

# Town of Fowler Meeting Minutes for December 3, 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, Bookkeeper Barbara Finnie, Dog Control Officer Dan Moyer, Highway Superintendent Randy Durham, Planning Board Members Stephen Gale and Larry Streeter, Board of Ethics Committee Member Vicky Cappellino, Pavilion Committee member Richard Clement, Lisa Durham, Marty Spilman, Juli Spilman, Natalie Spilman, Sheriff Kevin Wells, Mary Beth Curran, 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 Town Board Meeting held on November 7, 2019 at 7PM. All in Favor. MOTION CARRIED.

Supervisor Cappellino announced that the first order of business was to honor and congratulate Sheriff Kevin Wells on his pending retirement after 35 years of service to St. Lawrence County. Supervisor Cappellino and all in attendance expressed thanks to Sheriff Wells on a job well done.

Supervisor Cappellino presented Sheriff Wells with a ballcap and jacket on behalf of the Town of Fowler and for his efforts in keeping the Town of Fowler safe. Supervisor Cappellino, assisted by Councilperson Simmons, Deputy Town Clerk Debra Tupper and Town Clerk Tami Gale passed out cake and punch to attendees. Sheriff Wells thanked the Town of Fowler for their efforts, stating the Town of Fowler has always been good to him and feels like home.

## Fuel Bid

Supervisor Cappellino re-opened the meeting with discussion on awarding the Fuel Bid that was tabled at the November 7, 2019 board meeting. After some discussion, a motion was made by Councilperson Newvine seconded by Councilperson Andrews to accept the bid from Tripp Fuel, LLC who will be responsible for deliveries to the Town of Fowler until December 31, 2021. All in Favor. MOTION CARRIED.

## Pavilion Bid #2

Supervisor Cappellino announced one bid had been received for the second round of bidding that was advertised for the construction of a new 30' by 50' Pavilion to be located at 87 Little York Road. Councilperson Simmons read the bid aloud:

**Bidder: Northland Associates, Inc. 4701 Buckley Road, Liverpool NY 13088**

**OPTION #1 BID AS DESIGNED & SPECIFIED**

**TOTAL \$177,900**

**OPTION #2 BID TO INCLUDE ONLY THE CONCRETE SLAB WITH UTILITY STUB OUTS, ROOF WITH SUPPORTS AND GABLE ENDS ENCLOSED.**

**TOTAL \$134,000**

Councilperson Simmons reported that included in the bid packet were a non-collusive bidding certificate and proof of bond. After discussion, it was the consensus of the board to accept the bid and table any decision on awarding the bid until the board could give more thought and discussion to the bid.

**RESOLUTION #17 OF 2019**

Supervisor Cappellino submitted Resolution #17 of 2019 to the board. Resolution #17 is a USDA Loan Resolution for the acceptance of the 2020 plow truck and authorization to make the final payment of the 2020 plow truck that was delivered to the Town earlier in the day. After some discussion, a motion was made by Councilperson Andrews seconded by Councilperson Bishop to adopt Resolution #17 of 2019. All in Favor. MOTION CARRIED.

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

**NAY 0**

Supervisor Cappellino reported the closing on the 2020 Plow Truck is scheduled to be completed at Attorney Henry Leaders office on December 16, 2019 at 10:00AM. He stated that Town Clerk Tami Gale and himself would need to attend the closing.

Councilperson Simmons asked Highway Superintendent Durham if the 2020 plow truck had been delivered to the Town. Highway Superintendent Durham stated that it was at the Town but not ready to plow yet, reporting that it had a hydraulic problem that needed a computer adjustment. He reported that Beam Mack would be at the Town at 8:00AM the following day to address the problem, and that Viking would be at the Town at 7AM to calibrate the sander. Highway Superintendent Durham stated that all new trucks are going to have bumps, and we just have to work through the process. Supervisor Cappellino thanked Highway Superintendent Durham for applying for the grant.

## Town Department Reports

### **Bookkeeper**

Bookkeeper Barbara Finnie reported:

- On the Town of Fowler Cash Balance Month Ending November 30, 2019 and distributed a detailed budget balance report to the board.
- That it is nearing the end of the year and that all spending needs to be cut back by all departments including trying not to use the Town credit cards unless absolutely necessary.
- The remaining bills from 2019 will need to be paid at the transfer meeting in December and any budget amendments or transfers would be done at that time.

Supervisor Cappellino suggested that the board determine the date and time of the Transfer Meeting. After discussion, it was decided that the year- end Transfer Meeting would be scheduled for December 30, 2019 at 3:00PM, and the Town Clerk will advertise the meeting in the Gouverneur Tribune Press and on the Town website.

### **Town Justice**

- Town Justice Ryan Young was not in attendance. He delivered the court report to Supervisor Cappellino before the board meeting.

### **Assessor**

Assessor 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. The pair of assessors had found the same misspelled sign on the other end of the same road while performing assessment work in May of this year. Assessor Chair Geer notified the board that the sign reads “Bryns Road”.

### **Code Enforcement**

Code Enforcement Officer Glen Besaw was not in attendance.

### **Historian**

Historian Karen Simmons reported:

- That the Town had received the new Tri-County Marker Sign that will be placed at the site on County Route 24 where 3 counties come together. Councilperson Simmons stated that it will be installed in the spring.

- That Keith Benman from WWNY TV News had interviewed her earlier in the day and had visited the Historian's office for some history on the mines in the Town of Fowler. Supervisor Cappellino, who was interviewed as well for the Empire State Mines news story stated that the pictures that were aired were nice, Councilperson Newvine agreed.

## Dog Control

Dog Control Officer Dan Moyer reported:

- That there had been 1 dog in the kennel. The dog had scratched the Deputy Town Clerk after it had been picked up by a town resident presumed to be a stray and brought to the Town Hall. The dog had to be quarantined for 10 days as it was a stray dog with no proof of having its rabies vaccination. The dog went unclaimed and on its 12<sup>th</sup> day in the kennel it was transferred to Gracious Friends Animal Sanctuary to be fostered.
- That he had a complaint of a stray dog on the River Rd, and the dog could not be located.
- He had been receiving calls on stray cats in the Town of Fowler and wanted to make the public aware that **dog control does not include cats**. He stated that there are no regulations covering cats in New York State that he is aware of. He recommends that if a resident is having a stray cat issue call the SPCA, Friends 4 Pound Paws, Gracious Friends Animal Sanctuary or the Humane Society.

## Beaver Control

Dan Moyer of Moyer's Wildlife Control reported:

- That the beaver activity had quieted down for the time being. Highway Superintendent Durham asked Mr. Moyer if he had removed the dam on the Byrns Road. Dan Moyer reported that he had removed the dam and that water is flowing through all Town culverts as it should be.
- Dick Clement reported a beaver dam located under a bridge on County Route 24. Supervisor Cappellino stated that the County would need to be notified to take care of the dam as it is a County Road.

## Town Clerk

Town Clerk Tami Gale Reported:

- That DEC gross sales were \$480.00 with a \$16.10 commission to the Town, she had issued 11 certified death certificates, licensed 27 dogs, and handled 3 building permits.
- She had been gathering up information to answer three concerns that were found during a Monitoring visit for the Town of Fowler's 2014 and 2015 CDBG grants that Supervisor Cappellino and herself had attended on September 18, 2019. The three concerns need to be addressed and submitted to the Office of Community Renewal and accepted in order to close out the 2014 and 2015 CDBG grants.

- She has been working on completing paperwork requested by bond council and the USDA Loan Specialist that is needed for the closing at Attorney Leaders office on December 16, 2019 for the purchase of the 2020 Plow truck.
- That she had deposited a check from Kimco Steel Sales Ltd. from the Towns scrap metal bin in the amount of \$33.40 for 3,740 lbs. of metal.
- That on November 14, 2019 she had attended a LGRMIF Grant Application Information Session that was held in Canton at the St. Lawrence-Lewis BOCES building. The purpose of the session was to learn about the Local Government Records Management Improvement Fund grants that are available to help local governments establish record management programs. The grants can be up to \$75,000 and have been available since 1987. The session was taught by Maria McCashion, Regional Advisory Officer of New York State Archives in Albany, who looked the Town of Fowler up in her records and discovered that the Town of Fowler has never applied for this grant before, which would give them an automatic 10 points of the 60 points needed to be chosen for such a grant. Town Clerk Gale stated with the boards' approval she would do more research on the grant stating that the deadline for submission this year was January 26, 2020, and she did not think that she could meet the deadline but would like to try for the following year. After discussion, it was the consensus of the board to have her look into the grant process further.
- That starting on January 7<sup>th</sup>, 2020 she would be starting evening hours on one day a week. The Town Clerk office will stay open until 6:00 PM on Tuesdays.

## **Highway Department**

Highway Superintendent Randy Durham reported:

- That he had discussed with the highway workers and Councilperson Simmons about the annual breakfast and asked the boards approval for the Town to cover the cost of a Christmas breakfast at Tripp's Diner for all Town employees. After discussion, it was the consensus of the board to approve the breakfast. Highway Superintendent Durham stated that it will be on December 18, 2019 at 7:00 AM.
- That he has been working with Barry from Congresswoman Elise Stefaniks office in Watertown looking for some more funds to do the Byrns Road. He stated that she is researching grants for this and should be getting in touch with him this week on the matter. He has spoken to her a couple of times, as well as Mary from Elise Stefaniks Washington DC office. He stated that the budget to do the Byrns Road is \$330,000 and will take about three years to complete. Councilperson Newvine asked if any grant could be tied in with the historical Tri-County Marker. Councilperson Simmons reported that research showed that the Tri-County Marker is not considered to be historical. Highway Superintendent Durham stated that he will try to promote that the Byrns Road is on the border of Fort Drum.
- That the new 2020 Plow truck is at the Town, stating that there are a few minor issues to be worked out.

## Planning Board

- Planning board chair Stephen Gale reported that the St. Lawrence County planning board is reviewing the Towns water district map and it will be discussed at the December 12, 2019 St. Lawrence County Planning Board meeting in Canton. After it has been reviewed they will return it to the Town to hold a Public Hearing on the water district maps adoption. It was discussed that the Public Hearing would be advertised for January 7, 2020 at 7PM and Town attorney Henry Leader would be contacted on amending Local Law #1 of 2019 on Land Use Law and Regulations for the Town of Fowler.

## Councilmembers

### **Councilperson Karen Simmons**

- Asked the Department heads to turn in their information for the 2020 Town of Fowler newsletter.
- Asked if anything was done concerning the dry hydrants that were discussed at the November town board meeting. After some discussion, it was decided that a call should be placed to St. Lawrence County Emergency Services to get some instruction on the matter.

### **Councilperson Rick Newvine**

- Reported that he and Supervisor Cappellino attended the St. Lawrence County board of Legislators meeting on December 2, 2019.
- Thanked Natalie Spilman and Councilperson Simmons for putting together the gathering to honor Retiring Sheriff Kevin Wells.
- Wanted to let everyone know that the Town of Fowler will be having a celebration for Supervisor Cappellino at the December 30<sup>th</sup>, 2019 special transfer meeting. He stated that Supervisor Cappellino has been involved in the Town for 31 years and the town appreciates all that he has done.
- That the power consortium that is in Gouverneur is very near done and they are looking for an administrator. Once that happens anyone in St. Lawrence County will be able to sign on for that power. As soon as the information is available on how to sign up he will pass the information on to town residents.
- Asked if the key fob system at the Town Hall had been returned to working order. Town Clerk Gale stated that it had been fixed.
- Gave a shout out to the Gouverneur Wildcats, who played a great game and did very well.

### **Councilperson Jeff Andrews**

- Previously discussed all concerns earlier in the meeting.

## **Councilperson Lynn Bishop**

- Recommended to Highway Superintendent Durham that the Town order and erect more snowplow turn around signs after the 1<sup>st</sup> of the year to make drivers aware that the trucks are turning around.
- Asked Highway Superintendent Durham about the guard rails that are being fixed on the Byrns Road, and if the Town goes after insurance carriers to recover the costs of new guard rails after an accident occurs. Highway Superintendent Durham stated that the Town does not receive any kind of a report to find out who caused the damage from an accident.
- Reported that there still is an issue with local children playing near the dumpster, the kennel and the Salt barn. He is concerned with someone getting hurt.

## **Supervisor Cappellino**

- Discussed correspondence that has been received from the Town of Fowler public health drug safety vendor: Onsite Testing, concerning new Federal regulations involving new guidelines that the Town needs to follow along with additional increase in pricing for the services. Highway Superintendent Durham stated that he had spoken with the Town of Fowler insurance agent representative Mike Gillette of Fuller Insurance Agency and that they have not heard about the new federal regulations and suspected the correspondence to be a letter of solicitation and to ignore it until there is an official notification.
- Asked the board as his term is coming to an end if he would be able to keep his laptop that is 8 and ½ years old. After discussion it was the consensus of the board to approve Supervisor Cappellino to keep his laptop as he leaves office. Supervisor Cappellino thanked the board.

## **Public Comment**

- Taxpayer Marty Spilman addressed the board to ask if Highway Superintendent Durham had taken a look at the sluice pipe in front of his home at 149 Country Club Road. Hwy. Superintendent Durham stated that he had not lately and asked what was going on with the pipe. Mr. Spilman reported that he had spoken with CEO Besaw a few weeks ago concerning an issue with a neighboring drain going across Mr. Spilmans driveway which has ruined Mr. Spilmans driveway and the left portion of his yard. He was told by CEO Besaw that he would have the Highway Superintendent come out and take a look at the sluice pipe as CEO Besaw stated that the sluice pipe appeared to him to have been set way too high. Mr. Spilman stated that was 2 weeks ago. Hwy. Superintendent Durham reported that CEO Besaw had not notified him of this matter.
- Mr. Spilman stated that this sluice pipe problem started when Jeff Weaver was the Highway Superintendent. The sluice pipe was put in right where his neighbors drain is, which causes the water to back up before it can make it across the road. Mr. Spilman stated he discussed this sluice pipe with Highway Superintendent Durham and was told that it would be done before the road was paved.

- Highway Superintendent Durham stated that the decision to pave the road was made hastily and the sluice pipe was not fixed before the road was paved.
- Hwy. Superintendent Durham stated that it was an easy fix if they wanted to cut the road, however the road will never be the same again. Mr. Spilman stated that he was aware of this and questioned why the sluice pipe was not fixed before the new paving was done last year, as this has been a re-occurring issue that he had discussed with the Hwy. Superintendent before the new paving was started and completed.
- Highway Superintendent Durham stated that he would take a look at the sluice pipe and come up with a solution to correct the problem.
- Taxpayer Natalie Spilman spoke about the importance of having connections and a good rapport with members in your community like Sheriff Kevin Wells and others that can look out for you and help you when a need arises.
- Taxpayer Richard Clement complimented the highway department on the great sanding that was done on the hill on County Route 24.

### **Executive Session**

At 8:09PM, a motion was made by Councilperson Newvine seconded by Councilperson Bishop to go into executive session to discuss highway concerns. All in Favor. MOTION CARRIED.

At 8:34PM, a motion was made by Councilperson Newvine seconded by Councilperson Andrews to close the executive session. All in Favor. MOTION CARRIED.

The bills audited for the General and Highway Fund were #463 -#504, with a total of 70,338.38.

There will be a Special Transfer Meeting on December 30, 2019 at 3PM at the Fowler Town Hall for the purposes of official budget issues.

The next regular scheduled board meeting will be held on January 7, 2020 at 7 PM.

At 8:36PM a motion was made by Councilperson Andrews, seconded by Councilperson Newvine to adjourn the meeting. All in Favor. MOTION CARRIED.

Tami Gale; Town Clerk