

Town of Fowler Regular Scheduled Board Meeting Minutes & Public Hearing On Land Use Law and Regulations for the Town of Fowler on June 4, 2019 at 7 PM

The Regular scheduled board meeting, and Public Hearing on the Land Use Law for the Town of Fowler was held on the above date with all Board members present, excluding Councilperson Bishop. Also present were Town Clerk Tami Gale, Deputy Town Clerk Debra Tupper, Assessor Chair Sherry Geer, Highway Superintendent Randy Durham, Dog Control Officer Dan Moyer, Code Enforcement Officer Glen Besaw, Planning Board Members Daniel Kingsley, Larry Streeter and Stephen Gale, Town Attorney Henry Leader, Legislature Bill Sheridan, Richard Clement, Vicky Prashaw, Tim Prashaw, and Rachel Hunter of the Gouverneur Tribune Press.

Supervisor Cappellino called the meeting to order at 7PM then proceeded with the opening prayer and the pledge of allegiance.

Supervisor Cappellino asked for a moment of silence for the family of Bart Bishop who passed away unexpectedly earlier in the week.

A motion was made by Councilperson Newvine, seconded by Councilperson Simmons to approve the minutes of the May 7, 2019 regular scheduled Board meeting. All in Favor. MOTION CARRIED.

A motion was made by Councilperson Simmons, seconded by Councilperson Andrews to approve the minutes of the May 17, 2019 Emergency Board meeting. All in Favor. MOTION CARRIED.

At 7:01 PM a motion was made by Councilperson Newvine, seconded by Councilperson Simmons to open the Public Hearing on Land Use Law for the Town of Fowler. All in Favor. MOTION CARRIED.

Supervisor Cappellino opened the floor up to discussion and questions regarding the Land Use Law. Supervisor Cappellino reported that the Town of Fowler's previous Land Use Law consisted of 80 pages, and that the proposed Land Use Law in discussion this evening was 54 pages. Attorney Leader stated that the changes, additions and revisions to the Land Use Law was the biggest event in the Town of Fowler in a couple of decades. Mr. Leader was in attendance to explain the changes to the new Land Use Law and answer any questions that the attendees of the Public Hearing might have. Attorney Leader thanked Supervisor Cappellino, Code Enforcement Officer Besaw, and members of the Planning Board for all their assistance and effort put in to addressing and creating changes in the Town of Fowler Land Use Law, stating that it has been in the works since December of 2018.

Town attorney Henry Leader described the Land Use Law as a living document, that will change as the Town's needs change. Mr. Leader urged the Town board to read through the pages in their entirety apologizing that it could not be made available for their viewing before the meeting. Attorney Leader suggested that the board consider having a second Public Hearing concerning the Land Use Law as he felt it would have been desirable for the board to have had the proposed document at least 7 days prior to this evenings Public Hearing.

Town attorney Henry Leader touched upon some of the changes to the proposed Land Use Law including a Shoreline District, development of a district map, establishment of districts, interpretation of district boundaries, regulations applicable to all development districts to include administration, violations, penalties and remedies, special permits, and site plan review. The provisions of the regulations are intended to promote the health, safety, and general welfare of the community.

Councilperson Newvine asked if there was a section pertaining to when a building permit would have to be approved by the County. Attorney Leader stated that it is located under Article 7 under sight plan review and special permits section. Councilperson Newvine asked if a permit is within 500 ft of a County Rd, does it need to go to the County planning board. Code Enforcement Officer Besaw stated the only time a permit would go to the County planning board, is if it had to come before the Town's planning board.

Councilperson Newvine asked if the board could still make changes to items in the Land Use Law and Regulations. Mr. Leader encouraged the Town to take a good look at the proposed Land Use Law and make any changes to it. Mr. Leader stated once the Local Law is adopted any changes made to the document would need an amendment.

Supervisor Cappellino stated that in the future the Town might want to add amendments for Solar and Wind.

Councilperson Newvine asked that Solar be added as a permitted use, as it didn't appear to be on the list, and asked the rest of the board if they were looking at adopting the local law at the meeting. Councilperson Andrews stated he would like time to look the proposed law over. Councilperson Newvine stated that if it was adopted today, it would allow Code Enforcement Officer Besaw authority to act on violations in the Town.

Code Enforcement Officer Besaw stated that the Land Use Laws and Regulations were very well put together and easy to understand.

Supervisor Cappellino asked if there were any questions from the public. Councilperson Newvine stated that it was a lot of information to absorb. Code Enforcement Officer Besaw

stated that the major changes were the addition of the Shorelines and the enforcement of codes.

After discussion, a motion was made by Councilperson Newvine seconded by Councilperson Simmons to adopt Local Law # 1 of 2019 – Land Use Regulations. All in Favor. MOTION CARRIED.

Roll Call: Aye: 4 Supervisor Cappellino; Councilperson Newvine; Councilperson Andrews, Councilperson Simmons

Nay: 0

Absent: 1 Councilperson Bishop

At 7:40 PM a motion was made by Councilperson Newvine seconded by Councilperson Simmons to close the Public Hearing. All in Favor. MOTION CARRIED.

Supervisor Cappellino thanked attorney Henry Leader for coming to the meeting and going over the Land Use Law with the board and tax-payers in attendance.

Supervisor Cappellino announced that the Town had received 2 road quotes for the 2019 Road Work Bid that was advertised in May.

Councilperson Simmons and Councilperson Andrews opened the bids as follows:

Hanson Aggregates of New York, LLC

River Rd. (Island Branch Rd) – Type 3	\$56,647.00
River Rd. (Island Branch Rd) – Type 6	\$77,730.75
River Rd. (Town Line Rd) - Type 6	\$85,963.00
Battle Hill Rd - Type 3	\$82,440.00
Battle Hill Rd - Type 6	\$32,661.00
Kilkarney Ct - Type 3	\$19,895.00
Kilkarney Ct - Type 6	\$12,132.50
Grand Total	\$367,469.25

J.E. Sheehan Contracting

River Rd (Island Branch Rd) – Type 6 &	
River Rd (Island Branch Rd) - Type 3	\$133,500.00
River Rd (Town Line Rd) - Type 6	\$97,000.00
Battle Hill Rd - Type 3 &	
Battle Hill Rd - Type 6	\$113,500.00
Kilkarney Ct - Type 3 &	
Kilkarney Ct - Type 6	\$31,000.00
Grand Total	\$375,000.00

Councilpersons Andrews and Simmons reported that both bids came with non-collusive bidding certificates attached. Highway Superintendent Durham stated that he did not want to spend over \$250,000.00 this year, stating that his entire budget was only \$288,000.00. Highway Superintendent Durham projected that the Town could afford to do the River Rd. on the Island Branch end and the Battle Hill Rd. Supervisor Cappellino asked if that was going with Hanson Aggregates. Highway Superintendent Durham stated that was correct. Councilperson Simmons clarified with Highway Superintendent Durham that he meant that the Town was not going to be able to pave all of the River Rd, and not pave any of Kilkarney Court Drive. Highway Superintendent Durham stated that was correct as the price of

pavement has gone up \$20.00 a ton. Councilperson Newvine asked if the cost of grinding was included in the quotes. Highway Superintendent Durham stated that it was not included in the quotes, that the grinding was being done the day after the board meeting at a cost of \$5,000.00. After some discussion, Councilperson Newvine suggested that the board accept both bids and have Highway Superintendent Durham and Councilperson Andrews go through the prices, speak to the two bidders and see if they are still willing to honor the bids subtracting some of the roads. Highway Superintendent Durham stated that he really did not want to go over budget this year. Councilperson Newvine asked Bookkeeper Finnie if she thought the Town could afford to go over budget. Bookkeeper Finnie stated that the Town had spent a lot last year and this year it would be good to stay within the budget.

After more discussion, a motion was made by Councilperson Newvine seconded by Councilperson Simmons to accept both road quote bids. All in Favor. MOTION CARRIED.

County Legislator Bill Sheridan was in attendance and gave an update on the County. He reported that:

- The County has built the fund balance back up. It has gone from negative 3million dollars to 20 million dollars.
- The County is no longer on the fiscally stressed list of the State Comptroller.
- The County interest and credit rates are better.
- Legislator Sheridan thanked the conservative fiscal spending of the legislature and likened the County's success to the Trump schedule and what it has accomplished in the United States economically and so forth.
- We had dodged a bullet and no prisons will be closed in St. Lawrence County.
- The AIM funding is being taken away from some Towns and Villages. He reported that the Town of Fowler last year had received \$8511 in AIM funds and this year the Town of Fowler is getting \$0.00.

Councilperson Newvine asked Legislator Sheridan if the County had received any internet sales tax yet, and when that tax was scheduled to start. Supervisor Cappellino stated that the State hadn't implemented it yet. Legislator Sheridan stated that the County had not received any of the internet sales tax yet and that there were many unknowns.

- Legislator Sheridan re-iterated that the County was in good shape.
- He reported that the County continues to work on 3 bridges a year, and it looks like that number will be increased to 4 a year due to all the bridges in need of repair.

Supervisor Cappellino asked Legislator Sheridan if one of the bridges would be the Emeryville bridge. Legislator Sheridan stated that it would not be. He stated that former Legislator Joel LaPierre had tried his best to have the Emeryville bridge placed on the list, but the votes from legislators of 14 to 1 were not there.

Highway Superintendent Durham asked Legislator Sheridan if he had spoken with Don Chambers regarding a survey on the Russell-Turnpike Rd / CR 24. Highway Superintendent Durham stated that the road was killing his plow trucks. Mr. Sheridan stated he was not aware of this. Highway Superintendent Durham stated that he had spoken to Don Chambers concerning this road last year to see if it was going to be paved. Highway Superintendent Durham stated that it was the worst road in the Town of Fowler. Councilperson Andrews asked Legislature Sheridan if the County was going to be doing anymore paving this year. Legislature Sheridan stated that there was not going to be any roads paved this year in the Town of Fowler. After discussion, Legislator Sheridan stated that he would meet with Highway Superintendent Durham to take a road tour to go up and take a look at the road, and then he would schedule a meeting with Highway Superintendent Durham and Don Chambers to see what they could do to rectify the situation. Supervisor Cappellino asked Highway Superintendent Durham if he had done a road count on the Russell Turnpike / CR 24 road. Highway Superintendent Durham stated that he had not, but he could do it in a day. At 8:10PM Supervisor Cappellino thanked Legislator Sheridan for the update.

Town Department Reports

Historian

Historian Karen Simmons reported:

- It has been quiet in the Historians Office.
- She had been working on some scrap books of the ice storm for Fowler Family Day.

Dog Control

Dog Control Officer Dan Moyer reported:

- It has been fairly quiet. He has issued tickets for dogs running at large and being unlicensed.
- He has taken a couple of complaints of dogs running at large on the Swiss Hill Rd.
- The issue with the dog in Hailesboro has been resolved.

Councilperson Simmons stated that she had received a report from the Department of Ag and Markets on the Fowler Dog kennel. She stated that Dan had an inspection of the dog kennel on May 22, 2019 and that everything had come back very satisfactory. Supervisor Cappellino complimented Dan on a job well done.

Beaver Control

Dan Moyer of Moyers Wildlife Control reported:

- Shantyville Road has been active with beaver.

- The beaver activity on the Stone Road has slowed down.
- He continues to be called to both roads for beaver activity. The assistance from Highway Superintendent Durhams calling him to alert him of the beaver activity has assisted him in keeping the water under the roads instead of on top of the roads.

Code Enforcement

Code Enforcement Officer Glen Besaw reported:

- The building permits have been picking up with the better weather.
- He had issued 6 building permits this month.
- He had closed out a permit on a new home issued in 2018 on the Fullerville Road.
- He had received 2 verbal complaints. One of the complaints was legitimate, and is being worked on and the other was a misunderstanding that has been taken care of.

Town Clerk

Town Clerk Tami Gale reported:

- She had licensed 53 dogs, prepared 2 certified marriage transcripts, 5 death certificates, 9 building permits, taken in \$272.00 in DEC licenses and taxes were 94.17% collected.

Bookkeeper

Bookkeeper Barbara Finnie reported:

- On the budget balances as of May, that did not include this board meetings bills.
- The general fund should be around 42% to 45% spent and we are at 61%, explaining this was due to a big purchase. Highway Superintendent Durham stated that we are still waiting on some money from the State. Bookkeeper Finnie agreed and stated that this balance will go back down after the Town receives the money and it is put back in.
- The highway fund is 28% spent, and the expenditures have come down.
- The lighting district is at about 45% spent.
- The Town has received about 59% of the General Fund revenue, 73% for the Highway, 66% is just the fire district. We have received 100% of the street lighting revenue.
- Interest rates have pretty much doubled, and the Town is making more interest on the money which has been helping, she expects the rate to triple by the end of the year.

Assessors

Assessor Chair Sherry Geer reported:

- Grievance day is done, with 4 people coming in to grieve and 1 received by mail.
- When the new Star information is available she will get it out to the tax-payers.

Supervisor Cappellino asked Assessor Chair Geer if the Town equalization rate had gone down to 12%. Assessor Chair Geer stated that it had gone down $\frac{1}{2}\%$. She stated she had kept it at 12 & $1\frac{1}{2}\%$ for 2 years. She stated that the re-evaluation has got to come.

Highway Department

Highway Superintendent Randy Durham reported:

- That he as well as the Highway Department employees are certified in DIG, excluding 1 employee who is retiring in the near future.
- Two scrap metal bins had been sent out with the proceeds to go to the Playground fund.
- The Byrns Rd sign is corrected.
- The backhoe that has been down all month with a wiring problem is fixed.
- The rented excavator is going back tomorrow after having it for a month.
- The profiling is set to be started tomorrow on the Battle Hill and River Roads, and is anticipated to be a 1 day job.

Supervisor Cappellino asked Highway Superintendent Durham if he had plans to grind the Battle Hill Rd. Highway Superintendent Durham stated that he was going to grind the road.

- That he had highway employees beginning to take their vacations, and that it is hard putting together a crew particularly on Thursdays, with the employees taking vacations.
- Highway Superintendent Durham asked for the boards' approval to hire a part time person at 20 hours a week for 8 weeks.

Councilperson Newvine asked if a worker was mainly needed on Thursday. Highway Superintendent Durham stated it would be for Thursday and one other day of the week that would be flexible. Councilperson Simmons asked if it was just for 2 days a week, and what would this person be able to do. Highway Superintendent Durham stated that the person would be hired for 20 hours a week, and mainly be the safety person, the flagger. Highway Superintendent Durham stated that he had already spoken to the Bookkeeper and the funds are there. Councilpersons Andrews, Newvine and Simmons all stated that they did not have a problem with it. Bookkeeper Finnie stated it works out to be around \$2200 to \$2300 for the eight weeks. Councilperson Andrews asked when the person would start work. Highway Superintendent Durham stated that he would wait until they get the paving bid in and work him around the paving and stuff. Councilperson Simmons asked the Highway Superintendent if he had anyone in mind for the position. Highway Superintendent Durham stated that he had 2 people in mind. One is the "shadow" that he has right now, who is 19 and is doing pretty good. The other is a youngster at 16. Highway Superintendent Durham stated that he had called the insurance company and there is no problem with him either. Supervisor Cappellino stated that it was the consensus of the board to have Highway Superintendent Durham go

ahead and hire a worker. Highway Superintendent Durham stated that he would get with Councilperson Andrews and discuss it further before he made his final decision.

Councilmembers

Councilperson Jeff Andrews:

- Asked Highway Superintendent Durham why the hole was not fenced off on a property on the Battle Hill Rd where the Town of Fowler highway department was working.

Highway Superintendent Durham stated that he was going to fence it off, but that they weren't done working there yet. Councilperson Andrews stated that the hole should have been fenced off last week in his opinion. Councilperson Simmons agreed that it was a very big hole to leave open and the highway department should have put some cones around it at the very least, and it should not have been left like that for 3 days. Highway Superintendent Durham agreed that it was a big hole. Councilperson Andrews again stated that the hole should not have been left the way it was left. Councilperson Andrews asked Highway Superintendent Durham if he was going to finish filling the hole in. Highway Superintendent Durham asked Councilperson Andrews if he had looked at the hole lately. Councilperson Andrews stated that he had been to look at the hole this evening. Supervisor Cappellino stated that it was all filled in isn't it. Councilperson Andrews stated that it was not done. Highway Superintendent Durham stated that it was mostly done. Councilperson Andrews questioned why the pipe was put in how it was and stated that he felt it was still dangerous. Highway Superintendent Durham stated that there has always been a hole there. Town of Hermon tax-payer, Vicky Prashaw , whose property the hole is on, disagreed with the Highway Superintendent stating that there was never a hole there.

Councilperson Andrews suggested putting in a French drain. Highway Superintendent Durham stated that he could do that if it was what the board wishes. Councilperson Andrews stated that it is still a deep hole. Highway Superintendent Durham described how he planned on putting the fence back in around the hole. Town of Fowler tax-payer Tim Prashaw told Highway Superintendent Durham that his plan was ridiculous and it was not going to be fixed in that way. Vicky Prashaw stated that the 10 foot hole that is holding water in her yard had never been there before the Town of Fowler highway department began their work, and they have fixed it to be about a 6 foot hole as of this meeting. Vicky Prashaw offered photos to the Town board of the conditions on her property. Tim Prashaw stated to Highway Superintendent Durham that there was never a hole to start with and he wants to put a fence around a hole that he created. He told Highway Superintendent Durham if you are going to leave a hole then enclose the hole, you can't just leave a hole. Mr. Prashaw stated that Vicky Prashaw, has grandkids and you can't leave a hole like that. After a lengthy discussion, it was decided that a French drain would be installed and the hole enclosed. Mr. Prashaw stated that

he did not understand the Highway Superintendent's operators. Highway Superintendent Durham responded that he was not going to talk about his operators. Vicky Prashaw stated that she herself had put caution tape around the hole that was left on her property through the weekend so that no one would get injured. Vicky Prashaw also stated that everything that was dug up including brush and trees and such was left on her property, some thrown on her fence, crushing portions of her fence on the top of the hill. Councilperson Newvine asked Highway Superintendent Durham if he was going to replace the fence. Highway Superintendent Durham stated that he would make it all right by the time that they are done. Supervisor Cappellino stated that Highway Superintendent Durham will take care of it.

Councilperson Karen Simmons:

- Thanked Highway Superintendent Durham for taking care of the garbage at the Fullerville and Gulf cemeteries.
- Asked Deputy Town Clerk Debra Tupper if she had looked at the cemeteries and if she was satisfied with the result. Debra Tupper stated that she was satisfied.
- Gave a report on Fowler Family Day that the town had received in donations from tax-payers \$463.00, which was given extra when sending back their raffle tickets and money.
- Family Day t-shirts have been ordered, approximately 10 vendors are signed up to attend, there will be a nurse from the DeKalb Clinic on site to administer blood pressure readings, the Sheriff Dept and the State Troopers with their roll-over display will also be at Family Day.
- If anyone would like to set up at Family Day the cost is \$10.00 and you would need to bring your own table.
- Reminded all that this month was the Republican Primary Election, on June 25, 2019 and that voting would be from noon to 9:00 PM. She stated that there were 3 people in the primary; Ronnie Blair, Jeff Andrews and herself.

Councilperson Ricky Newvine:

- Reiterated what Supervisor Cappellino previously had said regarding the Bishop family, that our hearts go out to them, stating that the Bishop family probably had about 100 years of employment here with the Town of Fowler.
- Thanked Councilperson Bishop for taking care of missing signs on State Route 812.
- Reported that there was an issue with trash at the ball field, it was a matter of miscommunication with the service and it is all taken care of now.
- Reported that he was at Sylvia Lake beach this evening and that there were forms around the dock with quite a bit of water in them, and that the dock resurfacing project is continuing.

- Reported that Empire State Mine had cleaned up the Sylvia Lake Road, and stated it was very nice of them to have done that.
- Purposed Highway Superintendent Durham get a quote for putting a floor in the storage barn. He stated that the Town stores items in there, like the tables for events that have received some sand damage.
- Reported that the Pavilion plans are moving forward, and that Supervisor Cappellino would report on that.

Supervisor Cappellino:

- Reminded all that the pre-registration with the Mobile mammography unit is tomorrow at the Fowler Town Hall between the hours of 10AM and 2PM.
- Asked if the board has made up their minds regarding getting rid of the 8 by 8 shed, stating he had not seen an ad in the paper for it.
- Town Clerk Gale asked Supervisor Cappellino if he wanted to place an ad in the paper for 1 building or see what else is surplus and advertise it all at once. Supervisor Cappellino stated that he would get with Highway Superintendent Durham this week and come up with a list.
- Reported that the State had received the review of the soil and water testing performed by Atlantic Testing Laboratories. He reported that David Storandt of the DEC had sent an email that stated that the sample looked good, but he is waiting for further approval to move it along.
- Asked how the BOCES drill went earlier that day. Town Clerk Gale and Highway Superintendent Durham stated that the drill had went well.
- Reported that the pavilion plans are coming along good. He reported that there was a new pavilion drawing on the wall replacing the first drawing if anyone was interested in looking at it. He reported the new design to be 30' by 50'. He stated that he is still looking to get current information on where the septic system is located out by the Town Barn, reporting that retired Highway Department employee Richard Tupper was going to come take a look at the site with him and see if they could locate it.
- Reported that in the new pavilion draft that there is his and her bathrooms, opening windows on all sides, and overhead doors on the front and the rear on the ends, with a thick enough concrete floor that would accommodate equipment such as a bobcat to bring picnic tables and stuff in for winter storage.
- Richard Clement asked if the pavilion was going to be an enclosed building. Supervisor Cappellino stated that it was going to be similar to the Rod & Gun Club building with open windows. Richard Clement stated that if this was going to be an

enclosed building then it could be used for storage and the Town would not need to put a concrete floor in the Storage Barn as discussed earlier.

- Reported that Tim Rubado had done the drawing for the pavilion.
- Reported that the high water has been causing delays in completing the beach project.
- Asked Councilperson Newvine if the fence in the ball field was all completed. Councilperson Newvine stated that the left field line is done. The extended fence had not been done. Councilperson Newvine stated that he would like to get ahold of someone to put some extended poles in to protect adjacent landowners' properties.

Public Comment:

There was no public comment.

A motion was made by Councilperson Newvine, seconded by Councilperson Simmons to audit the bills. All in Favor. MOTION CARRIED.

The bills audited for the General and Highway Fund were # 189 - #237, with a total of 27,469.48.

A motion was made by Councilperson Newvine, seconded by Councilperson Andrews to send a donation to Friends 4 Pound Paws in memory of Barton Bishop. All in Favor. MOTION CARRIED.

The next regularly scheduled board meeting will be on Tuesday, July 2, 2019 at 7 PM.

A motion was made by Councilperson Andrews seconded by Councilperson Newvine to adjourn the meeting at 8:52PM. All in Favor. MOTION CARRIED.

Tami Gale; Town Clerk

