

Town of Fowler April 10th, 2023, Minutes of Regular Scheduled Board Meeting at 6PM.

The Town of Fowler Regular scheduled Town Board meeting was held on the above date with all Board members present. Also present were Town Clerk Tami Gale, Town Justice Tim Knowlton, Highway Superintendent Randy Durham, Bookkeeper Barbara Finnie, Assessor Chair Kathleen Besaw, Code Enforcement Officer Glen Besaw, Ethics Committee Members Vivian Goodman & Vicky Cappellino, Michael Cappellino, Planning Board Chair Stephen Gale, Richard Clement 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, all healthcare workers, and to remember town resident Dean Hamilton who has recently passed.

Supervisor Newvine asked for a motion to approve the minutes from the March 13, 2023 regular scheduled board meeting. A motion was made by Councilperson Simmons, seconded by Councilperson Bishop. All in Favor. MOTION CARRIED.

Discussion on Road Work for 2023

Highway Superintendent Randy Durham reported the roads to be paved in the year 2023 that were previously submitted to the County are as follows:

On the road commencing at SH 812 (Office Road) and leading to End of Town Road a distance of .3 miles. Type 3 Binder (2.5 Inch) and Type 6 Top (1.5 inch) Width of traveled surface -18 Foot Thickness 4 Inch, Subbase Asphalt.

On the road commencing at SH 812 (Whitford Road) and Leading end of Pavement a distance of 996 Feet. Type 3 Binder (3 Inch) and Type 6 Top (1.5 Inch) With travel Surface of 17 Foot and Thickness 4.5 Inch with a subbase of Gravel Mulch/ Gravel.

On the road commencing at CR 24 (East Street) and Leading to Office Street, a distance of 556 Feet. Type 3 Binder (3 Inch) and Type 6 Top (1.5 Inch) With travel Surface of 17 Foot and Thickness 4.5 Inch with a subbase of Gravel Mulch.

On the road commencing at California Road (Sibley Road) and Leading to Seasonal piece of Sibley Road, a distance of 2217 Feet. Type 3 Binder (2.5 Inch) and Type 6 Top (1.5 Inch) With travel Surface of 17 Foot and Thickness 4.5 Inch with a subbase of Gravel Mulch.

On the road commencing at California Road (Shantyville Road) and Leading to Seasonal piece of Shantyville Road, a distance of 1488 Feet. Type 3 Binder (3 Inch) and Type 6 Top (1.5 Inch) With travel Surface of 17 Foot and Thickness 4.5 Inch with a subbase of Gravel.

Hwy. Superintendent Durham reported the road work will not be bid this year and instead the town is using the County bid process. He stated it hopefully will save the town money. The cost will be approximately \$5,000 a day minus the flaggers who will be supplied by the town. Supervisor Newvine asked how long the price is good for. Hwy. Superintendent Durham reported the price fluctuates by the month depending on the price of oil, and stated even if the price of oil went up the County would always be the lowest bidder. Hwy. Superintendent Durham reported they would be using about 2700 tons total. Councilperson Bishop asked Hwy. Superintendent Durham if the oil price were to go lower if that price would be honored. Hwy. Superintendent Durham reported it would.

Supervisor Newvine asked what he was going to be using for road shoulders. Hwy. Superintendent Durham stated the taxpayers don't like the stones do they, and stated they could use gravel he guessed. It was discussed the board had received many complaints this year concerning the stones used for road shoulders.

Councilperson Andrews asked how much it would be to do the roads and the road shoulders all with black top. Hwy. Superintendent Durham stated it would mean an extra two feet of black top for the length of the road and it would be very expensive.

Councilperson Bishop stated in his opinion the gravel isn't going to be any better than the stone that was used, stating it isn't going to hold. Hwy. Superintendent Durham stated all the other towns that used the same stone as they did are having the same problem this year because it didn't freeze. Hwy. Superintendent stated he would look at it some more to determine what to use for the road shoulders.

Supervisor Newvine asked Hwy. Superintendent Durham to price the road shoulders with using black top like Councilperson Andrews had suggested or see if there is an alternative of some kind.

Hwy. Superintendent Durham stated he has done a 20-foot road before, stating the Northwoods Road is a prime example, it is a 16-foot road with 4-foot shoulders built in, and people still want a shoulder to put on that. Councilperson Bishop agreed with Hwy. Superintendent Durham stating if you put in a 20-foot black top road that includes the shoulders, that if people go off the black top, they still think there is going to be a shoulder. Councilperson Bishop stated the only way around that is to put the white line on the road to show where the shoulder is, which is also more expensive.

Michael Cappellino asked Hwy. Superintendent Durham if the wings had to be put on the plow trucks in October, or could they wait till there is a frost in the ground to put them on. Hwy. Superintendent Durham stated that happened in November and we had 12-feet of snow. Mr. Cappellino stated when the wing is dropped on the shoulder, it digs the shoulder off into the ditch so now we are paying for it to be put down and then we are paying to dig it out of the ditch.

Hwy. Superintendent stated you have got to put the snow somewhere when you get 2 foot of snow, it was a different year this year.

OFFICE ROAD PAVING DISCUSSION

Hwy. Superintendent Durham reported there is a problem on Office Road. He had been notified that there was a septic line going under the road. He cannot tell if it is schedule 80, flex pipe, or what it is. He reported the Town owns the road and past the road, and there are multiple people who live on the road that he didn't believe would be in favor of the Town abandoning the road. He stated he would like to pave the road.

Councilperson Andrews asked how the town ever let this happen. It was discussed that he has not been able to find any paper work, but he had been told by a highway worker that a past highway superintendent had given the homeowner permission to dig under the road.

Supervisor Newvine asked if the septic line is low enough to not cause a problem. Hwy. Superintendent Durham stated he had no idea. Hwy. Superintendent Durham stated it is sunken where the septic line is located so you can see right where it is. He reported he could put hot mix on top of it to protect it some.

Councilperson Andrews stated the town has obviously been driving over it for many years. Hwy. Superintendent Durham reported the mines have a right-of-way across it and can drive a big truck across it anytime they wanted to.

Supervisor Newvine stated that we plow the road don't we. Hwy. Superintendent Durham stated we don't plow the road. Councilperson Andrews questioned Hwy. Superintendent Durham that we don't plow that road anymore. Hwy. Superintendent Durham reported John Lutz didn't want the town to plow the road he

wanted to do his own and stated he does a good job. Hwy. Superintendent Durham stated if John Lutz ever moves, then sure the town will plow the road again. He reported the town owns .3 miles (1560 feet) from the corner, he has walked it. Councilperson Simmons asked if John Lutz plowed all of Office road through there. Hwy. Superintendent replied he does. He reported he could plow it, but apparently it came down that once they put that across there, they no longer wanted his plow trucks up through there, is what he has heard. Supervisor Newvine stated then it shouldn't be an issue unless we have to go in there with a plow truck, should it.

Hwy. Superintendent Durham stated the paving itself will be the issue, but he can mitigate it some. Supervisor Newvine stated it's either that or not pave it. Hwy. Superintendent Durham asked do we really not want to pave part of a town road. Michael Cappellino asked how many cars the road saw in a day. Hwy. Superintendent stated he had never measured that road, but probably 5 cars a day.

Councilperson Cleveland stated so basically, they want us to pave it they just don't want us to plow it. Hwy. Superintendent Durham stated he wanted to pave it because it is a town road and the plan for a long time has been to pave every town road.

Supervisor Newvine stated to make the homeowner whose septic pipe runs under the town road aware that if anything happens to the septic pipe during the paving process, it is going to be their responsibility.

DISCUSSION ON DECLARING 1998 PLOW TRUCK AS EXCESS

Hwy. Superintendent Durham stated he would like to declare the following as excess equipment:

1998 International Plow Truck with One-Way Plow System, Frame, and Wing

Model SA 2574

VIN Number 1HTGEAUR5WH520559

Hwy. Superintendent Durham suggested they could advertise the truck for sale locally or sell it at Auctions International.

After some discussion, a motion was made by Councilperson Cleveland seconded by Councilperson Andrews to declare the 1998 International plow truck as excess. All in Favor. MOTION CARRIED. It was discussed that the plow truck would be advertised in the local paper for bids to be opened at the May 8, 2023 regular scheduled board meeting.

SIGNING OF 2023 MOWING CONTRACT

Supervisor Newvine asked for a motion to allow him to sign the updated 2023 mowing contract between the Town and Tina Fifield which was approved with changes to be made to it at the March 13, 2023, town board meeting. A motion was made by Councilperson Bishop seconded by Councilperson Simmons allowing Supervisor Newvine to sign the updated 2023 Mowing Contract. All in Favor. MOTION CARRIED.

DISCUSSION ON JUSTICE COURT SECURITY OFFICER

Supervisor Newvine reported he had heard from Fuller Insurance Agency that the Town of Fowler's insurance provider, Glatfelter Public Practice will not cover a liability policy for a court security officer. He reported Fuller Insurance Agency is still researching for a provider to purchase a stand-alone policy, or the Town could switch their provider to New York Municipal Insurance Reciprocal "NYMIR" who does carry a policy to cover the town for having a court security officer. Supervisor Newvine reported he is waiting for an update on the matter from Adam Fuller of Fuller Insurance Agency.

Town Department Reports

Justice Department

Town Justice Tim Knowlton reported:

- The court has been notified they have received their JCAP Grant, and all items applied for have now been ordered by the court. Bookkeeper Finnie reported the JCAP Grant money has also been received from the State.
- Court numbers haven't risen with a total of 15 ticket issued last month.
- He has had multiple arraignments this month so things may be starting to pick up.
- He had attended a County Magistrates meeting last month where a representative from the IDV (Domestic Violence Court), had discussed the Renewal House, a County, State, and Federally funded care program for people effected by domestic violence.
- Reported he had received cards to be able to give to victims of domestic violence to assist with their needs.

Bookkeeper

Bookkeeper Barbara Finnie:

- Reported she had provided Town of Fowler Cash Balance Reports for Month Ending March 31, 2023 to the board members for their review.
- Reported the general fund was 28.91% spent and should be at around 25% spent right now, with 50.74% of revenue received and the highway fund was 11.70% spent with 65.31% of revenue received.

Assessors

Assessor Chair Kathleen Besaw reported:

- The tax roll officially closed out on March 1st.
- The new tentative tax roll should be here by the end of next week and copies will be available in the assessor's office and the town clerk's office.
- Starting March 1st, the assessors will begin to use the new level of assessment which is down to 8.8%, meaning any new buildings, new building permits or new assessments will be done at the lower level of 8.8%.
- Grievance day is in May. The assessors will be sitting with the roll 5 days for any taxpayer questions.
- They have already received 4 grievances.
- Letters to tax payers will be mailed out this week to those who have lost an exemption or who have had a change in assessment.

Historian

Historian Karen Simmons reported:

- She had a visit from Carol Bigarel who was looking for genealogy on both sides of her family.
- Mrs. Bigarel has offered a clock that has been from four generations of her family to the historian's office. Historian Simmons reported you need to wind the clock up everyday to keep it running, and she wasn't sure there would be room for it in the historian's office due to its large size.

Animal Control

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

- There was a complaint of a dog running at large on County Route 22. The dog was not located.

- He picked up 2 dogs running at large on East Shore Rd. The owner was located, and the dogs were returned to their owner after 1 dog being licensed and 1 already licensed dog, receiving a rabies vaccination.

Beaver Control

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

- Beaver activity on the Little York Rd has slowed down and 4 beaver have been removed from the site.
- He has been using his canoe on County Route 22, where the water is over the dams. So far he has removed 6 beaver from the site.
- Hwy. Superintendent Durham had reported beaver activity on the Shantyville Rd this morning and Dan will go there this afternoon.

Code Enforcement

Code Enforcement Officer Besaw reported:

- There are new houses going up on Sylvia Lake.
- He had received 1 complaint where he had issued a notice of violation. He told them what was wrong, cited the law which was in violation, and will return for a re-visit to check for compliance.
- He gave notice to an owner concerning garbage which the owner has taken care of.
- He will be attending code enforcement training this week.

Supervisor Newvine asked Code Enforcement Officer Besaw if he was aware the town had an “Unsafe Building Law” enacted in 2003. Code Enforcement Officer Besaw stated he was aware of it, stating we would go through Town Attorney Leader who would go through the court to act on an unsafe building. Code Enforcement Officer Besaw stated he has been told by the town not to take any action without a complaint.

Councilperson Andrews asked where we stood on the unsafe building on County Route 22. Code Enforcement Officer Besaw stated at the very least the building should be boarded up. Councilperson Bishop stated if they needed a complaint on it, he would file one tonight.

After further discussion Code Enforcement Officer Besaw stated he would give Councilperson Bishop a complaint form to sign after the meeting, then take it to the attorney’s office and start the proceedings for the building to be knocked down.

- He had stopped to talk to the Amish on the Country Club Rd and had asked them if they would consider moving the stand from the top of the hill for safety concerns. He reported they do not want to move the stand. He asked if they would consider placing a sign asking visitors of the stand to park in their driveway. They said they would place a sign, but they didn’t feel that people would read it.
- It was discussed that there has been a light added to the existing sign, that only works at night.
- Supervisor Newvine reported he is still waiting to hear from the Sheriff’s Department on the matter, but in the meantime Code Enforcement Officer Besaw will measure to see if the stand is in a right of way.

DISCUSSION ON DOCK REGULATION

- Code Enforcement Officer Besaw asked planning board chair Stephen Gale if the planning board has worked on adding dock regulations to the land use law. Mr. Gale reported the County planning board

is down one person and hasn't forwarded him the information he has requested yet. They suggested he check with the Town of Rossie and Macomb, who have similar lakes, to see if they had any dock regulations in place to use as an example. He reported he has learned neither town has any dock regulations in place.

- Code Enforcement Officer Besaw asked planning board chair Gale if he has heard anything from Town Attorney Henry Leader on dock regulation. Mr. Gale stated at this stage he would like to have an existing example to go by, so they don't go way over board or go too light on proposed regulations. Planning board member Vicky Cappellino asked if dock regulations are determined by the size of the water way. It was discussed the DEC only regulates wet lands and the ARMY Core of Engineers only have regulations for navigational waters like the St. Lawrence River and Lake Ontario.
- Supervisor Newvine stated we are going to have to come up with our own regulations. Code Enforcement Officer Besaw stated we should have something even if it is minimal. He stated Sylvia Lake's shoreline varies so much, he felt the planning board could look at each one individually and issue variances if there is something in place.
- Mr. Gale stated it is an up-hill battle because of how unique Sylvia Lake is. He reported it is hard to know where to start. He stated with the recent disputes reported by Code Enforcement Officer Besaw, an entire cove or bay could be shut off if someone wanted to irritate their neighbor.
- Code Enforcement Officer Besaw asked what the town wants him to do about that. Did they want him to issue permits for docks now or what do we do. Mr. Gale suggested the land use law could have a change stating any docks being built in the water districts must apply for the building permit and include a diagram, that would need to be reviewed by the planning board.
- Code Enforcement Officer Besaw asked Mr. Gale if there was a planning board meeting scheduled. Mr. Gale stated again that he is waiting to receive the requested information from the County Planning board before setting up a meeting. He reported planning board meetings need to be advertised.
- Supervisor Newvine recommended Mr. Gale schedule a planning board meeting to start the process. Mr. Gale stated maybe Town Attorney Henry Leader could research existing regulations.
- Code Enforcement Officer Besaw stated the only thing he needed from Town Attorney Henry Leader was to determine who had jurisdiction of the lake. Code Enforcement Officer Besaw stated he has since learned from Town Attorney Henry Leader that the town could put into the Land Use Law "the authority having jurisdiction", this is because parts of Sylvia Lake are considered wet lands and would fall under DEC jurisdiction, and they would be the authority, and if it falls under this municipality it would be under the Town of Fowler's authority, if we had navigational waters, which the town doesn't, it would fall under the ARMY Core of Engineers authority.
- Mr. Gale stated he would contact the planning board members and advertise it in the paper as soon as he has an agreed upon date to hold the meeting.

Town Clerk

Town Clerk Tami Gale reported:

- DEC Gross sales for the month were \$5.00 with the Town of Fowler's Commission being .28 cents. She licensed 25 dogs, collected \$30.00 in dog kennel fees, collected \$20.00 for a required rabies vaccination for a dog in the kennel, prepared 1 Certified Marriage Transcript, handled 8 building permit applications, issued 9 parking permits, and collected \$1.25 for photo copies.
- Taxes are now 82.63% collected.
- 2nd Notices will be mailed this week to taxpayers who haven't paid anything at all. There is a total of 160 2nd notices to be mailed out this year and last year there were 97.
- Post cards arrived today from the Public Health Department with the dates and times of this year's free rabies clinics and are available to residents at the town clerk's office.

Highway Department

Highway Superintendent Randy Durham reported:

- The new 2024 Plow Truck is at Viking and is waiting for pre-installation.
- Truck 16 has another oil leak and is going back into the shop on Thursday.
- Truck 16 has 120,000 miles on it, and he would like to replace that truck after the plow truck and a new tractor are purchased.

Councilmembers

Councilperson Cleveland:

- Reported he believes they may need to expand the playground to accommodate the new rock-climbing wall that is on order.
- Asked town clerk Gale to call the company the new playground equipment was ordered from and ask for instructions to be sent as there were none included in the boxes received, and he will get a plan together to install the new pieces.
- Discussed he felt the court officer position should have been advertised. He stated he had spoken to a state trooper regarding the officer that was chosen, and he was given a good review. He stated he could think of 3 retired state troopers, a retired NYPD officer and a few retired correction officers who may have been interested in the position. He stated he thought it may have looked better if the town had advertised and then taken the applications to make sure that we did get the best candidate.

Councilperson Jeff Andrews:

- Reported he has had several complaints concerning the North Woods, Battle Hill and Chub Lake Rd and asked Hwy. Superintendent Durham to look at the signage as you are coming off from Chub Lake Rd around the sharp curve, specifically to see if there is enough signage in place. Hwy. Superintendent Durham reported he would look at the signage, and reported the town has tried twice to have a lower speed limit implemented at the location and have been denied twice. It was also reported this area also has had multiple signs stolen.

Councilperson Lynn Bishop:

- Asked Hwy. Superintendent Durham about cutting shoulders on the California Rd with the loader instead of the grater and asked if the grater was down. Hwy. Superintendent Durham stated they are doing the corners/intersections, and you don't use a grater for that.
- Asked Hwy. Superintendent Durham if the highway department was going to pick the road sides this year. Hwy. Superintendent Durham stated no, he has a six-man crew, and it's a vicious cycle and there is not a cycle in there for picking road sides for three weeks. Supervisor Newvine asked Hwy. Superintendent Durham what the highway workers were doing during the day. Hwy. Superintendent Durham stated they are hauling sand, next week they will do shared services with the Town of Macomb helping them haul sand, the week after that they have gravel, they have roads to prepare, and there is always something to do in the summer. Councilperson Andrews stated unfortunately, there aren't too many highway departments that are picking road sides anymore. Supervisor Newvine stated he felt they should be. Councilperson Andrews agreed. Councilperson Bishop stated he knew there were a lot of aspects involved and he agreed Hwy. Superintendent Durham doesn't have a lot of guys, but he feels that picking the road side shows the taxpayers where their money is going, it prevents garbage from being spread all over when the mowing begins, and if the big stuff is picked up before the grass gets too high, it saves the life of the mower. Hwy. Superintendent Durham reported they always go and get the big stuff when they take care of rocks before they mow. He stated they usually spend a day or two traveling the roads to get the big stuff, and he doesn't have the time or enough men to pick up every can or cup or whatever else is out there, but if Councilperson Bishop wants his job, he is more than welcome to have it. Supervisor Newvine stated Councilperson Bishop only asked a question and there was no need for that comment.

Councilperson Karen Simmons:

- Asked Hwy. Superintendent Durham if he had the four-way reflectors made for Kilkarney Court. Hwy. Superintendent Durham reported they are made, and they will be put up next week.
- Reported the HAP Program had 44 people who benefited from it in the month of March.
- Thanked those who donated food items to the HAP program: Dave Fackler, Betty Sibley, Vivian Goodman, Michael Tersmette, and Luis Gutierrez.
- Thanked the Fowler Baptist Church for the \$500.00 monetary donation to the food programs.
- Reminded everyone the HAP Program is available every Thursday from 9:00 AM to 12:00 PM and 1:00 PM to 4:00 PM to anyone who lives in the Town of Fowler.
- She and town clerk Gale had delivered the Fowler School and Kilkarney Court SOS care packages in advance of the March 31st SOS care package delivery date.
- On March 31st she and Supervisor Newvine delivered the remainder of the 97 households enrolled in the SOS Program, reporting the number of people signed up for the program increases with each delivery.
- The next SOS Program delivery will be in June.
- Reported the Family Day meetings have started with the 6th annual Family Day event to be held on July 15th.
- Asked Hwy. Superintendent Durham if he had the four-way reflectors made for Kilkarney Court. Hwy. Superintendent Durham reported they are made, and they will be put up next week.

Supervisor Ricky W. Newvine:

- Reported he had called John Walsh and congratulated him on his retirement, stating today was John's last day working at the Town of Fowler highway department. Supervisor Newvine thanked John for the terrific job he has done, and reported Councilperson Simmons is ordering a plaque to honor John for his years of service to the town.
- Reported he had received an invitation from Natalie Spilman inviting everyone to attend a celebration for Evelyn Mary Washburn "Aunt Mary", to celebrate her 107th birthday. The celebration will take place April 16th at the Eldon B. Conklin Gouverneur Community Center.
- Reported the town has received information on our first solar project, and asked planning board chair Stephen Gale if he knew more about it. Mr. Gale stated he probably knew as much as Supervisor Newvine did on the proposed solar project. Mr. Gale stated a proposed solar array project, known as the Morris Solar Project, will be in the vicinity of Battle Hill Rd. It will be in two townships, the Town of Gouverneur, and the Town of Fowler.
- Reported there is a new speed limit on the River Rd from the Town of Gouverneur line to 1250 feet east of the Bay Rd, and asked Hwy. Superintendent Durham to take care of the signage for the new speed limit. It was discussed the speed limit reduction was approved in December of 2022 and the town has just now received the paperwork.
- Discussed the Hazard Mitigation plan that was approved for the County includes a plan for mitigation he wasn't aware of, for drainage and improvements along Emeryville Rd to include a beaver maintenance plan. Hwy. Superintendent Durham stated it must be Robinson Creek that is being referred to in the plan.
- Reported he had received correspondence from Public Health stating they are looking for cooling centers in St. Lawrence County. He reported the necessary paperwork naming the beach and the pavilion as possible cooling center sites will be filled out.

Public Comment

- Vivian Goodman reported she had spoken with Hwy. Superintendent Durham earlier in the day to notify him of a huge beaver hut near the entrance to her home. Hwy. Superintendent Durham reported he had visited the site and the beaver is not active.
- Stephen Gale asked Hwy. Superintendent Durham if the County had plans to fix the pot holes and sink holes on County Route 24 in Fullerville again. It was discussed he would notify the County of the condition of the road.
- Justice Tim Knowlton responded to Councilperson Cleveland's comments made earlier in the meeting on not having advertised the court security officer position, stating that we are probably awhile away from hiring anyone so why not advertise it. He reported they only had 1 applicant, and he pursued the applicant, as he is hired for the same position in Gouverneur. He reported he would notify the applicant that it is the wishes of the board to advertise the court security officer position.

RESOLUTION

RESOLUTION # 10 of 2023

Bookkeeper Audit of the 2022 Books

A motion was made by Councilperson Andrews seconded by Councilperson Bishop to adopt a resolution to allow the Town Board to audit the bookkeeper's 2022 books. The 2022 books and records of Bookkeeper Barbara Finnie were presented for review. The bookkeepers' records, including the deposits of all funds, were determined to be in order. All in Favor. MOTION CARRIED.

AYES: 5 NEWVINE, SIMMONS, BISHOP, ANDREWS, CLEVELAND

NAYS: 0

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

The bills audited for the General and Highway Fund were #99 to #142, with a total of \$79,871.22.

The next regular scheduled board meeting will be held on May 8th, 2023, at 6:00PM.

With no further business, on a motion of Councilperson Cleveland, seconded by Councilperson Bishop, the April 10th, 2023, Regular Town Board meeting was adjourned at 7:20 PM. CARRIED UNANIMOUSLY.

Tami Gale; Town Clerk