

**Town of Lowville Regular Board Meeting  
June 17, 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 17th day of June 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:** Henry Avallone, Planning Board; Ron Burns, Legislator; Todd Freeman, NBS Technologies and Kevin Brouillard, Lewis County;

**Also Present via Zoom:** Mickey Dietrich, Tug Hill Commission; Raymond Meier, Town Attorney; Marguerite Wells, Invenergy; Malcolm Bliss, Common Energy;

The meeting was called to order at 9:35 a.m. by Supervisor Schell who also led the Pledge of Allegiance.

**MINUTES**

**Motion** by Councilman Mullin, seconded by Councilman Ross to approve the minutes of the May 20, 2021 regular board meeting.

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

**CORRESPONDENCE**

- Ag & Markets: DCO Report received – Satisfactory
- #3 Wind: Start-up notice
- IDA: #3 Wind PILOT notification; Public Hearing was held on 06/03/2021 – No comments
- Excellus BC/BS: Proposed rate increase submitted to Public Service Commission

**VOUCHERS**

**Motion** by Councilwoman Larabee, seconded by Councilman Mullin 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 #6	Voucher #173 to #202	\$ 19,625.92
Highway - Abstract #6	Voucher #51 to #60	\$ 77,686.62
Capital Water – Abstract #6	Voucher #13 to #15	\$ 24,817.44
Trust & Agency	(05/28/21)	\$ 2,629.32
Trust & Agency	(06/17/21)	<u>\$ 13,728.41</u>
	Total	\$ 138,487.71

**SUPERVISOR’S REPORT**

Receipts:	Town Clerk	\$ 1,589.38
	Town Court	\$ 3,727.00
	CEO	\$ 563.60 (\$2,035.21 ytd)
	Zoning	\$ 100.00 (\$1,851.61 ytd)
	Tax Collector	\$ 3,610.12
	Berry Construction	\$ 107.28 (Waters Rd. Sweeping)
	Lewis County	\$ 6,180.00 (2 <sup>nd</sup> Installment Snow/Ice)

Supervisor Schell’s activities and financial reports are 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**

**ATTORNEY**

-Cannabis Opt-Out Legislation: Supervisor Schell reported receiving copies of documents from Mountainview Prevention following the public hearing on LL#1-2021. He stated that if a public referendum is held that it would include both town and village residents. Attorney Meier stated that in order to have a referendum, a petition must be filed within 45 days of the local law being enacted. Petitions would need to be submitted to the Town Clerk and include the signatures of 10% of people who voted in the last election for Governor in the Town of Lowville. Attorney Meier will research more into the requirements of the actual petitions.

Attorney Meier briefly reiterated that the “opt-out law” covers cannabis retail dispensaries and on-site consumption sites only. It does not address personal possession, use or growing.

After discussion, the following resolution was presented.

**Motion** by Councilman Mullin seconded by Councilwoman Larabee to adopt **Resolution No. 17-2021, “Adopting Local Law #1-2021 “ A local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4”.**

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

WHEREAS, the Town Board of the Town of Lowville, held a public hearing at a Town Board meeting on May 20, 2021 at 10:00 a.m. for Local Law No. 1-2021; and

WHEREAS, public comment was heard and discussed;

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THEN THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Lowville adopts Local Law No. 1-2021 known as “A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized Under Cannabis Law Article 4”; and

BE IT FURTHER RESOLVED, that this law is subject to permissive referendum.

Roll Call Vote:

Randall A. Schell, Supervisor	Aye
Robert J. Mullin, Councilman	Aye
Paul R. Virkler, Councilman	Aye
Ruth Larabee, Councilwoman	Aye
John D. Ross, Councilman	Aye

-#3 Wind Decommissioning Plan: Changes agreed upon and agreement signed by Supervisor Schell.

**Community Solar**

Todd Freeman of NBS Technologies and Malcolm Bliss of Common Energy made a presentation on Community Solar. Mr. Bliss will provide a copy of the power point presentation to Supervisor Schell to disseminate to the rest of the Town Board. The Board agreed to continue researching this topic.

**#3 Wind**

Marguerite Wells of Invenergy reported that the Bond is on it’s way to the Town Supervisor.

**TOWN CLERK**

- Clerk’s Monthly Report is in the Board Members’ Packets and Daily Log has been passed for review.
- Still using quiet time to enter Village Vital Records into the computer.
- July 4<sup>th</sup> falls on a Sunday this year, therefore it will be observed by the federal government on Monday July 5<sup>th</sup>. Town Clerk Murphy requested that the Town of Lowville observe Independence Day on the 5<sup>th</sup> of July as well, since the banks will be closed.

**Motion** by Councilwoman Larabee, seconded by Councilman Virkler to allow the Town of Lowville Municipal Offices to be closed on Monday, July 5, 2021 in observance of Independence Day.

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

**TAX COLLECTOR**

- Returned uncollected taxes to the County Treasurer. Completed settlement on Tuesday the 15<sup>th</sup>.
- Turned over \$50 for making change to the Supervisor.
- Wrote final check to Supervisor for Penalties collected. There will be one very small check for June’s interest to come.
- Attended Tax Collector’s Association virtual training. One topic of interest was in regard to collection of unpaid utilities, specifically water & sewer. There shall be no relevies of unpaid water until after June 2022. Also, the Town cannot assess late fees/penalties for unpaid water. The Town may claim uncollected water as lost funds for the purpose of the CARES Act. There is a conflict of opinion between the Association of Towns (AOT) and the Conference of Mayors (NYCOM) as to if this pertains to sewer as well. The AOT says “yes it pertains to both” while NYCOM says “no, only water”. It was suggested to get an opinion for the Town’s Attorney before acting.

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Tax Collected:	\$ 99,250.60
Interest Collected:	3,385.25
Second Notice Fees:	66.00
<u>Bank Interest:</u>	<u>.87</u>
Total Collected:	\$102,702.72

Paid to Supervisor	\$ 3,560.12	*Includes County Settlement
<u>Paid to Treasurer</u>	<u>99,142.60</u>	
Total Distributed:	\$ 102,702.72	

**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**

- Mowing roadsides has begun.
- Shoulders have been cut on the Bickford and Patten Roads.
- Brian has passed his water license test, waiting on Department of Health for the rest of his paperwork.
- Ditching has taken place on Ebbly Road and Fox Path.
- Water tap has been installed for Ryan Wood property at 7854 State Route 26.
- Purchased the grader from Lewis County Highway Dept. New injector for cylinder #6 on order at Roggies' Machine Shop.
- DBP results not received yet.
- GAC system running well. Waiting for a few items to be addressed: communication from GAC to Pump Station 2 – no alarms; Sodium Bisulfite pump issues – should be taken care of by mid-July.
- Ross Road drainage: Should be completed by early fall.

Discussion regarding the CWD#1 Capital Project Budget. Bob Boliver, BC&A contacted Supervisor Schell regarding the need for authorization to make budget adjustments for the project.

**Motion** by Councilwoman Larabee, seconded by Councilman Virkler to adopt **Resolution No. 18-2021, "Water Treatment Plant Improvements Project Budget Modifications"**.

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

WHEREAS, the Town of Lowville has received a Grant from Rural Development for their Water Treatment Plant Improvements Project ("Project"); and

WHEREAS, Rural Development requires the Town Board to authorize all changes to the Administrative and Direct Expenditures Budgets as shown on the Form E; NOW, therefore be it

RESOLVED, that the Town Board of the Town of Lowville authorizes the following Administrative and Direct Expenditures modifications for the Project:

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Legal	Decrease of	\$14,000.00
Miscellaneous	Decrease of	\$ 4,000.00
Contingency	Increase of	\$18,000.00

Roll Call Vote:

Randall A. Schell, Supervisor	Aye
Robert J. Mullin, Councilman	Aye
Paul R. Virkler, Councilman	Aye
Ruth Larabee, Councilwoman	Aye
John D. Ross, Councilman	Aye

**DCO**

- Monthly report is included in board members' packets.

**ASSESSOR**

BAR was held, with a second meeting scheduled in July. BAR member Henry Avallone reported that there were no in person grievances.

**RACOG**

Mickey Dietrich gave a brief update on the happenings at RACOG. No meetings will be held during the summer months. Friends of the Black River are looking into a Historical Floating Museum. Comprehensive Plan is moving forward.

**OLD BUSINESS**

Summer Recreation Program: Sign ups have started. They are still looking for lifeguards.

**NEW BUSINESS**

**Surplus Items:** There are four (4) red chairs in the storage room that have not been used in a number of years. No one seems to know exactly where they came from other than it is believed that they were donated when we moved into the building. Supervisor Schell indicated that someone is interested in the chairs, and would like to declare them as surplus and list for sale.

**Motion** by Councilman Mullin, seconded by Councilwoman Larabee to adopt **Resolution No. 19-2021 "Declaring as Surplus and List for Sale – 4 Red Chairs"**.

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

WHEREAS, the Town of Lowville 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:

4– Red Chairs

BE IT FURTHER RESOLVED, that the said items will be sold as a group for the cost of \$20.00.

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Supervisor Schell stated that the next regular meeting of the Town Board will be held on Thursday, July 15, 2021 @ 9:30am.

With no further business the following motion was presented.

**Motion** by Councilman Ross, seconded by Councilman Mullin to adjourn the meeting at 11:34 a.m.  
ADOPTED - AYES – Larabee, Mullin, Ross, Schell, Virkler      NAYS – 0

Respectfully submitted,

Aimee L. Murphy, RMC  
Town Clerk