

Town of Fowler Regular Board Meeting Minutes for July 2, 2019 at 7 PM

The Regular scheduled board meeting for the Town of Fowler was held on the above date with all Board members present. Also present were Town Clerk Tami Gale, Deputy Town Clerk Debra Tupper, Assessor Phyllis Shaw, Code Enforcement Officer Glen Besaw, Planning Board Members Daniel Kingsley and Larry Streeter, Board of Ethics Members Vicky Cappellino and Lillith Griffith, Richard Clement, and Rachel Hunter of the Gouverneur Tribune Press.

Supervisor Cappellino called the meeting to order at 7PM then proceeded with the opening prayer and the pledge of allegiance.

A motion was made by Councilperson Newvine, seconded by Councilperson Simmons to approve the minutes of the Regular Scheduled Board Meeting & Public Hearing on Land Use Law and Regulations for the Town of Fowler held on June 4, 2019 at 7 PM. All in Favor.
MOTION CARRIED.

Supervisor Cappellino submitted Resolution # 12 of 2019, a General Fund budget amendment to the board. The amendment to the 2019 General Budget was to reflect an increase in the Estimated Revenues and Appropriations due to Playground donations. After discussion, a motion was made by Councilperson Jeff Andrews, seconded by Councilperson Rick Newvine and carried.

Roll Call: AYE 5 Supervisor Cappellino; Councilperson Bishop; Councilperson Andrews, Councilperson Newvine, Councilperson Simmons
NAY 0

Supervisor Cappellino submitted Resolution # 13 of 2019, a Fowler Fire District Fund budget amendment to the board. The amendment to the 2019 General Budget was to reflect an increase in Revenue and Appropriations due to the additional State Aid 2% Fire Tax received. After discussion, a motion was made by Councilperson Rick Newvine, seconded by Councilperson Simmons and carried.

Town Department Reports

Assessors

Assessor Phyllis Shaw reported:

- That the final tax roll is in.
- That the Assessors are continuing to work on Data Collection for all parcels in the Town. Supervisor Cappellino asked Assessor Shaw the percentage of Data that has been collected. Assessor Shaw estimated that the percentage collected was 30% but she would need to check with Assessor Chair Sherry Geer for a more accurate percentage.

Dog Control

- Dog Control Officer Dan Moyer was not in attendance.

Beaver Control

- Dan Moyer of Moyers Wildlife Control was not in attendance.

Town Clerk

Town Clerk Tami Gale reported:

- She had collected \$20.00 in bank fees, prepared 1 certified marriage transcript, licensed 42 dogs, prepared 1 marriage license, 14 death certificates, 12 building permits, and had taken in \$330.00 in DEC licenses.
- Received a check to deposit into the Playground fund from the scrap metal collection bins at the Town for \$368.40.
- The Town continues to welcome scrap metal to be dropped off as well as bottles and cans with all proceeds going to the playground fund.
- She had received a letter as well as a confiscated Handicap Parking Permit that was issued by the Town of Fowler, from the Onondaga County Sheriff's Office. The confiscated permit was used improperly to gain access to parking. Town Clerk Gale reminded Handicap Permit holders that the permits may be used to park in reserved parking spaces **only when the person with the disability is driving or riding in the vehicle**. People who are not disabled cannot use your parking permit to park in a reserved space. Persons parking illegally in these spaces are violating the NYS Vehicle and Traffic Law and can be fined and have their parking permit revoked.

- That Head Lifeguard Emily Bush has requested the Board consider purchasing a new umbrella for the lifeguard chair at Sylvia Lake Beach, as well as an AED defibrillator. Town Clerk Gale presented prices for each to the Board. Supervisor Cappellino stated that there was \$1,000 in the budget for the beach.

After discussion, a motion was made by Councilperson Newvine, seconded by Councilperson Andrews to approve the purchase of the \$89.00 umbrella and the \$850.00 AED for the beach. All in Favor. Motion Carried.

Councilperson Newvine approached the board regarding the lifeguard wages as the discussion was on the beach. He stated that the lifeguards presently are not being paid minimum wage. Councilperson Newvine stated that the lifeguards all do remarkable jobs and that head lifeguard Emily Bush does a tremendous job scheduling and keeping track of the time sheets and he felt an increase in their pay was well deserved. After discussion, it was the consensus of the board to raise the lifeguard pay to \$12.00/hour, and head lifeguard pay to \$14.00/hour. Bookkeeper Finnie clarified that the pay will be retroactive as of July 29, 2019.

Town Justice

- Town Justice Ryan Young was not in attendance.

Bookkeeper

Bookkeeper Barbara Finnie reported:

- On the Town of Fowler Cash Balance Month Ending June 2019, and passed out a detailed budget balance report.
- That everything looks pretty good concerning the budget balances.
- The General Fund is 66% spent, but will go back down when the money comes in to reimburse a recent machine purchase.
- The Highway Fund is at 31%.
- The Lighting District is at 37%.
- She stated overall we are under 50% on all accounts.
- There will likely be a few budget transfers in September.

Councilperson Newvine stated that Councilperson Simmons had approached him concerning the contractual percentages that have been spent per department in 2019. Councilperson Newvine asked Bookkeeper Finnie to prepare a report that was handed out to all board members. It was discussed that the Justice Department was overspent. Bookkeeper Finnie

stated it was due to the Justice Department receiving a grant. The grant was not used immediately, so the monies went into the fund balance. The Justice Department has since had an expenditure for the grant monies and their budget would increase by the expended amount that the Town had already received the revenue for. Bookkeeper Finnie stated that all departments should be around 50% spent. Bookkeeper Finnie stated that the Town Clerk contractual was over 50%, but that the Town Clerk contractual is only \$2,000 of which most of it is used during tax season which has now ended. Bookkeeper Finnie stated that the contractual spending was not too bad. Supervisor Cappellino stated that was good news.

Historian

Historian Karen Simmons reported:

- She had visitors to the historian office yesterday seeking information on Howard Shippee's home located on the Little York Rd. The visitors were seeking any information on the home having any historical value to it. Historian Simmons reported that Assessor Chair Sherry Geer had helped her in the search by obtaining some information on the home from the Real Property Office in Canton.

Highway Department

Highway Superintendent Randy Durham was not in attendance.

Councilperson Jeff Andrews reported for Highway Superintendent Durham:

- That the paving will be done by the end of July.
- Hanson Aggregates was awarded the bid for .9 miles of the River Road and the Battle Hill Road.

Code Enforcement

Code Enforcement Officer Glen Besaw reported:

- That he had received 1 complaint, which is still pending.
- He has taken a few calls regarding the possibility of solar power companies looking for potential opportunities in the Town of Fowler.
- He had issued 12 building permits for the month.

Councilmembers

Councilperson Jeff Andrews:

- Asked if there was a truck needing repairs at Spilmans. Supervisor Cappellino stated that Highway Superintendent Durham had not mentioned that there was.
- Thanked everyone for their support in the primary.

Councilperson Bishop:

- Thanked the board and individually thanked several members of the board and Town employees for their cards and donations in memory of his brother Barton Bishop.
- Expressed concern for the low spots on the Town roads being washed out due to the gravel that is being placed on them is not holding.
- Suggested that oil needs to be added to the gravel to help it hold.
- Had concerns over the mowing not being done far back enough. He stated that there are many blind spots all over the place, particularly at the intersections and it is a huge safety concern.
- Suggested that the mower that is being used is not for mowing, it is used for brush and it is ripping and tearing and perhaps the Town could look into shared services with the County to complete the job.
- Questioned if there was any money in the budget to rent a mower that would be able to handle the job.
- Supervisor Cappellino suggested that he will need to take a road trip with Highway Superintendent Durham to view the road mowing when he returns from vacation.
- Councilperson Newvine stated that in fairness to Highway Superintendent Durham there are County roads that aren't well mowed either.

Councilperson Newvine:

- Reported that he has been looking for a place to order more chips for the playground. Reported that he has a price from Palo Wood, in Watertown at \$20.95 a yard for 10 yards, and a price of \$40.85 if they deliver it. Councilperson Bishop suggested that they check with Seaway Timber in Massena to see if they have any. Councilperson Newvine stated that he would have Highway Superintendent Durham do the math and see if it would be more cost effective to send a few of the highway workers to pick up the playground chips.
- Thanked Supervisor Cappellino, Highway Superintendent Durham, Emily Bush, and Town Clerk Gale for all their help with the beach.
- Handed out a Sales Tax distribution in St. Lawrence County information sheet to the board and discussed the fact that the City of Ogdensburg may possibly become a village.

- Reported that he had been in contact with the County to learn more about the outcomes for other Towns if this were to happen. One possibility is that other Towns could potentially lose all sales tax monies. He stated it is very worrisome, as the Town of Fowler currently receives around \$200,000 in sales tax monies.
- Suggested that the board will need to stay on top of this situation and may want to reach out to Legislator Sheridan to see if he has any more information on the matter.
- Researched netting for the Hailesboro Ball field as discussed at the June 4, 2019 board meeting, and passed out flyers of prices to the board members.
- Stated that he had a price of \$615.00 for the nylon custom netting with a shipping cost of \$29.00 from A.D. STARR, a member of the Dick's Sporting Goods Family.
- Stated that he has an individual lined up who will donate the poles and set them for this project at no cost to the Town.
- Asked the board their thoughts on him accomplishing the project. Supervisor Cappellino stated that he felt that it was a great idea. After more discussion, it was the consensus of the board to go ahead with the ballfield netting project.
- Reported that the Town needed to form a Pavilion Committee, and asked if there was anyone in the audience who would like to volunteer to be on the committee. Ready to join the Pavilion committee were: Dan Kingsley, Debra Tupper, Glen Besaw, Richard Clement, Tami Gale, and Jeff Andrews. Supervisor Cappellino stated that members could spot out the area that will house the new pavilion after the board meeting, and that he would get in touch with Tim Rubado who has volunteered to come up with the site plan.
- Reported that he had received a phone call on the County level that someone had reported that they were disturbed about the conduct at a June 4, 2019 Town of Fowler board meeting. It was reported that Legislator Bill Sheridan who had given an update at the meeting had carried on too long, that the meeting seemed like a Republican convention and the meeting should have stuck to the agenda. Town of Fowler taxpayer/ Planning Board Member Larry Streeter stated that it was he who had made the call and he was disgusted with the meeting. Mr. Streeter also stated he was disgusted with how the minutes read. Mr. Streeter stated that if he wanted to listen to that stuff he would listen to Fox news. Councilperson Rick Newvine expressed to Mr. Streeter that the board wanted to hear what he had to say and agreed with Mr. Streeter that Legislator Sheridan went on and on. Mr. Streeter stated for one thing, Legislator Sheridan never said where the money came from that helped build the County Fund Balance back up. Councilperson Newvine stated that he himself didn't know where the money had come from that Legislator Sheridan was referring to during his update on

the County. Mr. Streeter stated that 4 million dollars of it had come from a tobacco settlement. It was handed to the County. Town Clerk Tami Gale asked Mr. Streeter to clarify if it was what was spoken at the meeting and recorded in the minutes that he was offended by, or was he offended with the information being written into the minutes all together. Supervisor Cappellino then asked Mr. Streeter if he thought that the minutes had reflected what Legislator Bill Sheridan had said and were correct, with no embellishments. Mr. Streeter stated that he was offended with Legislator Sheridan carrying on and on and that the minutes had reflected perfectly what Legislator Sheridan had said, stating that he did not feel that a board meeting was the time or the place for Legislator Sheridan's comments. Supervisor Cappellino stated that he was disturbed that the County had called Councilperson Newvine concerning the matter and not him. Mr. Streeter stated that he made the call to find out if there were any kind of guidelines that Town board meetings followed. Supervisor Cappellino asked Mr. Streeter what kind of response he received from the County level on that question. Mr. Streeter stated that he was told she would look into it, and the next thing he knew she had called him back saying that she had called Councilperson Newvine regarding the issue. Mr. Streeter stated that it would have been a different story if Legislator Sheridan would have accurately depicted where the money that increased the County Fund Balance had came from. Members of the board thanked Mr. Streeter for his input and for bringing his concern to their attention.

Councilperson Karen Simmons:

- Reported that the Town had received \$683.00 in donations from taxpayers who had sent back the Family Day raffle tickets that were mailed to them, with the extra donations on top of the raffle ticket cost.
- Thanked everyone for their support in the primary.

Supervisor Cappellino:

- Reported that the beach project has been completed by Northland Associates. He asked all to take a trip to the beach to see the beautiful job that had been done. Jim Tyler, owner of Northland Associates, with no charge to the Town had done a lot of extra upgrading to the beach including new vinyl siding, doors, fascia, soffits, and rake edges on the beach building, and had added a new sand box. Supervisor Cappellino stated that Jim had really went above and beyond. Councilmembers joined Supervisor Cappellino in expressing gratitude to Jim Tyler for his generous donation to the Town.

- Thanked Charles Newvine, Emily Bush and the lifeguards for taking care of and resolving last minute issues pertaining to Sylvia Lake Beach opening day while he, Councilperson Newvine and Clerk Gale were out of Town.
- Recognized Planning Board Member Daniel Kingsley for his record setting sales of raffle tickets for Family Day. The board shared in thanking Dan for his efforts.
- Reported that the Oil Spill that occurred behind the Town Barn in 1992 has been resolved. The Town paid Atlantic Testing to sample the contaminated soil and has received a letter from the DEC stating the samples were of acceptable levels and that spill # 9311304 has been closed.
- The speed reduction request for a portion of the Island Branch Road to Northwoods Rd has been studied and the reduction was found to be not warranted at this time by the State and the County.
- Reported that he had an issue for Executive Session and asked the board for a motion.

At 7:43 PM a motion was made by Councilperson Newvine seconded by Councilperson Simmons to go into Executive Session. All in Favor. MOTION CARRIED.

At 8:02PM the board returned to the meeting room from Executive Session. Supervisor Cappellino stated that the purpose of the Executive Session was to discuss litigation as to whether the board wanted to approve or disapprove action taken by the Code Enforcement Officer pertaining to the aforementioned litigation. Supervisor Cappellino reported that he was not involved in the vote due to a conflict of interest. Supervisor Cappellino stated that the board had disapproved the agreement that was made with this individual involved in the litigation with a 4 to 0 vote.

At 8:05PM Supervisor Cappellino asked for a motion to end the Executive Session. A motion was made by Councilperson Newvine seconded by Councilperson Simmons and carried.

Public Comment:

Planning Board Member Daniel Kingsley stated that he knew that the Highway Superintendent was on vacation, but he wanted to know why there was not someone at the meeting to take his place to answer any questions from meeting attendees concerning the roads. Supervisor Cappellino stated that Fran Cole was the Highway Superintendent Deputy. Mr. Kingsley stated that this was the second meeting where there was an empty seat. Supervisor Cappellino stated that Councilperson Andrews had reported for the Highway Superintendent this evening and that he might be able to answer any questions. Councilperson Newvine agreed that there should have been somebody here from that Department, other departments should be at board meetings as well such as the Justice Department.

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

The bills audited for the General and Highway Fund were #238 - #275, with a total of \$55,585.83.

The next regularly scheduled board meeting will be on Tuesday, August 6, 2019 at 7 PM.

A motion was made by Councilperson Andrews seconded by Councilperson Bishop to adjourn the meeting at 8:20 PM. All in Favor. MOTION CARRIED.

Tami Gale; Town Clerk

