

**Town of Lowville Regular Board Meeting
May 20, 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 20th day of May 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
Raymond Meier, Town Attorney
Aimee L. Murphy, Town Clerk
Thomas Widrick, Highway Superintendent/Special Districts Superintendent

Also Present: Henry Avallone, Planning Board; Ron Burns, Legislator (entered at 9:38am)

Also Present via Zoom: Mickey Dietrich, Tug Hill Commission; Nicholas Astafan, DCO; Chuck Terrillion, Village Trustee; Marguerite Wells, Invenergy; and approximately 4 other people;

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 Mullin to approve the minutes of the April 15, 2021 regular board meeting.

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

CORRESPONDENCE

- IDA PILOT on Waters Road Solar: Formal agreement to come at a later date.
- #3 Wind Decommissioning Plan: Attorney Meier will discuss when he arrives later in meeting.
- NYS Tax & Finance – Equalization Rates: The Town will remain at 100%.
- LACS – Parking Lot: Supervisor Schell requested that the school pay for part of the paving expenses of resurfacing the parking lot in the amount of \$8,963. The school counter-offered with \$5,918. Supervisor Schell mailed an invoice for \$8,963 along with a letter to the school superintendent asking they reconsider the original amount.

VOUCHERS

Motion by Councilman Mullin, 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

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General – Abstract #5	Voucher #131 to #172	\$ 96,350.10
Highway - Abstract #5	Voucher #43 to #50	\$ 4,192.62
Capital Water – Abstract #5	Voucher #10 to #12	\$ 5,178.10
Trust & Agency	(04/30/21)	\$ 11,514.21
Trust & Agency	(05/20/21)	<u>\$ 16,793.03</u>
	Total	\$ 134,028.06

SUPERVISOR’S REPORT

Receipts:	Town Clerk	\$ 1,798.37
	Town Court	\$ 890.00
	CEO	\$ 1,268.01 (\$1,471.61 ytd)
	Zoning	\$ 967.50 (\$1,622.50 ytd)
	Adirondack Auctions	\$ 2,100.00 (sale of mower)
	Tax Collector	\$ 3,376.50
	Humane Society	\$ 10.00 (impound fee)
	Lewis County	\$ 49,982.25 (Mortgage Tax)
	Lowville Rural Cemetery	\$ 234.20 (Stone for Building Base)
	Berry Construction	\$ 53.64 (Waters Rd. Sweeping)

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

Motion by Councilwoman Larabee, seconded by Councilman Virkler 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 and Daily Log has been passed for review.
- Catching up on filing
- Entering Village Vital Records into computer

TAX COLLECTOR

- Collection ends 06/01/2021
- Collector Murphy received instructions on how to settle with the County Treasurer, numbers do not match between the tax collection software and tax collector’s checkbook. Have been in contact with Systems East, as they used Town of Lowville data to perfect the settlement procedures, will look into further and figure out where the discrepancy is.

Tax Collected:	\$120,301.28
Interest Collected:	3,269.88
Second Notice Fees:	106.00
<u>Bank Interest:</u>	<u>.62</u>
Total Collected:	\$123,677.78

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Paid to Supervisor	\$ 3,376.50
Paid to Treasurer	120,301.28
Total Distributed:	\$ 123,377.78

Motion by Councilman Mullin, seconded by Councilman Ross 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

- Sweeping is completed.
- Hydrant Flushing is completed.
- Hyde-Stone here looking at PRV at Seebers. Hyde-Stone looking for the parts that are needed.
- DOH has allowed us to put off the DBP sample until the end of the month. Hopefully, water that has been filtered should be in the system by then. Sample will be taken next Thursday.
- Paved town office on 5/13/21.
- Paved Brookside on 5/19/21.
- GAC filters running as of 5/18/21. Working at getting the "kinks" out of the system.
- CAT Grader is currently at Roggie's Machine Shop. Not sure when repairs will be complete.
- Lowville Rural Cemetery building foundation work is complete.
- Received CHIPS allocation letter.
- Getting a quote for paving the Bickford Rd.
- BridgeNY paperwork has been submitted. Expect to hear about awards by the end of the year.

DCO

- Monthly report is included in board members' packets.
- Clerk Murphy reported that the annual DCO inspection is complete and all is good. Report forthcoming.

ATTORNEY

#3 Wind Decommissioning Plan: Following discussion of the Decommissioning Plan, the following resolution was presented

Motion by Councilman Mullin, seconded by Councilwoman Larabee to approve **Resolution #16-2021, "Approving Number Three Wind Project Decommissioning Agreement"**.

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

WHEREAS, Number Three Wind (the "Company") has obtained a Certificate of Environmental Compatibility and Public Need (the "Certificate") from the New York State Board on Electric Generation Siting and the Environment pursuant to Public Service Law Article 10 to operate a wind energy generating facility in the Town of Lowville including related collection and road access infrastructure in the Town (the "Project"); and

WHEREAS, under section 11.1 of the Host Community Agreement between the Company and the Town dated November 9, 2020 ("HCA"), the Company was required to create a Decommissioning and

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Site Restoration Program (the “Decommissioning Plan”), and intended that compliance with the Decommissioning Plan would be a condition of the Certificate; and

WHEREAS, the Certificate requires the Company to file a final Decommissioning Plan with the Secretary to the Public Service Commission, Department of Public Service and requires the Company to provide a letter of credit, for the benefit of the Town, that will provide suitable security for removal of specific Facility components as required by the Certificate; and

WHEREAS, the Company has submitted the Decommissioning Plan to the Town which has been reviewed and approved by the Town’s independent engineers, GHD; and

WHEREAS, the Company submitted a form of Letter of Credit to be used as security for the Town, and the form of the Letter of Credit has been reviewed and approved by the Town’s legal counsel; and

WHEREAS, the Company has provided a draft Decommissioning Agreement that has been reviewed and considered at the meeting of the Town Board held on May 20, 2021; and

WHEREAS, the wind farm itself together with its environmental impacts, are not subject to the State Environmental Quality Review Act (“SEQRA”) and the remaining aspects of this Agreement are a Type II action under SEQRA as they authorizes no new activity. Now therefore be it,

RESOLVED, by the Town Board of the Town of Lowville as follows:

1. The Number Three Wind Project Decommissioning Agreement between Number Three Wind LLC and the Town, including the Decommissioning Plan, the cost estimates to be used to determine the amount of the Letter of Credit, and the form of the Letter of Credit, are hereby approved, upon the approval of the Town Attorney as to form, and the Supervisor is directed to execute said Agreement of behalf of the Town.
2. Nothing in this Decommissioning Agreement amends any portion of the Host Community Agreement nor changes any obligation therein related to the use of Town roads.
3. This resolution shall be effective immediately.

Public Hearing

Supervisor Schell declare the public hearing on Local Law #1-2021, “A local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites” open at 10:00 a.m. Clerk Murphy provided proof of publication in the Lowville Journal & Republican, the Town Clerk’s sign board and the Town’s website.

Cassie Forbus, United prevention Coalition of Lewis County, Coalition Coordinator spoke in favor of the local law. She is concerned with underage use, juvenile consumption of edibles, marijuana overdose and “black-market” sales. (via Zoom)

Marty – spoke against the law. He is concerned with “unfair taxes”. He believes allowing sale of marijuana via “Mom & Pop Shops” will bring back the economy. (via Zoom)

Melanie – lives in Town and spoke against the law. She believes that there should be regulations put in place. She believes there are a lot of “bonuses” if allowed, such as revenues. (via Zoom)

Anonymous call-in – Curious about what is going on. Asked to call Randy later. (via Zoom)

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Chuck Terrillion, Village Trustee – Explained that the Village Board has been discussing the opt-out option, and feels that they are leaning toward opting out in the next month or two.

Motion by Councilman Mullin, seconded by Councilwoman Larabee to close the public hearing at 10:20 a.m.

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

DCO Astafan was able to re-join the meeting via Zoom. He reported that last week, he, Deputy DCO Young and Deputy DCO Marra assisted the Police and Ambulance with a deceased person who had two (2) dogs that would not allow anyone near the body. One dog was taken to the vet for treatment. Both dogs have been relinquished to the Humane Society and will be put up for adoption. Supervisor Schell stated that he was contacted and authorized up to \$200 for vet services.

DCO Astafan stated that he had his annual inspection. He also spoke with Ag & Markets representative regarding people in the Village who are breeding and selling a lot of dogs, which requires special permitting. There are also issues with these people licensing their dogs. Ag & Markets are aware of these people and have contacted them, but have received no response, so they have forwarded this information to the “higher ups” in Albany.

Councilwoman Larabee asked DCO Astafan a question regarding rabies vaccination updates.

Legislator Ron Burns left the meeting at 10:40 a.m.

BUDGET OFFICER/BOOKKEEPER

Accountant Scott Lawrence reviewed the financial report (Jan. to Apr 2021) with the Board.

JUSTICES

Supervisor Schell reported that the Village is discussing dissolving the Village Court. If this happens, all Village Court cases will be turned over to the Town Court. Also, this may create the need for the Town Court to have a full-time clerk and possibly an Associate Judge. The Village could be making a decision in the next couple of months.

Accountant Lawrence left the meeting at 10:52 a.m.

RACOG

Mickey Dietrich gave a brief update on the happenings at RACOG. They will be having workshops, but no meeting until September.

OLD BUSINESS

Renaming Creek: Supervisor Schell spoke with Ryan Piche, Lewis County Manager. The County will send a letter of no opposition to rename creek.

#3 Wind HCA: The Town has received \$15,000 and put it in the Town Outside General Fund Savings.

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NEW BUSINESS

Summer Recreation Program: Program cost estimate in Town Board Members' packets. Due to COVID-19, there was no recreation program last summer. Will be having a 6-week program this year through Double Play.

Motion by Councilman Ross, seconded by Councilwoman Larabee to enter into an agreement for the summer recreation program.

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

CWD#1 DBP Project: Supervisor Schell reviewed expenditures and funding with the Town Board.

Local Law #1-2021: Vote tabled until the June Meeting.

Motion by Councilman Mullin, seconded by Councilwoman Larabee to move into executive session to discuss evaluation and potential status of a current employee at 11:13 a.m.

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

Motion by Councilman Mullin, seconded by Councilwoman Larabee to exit executive session at 11:23 a.m.

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

Motion by Councilman Ross, seconded by Councilman Mullin to adjourn the meeting at 11:24 a.m.

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

Respectfully submitted,

Aimee L. Murphy, RMC
Town Clerk