

Town of Fowler August 8th, 2022, 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, Highway Superintendent Randy Durham, Town Justice Timothy Knowlton, Code Enforcement Officer Glen Besaw, Assessor Chair Kathleen Besaw, Assessors Robert Theriault and Timothy Thomas, Planning Board Chair Stephen Gale, Playground Committee Member Richard Clement, Maintenance Worker Byron Woodward, and John & Debra Walsh. There were no attendees 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, all healthcare workers, and for the families of all who have passed: Helen LaBow Kennedy, Diane Phelps, Duane Hubbard, and Gale Ferguson.

Supervisor Newvine asked for a motion to approve the minutes from the July 11th, 2022, regular scheduled board meeting. A motion was made by Councilperson Simmons seconded by Councilperson Cleveland. All in Favor. MOTION CARRIED.

Town Department Reports

Justice Department

Town Justice Tim Knowlton reported:

TIME CHANGE FOR COURT

- He is changing the hours of Court, effective September 1, 2022. Court will still be held on the 1st and 3rd Tuesdays of each month; however, the court appearance time will now be at 12:00 PM (Noon). He reported the change in time will be for 10 months.
- He and Court Clerk Irma Ashley had attended training at SUNY Canton, hosted by St. Lawrence County Magistrates Association. One of the topics covered was eviction proceedings. He reported all evictions now occurring in New York State must be mediated. He stated a mediator comes to court and 99% of the time, the evictions are successful, reporting sometimes money exchanges hands, sometimes not, but when they are done there is usually some kind of a resolution. When both parties agree, he then signs the paperwork, and it is done. He stated evictions are very complicated proceedings.
- He reported the other part of the workshop had to do with the probation department.
- He reported he has completed 8 hours of his yearly 12-hour training, and Court Clerk Irma Ashley had completed her 6 hours of yearly training.
- Reported he has started the process of the JCAP Grant (Justice Court Assistance Program) and he should have the paperwork together for the September board meeting. He reported the grant can go up to \$30,000 and he is trying to get all new video surveillance cameras for the Town Hall building. The cameras, hardware, and recording devices, would be taken care of through the grant, and the Town could pay for any additional equipment for other buildings or areas they would like to have new equipment for. He stated he is working with Will Smith of Barkley's Safe and Lock and had obtained the previous quote for camera systems to review from Town Clerk Tami Gale.
- He reported the biggest part of the expense will be for the recording device that allows you to monitor events that occur.

Supervisor Newvine stated we are in need of it, stating Hwy. Superintendent Durham had reported a break in of the soda machine the other night.

Bookkeeper

Supervisor Newvine reported for Bookkeeper Finnie who was not in attendance:

- Bookkeeper Finnie had provided Town of Fowler Cash Balance Reports for Month Ending July 31, 2022, and Budget Balances for Month Ending July 31, 2022, to the board members for their review.
- Highway Department expenditures had been high but would be coming back in CHIPS funding in the amount of \$298,000.

ARPA (AMERICAN RESCUE PLAN ACT) FUNDS RECEIVED

- The ARPA (American Rescue Plan Act) money has been received and the balance of the ARPA fund is \$96,894.32. The original amount of the ARPA installment was \$108,000.00, however \$12,000.00 was spent to repay the general fund for the paving of the parking lot, which was overspent last year.

Supervisor Newvine stated the board needed to decide how they wanted to spend the remaining ARPA money totaling \$96,894.32.

Supervisor Newvine stated:

- Initially the board would like to finish the pavilion by closing in the rafters.
- He would like to see \$10,000 distributed to the playground/pavilion fund and \$10,000 distributed to the HAP/SOS Food Program fund.
- He would like to see the playground expanded, with some new additions.

Councilperson Cleveland reported the most requested items for the playground is adding some more equipment for toddler age children to use, and he is going to research some new items to add to the playground.

- It was discussed the side lawn of the town hall needed to be made level and adding a partial fence to the playground could be considered.
- Maintenance worker Byron Woodward asked if we had anyone to come in and give a price for a new furnace/air conditioning system for the Town Hall before the next budget is adopted. Supervisor Newvine stated that should be included in the list of items to spend the ARPA money on and asked maintenance worker Byron Woodward to write up a bid to include the details of installation of a new furnace/air conditioning system and collaborate with Town Clerk Gale to get it advertised.
- Hwy. Superintendent Durham suggested a new source of power such as a Generac generator could also be purchased with the ARPA money. Supervisor Newvine asked him to get a quote.

BUDGET TRANSFER

Supervisor Newvine reported the pavilion/playground account has \$9,502.13 and the SOS/HAP Food Program account only has \$91.32.

Supervisor Newvine stated the board needed to transfer funds to the SOS/HAP Food Program fund, as Councilperson Simmons wanted to do another SOS Program food delivery on September 1st, and there wouldn't be enough money in the fund to do the delivery, or another board meeting to approve the transfer of funds before the delivery.

Supervisor Newvine asked for a motion to transfer \$3,000 to the SOS/HAP Food Program. A motion was made by Councilperson Andrews seconded by Councilperson Bishop to transfer \$3,000 to the SOS/HAP Program Fund. All in Favor. MOTION CARRIED.

Assessors

Assessor Chair Kathleen Besaw reported:

- All 3 assessors are working on Data Collection.
- There are many data collection cards turned in to the Real Property Office in Canton, waiting to be reviewed and returned.
- They have been working on building permits that have been closed out and will meet to discuss valuations for the completed building permit projects soon.
- Reported there are still many people in the Town of Fowler who haven't received their homeowner's credit check. She received an email with some new phone numbers to call to inquire on the homeowner credit check as well as a new hotline number for the STAR Credit, so people can get their own information without calling the town. She will get Town Clerk Gale the numbers to put on the town's website.

Historian

Historian Karen Simmons reported:

- She is working on a genealogy for a gentleman who is looking for information on his grandparents from the year of 1894. She has not found any information yet and continues to search for information on the family.

Animal Control

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

- There was a complaint of a dog running at large on the Little York Road that was resolved.
- Reminded the public the Town of Fowler is holding a Free Rabies Clinic on Thursday, August 11th, from 6PM to 8PM at the Town Barn. All attendees will need an appointment to attend as we cannot accept walk-ins due to new regulations. If you wish to sign up, you can do so online or call the Town Clerk's Office to assist you in obtaining an appointment. Cats, dogs, and ferrets can receive shots at the clinic.

Beaver Control

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

- He has been working on beaver control on the Swiss Hill Road.
- He has been working on a dam on the Chub Lake Road.
- He continues to work on beaver control on the Country Club Road.

Code Enforcement

Code Enforcement Officer Besaw reported:

- There were 7 building permits issued for the month.

- He checked into a complaint that was received at Sylvia Lake for building without a permit, and he is taking care of it tomorrow.
- He hasn't been able to contact the owner of the property discussed at several board meetings, that is in poor condition on the Emeryville Road.
- He had checked the boat launches, and all were in good shape with no garbage.
- He had received a question about a possible construction project at Sylvia Lake and needs to check with the town attorney regarding a clarification in the Local Land Use Law concerning conforming lots. Supervisor Newvine directed CEO Besaw to get clarification on the matter from the town attorney, and an amendment could be made to the Land Use Law if necessary. Planning Board Chair Stephen Gale stated he will check with the County Planning Board, who assisted with the land use law as well, but he believes any new construction on an existing lot must stay in the same footprint of the original building.

Supervisor Newvine reported he had spoken to town attorney Henry Leader and the town's Health Officer can declare the property on the Emeryville Rd. a health hazard, unfortunately our Health Officer is indisposed right now in poor health. Supervisor Newvine reported he had discussed the future Health Officer position with Eric Putman, of Roput Veterinary Clinic, who would be interested in taking over as the next Health Officer for the Town of Fowler.

CEO Besaw replied that if it is a public nuisance, he, as the town code enforcement officer, can take action on the property, with assistance from the town attorney. He reported he needed to have a reason to declare it a public nuisance. He reported he had visited the location and didn't see any wildlife that could spread diseases and hasn't heard of anyone trespassing at the location. He reported none of the debris is getting into the road or the water near the location, but it looked like some of it is in the state of collapse, which would allow him to condemn it. He reported he would check with Attorney Leader and see exactly what the criteria is. Supervisor Newvine asked CEO Besaw to follow up with the town attorney on how to proceed in the matter.

Town Clerk

Town Clerk Tami Gale reported:

- DEC Gross sales for the month were \$313.00 with the Town of Fowler's Commission being \$17.27. She had licensed 25 dogs, handled 7 building permit applications, issued 11 death certificates, and had collected \$5.00 from the sale of 1 Bicentennial book at family day.
- Bottle & Can money collected for the month was \$59.40.
- Scrap Metal money collected for the month was \$262.50 for 2.5 tons.
- Hunting licenses went on sale on August 1st, and it has been slower than expected.
- She had signed up 56 animals for the rabies clinic in advance of the board meeting. There is a link on the town's website to register for the rabies clinic that was added by webmaster Shari Barnhart.
- Asked Hwy. Superintendent Durham if he had received the recall paperwork on the 2022 Mack Plow Truck. He replied that he did receive it.

- Asked Councilperson's Cleveland and Bishop if they received the cemetery grant information from the Northern New York Community Foundation which was brought in by Mike Crowner. Both councilmembers replied they had received their copies of the paperwork.

Highway Department

Highway Superintendent Randy Durham Reported:

- CHIPS funds are in, in the amount of \$298,000, and in the budget, they had budgeted to receive \$174,000.
- Discussed the need for new "road closed" signs and the amount of people who disregard the signs. It was discussed larger "road closed" signs should be obtained with lights on them,
- Reported he has received 2 requests to have the speed limit changed on the Island Branch Road. He had it looked at 2 years ago, and it was denied. He also suggested the board might like to look into having the speed limit lowered on the River Road.

Supervisor Newvine requested Hwy. Superintendent Durham to apply to the County for the reductions in speed limit on both roads. There was some discussion that the speed limit set for the Sylvia Lake Road seems to be too fast for portions of the road.

DISCUSSION ON THE SALE OF SLUICE PIPES TO LANDOWNERS BY THE TOWN OF FOWLER

- Hwy. Superintendent Durham stated he would like to bring up the culvert pipe issue. He reported he has had 2 requests from people to purchase more than 30 ' of culvert pipe and he could not satisfy the requests because of how the culvert policy is written at this time. He also reported he needed to have enough culvert pipe to sell culvert pipe.

Supervisor Newvine stated he thought the confusion is: the sluice pipe policy, (that was revised July 13, 2020), to change the policy to include allowing landowners to purchase sluice pipes directly from the Town of Fowler at cost; instead of having landowners supply their own approved sluice pipes themselves for the Town to install, and was the policy of the Town of Fowler, until the policy's revision in 2020, is written that a maximum of 30' of culvert pipe can be installed by the Town of Fowler.

Supervisor Newvine stated the wording would need to be adjusted to sell more than 30' of culvert pipe to landowners to install themselves. Currently the town supplies the covering over 30' culvert pipes with a maximum of 3 feet of crusher run gravel or whatever suitable product is recommended by the highway superintendent, which is at no charge to the landowner.

Councilperson Andrews asked do we want to go there? He stated if we sell 30' of culvert pipe how it is presently set up, the town installs it. He stated if we start selling more than 30' of culvert pipe, private contractors will be installing the culvert pipe, and do we want to go this route?

Supervisor Newvine stated that is what the board needs to determine. Is it fair? He stated it is nice to save the Town of Fowler taxpayers some money and is it a service that we want to provide to the taxpayers.

Councilperson Andrews stated if we decide to do this, he is concerned the Town could short themselves of culvert pipes and not have enough with the supply chain how it is, to satisfy their own needs for culvert pipe in an emergency. Hwy. Superintendent Durham stated he always has culvert pipe and keeps track of his

inventory. He stated his last culvert pipe order he received was within 2 months, that's why he orders in quantity.

Supervisor Newvine stated the board is going to have to re-write the sluice pipe policy to make sure that it is solid and treats everyone the same and will need to be written so that the policy doesn't get taken advantage of or be abused.

Councilperson Scott Cleveland said he would like to say a few words about the subject. He reported what they were talking about here was he and his neighbor. He stated together they had installed 120' of culvert along a town road, trying to alleviate a water issue that effects both of their yards, as a result of run off from the golf course and other neighboring properties. He reported the water used to be resolved by a culvert that ran under the road, until a ditch had been filled in by a previous neighbor, and now the water doesn't leave, which has led to an abundance of mosquitoes and frogs. Councilperson Cleveland stated he would have saved money if he and his neighbor had purchased the culvert at cost from the Town of Fowler. He stated in his opinion, if you are using a culvert along a town road and are not taking it somewhere else to use other than the Town of Fowler, he personally doesn't see an issue with landowners purchasing culverts from the Town of Fowler.

Supervisor Newvine stated the other board members were afraid to give approval to Scott for the purchase of culverts, because of how it may look due to Scott being a councilmember. Supervisor Newvine stated he thought Scott was right and felt any Fowler resident should be able to purchase culverts from the town.

Hwy. Superintendent Durham reported that he has added wording to the bills that he creates for people who are purchasing culverts at cost from the Town of Fowler, stating: all culvert pipes sold are for personal use only and must be used in the Town of Fowler.

Supervisor Newvine reported the sluice pipe policy will be re-written at a future meeting to be determined, and until then it will remain the same.

DISCUSSION ON THE PURCHASE OF A NEW 2024 MACK PLOW TRUCK

- He has been made aware that he can order a Mack plow truck with a build date of February 2023. The price of the truck may fluctuate a little up or down, but he has been given a price of \$257,834.00. It is about \$20,000 more than what was paid for the 2022 Mack Plow Truck. It would come with a standard warranty. He stated for an upgrade in the warranty for the engine it would be an additional \$2,244.00 and for an upgrade to the warranty for the chassis it would be an additional \$4,279.00. Supervisor Newvine stated they had discovered that the additional warranty is well worth it.
- If the board decides to approve the 2024 Mack Plow Truck purchase, he would also like to ask permission to apply for another USDA Loan grant, it would be the same as the previous 2 grants, and would be for 15% of the cost if the new plow truck, and when the grant is received, the town will pay the remainder of the new plow truck off within a month like the last 2 times. He reported it is going to be a lot of paperwork.

Supervisor Newvine reported he had discussed the purchase of the 2024 Mack Plow Truck with Bookkeeper Barbara Finnie who verified that the highway fund has the money to purchase it. She said it should not be financed, as it costs too much.

Supervisor Newvine asked the board for a motion to purchase the 2024 Mack Plow truck. A motion was made by Councilperson Andrews seconded by Councilperson Cleveland to approve the purchase of a new 2024 Mack Plow Truck.

Councilmembers

Councilperson Karen Simmons:

- Reported in the month of July 23 people were assisted by the HAP food Program, which was held 3 times this month due to Fowler Family Day.
- Reported there will be a SOS program delivery on September 1 – September 2 for Labor Day.
- Reminded everyone about the free rabies clinic on Thursday the 11th from 6pm – 8pm at the town barn.
- There is going to be a democratic primary held at the town hall on August 23rd to decide on a congressman to be in the general election.
- Asked to set up a family day committee meeting in 2 weeks for discussion on this year's event and improvements to think about for next year. She reported according to her figures, the event made \$5,114.20 at the family day. She stated it didn't sound like a lot, but there are a lot of expenses involved. She reported the event took in just over \$10,000, and with deducting the expenses the net was \$5,114.20. She stated she was very pleased with the turn out, the nice weather and seeing everyone have a good time.
- Reported she had learned from Councilperson Andrews there will be another food distribution at the school on August 17th, and asked Hwy. Superintendent Durham if he was available to pick up boxes of food for the Town of Fowler.

Councilperson Lynn Bishop:

- Told Hwy. Superintendent Durham that the roads looked good.
- Stated he would like to see the shoulders paved instead of using stone on them.
- Asked Hwy. Superintendent Durham if the County work with the shoulders was going to be shared services or if he was paying them. Hwy. Superintendent Durham stated he was likely going to be paying them this year.
- Suggested using shared services with the County and their equipment for the wash out areas on roads like the California Road, where there have been a lot of washouts.
- Asked Hwy. Superintendent Durham if he could have the highway department scrape the large amount of sand from the road near the stop sign at the end of the Little York Road / Emeryville Road, for safety concerns.

Supervisor Newvine asked Hwy. Superintendent Durham if he had ever obtained a quote for paving road shoulders. Hwy. Superintendent Durham reported the expense is huge. It was discussed there seem to be a lot of wash outs of road shoulders with the heavy rain. Hwy. Superintendent Durham reported he was going to be doing some hot mix tomorrow and they could look at the cost.

Councilperson Jeff Andrews:

- Asked if the highway department was going to get back to mowing the roadsides.

- Reported his concerns about washouts on town roads was addressed previously in the meeting.
- Reported there is a twisted stop ahead sign in need of replacement on the Hull Road.
- Commented that this year's paving looks very good.

Councilperson Cleveland:

- Discussed a possible area that he had measured for fencing some of the pavilion/playground.
- Reported he had measured the pavilion ceiling for enclosing and stated it would take about 32 sheets of plywood and estimated the cost to be \$1,500.

Supervisor Newvine asked maintenance worker Byron Woodward if that was a project he could get done. Byron stated he could do it and suggested it should be

painted before it gets put up. After some discussion, it was the consensus of the board to approve the ceiling being enclosed at the pavilion.

Supervisor Ricky W. Newvine:

- Reported he had received correspondence from the St. Lawrence County Self-Insurance Worker's Compensation Plan, administered by the County Attorney, and the cost has gone down from \$30,010.00 in 2022 to \$26,351.00 for 2023.
- Reported on energy choice, and the anticipated solar energy surge, stating the town has a local law providing for community choice aggregation for energy, which allows the town to buy some of the power and determine where it goes. He discussed there is a mistake in the law that he is looking into having corrected, to allow for people in the Town of Fowler to access the power and also have access to the power that is generated up and down the river. He stated there are 3 agreements in place with the hydro dams in the town, whose contract runs out in 2023. He would like to get on board and say they would make more money by selling their power, and we will save more money by buying their power, reporting he is working on seeing if there is something that can be done in that regard.
- He has been in touch with FEMA to discuss requests that they are making of the town, and if the Town of Fowler has ever received any FEMA money in the past.
- Discussed the lack of a speaker system to use at family day was a mistake, stating not being able to properly announce so participants could hear what was going on probably effected the vendors as well. He suggested spending some of the ARPA money on a new speaker system and took responsibility for not checking it out prior to family day.

CEO Besaw stated they are asking him to provide a service regarding information on a property being renovated without taking into consideration inflation costs which he feels is unfair, and when he asked a FEMA representative for guidance, she said she had never done it, and could not tell him how to go about doing it. CEO Besaw stated he feels if FEMA wants this done, why aren't FEMA's people doing it. CEO Besaw reported he can do it, but he is busy enough with tracking people down, and using a lot of time doing that, and didn't know where he would find time to do FEMA's work.

BUDGET MEETING DATE DISCUSSION

Supervisor Newvine asked the board to set a date for a budget meeting. After some discussion, it was the consensus of the board to set a budget meeting for September 19th at 3:00PM at the town hall.

Public Comment

- Dick Clement reported the telephone line located on the side lawn of the town hall is hanging low and should be looked at. He suggested it be raised. Supervisor Newvine stated we would get someone to come and look at it.
- Stephen Gale reported there will be a planning board meeting held on Monday, August 15th at 6:00PM for discussion on a variance permit.
- CEO Besaw reported the County was just awarded \$250,000.00 to clean up properties that are in tax foreclosure and didn't know if the Town of Fowler had any of such properties or if Legislature William Sheridan had provided any information to the town. Supervisor Newvine stated he hadn't received any information but could call the County Attorney to investigate it.

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

The bills audited for the General and Highway Fund were #271 to #315, with a total of \$367,713.30.

The next regular scheduled board meeting will be held on September 12th, 2022, at 6:00PM.

A budget work session meeting will be held on September 19th at 3:00 PM.

With no further business, on a motion of Councilperson Bishop, seconded by Councilperson Simmons, the August 8th, 2022, Regular Town Board meeting was adjourned at 6:56PM. CARRIED UNANIMOUSLY.

Tami Gale; Town Clerk