

Town of Fowler October 4, 2021, Regular Scheduled Board Meeting Minutes at 6PM.

The Town of Fowler Regular scheduled Town Board meeting was held on the above date with four Board members present, and Councilperson Bishop attending the meeting by phone. Also, present were Town Clerk Tami Gale, Highway Superintendent Randy Durham, Assessor Chair Phyllis Shaw, Assessors Sherry Geer and Kathy Besaw, Town Justice Tim Knowlton, Code Enforcement Officer Glen Besaw, Maintenance worker Byron Woodward, Dog Control Officer/ Beaver Control Dan Moyer, Vivian Goodman, and Rachel Hunter, Editor of the Gouverneur Tribune Press.

Supervisor Newvine called the meeting to order at 6:00 PM then proceeded with the pledge of allegiance.

Supervisor Newvine led a moment of silence to honor our military men and women, and all healthcare workers.

Supervisor Newvine asked for a motion to approve the minutes, from the September 13, 2021, Town board meeting. Councilperson Simmons reported there needed to be a correction made stating the scrap metal proceeds were from the Island Branch Road bridge not the Emeryville Road Bridge. With the Correction noted, a motion was made by Councilperson Cleveland, seconded by Councilperson Andrews to approve the minutes. All in Favor. MOTION CARRIED.

Supervisor Newvine reported a date needed to be set to hold a second budget workshop in preparation of the preliminary 2022 budget. After some discussion, it was decided the budget workshop would be held on Thursday, October 14th at 3:00 PM.

DATE CHANGE FOR THE NOVEMBER TOWN BOARD MEETING & PUBLIC HEARING SET FOR THE BUDGET

Supervisor Newvine discussed the need to change the date of the November board meeting, as a public hearing on the preliminary budget needed to be held no later than the first Thursday following Election Day or may be adjourned to no later than the 15th day of November. After some discussion it was the consensus of the board to change the November board meeting to November 4th, 2021, at 6:00PM, and to schedule the Public Hearing on the preliminary budget for the same time.

DISCUSSION ON THE 2% TAX-CAP

Bookkeeper Barbara Finnie discussed the option to over-ride the 2% tax-cap or stay within the 2% tax-cap to the board, reporting to over-ride the 2% tax-cap the Town would need to hold a Public Hearing, adopt the 2% tax-cap over-ride by Local Law, and if the Town stays within the tax-cap, the Town would then need to rescind the Local Law that was adopted. Bookkeeper Finnie reported that she felt the Town was safe to stay within the 2% tax-cap. After some discussion, a motion was made by Councilperson Andrews seconded by Councilperson Simmons to not exceed the 2% tax-cap. All in Favor. MOTION CARRIED.

DISCUSSION ON ADVERTISING FUEL BID

Supervisor Newvine discussed the need to advertise the 2-year fuel BID. A motion was made by Councilperson Simmons seconded by Councilperson Cleveland to advertise the 2-year fuel BID to come in for the November 4th board meeting. All in Favor. MOTION CARRIED.

PAVILION REPORT

Councilperson Scott Cleveland reported:

- There is an issue with flushing the pavilion toilet, and asked maintenance worker Byron Woodward to explain the issue to the board.

Maintenance Worker Byron Woodward reported:

- A tankless ADA approved toilet is installed in the pavilion. It is not getting either enough pressure or enough volume to complete the flush.
- There is a $\frac{3}{4}$ line that runs from the Town Hall to the Highway Department, and from the Highway Department to the pavilion, and he thinks it is just losing too much pressure to flush properly.
- CEO Besaw is going to look up what the pressure should be according to the manufacturer, and stated it is a possibility that a pressure tank may be needed. Mr. Woodward wanted to bring the issue to the board's attention as it may incur further costs to solve the problem.
- It was discussed that Greenhill's did previous work on the pump system for the highway department and may be a good source to contact to further investigate a solution to solve the toilet pressure/volume issue.

Councilperson Bishop asked if there was heat in the pavilion yet or if it is in the plans to heat the pavilion, as he didn't want the pipes to freeze. Supervisor Newvine stated they would drain the water from the pipes, and he feels the pavilion should get insulated and it would make a great place for the food pantry to be located. It was discussed the pavilion does have some wiring done already and to have water year-round at the pavilion, there would need to be some more work done as the water lines are exposed. Supervisor Newvine reported we should look into the cost of completing the added work with the changes. Councilperson Cleveland reported there is \$4,768.00 left in the pavilion fund. After further discussion, Supervisor Newvine asked Councilperson Cleveland and maintenance worker Byron Woodward to come up with the cost of completing the extra work that was discussed.

Town Justice

Town Justice Tim Knowlton Reported:

- He and Court Clerk Ashley continue to complete their required yearly training online.

Supervisor Newvine thanked Justice Knowlton for his report and expressed a speedy recovery to Court Clerk Ashley.

Bookkeeper

Bookkeeper Barbara Finnie:

- Presented cash balance month ending September 30, 2021, reports, and budget balance reports, to the board for their review.
- Reported the budget balances should be at 75% spent, and the general fund is at 75% spent and the highway fund is a little over spent at 78% - almost 79% spent.
- Reported the fire district is 36% spent, and the lighting district is 58% spent.
- Revenue for the general fund has received an extra \$123,000 so far and an extra \$100,000 in the highway fund, and there are still sales-tax checks to come in for the year.
- Revenue for the year is up from what we had budgeted for last year which is good, and the expenditures are right where they should be.

Assessors

Assessor Chair Phyllis Shaw reported:

- The assessors have been working on building permits and paperwork for the County.

Supervisor Newvine asked if they had received a call from a taxpayer with a star credit concern. Assessor Sherry Geer reported the taxpayer was taken care of and it was determined the credit was applied. Councilperson Simmons asked if the assessors had received a call from a taxpayer on the Doane Road.

Assessor Geer reported she had spoken to the taxpayer on the Doane Road, and she had confirmed for him that he had the credit as well.

Historian

Historian Karen Simmons reported:

- She had a visitor from Virginia last week who was in search of information on the Absalon family. She was able to provide some genealogy on the Absalon family for the visitor.
- The plaque was installed at the Tri-County marker. Councilperson Simmons thanked Rachel Hunter, Editor of the Gouverneur Tribune Press, for attending and taking a photo for the paper.
- The Antwerp historian, representing Jefferson County was not able to attend, but Mr. Young, historian of the Town of Diana, Lewis County, was in attendance.

Animal Control

Councilperson Karen Simmons reported for Dan Moyer who was not in attendance: until later in the meeting:

- There is a dog in the kennel, that has been previously picked up. The kennel charge will be \$30.00 a night due to this being the 3rd time an animal at the residence has been picked up this year.
- The dog is not in very good shape, and she has a bad feeling about this one. They know who the owner is and are waiting for them to come forward. Supervisor Newvine asked how long the owners had to claim the animal. Councilperson Simmons reported they had 5 days to come forward. The Town had to keep the dog for 7 days, and then it could be adopted out.

Dog Control Officer Dan Moyer arrived at the meeting at 6:27PM and added to the animal control report:

- He posted a picture of the dog in the kennel on the internet, left a card on the owner's door, as no one answered the door, and stated the owner must be aware that he has the dog by now. Town Clerk Gale asked if anyone had called the owner as we have the number from the last time the animal was picked up. He stated no one has called the owner, she should know that her dog is missing by now, and he had left a card in the door for her to call him.

Beaver Control

Councilperson Karen Simmons reported for Moyer's Wildlife Control who was not in attendance until later in the meeting:

- She had received a call from Hwy. Superintendent Durham that the culverts were plugged on the Shantyville Road again, and the grates had been pushed down in.
- Councilperson Simmons reported she had contacted Moyer's Wildlife Control as soon as she was notified of the problem and was told he had just left the Shantyville Road. Supervisor Newvine asked Hwy. Superintendent Durham if it looked like it had been cleaned out. Hwy. Superintendent Durham reported there were branches hanging out of the culvert and he had made the call to Councilperson Simmons from the Shantyville Road.

Dan Moyer arrived at the meeting at 6:27PM and added to the beaver control report:

- He had seen Hwy. Superintendent Durham's truck earlier in front of him this morning.
- He found the grates to be knocked back over, with sticks and brush sticking out of the culvert. He cleaned it out and it is all clean now. He reported the water to be the same height on both sides of the culverts, which indicates a second dam further down on someone else's property. Hwy. Superintendent Durham agreed that yes there is another dam further down the road. Dan reported that before the water will drop in the culverts on the Shantyville Road, that second dam and the

beavers need to be cleaned out. He reported November 1st starts beaver season, and if the property owners will give permission for him to go in there and clean it out, he would do that. Dan asked if the Town knew who owned the property the dam is on. Hwy. Superintendent Durham said he would look it up and get ahold of them. Dan reported it will keep causing headaches until the 2nd dam is taken care of.

- He had worked on the River Road beaver site earlier and the water is flowing through the culvert pretty good.
- There has been no further activity on the Stone Road that he is aware of.

Supervisor Newvine asked if anyone had any questions for Dan, and there were none. Supervisor Newvine thanked Dan for his report.

Code Enforcement

Code Enforcement Officer Glen Besaw reported:

- The number of building permits are down a little this year.
- He stated the permits that have been processed have been for larger jobs, and he estimated the total of what is being built is near \$3,000.000.00.
- There are currently 2 new homes being built.
- He attended a meeting with a FEMA representative concerning flood plain control and his responsibilities as a Code Enforcement Officer. He reported he was not aware he was supposed to be doing any flood plain control and has spoken to other Code Enforcement Officers who don't know what is supposed to be in a permit to build on a flood plain. He has asked the FEMA representative to set up some kind of training.
- The FEMA representative told him that any kind of bridge work requires him to issue a building permit, that he was not aware of. He reported he would be checking with the Department of State to verify this and find out what his responsibilities are in this regard.
- He reported the description in our Local Land Use Law as stated on page 21, describes setbacks in the front are 50', but it doesn't say from where, and it is believed it should state from the center of the road. After further discussion, Supervisor Newvine stated he would contact Town Attorney Henry Leader to amend the Local Law to include the correct description for setbacks.
- He had a call from a taxpayer on the Emeryville Road with a sulfur smell coming from her water. She had contacted the Department of Health and he had contacted the DEC as her septic has been tested and it is fine. It is believed the creek near her house being backed up and stagnant water is getting into her well. The DEC stated if the Town can locate the blockage, they would give the Town a permit to remove it. It was discussed the issue is the landowner's issue, and the County's issue, not the Towns.
- Dan Moyer reported he had spoken to John Rockwood, who performs beaver control for the County, and he is aware of the beaver situation involving this landowner and has used a drone to determine where exactly the dam is and who the owner of the property is, where it is located, as they need permission from the landowner to take care of the blockage.
- Supervisor Newvine instructed CEO Besaw to let the taxpayer know the County is aware of the issue and are actively looking at it, and it is their responsibility as it is a County Road.
- Byron Woodward reported a few years ago there was a similar issue and Sweeneys were hired to dig the same creek all the way out to the main creek, and he felt this is what probably needed to be done again. He reported the beaver house to be half the size of the Town Hall.
- Councilperson Simmons reported she, as well as Hwy. Superintendent Durham had called the County about this issue, as it is affecting several properties in the Town. Town Clerk Gale asked if Legislator Sheridan would be able to assist with the problem. Supervisor Newvine reported he would make calls to the County, the board of health and to Legislator Sheridan to discuss the problem.

- Reported he had brought several things before the planning board this year and they are doing a good job. He stated if anyone speaks to the planning board, speak well of them.

Town Clerk

Town Clerk Tami Gale reported:

- She would like to welcome Deputy Town Clerk, Debbie Tupper back to work.
- She has started working on the 2022 newsletter and will be emailing department heads their sections to be updated and returned to her by end of November.
- She had spoken to Lucas Manning of the USDA today, as well as Town Attorney Leader's office, concerning paperwork that is needed for the 2022 Mack Plow Truck Bond.
- Everyone in attendance this evening has turned in their signed Computer System and Network Acceptable Use Policies, except for Bookkeeper Finnie and Assessor Besaw.
- The gross DEC sales for the month were \$5,235.00 with the Towns commission being \$288.68, she had issued, 1 certified marriage transcript, issued 1 certified birth certificate, collected \$20.00 in kennel fees, \$20.00 for a rabies shot for a dog in the kennel, licensed 24 dogs, handled 6 building permits, and collected \$1.75 in photo copies.

Highway Department

Highway Superintendent Randy Durham reported:

- The new roller has arrived, and it has been in operation putting shoulders on.
- The new 2022 Mack Plow truck is in Watertown. It is soon going to be shipped to Viking to be retrofitted which may take anywhere from 1 to 2 months.

Supervisor Newvine asked how Truck 12 was running. Hwy. Superintendent Durham reported it has its new plow system on it and it hasn't been in the shop.

- He has been looking into purchasing digital speed signs and reported the cost to be \$2,700 for 1 sign. Supervisor Newvine reported he had received a call from a taxpayer with concerns of traffic traveling to fast in Hailesboro, particularly by the ballfield. It was discussed the signs are mobile and can be re-located. After further discussion, the speed signs were tabled for further consideration.
- The Village of Gouverneur has expressed interest in the box on the 2000 truck, which is the Town's part truck. He reported he has no use for it, and it will likely go to scrap. After further discussion, it was the consensus of the board to give the truck box to the Village of Gouverneur.
- Discussed the need for furnace maintenance, and asked Supervisor Newvine if maintenance worker Byron Woodward was going to perform the cleaning or if he needed to set something up. Town Clerk Gale reported the Town has a service contract already in place with M & M Heating and she would take care of it.
- Hwy. Superintendent Durham reported he had discussed the parking lot with Supervisor Newvine earlier in the day and asked Supervisor Newvine to lead the discussion on the matter.

DISCUSSION ON PARKING LOT WORK 2021

Supervisor Newvine stated he thinks the Town could use the American Rescue Plan Act (ARPA) to pay for the paving of the parking lot, reporting the Town of Gouverneur has used part of their ARPA funds for this. He reported there are guidelines on allocating the ARPA funds and he didn't see anything else that the Town of Fowler could use the money for. He felt a case could be made based on the fact there are senior citizens coming into the Town Hall, kids using the playground, the pavilion's expected opening, the food pantry, and having a parking area that will keep everyone safe is needed.

Supervisor Newvine proposed that the Town move forward with the revised parking lot work 2021 quote received from Barrett Paving and discussed at the June 14, 2021, Town Board Meeting and pave the entire parking lot. Hwy. Superintendent Durham reported he had talked to Ian McGuire, project manager for Barrett Paving and he thought he could still complete it for the same price.

<u>BIDDER</u>	<u>ZONE A</u>	<u>ZONE B</u>	<u>Project Total</u>
Barrett Paving	\$33,198.00	\$85,124.00	\$118,322.00

Councilperson Simmons asked the amount of the ARPA funds the Town has received. Supervisor Newvine reported it was \$108,000 and Bookkeeper Finnie reported the Town will receive another \$100,000 next year. Bookkeeper Finnie reported it could be borrowed from another account and returned to the account it was borrowed from when the 2nd portion of the ARPA money is received. Supervisor Newvine asked the board their thoughts. After further discussion, a motion was made by Councilperson Andrews seconded by Councilperson Cleveland to have Barrett Paving move forward with the parking lot bid. All in Favor. MOTION CARRIED.

Councilmembers

Councilperson Scott Cleveland:

- He has put a lot of research into a policy for when there is a new hire and their pay. He reported there are several town laws and highway laws that cover the topic. He stated highway law gives the Hwy. Superintendent the ability to hire and fire, but the Town board are responsible for determining the pay, as far as what he can tell from his research. He reported he had obtained some information in the Town Law Manual published by the Association of Towns.
- Asked the board members their thoughts on what they want to see in the hiring policy considering the laborers will be mainly in the highway department and taking into consideration how often any other positions are hired elsewhere unless work is being contracted out. Minimum wage was discussed, and Bookkeeper Finnie reminded the board that municipalities aren't required to pay minimum wage.
- Asked the board, do we even need a hiring policy. Supervisor Newvine stated that from what Councilperson Cleveland had discussed, it sounds like everything has been covered. Basically, the Hwy. Superintendent has the authority to hire, and any pay that is offered by the Hwy. Superintendent has to be approved by the Town board. After further discussion, it was the consensus of the board they didn't need a policy written, the system that they have in place is working, the law is specific, Hwy. Superintendent Durham has the authority to hire and fire, and the town board has the task of setting the salary. Supervisor Newvine thanked Councilperson Cleveland for all of the research.

Councilperson Jeff Andrews

- Asked Hwy. Superintendent Durham what the repair bill was for a door for \$699.00. Hwy. Superintendent Durham reported he did it when he was bringing the loader in all the way. He reported the cables were bad and it was all done.
- Asked Hwy. Superintendent Durham if the roller was working out well. Hwy. Superintendent Durham stated they had about 12 hours on it, and it is being used to put shoulders on the roads.
- Asked if anyone knew when the County was going to be paving the bridge on the Island Branch Road. He has received several complaints regarding it. It was discussed that no one has had an update from the County. Supervisor Newvine stated he would call the County tomorrow to get an update.

- Asked Hwy. Superintendent Durham when the highway department is going back to regular hours. Hwy. Superintendent Durham replied they would go back to regular hours by the end of the month.

Councilperson Lynn Bishop:

- Stated it was hard to hear and asked to have it repeated when the highway department was returning to 10-hour days. Supervisor Newvine reported it would be by the end of the month.
- Asked what the issue was with the pavilion toilet. Supervisor Newvine stated the issue is with the pressure and the volume.
- Asked how deep the well is and what size pump is on it. Supervisor Newvine stated that maintenance worker Byron Woodward is going to check with Cleve Greenhill to see what kind of system is in place and what is going on with it.
- Reported there were signs on the Sullivan Road that might not need to be there now. It was discussed the horse sign could be removed, but the wheelchair sign needed to remain in place.
- Asked if there should be some horse and buggy signs installed by the Martin farm, to make people aware Amish are traveling on the road for safety concerns. Hwy. Superintendent Durham reported he would order the signs and put them up, and stated it was a good idea from Councilperson Bishop. Hwy. Superintendent Durham also wanted it known that the 2way plow system was the best idea that Councilperson Bishop and the Town has ever had.
- Reported the mowing is now completed for the year per the contract, but Dan Fifield is going to mow one more time to keep the cemeteries looking good at his own expense. He asked the other board members if they realized that the cemeteries were being mowed twice a month, to maintain their appearance, when the contract states a total of being mowed 5 times. Supervisor Newvine suggested the mowing contract may need to be amended. Supervisor Newvine asked the board their thoughts on the matter. After further discussion, it was the consensus of the board to have Dan mow one more time and submit the bill and he would be paid for the work.
- Reported that Dan Fifield has quoted a cost of \$750.00 per mowing of the area behind the Town barn and the pin yard if the Town wanted him to mow the 2 lots. After further discussion, it was decided to be tabled until next year to make any decisions.

Councilperson Karen Simmons:

- Asked Hwy. Superintendent Durham if he removes road signs when they are no longer needed, such as school bus stop ahead signs, stating she knows of a sign in place and there are no longer any children that ride a school bus. Supervisor Newvine stated it would be a good idea to remove signs that are no longer needed for liability reasons. Hwy. Superintendent Durham stated he would remove any signs that are found unnecessary, but the sign Councilperson Simmons was referring to was just installed a year ago and is needed.
- The HAP Program continues to be on Thursdays from 1PM – 4PM, but people have been coming in anywhere from 9AM on.
- They had received a huge grocery donation from a Fowler family and the program seems to be doing well.
- The next SOS (Support Our Seniors) delivery will be in November.

Supervisor Ricky W. Newvine:

- Reported he had received notification that the Town will receive a \$1,000 grant for the beach. He had asked for \$5,000, and our award in the past had been \$1,200.
- Reported Town Attorney Leader had sent the proposed Solar Law to the County planning office for their review.
- Thanked Dave Perrigo, and the Town of Gouverneur for fixing the pothole on Dukies Bridge Road, which was fixed the same day that he called with his concern.
- Received a call from Rosalee Thornton, Town custodian, reporting an incident with several kids being found messing around on the emergency exit steps to the Court. She handled the incident and asked them to leave.
- Reported he had received a request for information from Hattie Bice, with the St. Law Co Attorney's Office and had given it to Bookkeeper Finnie to complete.
- Reported he had received a letter from the Town of Macomb, stating they had passed the Second Amendment Preservation Act as local law and asked if the Town of Fowler would like to consider passing similar legislation. Supervisor Newvine asked Town Clerk Gale to make copies for board members to review and discuss if this is something that they would like to consider.

Public Comment

- Vivian Goodman reported the section of County Route 24 from State Highway 812 to the California Road is in terrible condition, and she has found herself driving on the opposite side of the road to avoid the dips and pot holes. She reported she knew it was the County's responsibility to fix, but feels it needs to be addressed. Supervisor Newvine stated he would discuss it with Don Chambers by phone.
- Sherry Geer thanked the board for her flowers.
- Sherry Geer spoke on behalf of her father Dave Spilman Sr., that he feels the highway department should work on election day and not have that day off. It was discussed this was a board decision made due to safety concerns.

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

The bills audited for the General and Highway Fund were # 354 to #399 with a total of \$78,217.74.

Supervisor Newvine reminded everyone there will be a work session on the budget on October 14, 2021, at 3:00PM.

The next regular scheduled board meeting & Public Hearing on the preliminary budget will be held on November 4, 2021, at 6:00PM.

Supervisor Newvine reminded all in attendance that voting will take place on November 2.

With no further business, on a motion of Councilperson Andrews, seconded by Councilperson Simmons, the meeting was adjourned at 6:48 PM. CARRIED UNANIMOUSLY.

Tami Gale; Town Clerk