

**Town of Fowler March 13<sup>th</sup>, 2023, Regular Scheduled Board Meeting at 6:00 PM & Public Hearings for the Proposed Multi-Jurisdictional Hazard Mitigation Plan & proposed Local Law No. 2 of 2023 Minutes**

The Town of Fowler Regular scheduled Town Board meeting was held on the above date with four Board members present, and Councilperson Cleveland attending by phone. Also present were Town Clerk Tami Gale, Town Justice Tim Knowlton, Highway Superintendent Randy Durham, Assessor Chair Kathy Besaw, Code Enforcement Officer Glen Besaw, Ethics Committee member Vivian Goodman, Ethics Committee & Planning Board member Vicky Cappellino, Planning Board members Stephen Gale & Leo Knight, David Fackler, Michael Cappellino, John and Deb Walsh, Dan Fifield, William LaMere, Michael Tersmette, 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 Barbara Roeser, and Karen Gilson, sister of Code Enforcement Officer Glen Besaw, who have recently passed.

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

**MOTION TO OPEN PUBLIC HEARING No. 1**

AT 6:05 PM Supervisor Newvine asked for a motion to open the public hearing for the proposed adoption of the Multi-Jurisdictional Hazard Mitigation Plan Update for St. Lawrence County as amended by the Town. A motion was made by Councilperson Simmons, seconded by Councilperson Andrews. All in Favor. MOTION CARRIED.

Supervisor Newvine reported Town Attorney Henry Leader had made a few changes to the proposed plan concerning flood plain regulations. Supervisor Newvine reported there were extra copies available for anyone in attendance.

**MOTION TO OPEN PUBLIC HEARING No. 2**

AT 6:06 PM Supervisor Newvine asked for a motion to open the public hearing for Proposed Local Law No. 2 of 2023, a Local Law providing for Volunteer Firefighter and Volunteer Ambulance Worker Real Property Tax Exemption. A motion was made by Councilperson Cleveland, seconded by Councilperson Simmons. All in Favor. MOTION CARRIED.

Supervisor Newvine reported there were extra copies of Proposed Local Law No. 2 of 2023 available for anyone in attendance and the public hearings will be left open and if at anytime anyone had any questions, to raise their hands and they would be given the opportunity to be heard.

**ELKS CLUB CHECK PRESENTATION FOR TOWN OF FOWLER FOOD PROGRAMS**

Supervisor Newvine introduced Bill LaMere, Exalted Ruler of Gouverneur Elk's Lodge #2035, to meeting attendees, reporting Mr. LaMere was in attendance this evening for a check presentation to Councilperson Karen Simmons, director of the Town of Fowler Food Programs. Exalted Ruler LaMere presented a check in

the amount of \$300.00 to further the HAP and SOS food programs to benefit Town of Fowler residents. Supervisor Newvine thanked Mr. LaMere for the generous donation and thanked the Gouverneur Elk's Lodge for being so good to the Town of Fowler.

## **DISCUSSION ON NEED FOR JUSTICE COURT SECURITY GUARD**

Supervisor Newvine reported Town Justice Timothy Knowlton has asked for a court officer to provide security in his courtroom, and reported all Town Councilmembers were provided a list of the duties of a court security guard in this evening's board meeting documents. Supervisor Newvine stated he had called the Town insurance agent and had learned there would be no extra costs involved, but there were concerns on the training the individual hired as a court security guard would have. Supervisor Newvine reported they have been doing some research and gave the floor to Town Justice Timothy Knowlton for further discussion.

Town Justice Tim Knowlton reported:

- He had not approached anyone yet to fill the position, but he would like to hire a retired New York State Trooper as they fall under the guidelines of a New York State Security Guard, if the board agrees.
- The duties of a Court Security Guard:
  1. Inspect and patrol premises.
  2. Monitor property entrance.
  3. Authorize the entrance of people.
  4. Report any suspicious behaviors and happenings.
  5. Secure all exits, doors, and windows.
  6. Monitor surveillance cameras.
  7. Deliver documents from the bench to defendants and attorneys.
  8. In charge of courtroom behavior.
  9. Present during courtroom mediation.
  10. Monitors all situations and knows when to contact police.
- Reported he would need a court officer for a minimum of 4 hours a month, and if they paid the same as the Town of Gouverneur does, it would be \$30.00/hour.
- Reported the person he is considering has a taser, carries a firearm, and has a bullet proof vest. He stated a uniform may need to be purchased with the Town of Fowler Security logo on it.
- He reported he has contacted the Office of Court Administration to see if he can get a security assessment completed by them. He has since learned he must contact the 4<sup>th</sup> Judicial District Judge in Albany in writing to request the assessment.

After further discussion, it was the consensus of the board to have Justice Knowlton contact the retired New York State Trooper to inquire if he is interested in the position of court security guard for the Town of Fowler.

## **DISCUSSION ON ADVOCATE DRUM PROPOSED MEMBERSHIP**

Supervisor Newvine reported he had received correspondence from the Fort Drum Regional Liaison Organization, who are looking to receive some state funding and asked the Town of Fowler to contact the Association of Towns and ask that they support the request. Supervisor Newvine reported they also asked if the Town of Fowler would consider joining Advocate Drum at the Corporate level of \$250.00 per year or \$700.00 for a 3-year membership, as an action to help in their effort in protecting Fort Drum's value to the

region, and demonstrating to Albany the importance of Fort Drum to local officials. After some discussion, a motion was made by Councilperson Bishop seconded by Councilperson Cleveland to join the Advocate Drum membership for one year. All in Favor. MOTION CARRIED.

Supervisor Newvine reported the audit of the bookkeeper's 2022 books will be rescheduled for the April 10<sup>th</sup>, 2023 board meeting.

## **DISCUSSION ON 2023 MOWING CONTRACT**

Supervisor Newvine asked Councilperson Bishop to present the quote received from Tina & Dan Fifield of 179 Battle Hill Road, Gouverneur, NY 13642 for the 2023 mowing season. Councilperson Bishop read the quote out loud for the yearly bid consisting of mowing, trimming, and clean up for a cost of \$13,000. Supervisor Newvine stated the cost in 2022 was \$11,000 for the mowing season. Supervisor Newvine reported the town doesn't have to bid the contract, and they have been very happy with the dependability and great job done by the Fifield's. After some discussion, a motion was made by Councilperson Bishop seconded by Councilperson Simmons to adjust the 2023 mowing contract to \$13,000 and award it to Tina & Dan Fifield. All in Favor. MOTION CARRIED. Supervisor Newvine reported the contract would be updated to reflect the change and would be signed at the April 10<sup>th</sup> regular scheduled board meeting.

## **MOTION TO CLOSE PUBLIC HEARING No. 1**

Supervisor Newvine asked if there were any questions concerning the Multi-Jurisdictional Hazard Mitigation Plan as amended by the Town. Property owner, David Fackler asked about the proposed Mitigation action, (described in table 10 on page 23 of the plan and on worksheets included in Attachment A), regarding drainage improvements along Emeryville Rd and the development of a beaver maintenance plan, wondering specifically, what location, on the Emeryville Rd the plan was referring to. Supervisor Newvine reported the town is kind of in the middle of performing the beaver maintenance portion of the plan right now, stating the beaver control officer has been hired to go in and tear out the beaver dams and trap the area, which truly is the County's responsibility. Mr. Fackler asked what side of the Emeryville bridge is being referred to.

Councilperson Simmons stated it is on this side of the Emeryville bridge. Mr. Fackler stated he is on the other side of the Emeryville bridge and he was just making sure if the beaver dams were being torn out that his driveway wasn't going to go with it. Hwy. Superintendent Durham stated about once a year they also have problems with beaver dams on Mr. Fackler's side of the Emeryville Rd bridge, and Councilperson Simmons keeps him in the loop when there is a beaver problem there. Mr. Fackler stated he always tries to keep the dams broken down, and gave permission for the town to come and take the beavers out anytime.

At 6:26PM Supervisor Newvine asked for a motion to close the public hearing on the Multi-Jurisdictional Hazard Mitigation Plan Update for St. Lawrence County, as amended by the Town . A motion was made by Councilperson Andrews seconded by Councilperson Simmons. All in Favor. MOTION CARRIED.

## **RESOLUTION**

### ***RESOLUTION #8 of 2023***

#### ***MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN***

A motion was made by Councilperson Andrews seconded by Councilperson Bishop to adopt Resolution #8 of 2023, a resolution to adopt a St. Lawrence County multi-jurisdictional hazard mitigation plan, as amended by the town. All in Favor. MOTION CARRIED.

AYES: 5 *NEVVINE, SIMMONS, ANDREWS, BISHOP, CLEVELAND*

NAYS: 0

#### **MOTION TO CLOSE PUBLIC HEARING No. 2**

Supervisor Newvine asked if there were any questions concerning proposed Local Law No. 2 of 2023.

At 6:27PM, after receiving no questions from meeting attendees, Supervisor Newvine asked for a motion to close the public hearing on proposed Local Law No. 2 of 2023 (Volunteer Firefighter and Volunteer Ambulance Worker Real Property Tax Exemption). A motion was made by Councilperson Cleveland seconded by Councilperson Bishop. All in Favor. MOTION CARRIED.

## **RESOLUTION**

### ***RESOLUTION #9 of 2023***

#### ***ENACTING LOCAL LAW No.2 OF 2023 VOLUNTEER FIREFIGHTER AND VOLUNTEER AMBULANCE WORKER REAL PROPERTY TAX EXEMPTION***

A motion was made by Councilperson Cleveland seconded by Councilperson Andrews to adopt Resolution #9 of 2023, a resolution to enact Local Law No. 2 of 2023, providing a real property tax exemption to volunteer firefighters and volunteer ambulance workers. All in Favor. MOTION CARRIED.

AYES: 5 *NEVVINE, SIMMONS, ANDREWS, BISHOP, CLEVELAND*

NAYS: 0

### **Town Department Reports**

#### **Justice Department**

Town Justice Tim Knowlton reported:

- He had presented board members with the town court summary report for February 1<sup>st</sup> to February 28<sup>th</sup>. He reported December, January, and February had been very slow with court cases. Supervisor Newvine asked how the percent of money the town keeps is determined. Justice Knowlton was not sure and reported he will have the information for the next board meeting.

#### **Bookkeeper**

Bookkeeper Barbara Finnie:

- Reported she had provided Town of Fowler Cash Balance Reports for Month Ending December 31, 2022, Month Ending January 31, 2023, and Month Ending February 28, 2023 to the board members for their review.

## **BUDGET BALANCES**

### **December 31, 2022**

- Reported the general fund was 102.49% spent and had received 144.37% in revenue and the highway fund was 96.56% spent and had received 109% in revenue, which was good, with the fund balances being brought up from last year.

### **January 31, 2023**

- Reported the general fund was 4.11% spent and had received 2.47% in revenue and the highway fund was 2.77% spent and had received 0.13% in revenue.

### **February 28, 2023**

- Reported the general fund was 17.81% spent and had received 43.52% in revenue and the highway fund was 7.00% spent and had received 64.95% in revenue.

## **Assessors**

Assessor Chair Kathy Besaw reported:

- It has been business as usual.
- They are starting to set dates for grievance month.
- She already has 3 grievances and anticipates they will have more, reporting it is the tax rates that are going up, not the assessments, which is confusing to some taxpayers when looking at their tax bills.
- The level of assessments for the entire county have gone down. The Town of Fowler's went from 11.8% two years ago, to 9.5% in 2022, and is 8.8% in 2023, and gave the example that if you own a 100,000 home, assessed at 8.8%, it means your assessed at \$8,800 dollars.

Supervisor Newvine asked Assessor Chair Besaw if they had the authority to raise everybody's assessment all at once. Assessor Besaw stated that's what re-valuation's do. She referred to what is going on presently in Clayton, New York, who are going through a re-valuation right now. She reported the assessments that went up, went up significantly, and the assessments that went down, went down significantly, and any assessments that been done in the last 3 years, stayed the same. She reported the tax burden is being shifted to the river in Clayton, and if the Town of Fowler does a re-valuation, the tax burden would be shifted to the lake.

## **Historian**

Historian Karen Simmons reported:

- Vicky Lutz donated a couple of scrapbooks that were found in an old farm house on the Farm to Market Rd to the historian's office.

## **Animal Control**

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

- 1 dog that was picked up by animal control in Hailesboro, had been in the kennel for some time. The dog went unclaimed and was adopted out to Gracious Friends Animal Sanctuary earlier today, after another adoption had fallen through.

Supervisor Newvine asked Councilperson Simmons if there was dog food for animals in the kennel, as maintenance worker Byron Woodward had fed the dog in the kennel, as he felt the dog hadn't been fed in a

while. Councilperson Simmons reported she had just turned in a receipt from Dog Control Officer Moyer last week for a 30-pound bag of dog food.

Supervisor Newvine asked Councilperson Simmons if she knew if the dog control officer checks on animals in the kennel daily. Councilperson Simmons reported every day she is at the Town Hall, she sees him through there at least once.

## **Beaver Control**

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

- He had removed 2 beavers on the Little York Road between Byron Woodward and Luis Gutierrez homes.
- He had removed 1 beaver from County Route 22.
- He reported he will be placing more traps on County Route 22.

## **Code Enforcement**

Code Enforcement Officer Besaw:

- He has closed out a few more building permits, so they didn't need to be carried over to this year.
- He has completed the yearly report for the Department of State.
- Discussed the need to get an official ok from the Town Attorney for the town to amend the land use laws to address dock size regulation and reported he had discussed the matter with the planning board chair earlier this evening and they are working on it.
- Reported he has discussed the parking in the road situation occurring on the Country Club Rd with Hwy. Superintendent Durham and stated the situation didn't have anything to do with the town, as people have enough room to park off the road and aren't doing it, and he didn't think they could make the taxpayer move the farm stand. Resident Michael Cappellino stated that due to the location of the farm stand being at the top of the hill, if the parking in the road continues, there will likely be a bad accident at this location. He believes the Town of Fowler should install no parking signs, like they have done at the Country Club golf course and the Hailesboro ball field. Mr. Cappellino suggested placing no parking between these signs, and put them  $\frac{1}{2}$  way up the hill and down past the farm stand owner's second driveway. Mr. Cappellino reported there has already been one accident at the location.

Supervisor Newvine questioned if anyone has asked the farm stand owner to move the stand to a different location on his property. Code Enforcement Officer Besaw stated he had talked to the owner, but he doesn't have any jurisdiction over traffic. He stated it isn't the property owners who are parking in the roadway. Councilperson Bishop asked if it was located on a town right-of-way. Hwy. Superintendent Durham stated it was not located in the town right-of-way. Councilperson Bishop recommended having the State Troopers look at the area, as it is a hazard. Mr. Cappellino asked what the problem would be installing the no parking between these signs, like the town has done in the past. Supervisor Newvine directed Code Enforcement Officer Besaw to talk to the farm stand owner and see if he would agree to move the stands' current location from the top of the hill. Supervisor Newvine stated that if the parking in the road couldn't be solved that way, then they will install the new signs to prevent parking in the roadway.

- Discussed properties that need cleaning up and asked the board if they still required him to have a signed complaint before taking action. It was discussed the code enforcement officer does not need a

written complaint, that he can act, and to wait for the good weather and then start enforcing the cleanup of the properties.

## **Town Clerk**

### **Town Clerk Tami Gale:**

- DEC Gross sales for the month were \$50.00 with the Town of Fowler Commission being \$2.76. She had taken in \$20.00 in kennel fees, licensed 25 dogs, processed 5 death certificates, sold 1 bicentennial book and 75 cents was taken in for photo copies.
- The new free 2023 DEC Fishing guides arrived today for anyone interested.
- Reported she had received \$108.90 in bottle & can donations and asked bookkeeper Finnie where the bottle & can money is being applied to now. Bookkeeper Finnie reported the bottle & can money is being split between the playground/pavilion and the HAP/SOS Programs.
- Reported \$281.00 was received from the soda machine at the highway department.
- Reported she had completed her tax renewal warrant with the County Treasurer's Office and taxes are 74.99% collected. The amount left to be collected is \$606,177.54.
- Asked the board their pleasure on setting the fee for 2<sup>nd</sup> notices for taxpayers who haven't paid any tax at all this year. After some discussion, it was the consensus of the board to set the 2<sup>nd</sup> notice fee at \$2.00.
- She has learned that town clerk's are now going to be responsible for issuing the new one -day marriage officiant licenses. The new legislation has developed rapidly and goes into effect on March 28<sup>th</sup>, 2023. She is still learning more about the process. The fee is going to be \$25.00 but she is not sure what percent the town will be keeping and is awaiting more guidance from the State.

## **Highway Department**

### **Highway Superintendent Randy Durham reported:**

- Discussed CHIPS funding and reported he is expecting to receive around \$299,000 this year like we received last year, but has budgeted \$200,000.

Supervisor Newvine asked Hwy. Superintendent Durham about a plow truck being down and not having a suitable back up plow truck. Hwy. Superintendent Durham stated no, they wanted to get truck 5 back up. He stated he made the decision it would be better to get truck 5 back up and running in an hour's time, than pick up the 98 truck and run back and forth with sand all day. He stated at the end of the day, the roads were clean.

## **Councilmembers**

### **Councilperson Cleveland:**

- Reported he has made some progress on the playground and has ordered 4 new pieces of equipment through Summit Supply and thanked town clerk Gale for her assistance.
- Reported the cost of the equipment is just over \$10,000 with shipping.

Supervisor Newvine asked if there was enough room to accommodate the new equipment. Councilperson Cleveland stated he had looked it all over and there is enough room. Supervisor Newvine asked if we would be ordering new playground chips. Councilperson Cleveland reported he is going to order new playground

chips after he gets the new equipment installed. He thought he would need about 3 inches of chips to cover it all.

- Reported they would need to set a date for a workday to install the new equipment at the playground.

### **Councilperson Karen Simmons:**

- Reported in the month of February there were 15 people who benefited from the HAP Program, available at the town hall on Thursdays from 9-12 and 1-4.
- There were 2 weeks the HAP Program was not open due to weather and illness.
- Reported she had received some very nice donations for the HAP Program this month. Vern Shippee donated groceries and Community Bank NA collected groceries the entire month of February and donated them to the Town of Fowler. She and Supervisor Newvine picked up the collected items from the bank on March 1<sup>st</sup>.
- The Presbyterian Church donated a box of groceries for the food program.
- There were a few monetary donations received.
- Recognized meeting attendees David Fackler and Michael Tersmette for their frequent and large donations to the Town of Fowler food programs and thanked them for their generosity.
- Reported the next SOS (Support Our Seniors) delivery will be made on March 31<sup>st</sup>, and as of meeting time, there were 93 households set to receive the care packages.
- Discussed the need to set the first meeting date to begin planning for Fowler Family Day. After some discussion, it was decided to hold the family day meeting on March 23, 2023 at 3:00 PM, and Councilperson Simmons would notify people who helped out last year.
- Asked if there is suppose to be a street light on all intersections in the Town of Fowler. She was approached by a tax payer asking why there is no street light at the intersection of St. Hwy 58 and Fullerville Rd. It was discussed there is a street light on the opposite side of St. Hwy. 58 and Gulf Rd. Supervisor Newvine stated he would call and find out.

### **Councilperson Jeff Andrews:**

- Had no further questions or comments.

### **Councilperson Lynn Bishop:**

- Reported the road washes out all of the time at the bottom of the hill near Junes Pond, on the Sullivan Rd. Hwy. Superintendent Durham said he is aware of it, and stated it needs a rock hammer, and he would take care of it in April.

### **Supervisor Ricky W. Newvine:**

- Reported Empire State Mines wants to put on a presentation outlining their plans for future exploration and mining to give a community update for the public sometime at the end of March. It was discussed the best date for board members to attend would be March 29<sup>th</sup>. Supervisor Newvine will check with Empire State Mines to firm up the date and time.
- Reported he had received correspondence from the Hailesboro Cemetery Association with the list of tree removal costs for the cemetery. The price for tree removal was listed as being anywhere from \$800 to \$5,000. Supervisor Newvine reported the Town of Fowler established a Hailesboro Cemetery

reserve fund, in February, to assist with tree removal at the cemetery which will provide up to an additional \$2,000 a year for the next 3 years, in addition to the annual cemetery contract of \$5,000.

- Reported the Emeryville bridge has come into the light a little bit again. He received a call from Legislator Bill Sheridan, who reported a private citizen is willing to make a sizable donation for the Emeryville Rd bridge. Supervisor Newvine stated he isn't real hopeful as he feels it is a project the County does not wish to do.
- Reported the Town of Fowler assessor chair and code enforcement officer both have jobs with other townships, and he has called the other townships to discuss splitting the cost of their training.
- Stated he would like to recognize someone that he felt we take for granted at the Town of Fowler. He recognized custodian, Rosalee Thornton, for the great job she does. Supervisor Newvine stated the town hall is always clean, always smells good, and wanted to let Rosalee know how much she is appreciated.

### **Public Comment**

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

The bills audited for the General and Highway Fund were #49 to #98, with a total of \$62,455.45.

The next regular scheduled board meeting will be held on April 10th, 2023, at 6:00PM.

With no further business, on a motion of Councilperson Andrews, seconded by Councilperson Simmons, the March Regular Town Board meeting was adjourned at 7:05 PM. CARRIED UNANIMOUSLY.

Tami Gale; Town Clerk