

**Town of Lowville Regular Board Meeting  
July 18, 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 18th day of July 2019.

**Present:** Randall Schell, Supervisor  
Ruth Larabee, Councilwoman  
Allison Millard, 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

**Absent:** Robert Mullin, Councilman

**Also Present:** Mickey Dietrich, RACOG; Ron Burns, Legislator;

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

A moment of silence was held in memory of Robert Burr, former highway department employee.

**CORRESPONDENCE**

- Special Franchise Full Value Assessment
- NYS equalization rate notice
- DOH WD#1 letter
- C2AE letter

**MINUTES**

**Motion** by Councilman Millard, seconded by Councilwoman Larabee to approve the minutes of the June 20, 2019 regular board meeting.

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

**VOUCHERS**

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

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

General – Abstract #7	Voucher # 216 to #238	\$ 15,949.11
Highway - Abstract #7	Voucher # 75 to # 87	\$125,299.21
Trust & Agency	(06/28/2019)	\$ 1,777.57
	(07/18/2019)	<u>\$ 7,987.77</u>
	Total Expenditures	\$151,013.66

**SUPERVISOR'S REPORT**

Receipts:	Town Clerk.....	\$ 1,809.89
	CEO.....	\$ 595.20 (\$4,667.20 ytd)

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Courts-Judge Kiernan.....	\$ 3,537.00
Tax Collector fees, Int.....	\$ 0.21
Lewis County Humane Society....	\$ 63.00
NYMIR.....	\$ 500.00 (deductible, tailgate repair)
Schell.....	\$ 133.80 (culvert reimbursement)

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

**Motion** by Councilman Virkler, seconded by Councilwoman Laribee to accept the Supervisor's receipts, activities and financial reports.

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

**DEPARTMENT REPORTS**

**RACOG** – Mickey Dietrich gave a brief update on the happenings at RACOG.

- They have finished the Black River navigation mapping.
- Village of Copenhagen and Castorland would like to join RACOG.
- Next scheduled RACOG meeting will be in September.

Mickey Dietrich left the meeting at 9:50 a.m.

**Attorney**

Attorney Meier was not in attendance, so Supervisor Schell gave a brief report of the following:

- Maple Ridge PILOT – Still waiting on a formal agreement.
- Bond Resolution CWD#1 – Supervisor Schell explained the purpose and some details of the Bond Resolution.
- #3 Wind Road Use Agreement – Supervisor Schell signed and submitted the agreement.
- #3 PILOT – The IDA is still negotiating on behalf of the municipalities who have been excluded from the negotiation process.
- Roaring Brook Road Use Agreement – Eagle Factory and Gardner Road will be used during this wind project. After a brief discussion, the following resolution was made.

**Motion** by Councilwoman Laribee, seconded by Councilman Millard to adopt **Resolution # 14-2019 "Roaring Brook Wind Farm Road Use Agreement"**.

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

WHEREAS the Roaring Broom Wind Farm would like to use the Eagle Factory Road and the Gardner Road during the construction of the wind towers, both roads being located in the Town of Lowville,

BE IT RESOLVED that Supervisor Schell is hereby authorized to enter into a Road Use Agreement with the Roaring Brook Wind Farm.

**SEQRA Resolution CWD#1**

**Motion** by Councilman Virkler, seconded by Councilman Millard to adopt **Resolution # 15-2019 “Determining That Action to Construct and Install Certain Improvements to the Town Water District No. 1 Will Not Have a Significant Effect on the Environment”**.

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

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

WHEREAS, the Town Board of the Town of Lowville, Lewis County, New York (the “Town”) is considering undertaking the acquisition and construction of improvements to the Town’s Water District No. 1, including but not limited to the improvement and installation of a Granular Activated Carbon (GAC) filtration system at the Town’s water storage tank located on the Number Three Road, the replacement of the Town’s pumps at Pump Station No. 1, the acquisition and installation of original furnishings, equipment, machinery or apparatus required in connection therewith (the “Project”); 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 (“DEC”), being 6 NYCRR Part 617, as amended (the “Regulations”), the Town desires to determine whether approving the funding of the Project may have a significant effect on the environment and therefore require the preparation of an environmental impact statement; and

WHEREAS, the Town has prepared an environmental assessment form for the Project (the “EAF”), a copy of which was presented to and reviewed by the Town Board at this meeting and a copy of which is on file in the office of the Town Clerk; and

WHEREAS, pursuant to the Regulations, the Town Board has examined the EAF in order to make a determination as to the potential environmental significance of the Project; and

WHEREAS, the Project does not appear to constitute a “Type I Action” (as defined by the Regulations);

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF LOWVILLE, LEWIS COUNTY, NEW YORK AS FOLLOWS:

1. Based on an examination of the EAF and based further upon the Town’s knowledge of the area surrounding the Project and such further investigation of the Project and its environmental effects as the Town has deemed appropriate, the Town makes the following findings with respect to the Project:

(a) The Project is described in the EAF;

(b) The Project constitutes an “unlisted action” (as defined in the Regulations);

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(c) No potentially significant effect on the environment is noted in the EAF for the Project, and none are known to the Town;

(d) The Project will not have a significant effect on the environment; and the Town will not require the preparation of an environmental impact statement with respect to the Project; and

(e) As a result of the foregoing, the Town has issued a negative declaration with respect to the Project.

2. The Town Clerk is hereby directed to maintain a copy of the negative declaration in the Office of the Town Clerk in a file that is readily accessible to the public.

3. This resolution shall take effect immediately upon its adoption.

	<u>Ayes</u>	<u>Noes</u>	<u>Absent</u>
Supervisor Randall A. Schell	X	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Ruth I. Laribee	X	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Robert J. Mullin	<input type="checkbox"/>	<input type="checkbox"/>	X
Councilman Allison J. Millard	X	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Paul R. Virkler	X	<input type="checkbox"/>	<input type="checkbox"/>

**Bond Resolution CWD#1**

**Motion** by Councilman Millard, seconded by Councilwoman Laribee to adopt **Resolution No. 16-2019 "BOND RESOLUTION OF THE TOWN OF LOWVILLE, LEWIS COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,000,000 SERIAL BONDS TO FINANCE THE COST OF THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF WATER SYSTEM IMPROVEMENTS."**

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

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

Section 1. The Town of Lowville, Lewis County, New York (the "Town") hereby approves the acquisition and construction of improvements to the Town's Water District No. 1, including but not limited to the improvement and installation of a Granular Activated Carbon (GAC) filtration system at the Town's water storage tank located on the Number Three Road, the replacement of the Town's pumps at Pump Station No. 1, the acquisition and installation of original furnishings, equipment, machinery or apparatus required in connection therewith at an estimated maximum cost of \$2,000,000.

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 \$2,000,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of the issuance of \$2,000,000 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.

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Section 3. It is hereby determined that the periods of probable usefulness of the aforesaid specific object or purpose is forty (40) years pursuant to subparagraph 1 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) 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 Town of Lowville Water 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 sale by electronic bidding and 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 Town Supervisor, as chief fiscal officer of the Town, is further authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation (“EFC”) (the “SRF Project Financing Agreement”) and/or sell all or a portion of the Bonds or any bond anticipation notes issued in anticipation of the Bonds to the United States Department of Agriculture, Rural Development (“Rural Development”); to execute and deliver on behalf of the Town one or more SRF Project Financing Agreements or Rural Development Grant Agreements (“Grant Agreements”) between the Town, EFC and/or Rural Development in connection with the

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receipt of grants from EFC and/or Rural Development for all or a portion of the costs of the expenditures authorized by Section 1 of this resolution; to execute such other documents, take such other actions as are necessary or appropriate to obtain loans or grants from EFC and/or Rural Development for all or a portion of the costs of the expenditures authorized by Section 1 of this resolution; and perform the Town's obligations under its Bonds and/or bond anticipation notes delivered to EFC (under the SRF Project Finance Agreement), and/or to Rural Development (under the Grant Agreements).

Section 9. Any federal or New York State grant funds obtained by the Town for the capital purposes described in Section 1 of this Resolution shall be applied to pay the principal of and interest on the Bonds or any bond anticipation notes issued in anticipation of the Bonds or to the extent obligations shall not have been issued under this Resolution, to reduce the maximum amount to be borrowed for such capital purposes.

Section 10. 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 Regulation Section 1.150-2.

Section 11. 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 to 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 12. 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 or a summary hereof 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.

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Section 13. 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 14. This resolution is not subject to a referendum on petition in accordance with Section 35.00(b)(2) of the Local Finance Law.

Section 15. 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 16. 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 17. This resolution shall take effect immediately upon its adoption.

	<u>Ayes</u>	<u>Noes</u>	<u>Absent</u>
Supervisor Randall A. Schell	X	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Ruth I. Laribee	X	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Robert J. Mullin	<input type="checkbox"/>	<input type="checkbox"/>	X
Councilman Allison J. Millard	X	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Paul R. Virkler	X	<input type="checkbox"/>	<input type="checkbox"/>

**Town Clerk**

- Clerk's Monthly Report in Board Members' Packets & Daily Log passed for review.
- Local Government Conference October 15, 2019 @ SUNY Potsdam
- Met with LCTCTCA and Patty O'Brien, County Treasurer and Candy Aiken, LC Real Property and Ryan Piche, LC Manager regarding the new County Law and Tax Installment Payments. County has held public hearings and passed law. If the town wishes to opt in, must do so by resolution before October 1<sup>st</sup>. Will be attending a demonstration of the software at the Courthouse on July 25<sup>th</sup>.
- Reviewed and Updated Kennel Permit forms and procedures with DCO.
- Will be filing a Certificate of No Referendum re: Expenditure of Funds from Highway Equipment Reserve after 07/20/2019. Should be in the July 24<sup>th</sup> J&R.
- Would like to send in vital records book to Kofile for preservation. Money in budget for this.

**Motion** by Councilwoman Laribee, seconded by Councilman Millard authorizing the Town Clerk/RMO to send a vital records book to Kofile for preservation.

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

- Check to Supervisor for Interest from Tax Collector's account in the amount of \$.21.

**CEO**

- Monthly report is in Board members' packets.

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- Fee schedule update – Following review and a brief discussion the following resolution was presented.

**Motion** by Councilman Virkler, seconded by Councilman Millard to Adopt **Resolution No. 17-2019 “Adoption of Town of Lowville Planning, Zoning, Fire Prevention and Building Code Fee Schedule”**

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

WHEREAS, the Town Board of the Town of Lowville set a building and codes fee schedule January 15, 2009, and

WHEREAS, with the increased cost of inspections, administration, special meetings, and

WHEREAS, the 2009 fee schedule is not currently appropriate when compared with fees charged by other municipalities,

BE IT RESOLVED, that the Town Board of the Town of Lowville approves the suggested building and codes fee schedule recommended by the Town of Lowville Zoning/Code Enforcement Office, and

BE IT FURTHER RESOLVED, that the adopted fee schedule be implemented August 1, 2019.

- DANC/Ft. Drum Local Law requests – Nothing new.

**Superintendent of Highways/ Special Districts Superintendent**

- Paved Eagle Factory Road and Nefsey Road
- Shoulder work on Eagle Factory Road and Nefsey Road also completed
- Mowing roadsides
- Lift station at the office has been upgraded by P&T.
- Ditching on the Arthur Road and Griffith Road.
- Meet with Mickey Lehman from BC&A on pump station 1 upgrades.
- CWD#1 water usage is down from 60,000+ gallons (prior to finding leak) to 37,000 gallons (after fixing leak).

**DCO**

- Activities Report and Six Month Activities Report in board members’ packets.
- Enumeration Update – would like to conclude enumeration end of July.

**Motion** by Councilwoman Larabee, seconded by Councilman Virkler to end the dog enumeration on July 31, 2019.

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

**Assessor**

- Reassessment: After a brief discussion the following resolution was presented.

**Motion** by Councilwoman Larabee, seconded by Councilman Virkler to adopt **Resolution No. 18-2019 “Authorizing the 2020 Reassessment/Data Collection Project”**.

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

WHEREAS, Section 305 of the Real Property Tax Law requires that the Town maintain a practice of uniform assessment; and



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WHEREAS, the assessor of the Town of Lowville has made a presentation to the Town Board concerning the benefits and necessity of conducting town wide reassessment and

WHEREAS, the Town Board believes that it is in the best interest of the Town of Lowville to conduct a town wide reassessment,

BE IT RESOLVED, that the Town Board of the Town of Lowville authorizes and directs the Town Assessor to conduct a town wide reassessment of all properties located within the Town of Lowville for the 2020 tax roll and to expend funds within her budget or such state grants as may be obtained to support the reassessment as provided for hereinafter to accomplish such reassessment,

BE IT FURTHER RESOLVED, that the Town Board of the Town of Lowville hereby request State assistance, specifically from the Office of Real Property Services (ORPS), to carry out the town wide reassessment,

BE IT FURTHER RESOLVED, that the Supervisor of the Town of Lowville is authorized and directed to make application to ORPS for financial assistance concerning the reappraisal project pursuant to Section 1573 of Real Property Tax Law and to further enter into and execute such agreements and/or memorandum of understanding between the Town of Lowville and ORPS as may be necessary.

**Budget Office/Bookkeeper**

Scott Lawrence will be at August meeting with the second quarter financials.

**Engineer**

Supervisor Schell started intervener funding recoup process for #3 Wind Farm engineering and legal fees. Can go back to January 5, 2018.

**Justice**

Court Clerk Defone will be retiring as of December 31, 2019. Justice Kiernan would like to hire a temporary Deputy Court Clerk to train and be ready to take over in full on January 1, 2020. The Board will need to create a new position. After a brief discussion, the following resolution was adopted.

**Motion** by Councilwoman Larabee, seconded by Councilman Millard to adopt **Resolution No. 19-2019 “Creating Position of Deputy Court Clerk”**.

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

WHEREAS, the Town of Lowville wishes to create a new job classifications for the Justice Court due to the upcoming retirement of the current Court Clerk, now therefore

BE IT RESOLVED, that the Town Board hereby establishes the position of Deputy Court Clerk and

BE IT FURTHER RESOLVED, that the Town Board sets the hourly wage for the position of Deputy Court Clerk at \$13.00/hr with a maximum number of hours per month set at 20 hours.

**Motion** by Councilman Virkler, seconded by Councilman Millard to appoint Erin R. Murphy to the position of Deputy Court Clerk effective immediately thru December 31, 2019.

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

**OLD BUSINESS**

- Hospital Hill/Ross Road Drainage – Supervisor Schell spoke with Anne Shaw at the Dormitory Authority. Update plan to pipe directly to Village storm-water system. Money left over may be transferred to Ross Road project.
- Administrative Order WD#1 – All engineered plans by September to Department of Health; Grant requirements are being completed by Mickey Lehman at BC&A.
- Mill Creek – Will continue to assist the County and the Village with man power and equipment as necessary.

**NEW BUSINESS**

- Roaring Brook Road Use Agreement – As above.
- LED upgrade – A representative of National Grid performed energy audits at both the Town Office Building and the Highway Garage. Summaries of these audits were provided to Supervisor Schell who reported to the board as follows: Office Building – replace bulbs and ballasts with LEDs. Monthly savings approximately \$97. The savings will pay for the upgrades in approximately 30 months. The Village will pay a percentage of the cost as they do with building expenses. Cost for the upgrades would be \$2,976.67 with the highway employees completing the installations. Highway Garage – cost of the upgrades would be \$1,430.68 with an estimated monthly savings of approximately \$34 with a payback period of approximately 42 months. Highway Superintendent Widrick does not believe it to be necessary at this time.

**Motion** by Councilwoman Larabee, seconded by Councilman Millard to pursue the LED conversion project for the Municipal Building.

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

**Motion** by Councilman Millard, seconded by Councilman Virkler to adjourn the meeting at 10:54 a.m.

Respectfully submitted,

Aimee L. Murphy, RMC  
Town Clerk