

Town of Fowler Regular Board Meeting Minutes for May 7, 2019 at 7:00 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 Chair Sherry Geer, Assessor Phyllis Shaw, Highway Superintendent Randy Durham, Code Enforcement Officer Glen Besaw, Planning Board Members Daniel Kingsley and Larry Streeter, Board of Ethics Committee Members Lillith Griffith and Vicky Cappellino, Lisa Durham, Richard Clement, Frederick Colton, and Rachel Hunter of the Gouverneur Tribune Press.

Supervisor Cappellino called the meeting to order at 7PM and 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 April 2, 2019 regular scheduled Board meeting. All in Favor. MOTION CARRIED.

Supervisor Cappellino discussed the need for a motion to advertise for a Public Hearing concerning the Town of Fowler Land Use Policy. Councilperson Simmons posed a question regarding the number of people who are needed to serve on the board of appeals for the planning board. Councilperson Simmons stated that she had 3 people who are interested in serving on that board, but the old Land Use Policy had stated 5 seats were needed for the board of appeals, and she wanted to make sure that this change had been included in the new Policy. Code Enforcement Officer Besaw stated that he thought Town attorney Henry Leader had included the change in the new Policy. Supervisor Cappellino stated that he would check with Mr. Leader concerning the matter. Councilperson Newvine asked if the new Policy had been finalized and if copies were going to be made available for board members and the public at the Land Use Public Hearing. Supervisor Cappellino stated that the Town will need to make the Policy available at the Public Hearing.

A motion was made by Councilperson Newvine, seconded by Councilperson Andrews to advertise that a Public Hearing concerning the Land Use policy will be held on June 4, 2019 at 7:00 PM in the Fowler Town Hall. All in Favor. MOTION CARRIED.

Supervisor Cappellino stated that the Town needed a resolution that would allow the board to approve a bond for a USDA truck loan in the amount of \$187,000 and grant of \$33,000. Councilperson Andrews stated that he felt that the entire board should have known about the meeting that was held on April 29, 2019 with Renee Hotte, Loan Specialist from USDA Rural Development. Highway Superintendent Durham stated that Renee Hotte had already presented the information to the board, and that this meeting only required signatures and the Town seal by the Supervisor and the Town Clerk.

After discussion, a motion was made by Councilperson Newvine seconded by Councilperson Bishop to adopt Resolution # 9 of 2019 the USDA Loan Resolution for the 2020 plow truck. All in Favor. MOTION CARRIED.

Roll Call: AYE 5 Supervisor Cappellino; Councilperson Newvine; Councilperson

Simmons; Councilperson Andrews; Councilperson Bishop

NAY 0

Town Department Reports

Assessors

Assessor Chair Sherry Geer reported that while doing assessment work for the Town of Fowler, she and Assessor Phyllis Shaw had noticed that there was a misspelled sign on the Byrns Rd. Assessor Chair Geer notified the board that the sign reads "Bryns Road". Assessor Chair Geer reported that the assessors have been sitting with the tax roll and that grievance day was going to be held on May 28, 2019 from 4 PM to 8 PM at the Fowler Town Hall. Assessor Chair Geer reported that Assessor Phyllis Shaw is continuing with data collection on the properties in the Town of Fowler. Assessor Chair Geer reported that the State is changing the Star Program, and as soon as she learns more about the changes' she will pass the information on to Town residents.

Historian

Historian Karen Simmons reported that it has been slow upstairs in the historian's office. Historian Simmons stated that she had one lady come in to look into her family genealogy, and she had been able to help her find some information.

Dog Control

Councilperson Simmons reported for Dog Control Officer Dan Moyer. Councilperson Simmons stated that Dan had received a couple calls concerning dogs running loose in Hailesboro. Councilperson Simmons stated that she had also received a call about a dog running loose in Hailesboro, but by the time dog control officer arrived, the dogs were not able to be located. Councilperson Simmons stressed to all that there is a leash law in the Town of Fowler and that dogs must be kept on their owners' property. She stated that when a complaint is filed then a summons is issued. Councilperson Simmons stated that the fines start at \$25.00 and go up for each occurrence. Councilperson Simmons reminded the public that all dogs 4 months and older are required to be licensed in the Town of Fowler. She stated that all dogs needed to have a rabies shot in order to be licensed. She preceded to let the public know that the Town participates in a free rabies vaccination clinic every August. This year the rabies clinic is August 15, 2019 from 6 PM to 8 PM at the Fowler Town Barn.

Beaver Control

Councilperson Karen Simmons reported for Moyers Wildlife Control that he had been busy with beavers on the Shantyville Road.

Code Enforcement

Code Enforcement Officer Glen Besaw reported that he had received 3 complaints all of which are still pending. He stated that he had issued 3 building permits, and 1 stop work order, in which he is still trying to find out who is doing the work at the location. He stated that he knows who owns the property, but finding out who is doing the work is a big mystery. Code Enforcement Officer Besaw reported that he had received an email from the Department of State concerning dilapidated buildings and zombie properties. CEO Besaw asked the board what their thoughts were about addressing such properties, stating that there has not been anything done concerning this issue in the Town of Fowler in the last 10 to 15 years. He reported that his concern is that such buildings are a haven for critters and that rabies is a concern. Supervisor Cappellino stated that in the past the Town has not acted on similar situations until there had been a signed complaint. Supervisor Cappellino stated that such cases would continue to be handled by the Town when a complaint is received.

Councilperson Bishop asked CEO Besaw if he had heard anything more on the anticipated clean-up of the property located across from the Town Hall. CEO Besaw reported that he has not heard anything about the issue since Legislator LaPierre was in office. Councilperson Newvine handed CEO Besaw paperwork from the New York State Department of State to look into applying for Brownfield monies to assist in the cleaning up of properties such as the one in discussion. Councilperson Newvine stated that included with the paperwork were a couple of websites that would assist in helping the Town find out what they would need to do to apply. CEO Besaw reported that we are still waiting to hear from Town attorney Henry Leader on the updated Land Use Law Policy.

Town Clerk

Town Clerk Tami Gale reported that she had issued 5 certified marriage transcripts, 1 marriage license, 2 certified birth certificates, 6 certified death certificates, licensed 38 dogs, handled 4 building permits, and took in \$175.00 in DEC monies with a \$9.66 commission to the Town. Town Clerk Gale stated that the 2019 land taxes are 86.25% collected and that she had sent out 2nd notices in late April to 144 residents who had not made any tax payments for the year.

Highway Department

Highway Superintendent Randy Durham talked about the USDA plow truck loan resolution that was adopted earlier in the meeting. He stated that the grant is saving the Town a lot of money. Highway Superintendent Durham stated that he had applied for a grant last year to use for the "outer" Country Club Rd, but at this time there is a high probability that the Town is not going to receive it.

Highway Superintendent Durham reported that he had spoken to Senator Patty Ritchie regarding the truck situation that the Town is in. He stated that if any money does come in, that the Town could possibly receive some.

Highway Superintendent Durham reported that the salt for next year has gone up to \$77.86 a ton. He stated that last years price was \$54.00 a ton. Highway Superintendent Durham stated

that the Towns salt and sand is already in the barn for next year. Supervisor Cappellino asked Highway Superintendent Durham how much sand the Town uses in a year. Highway Superintendent Durham stated that the Town used 5000 yards in 2019.

Highway Superintendent Durham spoke about the Road Work planned for 2019. He stated that he only had about \$240,000 to spend on paving this year. He stated that he has split the River Rd into two sections. The first section will be Island Branch Rd at .9 miles x 18' with type 6 top compacted to 1.75 inch. He stated that .4 miles of that road is pot- hole city. The .4 miles x 18' will receive 3 inches of binder over a profiled section of this part of the road. He stated that on the other half of the River Rd they will go 1.1 miles x 18' with type 6 top overlay compacted to 1.75 inch. He stated the Battle Hill Rd starting at North Woods Rd and ending at the dead end will have approximately .7 miles x 16' with type 3 inches binder T & L over a profiled road then overlaying that with type 6 top compacted to 1 inch. He stated that Kilkarney Courts starting at St. Highway 58 and ending at the over flow parking lot will receive approximately .12 miles x 18' with type 3 binder T & L overlay with type 6 top compacted to 1.5 inch.

Highway Superintendent Durham asked the board for their approval of the Road Work so that he could submit the invitation to bid. After some discussion, it was the consensus Board to approve the roadwork for 2019. Highway Superintendent Durham requested that the ad for the road work be ran in two editions of both the Watertown Daily Times and the Gouverneur Tribune Press. Town Clerk Tami Gale will notify the papers next week.

Highway Superintendent Durham addressed the Board about an auction for government surplus being held in Elmira, N.Y. that he would like to attend on Saturday May 11th, 2019. He asked the Board how much money they would approve him spending at the auction. He stated that there was a 2001 TS90 tractor listed that would match our equipment, and he would not know its condition without going to take a look at it. Councilperson Andrews asked if he knew how many hours were on the tractor. Councilpersons Bishop, Andrews, Newvine and Supervisor Cappellino all asked various questions regarding the tractor. Highway Superintendent Durham stated that he did not know anything about it until he goes and takes a look at it. Councilperson Bishop stated that he does not like to buy used equipment. Councilperson Andrews stated that he would like more information on the tractor before he agreed for the Highway Superintendent to make the trip to take a look at it. Supervisor Cappellino asked Highway Superintendent Durham to try to get some more information on the tractor, such as its value, how many hours are on it, and get back to the board in the next couple of days for them to make a decision on the matter. Councilperson Andrews stated that his answer would be no if we could not get any further information on it. Highway Superintendent Durham stated that he would make some calls and see what he could learn about the TS90 tractor.

Highway Superintendent Durham stated that he and Councilperson Andrews have been discussing crack sealing. Councilperson Andrews stated that he had a taxpayer bring the topic

of crack sealing Town roads to his attention. Councilperson Andrews stated that he felt that crack sealing the roads would be a good idea and a good way to save the roads. Highway Superintendent Durham stated that he had looked into it, and St. Lawrence County does not do crack sealing. He stated the only Town around that had a crack sealing machine was the Town of Hermon. Councilperson Andrews asked Highway Superintendent Durham if he had checked with Suit-Kote Corporation. Highway Superintendent Durham stated that Suit-Kote rents machines for the job by the mile. He stated that it will be very expensive, but that it would help extend the life of Town roads. Councilperson Bishop stated that now would be the time to crack seal the Sullivan Rd. Highway Superintendent Durham requested an executive session be held at the end of the board meeting.

Tax-payer Frederick Colton addressed the Town board concerning the North-Shore Rd. He questioned the roads' labeling as a private road when 3 months of the year the road becomes public. He stated that the road is used to get to the beach. Mr. Colton stated that he takes care of the road all year. He plows the road as his residence is on the road. Mr. Colton stated that he had approached Highway Superintendent Durham about obtaining some gravel for the road repairs and was informed that he could not do anything about it, that he would need to go to a board meeting and approach the board with the matter. Councilpersons Bishop, Newvine and Supervisor Cappellino all stated that the board had approved the gravel, it just hadn't been taken there yet. Highway Superintendent Durham stated that it is not just the gravel that Mr. Colton had asked for. He had inquired about the Towns' equipment and assistance with the road. Supervisor Cappellino stated that the Town could not perform the work on a private road as it is a State Law, and that the Town was probably stretching the limit by bringing a load of gravel up there. Councilperson Karen Simmons stated that the North Shore road is the only road into Sylvia Lake that gets gravel from the Town, and it is due to the Towns' owning of the beach. Highway Superintendent Durham stated that he had to wait until the pit was opened to bring the gravel to Mr. Colton that was approved by the Town board.

Councilpersons

Councilperson Bishop asked Highway Superintendent Durham if he had plans to re-paint the welcome to Fowler signs this year. After some discussion Highway Superintendent Durham stated that he would look into it. Councilperson Bishop reported that there is a 20 MPH curve sign that is down near the old Sampson Service station. Councilperson Bishop reported to Highway Superintendent Durham that there is a big piece of black top that has broken loose on the North Woods Rd that he would like to have picked up for safety concerns. Councilperson Bishop stated the importance of calling the appropriate hotlines during any digging that will be done by the Town. Councilperson Bishop reported that Dan Fifield had completed all of the cleaning up of the Towns properties.

Councilperson Andrews stated that he would like Code Enforcement Officer Besaw to look into the grant information that was given to him earlier in the meeting by Councilperson Newvine provided by the Department of State.

Councilperson Newvine reported that he had visited the Sylvia Lake beach earlier in the day and found the water to be up to the dock. He stated that he had called Northland Associates to inquire when they will be finishing the work at the beach. Councilperson Newvine stated that there is 1 State MPH (mile per hour) sign on Highway 812, and no other speed limit sign marking the roads' speed limit. Councilperson Newvine asked Councilperson Bishop what needed to be done to have more speed limit signs posted on the highway. Councilperson Bishop stated that he would look into it. Councilperson Newvine asked about the sign that reads Hull / Doane Road that is located on Route 58. He felt it was a bit confusing. Highway Superintendent Durham stated it was asked to be put there by a business owner, and the sign replaced a hand- made sign that was previously there. Councilperson Newvine reported the pavilion drawing that was drawn up by Tim Rubadue is going to be stamped by Dave Blevins. Supervisor Cappellino asked if the pavilion dimensions were going to be big enough.

Councilperson Newvine stated the drawing is 24' by 32'. Councilperson Newvine asked if the contract had been signed for the Highway Department. Supervisor Cappellino stated that it had been signed. Councilperson Newvine questioned if the playground was in need of more chips. Highway Superintendent Durham stated that it wouldn't hurt any. Councilperson Andrews stated that he thought that the Town would need to have certified chips for the playground. Councilperson Newvine reported that Kris Bice had begun work on the left side of the Hailesboro fence.

Councilperson Simmons gave an up-date on Fowler Family Day. She reported that she had mailed out raffle tickets to 147 tax-payers who live out of State, and had begun receiving responses. Councilperson Simmons stated that the committee is currently looking for businesses, crafters and vendors that would like to set up at Family Day. The next meeting will be on May 16, 2019 at 2PM at the Town Hall. Councilperson Simmons stated that the committee will be finalizing the t-shirt order with the names of the businesses, and that the t-shirts this year will be blue with yellow lettering. Councilperson Simmons stated that she has confirmed that the Rod and Gun Club will be on hand to sell hamburgers, hot dogs and fries, and that the Gouverneur Elks Club will be once again providing their Chicken Barbeque. Councilperson Simmons announced that Planning Board member Dan Kingsley had sold 72 raffle tickets for Family Day and thanked him for his outstanding participation.

Supervisor Cappellino reminded everyone that St. Lawrence Housing Council is taking applications for CBDG grants. He stated that Town of Fowler residents can call the Housing Council office in Canton at 386-8576 or Tami at the Town Clerk office for the Housing Council phone number. Highway Superintendent Randy Durham asked Supervisor Cappellino what the status was of the people who had applied previously for the grants and had not received a grant. Supervisor Cappellino recommended that any previous applicants for the grants should re- apply through the Housing Council in Canton and speak with Annette Bowman. Supervisor Cappellino wanted to remind everyone that the assessors' would be sitting with the tax-roll on **May 4, 2019 from 9am to 1pm, May 9, 2019 from 4pm to 8pm, May 16, 2019 from 4pm to 8pm, May 18, 2019 from 9am to 1pm, and that Grievance Day was going to be held on May 28, 2019 from 4pm to 8pm at the Fowler Town Hall.**

Supervisor Cappellino wanted to remind everyone that the mobile Mammography unit will be coming to the Town Hall on June 19th, 2019 from 10am to 2pm to provide screening services to the residents in the Town of Fowler. Anyone interested will need to pre-register on June 5th, 2019 from 10am to 2pm at the Town Hall where workers from SUNY Upstate will be on site to assist them. Interested persons may also pre-register by calling 315-492-3353.

Supervisor Cappellino reported that BOCES would be participating in an emergency drill on May 23, 2019. There will be two drills, one at 10:30am and the second at 1:30pm. Supervisor Cappellino stated that in the event of a real emergency the Fowler Town Hall is where the students would be relocated to.

Supervisor Cappellino asked Highway Superintendent Durham about a bill of \$50.00 for soda for the Pepsi machine, and inquired if the Town was breaking even on it. Highway Superintendent Durham stated that he felt the Pepsi machine was a convenience and provided a service to the townspeople. He reported that he empties the machine of currency, counts it himself and then has Town Clerk Gale verify the amount, then the money from the machine is given to the Bookkeeper. He informed Supervisor Cappellino that he would need to check on the numbers with Bookkeeper Finnie.

Supervisor Cappellino asked the board how they felt about repairing the old 8 by 8 building located near the Town garage. After discussion, it was decided that the board members needed to take a closer look at the building before making a decision on it.

Supervisor Cappellino reported that he had spoken to David Storandt with the DEC regarding the oil spill behind the highway garage in 1993. Supervisor Cappellino stated that the DEC is looking for paperwork verifying that the clean up of the spill was completed. Supervisor Cappellino stated that Town Clerk Tami Gale had sent an abundance of paperwork (108 pages) pertaining to the spill to Mr. Storandt at the DEC's Watertown office. The paper-work pertaining to the spill located in the Town files ended in 2003, and the documentation of water sampling analysis was not included in the paperwork. Supervisor Cappellino stated that the Town is going to have to drill holes and take some water samples to prove that the site was in fact cleaned up. Supervisor Cappellino stated that the Town of Gouverneur is in the same situation. Supervisor Cappellino reported that he had called Atlantic Testing and has arranged for a water sampling. The report will be forwarded to the DEC. The estimated cost will be \$1500.00.

Supervisor Cappellino reported that he had attended the feasibility study and they would like to know if the Town of Fowler was interested in getting in on it. Councilperson Newvine stated that he didn't think it was going to be a big savings. After some discussion, Councilpersons Bishop, and Andrews stated that they would like more information on the subject.

Public Comment

Deputy Town Clerk Debra Tupper asked who is responsible for the garbage that has been piling up over the years at an area bordering the Gulf Cemetery. Supervisor Cappellino stated that if the garbage came from the Town property then the Town would be responsible to clean up the garbage. Supervisor Cappellino stated that he would go take a look at the area in discussion. Tax-payer Richard Clement stated that the new LED lights are brighter than the old lights were. MOTION CARRIED.

Supervisor Cappellino reported that Highway Superintendent Durham would like to be reimbursed for a pair of work-boots and asked the boards pleasure. After discussion, a motion was made by Councilperson Bishop seconded by Councilperson Newvine to reimburse the Highway Superintendent for a pair of work-boots every year up to \$165.00. All in Favor. MOTION CARRIED.

A motion was made by Councilperson Andrews seconded by Councilperson Bishop to pass Resolution # 8 of 2019 to allow the board to audit the remainder of the Town Clerk book and reports from January 1, 2018 to April 10, 2018. All in Favor. MOTION CARRIED.

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

At 8:42PM a motion was made by Councilperson Andrews seconded by Councilperson Bishop to go into executive session to discuss pending vehicle repairs that might be involved in litigation. All in Favor. MOTION CARRIED.

At 9:07PM a motion was made by Councilperson Newvine seconded by Councilperson Simmons to end the executive session. All in Favor. MOTION CARRIED.

The bills audited for the General and Highway Fund were # 154 - # 188, with a total of \$51,445.83.

The next regularly scheduled board meeting will be on Tuesday, June 4, 2019 at 7 PM.

A motion was made by Councilperson Andrews seconded by Councilperson Simmons to adjourn the meeting at 9:09PM. All in Favor. MOTION CARRIED.

Tami Gale; Town Clerk