

## **Town of Fowler July 10, 2023 Minutes of Regular Scheduled Board Meeting at 6PM.**

The Town of Fowler Regular scheduled Town Board meeting was held on the above date with all board members present. Also present were Town Clerk Tami Gale, Town Justice Tim Knowlton, Highway Superintendent Randy Durham, Ethics Committee Members Vivian Goodman and Marcia Cleveland, John and Deb Walsh, Brian and Julieanne Koerick, and Rachel Hunter, Editor of the Gouverneur Tribune Press.

Supervisor Newvine called the meeting to order at 6:00 PM then proceeded with the pledge of allegiance and led a moment of silence to honor our military men and women, all healthcare workers, and those who have been lost since the last board meeting; Barbara Audycki, Harry Phelps, Sally Porter, and Marjorie Tyler.

Supervisor Newvine asked for a motion to approve the minutes from the June 12, 2023, regular scheduled board meeting. Councilperson Simmons questioned Hwy. Superintendent Durham concerning the sums of money that were listed in the new agreement to spend town highway funds as recorded in the minutes and wanted him to clarify the total amount of money that is being spent on paving this year. Hwy. Superintendent Durham clarified the total being spent on paving in 2023 will be \$206,690.00. A motion was made by Councilperson Simmons, seconded by Councilperson Bishop to approve the minutes with the addition of the total amount of money being spent on paving in 2023 as clarified by Hwy. Superintendent Durham. All in Favor. MOTION CARRIED.

## **RESOLUTIONS**

### ***RESOLUTION # 12 of 2023***

#### ***3-Year St. Lawrence County Ice and Snow Removal Agreement***

Supervisor Newvine discussed the agreement between the Town of Fowler and the County of St. Lawrence for winter maintenance of County roads. It was discussed that the term of the contract shall be for 3 years beginning October 1, 2023 and ending June 1, 2026. The County will pay the Town at the following Tier I annual payment amounts:

<b><u>Year</u></b>	<b><u>Town Total Payment</u></b>
2023-2024	\$91,396.50
2024-2025	\$95,589.00
2025-2026	\$98,493.00

A motion was made by Councilperson Cleveland seconded by Councilperson Andrews to approve the agreement. All in Favor. MOTION CARRIED.

**AYES: 5 NEWVINE, SIMMONS, BISHOP, ANDREWS, CLEVELAND**

**NAYS: 0**

### ***RESOLUTION # 13 of 2023***

#### ***Declaration of the Property at 1530 CR 22 to be a Public Nuisance***

Supervisor Newvine read aloud a resolution of the Town Council of the Town of Fowler declaring the dilapidated property at 1530 County Route 22, to be a Public Nuisance under Article 13 of the New York State Public Health Law, and Local Law No. 1 of 2023, allowing for abatement to remedy the danger to the Public's Health, Safety, and Welfare.

A motion was made by Councilperson Bishop seconded by Councilperson Andrews to adopt the resolution declaring the property at 1530 CR 22 a public nuisance. All in Favor. MOTION CARRIED.

**AYES: 5 NEWVINE, SIMMONS, BISHOP, ANDREWS, CLEVELAND**

**NAYS: 0**

## ***RESOLUTION # 14 of 2023***

### ***Employee Training Agreement and Confession of Judgement Affidavit between the Town of Fowler and Brian Koerick***

Supervisor Newvine read aloud the training agreement between the Town of Fowler and Brian Koerick prepared by Town Attorney Henry Leader. It was discussed that the Town of Fowler is advancing the sum of \$7,900.00 for Brian's training for employment with the Highway Department. The cost of the training is anticipated to be offset by a grant, which will be credited toward repayment due from the employee. It was discussed that should the employee remain employed by the Town for a period of three years the re-payment will be waived by the Town.

A motion was made by Councilperson Andrews seconded by Councilperson Cleveland to adopt the Employee Training Agreement between the Town of Fowler and Brian Koerick. All in Favor. MOTION CARRIED.

**AYES: 5 NEWVINE, SIMMONS, BISHOP, ANDREWS, CLEVELAND**

**NAYS: 0**

## ***RESOLUTION # 15 of 2023***

### ***Bond Resolution of the Town of Fowler authorizing the acquisition of a 2024 Mack Plow Truck***

Supervisor Newvine read aloud the Bond Resolution prepared by Bond Council for the acquisition of a 2024 Mack Plow Truck authorizing the issuance of a bond in a principal amount not to exceed \$237,000 to finance a part of the cost of the acquisition of a truck, stating the estimated maximum cost thereof is \$269,107; and appropriating said amount for such purpose, including the proceeds of the bonds herein authorized, grant funds in the amount of \$30,000 expected to be received from the United States of America and available funds of the Town in the amount of \$2,107.00. It was discussed that the bond resolution is subject to a permissive referendum.

A motion was made by Councilperson Bishop seconded by Councilperson Andrews to adopt the Bond Resolution authorizing the acquisition of a 2024 Mack Plow Truck. All in Favor. MOTION CARRIED.

**AYES: 5 NEWVINE, SIMMONS, BISHOP, ANDREWS, CLEVELAND**

**NAYS: 0**

## **Town Department Reports**

### **Justice Department**

Town Justice Tim Knowlton reported:

- There was no court held last week due to the July 4th holiday and the next court will be held on July 18<sup>th</sup> which is DA day.
- He and Court Clerk Ashley have begun taking their yearly online virtual training. He must complete 12 hours of training and Court Clerk Ashley must complete 6 hours of training.
- The cameras in the court are pretty much set now, and he is awaiting a replacement receiver for a faulty one, which will be installed by Barkley's Safe and Lock. Supervisor Newvine asked if they had provided panic buttons for the Town Clerk and Court Clerk yet. Town Justice Knowlton reported he would get in touch with Will Smith of Barkley's Safe and Lock tomorrow.
- The month of June saw 16 tickets and 1 arrest under the penal law, as well as several DEC violations.

### **Bookkeeper**

Bookkeeper Barbara Finnie was not in attendance.

- Cash Balance reports and budget balance reports will be provided at a later date.

Supervisor Newvine reported he and bookkeeper Finnie had met with representatives from Community Bank to learn more about their banking options available to the Town of Fowler and have agreed, with the consensus of the board, to pull one Town of Fowler fund from our present CLASS-MBIA Investment Group and move it to Community Bank and see how it works. Supervisor Newvine reported the reason bookkeeper Finnie

likes CLASS-MBIA Investment Group is that you can transfer, move, and withdraw monies without any fees. He reported the Town and Village of Gouverneur have also agreed to do the same.

## **Assessors**

\* Supervisor Newvine congratulated Assessor Chair Kathy Besaw on becoming a newly qualified and certified assessor in advance of her report.\*

Assessor Chair Kathleen Besaw reported:

- There were 9 grievances filed in the month of May.
- They were able to get stipulations on 7 of the 9, meaning that they had come to an agreement with the persons who had filed a grievance to lower their assessments based on information they had provided, as well as information that they were able to glean.
- Four of the agreements were from Sylvia Lake and were crazy out of whack. The other 2 grievances were filed by Fowler Hydro, which has been in litigation for several years. Assessor Besaw reported Fowler Hydro had initially contacted her to settle but she hadn't received anything from them, so it had been turned over to the Board of Assessment Review who then turned it over to the State. It remains in litigation. Assessor Besaw reported the only other grievance was from a taxpayer at Sylvia Lake and it will be going to small claims court, and she is ready for it. Supervisor Newvine asked Assessor Chair Besaw if she was confident, we are right, and the assessment is right. Assessor Chair Besaw stated she is more than confident that the assessment is right.
- The Final Assessment Roll is in.
- The Town of Fowler's level of assessment this year is 8.8%. She reported what that means is a house that is worth \$100,000 is assessed at \$8,800. She stated that this is crazy. She reported we are one of the few towns who are not jumping on the band wagon to do a re-valuation. She reported everyone else in the County are having re-evaluations completed.
- Data Collection Cards continue to be worked on and they should have 1,000 data collection cards completed by the end of the summer.
- Reported assessor Timothy Thomas is great at completing data card updates and enjoys doing it.
- Reported she believes at some point the State is going to step in and mandate the Town complete a re-evaluation because we are so out of whack, and stated we are going to be better off doing it by ourselves.

## **Historian**

Historian Karen Simmons reported:

- She had visitors to the historian's office last week. Bill Siebels and Richard Clement were researching pictures and information on Gouverneur Talc.
- The two had found an old dump wagon and had fixed it up and will be bringing it for display on family day. They had found pictures and stories of the old dump wagon in the historian's office and had learned more information and received more photos from Mr. Fred Totten.

Supervisor Newvine stated Mr. Fred Totten is going to be at family day as well and reported him to be very knowledgeable and the display is going to be something you will not want to miss.

## **Animal Control**

Councilperson Karen Simmons reported for Dan Moyer who was not in attendance:

- 2 dogs were picked up on the California Road. The owners were located but didn't come to claim their dogs. Both dogs were eventually adopted by other families.
- Presently there is another dog in the kennel that has been there a long while, with the owner calling to say he wants him, but doesn't show up to pick him up.
- As of meeting time the kennel fees are up to \$240.00, and the owner is expected to pick the dog up tomorrow.
- He had received 2 other complaints concerning dogs on Main Street- Hailesboro Road and on Smith Road.

## **Beaver Control**

Councilperson Karen Simmons reported for Moyer's Wildlife Control:

- Moyer's Wildlife Control has a bill in tonight's purchase orders for beavers caught on the Swiss Hill Rd and Shantyville Rd.
- He is still working on Chub Lake Rd and on County Route 22.

## **Code Enforcement**

Code Enforcement Officer Glen Besaw reported:

- There are a lot of nice new houses being built in the Town of Fowler.
- He had issued 1 order to remedy last month. The violator stated he wasn't going to comply and told him to go ahead and write his tickets. CEO Besaw reported he is giving the individual more time to comply and would be stopping to visit the site again on Wednesday. If he hasn't complied by then he will issue him tickets.

Supervisor Newvine asked CEO Besaw if the penalty would be fines. CEO Besaw stated there are 2 laws that would apply. The first is State Law 382.1 and has a minimum of \$100 dollars up to \$1,000 dollar fine, or up to 1 year in jail, and the second is a Local Law and he believes the first offense is a \$250.00 fine.

Supervisor Newvine asked CEO Besaw if he had seen the proposed dock regulations prepared by the planning board. CEO Besaw stated he had not seen the proposed regulations. Town Clerk Gale gave CEO Besaw a copy of the proposed regulations and reported the proposed regulations were sent to CEO Besaw by email.

- CEO Besaw reported the other issue at Sylvia Lake was resolved and the two individuals having a dispute are friendly again.

Supervisor Newvine asked the board if they wanted more time to go over the proposed dock regulations before sending them to the Town Attorney. It was the consensus of the board to discuss the proposed dock regulations at the August 14, 2023 board meeting.

## **Town Clerk**

Town Clerk Tami Gale reported:

- DEC Gross sales for the month were \$690.00 with the Town of Fowler's Commission being \$21.30. She had licensed 34 dogs, handled 8 building permit applications, issued 15 Certified Death Certificates, collected \$40.00 in kennel fees, and had collected \$20.00 for photocopies.
- Bottle & Can money was received in the amount of \$142.55.
- A scrap check was received in the amount of \$500.60 on June 16<sup>th</sup> for 4.44 tons of metal.
- She had received her official discharge of collector letter from the County stating all sums due have been fully settled.
- She has family day raffle tickets available for attendees to sell or purchase.

## **Highway Department**

Highway Superintendent Randy Durham:

- Asked if taxpayers living in the Town of Fowler are allowed to purchase culverts more than once from the Town, stating the gentleman that just purchased a culvert from the Town now wants to have a circular driveway and would like to purchase more.

After some further discussion it was the consensus of the board to allow multiple purchases of sluice pipes (culverts).

- Reported the new 2024 Mack Plow Truck should be at the Family Day event on Saturday if anyone would like to see it. It isn't ready yet but is being brought to the event to be shown off.

## Councilmembers

### **Councilperson Cleveland:**

- Reported the 3 new spring ride on toys will be installed this week in advance of Family Day.
- Reported the rock-climbing wall is a little more complicated and will be started to be installed on July 30<sup>th</sup>.

### **Councilperson Lynn Bishop:**

- Reported the cemeteries looked good for the July 4<sup>th</sup> holiday.
- Thanked Maintenance worker Byron Woodward, Terrell Ferrer, and Brian Koerick for their work on staining in advance of Family Day.
- Thanked Hwy. Superintendent Durham for having the highway department workers mow the pin yard, and reported it looked a lot better.
- Asked Hwy. Superintendent Durham about a missing sign on the West Shore Road. Hwy. Superintendent Durham reported he had just learned it was down today and would be addressing it tomorrow.
- Asked Supervisor Newvine why the Farm to Market Road (County Route 22) bridge is being fixed and the bridge located on the Emeryville Road has been down for 18 years and is not on the list to be fixed.

Supervisor Newvine stated he believed the main reason is because they got money to fix it. Supervisor Newvine reported they got 2.2 million to be used across Sawyer Creek. Supervisor Newvine reported he had contacted Legislator Bill Sheridan to see if this would move the Emeryville Road bridge up the line for consideration, and his answer was no.

- Councilperson Bishop stated as far as he is concerned the taxpayers on the other side of the Emeryville Road bridge are just as important as the taxpayers on the Farm to Market Road and it is still a safety issue.
- Councilperson Bishop stated it leaves a bad taste in his mouth that the County is telling us they are not going to fix our bridge...but we have hired them to do this year's paving.

Hwy. Superintendent Durham stated it saves money to hire the County to do the black top, but he will likely bid the paving project out next year as he keeps getting pushed to the back of the list for this year's paving to be completed.

- Councilperson Bishop stated the County is not doing right by the Town of Fowler and used the County Snow and Ice Removal 3-Year Agreement (adopted earlier in the meeting) and what the Town is being paid, as an example.

Hwy. Superintendent Durham stated the County could not plow the roads for the amount of money that they are paying the Town of Fowler to plow the roads.

### **Councilperson Jeff Andrews:**

- Thanked Brian Koerick, Terrell Ferrer, and maintenance worker Byron Woodward for the great job staining.

### **Councilperson Karen Simmons:**

- Reported that 30 people had benefited from the HAP food program in the month of June.
- Reported the HAP Program will be on hold for a couple of weeks and will return on July 27th due to preparations for Family Day.

- Reported the HAP Program will be cut down to 2 days in August, as the amount of people using the program has slowed down, and then she will go from there to determine the number of days it will be available.
- Thanked Dr. Robert Saidel for another grocery delivery he had made on July 5<sup>th</sup> to benefit the HAP Program.
- In June, there were 99 households who received a SOS (Support Our Seniors) Program delivery.
- Reported the next SOS Program delivery will be in September.
- Reminded everyone to attend the 6<sup>th</sup> annual Fowler Family Day on Saturday, July 15<sup>th</sup>.

**Supervisor Ricky W. Newvine:**

- Commented on the assortment of raffle prizes that were on display in advance of Family Day and thanked Town Clerk Gale for all of her work in getting the raffle items ready.
- Discussed he had heard back from Town Attorney Henry Leader and the Town can install “no parking” signs” by writing a letter to New York State telling them the Town is going to do that. Supervisor Newvine asked the board members their thoughts on the matter. After some discussion the board decided to table the matter.
- Discussed he had learned the property proposed for a possible boat launch is owned by the heirs of Dr. William Twining, and he would like to contact them to see if they would be interested in donating that section of property for a boat launch to be installed and named after Dr. Twining.
- Discussed the St. Lawrence County Supervisor’s Association had sent a letter regarding immigrant status and read aloud a resolution included in the letter, asking the New York State Legislature and Governor Kathy Hochul to support Senator Dan Stec’s bill S.7390 prohibiting migrant housing in SUNY dorms, and the St. Lawrence County’s Supervisors Association’s request prohibiting the placement of illegal immigrants in any New York State buildings maintained and subsidized by New York State taxpayer dollars. Supervisor Newvine reported they had received correspondence back from Assemblyman Ken Blankenbush and had received an email back from Senator Dan Stec.
- Reported he is going to contact Tripp Fuels concerning the newly installed generator and ask them to place the exposed lines in conduit for protection and safety concerns.
- Asked if anyone had signed up to attend the Local Government Conference that will be held on October 10<sup>th</sup> at SUNY Potsdam. It was discussed that no one had contacted Town Clerk Gale to sign up yet. Supervisor Newvine stated the conference lasts half of a day and is very informative and interesting.

**Public Comment**

- Justice Tim Knowlton reported he has been contacted by local law enforcement concerning the rules for side by sides and 4 wheelers on Town and County roads in the Town of Fowler. After some discussion, Supervisor Newvine reported he would call the County Attorney for information on County roads and Town Clerk Gale stated she would look up local law on riding ATVs in the Town of Fowler.
- Marcia Cleveland announced on Wednesday, August 16<sup>th</sup> the Gouverneur Correctional Facility is having a Community Tour, and she invited the Fowler Town Board to attend, stating a formal invitation would be sent to the Fowler Town Clerk’s Office.

Supervisor Newvine asked what time the tour would begin and thanked Marcia for the invitation.

- Vivian Goodman asked if the County is responsible for the upkeep on the corners of the roads stating there is a large hole from drivers cutting the corner too short on her road that requires some attention. Hwy. Superintendent Durham stated he would contact the County and advise them of the situation.

Supervisor Newvine asked for a motion to audit the bills. A motion was made by Councilperson Simmons seconded by Councilperson Bishop to audit the bills. All in Favor. MOTION CARRIED.

The bills audited for the General and Highway Fund were #192 to #243, with a total of \$69.558.73.

The next regularly scheduled board meeting will be held on August 14th, 2023, at 6:00PM.

Supervisor Newvine invited everyone to attend the 6<sup>th</sup> annual Fowler Family Day this Saturday at the Town Hall.

Councilperson Simmons reported there is going to be a free rabies clinic held on August 10<sup>th</sup>, at the Fowler Town Barn from 6:00PM to 8:00PM. Anyone who attends will need to make an appointment.

With no further business, on a motion of Councilperson Andrews, seconded by Councilperson Bishop, the July 10<sup>th</sup>, 2023, Regular Town Board meeting was adjourned at 7:03PM. CARRIED UNANIMOUSLY.

Tami Gale; Town Clerk