

Minutes - February 14, 2012 7 PM

The Regular Meeting for the Town of Fowler was held on the above date with all members present. Also present was Town Clerk Sherrie Williams, Code Enforcement Officer Rick Whitford, Highway Superintendent Gary Williams, Joanne Orford, Lillith Griffith, Mike Macaulay, Justice Paul Lamson, Assessor Tim Geer, DeKalb Code Enforcement Officer William Chambers, Historian Connie Bishop, Legislator Alex MacKinnon, Tom Manley of Pinnacle Technologies, Chair Assessor Robert Fuller, Nancy Fuller, Dave Spilman, Joyce Mills, Bonnie Seaman, Grant Mitchell, Barb Cross, Laurina Greenhill, Joel LaPierre, Lisa Durham, Vickie Cappellino, Leo Knight Jr., Byron Woodward & Stephen Gale.

Supervisor Cappellino called the meeting to order then proceeded with opening prayer & pledge of allegiance. He noted that the books have been opened for inspection to the public at all times during the meeting. The books and records of Town Justice Paul Lamson, Town Clerk Sherrie Williams, and Bookkeeper Gary Higgins were presented for review.

After discussion, a motion was made by Councilperson Rick Newvine to approve the January 24, 2012 meeting minutes & seconded by Councilperson Karen Simmons. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Natalie Spilman; Yes, Randy Durham; Yes, Karen Simmons; Yes. All in Favor. MOTION CARRIED.

Supervisor Cappellino reported that he had Resolution No. 2 of 2012 for approval of Judge Lamson's 2011 books to be passed by the board. After examination, a motion was made by Councilperson Rick Newvine to pass Resolution No. 2 of 2012 for approval of Judge Lamson's 2011 books & seconded by

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Councilperson Randy Durham. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Natalie Spilman; Yes, Karen Simmons; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED.

Tom Manley of Pinnacle Technologies of Northern NY reported the 1<sup>st</sup> computer training class for the Town of Fowler employees will be free & is ready for scheduling. He provided a quote of \$1,279.86 lap top & \$279.00 mobile printer for the Code Enforcement Department. He also provided a quote of \$1,279.86 for a lap top for the Supervisor. All have 3 year warranties with accidental damage coverage on them. The computer training courses were set up for March 6, 2012 at 7 PM. The Board thanked Mr. Manley for his presentation.

DeKalb Code Enforcement Officer William Chambers reported on all the benefits & tools of the Code Enforcement BAS computer program that is being considered for Code Enforcement Officer Rick Whitford. Mr. Chambers reported that he has used the program for years & it benefits the Code Enforcer and the Town. This program does forms, census, reports, permits, attaches photos, updates tax ID numbers, complaints, calculates the fee schedule, & includes excellent tech support, maintenance, plus includes it's own backup. He highly recommended the performance of the program. The Board thanked him for his presentation.

Code Enforcement Officer Rick Whitford reported that St. Lawrence Lumber sawmill has been granted a variance by the Department of State. The sawmill building is bigger than the permit so he is looking into that issue. He is working on Hunter's

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Sports Bar project. There was a oil spill at a trailer park on Rt. 58 & the DEC is also involved. He has condemned the trailer involved & it has been removed.

The BAS Code Enforcement computer program was discussed & tabled until more information is gathered.

A motion was made by Councilperson Randy Durham to purchase the Code Enforcement computer for \$1,279.86 & mobile printer for \$279.00 & seconded by Councilperson Rick Newvine. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Natalie Spilman; Yes, Karen Simmons; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED.

Supervisor Cappellino reported on the proposed 2012 Town Board Committees & Departments as follows: Natalie Spilman - Sylvia Lake Beach; Rick Newvine - Ball Parks; Randy Durham - Highway issues; Karen Simmons - Animal Control. Audit Committee - Michael Cappellino, Rick Newvine, Randy Durham. A motion was made by Councilperson Rick Newvine to approve 2012 Town Board Committees & Departments & seconded by Councilperson Randy Durham. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Randy Durham; Yes, Natalie Spilman; Yes. All in Favor. MOTION CARRIED.

Legislator Alex MacKinnon reported that the current bridge by the hydropower dam was built by the County in 1983 & the bridge needs to be replaced. He's hoping the County will take ownership of the bridge which will be the first step in getting the work done.

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Chair Assessor Robert Fuller reported that the Assessing Department has been working on the Star Program, Assessing & exemptions.

Historian Connie Bishop would like a 4 draw fire proof file cabinet with a lock for Historian office. She stated that a 2 draw file cabinet may serve the purpose for now. The issue was tabled while pricing will be looked into for a 4 draw & 2 draw fire proof file cabinet with a lock for the Historian's office.

Dog Pound Report - Councilperson Karen Simmons reported for Dog Warden Brad Cox that no dogs since January 1<sup>st</sup> have been in the Fowler pound. She met with Dog Warden Brad Cox & Deputy Dog Warden Kyle Hubbard & the dog pound paperwork is up to date. There were 15 dogs that went through the dog pound in 2011. The Ag & Markets inspector will be back for inspection of all aspects of the dog pound in a couple of weeks.

Councilperson Natalie Spilman reported on the progress of the "Save the Hailesboro Post Office Committee". The Federal Post Office website is starting to list post offices that have been taken off the post office closing list & hopefully, the Hailesboro Post Office will be on that list soon. Her goal is to get all the boxes in the Hailesboro Post Office rented.

Highway Report - Superintendent Williams reported that a 2012 spring roadwork work session was held to discuss different avenues. He would like to finish the Sylvia Lake Rd., put in culverts on Smith Rd., do some repair on the Glasby Rd. & River Rd.. The Highway Department has been painting the old Cat

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Loader & hauling sand.

After discussion, a motion was made by Councilperson Randy Durham to purchase the BAS Code Enforcement program for \$5,950.00 & seconded by Councilperson Karen Simmons. Roll call vote showed Michael Cappellino; Yes, Karen Simmons; Yes, Natalie Spilman; Yes, Rick Newvine; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED.

Councilperson Randy Durham reported he has been researching information concerning the digging & demolition on the property across the road.

It was discussed about putting the cemetery mowing & trimming out to bid this year. After discussion, a motion was made by Councilperson Randy Durham to put the cemetery mowing & trimming out to bid to come in by the March 13, 2013 meeting & seconded by Councilperson Karen Simmons. Roll call vote showed Michael Cappellino; Yes, Natalie Spilman; Yes, Randy Durham; Yes, Karen Simmons; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED.

Supervisor Michael Cappellino reported that the town is moving forward on the demolition of the unsafe building across the road.

Councilperson Rick Newvine asked if the light on Rte. 58 at Kermit Rice's home is being taken down. It was discussed that the light at Kermit Rice's home is staying there & another light in the same area is being moved. He talked to the Board of Elections concerning consolidating the 2 districts in the Town into 1 & the



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Board of Elections is looking into the issue. He thinks the town should have an audit.

Superintendent Williams reported that he had the 2012 Agreement to Spend Town Highway Funds & Resolution #3 of 2012 Holding Harmless the County of St. Lawrence for Providing Service for the Town of Fowler for the boards approval. After discussion, a motion was made for Councilperson Rick Newvine to approve 2012 Agreement to Spend Town Highway Funds & seconded by Councilperson Randy Durham. Roll call vote showed Michael Cappellino; Yes, Randy Durham; Yes, Natalie Spilman; Yes, Rick Newvine; Yes, Karen Simmons; Yes. All in Favor. MOTION CARRIED. After discussion, a motion was made by Councilperson Randy Durham to approve Resolution #3 of 2012 Holding Harmless the County of St. Lawrence for Providing Service for the Town of Fowler & seconded by Councilperson Rick Newvine. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Randy Durham; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED.

Supervisor Cappellino reported that he called Time Warner concerning the franchise agreement & that the town would like Time Warner to look into expanding their service in the Town. Documentation was to be sent to him from them, but has not been received yet.

Supervisor Cappellino stated that he would like to have name plaques for each Town member for the meetings. The issue was tabled for further information.

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The 2011 Books of Justice Paul Lamson, Bookkeeper Gary Higgins, & Town Clerk Sherrie Williams were audited by the Audit Committee. A motion was made by Councilperson Rick Newvine to accept the audit of the 2011 books for Town Clerk Sherrie Williams, Bookkeeper Gary Higgins, & Justice Paul Lamson & seconded by Councilperson Natalie Spilman. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Natalie Spilman; Yes, Randy Durham; Yes, Karen Simmons; Yes. All in Favor. MOTION CARRIED.

Lillith Griffith thanked the Town officials for being proactive & moving forward.

Mike Macaulay stated that Rt. 58 railroad crossing repair is in the works.

The bills audited for the General Fund were #13A - #38 - \$15,506.08 & Highway Fund #3 - #19 - \$22,861.20.

Supervisor Cappellino reported that a letter of interest had been received by Stephen Gale to be on the Planning Board. A motion was made by Councilperson Randy Durham to approve Stephen Gale as a member of the Planning Board & seconded by Councilperson Karen Simmons. Roll call vote showed Michael Cappellino; Yes, Karen Simmons; Yes, Rick Newvine; Yes, Natalie Spilman; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED. He also reported that a letter had been received from Matthew Stoffel resigning from the Planning Board Chairman position effective immediately but remaining on the Planning Board. Mr. Stoffel recommended Rick Whitford for the Planning Board Chairman. After discussion, a motion was made by

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Rick Newvine to accept Matthew Stoffel's resignation from Planning Board Chairman effective immediately but staying on the board & seconded by Councilperson Randy Durham. Roll call vote showed Michael Cappellino; Yes, Randy Durham; Yes, Natalie Spilman; Yes, Rick Newvine; Yes, Karen Simmons; Yes. All in Favor. MOTION CARRIED. A motion was made by Councilperson Karen Simmons to appoint Rick Whitford as Planning Board Chairman & seconded by Councilperson Rick Newvine. All in Favor. MOTION CARRIED.

The next regular board meeting is March 13, 2012 at 7 PM. There will be a 2012 spring roadwork work session on February 28, 2012 at 7 PM.

A motion was made by Councilperson Rick Newvine to adjourn the meeting at 9:30 PM & seconded by Councilperson Natalie Spilman. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Randy Durham; Yes, Karen Simmons; Yes, Natalie Spilman; Yes, All in Favor. MOTION CARRIED.

Michael Cappellino; Supervisor    Sherrie Williams; Town Clerk

Rick Newvine; Councilperson    Randy Durham; Councilperson

Karen Simmons, Councilperson    Natalie Spilman; Councilperson



MINUTES OF THE TOWN OF FOWLER AUDIT COMMITTEE  
MEETING OF FEBRUARY 14, 2012,  
AUDITING OF RECORDS FOR 2011.

PRESENT: Chairman, Supervisor Michael Cappellino, Deputy Supervisor Rick Newvine, and Councilperson Randy Durham

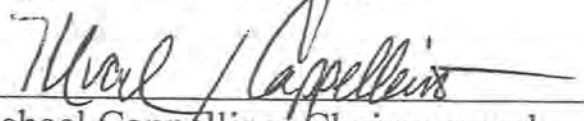
The meeting was called to order by Chairman, Michael Cappellino. The Chairman noted that the books have been opened for inspection to the public at all times.

The books and records of Town Justice Paul Lamson, Town Clerk Sherrie Williams, and Bookkeeper Gary Higgins were presented for review.

The committee examined the records and dockets and verified that the records for criminal actions stated the names of the sworn witnesses as well as residence information; and the Town Clerk's records including deposit of all funds received were in order.

Finally, the bookkeepers records were reviewed in connection with the highway and building funds and the records were found to be in balance and in order.

There being no further business, upon motion duly made and seconded, it was resolved to deliver the audit report to the Town Board.

  
Michael Cappellino, Chairman and  
Supervisor

RESOLUTION NO. 3 OF THE TOWN OF Fowler of 2012

HOLDING HARMLESS THE COUNTY OF ST. LAWRENCE FOR PROVIDING  
SERVICE FOR Town of Fowler

By Town Board Town of Fowler

WHEREAS, the Town of Fowler is desirous of St. Lawrence County Department of Highways providing shared services such as paving, shoulder widening, signage, road stripping, blasting and other routine maintenance activities to the Town, and

WHEREAS, both the Town of Fowler and the County of St. Lawrence are desirous of promoting partnering efforts for the safety of the traveling public in St. Lawrence County, and

WHEREAS, in this joint cooperative endeavor, the Town of Fowler and the County of St. Lawrence desires to be reimbursed for their expenditures, and

WHEREAS, the Town is aware that the County may incur liability in the providing of the services and wishes to indemnify the County in this regard,

NOW, THEREFORE, BE IT RESOLVED that the Town of Fowler hereby agrees to defend, indemnify and hold harmless the County of St. Lawrence from and against liability, loss, damage, claim or action resulting from the work performed by St. Lawrence County Department of Highways. The Town of Fowler does not indemnify and hold harmless the County for any liability, loss, damage, claim, or action which arises during the actual performance of services by the St. Lawrence County Department of Highways. Said St. Lawrence County Department of Highways and the County of St. Lawrence assumes the liability for losses, damages and claims for the actual physical performance of the work, and

BE IT FURTHER RESOLVED, that the following request for General Liability (GL) coverage is as follows:

General Liability Insurance

On an "Occurrence" basis, with the following limits:

\$1,000,000 Each Occurrence  
\$2,000,000 General Aggregate  
\$1,000,000 Products Aggregate  
\$1,000,000 Personal Injury  
\$ 50,000 Fire Damage Legal Liability  
\$ 5,000 Medical Payment Expense

BE IT FURTHER RESOLVED, that St. Lawrence County shall be an additional insured on the GL Policy, via ISO endorsement CG 2026.

February 14<sup>th</sup> 2012  
Date

Mark / [Signature]  
Town of: Fowler  
By:

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

TOWN OF Fowler

COUNTY OF ST. LAWRENCE

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected for the repair and improvement of highways, and received from the state for the repair and improvements of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$ 245,000.00 may be expended for general repairs upon 52 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. IMPROVEMENTS. The following sums shall be set aside to be expended for the improvement of town highways:
  - (a) On the road commencing at Intersection Sylvia Lake Rd. + California Rd go 1.2 miles to corner and leading to State Hwy. 812, a distance of .5 miles there shall be expended not over the sum of \$ 35,000.00  
 Type Cold paving (mulch) Width of traveled surface 18'  
 Thickness 3" compaction Subbase all ready established  
Sylvia Lake Rd. 1.2 miles already has been cold paved doing the last .5 of 1.7 miles to be done.
  - (b) On the road commencing at Sylvia Lake and California Rd intersection and leading to State Hwy. 812, a distance of 1.7 there shall be expended not over the sum of \$ 65,000.00  
 Type 6 Width of traveled surface 18'  
 Thickness 1" compaction Subbase \_\_\_\_\_
  - (c) On the road commencing at Sylvia Lake Rd. + California Rd intersection and leading to State Hwy 812, a distance of 1.7 there shall be expended not over the sum of \$ 17,000.00  
 Type Mulch for shoulders Width of traveled surface 2' each side of 18'  
 Thickness 1" compaction on 1.2 miles and Subbase \_\_\_\_\_  
4" compaction on the last .5 miles to be finished this year

No moneys set aside for such improvements shall be expended, nor shall any work be undertaken on such improvements, until approve majority of Town Board.

This agreement shall take effect when it is filed with the County Superintendent of Highways.

Executed in duplicate this 14<sup>th</sup> day of February, 20 12

Michael J. Appellano  
Supervisor

Ruby W. Newen  
Councilman

Natalie Spilman  
Councilman

Karen Sammons  
Councilman

Dary C. Williams  
Superintendent

J. C. A.  
Councilman

Revenue 337,500.00

NOTE: This Agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Superintendent. copy must be filed in the Town Clerk's office and one in the County Superintendent's office. COPIES DO NOT HAVE TO BE FILED IN ALBANY.

## 2012 Town Board Committees & Departments

Councilperson Natalie Spilman - Head of Sylvia Lake Beach

Councilperson Rick Newvine - Head of the Ball Parks

Councilperson Randy Durham - Head of Highway Department  
issues

Councilperson Karen Simmons - Head of the Animal Control  
issues

Audit Committee - Supervisor Michael Cappellino, Councilperson  
Rick Newvine, Councilperson Randy Durham