

Town of Fowler Regular Meeting and Public Hearing Minutes for Local Law #1 and Local Law #2 of 2020 held on August 10, 2020 at 6:00 PM

The Regular scheduled board meeting and Public Hearing for proposed Local Law 1 of 2020 & Local Law 2 of 2020 for the Town of Fowler was held on the above date, at the Town Hall with all board members present excluding Councilperson Bishop who attended remotely. Also present were Town Clerk Tami Gale, Highway Superintendent Randy Durham, Code Enforcement Officer Glen Besaw, Assessor Chair Sherry Geer, Assessor Phyllis Shaw, Assessor Kathleen Besaw, Pavilion Committee Chair Michael Cappellino, Board of Ethics Committee Member Vicky Cappellino, Pavilion Committee Member Dick Clement, Planning Board Chair Stephen Gale, Scott Cleveland, and Leo Knight Jr. Bookkeeper Barbara Finnie, Deputy Town Clerk Debra Tupper and Rachel Hunter, Editor of the Gouverneur Tribune Press each attended the meeting by phone. 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 and the healthcare workers who are keeping us safe.

Supervisor Newvine reminded all in attendance that public comments would be heard during the allocated time listed on the agenda.

Supervisor Newvine asked for a motion to approve the minutes from the July 13, 2020 Town board meeting. A motion was made by Councilperson Simmons, seconded by Councilperson Andrews to approve the July 13, 2020 Town board meeting minutes. All in Favor. MOTION CARRIED.

Public Hearing on Proposed Local Law #1 and Local Law #2 of 2020

Supervisor Newvine asked for a motion to open the Public Hearing on proposed Local Law #1 of 2020 Pertaining to Cold War Veterans Exemption and Proposed Local Law #2 of 2020 Repealing Local Law #1 of 2019 and Providing for Land Use Law and Regulations for the Town of Fowler incorporating all of the recommendations of the County Planning Board.

At 6:02 PM a motion was made by Councilperson Andrews seconded by Councilperson Simmons to open the public hearing. All in Favor. MOTION CARRIED.

Supervisor Newvine reported that there were copies of the proposed laws available for attendees interested in either of the proposed laws and stated the meeting would remain open for an hour.

Supervisor Newvine reported that the Town of Fowler had received an Administrative Order from the Fourth Judicial District assigning Hon. Travis Dann, Town Justice of the Gouverneur Town Court, to the Town of Fowler Town Court for a period of July 16, 2020 to December 31, 2020, as the Fowler Town Court is without a Town Justice due to the resignation of the Hon. Ryan Young.

Supervisor Newvine read aloud a memo from Justice Travis Dann advising that starting August, 2020 the Fowler Town Court will be holding Court on the 1st and 3rd Tuesday of each month at **10:00 AM**.

Community Correspondence

*Supervisor Newvine read aloud thank you letters received from Town residents. The first letter addressed to the Town Board was from Deputy Town Clerk Debra Tupper thanking the board members for their support during her recent illness. Deputy Clerk Tupper wrote the phone calls, cards, and flowers have meant a lot to her and the support has been much appreciated and has helped her get through.

*The second letter received was from Edna Gates thanking the Town of Fowler administration for the SOS (Support Our Seniors) deliveries. She stated that she felt blessed to have such caring board members and thanked the members for the wonderful amount of food items that she had received. Supervisor Newvine reported that enclosed in the thank you was a donation to the SOS Program.

Councilperson Simmons reported that the Town has received many thank you cards since the SOS deliveries started.

*Supervisor Newvine read aloud a thank you letter from Empire State Mines to the Town of Fowler for being a supportive community member and unveiled a token of appreciation that was given to the Town from Titan Mining Corporation, which was a zinc bar that is 4 inches long and sourced from a smelter in Quebec in which

a portion of the material came from Empire State Mines. Supervisor Newvine reported the zinc bar would be placed in the Town's Historian Office for display.

*Supervisor Newvine reported that he had received a letter from the MOM's Club of Gouverneur urging the Town to re-open the playground.

Discussion on opening the Playground

Supervisor Newvine reported that after receiving the aforementioned letter from the MOM's Club he had checked with other Towns' regarding the status of their playgrounds. He stated that Canton and Massena playgrounds were both open with no regulations to follow. Supervisor Newvine reported he had placed a Social Distancing sign at the entrance to the playground earlier in the day. He reported Highway Superintendent Durham is going to be moving the picnic tables to the lawn area keeping them away from the unfinished pavilion. Supervisor Newvine asked the Board members' their opinion on allowing the re-opening of the playground to occur on August 11th. Councilperson Bishop wanted to make sure the Town provided some form of hand sanitizer to playground users and offered to buy it for the playground if necessary. Town Clerk Gale stated that she would call H-Brothers Porta Potties and ask them to bring the handwashing station to the playground as soon as the beach closes on August 30th. After some discussion, it was the consensus of the board to re-open the playground the next day, August 11, 2020 and hand sanitizer would be provided on a picnic table for all to use.

Pavilion Update

Supervisor Newvine invited Pavilion Committee Chair Michael Cappellino to give the board an update on the pavilion. Mr. Cappellino reported that as of the last meeting he had a price of \$12,900 to complete the bathroom and storage area. He has received a price of \$1,200 to include the ceiling and paint which was not included in the original price of \$12,900. He stated the new total would be around \$14,000 to complete. Mr. Cappellino reported that North Country Barns would be coming to re-attach a few pieces of the gable end covering that had blown off in the high winds. Supervisor Newvine thanked Mr. Cappellino for the update.

TOWN DEPARTMENT REPORTS

Town Justice

Town Justice Travis Dann was not in attendance.

Bookkeeper

Bookkeeper Barbara Finnie reported:

- The sales tax just received was \$117,000 which was down about \$3,000 from not only last year, but also from last month. She explained to meet our budget we would need to receive \$86,000 in the next payment, and it looks like we are getting the \$86,000 and likely \$20,000 over the anticipated amount.
- The Town's sales tax is going to come in at least what we had budgeted.
- The Town will start the budgeting process in late September for the year of 2021 and advised the department heads to be aware.
- She had prepared Town of Fowler cash balance month ending July 31, 2020 report and distributed the report to all board members prior to the meeting.

Supervisor Newvine stated that we are in good shape. He stated we don't ever want to over budget the sales tax and Bookkeeper Finnie is very good about that. Supervisor Newvine wished Bookkeeper Finnie continued progress on her recent injury.

Assessors

Assessor Chair Sherry Geer reported:

- On Proposed Local Law #1 of 2020. She stated the current Cold War Veterans Exemption has a 10-year limitation. The Town had adopted the original law in 2015 and the law would have ended in the year 2025, but the State and County had both taken the 10 year limitation away from the exemption and this is the reason for proposed Local Law # 1 of 2020 being offered for adoption this evening, so the Town of Fowler could remove the 10 year limitation as well.

- The assessors have been working on data collection and observing work done on recent building permits.

Supervisor Newvine asked Assessor Chair Geer when the litigation with Fowler Hydro was going to go into effect. Assessor Chair Geer replied it can take up to 4 years, and the case from 2016 is still unresolved. Supervisor Newvine thanked Assessor Chair Geer for her report.

Historian

Historian Karen Simmons reported:

- There is nothing going on in the Historian Department right now and it has been quiet.

Animal Control

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

- He had received a complaint about 2 dogs running unattended at Tripp's last weekend, and by the time he arrived at the location, the owner had already been there to retrieve the dogs.

Councilperson Simmons wanted to remind everyone that the rabies clinic is going to be held on Thursday, August 13th from 6:00 PM to 8:00 PM at the Town Barn. It is mandatory due to COVID-19 that all animals must have a pre-scheduled appointment to attend the clinic. She reported to obtain an appointment you can sign up on the Town of Fowler website www.fowlerny.com and click on the link to register for an appointment.

- Supervisor Newvine clarified that the Town is not allowed to sell dog licenses or renew dog licenses at the rabies clinic due to COVID-19 restrictions.

Beaver Control

Councilperson Karen Simmons reported for Moyers Wildlife Control:

- That Moyers Wildlife Control had been notified this morning by Highway Superintendent Randy Durham that a beaver dam located on the Swiss Hill Road had been removed by the highway department due to fears of water coming over the road.
- Dan reported he had removed a beaver from this area 2 weeks ago and will go back up and re-set his traps.
- Councilperson Bishop asked what kind of equipment was used by the highway department to clear the beaver dam. Highway Superintendent Durham reported that the backhoe had been used. Councilperson Bishop stated that if the Town has hired the job to be done then he did not like the idea of the Town's equipment being used.
- Supervisor Newvine asked Councilperson Simmons to call Moyers Wildlife Control and remind them of the responsibilities pertaining to the Beaver Control contract.
- Councilperson Simmons stated that she feels that Moyers Wildlife Control has been good up to this point, that it was a large culvert the dam was in, and she will call Dan Moyer in the morning.

Code Enforcement

Code Enforcement Officer Glen Besaw reported:

- That there is going to be an appeal meeting after the board meeting this evening on an Order to Remedy he issued for a violation of State Codes.
- There are 4 new houses being built in the Town, 3 are located on Sylvia Lake and 1 is on County Route 24.
- He had issued 2 stop work orders for violations of State Code.
- He had issued 3 tickets that need to be answered in court.
- He had received complaints concerning garbage at the Fullerville Bridge and Sullivan Rd, which he cleaned up, and a complaint of a new building without a building permit.
- It has been a busy month with building permits.
- There had been a recent fire in the Town which resulted in the loss of a building but the home received minor damage and no one was injured.

- That the Town should place tape around the pavilion area before the playground opens as it is still under construction and there are exposed fixtures that could be potentially disturbed.
- Supervisor Newvine addressed one other issue that the Code Enforcement Office has been dealing with and explained that the Town of Fowler is taking legal action on a property that has been declared a public nuisance. The property has been in violation of the NYS fire codes for over a year and a half and has been deemed a nuisance to Public Health and the Town of Fowler is taking all legal actions necessary to ensure Public Safety.

Town Clerk

Town Clerk Tami Gale reported:

- The new DEC System is back up and running as of August 4th and it was a process to get in place, hunting licenses started going on sale today and sales were slower than she had expected.
- The \$10.00 overage that has been in the Town Clerk account for many years discussed at last months' board meeting had been deposited into the Playground Fund and the account is now reconciled.
- A scrap metal check in the amount of \$56.30 for 3,600 lbs. of metal, and \$122.45 from bottles and cans had been deposited into the Playground Account. She thanked Dick Clement for his donation of bottles and cans he had delivered earlier in the day.
- She had licensed 19 dogs, handled 11 building permits, issued 1 marriage license, issued 4 Certified Death Certificates, and there were 0 DEC sales for the month of July as the DEC System was down the entire month.
- The Town will need to adopt a new Retention and Disposition Schedule for New York Local Government Records (LGS-01), by resolution by January 1, 2021, and she will work on preparing the resolution.

Highway Department

Highway Superintendent Randy Durham reported:

- The CHIPS paperwork has been turned in and accepted at the State and now he is waiting for the check to come in. He stated he thinks that the Town will be getting it all back without the 20% decrease that was previously thought.
- The paving is completed on the Byrns Road, there is a little more work to be finished at Kilkarney Road, and it all looks pretty good.

Councilmembers

Councilperson Jeff Andrews:

- Told Highway Superintendent Durham that the Byrns Road looks good and asked if he was planning to put down hot mix on the corners of the road. Highway Superintendent Durham reported that he was.
- Asked about a bill in the purchase orders to Waldorff in the amount of \$2,900 and what it was for. Highway Superintendent Durham stated it was for new brooms.
- Asked Highway Superintendent Durham if the highway workers have safety vests and if the workers take them with them to work sites. Highway Superintendent Durham stated they do have safety vests but they wear bright yellow shirts instead. Councilperson Andrews asked Highway Superintendent Durham to have the highway workers wear their safety vests when the workers are on main highways.
- Discussed the property across the road from the Town Hall not being listed in the next round of clean up by the DEC. Supervisor Newvine stated that the Town did not want to have that program, as the DEC will clean up the areas and sell them at a tax sale. Supervisor Newvine stated the Town wants the program where the DEC cleans up the property and gives it to a Municipality, and he had emailed Steve Button, and is waiting for a response.

Councilperson Lynn Bishop:

- Asked Highway Superintendent Durham if while the County was here if he asked to get the main roads in Fowler and Hailesboro painted. Highway Superintendent Durham reported that due to budget constraints this year he did not get it done. Councilperson Bishop stated that there is money in the

budget for safety related items and since we are not buying hard hats and vests he could have used the money from that budget line for that.

- Asked Highway Superintendent Durham why he wasn't notified that there had been damage done to the rental excavator. Highway Superintendent replied that he did not find out about it until after it was returned. Councilperson Bishop stated that the board should have been notified about it when he found out, instead of hearing it from here-say. Councilperson Bishop stated that mysteriously no one is confessing to the damage but if Jeff Hill, who is now retired, was still working, there would have been special board meetings and papers filed and everything else in the event of a similar incident. Councilperson Bishop stated he does not like it when things get swept under the carpet. Highway Superintendent Durham stated that he has narrowed it down to 1 or 2 drivers but when you are handling stumps that weigh 15 ton they tend to roll. Highway Superintendent Durham reported that his Deputy did notice the damage before it went back but never told him. Councilperson Bishop stated he understands that things happen but he does not like all this sneaky stuff.
- Asked Highway Superintendent Durham why the excavator was rented for an extra week and he wasn't informed about it. Highway Superintendent stated that was his fault for not notifying the board but if he wanted to look at the amount of hours they put on it he would see that it worked every-day.
- Councilperson Bishop stated we are dealing with tax-payers money and the extra week of rental was \$1,000 and the board should have been asked about it.
- Asked Highway Superintendent Durham if he thinks the shoulders are going to hold on the new roads. He stated he feels it should be shot with some oil and thought that was the plan for the shoulders. Highway Superintendent Durham replied that they were going to use hot mix on the shoulders that was discussed earlier in the meeting.
- Reported that there has been a washout on the California Road all summer down the hill from the intersection of Sylvia Lake Road and Shantyville Road. Highway Superintendent Durham replied that he had fixed the area 2 weeks ago. Councilperson Bishop stated that he was there last night and it must have washed out again because it is still not fixed.
- Asked what the status was on highway worker John Walsh. Highway Superintendent Durham replied that he is undergoing physical therapy and may be a possible operation.

Councilperson Karen Simmons:

- Asked Highway Superintendent Durham to dump the garbage at the Fullerville Cemetery.
- Reported that the SOS (Support Our Seniors) care package deliveries are all done until maybe November or December. There were 73 people who received packages the last delivery.
- Asked Highway Superintendent Durham how the new guy from the County was doing and how long he would be working. Highway Superintendent Durham stated he would make a decision by the end of the week.
- Reminded Highway Superintendent Durham that Maintenance worker Byron Woodward would be putting social distancing markers on the floor outside of the barn and that she would get with him on Thursday for his help in setting up tables and chairs for the rabies clinic.

Supervisor Newvine :

- Reported he was asked by the Cox family to have Highway Superintendent Durham repost the Cow signs on the Smith Road to have the signs be placed just after Cory Woods residence and by McAdams residence at the other end of the Smith Road. The reason for the placement of the cow signage is so that insurance will cover a claim if their animal was to be hit in the road.
- Reported there had been an incident on the Byrns Road while the shoulders were being put on, stating a vehicle was motioned around the work area and went off the road putting a stone in the vehicle's tire and the tax-payer is now asking for the Town to take care of the cost of replacing the tire. Supervisor Newvine asked the board's thoughts on the matter. After some discussion, it was the consensus of the board that the Town had the road posted properly and would not pay for the tire.

- Thanked Town Clerk Gale for checking temperatures at the entrance to the Town Hall, there were 2 individuals who had to be turned away with fevers.
- Reported that an employee of the beach needed to be tested for COVID-19 and due to the record keeping put in place by Head Lifeguard Emily Bush it was determined that no contract tracing needed to be done as the last shift worked by the individual his temperature was fine. Supervisor Newvine reported the employee would still be paid as guidelines mandate this due to COVID-19.
- Reported the ball field is completed with the nets all in place and it is looking good and protecting the neighboring property.
- He had picked up quite a bit of scrap metal from Joe Laurenza. Supervisor Newvine stated included in the scrap was a round point shovel with a signature of Mario Cuomo's on it from the year 1989. Supervisor Newvine thought that perhaps the shovel may have been used in the ground- breaking for the Gouverneur Correctional Facility and will contact Joe to be sure he meant for this to be in with the scrap.
- Thanked Highway Superintendent Durham and Dennis Travis for driving the railroad personnel to visit the railroad crossings in the Town that are in rough shape. Supervisor Newvine spoke again with the Federal person in charge of the area, and they felt the repairs would be done this month.
- Reported that he had asked Town of Fowler webmaster Shari Barnhart to put a reminder on the Town's webpage asking residents to fill out their census paperwork. He stated that for every person who is missed the Town would lose \$2,000 a year for 10 years in Aid. He called the County today to see how the Town of Fowler is doing and was told we are at 59% of people who have filled out the report. The rest of the County is at 54% so we are doing well but need to get the word out for everyone to make sure they are counted by filling out their census report.
- Reported that NYS Police had received a call and went to the wrong side of the Emeryville Road bridge to answer the call. Supervisor Newvine stated that he was going to call Legislator Sheridan as well as Don Chambers to advise them of the issues the Town faces without the bridge.
- Reported the Town had received a Member Certificate from the Association of Towns for the year ending 12/31/2020 and asked Town Clerk Gale to post it.
- Reported the SLC People Project, AFT, NYSUT and the Gouverneur Kiwanis Club has donated to the Town of Fowler a free T-Mobile WiFi Hotspot that has been installed by Tom Manley of Pinnacle Technologies to make the Town Hall a free community WiFi spot.

The Wireless SSID is Franklin T91472

The password is 8e7bdb91

PUBLIC COMMENT

- Mike Cappellino asked what happened to the Welcome to Fowler sign on the Edwards Road. Supervisor Newvine stated that it was hit this past winter and Maintenance worker Byron Woodward has given it a quick repair until a permanent fix can be done.
- Mike Cappellino asked the board if they were ok with the \$15,000 to close in a portion of the pavilion. Supervisor Newvine replied that they agreed at the last meeting to whatever it takes to get it done.
- Scott Cleveland reported that visits had started back up at the Gouverneur Correctional Facility this past weekend with all going well. Mr. Cleveland reported that they have the same requirements as the Town of Fowler does concerning COVID-19, taking everyone's temperatures and turning away those showing signs of fever.
- Vicky Cappellino asked the board if the WiFi Hotspot could be put on the website to share with the public. Supervisor Newvine stated that would be a great idea.
- Glen Besaw asked if the County had mentioned anything about the new flood maps, and if he should still be using the old ones when processing building permits. Stephen Gale stated that they were

scheduled to have been out in May but likely is delayed due to COVID-19 and he would check with Matilda at the County.

Discussion on Proposed Local Laws #1 and #2 of 2020

Supervisor Newvine asked if anyone had any questions regarding either of the proposed Local Laws. Planning Board Chair Stephen Gale commented the two biggest changes that were made to Local Law #2 of 2020 was to add the use of agriculture around the water districts and to add mining to the law.

After receiving no questions, Supervisor Newvine asked for a motion to close the Public Hearing. At 6:47PM a motion was made by Councilperson Andrews seconded by Councilperson Simmons to close the public hearing. All in Favor. MOTION CARRIED.

Supervisor Newvine submitted Resolution # 11 of 2020, a Resolution enacting Local Law # 1 of 2020 Pertaining to Cold War Veterans Exemption for the Town of Fowler to the board for adoption. A motion was made by Councilperson Andrews seconded by Councilperson Simmons to adopt Resolution # 11 of 2020, enacting Local Law # 1 of 2020. All in Favor. MOTION CARRIED.

**Roll Call: AYE 4 Supervisor Newvine; Councilperson Bishop;
Councilperson Andrews; Councilperson Simmons**
NAY 0

Supervisor Newvine submitted Resolution # 12 of 2020, a Resolution enacting Local Law # 2 of 2020, Repealing Local Law #1 of 2019 and Providing for Land Use Law and Regulations for the Town of Fowler incorporating all of the recommendations of the County Planning Board for the Town of Fowler to the board for adoption. A motion was made by Councilperson Andrews seconded by Councilperson Simmons to adopt Resolution # 12 of 2020, enacting Local Law # 1 of 2020. All in Favor. MOTION CARRIED.

**Roll Call: AYE 4 Supervisor Newvine; Councilperson Bishop;
Councilperson Andrews; Councilperson Simmons**
NAY 0

A motion was made by Councilperson Andrews seconded by Councilperson Simmons to audit the bills. All in Favor. MOTION CARRIED.

The bills audited for the General and Highway Fund were # 251 - #291, with a total of \$291,636.87.

Supervisor Newvine reported that there was a Board of Appeals hearing at 7:15PM and all were welcome to stay and listen but were not able to speak at the hearing.

The next regularly scheduled board meeting will be on Monday, September 14, 2020 at 6PM.

At 6:58PM a motion was made by Councilperson Simmons seconded by Councilperson Andrews to adjourn the meeting.

Tami Gale; Town Clerk

