

## **Town of Fowler March 8<sup>th</sup>, 2021 Regular Scheduled Board Meeting at 6PM.**

The Town of Fowler Regular scheduled Town Board meeting was held on the above date with all Board members present. Also present were Town Clerk Tami Gale, Town Justice Tim Knowlton, Highway Superintendent Randy Durham, Pavilion Committee members Richard Clement and Michael Cappellino, Planning Board Chair Stephen Gale, Ethics Committee member & Planning Board member Vicky Cappellino, Leo Knight, Dan Fifield, Marcia Cleveland, and attending via teleconference were Councilperson Bishop, Assessor Chair Sherry Geer, Assessor's Phyllis Shaw and Kathleen Besaw, Code Enforcement Officer Glen Besaw, 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 all healthcare workers, military service members and for the first fatality in the Town of Fowler due to COVID-19. \*\*\*Correction made at the April 12, 2021 Board meeting\*\*\*as follows:

Supervisor Newvine corrected a statement that he had inadvertently made at the March 8<sup>th</sup>, 2021 Town Board meeting regarding the Town's first COVID-19 fatality being Mrs. Phillips, which he reported was not true. Supervisor Newvine reported that the Town had lost a very good person in Mr. Fred Colton due to COVID-19, prior to Mrs. Philips passing, and he wanted to apologize to the family of Fred Colton for this error and stated we are surely going to miss him.

Supervisor Newvine asked for a motion to approve the minutes from the February 8, 2021 Town board meeting. A motion was made by Councilperson Simmons, seconded by Councilperson Cleveland to approve the minutes from the February 8, 2021 Town board meeting. All in Favor. MOTION CARRIED.

### **PUBLIC HEARING FOR LOCAL LAW #1 OF 2021 & LOCAL LAW #2 OF 2021**

At 6:01PM Supervisor Newvine asked for a motion to open the public hearing for proposed Local Law #1 of 2021. A motion was made by Councilperson Simmons seconded by Councilperson Andrews. All in Favor. MOTION CARRIED.

Supervisor Newvine reported proposed Local Law #1 of 2021 to be a Local Law that would provide for a "Community Choice Aggregation (Energy) Program" The Local Law would basically allow for the Town to have the ability to purchase electricity at a cheaper cost for the Town if it should become available by solar or other cheaper forms of electricity.

At 6:02PM Supervisor Newvine asked for a motion to open the public hearing for Local Law #2 of 2021. A motion was made by Councilperson Andrews seconded by Councilperson Simmons. All in Favor. MOTION CARRIED.

Supervisor Newvine reported proposed Local Law #2 of 2021 to be a Local Law that would permit the Town of Fowler to opt Out of Tax Exemption provided by New York State Real Property Tax Law 487 Pertaining to Solar, Wind, and other Energy Systems. Supervisor Newvine explained that currently if someone were to start a Wind, Solar, or other energy project in the Town, we basically would receive no money from it, and that this proposed law would allow the Town to receive a pilot program out of it.

Supervisor Newvine reported there were copies of each proposed Local Law available for public viewing and asked if there were any questions on either of the laws. With no questions entertained, Supervisor Newvine announced the public hearing would remain open if any questions arose.

### **AWARDING OF THE 2021 MOWING CONTRACT**

Supervisor Newvine discussed the 2021 mowing contract, and the need for an amendment to be made to the contract to reflect an increase of \$200.00 to cover an increased cost in the price of gasoline. Councilperson Andrews asked what the amount of the contract was in 2020. Town Clerk Gale reported the mowing contract in 2020 was awarded for the sum of \$9800.00. The 2021 contract would be for \$10,000 with the approved increase. After some discussion, a motion was made by Councilperson Simmons seconded by Councilperson Cleveland to award the 2021 mowing contract in the amount of \$10,000 to Tina Fifield. All in Favor. MOTION CARRIED.

### **IT PROPOSAL**

Supervisor Newvine discussed the need to acquire a new IT company for the Town of Fowler as Tom Manley, of Pinnacle Technologies, who has been the Town's IT guy has sold his company and is moving on. Supervisor Newvine reported the Town is looking at Advanced Business Systems to take over the job of supplying IT for the Town. He reported the proposal from Advanced Business Systems appears to be very costly on the out-set and would cost the Town \$800.00 per month to maintain, however in comparing the fees that have been paid to Pinnacle Technologies since 2017 in the amount of just over \$20,000 with an additional \$4,800.00 for IT work that was performed in April and November of 2020, he stated that truly the Town was paying the same amount now. He reported the proposal included a fax line for the assessor & code enforcement officer, cloud back up, network back-up, firewalls, and battery back-up. He reported the initial cost of hardware is about \$8,000 which will replace everything. There is an option to spread the cost out over three years, which he didn't think would be necessary, but would speak to the bookkeeper on the matter. He reported work could begin with ½ of the cost being paid up-front and work would be completed in 4 to 5 weeks for a project this size. Supervisor Newvine asked the board their thoughts on the proposal. Councilperson Andrews stated that there had been work done last year re-locating the IT center and moving the Town towards a new phone system. Supervisor Newvine reported the work has not been completed, and when it is completed, it will allow the Town to get rid of Spectrum and the monthly Spectrum bill that is around \$400.00. The Town would then contract internet service with Verizon, who already handles the Town cell-phone service. Councilperson Cleveland asked what the total amount of the contract with Advanced Business Systems would cost for one year. Supervisor Newvine replied it would be roughly \$10,000. Councilperson Simmons asked if anyone had heard about Creg Systems out of Watertown. Supervisor Newvine reported he didn't know anything about the company. Supervisor Newvine reported that the people who purchased Pinnacle Technologies may want to talk to the board as well, and he didn't have a problem if the board wanted to look elsewhere for an IT service. Councilperson Andrews stated he didn't have a problem spending the money to get the IT done right, unless the rest of the board wanted to obtain another quote. Councilperson Simmons stated she didn't have a problem with it, as long as it gets fixed. Councilperson Cleveland asked if we knew of other Town's that contract with Advanced Business Systems. Supervisor Newvine reported he has spoken with Canton Town Supervisor Maryanne Ashley and they are very happy with Advanced Business Systems. Councilperson Bishop had concerns of the Town losing online service provided by Spectrum during the IT transformation.

After further discussion, a motion was made by Councilperson Simmons seconded by Councilperson Andrews to accept the IT proposal from Advanced Business Systems. All in Favor. MOTION CARRIED.

## **Discussion on Proposed Local Laws #1 and #2 of 2021**

Supervisor Newvine asked if anyone had any questions regarding either of the proposed Local Laws. After receiving no questions, Supervisor Newvine asked for a motion to close the Public Hearing on Local Law #1 of 2021.

At 6:15PM a motion was made by Councilperson Simmons seconded by Councilperson Cleveland to close the public hearing on Local Law #1 of 2021. All in Favor. MOTION CARRIED.

At 6:16PM, Supervisor Newvine asked for a motion to close the Public Hearing on Local Law #2 of 2021. A motion was made by Councilperson Simmons seconded by Councilperson Cleveland to close the public hearing on Local Law #2 of 2021. All in Favor. MOTION CARRIED.

### **RESOLUTIONS**

#### **RESOLUTION #6 OF 2021**

##### **Adopting Local Law #1 of 2021**

Supervisor Newvine submitted Resolution #6 of 2021, a Resolution enacting Local Law # 1 of 2021, a law providing for a Community Choice Aggregation (Energy) Program that would allow the Town to determine how we distribute power distribution within the Town of Fowler to the board for adoption.

A motion was made by Councilperson Simmons seconded by Councilperson Andrews to adopt Resolution #6 of 2021, enacting Local Law #1 of 2021. All in Favor. MOTION CARRIED.

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

**NAYS: 0**

#### **RESOLUTION #7 OF 2021**

##### **Adopting Local Law #2 of 2021**

Supervisor Newvine submitted Resolution #7 of 2021, a Resolution enacting Local Law # 2 of 2021, a law that would permit the Town to opt out of the Tax Exemption provided by New York State Real Property Tax Law 487 to the board for adoption.

A motion was made by Councilperson Simmons seconded by Councilperson Cleveland to adopt Resolution #7 of 2021, enacting Local Law #2 of 2021. All in Favor. MOTION CARRIED.

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

**NAYS: 0**

### **PROPOSED CLEAN UP OF NUISANCE DAVIS PROPERTY BY BOCES**

Supervisor Newvine discussed that he had spoken with Town attorney Henry Leader concerning an offer from BOCES to assist the Town with the clean -up of the property at 90 Little York Road, that was anticipated to begin in late March or early April. In further discussion with County attorney Steve Button on the matter, he had learned the Town will need to obtain written permission from an heir of the Davis estate to move forward with the clean-up. Supervisor Newvine reported he would work on trying to obtain the necessary written permission, and then coordinate the clean-up with BOCES and the DEC. After further discussion, it was the consensus of the board to have Supervisor Newvine proceed in obtaining the recommended paperwork to enable the work to be performed

## **Town Department Reports**

### **Justice Department**

Town Justice Tim Knowlton reported:

- The office of Court Administration is starting to ease up on some of the restrictions put in place due to COVID-19.
- Courts are beginning to open back up.
- The bulk of the court cases will continue to be handled virtually, including arraignments.

Supervisor Newvine thanked Justice Knowlton for a job well done and reported the Town had received \$982.00 for its share of last months' court proceedings.

Supervisor Newvine asked Justice Knowlton if he had received the new court laptop. Councilperson Simmons asked Justice Knowlton if he had received the new web camera for the court discussed at the last board meeting. Justice Knowlton stated the items had not materialized yet. Supervisor Newvine reported he would check with Tom Manley.

### **Bookkeeper**

Bookkeeper Barbara Finnie was not in attendance and provided the board with purchase orders and checks prior to the Board meeting as well as the monthly cash balance report for month ending February 28, 2021.

- Councilperson Simmons reported that she believes there was actually \$2,689.86 in the SOS Program, not the \$1,689.86 that was listed as we had received two donations in the amount of \$1,000 for the month.

### **Assessors**

Assessor Chair Sherry Geer reported:

- They are working on the tax roll and have been out re-checking building permits.
- They had an issue over the weekend with the printer being off-line and were not able to print.
- She would like to remind Fowler seniors that anyone who will be turning 65 years of age this year, can still switch to the Star credit and receive the Enhanced. They have until June 1<sup>st</sup> to get this done, even if they don't turn 65 until November. She reported she had helped a few people, and anyone is welcome to call her for assistance. Councilperson Simmons asked if people signing up will get the discount next year. Assessor Chair Geer reported they would receive the check in the fall, reporting it came around September 23 last year.

Supervisor Newvine asked if the credit would be deducted from the amount owed on school taxes or if they would continue to receive a check. Assessor Chair Geer reported it will always be in a check form.

- Assessor Geer reported that eventually everyone will be on the check program, stating the State was pushing in that direction. Supervisor Newvine thanked the assessors for their report.

### **Historian**

Historian Karen Simmons reported:

- She had finished the genealogy research that she was working on last month and is now working on a genealogy search for a family from Arizona.

### **Animal Control**

Councilperson Simmons reported for Dog Control Officer Dan Moyer:

- No one had claimed the dog that was picked up and placed in the kennel last month. The dog was adopted by Gracious Friends Animal Sanctuary in Morristown, and they will find the dog a home.

Supervisor Newvine asked if Gracious Friends Animal Sanctuary pay any of the kennel fees. Councilperson Simmons reported they don't pay any of the fees in a case like this one when the dog has gone unclaimed.

### **Code Enforcement**

Code Enforcement Officer Glen Besaw reported:

- There has not been much going on.

- He is still trying to close out as many of last years permits that he can. He closed out 2 this week. He reported that if he can get them closed out then they won't need to carry them over on this years' building permit report.
- He had contacted the insurance company and their attorney on behalf of a resident on the River Road whose house had burned, and who remained unable to move forward with the demolition and clean-up of the home due to it not being released by the insurance company. He reported, the insurance company had released the case after he had made them aware that they would be responsible for cleaning it up, and reported the property is going to be cleaned up now and sold.
- He has had a few inquiries on building code and stated he is aware of 3 new homes that are expected to be built this year.

Supervisor Newvine asked CEO Besaw if the Building Permit report has been completed yet as it is due by April 1<sup>st</sup>. CEO Besaw reported he was going to close out 1 more permit before completing it.

Supervisor Newvine asked CEO Besaw if the Town belonged to the International Code Council, reporting they had received a bill for governmental dues in the amount of \$149.00. CEO Besaw reported he did not belong to it, stating he was not sure if the Town had ever belonged to it. It was discussed they would check with Bookkeeper Finnie to see if there was a past payment made to them.

### **Planning Board**

Supervisor Newvine asked Planning Board Chair Steve Gale if there was anything from the planning board. Mr. Gale reported he had nothing new on the docket and would be getting back to work on a solar law. He stated it was pretty much together and would send it to Attorney Leader to look over, and thought he would have it together by April.

### **Town Clerk**

Town Clerk Tami Gale reported:

- She and CEO Besaw had completed the yearly Census Bureau report of new homes built for the year. In 2020, the report was based on 2019, there were 5 new homes built with a valuation of construction at \$545,000. In 2021, the report was based on 2020, and there were 13 new homes built with a valuation of construction at \$1,108,900.
- DEC commissions for the month were \$1.66, she had issued 1 certified marriage transcript, issued 9 Certified Death Certificates, licensed 17 dogs, handled 4 building permits, and sold 1 cemetery plot in the Fullerville Cemetery.

### **Highway Department**

Highway Superintendent Randy Durham reported:

- The funding has been approved for the USDA grant for the new plow truck and now the paperwork for the Town Clerk will begin.

Supervisor Newvine asked if a Bond Council was needed for the grant and reported over the weekend, he had signed a lot of the paperwork with the Town Clerk for the USDA grant. Hwy. Superintendent Durham replied Henry Leader's office will take care of securing a Bond Council.

- Asked the board if the focus on roadwork for this year was still on the Byrns Road project and if any of the board had any changes. It was the consensus of the board that no changes were necessary.
- He will be submitting paperwork for permission to request bids for the Byrns Road, Swiss Hill Road and Shantyville Road at next month's board meeting.
- He is planning on hauling sand in mid- April and is getting it at last years' price of \$5.30/yard.
- Asked the board if they wanted to talk anymore about the 2012 Plow Truck. Supervisor Newvine asked Councilperson Bishop if he was aware that Truck 12 was still having some issues and is being worked on at Stadium International Trucks in Watertown. Councilperson Bishop reported he was not aware of this.

## Councilmembers

### **Councilperson Lynn Bishop:**

- Reported he had checked a few roads on Saturday and Sunday and wanted to make Hwy. Superintendent Durham aware that there were 4 or 5 good drifts on the California Road.
- Asked CEO Besaw to clarify if the Davis Property across the road from the Town Hall would be considered as a nuisance to the highway, and if so, if something would then be able to be done to clean it up, and who would be held liable if a car were to hit it.

### **Councilperson Karen Simmons:**

- Reported there would be a SOS Program delivery on March 26<sup>th</sup> to Fowler Senior Citizens and as of now there are 83 people who are signed up for a delivery.
- The new food pantry program is called the HAP Program (Home-Town Assistance Program). There have been 5 donors of money to the program, 6 people have donated groceries either once or twice, and the pantry includes the food items made available by Dave Spilman Jr.
- Reported the program is doing very well and has been visited by multiple people in the Town.
- Asked if the money from bottles & can donations, and money from scrap metal could be shared between the Playground, SOS Program, HAP Program, and the Pavilion instead of all going into the playground fund as it does now. Supervisor Newvine suggested that he was sure we could split it up any way that we wished but should coordinate with the bookkeeper to determine what would be the best way to set the sharing of the money up. It was discussed that Hwy. Superintendent Durham advertises on social media that the money currently goes entirely to the playground, and it should be updated so that taxpayers know the donations will now be split to assist with all Town of Fowler programs.
- Discussed there may be a need to update the Town policies book stemming from motions made at board meetings that aren't currently included in it. The petty cash increase to \$500.00 and cemetery plot sales were mentioned as examples of possible missing policies. It was discussed that Town Clerk Gale would like to get advice from Bookkeeper Finnie and then maybe a workshop could be scheduled to go over the information.
- Asked Hwy. Superintendent Durham about a purchase order that was included in this month's bills from Clearing House On-Site Testing for \$12.50. Hwy. Superintendent Durham reported it is a charge to pay for quarries on the CDL drivers now mandated by Federal Law.

### **Councilperson Andrews:**

- Reported he had received a call from a tax-payer wondering why the Town was not throwing any business his way. He stated Steve Sullivan, owner of Sully's Sales asked him specifically about the tractor purchase by the Town of Fowler and reported Mr. Sullivan hadn't received anything stating that it was being put out for a bid through a State Contract. Hwy. Superintendent Durham replied that a State Contract doesn't have to be bid out, and he did obtain bids from John Deere and New Holland. He replied at the time he did not know Steve Sullivan had the blue tractors or the brooms. Supervisor Newvine discussed that it would be nice to include him in the future. Councilperson Simmons added that he is a Town of Fowler taxpayer.
- Asked Town Clerk Gale where we were at in percentage of taxes collected. Town Clerk Gale reported last month we were at 76% collected, it has slowed down, and 2<sup>nd</sup> notices will be mailed out at the end of April to those who have not paid anything at all. She reported she did not print the trial balance report before the meeting but will print a report out after her next tax batch and supply the percentage of taxes collected to the board.
- Reported he would like to call an Executive Session at the end of the board meeting.

### **Councilperson Cleveland:**

- Reported he had visited the playground recently and noticed it is being used and asked if there was a scheduled time to have the garbage cans put in place for the playground. Supervisor Newvine asked Hwy. Superintendent Durham to put the garbage cans out.

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

- Reported that a former municipal worker paid a compliment to Hwy. Superintendent Durham on the fact that he told people that they can't plow their driveways into the middle of the road.
- Thanked Rachel Hunter, editor of the Gouverneur Tribune Press for her great article in the Tribune covering the story and getting the point across.
- Thanked Byron Woodward for the new boards that he built to display the war plaques at the Town Hall and for all the great work he has been doing for the Town.
- Thanked the highway crew who took over in Hwy. Superintendent Durham's absence, for the great job they did.

### **OATH OF OFFICE**

Justice Knowlton swore in Marcia Cleveland as a Board of Ethics Committee Member for a period of March 8, 2021 to December 31, 2024.

Supervisor Newvine welcomed Marcia on board and congratulated her on the appointment.

### **Public Comment**

- Richard Clement advised Hwy. Superintendent Durham about the loggers on Fort Drum, so he could be sure they are staying on the right roads.
- Supervisor Newvine thanked Richard Clement for his contribution to the HAP Program and reported he had made the initial contribution to the program to start things off. Councilperson Simmons thanked Richard, followed by the remaining board members for his generous contribution.
- Vicky Cappellino asked Hwy Superintendent Durham about paving the Byrns Road, stating there was 1 house on one end and 1 house on the other end, and 2 miles in between with nothing and asked him if he was paving it. Hwy. Superintendent Durham replied yes, he was. Vicky then asked about paving the Shantyville Road. Hwy. Superintendent replied they are paving .5 miles of the Shantyville Road and it will save so much on the Town's equipment and he is hoping that people will build up there. He stated there are a total of 2 new houses being built there now.
- Councilperson Simmons stated "so you're not going to pave the whole road", and asked Hwy. Superintendent Durham to clarify that Shantyville Road was still going to be a seasonal road. He replied it would be remaining a seasonal road.
- Michael Cappellino asked if BOCES is to work on the property across the road if they will be removing the tanks. Supervisor Newvine stated the DEC will be removing the tanks, which would be paid for from part of the super fund.
- Michael Cappellino asked if they knew if there was any asbestos in the building, as he recalled an outfit from Syracuse treating it like there was in the past. CEO Besaw reported he didn't think there was from his memory of the last time he was in it.
- Steve Gale reported there will be a chicken barbeque on Saturday starting at 4:00PM at the Edwards Masonic Lodge with dinners sold for \$12.00.
- Marcia Cleveland asked what the HAP in the HAP Program stands for. Councilperson Simmons reported HAP is short for the Hometown Assistance Program. The program provides free groceries to anyone residing in the Town of Fowler.
- Councilperson Simmons thanked Rachel Hunter, Editor of the Gouverneur Tribune Press for the wonderful article on the HAP Program last week.

### **Executive Session**

At 6:49PM, a motion was made by Councilperson Andrews seconded by Councilperson Simmons, to go into executive session. All in Favor. MOTION CARRIED.

At 6:55PM, a motion was made by Councilperson Simmons seconded by Councilperson Bishop to end the executive session. All in Favor. MOTION CARRIED.

Supervisor Newvine reported that the purpose of the executive session was to discuss a certain position in the Town and to question the legality of it. It was discussed the board would be checking with the Town Attorney to see how to proceed.

A motion was made by Councilperson Simmons seconded by Councilperson Cleveland to audit the bills.

The bills audited for the General and Highway Fund were # 53 to # 90, with a total of \$29,427.22.

The next regular scheduled board meeting will be held on April 12, 2021 at 6:00PM.

A motion was made by Councilperson Simmons, seconded by Councilperson Andrews to adjourn the meeting at 7:08PM. All in Favor. MOTION CARRIED.

Tami Gale; Town Clerk