

## Town of Fowler Special Meeting Minutes on the Assessing Department June 1, 2021 at 6PM

The Town of Fowler Special Meeting to discuss the Assessing Department was held on the above date with all Board members present. Also present were, Town Clerk Tami Gale, Bookkeeper Barbara Finnie, Assessor Chair Sherry Geer, Assessor Phyllis Shaw, Assessor Kathleen Besaw, Paul Lamson, and attending the special meeting via teleconference was Rachel Hunter, Editor of the Gouverneur Tribune Press.

Supervisor Newvine called the meeting to order at 6:00PM stating there was one thing to accomplish tonight. He reported there was a vacancy within the assessing department, and someone has expressed interest in continuing as our assessor and asked the board their thoughts.

Supervisor Newvine asked the board members if they wanted to appoint Sherry Geer for a 3-month term per Town Attorney Henry Leader's suggestion. Councilperson Cleveland stated he didn't have a problem with that.

Taxpayer Paul Lamson then asked Supervisor Newvine if he could be heard. Mr. Lamson stated he was not sure where Town Attorney Henry Leader was getting the 3- month thing from, stating the law is very clear. He stated a person that is a public official, elected or appointed, must be a resident of this Town from the time they start office through the entirety of their office. A non-resident, a person who does not live in the Town, cannot be appointed to an elected position. Mr. Lamson stated the law is very clear. The Attorney General says you have got to follow the law and you guys cannot change State Law, ...that's State Law.

Supervisor Newvine reported that they can do Home Rule.

Mr. Lamson replied, the Town does not have authority to do Home Rule. They do not have anything through the legislature that says that. Mr. Lamson referenced mail that he had delivered to the Town Clerk on May 26<sup>th</sup>, 2021 for Supervisor Newvine, then said the following. "The Town of Colonie, I gave you the thing, I gave it to her, to give to you,"..... Supervisor Newvine interjected stating ("everybody has a copy and Town Attorney Henry Leader has seen it.") Mr. Lamson continued ...and it says they could not appoint a non-resident, they got their hands slapped, and they lost the case and it cost them a whole lot of money. He stated the Town of Colonie tried to appoint a non-resident to an elected position, and they got beat down. He further stated he did not know what it is that they don't understand, repeating you cannot do it. It is not legal.

Mr. Lamson asked Supervisor Newvine if he moved to the Town of Gouverneur if he could stay as Supervisor for the Town of Fowler.

Supervisor Newvine replied "Yes". Mr. Lamson asked Supervisor Newvine "How". Supervisor Newvine stated because you can claim that you are going to move back to your residence.

Mr. Lamson stated if you don't have a place here right now...Supervisor Newvine interjected that Sherry Geer does have a place here. Mr. Lamson asked "Where". Supervisor Newvine stated Sherry has a place on the Doane Road, to which Mr. Lamson stated "No, there is somebody living there, and she is renting it out."

Supervisor Newvine stated it is Sherry's relation, and conceivably she could move back in with him.

Mr. Lamson then said, he didn't understand what it is, stating she doesn't live here, she lives there, she is not eligible to vote in this Town any longer. Mr. Lamson went on to say, the voter rules say you have to have a physical address and she doesn't have one where she lives. Mr. Lamson told Supervisor Newvine to check with the Board of Elections and ask them where the physical address for her is. Mr. Lamson stated right now, it is an invalid address, therefore her voting privileges are gone. Mr. Lamson further stated Sherry needs to re-register with a valid address and that is all there is to it. Mr. Lamson repeated he doesn't get what it is that they don't understand, stating again, if you move out of the Town, you can't be an elected official and it is that simple. Mr. Lamson stated the courts have said, the minute you move out of the Town, your office is vacated and there is no maybe your going to move back.

Supervisor Newvine thanked Mr. Lamson for his input.

Supervisor Newvine asked for a motion to appoint Sherry Geer as an assessor. A motion was made by Councilperson Andrews seconded by Councilperson Simmons to appoint Sherry Geer as assessor. All in Favor. MOTION CARRIED.

Supervisor Newvine went on to say...keeping within the guidelines of the letter that Sherry had given the board, they would like to make Phyllis Shaw the Assessor Chair, and Bookkeeper Barbara Finnie will adjust the incomes for both assessors.

Supervisor Newvine addressed Mr. Lamson concerning the documentation on the Town of Colonie, that he had provided, and its relevance. Supervisor Newvine reported he had supplied the information to Town Attorney Henry Leader and Henry advised him that it is like comparing apples to oranges. The opinion that Mr. Lamson provided to the board is over 10 years old, and there have been some changes made to the Home Rule Law as to what you can and can't do. He stated Henry is very confident the Town of Fowler is doing the right thing, and if we were to go against this, we would truly be throwing away the taxpayer's money.

Supervisor Newvine stated Henry is our Town Attorney. I trust him, and further stated he has no problems with the decision and has been advised the Town is fully, legally covered, and he did not think there is an issue.

Councilperson Bishop stated, "this is what the Town has a lawyer for."

Town Clerk Gale reminded the board there needed to be a motion to accept the letter from Sherry before an appointment is made.

A motion was made by Councilperson Simmons seconded by Councilperson Bishop to accept the letter from Assessor Geer to confirm a vacancy in the assessing department. All in Favor. MOTION CARRIED.

Supervisor Newvine stated they needed a motion to appoint Sherry Geer for a three- month term as assessor, which will end on September 1, 2021. A motion was made by Councilperson Andrews seconded by Councilperson Simmons. All in Favor. MOTION CARRIED.

Supervisor Newvine stated the board would reconvene on September 1, 2021, to move forward with another 3-month appointment.

A motion was made by Councilperson Simmons seconded by Councilperson Andrews to appoint Phyllis Shaw Chair of the assessor department. All in Favor. MOTION CARRIED.

With no further business, on a motion of Councilperson Simmons seconded by Councilperson Cleveland, the meeting was adjourned at 6:07PM. CARRIED UNANIMOUSLY.

Tami Gale; Town Clerk