

**Town of Lowville Regular Board Meeting
January 21, 2021**

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 January 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
Aimee Murphy, Town Clerk
Thomas Widrick, Highway Superintendent/Special Districts Superintendent
Dr. James Coffman, Town Justice

Also Present: Paul Denise, Village of Lowville DPW Superintendent

Also Present via Zoom: Mickey Dietrich, Tug Hill Commission; Randall Schell, Town Supervisor; Raymond Meier, Town Attorney; Nicholas Astafan Jr., Dog Control Officer

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 Councilwoman Larabee to approve the minutes of the December 30, 2020 regular board meeting.

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

CORRESPONDENCE

Teamsters Health Insurance Contracts – Returned all signed.
#3 Wind Host Community Agreement – Received signed copy.
TJA Solar Co. – looking to lease land for ground mounted Solar Farm.
UCS – requesting copy of Justice Court Audit for 2020.
Judge Coffman – letter stating records and ready for audit.

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 #1	Voucher #1 to #33	\$ 89,175.39
Highway - Abstract #1	Voucher #1 to #12	\$ 88,375.03
Capital Water – Abstract #1	Voucher #1 to #3	\$ 80,062.28
Trust & Agency	(01/21/21)	<u>\$ 14,651.18</u>
	Total	\$272,263.88

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SUPERVISOR’S REPORT

Receipts:	Town Clerk	\$ 938.92
	Town Court	\$ 668.00
	CEO	\$ 50.00 (\$50.00 ytd)
	Zoning	\$ 0.00 (\$00.00 ytd)
	NYS CHIPS	\$ 53,048.33
	NYMIR	\$ 113.30 (removal of F350)
	Lewis Co. Self Insurance	\$ 810.09 (reimbursement for S.F.)
	T/New Bremen	\$ 514.61 (DCO expenses 2020)
	Tax Collector	\$ 350,000.00
	Brookside PILOT	\$ 87,143.90

Supervisor Schell’s activities report is in Board Members’ packets.

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

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

Councilman Ross inquired about a PILOT for the US Light/Steria solar project. Supervisor Schell stated that there is nothing yet in the Town of Lowville.

DEPARTMENT REPORTS

ATTORNEY

- Nothing new to report

TOWN CLERK

- Clerk’s Monthly Report and annual report are in Board Members’ Packets & Daily Log has been passed for review.
- Have received an email letter of interest for vacancy on the ZBA. Forwarded letter to board members.
- Clerk and Deputy attended webinar: Acknowledgment of Paternity and the Child-Parent Security Act.
- Received a few comprehensive plan surveys in the mail. Tom Widrick entered into the online system.
- Have not received a big response to the dog surveys for online licensing. Only 5 for and 10 against.
- Association of Towns annual training will be held virtually 2/14/21 to 2/17/21. Anyone interested in attending can contact Clerk Murphy for more information.

TAX COLLECTOR

- Tax Collection has begun. Rough start to begin with but has gotten better.
- Have has a few people use the installment payment option, a few e-check and credit card payments.
- January collection report through 1/19/2021 is in the board member’s packets.

Paid to Supervisor\$ 350,000.00 1/11/2021

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Total taxes collected through 1/19/2021: \$775,710.10

CEO

Monthly report and 2020 Annual report are included in the Board Members' packets.

SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS

- New 2021 F150 is here.
- New 2021 F350 with plow was picked up today.
- The 2017 F150 auction has ended the winning bid was \$25,000.00. The Board would need to formally accept the bid for the sale to finalize.

Motion by Councilwoman Larabee, seconded by Councilman Mullin to adopt **Resolution No. 1-2021 "Sale of 2017 Ford F150 Pickup Truck"**

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

WHEREAS the Town of Lowville has declared the 2017 Ford F150 Pickup truck as surplus and wish to sell it, and

WHEREAS the Town has received a high bid of \$25,000.00 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.

- Pumps that were put up for auction through the Constableville Auction Hall received a bid of \$1.00. Superintendent Widrick recommended that the board not accept the bid and relist the pumps.

Motion by Councilman Mullin, seconded by Councilman Ross to reject the bid of \$1.00 received through the Constableville Auction Hall and relist for sale.

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

- NY Rural Water Association was here on 1/8/21 to check for leaks in the Walmart line and the fire protection system around the old Climax building, now owned by Ox Paper. No leaks found.

- Superintendent Widrick was contacted by NYS DOT regarding the railroad tracks on the East Road known as the Lowville Industrial Track of the Mohawk, Adirondack and Northern Railroad. This set of tracks needs to be declared exempt by resolution of the board.

Motion by Councilman Mullin, seconded by Councilman Ross to adopt **Resolution No. 2-2021 "Petitioning the NYS Department of Transportation to Consider the Installation of Exempt Signs on Highways Under the Jurisdiction of the Town of Lowville, Lewis County, New York"**.

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

WHEREAS; the use of EXEMPT Signs are authorized and ordered after careful consideration by the NY State Department of Transportation, and

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WHEREAS; the Lowville Town Board understands that the EXEMPT Signs are proposed for a rail line that is out-of-service, that the railroad will order any infrequent trains, such as work trains, to Stop and Proceed when safe to do so at all rail/highway crossings, and that in the event that the prospects for future rail service become a reality, that the Department of Transportation will withdraw the Order for EXEMPT Signs.

NOW, THEREFORE, BE IT RESOLVED; that the Lowville Town Board does hereby request that the NYS Department of Transportation consider the need for EXEMPT Signs at all rail/highway crossings including but not limited to the Lowville Industrial Track of the Mohawk, Adirondack and Northern Railroad under jurisdiction of the Town of Lowville, and

BE IT FURTHER RESOLVED; that the Town Highway Superintendent is authorized and directed to cause the EXEMPT Signs to be installed on Town Highways that are not state highways, if ordered by the NYS Department of Transportation.

- NYS DOT would like to assist Municipalities in responding to emergencies that affect the transportation system. In the event that the local Highway System is impacted by an event, NYSDOT forces can normally only offer assistance when a Governor's Emergency Declaration has been made. In the absence of a Governor's Emergency Declaration and/or suspension of Highway Law §55, NYSDOT forces can assist local Municipalities with issues on the local Highway system if a Shared Services Agreement has been entered into between the Municipality and NYS. The current Emergency Shared Services Agreement will expire in 2021.

Motion by Councilman Mullin, seconded by Councilwoman Larabee to adopt **Resolution No. 3-2021 "Shared Services Agreement Between NYSDOT and the Town of Lowville"**.

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

WHEREAS the NYSDOT wishes to provide assistance to the Town of Lowville in the event of an emergency effects the local Highway System

BE IT RESOLVED that the Town of Lowville will enter into a Shared Services Agreement with the NYSDOT for a four (4) year period with Deputy Supervisor Virkler being authorized to sign said agreement.

** A copy of this agreement is included at the end of these minutes.*

DCO

- Monthly report and 2020 annual report are included in board members' packets.
- DCO Astafan stated that there will be a rabies clinic this Saturday at Maple Ridge in Lowville.

**A copy of the annual report is included at the end of these minutes.*

ASSESSOR

Candy Akin, Lewis County Real Property Tax Director sent a notification that the Executive Order issued by Governor Cuomo on December 18, 2020 allowing municipalities the option to waive the requirement for seniors to renew their senior citizen's exemption has changed

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and on December 28, 2020, Governor Cuomo signed into law the requirement for all municipalities to extend the senior citizen exemption to all seniors that received the exemption on the 2020 assessment roll without the need to file a renewal. The law also includes language that restricts the assessor from removing the exemption even in the event of the death of the senior, a residency change, a transfer to a new owner, or the addition of an owner, unless the town passes a resolution granting permission to the assessor to make changes to the senior exemption in those limited scenarios. She sent a sample resolution for the Boards consideration which will authorize the assessor to remove the exemption in those limited circumstances. After review, the following resolution was presented.

Motion by Councilwoman Larabee, seconded by Councilman Mulling to adopt **Resolution No. 4-2021 “ADOPTS PROVISIONS OF EXECUTIVE ORDER 202.83 SUSPENDING THE REQUIREMENTS OF RENEWAL APPLICATIONS AS A CONDITION TO GRANTING EXEMPTIONS UNDER SECTIONS 459-C AND 467 OF THE REAL PROPERTY TAX LAW”**

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

WHEREAS, the Governor of the State of New York by Executive Order No. 202 dated March 7, 2020, declared a state disaster emergency for the entire State of New York; and

WHEREAS, both travel-related and community contact transmission of COVID-19 have been documented in New York State and are expected to continue; and

WHEREAS, pursuant to Section 29-a of Article 2-B of the Executive Law, New York State Governor Andrew Cuomo did issue Executive Order 202.83 dated December 18, 2020, 2020, which authorized, by local option, the governing body, to adopt the provisions of that Executive Order 202.83, which temporarily suspends or modifies, subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law. The COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (Chapter 381 of the Laws of 2020) was signed into law by Governor Cuomo on December 28 mandating the provisions.

NOW THEREFORE BE IT RESOLVED, that pursuant to Executive Order 202.83 issued by New York State Governor Andrew Cuomo and Chapter 381 of the Laws of 2020, the Town Board of the Town of Lowville hereby authorizes the Assessor to request an application where he or she has reason to believe that the applicant may have changed his or her primary residence, added an additional owner to the deed, transferred the property to a new owner, or died, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Assessor; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

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JUSTICE

The Justice Court records were made available to the Board for review. Supervisor Schell met with Justice Coffman and reviewed his records on January 8, 2021.

Motion by Councilman Ross, seconded by Councilman Mullin to adopt **Resolution No. 5-2021, "Approving the Audit of Justice Court Records for the Town of Lowville Justice Court."**

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

WHEREAS, the Town of Lowville Justice Court Records were made available for audit by the Town of Lowville Board on January 21, 2021, and

WHEREAS, the Town of Lowville Supervisor audited said records on January 08, 2021 and found them to be in good order, then therefore

BE IT RESOLVED, that the Town Board of the Town of Lowville approved the annual audit of the Justice Court Records as presented by Supervisor Schell.

**A copy of the Audit is incorporated at the end of these minutes*

RACOG

Mickey Dietrich gave a brief update on the happenings at RACOG. He will be sending a list of trainings and workshops for Town Clerk Murphy to forward onto board members.

OLD BUSINESS

Administrative Order CWD#1: 4th quarter report sent in early January. DBP report should be coming soon.

Public Employer Health Emergency Plan: Sent to Teamsters Union, but did not hear back. No action taken.

ZBA Vacancy: Eric Quina sent a letter of interest in serving on the ZBA. After a brief discussion the following appointment was made.

Motion by Councilwoman Larabee, seconded by Councilman Ross to appoint Eric Quina to fill the vacancy on the Town/Village Zoning Board of Appeals for a 5-year term (01/21/2021 through 12/31/2025).

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

NEW BUSINESS

Library Contract: The library agreement was discussed.

Motion by Councilwoman Larabee seconded by Councilman Mullin authorizing Deputy Supervisor Schell to sign the Library Agreement.

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

COVID Credit – Accountant Lawrence spoke with Supervisor Schell about a credit that could be taken on the taxes of people who were quarantined or isolated due to COVID. This credit ended 12/31/2020, but Supervisor Schell said that the Town could opt to carry over this credit to 2021. Attorney Meier to look into and report back.

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Motion by Councilman Ross, seconded by Councilman Mullin to adjourn the meeting at 10:41 a.m.

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

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk