

**Town of Lowville Regular Board Meeting  
April 15, 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 15th day of April 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:** Randy Schell, Supervisor  
Paul Virkler, Deputy Supervisor  
Ruth Larabee, Councilwoman  
John D. Ross, Councilman  
Robert Mullin, Councilman  
Aimee L. Murphy, Town Clerk  
Thomas Widrick, Highway Superintendent/Special Districts Superintendent

**Also Present:** Ron Burns, Legislator

**Also Present via Zoom:** Mickey Dietrich, Tug Hill Commission; Kathy Manning, Zoning Officer; Nicholas Astafan, DCO; Chuck Terrillion, Village Trustee; Mariah Monnat, Deputy Town Clerk; Madison Ruffo, NPR news reporter;

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

**MINUTES**

**Motion** by Councilman Mullin, seconded by Councilwoman Larabee to approve the minutes of the March 18, 2021 regular board meeting.

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

**CORRESPONDENCE**

- Volunteer Transportation Center: Letter requesting their 2021 allocation. Supervisor Schell responded, informing them that they had failed to return a signed contract and upon doing so, a check could be issued. Signed copy has since been returned.
- Lowville Rural Cemetery Association: Proposed addition to existing maintenance building. Would like the Town to assist with labor and equipment to complete the site work for the project.
- Lewis County Amateur Hockey Association: Report of season.

**VOUCHERS**

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

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

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General – Abstract #4	Voucher #103 to #130	\$ 14,297.11
Highway - Abstract #4	Voucher #33 to #42	\$ 23,496.38
Capital Water – Abstract #4	Voucher #7 to #9	\$ 619,269.72
Trust & Agency	(03/31/21)	\$ 3,982.42
Trust & Agency	(04/08/21)	<u>\$ 7,222.06</u>
	Total	\$ 668,267.69

**SUPERVISOR’S REPORT**

Receipts:	Town Clerk	\$ 2,079.26
	Town Court	\$ 1,842.00
	CEO	\$ 948.01 (\$1,151.61 ytd)
	Zoning	\$ 255.00 (\$655.00 ytd)
	T/Denmark	\$ 343.07 (balance 2020 DCO expenses)
	Tax Collector	\$ 1,751.86
	#3 Wind - HCA	\$ 15,000.00

Supervisor Schell’s activities and financial report is included Board Members Packets.

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

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

**DEPARTMENT REPORTS**

**HISTORIAN**

Supervisor Schell reported that repairs to stones at the East Rd. Cemetery that weren’t completed last year will be done this year.

**TOWN CLERK**

- Clerk’s Monthly Report is in the Board Members’ Packets and Daily Log has been passed for review.
- Filed Certificate of No Referendum for purchase of the Ferris Lawn Mower.
- Mailed out DBP violation notices to CWD#1 residents.
- Preparing for spring water billing cycle. Bills will be mailed to customers around April 30<sup>th</sup>.
- Working with Mickey Dietrich on updating the website.
- Set up Workplace Violence & Sexual Harassment and Discrimination training for June 15<sup>th</sup>. Three different time slots are available for officials/employees to choose from.

**TAX COLLECTOR**

Mailed out approximately 160 delinquent tax notices.

Tax Collected:	\$95,558.98
Interest Collected:	1,750.52
<u>Bank Interest:</u>	<u>1.34</u>
Total Collected:	\$97,310.84

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Paid to Supervisor	\$ 1,751.86
Paid to Treasurer	95,558.98
Total Distributed:	\$ 97,310.84

**Motion** by Councilwoman Larabee, seconded by Councilman Mullin to accept the Town Clerk and Tax Collector's reports.

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

**CEO**

Monthly Report included in the Board Members' packets.

**SUPERINTENDENT OF HIGHWAYS/SPECIAL DISTRICTS**

- GAC building is on site and being setup. Possible "soft start up" next week.
- The new Ferris Mower has arrived.
- Repairs have been made to the shop floor and drains.
- DEC sewer lift station pumps are repaired, reinstalled and working.
- Ox Paper is installing new meters today. The Town has sent the bill for the new meters and is awaiting payment from Ox Paper.
- Received a letter of appreciation from Town of Denmark for helping with snow removal when their highway department was on quarantine.
- Spoke with County Highway Superintendent, Tim Hunt. Purchase price for the County's used grader reduced to \$20,000.00. Village DPW Superintendent Denise has agreed to the Village splitting the cost of the grader with the Town. Councilwoman Larabee questioned if the cost of maintenance and repairs of the equipment will also be a shared expense. Superintendent Widrick will research.

**Motion** by Councilman Mullin, seconded by Councilman Ross to adopt **Resolution #13-2021, "Purchase of 1988 CAT 12G grader"**.

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

Whereas the Town of Lowville wishes to purchase a grader for the highway department, and

Whereas the County of Lewis has a surplus grader for sale, be it

RESOLVED, that the Town of Lowville Highway Superintendent be authorized to purchase a used 1988 CAT 12G grader from the County of Lewis at a purchase price of \$20,000.00, and be it further

RESOLVED, that the purchase of the equipment be contingent upon the cost be shared with the Village of Lowville at a percentage of 50/50 (\$10,000.00 each) and also the cost of future maintenance and repairs at a percentage of 50/50 Town/Village.

BE IT FURTHER RESOLVED, that the purchase of the equipment be contingent upon the grader being in good running order before it is purchased.

-The old Jacobsen Mower was listed for sale with the Constableville Auction Hall. The final bid received for the auction was \$2,100.00.

**Motion** by Councilman Mullin, seconded by Councilwoman Larabee to adopt **Resolution #14-2021, "Sale of 2004 Jacobsen Turfcut 628D 2WD Mower"**.

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

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WHEREAS the Town of Lowville has declared the 2004 Jacobsen Turfcut 628D 2WD Mower as surplus and wish to sell it, and

WHEREAS the Town has received a high bid of \$2,100.00 through the Constableville Auction Hall, then therefore

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

- Ross Road Drainage: Will finish with the help of the County when drier (June/July).
- CHIPS: Waiting for a letter from the State telling how much is coming. Plan to pave Brookside Circle and Bickford Rd.
- Willow Grove Rd.: Not paving until next year.
- Parking Lot of Municipal Building: Received quote for repaving the municipal building parking lot and lot next to the Village Police Department, behind the Municipal Building. Cost to be split between the Town, the Village and the Lowville School District if approved by all boards.

**Motion** by Councilman Mullin, seconded by Councilman Virkler to approve paving of the parking lot located at the Town Municipal Building, 5533 Bostwick St., contingent on agreement of the Village to share cost of such paving.

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

- Lowville Rural Cemetery Association has requested assistance with labor and equipment to complete the site work for their proposed addition to the existing maintenance building. Following a brief discussion, the following motion was passed.

**Motion** by Councilwoman Larabee, seconded by Councilman Mullin to authorizing the Highway Superintendent to provide appropriate labor and equipment to complete the site work for the Lowville Rural Cemetery Association proposed addition to existing maintenance building project.

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

### **DCO**

- Monthly report is included in board members' packets.
- DCO Astafan reported that Lewis County Public Health will be sponsoring rabies clinics throughout the County during the month of May. Listing of clinics is posted on the Town's website and on the Town Clerk's bulletin board.

### **ASSESSOR**

Supervisor Schell reported that Assessor Gratch gave him a list of property sales in the Town of Lowville. She feels that the State may demand a re-val in the near future due to the sale of properties in the Town and Village being on average significantly higher than the assessed values.

### **BUDGET OFFICER/BOOKKEEPER**

Accountant Scott Lawrence should have the 1<sup>st</sup> quarter financial report for the May board meeting.

Superintendent Widrick reported that with the assistance of Barton & Logudice, without charge, applications to BRIDGENY2021 have been submitted for the O'Brien Rd, Gardner Rd, and Patten Rd. box culverts to help cover cost of repairs. Selection of awards will be September 2021. He has solicited a letter of support from the Village of Lowville and Lowville Academy and Central School.

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**RACOG**

Mickey Dietrich gave a brief update on the happenings at RACOG. The next RACOG meeting will be on April 20<sup>th</sup> @ 6:00 p.m. with Jennifer Perry of ANCA speaking on Clean Energy Community Grants (Potentially).

**Comprehensive Plan:** There was a brief discussion regarding the plan. Also, regarding the ability to locate the new plan activity on the Town’s website. Mickey stated that the will create a link on the homepage that will connect to the new plan’s page.

**OLD BUSINESS**

**Administrative Order CWD#1:** Supervisor Schell sent in his quarterly report with pictures of the progress with the new GAC building.

**NEW BUSINESS**

Supervisor Schell would like to see the Town pass a local law opting out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4. A copy of the proposed law was included in the board members’ packets. This would pertain only to the Town of Lowville, outside the Village of Lowville. A public hearing would be necessary to pass the local law. The local law would also be subject to a permissive referendum, and with the proper number of signatures, could potentially be placed on the ballot in November for a vote from the people. This would NOT affect people who will be growing cannabis, or use of marijuana wherever smoking is allowed.

**Motion** by Councilwoman Larabee, seconded by Councilman Mullin to adopt **Resolution # 15-2021, “Setting Public Hearing for Local Law #1-2021”**

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

WHEREAS, the Town Board of the Town of Lowville, and each and every member thereof was presented with copies of a proposed Local Law entitled “A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized Under Cannabis Law Article 4”, and such copy of the proposed Local Law was placed upon the desks of the members of the Town Board at their regular meeting held on April 15, 2021; and

WHEREAS, Municipal Home Rule Law §10, paragraph 5 provides that the Town Board may not act upon such Local Law except after a public hearing held upon at least five days’ notice, now therefore be it,

RESOLVED by the Town Board of the Town of Lowville that the public hearing for the above referenced proposed Local Law is set for the next regular meeting of the Town Board on May 20, 2021 at 10:00 a.m. at the Town Hall located at 5533 Bostwick Street, Lowville, New York 13367, and be it further

RESOLVED, that the Town Clerk is directed to publish notice of the public hearing in the official town newspaper and also post the notice of public hearing on the Town Clerk’s bulletin board.

**Renaming Creek**

There is a creek running through the Towns of Denmark and Lowville, currently named “Negro Creek”. Assemblyman Ken Blankenbush’s office has contacted the Towns of Lowville and Denmark

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looking for support in renaming the creek. There was discussion about the origin of the name and that it could have been part of the “Underground Railroad”. Discussion was tabled pending response from the Town of Denmark and research on the historical significance of the name.

**#3 Wind HCA**

Supervisor Schell stated that he would like to move some of the HCA funds the Town has received from #3 Wind and use them in CWD#1. He has contacted Attorney Meier and is awaiting a response as to the feasibility. No action taken at this time.

**Motion** by Councilman Ross, seconded by Councilman Mullin to adjourn the meeting at 10:46 a.m.  
ADOPTED - AYES – Larabee, Mullin, Ross, Schell, Virkler      NAYS – 0

Respectfully submitted,

Aimee L. Murphy, RMC  
Town Clerk

DRAFT