

## **Town of Fowler Meeting Minutes for December 6, 2016 at 7PM**

The Regular Meeting for the Town of Fowler was held on the above date with all Board Members present. Also present were Deputy Town Clerk Tami Gale, Highway Superintendent Randy Durham, CEO Rick Whitford, Legislator Joel LaPierre, Dog Warden Dan Moyer, Assessor Sherry Geer, Assessor Bob Andrews, Herbert Fuller, Vicky Cappellino, Lisa Durham, Debbie Tupper, Bonnie Seaman, Al Redmond, Wanda Fayette, Richard Clement, Phyllis Shaw, Robert Ordway, Bob Buddenhagen, Cynthia Carr, and Rachel Hunter from the Tribune Press.

Supervisor Cappellino called the meeting to order at 7PM then proceeded with the opening prayer and the pledge of allegiance.

After discussion, a motion was made by Councilperson Newvine and seconded by Councilperson Simmons to approve the minutes from the November 1, 2016 meeting. All in Favor. MOTION CARRIED.

Supervisor Cappellino stated that the Board held Emergency Board Meetings on December 1, 2016 and December 3, 2016 concerning the Fowler Justice Department. After discussion, a motion was made by Councilperson Fayette and seconded by Councilperson Bishop to approve the minutes, respectfully submitted by Councilperson Ricky W. Newvine for both Emergency Board Meetings. All in Favor. MOTION CARRIED.

St. Lawrence County Legislator Joel LaPierre addressed the Board with an update from the County. Legislator LaPierre stated that the County Legislators had passed a Resolution asking for St. Lawrence County District Attorney Mary Rain to resign her office. Legislator LaPierre stated that the County bank accounts are continuing to be reconciled,

and that he and Supervisor Cappellino have held discussions about the Emeryville Bridge. It is a possibility that the Emeryville Bridge could reuse a deck from another project. The Board thanked Legislator LaPierre for the update.

Supervisor Cappellino discussed with the Board a request for a Resolution for a Speed Reduction on the California Road, which was brought to the Town by several concerned citizens. After discussion, a motion was made by Councilperson Newvine and seconded by Councilperson Simmons to pass a Resolution for the speed reduction. Roll Call on the Vote: Councilperson Simmons: Yes, Councilperson Newvine: Yes, Councilperson Bishop: Yes, and Councilperson Fayette: Yes. All in Favor. MOTION CARRIED. Supervisor Cappellino stated that the Town will follow through with the request and it would go to the County from here.

Supervisor Cappellino stated that the Town needed to officially except the resignation of Fowler Town Justice Paul Lamson. After discussion a motion was made by Councilperson Newvine and seconded by Councilperson Simmons to accept the resignation. All in Favor. MOTION CARRIED.

Supervisor Cappellino stated that it was the consensus of the Board to advertise in the paper for a new Justice, requiring resumes. The person who is hired will need to attend an academy expected to be in April, and can sit on the bench after attending. The Justice term will be up in November 2017, and the new Justice would then need to run for the office.

Supervisor Cappellino addressed the Board with an update from the St. Lawrence Housing Council on the CDBG program. The progress report

had total funds awarded at \$400,000, paid to NCHC to date \$221,564, balance \$178,436, and Funds expended/committed-not yet billed \$116,639.

Supervisor Cappellino addressed the Board concerning the Town of Fowler's new 3 year plowing contract with the County. Supervisor Cappellino stated that the contract is the same as years past. The County requires the use of 10% salt. Supervisor Cappellino stated that the Town was required to supply proof of insurance and proof of a Resolution accepting the contract. After discussion, a motion was made by Councilperson Newvine and seconded by Councilperson Fayette to accept the contract. All in Favor. MOTION CARRIED.

Dog Control Officer Dan Moyer reported that the Fowler dog kennel had just had a state inspection. It passed the inspection with no concerns. Dan also reported that there had been reports of dogs running loose on State Highway 812. He had 1 dog in the kennel for 5 days that was picked up by Friends 4 Pound Paws. He had reports of dogs "running deer" on the Emeryville Road, a dog that needed to be licensed, and reports of missing dogs on the California Road.

Councilperson Simmons stated that it was the consensus of the Board to continue to house all dogs picked up in the Town, at the Town of Fowler dog kennel and thanked Dan Moyer for the consideration of using his shelter for the winter.

Debbie Tupper asked Dan Moyer who should be contacted if it was suspected that an animal was not receiving proper care. Dan Moyer replied that it was a matter to be addressed to the State Troopers.

Dan Moyer reported on the Beaver Control. He stated that he had taken 3 beavers from the Fullerville Road, and had seen no further activity there.

Historian Karen Simmons reported that there is another broken window in the Historian Room, and that it has been slow.

CEO Rick Whitford reported that he has issued 4 building permits for the month of November. He stated that it is slowing down for the winter months.

Assessor Robert Andrews addressed the Board with some concerns. He stated that both he and Robert Fuller were the lowest paid assessors in the State of New York. He stated that he had made a request for a raise in 2015 and did not find out that he was not going to get the raise until he read it in the Tribune Press. Assessor Andrews stated that he made a 2<sup>nd</sup> request for a raise in 2016, and he did not find out that he would not be receiving a raise. Assessor Andrews stated that the Budget Request Meeting is at a busy time of the year for him, and that he was not approached this year – concerning the 2017 Budget Request. Assessor Andrews further stated that the year of 2017 is going to be a challenging year. He reported that the assessors had spent 3 days working with the zinc mine, which resulted in a \$1.2 Million decrease in the mines taxes. Assessor Andrews stated that the assessors have bent over backwards to get the mines going, and he has been told that the mines are expected to be starting up in April of 2017. Assessor Andrews stated that there are people moving into the Town of Fowler from other states that are paying big dollars, up to \$1,000 an acre, and building significant new homes- but are not wanting to pay their share of the taxes. He then stated that the Town of Fowler is very

fortunate for the Town's residents who do pay their taxes very well compared to other towns. Assessor Andrews reported that Robert Fuller has been an assessor for the Town for nearly 40 years. Assessor Andrews stated that Robert Fuller took a reduced wage when he replaced Max Tessmer, with the understanding that his wage would be brought back up. Assessor Andrews then stated that this was a broken promise. Assessor Andrews stated that he would like to be paid for Data Collection that is provided for in the Town's budget.

Councilperson Newvine stated that the assessors have not been paid for the Data Collection as the Data Collection cards were not completed correctly. Assessor Andrews stated that he was not quitting, or resigning, but he felt resentment that he does not want to turn into hate. Supervisor Cappellino told Assessor Andrews that per Darren Colton from the Real Property Office, the data collection cards have not been done correctly. Supervisor Cappellino stated that the Town can't legally pay the 3 town assessor's unequally. Town Councilperson Bishop expressed to Assessor Andrews that if he came to the Regular scheduled monthly board meetings he would not have to learn about budget information by reading it in the Tribune Press.

Deputy Town Clerk Tami Gale reported for Town Clerk Kelly Harmer that she had issued \$741.00 in hunting licenses, 23 dog licenses, 5 certified death certificates, \$10.00 for kennel fees, and \$5.00 for the sale of a Town of Fowler Bicentennial Book.

Highway Superintendent Randy Durham reported that John Walsh would be off with an injury until December 27, 2016. He stated that he was glad to have the employment of Sidney Harmer II, and that he has been able to fix equipment, saving the Town money in repairs. He reported that he is currently working on getting prices for a new door

remote for the overhead doors. Highway Superintendent Durham stated that the Highway Department Facebook page has received 203 hits, and he is pleased by the inquiries. He stated that the Highway Department continues to collect bottles and cans for the Town of Fowler playground fund, and that Town residents could call him for pick up and or drop them off at the Highway Department or the Town Hall. Highway Superintendent Durham stated that it was the consensus of the Highway Department employees to have their “Christmas” breakfast at Tripps this year, and that he would notify the board of the date and time. Councilperson Newvine inquired about the status of TS90, mowing equipment. Highway Superintendent Durham stated that it was discovered that the equipment was being overfilled and was not burning oil.

Councilperson Newvine reported for the Playground Committee that they had met with a representative earlier in the day, and expect to have a drawing of what the playground will look like within 2 weeks. The drawing will then be submitted to DASNY. Councilperson Newvine reported that with the Town providing help with the assembly, the cost to assemble would be \$4,000 and if the playground assembly was to be exclusively from the company it would cost 40% of the playground project’s cost. Councilperson Newvine stated that the drawing was necessary to get the grant started, and that the playground equipment is going on sale in January. The committee will seek input from the community at that time before deciding what to order. He explained that the order would be shipped in January and will be stored in Town facilities. Councilperson Fayette asked if the new playground would need a yearly inspection. Councilperson Newvine stated that the

playground would be ADA compliant, and he would look into inspection requirements.

Councilperson Newvine asked Highway Superintendent Durham about pot holes on County Route 24. Highway Superintendent Durham stated that the pot holes had been found and fixed.

Councilperson Newvine reported that there has been no news from Time Warner about extending the services down the Farm to Market Road.

Councilperson Newvine commented that the Town of Fowler had lost a great citizen with the passing of Kelzo Shrewsberry, and that he will be missed.

Councilperson Fayette asked Highway Superintendent Durham if there were separate budget allotments for building maintenance vs. highway expenses for road purposes only. Bookkeeper Finnie stated that this could be done at the Transfer Meeting. Bookkeeper Finnie stated that currently Highway Superintendent Durham's pay comes entirely out of the general fund, and it should be  $\frac{1}{2}$  general fund and  $\frac{1}{2}$  highway fund. It was the consensus of the board to change this at the Transfer Meeting.

Councilperson Fayette asked if the Town had received proof of insurance from the Baptist church regarding the lease agreement between the church and the Town for use of land for a garden. Supervisor Cappellino stated that he would check with Town Clerk Kelly Harmer if it had been received.

Councilperson Fayette asked what the cost would be concerning the Hailesboro Ball Field fence being replaced. Councilperson Newvine

stated that it will be expensive, and that the plan is replacing one section at a time over 4 years.

Councilperson Bishop addressed Highway Superintendent Durham concerning wings on the Town plows being extended too far. Highway Superintendent Durham stated that he had addressed the issue with the Highway Department employees. Councilperson Bishop stated that he did not feel that there was enough sand being put on the Town roads. Highway Superintendent Durham stated that they are putting out 48 yards per run. Councilperson Bishop asked Highway Superintendent Durham if there was a reason that the gate to the lot on the Sullivan Road was being left open. Highway Superintendent Durham reported that the gate was not being left open on purpose and that he would address the concern with the Highway employees. Councilperson Bishop addressed the board about putting a door in the Highway Department break room, for safety concerns for the workers.

Supervisor Cappellino addressed the board with a letter from the Seaway Valley Prevention Council, checking on the tobacco free status of Kilkarney Courts. Supervisor Cappellino told the board that Kilkarney Courts currently has 1 smoker and that it is not smoke free.

Councilperson Newvine asked Supervisor Cappellino if making Kilkarney Court smoke free is an issue that should be addressed to the Kilkarney Court Board. Supervisor Cappellino stated that the Town of Fowler is listed as the owners and it is a decision that is to be made by the Town. Supervisor Cappellino asked the Board if they were interested in passing a Resolution to make the facility smoke free. After discussion, a motion was made by Councilperson Newvine and seconded by Councilperson Fayette to pass a Resolution to make the Kilkarney Court facility smoke free. Roll Call on the Vote: Councilperson Simmons: No,

Councilperson Bishop: No, Councilperson Fayette: Yes, Councilperson Newvine: Yes, and Supervisor Cappellino: Yes. MOTION CARRIED.

Supervisor Cappellino stated that the Fire Protection Contract for the Years 2017, 2018 & 2019 were accepted and a letter was sent to the Gouverneur Fire Department. The contract figures are as follows: 2017 - \$41,600, 2018 - \$42,000, and 2019 - \$42,000.

Supervisor Cappellino stated that he had received a letter from the New York State Department of Public Service regarding a winter outreach and education campaign designed to help consumers manage their energy bills during the winter months. After discussion it was the consensus of the Board to request the available publications related to winter energy costs to have available at the Town Hall for Town of Fowler residents. Town Clerk Kelly Harmer and Supervisor Cappellino will fill out the required paperwork.

Robert Ordway and Bob Buddenhagen addressed the Town Board concerning the Hailesboro Cemetery Association. They inquired what the Town's 2017 budget allowance would be. Councilperson Simmons stated that there was \$3,000 allotted to the association for the year of 2017. Robert Ordway reported that BOCES had done a lot of work for the cemetery in 2016. There were 26 monuments repaired, and 15 monuments are scheduled to be repaired in 2017. The 2017 money allotted will be going toward trees needing to be cut down and removed. Mr. Ordway stated that if the monument is deemed a hazard, that they can be covered by a grant for new foundations. Supervisor Cappellino thanked the men for a great job.

Richard Clement asked the Board if there was a committee for the Gulf Road Cemetery. Councilperson Simmons stated that concerns could be addressed to Supervisor Cappellino and Councilperson Simmons.

Bookkeeper Finnie asked the Board how they presently handle business with the cemetery association, and stated that they should have a contract like what the Town has with the Fire Department. Bookkeeper Finnie will take care of getting a contract set up.

The bills audited for the general and highway fund were # 413 to # 452 with a total of \$ 105,002.41 .

There will be a Transfer Meeting set for Thursday December 29<sup>th</sup> at 10am, and the next regular board meeting will be held on January 3<sup>rd</sup>, 2017 at 7PM.

A motion was made by Councilperson Fayette and seconded by Councilperson Simmons to adjourn the meeting at 8:20PM. All in Favor. MOTION CARRIED.

Tami Gale; Deputy Town Clerk