

Town of Fowler Regular Board Meeting Minutes for October 5, 2020 at 6PM

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. Also present were Town Clerk Tami Gale, Highway Superintendent Randy Durham, Code Enforcement Officer Glen Besaw, Assessor Chair Sherry Geer, Assessor Phyllis Shaw, Assessor Kathleen Besaw, Planning Board Chair Stephen Gale, Planning Board Member Dan Kingsley, Pavilion Committee Chair Michael Cappellino, Pavilion Committee member Richard Clement, Scott and Marcia Cleveland, Leo Knight Jr, Tim Knowlton, and attending the meeting via teleconference was Councilperson Lynn Bishop, Deputy Town Clerk Debra Tupper, 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 and led a moment of silence to honor our military men and women, the healthcare workers who are keeping us safe.

Supervisor Newvine reminded all in attendance that the board meeting was a business meeting and that public comments would be heard during the allocated time listed on the agenda.

Supervisor Newvine asked for a motion to approve the minutes from the September 14, 2020 Town board meeting. A motion was made by Councilperson Simmons, seconded by Councilperson Andrews. All in Favor. MOTION CARRIED.

DISCUSSION ON ADOPTING A 2% TAX-CAP

Supervisor Newvine presented the option to over-ride the 2% tax-cap or stay within the 2% tax-cap to the board and opened the topic up for discussion. Bookkeeper Barbara Finnie reported that 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 and does not go over it, the Town would then need to rescind the Local Law that was adopted. Supervisor Newvine asked Bookkeeper Finnie if the Town should over-ride the 2% tax-cap as a precautionary measure. Bookkeeper Finnie reported that she felt the Town was safe to stay within the 2% tax-cap and it wasn't necessary.

Supervisor Newvine reported a date needed to be set to hold a budget work session for preparation of the Preliminary Budget. After some discussion, it was agreed that a budget work session would be held on October 15th at 3:00 PM.

Bookkeeper Barbara Finnie reported that a Public Hearing on the Preliminary Budget needed to be scheduled. After some discussion, a motion was made by Councilperson Andrews seconded by Councilperson Simmons to set the date for the Public Hearing for November 9th, 2020 at 6:00 PM. All in Favor. MOTION CARRIED.

RESOLUTIONS

RESOLUTION # 13 OF 2020

LGS-01 Local Government Record Retention & Disposition Schedule.

Supervisor Newvine read aloud LGS-01 Local Government Record Retention & Disposition Schedule and presented it to the board for adoption. A motion was made by Councilperson Simmons seconded by Councilperson Andrews to adopt Resolution # 13 of 2020 LGS-01 Local Government Record Retention & Disposition Schedule. All in Favor. MOTION CARRIED

AYES: 4 NEWVINE, SIMMONS, ANDREWS, BISHOP

NAYS: 0

PAVILION UPDATE

Supervisor Newvine invited Pavilion Committee Chair Michael Cappellino to give the board an update on the pavilion. Mr. Cappellino reported that Ivan Shampine had laid the exterior blocks over the weekend and he would be contacting North Country Barns to schedule the construction that they are going to do. Mr. Cappellino stated he thought just the outer shell of the building should be done this year as there is no wiring set up yet, and the walls and ceilings can't really be done until electrical is in place. Supervisor Newvine asked if there was a plan detailing where the wiring is going to be placed. Mr. Cappellino reported that there is a lay out of where the outlets are going to be. Supervisor Newvine recommended that we try to get ahold of Link Electric to see if they could get the electrical installed, as he would really like to have the project done this year.

Supervisor Newvine expressed the block wall looked really good, the flag-pole is really amazing and thanked Mr. Cappellino and Ivan Shampine for all of the time they have given to the project. Councilperson Bishop thanked Mike Cappellino and Ivan Shampine for their volunteer work on the pavilion.

TOWN DEPARTMENT REPORTS

Town Justice

Town Justice Travis Dann was not in attendance.

Bookkeeper

Bookkeeper Barbara Finnie reported:

- That spending through September is usually at 75% spent. The General Fund is at 74.75% spent and the highway is at 68.64% spent which is good.
- The fire district is 26%, and the lighting district is at 56% spent.
- The expenditures are coming in pretty good.
- Revenue for the General Fund is at 88%, the Highway Fund is at 80%, the fire district is at 94% and the lighting district is at 101%.
- For the last 3 months of the year we look pretty good.
- The SOS (Support Our Seniors) Program has a balance of \$1,016.35, which has grown due to the interest it has been earning. Supervisor Newvine reported that was good and more than had been expected.
- Supervisor Newvine mentioned that the Town is expecting a grant from the Gouverneur Elks Club in the amount of \$800.00. Highway Superintendent Durham interjected the grant is actually for \$900.00, has been approved, and should be received shortly. Councilperson Simmons stated that should be enough to cover the delivery that is being planned for November.
- Bookkeeper Finnie stated the Pavilion Fund has a balance of \$2,392.14, if there is any more work that needs to be done there.
- Supervisor Newvine reported that North Country Barns has not been paid yet for the work that they are going to do. It was discussed the bill will be around \$15,000.
- Bookkeeper Finnie stated that we would spend the Pavilion Fund and use money from the Playground Fund, which has a balance of \$17,161.76 to pay for the work.
- The CHIPS money came in today, and the State did decrease the amount by 20%. She reported the Extreme Weather money has not been received yet, and is also expected to be decreased by 20%, and neither checks are reflected in the month ending September 30, 2020 cash balance report she presented to the board this evening.
- Reported while working on preparing the new budget she will work on coming up with some fund balances before the next meeting.

Assessors

Supervisor Newvine commented that it was nice to see all 3 assessors attending the board meeting.

Assessor Chair Sherry Geer reported:

- The foreclosure auction that was supposed to be held in September is going to be held in October. Bookkeeper Finnie added it would be online only.
- The 3 assessors have been driving around the Town updating the progress of the building permits that have been received.

Supervisor Newvine asked Assessor Chair Geer if she had checked with the Real Property Office to see if there could be a place added onto the tax bill for taxpayers to provide their email addresses. He thought if we could, it would be a good way to begin establishing a data base in the event of an emergency announcement from the Town. Assessor Chair Geer reported she would look into it.

Historian

Historian Karen Simmons reported:

- There has not been too much going on in the Historian Office.
- She has been catching up work on scrapbooks again.

Animal Control

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

- Dan Moyer had received a complaint about a dog chasing sheep. When Dan went to the address of the complaint, he noted had been to the same address before regarding a different dog. The person who's dog had chased the sheep has since moved to Russell and the owner of the dog stated they would not bring it back to the address to avoid the situation from re-occurring.

Beaver Control

Councilperson Karen Simmons reported for Moyer's Wildlife Control:

- He had removed a beaver from the Swiss Hill Road.

Supervisor Newvine asked Highway Superintendent how the beaver control was going. Highway Superintendent Durham replied that it had taken a month and a ½ but he finally got it he thinks and its good now.

Councilperson Simmons asked Highway Superintendent about him calling Dan Moyer regarding a fox being hit by a car. Highway Superintendent Durham reported the fox could not be located, but during the search, a tent camp had been discovered between the Town property behind the basketball court and the State's property in the bushes. Supervisor Newvine asked Assessor Geer to check into who owns the property the tent camp is on so it can be addressed further.

Code Enforcement

Code Enforcement Officer Glen Besaw reported:

- It has been steady. 8 building permits have been issued for the month, 1 is pending and needs to go before the Planning Board to be approved for a variance.
- 2 cases are due in court tomorrow and he will be in attendance to see how they are decided.
- Regarding the clean up job discussed at last month's board meeting, the party that has agreed to perform the clean up has dropped back to his original quote, as some of what was to be included in the cleanup cannot be cleaned up because it is fully enclosed, per the Town Attorney.
- Reported the pending court case really doesn't have anything to do with the cleanup, and stated the cleanup is the responsibility of the homeowner.
- If the board agrees to accept the cleanup quote, he will notify the homeowner one more time by mail, as to what is going on and they will be responsible for the cost of the cleanup one way or another.

Supervisor Newvine asked Code Enforcement Officer Besaw if Town Attorney Henry Leader had given him any indication that the Town could charge the cost of the cleanup back onto the homeowner.

Code Enforcement Officer Besaw replied the Town Attorney had told him there are 2 ways the Town could charge the cost of the cleanup back onto the homeowner.

The first thing the Town needs to do is to bill the homeowner for the cost of the cleanup, then...

1. There is a way to have the bank holding the mortgage on the property get involved.

Supervisor Newvine reported he had spoken to Gouverneur Saving and Loan, and they can attach the bill to the taxes and then adjust the escrow payment.

2. There is an option to take the homeowner to small claims court to collect, which would result in a lien on their wages and tax returns.

- Code Enforcement Officer Besaw stated once the case is decided in court, he will notify the owner 1 more time by mail, and he will begin this after the board approves the quote that was obtained in the amount of \$1,850.00.

Supervisor Newvine asked the board if they wanted to vote on approving the quote tonight.

Councilperson Andrews asked if the Town votes to spend the money for the cleanup, what was the chances of the Town getting reimbursed. Code Enforcement Officer Besaw replied the Town will get their money back sooner or later stating it might take a while. In the meantime, he is receiving plenty of calls from neighboring properties of the nuisance property. After more discussion, it was decided the Town will wait to vote on approving the cleanup of the nuisance property until after the court date and the meeting for the budget session would be advertised as a special meeting so the board could vote on taking action at that time.

- CEO Besaw reported that he has been taking his required Code enforcement training online completing 25 hours and the Department of State is only showing 9 hours having been completed. It was discussed that it may take 3 to 6 weeks for them to acknowledge that the courses were taken. He is in email correspondence with the State to get it resolved.
- CEO Besaw reported he has been checking the boat launch sites and things are good there.

Town Clerk

Town Clerk Tami Gale reported:

- The office has been very busy selling hunting licenses. DEC gross sales for the month of September this year doubled compared to last year's September Sales. Last year in the month of September sales were \$3,111.00, this September gross sales were \$6,296.00, with the Town's commission being \$326.93.
- She had licensed 26 dogs, handled 9 building permits, issued 2 marriage licenses, taken in \$4.50 for copies, and had issued 4 Certified Death Certificates.
- Sexual Harassment Training is taking place, to date 20 people have completed their yearly training and 26 people are expected to complete the training by years end.
- She had made a deposit of \$100.00 into the Pavilion Account to be used toward the flag at the pavilion which was donated by a family from the Town of Fowler, who wished to remain anonymous.
- She had made a deposit into the Playground Fund in the amount of \$268.20 that was earned from bottle & can donations and 1 hat and 1 t-shirt sale.

Highway Department

Highway Superintendent Randy Durham:

- Quoted a price of \$10,441.00 for fitting Truck 17 with a 2-stage plow and asked the board their thoughts. Councilperson Bishop thought it was a good price. Bookkeeper Finnie reported the Highway budget is under spent so there is money that could be used on the expense. Councilperson Andrews asked how long before the plow could be ready. Highway Superintendent Durham stated right now Truck 5 is being worked on, the other 4 trucks are ready to go, and 17 will go to get the 2 -stage plow when truck 5 is returned. It was the consensus of the board to approve the 2-stage plow purchase.
- Reported he would like to purchase a new Mack plow truck that would come with a 2-stage plow and quoted a price of \$216,739.20. He stated a USDA bond at 2.125% and applying for a 15% grant would

assist in making the purchase. He reported the reason he would like to order the truck now is that on January 1, 2021 the cost from Viking is going to be raised by 20% as they have not had price increases in 3 years, which was reported to him by his contact Justin at Viking. The cost to order the plow in 2020 from Viking would be \$89,862.20. Highway Superintendent Durham reported that it will take over a year to get the new truck.

- Councilperson Bishop asked if the new truck would be tandem or single axle. Hwy. Superintendent Durham reported it would be tandem and he had budgeted \$100,00 for new equipment. After more discussion, the board approved the purchase as long as there was time to arrange the funding for it. Bookkeeper Finnie stated we can see what comes in at the end of the year for fund balance and if we carried some over that might help if we have to use some fund balance next year. Hwy. Superintendent Durham stated we would not even need to make a payment on it next year unless we wanted to. Bookkeeper Finnie replied that he had budgeted \$100,000 so the Town could put \$100,000 down on the purchase. Hwy. Superintendent Durham stated unless something comes up that we have to purchase, and right now there is nothing that we have to purchase.
- CHIPS money had come in 20% less. He reported that he and Bookkeeper Finnie always leave the Extreme Weather and Pave New York money out of the budget, so we are still going to get more money than we budgeted.

Councilmembers

Councilperson Jeff Andrews:

- Asked Hwy. Superintendent Durham what he had come up with for a roller price. Hwy. Superintendent Durham replied a new roller would cost \$138,000 to buy one and \$3,500 to rent one for a month. Supervisor Newvine stated that renting was the way to go.
- Asked if the nets at the ballfield were going to be pulled back or left up, stating the school pulls them back so birds don't get caught in them and they don't get ripped. Supervisor Newvine reported he would call TNT tomorrow and check if the nets could be pulled back.
- Asked if there had been any progress on the railroad track repairs. Supervisor Newvine and Hwy. Superintendent Durham both answered that they have had no communications from the railroad. Supervisor Newvine will call them tomorrow.

Councilperson Lynn Bishop:

- Asked Supervisor Newvine if he had talked to Town Attorney Henry Leader regarding the lot the Town owns on the Sullivan Road and its potential to be used as a Solar Farm. Supervisor Newvine asked Assessor Chair Sherry Geer to find out the acres the Town owns on the Sullivan lot. CEO Besaw stated that most of the Solar Farms require 5 acres. Michael Cappellino reported that the Solar Farms require 3 phase power.
- Asked Hwy. Superintendent about water flowing down- hill by Natalie Spilman's residence that is washing the banks out from her residence and other houses there. He suggested the Town could put a catch basin in at the top of that hill to catch the water, placing a pipe under the road to shove the water into the woods before it reached Natalie's house. Hwy. Superintendent Durham stated the board have all seen and discussed this issue, which is an on-going problem with a residence and their yard conditions, causing much of the problem. Hwy. Superintendent Durham reported he is not going to cut up the new road, he reported he knows Natalie Spilman is not pleased with the amount of water washing her driveway out, but he has concerns that whatever fix they do, the kids would start using it as a jump, get hurt, and the Town would be held liable. He has discussed using a silk fence, but he has talked this over with the Town Supervisor, and he is afraid the kids will use the fence as a jump with their 4-wheelers.
- Councilperson Andrews suggested trying a silk fence or to try lining it with bales of hay. He stated that Councilperson Bishop's idea is a good idea, but he understands that no one wants to cut up the road.

- CEO Besaw stated that there is a drainage regulation in the code that if there is a hazard caused, then the homeowner is responsible for abating the situation. He stated you can't let anything from your property migrate to another property. He is going to check with Attorney Henry Leader on Tuesday. He stated the sand ending up in the road presents a hazard for pedestrians and bicyclists and the Town Attorney may be able to do something with that. He is also waiting to hear back from the Department of State on the matter. Hwy. Superintendent Durham stated the answer to Councilperson Bishop's question is they are all working on it.

Councilperson Karen Simmons:

- Reported there would be no Trunk or Treat this year. She had been in contact with Tonya Nichols of Pitter Patter Daycare, who had been in touch with the Department of Health who felt social distancing would be a concern with the little ones.
- Asked Hwy. Superintendent Durham to have the highway laborers put the air conditioners away at the Town Hall.

Supervisor Newvine:

- Reported he had checked with Town Clerk Gale regarding taking temperatures on court days, due to a concern brought to his attention from Assessor Chair Sherry Geer. Town Clerk Gale reported she is ok to keep taking the temperatures as the big court day is once a month and is hoping the Town hears from Barkleys Safe and Lock soon.
- Reported he came and tended to the trash at the playground, and reported the Town needed to get a system in place so someone has the responsibility of emptying the trash. He stated he didn't feel it was the custodian's job. He reported there was no liner in the can that needed to be emptied by hand. He reported Hwy. Superintendent Durham helped him by bringing out the second trash can for the playground and liners were put in place, so it shouldn't be a hard job to empty them. Supervisor Newvine asked Hwy. Superintendent Durham if there was any way one of the highway workers could empty the trash cans once a week. Hwy. Superintendent Durham replied he guess he'd have to.
- Reported he had spoken with Councilperson Simmons earlier and they both felt that when the new board member gets elected perhaps they could be put in charge of over-seeing the playground to make sure that all is copasetic with the playground.
- Reported the Town was notified by Dan Kingsley, whose Pastor shared with him a few concerns she had at the playground. The concerns were rectified or scheduled to be and consisted of the plastic baby seat was a little high, and it was lowered by one foot. The mulch was matted down and was scheduled to have a raking the following day by Hwy. Superintendent Durham. The playset closest to the pavilion had a missing bolt. Town Clerk Gale had discovered a couple of kits in her office containing replacement parts for the playground including fasteners and everything that was needed to make the fix including extra paint and such and it was repaired today by Supervisor Newvine and Hwy. Superintendent Durham.
- Supervisor Newvine reported the panels to fix the steps are here and he will call Maintenance worker Byron Woodward to get that on his to do list.
- The CENSUS has been extended to October 31, 2020, and the Town of Fowler is at 62 and a half %, the County is at 57%. Supervisor Newvine reported if you know anyone who needs to fill out their paperwork let them know how important it is, stating we are doing well but we still have a ways to go.
- Suggested that CEO Besaw get together with the planning board to work on getting a Solar Law in place for the Town of Fowler.
- The Island Branch bridge is going to be closed for 2 to 2 and ½ months in the future, but the County does not know when, because there is not funding for it yet.

PUBLIC COMMENT

- Dan Kingsley reported the Gouverneur Methodist Church is having a take -out lasagna dinner tomorrow and the cost is \$12.00, and he hopes to see everyone there.
- Randy Durham reported the Gouverneur Elks Club is having a Harvest Dinner tomorrow.
- Stephen Gale reported the Planning Board is still looking for a member to join the board. They will be setting a date to have a meeting for a variance application.
- Tim Knowlton introduced himself to meeting attendees, as a candidate for Town Justice for the Town of Fowler. He stated he was really looking forward to meeting people by going door to door, shaking their hands, and talking over their concerns, however with the COVID-19 pandemic, unfortunately he has not been able to do that, so he was in attendance this evening to meet people and let people know who he was and let them put a face to a name.
- Tim Knowlton asked if the playground has a need to be cleaned, as he has a new pressure washer and would be more than willing to help with that. Supervisor Newvine reported that he was told that sunshine and rain is as good as any cleaner, but the Town may take him up on the offer.
- Tim Knowlton reported that for anyone who is not registered to vote, their registration needs to be postmarked by October 7th, Councilperson Simmons and Town Clerk Gale clarified the last day to register is October 9th.
- Michael Cappellino asked CEO Besaw about the quote he received for \$1850.00 to clean up a property on County Route 22, and who had a chance to bid on the clean-up. CEO Besaw reported he had spoken to 3 different people and had only received 1 quote who was willing to do it.
- Michael Cappellino reported he had googled the Sullivan Road property and the lot is 67.85 acres.
- Michael Cappellino asked if Legislator Sheridan had any news on the Emeryville Bridge. Supervisor Newvine reported that he had spoken to him and he does not have any news on the bridge. He spoke about the 32 million dollar fund balance, they have been working on the sales tax, and they are getting bridges red-flagged right and left and they don't know how they are going to repair the bridges they have. Mr. Cappellino stated he had spoken with Harry Smithers and he was going to check into the Emeryville Bridge for the Town.
- Michael Cappellino announced the Gouverneur Rod & Gun Club will have a trap-shoot tomorrow, it might be the last shoot of the season. If anyone is interested, it is open to the public.
- Dick Clement commented that County Route 24 looks good with the work that has been completed on it by the County, and the road will be nice to plow this winter.
- Scott Cleveland gave an informational report that the inmates at Gouverneur Correctional Facility have been receiving COVID-19 tests and have had no positive cases. He stated it is something the State is doing throughout the whole prison system.
- Dan Kingsley asked if there was a certain date that the playground closes. Supervisor Newvine reported there was no set date to close it, it is really open pretty much year -round.

Highway Superintendent Durham reported he had 1 more thing to discuss. He stated the sander insert was declared excess about a year and a ½ ago. He reported he had put it out to the whole County and all of the departments and there were no takers. He asked the board if they wanted him to advertise it and see if someone wanted to buy it locally. Supervisor Newvine replied yes why not. Hwy. Superintendent Durham stated he would take pictures and put it in the paper to see if someone locally will come and get it, stating he has to drag it out of the barn anyways because it is just in the way.

