

## **Town of Fowler Regular Board Meeting Minutes for August 6, 2019 at 7:00 PM**

The Regular scheduled board meeting for the Town of Fowler was held on the above date with all Board members present. Also present were Town Attorney Henry Leader, Town Clerk Tami Gale, Deputy Town Clerk Debra Tupper, Assessor Chair Sherry Geer, Assessor Phyllis Shaw, Code Enforcement Officer Glen Besaw, Planning Board Members Daniel Kingsley and Larry Streeter, Board of Ethics Committee Member Vicky Cappellino, Lisa Durham, Connie Bishop, Richard Clement, 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.

A motion was made by Councilperson Newvine, seconded by Councilperson Simmons to approve the minutes of the Regular Town Board Meeting held on July 2, 2019 at 7PM. All in Favor. MOTION CARRIED.

### **Update on Local Law #1 of 2019 by Town Attorney Henry Leader:**

Supervisor Cappellino announced that Town Attorney Henry Leader was in attendance to give an update on Local Law #1 of 2019. Attorney Leader stated that there had been a misunderstanding concerning Local Law # 1 of 2019 that actually works to the Towns benefit.

Attorney Leader stated that at the June 4<sup>th</sup>, 2019 Regular Town board meeting and Public Hearing on Land Use Law and Regulations for the Town of Fowler he had recommended to the board that they take some time to read through and make any necessary changes to the proposed Land Use Law and Regulations for the Town of Fowler before considering passing the proposed 54 page law. The law had been distributed to the board members at the June 4<sup>th</sup>, 2019 meeting and Public Hearing. Attorney Leader stated that the Town board went ahead and passed the law at the June 4<sup>th</sup>, 2019 Regular Board meeting as it stood.

Attorney Leader stated that when a Local Law is passed it needs to be filed with the Department of State within 20 days. Attorney Leader stated that Town Clerk Tami Gale having consulted with Code Enforcement Officer Glen Besaw anticipated Town Attorney Henry Leader was making the changes to the law that were discussed at the June 4<sup>th</sup>, 2019 regular board meeting and by the time the law was transported to the Town Attorneys' office it was too late to be filed within the 20 day time frame.

Attorney Leader stated that the reason that this was good is because Municipal Home Rule; Article III states that a law has to be on a board members desk 7 days before it can be passed, 10 days if received by mail, and a Public hearing must be held before a law can be passed, and then it can be filed within the 20 days. Attorney Leader recommended that the board re-pass the local law that now contained all the recommended changes that were discussed at the

June 4, 2019 regular board meeting. Attorney Henry Leader brought with him Resolution #15 of 2019 that was prepared by his office and would enact Local Law #1 of 2019. Supervisor Cappellino asked the board if they had any questions. Councilperson Newvine asked if the Planning Board was good with the revisions of the proposed local law and questioned if the proposed new law had any provisions for solar in it. Attorney Leader stated that Solar land use had been added to the new proposed law. Planning Board members in attendance stated that they were good with the proposed law.

Supervisor Cappellino submitted Resolution # 15 of 2019, a Resolution enacting Local Law # 1 of 2019 Land Use Law and Regulations for the Town of Fowler to the board. A motion was made by Councilperson Newvine seconded by Councilperson Andrews to pass Resolution # 15 of 2019, enacting Local Law # 1 of 2019 Land Use Law and Regulations for the Town of Fowler. All in Favor. MOTION CARRIED.

**Roll Call: AYE 5 Supervisor Cappellino; Councilperson Bishop;  
Councilperson Andrews, Councilperson Newvine,  
Councilperson Simmons**

**NAY 0**

Supervisor Cappellino thanked Town Attorney Henry Leader for the update.

Supervisor Cappellino submitted Resolution # 14 of 2019 “Standard Workday and Reporting” Resolution for Elected and Appointed Officials to the board . Supervisor Cappellino stated that the resolution was a requirement of the New York State Retirement System. A motion was made by Councilperson Simmons seconded by Councilperson Bishop. All in Favor. MOTION CARRIED.

**Roll Call: AYE 5 Supervisor Cappellino; Councilperson Bishop;  
Councilperson Andrews, Councilperson Newvine,  
Councilperson Simmons**

**NAY 0**

## **Town Department Reports**

### **Historian**

Historian Karen Simmons reported:

- That she had been in contact with and had received State historical plaque information from retired Town of Fowler Historian Connie Bishop. Mrs. Bishop would like to see the Town of Fowler apply to have a State historical plaque installed at the Tri- County marker, located on County Rt. 24, where the 3 counties come together. Mrs. Bishop stated that a lot of people don’t realize that Fowler is the only Town in all of New York State where 3 counties meet. Mrs. Bishop further stated that presently the Town has a

cement marker at the location that is corroded and multiple attempts at cleaning the corrosion last only a short period of time. Tax-payer Richard Clement stated that he had cleaned the marker twice and had planted flowers at the location a few times. Mrs. Bishop recalled planting flowers at the site as well and likes to see the Town keep up on the mowing/ weeding of the area containing the marker.

- Councilperson Newvine asked Mrs. Bishop where the Town could get a plaque and if the State supplied it. Mrs. Bishop stated that she has a card with a plaque company to provide to Town Historian Karen Simmons. Councilperson Newvine suggested that the Town could contact Senator Patty Ritchie's office about the matter.
- Mrs. Bishop stated that August 1, 2019 was the start date for applying for grants in St. Lawrence County. Councilperson/Historian Simmons stated that she would get in touch with Senator Patty Ritchie.
- Councilperson Simmons stated that the Town should add the monument marker to the list of locations to be mowed in the mowing contract that is put out to bid every year. Mrs. Bishop stated that the Town used to take care of that area and she felt the Town adds more and more areas to the mowing contract repeatedly without increasing the pay for the added mowing. Supervisor Cappellino stated that the mowing contract is bid on yearly and the pay is determined by the writer of the winning bid.
- Mrs. Bishop asked Councilperson Simmons if she knew if the cemetery was being mowed on the California Rd, by Art Hayden's. Councilperson Simmons stated that it was. Mrs. Bishop would like to get the 2 old head stones set upright in that cemetery that at one time were located in the historian's office.
- Mrs. Bishop stated that she would like to have the "Welcome to Fowler" signs shellacked and weeded. She stated that the sign leading to Fowler from Harrisville is the worst one. Mrs. Bishop asked the board to consider giving the signs some attention as she worked very hard to get the signs installed and would love to see them last. Councilperson Andrews stated that the Town would take a look at the signs and see what could be done. Mrs. Bishop thanked the board for their consideration of her requests.
- Historian Simmons reported that a taxpayer had asked for a copy of the Town of Fowler year 2000 map that is posted on the Town Clerk sign board. She had copies made at Ferguson Printing and asked the board if they wanted to charge a fee for the maps or give them away. After discussion, it was the consensus of the board they would be given out with no charge.

## **Beaver Control**

Dan Moyer of Moyers Wildlife Control was not in attendance

Councilperson Simmons reported for Moyers Wildlife Control:

- That he has been checking the beaver activity on the Country Club and Stone Roads.

## **Dog Control**

Dog Control Officer Dan Moyer was not in attendance.

Councilperson Simmons reported for Dan Moyer, Dog Control Officer:

- That he had picked up a dog that remained in the kennel overnight, the dog was licensed and then returned to its owner.
- Councilperson Simmons reported that there would be a free rabies clinic on August 15, 2019 from 6:00 PM to 8:00 PM at the Town Barn. She has mailed out 65 post cards as of meeting time to remind taxpayers of the free clinic. Councilperson Simmons reported that Town Clerk Tami Gale would be there to license dogs.
- The cost of a dog license is \$5.00 if the dog is spayed or neutered and \$12.00 if they are not. Eric Putman of Roput Veterinary Clinic, formally known as Twining Veterinary Clinic will be giving the shots again this year.

## **Code Enforcement**

Code Enforcement Officer Glen Besaw reported:

- He had issued 15 building permits for the month.
- He had received 1 legitimate complaint.
- He has been called out to homes on a few occasions where the complaint didn't involve Code Enforcement issues, but rather were matters for the Sherriff Office.
- Requested and approved by consensus of the Town board permission to use the new "Special Use Permit" form that was generated by himself and a member of the Planning Board for future "Special Use Permit applications.
- Reported that he has a bad printer and requested that he be able to purchase a new printer that will be able to print larger documents. He reported that the State is offering municipalities a printer at a cost of \$380.00 when they typically cost \$800.00. It was the consensus of the board to approve the new printer offered through New York State for the Code Enforcement office.
- Reported that there is money available from the County that is income based, for septic system replacements.

- Councilperson Bishop asked Code Enforcement Officer Besaw what happens if the taxpayer does not meet the required income guidelines.
- Supervisor Cappellino stated that it is one of the drawbacks to the grant.
- Tax-payer Connie Bishop stated that she felt there were septic systems that needed to be looked into for odor issues on the Farm to Market Rd.

## **Town Clerk**

Town Clerk Tami Gale reported:

- She had taken in \$163.00 in DEC gross sales, had issued 2 marriage licenses, collected \$10.00 in kennel fees and \$15.00 for a rabies vaccine for the dog in the kennel, issued 7 certified death certificates, had sold 5 Town of Fowler Bicentennial books at \$5.00 each at Fowler Family Day, had licensed 34 dogs, handled 14 building permits, and collected \$2.75 in photocopies.
- That the Town had ordered 4 new benches, 1 handicap accessible picnic table and a load of “chips” for playground improvements this year using the Playground Fund. The cost of the improvements to the playground totaled \$3,737.21.

## **Town Justice**

Town Justice Ryan Young and Court Clerk Irma Ashley gave a report to Supervisor Cappellino earlier in the evening.

## **Bookkeeper**

Bookkeeper Barbara Finnie was on vacation and not in attendance.

## **Assessors**

Assessor Chair Sherry Geer reported:

- That this is their quiet time of year. They continue to work on Data Collection for the Town.
- Assessor Phyllis Shaw reported that she has 1 more class to take and will be certified after taking the class in October.

## **Highway Department**

Highway Superintendent Randy Durham reported:

- That the County Route 24 road repair project has been started by the County. It will include shimming, ditching, and shoulder cutting. He has been told by Don

Chambers that the road will be in better condition for the Town of Fowler plows to be able to get up and down the roads without causing damage to the Town plow trucks.

- That he had an estimate of \$88,840.00 to repair River Drive. This estimate includes only the site work with the Town providing the cement, stones, and a lot of the equipment to complete the project, all totaled the cost will be over \$100,000. He is looking into the budget to find some money to complete the job.
- That the job in discussion was to repair the culverts on the bridge that have been yellow flagged since 2011.
- That the engine has been ordered for the '98 truck and will be installed by Spilman's Garage.
- He will be attending the plow truck build meeting next week at Viking and will have a better idea of when the plow truck will arrive after the meeting and extended an invitation for Supervisor Cappellino and Councilperson Andrews to accompany him.
- That he will be writing the budget for next year this month, and requested an equipment and road meeting before he completes the budget. After some discussion, it was decided that the Road & Equipment meeting could be held on Monday August 19, 2019 at 4:00 PM if the time works for Bookkeeper Barbara Finnie. Supervisor Cappellino will notify Bookkeeper Finnie and Town Clerk Tami Gale will advertise the meeting in the Tribune Press.
- Supervisor Cappellino stated that both the River Road and Battle Hill Road look very good.
- Highway Superintendent Durham requested an Executive session at the end of the board meeting to discuss an issue that he had brought to the attention of Councilperson Andrews.
- Supervisor Cappellino stated that earlier in the day Councilperson Bishop, Councilperson Andrews and himself had discussed that the Highway Department did not have a mower, and asked Highway Superintendent Durham if he thought he could work something out with the County for shared services for mowing. Highway Superintendent Durham stated that the County has a boom mower for brush like the Town of Fowler has.
- Supervisor Cappellino asked Highway Superintendent Durham if the roadsides could get mowed maybe one more time before fall. Highway Superintendent Durham stated that the tractor was down again, and they did not have anything to mow with. He suggested that the Road and Equipment meeting would be a good time to discuss the purchase of a mower.

## **Councilmembers**

### **Councilperson Simmons:**

- Reported that Family Day had done very well this year. After expenses the Town had cleared over \$4,000 to add to the Playground Fund. The playground committee had discussed a few changes for next year, and the meetings will likely start up again in February as they had done in the past.
- Reported that the Town had received a \$200.00 donation from the MOM'S club to go towards the pavilion.
- Announced that the Town board had received a thank you card from the lifeguards for all the new improvements to Sylvia Lake Beach.

### **Councilperson Newvine:**

- Reported that he had spoken to the head lifeguard at the beach and she would like to have the stairs located in the shallow part of the beach more secure next year. The beach is averaging around 10 swimmers a day. The days that the Rec Center visits the beach there are 30 plus swimmers on average.
- Recommended anyone who has not yet seen the improvements at the beach should really go take a look at how nice it is.
- Thanked Highway Superintendent Durham for taking care of the hazardous trees that he had received a phone call about and stated that there was a similar situation on Mill Street in Hailesboro.
- Reminded the general public that there is a tire disposal event this Saturday at the local landfill.
- Inquired about the truck bond and the time frame of paying the truck off. Supervisor Cappellino and Highway Superintendent Durham stated that ½ is being paid this year and ½ next year and the truck would not be bonded long.
- Reported that he would complete the Hailesboro Ball Field net installation for next year.
- Asked Councilperson Bishop about the State road paving project, and if the railroad tracks, on St. Highway 58 were going to be included in the project.

### **Councilperson Andrews:**

- Asked Highway Superintendent Durham if the backhoe was working now. Highway Superintendent Durham stated that it seemed to be.
- Reported that he has received a lot of compliments on the shoulders being paved and that it had made a lot of people very happy.

### Councilperson Bishop:

- Complimented the paving job in the Town of Fowler, but expressed concern with the driveways being squared off and not pulled down long enough, causing people to bang their cars pulling from their driveways onto the blacktop.

### Supervisor Cappellino:

- Reported that he and Councilperson Simmons had discussed with maintenance worker Byron Woodward the condition of the boards on the rear entrance to the Town Hall. It was decided due to safety concerns that all of the boards would need to be replaced rather than repaired here and there.
- Reported that he had also discussed with Byron Woodward putting a new metal roof on the bath-house at the beach.
- Reported that the Town had received water testing results that were performed at Sylvia Lake and the results were all in good standing.
- Reported that the Sylvia Lake Association has an end of the season buffet and meeting, at the Casablanca Restaurant on August 17, 2019 from 4:00PM to 7:00PM and the cost is \$10.00 if any board members were interested in attending.
- Reported that there will be a Local Government Conference held at SUNY Potsdam in October for all who are interested in attending.
- Presented a 2<sup>nd</sup> draft of the purposed pavilion that was re-drawn using suggestions from the Pavilion committee meeting held on July 29, 2019.

### Public Comment:

- Planning Board Member/taxpayer Larry Streeter wanted to second the fact that the shoulder work, especially on the Hull Road and the Doane Road, particularly on the curves was a big improvement.
- Deputy Town Clerk/taxpayer Debra Tupper wanted to know what the next step would be moving forward with the pavilion. Supervisor Cappellino stated that the new drawing would be taken to Dave Blevins for structural details and when he approves it with his stamp it could then be put out to bid.
- Taxpayer/pavilion committee member Richard Clement asked if it was just the slab being put out to bid or the entire pavilion being put out to bid this year. Supervisor Cappellino stated that if they could have the bid put out by the end of August, weather permitting possibly the entire project could be completed this year.



- Planning Board Member/ Pavilion Committee Member Daniel Kingsley suggested that the new benches for the playground be set upon concrete pads which would be beneficial during the mowing season.
- Asked about the possibility of a temporary speed limit light being placed in Hailesboro while the road work is being completed due to the increased traffic and the increase in speeding in Hailesboro due to the on-going road work.
- Tax-payer Daniel Kingsley asked Highway Superintendent Durham who was number two in the highway department that could attend board meetings when he is unable to attend. Highway Superintendent Durham stated that Fran Cole was his deputy. After discussion, Councilperson Simmons suggested that Highway Superintendent Durham could ask any of the highway department workers to attend the meetings to answer highway department questions from meeting attendees in his absence. Highway Superintendent Durham stated that the highway department does get paid to attend the meetings and that maybe he could find someone in his absence that would attend.

At 8:19 PM a motion was made by Councilperson Andrews seconded by Councilperson Simmons to enter into Executive Session which was asked to be held by Highway Superintendent Randy Durham earlier in the meeting. All in Favor. MOTION CARRIED.

At 8:40 PM a motion was made by Councilperson Andrews seconded by Councilperson Bishop to end the Executive Session. All in Favor. MOTION CARRIED.

Supervisor Cappellino announced that the purpose of the Executive Session was for discussion pertaining to union personnel.

Supervisor Cappellino stated that the board will advertise for fuel bids to come in for the October regular board meeting as the current fuel bid ends on December 31, 2019.

The bills audited for the General and Highway Fund were # 276 to # 321, with a total of \$319,935.44.

The next regularly scheduled board meeting will be on Tuesday, September 3, 2019 at 7 PM.

A motion was made by Councilperson Simmons, seconded by Councilperson Bishop to adjourn the meeting at 8:45PM. All in Favor. MOTION CARRIED.

Tami Gale; Town Clerk

