

**Town of Lowville Regular Board Meeting
February 18, 2021**

DRAFT

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 February 2021.

Due to the ongoing state of emergency situation for New York State, the Town of Lowville will be allowing the public to join in via video conference.

Present: Paul Virkler, Deputy Supervisor
Ruth Larabee, Councilwoman
John D. Ross, Councilman
Robert Mullin, Councilman
Thomas Widrick, Highway Superintendent/Special Districts Superintendent

Also Present: Paul Denise, Village of Lowville DPW Superintendent; Henry Avallone

Also Present via Zoom: Mickey Dietrich, Tug Hill Commission; Randall Schell, Town Supervisor; Raymond Meier, Town Attorney; Aimee Murphy, Town Clerk; Marguerite Wells, Invenergy; Kathy Manning, Zoning Officer; Scott Lawrence, Bookkeeper/Budget Officer; Kevin Brouillard, Lewis County Planning Department; Tim Widrick, Village of Lowville Trustee

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 Councilman Mullin, seconded by Councilman Ross to approve the minutes of the January 21, 2021 regular board meeting.

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

CORRESPONDENCE

Virtual BAR letter from County – Assessing units may opt to allow for electronic filing of complaints with the BAR. Assessor Gratch is not in favor of allowing this. No action taken by the Board.

Letter of support for Veterans Park grant – Supervisor Schell wrote a letter of support to the NYS Environmental Facilities Corporation in favor of the Village of Lowville’s Veterans Park Green Infrastructure Project.

Clean Communities offer – Kevin Bouilliard of the Lewis County Planning Office will be joining the meeting later to give a presentation.

VOUCHERS

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

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

General – Abstract #2	Voucher #34 to #64	\$ 10,643.64
Highway - Abstract #2	Voucher #13 to #21	\$ 32,724.13
Capital Water – Abstract #2	Voucher #4	\$ 11,167.46
Trust & Agency	(01/21/21)	<u>\$ 11,423.03</u>
	Total	\$ 65,958.26

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SUPERVISOR'S REPORT

Receipts:	Town Clerk	\$ 1,165.78
	Town Court	\$ 1,739.00
	CEO	\$ 0.00 (\$50.00 ytd)
	Zoning	\$ 0.00 (\$00.00 ytd)
	NYS SAM grant	\$ 17,970.31
	Tax Collector	\$ 656,480.12
	T/Denmark	\$ 171.54 (DCO part expenses 2020)
	Gladiators Cleaning	\$ 50.00 (DCO expenses 2020)
	Absolute Auctions	\$ 25,000.00 (2017 F350 sale)

Supervisor Schell's activities report was emailed to Board Members.

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

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

DEPARTMENT REPORTS

TOWN CLERK

- Clerk's Monthly Report is in the Board Members' Packets.
- Received copies of #3 Wind LLC's application to US Army Corps of Engineers for a federal wetlands permit. Available for review at the Town Clerk's office.
- Clerk Murphy has been in quarantine since January 27th, and is doing as much as possible from home. Deputy Monnat should be acknowledged for stepping up and running the office during this time.

TAX COLLECTOR

- Tax Collector's report as of 2/12/21 is in the Board Members' packets.
- Tax collection continues with Deputy Monnat accepting payments and making deposits while Clerk Murphy is working from home.

Tax Collected	\$2,569,724.26
Fees Collected	\$ 1,584.64
Bank Interest Collected	\$ 2.63
Total Collected through 2/12/21	\$2,571,311.53
Paid to Supervisor	\$1,004,892.85 (tax warrant)
Paid to Supervisor	\$ 1,587.27 (Fees and Interest)
Paid to Lewis County Treasurer	<u>\$1,500,000.00</u>
Total Disbursements	\$2,506,480.12

Motion by Councilwoman Larabee, seconded by Councilman Mullin to accept the Town Clerk and Tax Collector reports as presented.

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

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ATTORNEY

COVID Sick Leave: Attorney Meier suggested a change in the wording of the Public Employer Health Emergency Plan (PEHEP) for the Town of Lowville, Employee and Contractor Leave section. He is concerned with the town setting policy for payment of quarantine time based on an order that expired on December 31st, 2020. Suggested changing wording to be similar to “Shall be provided such time off and be paid at such rates as may be required by any governing NYS & Federal law, regulation, rule or order.”

One of the highway employees was quarantined due to exposure and used 20 and ½ hours of his sick time for said quarantine. He is now asking if that time will be restored to him. Lengthy discussion took place. Supervisor Schell stated that he believes that if an employee can “work from home” they should not have to take sick time, but since the highway employee cannot complete their duties from home, it should be considered sick time. The draft plan was submitted to the Teamsters Union and was accepted by them.

A lengthy discussion took place. Attorney Meier and Clerk Murphy will reword the section on the PEHEP on Employee and Contractor Leave so that it may be presented to the Teamsters Union for their approval. No further action taken by the Board at this time.

#3 Wind LLC

Marguerite Wells of Invenegy reported that they plan on starting tree cutting the week of March 8, 2021. After tree cutting, no further work will be done until July.

Clean Energy Communities

Kevin Brouillard from the Lewis County Planning Department joined the Zoom meeting and gave a presentation on the requirements and what is available for communities to apply for grants to become a Clean Energy Community.

Supervisor Schell will make sure the Board members receive copies of the PowerPoint Presentation.

Budget Officer/Bookkeeper

Accountant Scott Lawrence reviewed the 2020 financials with the Board. Budget transfers needed to close out the books for 2020 were reviewed with the Board.

Motion by Councilman Mullin, seconded by Councilwoman Larabee to adopt **Resolution No. 6-2021, “Approval of Budget Transfers.”**

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

RESOLVED, that the requested budget transfers are hereby authorized.

***Copies of Budget Transfers are incorporated at the end of these minutes.*

DCO

- Monthly report and 2020 annual report are included in board members’ packets.

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

- 2016 F350 with plow auction concluded with a winning bid of \$26,500.00. Formal resolution will be needed to accept the bid to finalize the sale

- Pumps from PS1 auction has also concluded with a winning bid of \$170.00. Formal resolution will be needed to accept the bid to finalize the sale. Will be picked up on Friday 2/19.

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- GAC update: emailed Bob Boliver at BC&A earlier this week. #3 Pump is being tested now. Building delivery date is scheduled for early next week.
- Emailed Ox Paperboard on the new meter installation. No response back.
- Hillcrest/Sunset water rate increase request: Village Board referring back to the Municipal Board, no action taken.
- Request to purchase a Ferris IS3200 Zero turn lawn mower to replace the worn 2004 Jacobson Turfcats T628D lawn mower. Estimated cost of the new lawn mower is \$10,699.00.

Motion by Councilman Mullin, seconded by Councilwoman Larabee to adopt **Resolution No. 7-2021** **“Expenditure of Funds From the Highway Equipment Reserve Fund Subject to Permissive Referendum for Purchase of New Zero Turn Lawn Mower”**.

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

WHEREAS, the Town of Lowville has previously established a highway reserve fund for the purpose of funding certain capital expenses that may from time to time be required; and

WHEREAS, upon the recommendation of the Superintendent of Highways, the Town Board has determined that it is necessary to purchase for the Highway Department a new Ferris IS3200 Zero turn lawn mower; NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lowville authorizes the expenditure up to the sum of ten thousand six hundred ninety-nine dollars (\$10,699.00) from the Highway Equipment Reserve Fund for the purpose of purchasing a new Ferris IS3200 Zero Turn lawn mower; and be it further

RESOLVED, that this resolution and the authorization set forth herein is subject to a permissive referendum; and be it further

RESOLVED, that should a petition for a permissive referendum be filed under the terms of Article 7 of the Town Law then this resolution shall take effect only if it is approved by the majority of the votes cast in such referendum, but if no such petition is filed, then this resolution shall take effect thirty days after its adoption.

Motion by Councilman Mullin, seconded by Councilman Ross to adopt **Resolution No. 8-2021**, **“Declaration as Surplus 2004 Jacobson Turfcats T628D lawn mower.”**

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

WHEREAS, the Town of Lowville Highway Department has items no longer of use to the Town of Lowville and wish to declare them as surplus items, then therefore

BE IT RESOLVED, that the Town of Lowville declares the following items as surplus:

- 1 – 2004 Jacobson Turfcats T628D Lawn Mower

RACOG

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

Comprehensive Plan: surveys are complete and Alaina is pulling together the data.

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OLD BUSINESS

Councilman Ross began a discussion of the state of agriculture in the county and the notion that something must be done to keep the family farm viable. He discussed the issue of zoning and its limitations placed on farmland hindered family farms in diversifying to help make ends meet. Attorney Meier shut down any further discussion when it turned into discussing issues with Councilman Ross's own property.

NEW BUSINESS

Motion by Councilman Mullin, seconded by Councilman Ross to adopt **Resolution No. 9-2021 “Sale of 2016 Ford F350 Super Duty with Plow”**.

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

WHEREAS the Town of Lowville has declared the 2016 Ford F350 Super Duty XL 4X4 Crew Cab with 9.5’ Fisher V-Plow as surplus and wish to sell it, and

WHEREAS the Town has received a high bid of \$26,500.00 through the Constableville Auction Hall, then therefore

BE IT RESOLVED, that the Town Board accept the bid through the Constableville Auction Hall.

BE IT FURTHER RESOLVED that the funds received for the sale of the truck be put into the Highway Equipment Reserve Fund.

Motion by Councilwoman Larabee, seconded by Councilman Mullin to adopt **Resolution No. 10-2021 “Sale of Surplus Water Pumps”**

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

WHEREAS the Town of Lowville has declared two Goulds Model 3656 pumps with Baldor 2450 RPM Motors as surplus items and

WHEREAS the Town has received a high bid of \$170.00 through the Constableville Auction Hall, then therefore

BE IT RESOLVED, that the Town Board accept the bid through the Constableville Auction Hall.

Thanks

Paul Denise, Village of Lowville DPW Superintendent thanked Supervisor Schell and the Town Board for their support with the grant application for improving Veterans Park in the village.

Motion by Councilman Ross, seconded by Councilman Mullin to adjourn the meeting at 11:17 a.m.

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

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk