

Town of Fowler May 8th, 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, Town Custodian Rosalee Thornton, Ethics Committee Member Vivian Goodman, Planning Board Members Stephen Gale and Leo Knight, John and Deb Walsh, and Lisa Durham.

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 all healthcare workers.

Supervisor Newvine asked for a motion to approve the minutes from the April 10, 2022, regular scheduled board meeting. A motion was made by Councilperson Simmons, seconded by Councilperson Bishop. All in Favor. MOTION CARRIED.

OPENING OF BIDS RECEIVED FOR 1998 INTERNATIONAL PLOW TRUCK

Supervisor Newvine reported there was one bid received for the 1998 International plow truck.

Councilperson Simmons, read aloud the 1 bid received from Kenneth Hall, P.O. Box 12, Fine, NY 13639, in the amount of \$1005.00. The bid was received by 4:00PM on Monday, May 8th, 2023, and included a NON-COLLUSIVE BID Certificate.

Supervisor Newvine asked the board how they would like to proceed with the awarding of the bid. After some discussion, a motion was made by Councilperson Bishop seconded by Councilperson Andrews to reject the bid. All in Favor. MOTION CARRIED.

Councilperson Bishop recommended the truck be offered to BOCES for educational purposes. It was discussed Supervisor Newvine would contact BOCES to see if they are interested in having the plow truck donated to their program.

SERVICE AWARD PRESENTATION

Supervisor Newvine presented a plaque and cards to John Walsh, thanking him for his 18 years of dedicated service to the Town of Fowler.

RESOLUTION

RESOLUTION # 11 of 2023

Holding Harmless Agreement with the Town of Gouverneur for 2023

A motion was made by Councilperson Andrews seconded by Councilperson Simmons to adopt a resolution to allow Supervisor Newvine to sign the holding harmless agreement with the Town of Gouverneur for the year of 2023. All in Favor. MOTION CARRIED.

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

NAYS: 0

DISCUSSION ON NEW INSURANCE AGREEMENT WITH NYMIR

Supervisor Newvine discussed the Town of Fowler is going to be changing their 2023 municipal insurance carrier from Glatfelter to NYMIR. He reported the change will reflect around a \$2,000 increase. Supervisor Newvine reported the current carrier would not cover a court security officer, and the new carrier will. He reported Glatfelter had agreed to give the Town all their money back.

Supervisor Newvine asked for a motion to allow him to sign the new agreement with New York Municipal Insurance Reciprocal (NYMIR) which will go into effect on May 15th, 2023. A motion was made by Councilperson Cleveland seconded by Councilperson Bishop. All in Favor. MOTION CARRIED.

DISCUSSION ON COURT OFFICER

Supervisor Newvine asked if there had been any applications received since the court security officer position had been advertised. Town Clerk Gale reported no applications had been received.

Supervisor Newvine asked the board if they are in favor of hiring the person who was previously discussed to be hired, prior to the job posting. After some discussion, a motion was made by Councilperson Cleveland seconded by Councilperson Simmons to approve hiring Willie Wilson for the court security officer position. All in Favor. MOTION CARRIED.

Town Justice Tim Knowlton was directed to inform Mr. Wilson of the job offer and find out what he will need for a uniform.

Supervisor Newvine reported he called Barkley's Safe and Lock representative Will Smith and was informed the new court cameras and recorder installation job will begin in two weeks.

Town Department Reports

Justice Department

Town Justice Tim Knowlton reported:

- There were 25 tickets received in the month of April and 16 defendants, with some people receiving multiple tickets.
- There were 10 penal law violations, 13 vehicle and traffic law violations, with 2 civil cases which were evictions.
- Court is slowly starting to pick back up.
- He had attended a magistrates meeting in Canton, which are held on the 4th Monday of each month and had taken a tour of the County jail.
- Speakers at the magistrate's meeting included Michelle James, the County Stop DWI Coordinator, and a representative of the Department of Environmental Conservation, who provided information to the court.
- Stated the court entrance concerns that were discussed at the last board meeting, in his opinion are not an issue. He stated when the court is in session, the Town Clerk is at lunch, and he and the Town Clerk have no concerns with court attendees using the handicap rear entrance to the court.
- He reported when he has an arraignment, he requests that they use the front door, unless they have a need to use the handicap entrance.

Bookkeeper

Bookkeeper Barbara Finnie was not in attendance.

- She had provided Town of Fowler Cash Balance Reports for Month Ending April 30, 2023, and Budget Balances for Month Ending April 30, 2023, to the board members for their review.

Assessors

Supervisor Newvine reported for Assessor Chair Kathy Besaw who was not in attendance:

- They have had 5 taxpayers file grievances.

Historian

Historian Karen Simmons reported:

- She is working on genealogy for the Balcom family.

Animal Control

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

- One dog had been picked up running at large on County Route 24. The owner was located, licensed the dog, and the animal was returned to its owner.
- There were dog complaints on the California Rd and State Highway 58 which were handled by Dan Moyer.

Beaver Control

Councilperson Simmons reported for Moyer's Wildlife Control who was not in attendance:

- A trap was placed on Stone Rd after a report of water being over the road. A week later a live beaver was caught in the trap.
- Beaver have been removed from Stone Rd, Shantyville Rd, County Route 22, and the Little York Rd.

Supervisor Newvine asked if the dams had been removed from County Route 22. Councilperson Simmons reported they had been removed. Councilperson Andrews asked if the water had gone down on County Route 22. Hwy. Superintendent Durham reported the water is down some on County Route 22.

Code Enforcement

Supervisor Newvine reported for Code Enforcement Officer Glen Besaw who was not in attendance:

- He has been very active and has issued a few citations.
- He believes the property on County Route 22, previously discussed at several board meetings, has been sold, but CEO Besaw may declare it a nuisance and have it knocked down. He reported CEO Besaw is in the middle of it right now.
- CEO Besaw has had a few issues with people not getting building permits and is handling it and doing very well.

Town Clerk

Town Clerk Tami Gale reported:

- DEC Gross sales for the month were \$275.00 with the Town of Fowler's Commission being \$15.19. She had licensed 33 dogs, issued 5 handicap parking permits, handled 6 building permit applications,

collected \$10.00 in kennel fees, \$3.00 for a replacement dog tag, and had collected \$12.00 in photocopies.

- Taxes are 84.09% collected and the last day to pay at her office is 5/31/2023.
- Bottle & Can money was received in the amount of \$134.20.

PROPOSED ROAD WORK ON OFFICE ROAD DISCUSSION AND CONCERNS BY HOMEOWNER

Rosalee Thornton addressed the board with a few concerns after reading the Gouverneur Tribune Press article on Office Road and the Town of Fowler minutes of April 10, 2023, pertaining to the Office Road paving discussion.

Ms. Thornton stated she was at the meeting to answer any questions the board may have for her and to have the board listen to her concerns. Ms. Thornton presented a diagram she had prepared as well as a copy of her property survey.

She reported in 1991 they had to put a septic system in due to adding an apartment to their existing home. She reported at the time, she owned the ball diamond diagonal from her property, which was sold in 2016 to John Lutz. She reported they had obtained building permits from Code Enforcement Officer Betty Shrewsberry, who approved the septic tank, its size, its location, as well as the leach field's location.

Ms. Thornton stated her survey shows that she owns the road being discussed, and there is no problem with her pipe at this time, and asked the board how they felt that she would be responsible for the repairs, if her pipe was damaged by the town paving the road.

Supervisor Newvine asked Hwy. Superintendent Durham if the town owns the road. Hwy. Superintendent Durham stated the town owns .3 miles of the road according to New York State, and he has walked it.

Ms. Thornton again stated on paper, and in her survey, it shows she owns it, it doesn't show the town owns it. Hwy. Superintendent Durham replied there is a lot of land around here like that, stating he thinks he personally owns the middle of the road too.

After several minutes of discussion, including various meeting attendee and Councilperson comments on the matter, Supervisor Newvine ended the conversation by stating board members will go look at the road in discussion, have Code Enforcement Officer Glen Besaw investigate past building permit records, and do some further research and will notify Ms. Thornton of their decision concerning the paving of the road. Ms. Thornton thanked the board for their time.

Highway Department

Highway Superintendent Randy Durham Reported:

- BOCES will be conducting their yearly evacuation drill on Friday, May 19th, the date may be subject to change.
- The new 2024 Mack Plow Truck is at Viking. It was discussed they are waiting for the box to come in.
- He will be attending highway school the first week of June.
- Reported the gravel and oil were mixed today for use on the road shoulders. Hwy. Superintendent Durham reported the oil ratio was 12.5 gallons of oil per yard. Councilperson Bishop reported that is a good ratio of oil and he was happy with that.

Supervisor Newvine reported he had received a call from Ken Hurst, on the Country Club Road who stated stone was picked up and dumped into Farley's driveway located behind the gulf course and asked Hwy.

Superintendent Durham if that was done by the highway department and asked him to go look at it. Supervisor Newvine reported he would do the same.

Councilperson Bishop asked Hwy. Superintendent Durham about the back hoe and the broom being left on the Shantyville Road for a month, stating he feels that is too long of a time frame, in today's world, to leave equipment un-attended. Hwy. Superintendent Durham stated they check on the equipment and they have to hit stuff when they can. Councilperson Bishop stated it was Hwy. Superintendent Durham's call, but in his opinion leaving it there unattended from Thursday night through Sunday night is too long.

Councilperson Cleveland asked Hwy. Superintendent Durham if the town was going to pick up the piles of stone on the River Road from a homeowner's yard that the homeowners had raked up. Hwy. Superintendent Durham stated they would pick it up if it was requested. Councilperson Cleveland stated the homeowner hadn't complained he had noticed it while driving. Hwy. Superintendent Durham reported they have picked up the stones from anyone who has requested it. It was discussed that many stones have been picked up from the Country Club Rd and the River Rd this year.

Councilperson Cleveland reported he had a taxpayer ask if the town picks up leaves. Hwy. Superintendent Durham reported they do not provide that service.

Councilperson Simmons asked Hwy. Superintendent Durham to empty the trash can at the Fullerville cemetery.

DISCUSSION ON THE TOWN'S SULLIVAN LOT BRUSH DROP OFF LOCATION

Hwy. Superintendent Durham asked the board if the town wants to continue to let taxpayers bring their brush to the lot on the Sullivan Road for disposal, reminding the board members that they are no longer able to send the chipped product to Fort Drum. He reported everything that has been brought to the lot at this point has been chipped.

Councilperson Bishop suggested maybe they could ship the chips to Massena for processing into wood pellets. Hwy. Superintendent Durham stated he didn't know if that was a possibility. Councilperson Simmons stated it should not be shut off to the town's mowing personnel. Hwy. Superintendent Durham stated that is town stuff, so it was fine. Supervisor Newvine thought it shouldn't be stopped immediately, but they could make this the last year for taxpayers to use the lot.

Taxpayer Tim Knowlton stated there are people who have no property to be able to dispose of brush or chips, stating people try to keep their properties looking nice and asked the board to take that into consideration for the taxpayers who use the lot for brush. Councilperson Bishop stated taxpayers should have a place to take their brush and the town's property at the old dump could be stripped to accommodate the brush.

After some more discussion, Supervisor Newvine directed Hwy. Superintendent Durham to let taxpayers know that this year would be the last year for them to use the lot and if there was an uprising, they would find another way to take care of it.

Public Comment

- Planning Board Chair Steve Gale reported he had followed up with Matilda Larsen at the County Planning Board Office, concerning the roadside stand issue discussed at last month's meeting. She recommended the town place "no parking" signs to protect the town. She informed him with the "no-parking" signs visible and in place, if someone parked between the signs, then the responsibility falls on the person parked there. Hwy. Superintendent Durham reported he had just attended a class and

had learned that it is a law enforcement issue. Supervisor Newvine reported he had discussed the issue with Rick Engle, who is going to speak to the stand owner.

- Planning Board Chair Gale reported he was advised the town should put “no parking” signs in now and adopt a highway access amendment to the local land use law. Supervisor Newvine directed Hwy. Superintendent Durham to research the cost of placing “no parking” signs. Councilperson Cleveland asked if anyone has contacted the homeowner of the property to discuss the matter, as it is the tenants stand that is causing the road hazard. It was discussed Supervisor Newvine would check with Code Enforcement Officer Besaw to see if he has contacted the home owner.
- Planning Board Chair Gale discussed he has received the information he had requested from the County Planning Office on dock regulation and will be setting up a planning board work session in the next few weeks.

Councilmembers

Councilperson Cleveland:

- Discussed he is pretty sure he is going to need to expand the playground to accommodate the new equipment. He reported he would like to order framing to extend the playground 20’. He estimated the cost for the framing to be \$370.00 not including shipping and is waiting for a quote to be received. Additionally, he would like to order some new wood chips, and is waiting for all the new pieces of the playground equipment to come in before any of the equipment is installed.

Reported he has been talking with an assessor who is working on data collection and had learned they would like to have something to identify them as being a town employee while performing the data collection. It was discussed vehicle magnets, jackets, and business cards may be helpful. Councilperson Cleveland reported he would discuss it again with the assessor to see what he felt was appropriate.

Councilperson Lynn Bishop:

- Had no further questions or comments.

Councilperson Jeff Andrews:

- Asked Hwy. Superintendent Durham about the intersections. Hwy. Superintendent Durham reported they are still working on them.
- Asked Hwy. Superintendent Durham to look at an awful bump on the Jones Road.
- Reported the free school food program will be taking place on May 24th.

Councilperson Karen Simmons:

- Reported there were 28 people who visited the HAP Program in the month of April. She reported the number of people visiting the HAP Program is slowing down.
- There will be a SOS Program delivery on June 19th, and there are 97 senior households that will be delivered to.

Supervisor Ricky W. Newvine:

- Reported the town had received a certificate from the Association of Towns certifying the Town of Fowler is entitled to all rights and privileges as a member of the association for the year ending December 31st, 2023.

- Read aloud correspondence he received from the Hailesboro Cemetery thanking the town for their annual \$5,000 donation and for the additional \$2,000 this year for expenses and maintenance of the cemetery.
- Reported the town had received correspondence from Advocate Drum thanking the town for its membership with the Fort Drum Regional Liaison Organization.
- Reported he has received our executed copy of the renewed franchise agreement with Liberty Utilities.
- Reported we are in good shape with the beach and have all the lifeguards for the season.
- Discussed the Balmat Cemetery needs repairs. He is going to contact Ivan Shampine to see if there is anything he can recommend or do to repair it.

Hwy. Superintendent Durham asked Supervisor Newvine if he really wanted the hole in the side yard of the town hall done, as it is going to cost a few hundred dollars. Supervisor Newvine replied it needed to be filled in to make it safer and level for family day activities.

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

The bills audited for the General and Highway Fund were #143 to #191, with a total of \$79,056.14.

The next regularly scheduled board meeting will be held on June 12th, 2023, at 6:00PM.

With no further business, on a motion of Councilperson Andrews, seconded by Councilperson Simmons, the May 8th, 2023, Regular Town Board meeting was adjourned at 6:59PM. CARRIED UNANIMOUSLY.

Tami Gale; Town Clerk