

Town of Fowler Regular Scheduled Board Meeting Minutes July 13, 2020 at 6 PM

The Regular scheduled board meeting for the Town of Fowler was held on the above date, at the Town Hall with all board members present excluding Councilperson Bishop who attended remotely. Also present were Town Clerk Tami Gale, Highway Superintendent Randy Durham, Code Enforcement Officer Glen Besaw, Assessor Phyllis Shaw, Pavilion Committee Chair Michael Cappellino, Board of Ethics Committee Member Vicky Cappellino, Pavilion Committee Member Dick Clement, Ivan Shampine, Lisa Durham, Scott Cleveland, and Rachel Hunter, Editor of the Gouverneur Tribune Press attended for a short time by phone.

Supervisor Newvine called the meeting to order at 6:00PM, then proceeded with the pledge of allegiance and led a moment of silence to honor our military men and women, the healthcare workers who are keeping us safe, and to remember Patricia Clement, wife of Dick Clement who has recently passed. Supervisor Newvine expressed well wishes to Deputy Town Clerk Debbie Tupper, Assessor Kathleen Besaw, and Bookkeeper Barbara Finnie, who all have endured recent health challenges. Supervisor Newvine reported he had spoken to 2 of the 3 Town employees before the meeting to check on their recoveries.

Supervisor Newvine asked for a motion to approve the minutes from the June 8, 2020 Town board meeting. A motion was made by Councilperson Simmons, seconded by Councilperson Andrews to approve the June 8, 2020 Town board minutes. All in Favor. MOTION CARRIED.

Supervisor Newvine asked for a motion to approve the minutes from the Special Highway Meeting that was held on June 15, 2020.

A motion was made by Councilperson Andrews, seconded by Councilperson Simmons to approve the June 15, 2020 Special Highway Meeting minutes. All in Favor. MOTION CARRIED.

Discussion on re-opening the Playground

Supervisor Newvine led a discussion on the re-opening of the playground. Supervisor Newvine reported that Governor Cuomo had left the decision on re-opening playgrounds to individual entities. He reported that he had contacted the manufacturer of the playground equipment to ask what could be used to clean it. He was told that Dawn dish soap and Simple Green were recommended as two cleaners safe to use on the playground equipment's material. He has been in contact with the Public Health Department and has been researching guidelines that need to be put in place before re-opening the playground can happen safely. He discussed that the playground would need to be spray cleaned once daily and asked Highway Superintendent Durham if he could inquire with the highway department laborers for a volunteer to complete the washing in the morning as they arrive for work. Highway Superintendent Durham stated that he is one laborer down and has no summer help this year, but he would ask. Councilperson Bishop recommended that a highway department laborer be offered an hour of overtime to perform the cleaning or come in early and leave early to do it every day. After much discussion on the Covid-19 virus and its uptick in cases, the uncertainty of its spread, and taking into consideration the health and safety of the children, it was the consensus of the board to hold off on plans for opening the playground until the pavilion was completed which is expected to be sometime in the fall. The Town will continue to research guidelines on re-opening procedures to be able to put into place a safety plan that it feels is acceptable.

Pavilion Update

Supervisor Newvine invited Pavilion Chair Michael Cappellino to give the board an update on the pavilion. Mr. Cappellino reported that he and Town Clerk Gale had ordered a flagpole and American flag from Liberty Flag - Pole last week. It is expected to be delivered in a few weeks and they will call a day before the delivery. He reported he would like to volunteer the use of his tractor for the job of erecting the flagpole as well as hanging

the plaque on the pavilion, and had consulted with Town Maintenance worker Byron Woodward, to make plans to complete the two projects.

Mr. Cappellino reported that he had a price of \$12,900 from North Country Barns to close in the gable end of the pavilion, where the bathroom and storage area in the pavilion will be located, and asked the board their thoughts on getting it done this year.

Supervisor Newvine reported that the board had previously agreed to use some of the playground fund for the pavilion project. He reported on the funds remaining in the pavilion and playground accounts as supplied by bookkeeper Barbara Finnie before the meeting to be: \$4,467.49 in the pavilion account and \$15,222.27 in the playground account, which brings a total of about \$19,000 in total that the Town has for the project. Pavilion Chair Michael Cappellino told the board that Ivan Shampine of Boland Creek Masonry has offered to lay the blocks at no charge for material or labor to assist the Town with the project. Mr. Shampine stated he was attending the meeting to advise the board on what needed to be done to protect the exposed pipes protruding from the pad this year if no additional work was performed.

Supervisor Newvine reported he was advised by bookkeeper Finnie that the Town could contribute additional monies to the project. He stated they could use some of the contingency fund that the board has in the budget. After further discussion, it was the consensus of the board to have the pavilion completed this year.

Supervisor Newvine directed Pavilion Chair Michael Cappellino to get a new quote from North Country Barns for the completion of the pavilion including plumbing, electric, toilet and sink to be included in the quote.

Chairman Cappellino told Supervisor Newvine the work would likely not be completed until fall. Supervisor Newvine commented that would be fine, as the board has agreed that the pavilion would not be opened to the public until it is completely constructed, stating we are not sure of the direction that COVID-19 is taking, and the Town still had further preparations to make to ensure the public health amid the Pandemic.

Supervisor Newvine stated that maybe we could plan something for this fall, after its completion, so people could see it as it is quite a nice addition to the Town.

Councilperson Andrews reported that Chad Soper has volunteered to donate the concrete for the flagpole. Councilperson Bishop stated that was really nice of him and appreciated the offer. The Town board extended their gratitude to Ivan Shampine and Chad Soper for their donations and to Michael Cappellino for the pavilion update.

Supervisor Newvine reported that he had a request from Deputy Town Clerk Debbie Tupper for Ivan Shampine, who knows what he is doing, to level the lawn near the playground. After some discussion, it was decided that the Highway Department would bring several yards of dirt to the washed- out areas of grass to the right of the playground.

Revised Sluice Pipe Policy

Supervisor Newvine reported that he had written and revised the Town of Fowler Sluice pipe policy and read it aloud:

Policy on installing driveway sluice pipes that are in the Town of Fowler right-of-way

1. **The Town will install the sluice pipe at a driveway at the discretion of the Highway Superintendent as to need and the frequency of replacement.**
2. **The cost of the sluice pipe is the responsibility of the landowner. Every landowner has the option to purchase a sluice pipe from the Town at the Town's cost or supply a sluice pipe purchased elsewhere. Sluice pipes purchased from a source other than the Town of Fowler must be approved by the Highway Superintendent as to size and quality.**
3. **The pipe cannot exceed thirty feet in length.**
4. **The fill over the pipe cannot exceed three feet.**
5. **The covering of fill over the pipe will be bank run gravel or whatever suitable product is recommended by the Highway Superintendent at time of installation.**

Supervisor Newvine then asked the board if they would like to approve the new policy tonight. After some discussion, a motion was made by Councilperson Andrews seconded by Councilperson Simmons to approve the revised sluice pipe policy. All in Favor. MOTION CARRIED.

TOWN DEPARTMENT REPORTS

Town Justice

Town Justice Ryan Young was not in attendance.

Bookkeeper

Bookkeeper Barbara Finnie was not in attendance.

Supervisor Newvine stated that he had spoken to Bookkeeper Finnie prior to this evenings meeting and reported she has had a little set back but is improving all of the time.

- She had advised (as reported earlier in the meeting), that the Town could use some of its contingency fund toward the pavilion project.
- Had prepared Town of Fowler cash balance month ending June 30 ,2020 reports and distributed the reports to all board members prior to the meeting.

Assessors

Assessor Phyllis Shaw reported:

- The final tax roll has been completed.
- She has been working on data collection.

Historian

Historian Karen Simmons reported:

- There is nothing going on in the Historian Department right now.
- She would like to set a date to get the new plaque installed at the Tri-County Marker next month and asked the Highway Superintendent if he was able to get her the post to install the new plaque. Highway Superintendent Durham replied he would get the post but cautioned she may want to hold off until the County is done working on the road up there.
- It was discussed that the volunteer work that had been done by Ivan Shampine and Dick Clement at the Tri-County Marker looks very nice.

Animal Control

Councilperson Karen Simmons reported for Animal Control Officer Dan Moyer who was not in attendance:

- It has been very quiet.
- He had a call on Sunday about 2 missing dogs, the dogs were later found visiting down the road.

Beaver Control

Councilperson Karen Simmons reported for Moyers Wildlife Control:

- That it has not been busy as everything is dried up with the warm temperatures.
- Highway Superintendent Durham stated that he was not sure if the beaver issue on the Chub Lake Road was done or not as the water is still high.
- Councilperson Simmons stated that when she gets notified by the Highway Superintendent of a beaver situation, she then notifies Moyer Wildlife Control of the concern.

Code Enforcement

Code Enforcement Officer Glen Besaw reported:

- He has been busy. There are 5 new houses being built in the Town of Fowler.
- There were 17 new permits last month with one being a carry- over from the previous year.
- He has received 3 complaints, all of which are going to end up with legal action being taken, which he will need to discuss further in executive session.

- He had spoken to Town Attorney Henry Leader last week who advised him on a solution for one of the cases and how to handle the required citations.
- He is still trying to catch up on home inspections that require him to enter buildings amid the COVID-19 pandemic.
- That the Town has already paid for his required yearly code enforcement training conference that was later cancelled. He has learned that they are not going to re-offer the training this year and he is finding on-line training classes that he hopes will meet the training requirements. He told the board the money paid for this year's cancelled conference can be rolled over to next year or he could request a reimbursement for the Town and asked the board how they wanted him to proceed. The Town board directed Code Enforcement Officer Besaw to request a reimbursement for the missed conference.

Town Clerk

Town Clerk Tami Gale reported:

- She had licensed 47 dogs, handled 15 building permits, issued 2 marriage licenses, issued 2 certified marriage transcripts, total DEC sales for the month were \$675.00 with \$20.47 being Town commissions and the total money taken in and payable to the Town Supervisor for the month was \$1,145.74.
- She had made a deposit of \$85.05 which came from a scrap metal check for 4,240 pounds of metal, and a deposit of \$94.40 from bottles and cans into the playground fund.
- On June 24th the Town received a Certificate of Completion for the successful completion of the Town of Fowler's New York State Community Development Block Grant (NYS CDBG 14 and 15) from the Office of Community Renewal (OCR) and the closeout of both grants have been approved.
- There were no applicants for the vacancy on the Planning Board.
- The Town is not capable of selling DEC licenses yet, she has been in contact with the DEC to obtain the necessary credentials and training on the new system and is in the same boat as many other Town Clerks and License Issuing Agents, waiting to be called by the DEC for this transition. She received an email on Friday July 10th that provided a phone number that people wishing to obtain a license could call 1-866-933-2257 or they can go online at <https://decals.licensing.east.kalkomey.com> to obtain a license and acceptable proof of the license obtained by this manner.
- The Town Clerk account has \$10.00 over what it should have in it. The extra \$10.00 has been in the account for several years. 2nd Deputy Town Clerk Kim Reed has been assisting tracing the overage by going through banking records, deposits, Town Clerk reports, and reconciling bank statements and had located the month, date, and year when the overage occurred. The Town Clerk at the time had made a deposit of \$338.00 when the actual total of the transactions to be deposited totaled \$328.00 creating the \$10.00 overage. Town Clerk Gale asked the board how they would like to proceed with the overage to remove it from the Town Clerk account. Supervisor Newvine recommended to consult with Bookkeeper Finnie and transfer the \$10.00 to the playground account.

Highway Department

Highway Superintendent Randy Durham reported:

- The 2020 Plow Truck Loan with the USDA will be paid off on July 14, 2020 in the amount of \$93,692.15.
- Asked the board for their approval for Supervisor Newvine to sign a check allowing him to pay Hanson Aggregates as soon as the paving project is completed, allowing him to meet the criteria for the Town to recoup paving money in September as opposed to December.

A motion was made by Councilperson Andrews seconded by Councilperson Simmons to approve Supervisor Newvine to sign the check to be paid upon completion. All in Favor. MOTION CARRIED.

- The Town is down to about 6 sluice pipes, and with the board's approval on implementing the new sluice pipe policy, he asked the board if they wanted him to go to Town and purchase the sluice pipes to save the residents the tax, because he has no plans to order another big pile this year. It was the

consensus of the board that any sluice pipe that will be sold to a resident at cost will be ordered as it is needed.

- Paving is scheduled to begin on July 22, and it will likely take two days to complete.

Highway Superintendent reports On Excess Equipment:

- That the 2000 truck had the frame replaced on it about 3 years ago. The frame was welded on last year to pass inspection, now it sways when it is traveling at 35 mph. He reported that the Town has 5 Plow Trucks besides the 2000, and he would like to scrap the 1993 truck and use the 2000 truck as parts for the 1998 truck, or declare the 2000 truck as excess equipment and put it out to bid, or auction. He suggested that it should bring in some decent money. After discussion, it was the consensus of the board to have the 1993 truck scrapped and use the 2000 truck for parts.

Councilperson Bishop directed that if there were any good parts left on the 1998 truck, that they need to be salvaged prior to it being scrapped. Highway Superintendent Durham reported that he was sending laborer Dennis (David) Travis to do the salvaging.

Councilmembers

Councilperson Jeff Andrews:

- Asked if there was any news on the property across from the Town Hall yet. Supervisor Newvine reported that he has not heard anything new and that he needed to get in touch with Steve Button.
- Asked when the flagpole was being delivered.
- Asked Supervisor Newvine if there was anything new on allowing food to be sold at the Hailesboro ballpark. Supervisor Newvine reported that he had obtained a copy of the vendor law from the Town of Gouverneur and the board will need to re-visit the food vendor policy when they meet to go through the Town's policies and up-date them at a work session before moving forward with it. He has learned about the licensing and approvals necessary to comply with State rules and regulations.

Councilperson Lynn Bishop:

- Asked if the Town was going to contact Sweeney to set the flagpole. Supervisor Newvine reported that Mike Cappellino was going to set it with the help of Maintenance worker Byron Woodward.
- Reported he had a topic to discuss in executive session later in the meeting.

Councilperson Karen Simmons:

- Reported that they needed to set a date for the Family Day Committee to meet for the discussion on returning donations that were received before the event had to be cancelled due to COVID-19. She reported she was looking at Thursday, July 30 at 2:00 PM, and she would get in contact with the Family Day Committee members to make them aware of the meeting.
- Reported that the 5th delivery of SOS Care Packages will be delivered on Friday July 17th. She is estimating there will be 72 recipients for this delivery. She reported that packaging will happen on Wednesday and Thursday. She does not know at this time if the 5th delivery will be the last delivery. Supervisor Newvine reported that he had spoken to Bookkeeper Finnie who reported that there is \$1,079.42 left in donated money for the SOS Program and thought that would be enough for 1 more delivery.

Supervisor Newvine Reported:

- He made a few calls and had spoken to Lou Frangella regarding the poor condition of the railroad tracks located in the Town of Fowler and asked if the Town themselves could make any improvements to the railroad tracks. It was explained to Supervisor Newvine that the Town could not make any improvements to the tracks due to liability concerns. Mr. Frangella reported that he would follow up on Supervisor Newvines concerns. He mentioned the tracks on Main Street-Hailesboro Rd, as well as the Sullivan Rd and asked those in attendance if there were any other railroad tracks that need to be addressed. Highway Superintendent Durham reported the tracks on the Island Branch Rd are in poor

condition. Councilperson Lynn Bishop reported the tracks on Glasby Rd should be looked at and volunteered to go take a look at them the next day.

- He had posted Social Distancing signs at both the ballfield and the beach and reported that visitors are doing well with social distancing recommendations.
- The Sylvia Lake beach had an inspection and had received 2 violations. The 1st was issued as a lifeguard was on her cell phone while there were swimmers in the water. The 2nd violation was questionable, as it was due to the rescue spine board not having a third strap on it. Supervisor Newvine reported the spine board was purchased in 2018, and in speaking with the lifeguards he learned the lifeguards are trained **not** to use the 3rd bottom strap and had removed it. Supervisor Newvine felt that it was a fairly good first inspection.
- He had received a phone call earlier in the day from Michael Cappellino concerning the placement of the lines at the beach. Supervisor Newvine stated that he had not noticed when he has been checking on the beach that the lines weren't placed correctly to the edge of the Town's property borders as they should be. He reported that he had spoken to head lifeguard Emily Bush and she will re-position the lines.
- He had been made aware of the need to increase the amount that is kept on hand in petty cash. He asked Town Clerk Gale if this was still thought to be needed. Town Clerk Gale reported that if the SOS Program is going to continue then the amount kept on hand for petty cash needs to be increased. It was discussed the current amount kept on hand is \$250.00. Shoppers use either petty cash, the Town Credit Card, or store charges to purchase the SOS supplies, and then the bookkeeper deducts the expenses from the SOS account. When shopping is done to purchase the groceries for the SOS Program the petty cash is completely depleted. Shoppers, such as Councilperson Simmons are using their own money to make purchases and can't be reimbursed until the petty cash is replenished at the next months' board meeting. If the SOS Program isn't going to continue, then the \$250.00 would remain fine. Supervisor Newvine recommended that petty cash be increased to \$500.00. It was the consensus of the board to increase the amount of petty cash to \$500.00.
- Included in this evenings bills to be audited was an expense from the Town's web designer Shari Barnhart. He reported that she needed to change the provider for the website as the provider that she had, if something was to happen to her, no one else could access the website. It has now been changed and the bill was around \$900.00 for the change. He reported the Town is now good to go.
- The Town was still without any working cordless phones. He stated he would get in touch with Tom Manley of Pinnacle Technologies the following day.
- The Town of Edwards has laid their highway crew all off for the month of July.

PUBLIC COMMENT

- Supervisor Newvine expressed condolences to Dick Clement with the passing of his wife Patricia on behalf of the Town and thanked him for all of his recent help for the Town and to let him know if he needed anything.
- Lisa Durham asked Supervisor Newvine why maintenance worker Byron Woodward could not do the disinfecting of the playground. Supervisor Newvine replied that he has a full time job and didn't know if he could be here every morning to spray it down. Supervisor Newvine stated it was a good idea and he would ask him if he would be able to do it.
- Michael Capellino asked if the balance of \$4467.49 left in the pavilion fund had included the purchase of the new flagpole. Town Clerk Gale stated the flagpole had not been deducted from the amount. It was purchased using the Town credit card and it won't be submitted to the bookkeeper until next month. The amount of the flagpole was \$2,050.00.
- Michael Cappellino reported the Gouverneur Rod & Gun Club is hosting a trap shoot this weekend July 18th. He stated there will be prizes given out, everyone will shoot 50 rounds, and they are hoping to see 100 people attend. He reported they will be serving breakfast, and lunch and drinks will be

available if anyone wanted to volunteer. He stated the club is trying to get the kids more involved. He stated the league just started back up. The 2nd league night was held last Thursday.

- Town Clerk Tami Gale reported that there was going to be a Democratic Caucus held on Tuesday, July 21 at 6:00PM at the Town Hall.

EXECUTIVE SESSION

At 6:37PM, a motion was made by Councilperson Andrews seconded by Councilperson Simmons to enter into executive session with Code Enforcement Officer Glen Besaw being invited to attend. All in Favor. MOTION CARRIED. At 6:48 PM Code Enforcement Officer Glen Besaw returned from the executive session and Highway Superintendent Randy Durham was invited in. At 7:00PM Highway Superintendent Randy Durham returned from executive session.

At 7:05PM a motion was made by Councilperson Simmons seconded by Councilperson Andrews to close the executive session. All in Favor. MOTION CARRIED.

Supervisor Newvine reported the discussion held in executive session was concerning a few topics. He stated Code Enforcement Officer Besaw has made the board aware of several properties in the Town of Fowler that are going to need to involve legal action being taken. He reported that the Town has given the Code Enforcement Officer the go ahead to start the process, stating there are several properties that the Town is not going to allow to remain in their present conditions.

Supervisor Newvine reported the second topic discussed was the concern all of the board members have with the time off that the highway department gets. They are all wondering how the work is getting done. He reported Highway Superintendent Durham has confirmed to them that they are getting the work done and he is happy with the way it is going, but the board is looking to change things in the highway department and get it to be more efficient.

Supervisor Newvine reported lastly, that Councilperson Bishop had made a request for a phone to be purchased for one of the board members, but the board had decided that it was not in the best interest for the Town.

A motion was made by Councilperson Simmons seconded by Councilperson Andrews to audit the bills.

The bills audited for the General and Highway Fund were # 208 - #250, with a total of \$166,495.43.

Supervisor Newvine expressed his thanks to Ivan Shampine, for everything that he has done for the Town. He stated we just keep asking and asking and wanted him to know that the Town would not be where we are with the pavilion if it wasn't for him. He stated that he was happy that Dick Clement had got Ivan involved. They have both been very instrumental in the progress of the pavilion. Ivan Shampine reported he was glad that Dick had brought him in and he got involved with the project. He stated he was glad he could help, save the Town some money, and was able to get it done. Supervisor Newvine thanked the pavilion committee for the great job.

The next regularly scheduled board meeting will be on Monday, August 10, 2020 at 6PM.

At 6:58PM a motion was made by Councilperson Simmons seconded by Councilperson Andrews to adjourn the meeting.

Tami Gale; Town Clerk

