline for submission of a detailed engineering plan for the GAC filtration is Sept. 30, 2019. Mr. Lehman will be invited to the next board meeting.

The Highway Department has begun updating lighting fixtures in the Municipal Building with the new LED ballasts and bulbs.

DCO

- Activities Report in board members' packets.
- Enumeration is done: 50 new licenses were issued after announcement of enumeration and beginning of the enumeration; 66 new licenses were issued during the enumeration; 54 delinquent licenses were renewed during the enumeration.
- Working at getting expired rabies vaccination information updated on licensed dogs.

Assessor

The term of the Assessor will be expiring on September 30th.

Motion by Councilwoman Laribee, seconded by Councilman Millard to reappoint Erin C. Gratch as Sole Appointed Assessor for the Town of Lowville, term of office 10/01/2019 thru 09/30/2025.

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

Justice

The Town and Village Justices believe that the courtroom should be made more handicap accessible by installing doors that are opened automatically by pushing a button. Cost of this upgrade could be covered by a joint JCAP grant application. After a brief discussion, the following resolution was presented.

Motion by Councilman Millard, seconded by Councilwoman Laribee to adopt **Resolution No. 23-2019 “Support for the Town/Village of Lowville Justice Court Assistance Program Joint Grant Application.”**

ADOPTED – AYES – Laribee, Millard, Mullin, Schell, Virkler NAYES - 0

WHEREAS, New York State has established the Justice Court Assistance Program to enable Towns and Villages to apply to the Chief Administrative Judge for a grant of state funds to assist in the operation of the Local Justice Courts, and

WHEREAS, the Town and Village of Lowville wish to upgrade the handicap accessibility of the building, now, therefore be it

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RESOLVED, that a joint application from the Town of Lowville and the Village of Lowville Justice Courts will be submitted to the Justice Court Assistance Program.

NEW BUSINESS

Mike Fingar and Mark Richardson on US Light Energy gave a presentation about a proposed solar project on Waters Road. Attorney Meier and Zoning Officer Manning discussed what the law does and does not allow for the proposed site and made suggestions for the Company and the Town to consider.

Zoning Officer Manning gave input regarding the MJL Crushing expansion application. She indicated that the Town should be sure that it was notified that a SEQRA was started, otherwise, it would need to be restarted.

Mr. Fingar, Mr. Richardson and ZO Manning left the meeting.

NYMIR – Risk management review at the highway garage – Suggested updating the Prior Written Notice Law. Supervisor Schell will get a sample law from NYMIR.

Motion by Councilman Virkler, seconded by Councilwoman Larabee to enter into executive session at 11:46 a.m. to discuss a personnel legal matter.

Motion by Supervisor Schell, seconded by Councilman Mullin to leave executive session at 11:54 a.m.

Motion by Councilman Millard, seconded by Councilman Mullin to adjourn the meeting at 11:55 a.m.

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk