

## **Town of Fowler Regular Board Meeting & January Organizational Meeting Minutes held on January 10, 2022, at 6:00 PM.**

**\*\*\*Correction made on the spelling of Deavers, under Rescue Squad Contract Presentation by Director Mark Deavers\*\*\***

The Regular scheduled board meeting and January Organizational Meeting was held on the above date, at the Town Hall with four board members present. Also present were Mark Devers, Director of the Gouverneur Rescue Squad, Town Clerk Tami Gale, Highway Superintendent Randy Durham, Bookkeeper Barbara Finnie, Town Justice Tim Knowlton, Assessor Chair Kathy Besaw, Assessor Michael Bates, Code Enforcement Officer Glen Besaw, Pavilion Committee member Richard Clement, Planning Board member Daniel Kingsley, Vivian Goodman, Frank Lallier, Rachel Hunter, Editor of the Gouverneur Tribune Press, and attending the meeting via teleconference was Councilperson Lynn Bishop.

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, and all healthcare workers.

Supervisor Newvine asked for a motion to approve the minutes from the December 13<sup>th</sup>, 2021, Town board meeting. A motion was made by Councilperson Simmons, seconded by Councilperson Cleveland. All in Favor. MOTION CARRIED.

Supervisor Newvine asked for a motion to approve the minutes from the Special Meeting held on December 20<sup>th</sup>, 2021. A motion was made by Councilperson Cleveland, seconded by Councilperson Andrews. All in Favor. MOTION CARRIED.

Supervisor Newvine asked for a motion to approve the minutes from the December 29<sup>th</sup>, 2021, Year End Transfer Meeting. A motion was made by Councilperson Simmons, seconded by Councilperson Cleveland. All in Favor. MOTION CARRIED.

### **RESCUE SQUAD CONTRACT PRESENTATION BY DIRECTOR MARK DEAVERS**

Supervisor Newvine reported Director Mark Deavers, of the Gouverneur Rescue Squad was in attendance this evening to present the yearly contract to the Town Board and to obtain Supervisor Newvine's signature in triplicate. Supervisor Newvine reported the yearly contract total to be \$23,493.63 to be paid quarterly. A motion was made by Councilperson Andrews seconded by Councilperson Cleveland giving Supervisor Newvine approval to sign the yearly contract. All in Favor. MOTION CARRIED.

Director Deavers reported it has been a trying two years amid the COVID-19 Pandemic, reporting the rescue squad responded to 1927 calls, 536 were hospital to hospital calls and 1391 were 911 calls. Director Deavers presented a handout titled EMS in Crisis to the board members for their review and discussed the impact of COVID-19 on rescue squads, and how it has affected them locally, statewide, and nationally.

Supervisor Newvine thanked Director Deavers for the update.

Supervisor Newvine reported the board had approved the recommended appointments for 2022 and approved keeping the mileage reimbursement at .56 cents per mile at the December 29<sup>th</sup>, 2021, Year End Transfer Meeting until the Government announced their mileage reimbursement amount. He reported the board needed to re-visit the mileage reimbursement for 2022, as the reimbursement amount set by the Federal Government is now announced and is set at .58.5 cents per mile. A motion was made by Councilperson Cleveland seconded by Councilperson Simmons to change the set amount for the Town of Fowler mileage reimbursement rate to .58.5 cents per mile. All in Favor. MOTION CARRIED.

Supervisor Newvine read aloud the Town of Fowler Salary Schedule for the year 2022 and asked for a motion to approve the Salary Schedule. A motion was made by Councilperson Andrews seconded by Councilperson Cleveland to approve the Salary Schedule. All in Favor. MOTION CARRIED.

Supervisor Newvine read aloud the Town board meeting dates for the year 2022, which were previously accepted and approved at the December 29<sup>th</sup>, 2021, Year End Transfer Meeting.

Supervisor Newvine asked for a motion to approve the 2022 Town Board Committees and Department Heads reporting they will remain the same. A motion was made by Councilperson Cleveland seconded by Councilperson Simmons to approve the Committees and Department Heads. All in Favor. MOTION CARRIED.

### **2022 TOWN BOARD COMMITTEES & DEPARTMENT HEADS**

<b>Supervisor Ricky W. Newvine</b>	- Sylvia Lake Beach, Hailesboro -Ballpark, Solar Projects
<b>Councilperson Jeff Andrews</b> <b>Councilperson Karen Simmons</b>	- Highway Department - Animal Control, Cemeteries, Food Programs, Beaver Control
<b>Councilperson Lynn Bishop</b> <b>Councilperson Scott Cleveland</b>	- Mowing - Pavilion & Playground, Use of -Town Hall and Pavilion
<b>Audit Committee</b>	- Supervisor Newvine, Bookkeeper Finnie, Councilperson Simmons
<b>Union Contract Negotiations</b>	- Supervisor Ricky W, Newvine, Councilperson Bishop, Councilperson Andrews

### **AGREEMENT TO SPEND TOWN HIGHWAY FUNDS**

Supervisor Newvine asked for a motion allowing the majority of the Town board members and Hwy. Superintendent Durham to sign the agreement to spend Town highway funds. The sum of \$260,000 for general repairs on 1.7 miles of town highways. \$180,00 will be spent commencing at Vanburen Street Town of Fowler Line leading to River Road, Town of Fowler, a distance of 1.2 miles, and \$80,000 will be spent commencing at SH 58 and leading to Main Street Hailesboro, a distance of .5 miles. A motion was made by Councilperson Andrews seconded by Councilperson Cleveland. All in Favor. MOTION CARRIED.

### **RESOLUTIONS**

#### ***RESOLUTION # 1 of 2022***

##### ***PREPAID VOUCHERS***

A motion was made by Councilperson Simmons seconded by Councilperson Cleveland to adopt Resolution #1 of 2022, a resolution to authorize the payment in advance of audits of claims for public utility services, postage, freight, express charges, and health insurance premiums. All in Favor. MOTION CARRIED.

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

NAYS: 0

#### ***RESOLUTION # 2 of 2022***

##### ***PROCUREMENT POLICY FOR THE TOWN OF FOWLER***

Supervisor Newvine discussed a resolution to adopt the Town of Fowler Procurement Policy.

A motion was made by Councilperson Simmons seconded by Councilperson Andrews to adopt Resolution #2 of 2022, a procurement policy for the Town of Fowler, its officers, agents, and employees required by Section 104-b of the New York State General Municipal Law to apply to the purchasing of all goods and services which are not required by law to be publicly bid. All in Favor. MOTION CARRIED.

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

NAYS: 0

### **RESOLUTION # 3 of 2022**

#### **SENIOR EXEMPTION FOR 2022 TAX ROLL UNDER SECTIONS 459-C AND 467 OF THE REAL PROPERTY TAX LAW.**

A motion was made by Councilperson Cleveland seconded by Councilperson Simmons to adopt Resolution #3 of 2022, a resolution for the Town of Fowler, that the Tax Assessors shall extend the 2021 exemption status for those individuals receiving the senior exemption and the persons with disabilities and limited income exemption through 2022 without a renewal application except that the Tax Assessors may require a renewal application if he or she believes that an owner that qualified for the exemption has since changed their primary residence, added another owner to the deed, transferred the property to a new owner, or died.

All in Favor. MOTION CARRIED.

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

NAYS: 0

### **RESOLUTION # 4 of 2022**

#### **OFFICIAL UNDERTAKING OF OFFICERS OF THE TOWN OF FOWLER**

A motion was made by Councilperson Andrews seconded by Councilperson Cleveland to adopt Resolution #4 of 2022, a resolution for the respective officers of the Town of Fowler; Supervisor, Bookkeeper to the Supervisor, Town Clerk, 1<sup>st</sup> Deputy Town Clerk, 2<sup>nd</sup> Deputy Town Clerk, Tax Receiver, 1<sup>st</sup> Deputy Tax Receiver, 2<sup>nd</sup> Deputy Tax Receiver, Registrar of Vital Records, Deputy Registrar of Vital Records, Deputy Supervisor, Highway Superintendent, Town Justice, and Court Clerk to undertake with the Town of Fowler that they will faithfully perform and discharge the duties of their office and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law. All in Favor. MOTION CARRIED.

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

NAYS: 0

### **RESOLUTION #5 of 2022**

#### **HOLDING HARMLESS AGREEMENT WITH ST. LAWRENCE COUNTY**

A motion was made by Councilperson Andrews seconded by Councilperson Cleveland to adopt Resolution #5 of 2022, a resolution to hold harmless the County of St. Lawrence County for providing service for the year 2022. All in Favor. MOTION CARRIED.

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

NAYS: 0

### **RESOLUTION # 6 of 2022**

#### **GENERAL FUND BUDGET AMENDMENT**

A motion was made by Councilperson Simmons seconded by Councilperson Cleveland to adopt Resolution #6 of 2022, a resolution to amend the 2021 General Fund Budget to reflect an increase in the Estimated Revenues and Appropriations due to Pavilion donations. All in Favor. MOTION CARRIED.

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

NAYS: 0

### **RESOLUTION # 7 of 2022**

#### **GENERAL FUND BUDGET AMENDMENT**

A motion was made by Councilperson Simmons seconded by Councilperson Andrews to adopt Resolution #7 of 2022, a resolution to amend the 2021 General Fund Budget to reflect an increase in the Estimated Revenues

and Appropriations due to Senior Packages donations (SOS Program) and Hometown Assistance Program (HAP Program) donations. All in Favor. MOTION CARRIED.

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

NAYS: 0

### **RESOLUTION # 8 of 2022**

#### **GENERAL FUND BUDGET AMENDMENT**

A motion was made by Councilperson Simmons seconded by Councilperson Cleveland to adopt Resolution #8 of 2022, a resolution to amend the 2021 General Fund Budget to reflect an increase in the Estimated Revenues and Appropriations due to ARPA Aid received. All in Favor. MOTION CARRIED.

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

NAYS: 0

### **RESOLUTION # 9 of 2022**

#### **2021 BUDGET TRANSFERS**

A motion was made by Councilperson Andrews seconded by Councilperson Simmons to adopt Resolution #9 of 2022, a resolution described by Bookkeeper Barbara Finnie as transfers to get accounts out of the hole and make accounts even. The Budget Transfers from the General Fund totaled \$6,501.11 and went to balance 9 accounts. The Budget Transfers from the Highway Department totaled \$29,124.41 and went to balance 10 accounts. All in Favor. MOTION CARRIED.

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

NAYS: 0

## **Town Department Reports**

### **Justice Department**

Justice Tim Knowlton reported:

- It has been slow in the court, with not as many tickets written in the winter.
- Court is taking place in person.
- The eviction moratorium is slated to end on January 15<sup>th</sup>, which could lead to several cases being heard by the court.
- Supervisor Newvine asked if the court had received their court laptop. Justice Knowlton replied they had received it and are going to be working with the Office of the Justice Court Administration to try to get the information they need downloaded. Justice Knowlton reported he is now able to print from his computer.

### **Bookkeeper**

Bookkeeper Barbara Finnie reported:

- She is still working on December books as it is usual to be a couple of months into the new year before she is finished with them.
- The Town received the \$30,000 grant money from the USDA, and the \$190,000 bond for the new 2022 Mack Plow Truck. She is hoping to get it paid off this week, as to only pay a small amount of interest on it, and the truck will be paid for free and clear.

### **Assessors**

Assessor Chair Kathy Besaw reported:

- Resolution #3 of 2022 which was adopted earlier in the meeting has to do with the elderly and has nothing to do with the Star credit as was discussed.
- She is getting used to the new normal in the assessor department.
- She met with assessor Mike Bates last week and will meet with him again tomorrow.
- They have a significant number of properties that need valuations to be done prior to March 1<sup>st</sup> to be placed on the tax roll for the year 2023.

- The valuations are the most important thing that they must work on right now.
- Supervisor Newvine asked Assessor Chair Besaw if she received the email on property comparisons, stating there was a lot to them. Assessor Chair Besaw reported she is comfortable with doing them and it's one of the first things she is teaching newly elected assessor Michael Bates to do, as it is the bulk of what the assessor department does.
- She has started holding regular office hours, on Tuesdays from 9AM until 12PM, and anytime by appointment reporting her cell phone number is readily available and she will continue to take any calls which she has been doing all along.

Supervisor Newvine reported the Town of Fowler has an ad in the Gouverneur Tribune Press to appoint another assessor to round out the team of three, stating there is already someone interested. Supervisor Newvine stated the appointment would not be made at tonight's meeting, but likely will occur at the February board meeting. Supervisor Newvine asked Councilperson Cleveland to let us know who the interested person is. Councilperson Cleveland read aloud a letter of interest from Robert Theriault who would like to be considered for the appointment. Councilperson Cleveland stated he had received the letter of interest on 12/30/2021 and has discussed the anticipated assessing department vacancy with Bob (Robert Theriault) for awhile now. Councilperson Cleveland reported he has worked with Bob on and off for over 27 years, many people know Bob Theriault, and you could not ask for a better person to get into the assessor's role, adding that he thinks he is looking forward to it. Assessor Chair Besaw asked Councilperson Cleveland to have Bob call her to discuss all the training that is involved, so that he doesn't walk in to the position like Mike Bates did and not have a clue about the significant training requirements there are. Councilperson Cleveland reported he had asked Town Clerk Gale for a job description for assessors, and the County had supplied Town Clerk Gale with a job duty description sheet for an assessor, that he has shared with Bob. He reported Bob was aware of the training that is involved, and he would ask Bob to give her a call.

### **RESIGNATIONS**

Supervisor Newvine read aloud a letter of resignation received on December 29, 2021, from Assessor Phyllis Shaw reporting she had relocated to the Village of Gouverneur, and due to the residency requirement for elected officials, she is unable to serve out the remainder of her term as an elected assessor. Supervisor Newvine asked for a motion to accept the letter of resignation as assessor. A motion was made by Councilperson Cleveland seconded by Councilperson Andrews. All in Favor. MOTION CARRIED.

Supervisor Newvine read aloud a letter of resignation received on December 30, 2021, from Phyllis Shaw resigning from her position on the Ethics Committee effective immediately as she no longer resides in the Town of Fowler. Supervisor Newvine asked for a motion to accept the letter of resignation as Ethics Committee Member. A motion was made by Councilperson Simmons seconded by Councilperson Andrews. All in Favor. MOTION CARRIED.

### **Historian**

Historian Karen Simmons reported:

- She had talked with a gentleman from Virginia, Mr. Hardgrove, who is looking for some genealogy on the Fuller family.
- Clare Cole is donating a scrapbook to do with the Farr family to the Historian's Office.
- She had received a letter donated by Mr. Hadfield of Fullerville to the Historian's Office. The letter is from a family, who put a note inside of a balloon and released the balloon in Michigan, which Mr. Hadfield found while walking in the woods. Mr. Hadfield had written to the family and the letter being donated to the Historian's Office is correspondence he had received from the family when he made them aware of finding their note.

### **Dog Control**

Dog Control Officer Dan Moyer was not in attendance.

Councilperson Karen Simmons reported for Dan Moyer:

- It has been very quiet.
- He has received 1 complaint of a dog running at large in Fullerville. The person making the complaint believes the dog is running deer. He is keeping an eye out for the dog running at large but has had no luck so far.

## **Beaver Control**

Councilperson Karen Simmons reported for Moyer's Wildlife Control:

- He has finished beaver control as per the beaver control 2021 contract.
- The next appointment will be made in March for the 2022 beaver control contract. Supervisor Newvine asked Hwy. Superintendent Durham if he had any beaver issues. Hwy. Superintendent Durham reported he has not been made aware of any, and things should be frozen now.

## **Code Enforcement**

Code Enforcement Officer Glen Besaw reported:

- He has received his new computer and it seems to be working alright except for the things he really needs.
- He still needs the BAS/Edmunds Gov Tech program that manages his building permit software to be re-installed on his new computer to be able to do anything with building permits.
- He has tried calling and has been cut off twice on his calls to obtain the paperwork needed for the program to be re-installed.
- He reported he would try again the next day to speak with someone at Edmunds Gov Tech.
- Reported he had 2 special use applications that went to the planning board in December, reporting 1 special use permit was approved and 1 wasn't.

Supervisor Newvine asked CEO Besaw if he had received the email that his code report was due to be completed and sent in by April 1<sup>st</sup>. CEO Besaw reported he had received it.

Supervisor Newvine reported he hadn't made any headway on the Flood Plain Plan yet. CEO Besaw reported he had spoken to the lady again and she is going to send him the rules and regulations for it. CEO Besaw reported he will receive training on February 9<sup>th</sup> to give him a better understanding of what is required to be done for the Flood Plain Plan.

## **Town Clerk**

Town Clerk Tami Gale reported:

- DEC Gross sales for the month were \$2,950.00 with the Town of Fowler Commission being \$28.50. She had issued 5 death certificates, licensed 21 dogs, and handled 3 building permits.
- All oaths for the year 2022 have been taken except for maintenance worker Byron Woodward and whoever will be appointed to the ethics committee.
- She has been receiving calls from taxpayers who are looking to see if the Town of Fowler has received any COVID-19 test kits from the County. She is taking names and keeping a list of the callers who are looking for the kits if the Town does get some.
- The Town had received the additional 500 KN95 masks from the County she had ordered, and the 300 masks initially received have been given out to Town residents.
- She began collecting taxes on January 3<sup>rd</sup> and as of meeting time 5.87% of the tax warrant has been collected.
- She and Supervisor Newvine had signed the last of the paperwork to close on the 2022 Mack Plow Truck this week at Town Attorney Henry Leader's Office.
- She has handouts for anyone wanting to attend the 31<sup>st</sup> Annual Local Government Conference on Tuesday April 19, 2022.

- She had provided the board with a handout of the Summary of money handled by the Town Clerk of Fowler January 1, 2021, to December 31, 2021.
- In the year 2021 there were 72 building permits, 6 deaths occurring in the Town of Fowler, 8 marriage licenses issued, 392 dogs licensed, the total amount of DEC sales for the year was \$15,179.00, with the Town's commission being \$675.64, paid to the DEC in Albany was \$14,503.36, paid to NYS Health Dept for marriage licenses \$180.00, paid to the Supervisor \$10,404.05, paid to the registrar \$444.00, and paid to Ag & Markets for spay/neuter programs \$595.00.

## **Highway Department**

Highway Superintendent Randy Durham reported:

- The warranty on the loader is up at the end of January and asked the boards thoughts on purchasing an extended warranty for \$1,300 to \$1,400. After some discussion, it was the consensus of the board to okay the purchase of the extended warranty on the loader.
- The diesel fuel tank at the highway department is being checked out tomorrow by MX Fuels. He reported they have noticed a brown rusty sediment coming out of the diesel.
- Truck 12 broke down in Balmat earlier today and was towed to Stadium International in Watertown with a full load of sand that couldn't be taken off. He reported the one-way plow system was removed prior to it being towed. Highway Superintendent Durham reported the fuel line that goes into the engine is the problem and when it blows back in the fuel line, everything needs to be timed, stating it is not something that we want to fix ourselves. He reported this problem is a different problem than the problems we have had in the past with Truck 12, and Truck 12 has been working well since the exhaust work was done on it.

## **COUNCILPERSONS**

### **Councilperson Andrews:**

- Asked Hwy. Superintendent Durham about a bill in this month's purchase orders in the amount of \$700.00 for Truck 16. Highway Superintendent reported it was for his truck and he has to see when he is checking the roads early in the morning. Councilperson Andrews stated it seemed like a lot of money for lights.

### **Councilperson Simmons:**

- Reported on December 17<sup>th</sup> they had delivered 84 SOS care packages to senior citizens for Christmas and the next delivery will be for Easter in April.
- Reported the HAP program is doing well with 10 to 12 people visiting the program on Thursdays. Money and food donations are still coming in very good, and a gentleman had donated 2 bags of groceries last week.
- She had a call inquiring if the Town had any COVID-19 test kits and reported Town Clerk Gale is keeping a list of the people who have called to inquire about them. Supervisor Newvine stated he would call Matt Denner at the County and ask if there is any possibility that the Town are going to receive any.
- Reported her sister Vivian Goodman was appointed to be a member of the Ethics Committee earlier in the day and will need to be sworn in.

## **APPOINTMENT**

Supervisor Newvine asked for a motion to accept the appointment of Vivian Goodman to the Ethics Committee. A motion was made by Councilperson Andrews seconded by Councilperson Cleveland. All in Favor. MOTION CARRIED.

Justice Tim Knowlton administered Vivian Goodman her Oath of Office and congratulations were extended to Vivian on her appointment.

### **Councilperson Bishop:**

- Had no further questions or comments.

## **Councilperson Cleveland:**

- Had no further questions or comments.

## **Supervisor Newvine:**

- Asked Hwy. Superintendent Durham about a bus incident he had heard about from this morning. Hwy. Superintendent Durham reported the incident was due to black ice. Supervisor Newvine asked if there were any kids on the bus. Hwy. Superintendent Durham reported there were. Supervisor Newvine stated it was his understanding the whole road was glare ice. Hwy. Superintendent Durham stated there was black ice on the corner where the bus went off. Supervisor Newvine stated this was the 2<sup>nd</sup> meeting in a row where there has been an issue with someone being stuck on the roads and asked if they were doing anything differently, suggesting maybe we need to re-look at the times we are going out. Hwy. Superintendent Durham reported he was out on the roads this morning and all of the roads were in pretty good shape, stating there is black ice on the roads everyday you have 40 degrees. Supervisor Newvine asked Hwy. Superintendent Durham if he was confident in the system he has in place. Hwy. Superintendent Durham reported he hasn't had any problems with it, and you are always going to have black ice in spots.
- Stated he has received questions about some of the roads in the Town not being kept in as good of shape this winter as others. He stated roads like the Smith Rd, Hull Rd, Sylvia Lake Rd are in great shape and very nicely sanded, but other roads like County Route 24, headed to Fullerville, is not very well sanded. He stated the Bay Road, where he resides, is not sanded as well as other roads are, and asked Hwy. Superintendent Durham if the plow trucks are all calibrated the same. Hwy. Superintendent Durham stated they are all calibrated, but the driver has an adjustment on it. He reported he had already spoken to the driver who plows County Route 24 about putting more sand on it once this winter. Supervisor Newvine asked him to talk to him again about using more sand on County Route 24.
- Asked Hwy. Superintendent Durham how he determines the temperature of roads and when to sand the roads. Hwy. Superintendent Durham stated he does have a sensor that reads the temperature of the road, but he determines by how the road looks when he is driving on it and he drives the roads at 35 to 40 MPH, and if he starts sliding, he determines it is time to put some sand down. Supervisor Newvine stated we have had several complaints about the roads lately and usually we don't have any. Hwy. Superintendent Durham stated he can put the trucks out more if that is what they want. Supervisor Newvine stated he didn't think anyone is averse to putting the trucks out more often, stating if we have to pay overtime it is much better than someone getting hurt.
- Congratulated the Planning Board on their recent actions regarding 2 special use permit applications received in the month of December and stated the planning board members on doing a great job.
- Asked the board members if they had received the information on the Hazard Mitigation Plan and if they had any recommendations of changes to it before it is finalized soon. It was discussed no changes were thought to be needed.
- Reported the board will need to hold a work session to discuss the cost to purchase a new camera system.

## **PUBLIC COMMENT**

- Dick Clement asked Hwy. Superintendent Durham if the sand being spread is on automatic, or if the driver has to turn it on if they are covering an icy spot on the road. Hwy Superintendent Durham stated the center sander is on all of the time, but there is a blast button the driver can hit if he sees an icy area, and that is up to the driver, but typically they are sanding thru the whole route.
- Frank Lallier thanked the board and office holders in attendance for serving the Town of Fowler, stating he thinks they do a great job, and he is happy to live here. He also gave appreciation to the



Town for holding the informational meeting presented by Empire State Mines on their new project in the Town of Fowler.

- He reported he has been in front of the Town board before with discussions about Pumphouse Road, stating he doesn't live on Pumphouse Road, but he accesses it through Vanderbilt Minerals to get to his property. He reported there are a lot more year-round homes now at Sylvia Lake, and in the winter, it gets tough taking care of their roads. He reported Sylvia Lake and Pumphouse Road get a lot more use than they ever used to, and he questioned when does a private road become a public road. He reported there is a state boat launch there, which opened to ice fishing a few years ago, so the road gets traveled on probably 10 months of the year. He reported they can plow the road, but the real difficulty is sanding it. He stated as far as taxes go, he feels they are fine, reporting they pay quite a bit at Sylvia Lake, but they understand why, it is pretty good property up there, but he felt they really don't get anything for the taxes they pay. He stated he understood it is a public road vs. private road, but he is taking care of Pumphouse Road himself for the benefit of a lot of other people, and a lot of other entities. He looks at it like he is taking care of the road for Vanderbilt Minerals, as he plows all the way thru their parking lot. He reported they had learned while attending the informational meeting, that Empire State Mines own the road. He reported the public uses the road to access the New York State boat launch that draws a lot of people in, and the residents that live at Sylvia Lake year-round use the road. He reported he wasn't asking for a lot, but he would like to think that he could make a phone call if the road gets dicey and is glare ice, for the Town to spread some sand on it on occasion. Supervisor Newvine stated it is tough for a Town to be on a private road, and asked Mr. Lallier if he has approached Empire State Mines or Vanderbilt Minerals for assistance. Mr. Lallier stated he figured he would come to the Town first. Supervisor Newvine stated it sounded to him from having attended the informational meeting presented by Empire State Mines, that they might be able to help them out.
- Mr. Lallier discussed in the winter they could use a little sand, but during the summer, they could use a bucket full of stone and dirt to fix the pot holes and would perform the labor themselves. Supervisor Newvine stated again, he felt that Empire State Mines had told the residents of Sylvia Lake that they would provide that. Supervisor Newvine stated Mr. Lallier should be asking Empire State Mines for assistance first, as the Town can't spend public monies on a private road. Mr. Lallier asked if the only way for them to get out from underneath the private road status is to incorporate themselves as their own Town. Supervisor Newvine reported if they wanted to have the Town take over their road, the road would have to be brought up to Town standards, and the standards that are set are basically unbelievable. Mr. Lallier repeated his statement saying the only way around it would be for Sylvia Lake to become their own Town. Councilperson Cleveland stated if they did, they would still be held liable to the standards put in place by the State for their roads. Councilperson Andrews stated Empire State Mines own the road so he didn't see what the Town can do for them. Mr. Lallier asked what level of use is there before a private road becomes public. Vivian Goodman asked Mr. Lallier about the other private roads at and around Sylvia Lake that are not owned by Empire State Mines. Mr. Lallier stated the other Sylvia Lake roads don't get the public use that Pumphouse Road and the beach road does. Vivian Goodman discussed that if the residents of Sylvia Lake are incorporated into a "town", or "village", so to speak, as Mr. Lallier is suggesting, it would make everyone more liable for the road care, and not everyone with residences at Sylvia Lake are as up to par with the amount of money some owners have around the Lake and wouldn't be able to afford it. Mr. Lallier stated he did an analysis a few years ago and found that about \$100,000 comes back to the Town of Fowler from Sylvia Lake residences. He stated he would like to think, with that \$100,000, the Town of Fowler would do something for them. Supervisor Newvine reported there are other Fowler residents with private roads that are in the same situation he is, and likewise pay a good amount of taxes, naming Countryside Estates, and Harry Harmer's organization as examples of others who put a lot of tax money into the Town. Mr.

Lallier stated they don't have public use. Supervisor Newvine reported those places are open to the public if the public so desires. Supervisor Newvine suggested Mr. Lallier work with the Empire State Mines who owns the road. Councilperson Cleveland stated everyone understands his frustration, but the Town does not own the road.

- Mr. Lallier stated the most dilapidated part of the road is where the plow turns around in the Vanderbilt parking lot. He reported there are pot holes 3 inches deep. Hwy. Superintendent Durham stated that is a County Road, and they plow a little farther than they are suppose to, just to knock the snow off. Mr. Lallier asked because of that, couldn't the Town repair what they tear up. Supervisor Newvine reported we don't repair other people's roads. Councilperson Andrews stated it is a County Road and the County could be asked to fix it. Hwy. Superintendent Durham stated the County does check and repair their roads in the Spring. The Town is only responsible for plowing the County Roads, and all of the maintenance is performed by the County.
- Mr. Lallier discussed another topic stating with the State being flushed with money right now, and there are a lot of nice boat launches, paid for by public dollars, why we can't get a decent boat launch at Sylvia Lake. He thought perhaps the Town could approach the State about it. Supervisor Newvine reported he will contact Senator Patty Ritchie's office and see what they can do.
- Mr. Lallier discussed there is no FIOS service at the Lake. Supervisor Newvine reported he attended a meeting, and DANC is well aware that certain spots didn't get done due to the contract being given to a company other than Verizon. Supervisor Newvine suggested Mr. Lallier get in touch with Alex MacKinnon who could provide him with more information about the progress.
- Supervisor Newvine thanked Mr. Lallier for his input.
- Dick Clement asked Hwy. Superintendent Durham if he was aware there is a sink hole in the middle of the road where County Route 24 meets the Mansion Grounds Road near the culvert. Hwy. Superintendent Durham reported he will take a look at it.
- Dan Kingsley praised the highway department laborers for their work and gave special mention to the awesome mowing that has been done all summer by Larry Allen.

#### **EXECUTIVE SESSION**

Supervisor Newvine asked for a motion to enter into executive session to discuss an employee issue. At 6:57PM a motion was made by Councilperson Andrews seconded by Councilperson Simmons to enter into executive session with Hwy. Superintendent Randy Durham being invited to attend the session. All in Favor. MOTION CARRIED.

At 7:04PM, Hwy. Superintendent Durham exited the executive session.

At 7:08PM, a motion was made by Councilperson Simmons seconded by Councilperson Cleveland to end the executive session. All in Favor. MOTION CARRIED.

Supervisor Newvine reported the purpose of the executive session was to discuss how to handle a new employee who is having trouble getting to work on time. Supervisor Newvine reported they discussed with Hwy. Superintendent Durham how they are going to handle the issue, stating Hwy. Superintendent Durham has yet to speak to the employee, and Supervisor Newvine advised him to make the new employee aware of the board's displeasure, and the board will see where it goes from there.

The next regular scheduled board meeting will be on Monday, February 14, 2022, at 6:00PM at the Fowler Town Hall and will include the Audit of the Court, Town Clerk, and Bookkeepers books.

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

The bills audited for the General and Highway Fund were December 2021 remaining bills # 509 to # 516, with a total of \$2,229.21 and January 2022 bills # 1 to # 10 with a total of \$259,156.43.

With no further business, on a motion of Councilperson Simmons, seconded by Councilperson Cleveland, the Organizational meeting was adjourned at 7:10PM. CARRIED UNANIMOUSLY.

Tami Gale; Town Clerk