

Town of Fowler Minutes of April 12th, 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 St. Lawrence County Risk Manager Jody Wenzel, Town Clerk Tami Gale, Town Justice Tim Knowlton, Highway Superintendent Randy Durham, Bookkeeper Barbara Finnie, Assessor Chair Sherry Geer, Assessor Phyllis Shaw, Code Enforcement Officer Glen Besaw, Pavilion Committee Chair Michael Cappellino, Planning Board Chair Stephen Gale, Ethics Committee member/ Planning Board member Vicky Cappellino, Leo Knight, Dave Spilman Sr., and attending via teleconference were Councilperson Lynn Bishop, Assessor Kathleen Besaw, Brandon Geer 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. Supervisor Newvine corrected a statement that he had inadvertently made at the March 8th, 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 led a moment of silence for the Bice family, who has lost another sibling, as well as for Karen Bressette, who was a great supporter of the SOS and HAP Programs, and for all healthcare workers, and our military.

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

SLC RISK MANAGER PRESENTATION TO TOWN BOARD

Supervisor Newvine introduced Jody Wenzel, Risk Manager for St. Lawrence County Self Insurance Plan, with a presentation of information for the board.

Mr. Wenzel reported:

- He is the Risk Manager for the SLC Self Insurance Plan, which is the Workers Compensation Plan that is administered through the County for all participating townships, including the Town of Fowler.
- Workers Compensation claims and questions are handled by his office.
- His office has recently sent the Town a SH900-1 form that has to be posted on the Town's sign board, which tracks all incidents, illnesses, lost time, and things like that.
- He will be setting up a time with Town officials to do a walk thru of Town facilities to look for any issues or concerns that we may not be aware of.
- The idea is to inspect and compile a list of any concerns or findings, that would be compiled and sent to the Town Supervisor to be addressed.
- The idea is to show due diligence on behalf of the Town and the Insurance Plan to show that we are actively working for a safer work environment.

Supervisor Newvine asked that the report also be sent to the Town Clerk and Highway Superintendent.

- His secretary Hattie Bice would be contacting the Town in the next few weeks to schedule an inspection.
- His office also can assist with various training opportunities.

Town Clerk Gale reported she did not believe the Town had received a SH900-1 form that was discussed earlier in the presentation.

- Mr. Wenzel stated he would send another copy to the Town, and it would need to be filled out to include the total number of employees and hours worked in the year of 2020. A completed form will need to be returned to his office and a copy of the form will need to be posted at the Town Hall.

- Mr. Wenzel stated his secretary Hattie Bice had asked him to remind the Town of Fowler that his office is working on apportionment numbers and she has not received them from the Town of Fowler. Bookkeeper Finnie asked Mr. Wenzel to have his secretary email her, as she had already sent the apportionments from the year of 2020 in.

Supervisor Newvine thanked Mr. Wenzel for his presentation.

Invitation to Quote Road Work for 2021

Highway Superintendent Randy Durham reported that he had prepared the invitation to quote road work for 2021. The roads to be quoted in 2021 are as follows:

Byrns Road **Approximately 1.9 miles. 17' wide X 3" over a profiled road with Special/Fine Binder. Road shall be fanned at intersection with County Route 24 and Byrns Road, Swiss Hill to the White Markings.**

Swiss Hill Road **Approximately .98 miles 17' wide X 3" over a profiled road with Special/Fine Binder. Road shall be fanned at intersection with Byrns Road.**

Shantyville Road **Approximately .5 mile 16' wide X 3" over a profiled road with Special/Fine Binder.**

Highway Superintendent Durham requested the board's permission to put the invitation to quote Road Work 2021 out to bid.

Supervisor Newvine asked the board if they had any issues with placing the invitation to quote the 2021 road work out to bid.

Councilperson Simmons stated she had been asked by a taxpayer if Hwy. Superintendent Durham has plans to finish the River Road. Hwy. Superintendent Durham reported he does have plans to finish the River Road but is focusing on roads in the worse conditions first.

Councilperson Bishop asked why the road was only going to be 17' wide instead of 18'. Hwy. Superintendent Durham reported it was due to the amount of traffic on the road and the road will be meeting up with a 16' road in the Town of Antwerp.

Councilperson Bishop asked how wide Shantyville Road was going to be. Hwy. Superintendent Durham reported it would be 16'.

A motion was made by Councilperson Simmons seconded by Councilperson Andrews to approve putting the invitation to quote road work for 2021 out to bid. All in Favor. MOTION CARRIED.

Invitation to Quote Parking Lot Work for 2021

Highway Superintendent Randy Durham reported that he had prepared the invitation to quote Parking Lot work for 2021.

Town Hall Parking 87 Little York Road Parking Lot Zone A:

Remove old pavement, re-establish base with new stone compacted in place. Cover with 2 inches of type three binder and top 1.5 inches Type 7. Approximate size is 121 Feet by 66 Feet.

Town Hall Parking 87 Little York Road Parking Lot Zone B:

Remove old pavement, re-establish base with new stone compacted in place. Cover with 3 inches of type three binder and top 1.5 inches Type 7. Approximate size 60 Feet X 10 Feet X 225 Feet X 143 Feet X 23 Feet X 65 Feet X 84 Feet X 121 Feet.

Highway Superintendent Durham requested the board's permission to put the invitation to quote the Parking Lot Work 2021 out to bid.

Supervisor Newvine asked the board if they had any discussion on placing the invitation to quote the Parking Lot Work 2021 out to bid.

Councilperson Andrews asked Hwy. Superintendent Durham if the Bid gets sent to the County too, as they used to do municipalities. Hwy. Superintendent Durham reported that they could ask the County, and it may save the Town some money, maybe, but they would not do any of the stonework.

Supervisor Newvine asked if any paving company would be able to do the parking lot work. Hwy. Superintendent Durham stated most commercial paving companies that do the road work, likely won't bid the parking lot work.

Supervisor Newvine stated they are hoping to get some stimulus money to use on the parking lot work with the increase in traffic at the Town Hall. He reported the Town of Fowler is expecting to receive \$230,000, which half of that money will be received this year. He reported the Governor signed the bill on March 11, and the money is expected to be released to the County within 60 days, and the County then has 30 days to release the money to the Towns.

Councilperson Bishop asked Hwy. Superintendent Durham if he had considered having the highway department workers do any of the prep work, digging the old pavement out and replacing the stone. Hwy. Superintendent Durham replied that he had enough work to do this year, and the Town does not have the proper equipment to perform the work.

Supervisor Newvine stated we can see how the bids come in and go from there.

With no further discussion, a motion was made by Councilperson Andrews seconded by Councilperson Cleveland to approve putting the invitation to quote the parking lot work 2021 out to bid. All in Favor.
MOTION CARRIED.

RESOLUTION

RESOLUTION #8 OF 2021

USDA Loan Resolution for 2022 Mack Plow Truck

Supervisor Newvine submitted Resolution #8 of 2021, a Resolution to allow the board to approve a bond for a USDA truck loan in the amount of \$190,000.00 and grant of \$30,000.00 to the board for adoption.

A motion was made by Councilperson Andrews seconded by Councilperson Simmons to adopt Resolution #8 of 2021, All in Favor. MOTION CARRIED.

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

NAYS: 0

Town Department Reports

Justice Department

Town Justice Tim Knowlton reported:

- The Office of Court Administration has not given the clearance to completely open the court back up, however they have given permission for special cases to be handled "in person" such as his upcoming bench trial that will qualify to be handled "in person".
- He completed 9 arraignments the week he spent as the zoom judge for the County.
- He is scheduled the week of the 4th of July for his next turn.
- Everything has been going well.

Supervisor Newvine thanked Justice Knowlton for his report.

Bookkeeper

Bookkeeper Barbara Finnie reported:

- She had prepared and distributed to the board the cash balance report for month ending March 31, 2021 and the budget balances report for month ending March 31, 2021.
- The General Fund Balance at this time should be at 25% spent and it is at 26.32% in expenditures.
- The Highway Fund is at 11.05% in expenditures.
- The General Fund revenues are at 42.55% and the Highway Fund revenues are at 65.57%.
- The budget balances look pretty good, but she suggested the General Fund needs to slow down a little bit with expenditures.

Councilperson Simmons asked Bookkeeper Finnie where the extra spending is happening. Bookkeeper Finnie reported she had not had time to look into that part yet but stated maybe next quarter it would be under 50% spent.

Supervisor Newvine thanked Bookkeeper Finnie for her report.

Assessors

Assessor Chair Sherry Geer reported:

- The roll has been completed and they will be setting dates to sit with the roll for any grievances.
- Data Collection continues to be worked on.

Supervisor Newvine thanked the assessors for their report.

Historian

Historian Karen Simmons reported:

- Nothing has been going on in the Historian's Office. It has been quiet.
- She has finished researching information on another genealogy.
- She had looked up information on the Town's cemeteries.

Animal Control

Councilperson Simmons reported for Dog Control Officer Dan Moyer:

- He had picked up a beagle on March 31st, and the animal spent one night in the kennel before the owner was found.
- On April 6th she received 2 complaints of dogs running at large in Fullerville, and it was discovered the dogs belonged to Jason Fuller.
- Dan had received a complaint of 2 dogs running at large on the Smith Road, and they believe they determined the owner of the dogs. The dogs were gone before Dan arrived at the location.

Beaver Control

Councilperson Simmons reported for Moyers Wildlife Control:

- He has been working on the Shantyville Road.
- He has already removed 2 beavers from Shantyville Road and he believes there is still 1 or 2 more beavers there.
- He was going up this morning to clean out the culvert.
- There have been no other calls about beaver anywhere else.

Supervisor Newvine thanked Councilperson Simmons for the report.

Code Enforcement

Code Enforcement Officer Glen Besaw reported:

- If everyone builds everything, they say they are going to build, it is going to be a very busy year.
- There is a lot of land changing hands in the Town and many reports of potential new homes expected to be built,
- Asked if divided land needs to be reported to the County by the Town. It was discussed the lawyers handle this matter not the Town.
- He had visited the scene of the fire at the Gouverneur Boxing Club, and reported it was mainly cosmetic and they have one floor back up and running.
- He had received 1 complaint that he determined was unfounded.

Supervisor Newvine thanked CEO Besaw for his report.

Town Clerk

Town Clerk Tami Gale reported:

- There had been no DEC sales in the month of March. She had sold 2 bi-centennial books, licensed 47 dogs, handled 2 building permits and had taken in \$1.00 in photocopies.
- On March 16th \$270.00 was received in bottle & cans and was deposited into the Hometown Assistance Program (HAP).

- Today she had received \$181.60 from bottles & cans which was turned over to the bookkeeper to deposit into another of the 4 Town funds as discussed at the March 8, 2021 board meeting.
- She had received two donations today for the HAP program in memory of Karen Bressette. The money donations were brought to the Town Hall by Stephen Bressette and were made by Jeff & Connie Stowell and Stan & Vicky Mott. Lillith Griffith also gave a donation to the HAP Program in memory of Karen Bressette.
- Taxes are 86.78% collected, and trial balance reports were given to the board for this evening's board meeting.
- Paperwork continues to be worked on for the USDA 2022 Mack Plow Truck. She had spoken to both Henry Leader's office and to Lucas Manning of the USDA last week and reported we are where we should be with the loan.
- Court Clerk Irma Ashley had asked her to close Travis Dann's court accounts at Community Bank and they were closed as of March 10th.
- Advanced Business Systems would like a list of people who need access to be able to work remotely, and if anyone needs the information on how to contact them for a help ticket let her know.

Supervisor Newvine thanked Town Clerk Gale for her report.

Highway Department

Highway Superintendent Randy Durham reported:

- Truck 14 had the headache rack installed. He was not sure when the 2nd headache rack would be done for Truck 16.
- He needs a new gas pump for the diesel which will cost over \$1,000.00. The one they use now is down to pumping 8 gallons a minute, and it should be pumping 20 gallons a minute. He reported the trucks hold 50 to 60 gallons. He has ordered the pump and wanted to make them aware, so when the bill comes in, the board will know what it is for.

DECLARING EXCESS EQUIPMENT

- Hwy. Superintendent Durham reported they needed to declare the roller as excess equipment stating the joint in the middle is all worn out and is dangerous, reporting the guys in the highway department just won't ride it anymore. He told the board they needed to decide if it would be put out to bid locally, as he has heard there are 2 people that are interested in buying it, or if they want to put it on Auctions of America where there would be a lot more people looking at it.
- Supervisor Newvine stated that he would think they would want the most people that you can get to look at it.

Town Clerk Gale stated the excess equipment is usually presented to the board in writing and filed in her office and asked if there was any paper written up with the excess equipment listed on it. Supervisor Newvine asked Hwy Superintendent Durham if he had anymore equipment to declare as excess. Hwy. Superintendent Durham reported he is only talking about 1 item. He stated he would write up a piece of paper if the board wanted one, but it will be in the minutes and that is the official file.

Mike Cappellino asked if the roller was repairable. Hwy. Superintendent Durham replied for a lot more than it is worth, and they weren't sure where they could send it for repairs.

Mike Cappellino asked if the Town no longer needed a roller, or if they were going to buy a new roller. Hwy. Superintendent Durham stated they would be borrowing and renting a roller, stating it was discussed with the board last fall and it wasn't a surprise to the board.

After further discussion, a Motion was made by Councilperson Andrews seconded by Councilperson Cleveland to declare the roller as excess equipment and place it on Auctions of America. All in Favor. Motion Carried.

CHIPS

- Chip revenue was budgeted for \$134,000, and it looks like we will be receiving a total of \$258,000 but no official letter has been received yet. He reported \$28,000 of the chips is what we are getting back from last year and he did receive a letter on that amount.

EXCAVATOR RENTAL

- He would like to rent an excavator with a pounder on it for 1 month. The cost from Anderson Equipment is \$10,900 plus \$250.00 for delivery, and the cost from Monroe Tractor is \$11,360 and \$115.00 an hour for transportation. Both vendors reported that they would pay for 1 way delivery.

Supervisor Newvine asked where the excavator would be used. Hwy Superintendent Durham reported it would be used on the Byrns Road, Shantytown Road, and Firefalls Road if time allows.

Supervisor Newvine stated he didn't have a problem with the rental as long as it gets used.

Councilperson Simmons clarified the rental would be for 1 month.

Councilperson Bishop asked if the excavator is something that the Town could truck. Hwy Superintendent Durham replied that they would have the Town of Hermon move it for them when it needed to be relocated.

Councilperson Andrews asked if the Town had rental insurance. Hwy Superintendent Durham reported the Town does have the necessary insurance.

Councilperson Bishop asked if someone would be coming to show the highway department how to properly use the excavator so there wouldn't be any damage done to the equipment like what happened last year. Hwy Superintendent Durham reported Jim McGregor has given a presentation on how to use the equipment the last 2 times they had rented equipment and reported he will be only putting 2 operators on the excavator and they will be the only 2 operating it for the month.

Councilperson Bishop stated he didn't have a problem with it, the highway department had a lot of use for it.

Supervisor Newvine asked for a motion from the board to approve the rental of the excavator. Hwy.

Superintendent Durham reported the board didn't need to make a motion, as the cost of the rental is less than \$20,000. It was the consensus of the board to allow the excavator rental for 1 month.

HIGHWAY DEPARTMENT SUMMER HELP

- He would like to hire 1 flagger for summer help from May 1st to Labor Day. Supervisor Newvine asked if he had someone in mind. Hwy Superintendent Durham reported he did not, the person would need to be over 18 years old, he would prefer the person to have a drivers license, and they would need to be able to stand outside all day every day.

Councilperson Simmons asked if he was getting any helpers from the youth summer program. Hwy.

Superintendent Durham reported he is getting someone on April 26th from the program. Councilperson Simmons asked how long he will have the summer youth program worker for. Hwy Superintendent Durham reported they could have him up to 2 years, stating they did not know what his capabilities are and reported last years' summer worker from the program couldn't handle it and didn't work out.

Supervisor Newvine asked Hwy Superintendent Durham if he wanted to advertise for the flagger position.

Hwy Superintendent Durham reported he needed the board's permission to hire someone.

Councilperson Simmons recommended waiting to hire a flagger until they see what the summer youth program worker can do. Hwy Superintendent Durham stated that would put him another month behind and 2 flaggers would be better, reporting this year they had extra money for it.

Bookkeeper Finnie reported the highway expenditures are 11% spent and at this time are projected to be 25% spent, so there is money there to hire a flagger.

Councilperson Andrews asked what else the flag person would do. Hwy Superintendent Durham reported he would flag, and do whatever else they needed him for, including if someone was needed at the playground.

Councilperson Bishop stated he agrees with Hwy Superintendent Durham that to properly flag the work zones safely, 2 flaggers are needed.

Councilperson Cleveland agreed with Councilperson Bishop.

After further discussion it was the consensus of the board to approve the hiring of a flagger. Sherry Geer asked what the rate of pay would be. Hwy. Superintendent Durham reported the rate of pay would be \$13.00/hour, the minimum he can pay out of his contract.

SHARED SERVICES WITH THE TOWN OF MACOMB

Supervisor Ricky W. Newvine thanked the Town of Macomb for helping with the sand and complimented the highway department on a great job reporting the men worked through their lunch hour and didn't take any breaks.

Hwy. Superintendent Durham stated the Macomb highway men came up and it only cost us a couple of pizzas and some fuel and Macomb went home happy. He reported the Town of Fowler guys are now in Macomb helping them out.

Councilperson Simmons stated she saw in the bills that the highway department had gotten all of the salt too. Hwy. Superintendent Durham reported he didn't have to order any salt, they had enough left-over from not using it this winter. Hwy. Superintendent Durham stated the sand was purchased at last year's price and this saved about 30 to 40 cents per yard for over 3,000 yards.

Councilperson Andrews: Asked Hwy. Superintendent Durham how much road-side picking up the highway department does. Hwy. Superintendent Durham reported they pick up only the big stuff, and they have done it a couple of times this year. He reported he had picked up a refrigerator in the middle of a road earlier in the day, and if he sees stuff, he will pick things up, and in the event that there is a large amount he sends the men out to pick it up. He reported he does not go out to pick up every bottle & can as there are only 6 workers, and no Towns do this anymore. He reported if someone sees a mess, they can call him and he will send someone out to take care of it. It was discussed that the Northwoods and Emeryville Roads seem to have issues in this area with the Lamb Road being the worst.

Supervisor Newvine thanked Hwy. Superintendent Durham for his report.

Councilmembers

Councilperson Andrews:

- Voiced his concerns earlier in the meeting.

Councilperson Cleveland:

- Reported he had fluffed up the playground chips and filled in all of the holes over the weekend and found the chips were pretty solid. He reported he came with his rake the first day and brought his tractor and sodbuster the second day to get the job done, which wasn't easy. He stated if there was a fall someone could have been injured, with how solid the chips had become. Supervisor Newvine asked if he felt they needed to add more chips. Councilperson Cleveland reported it could use some in the center.
- Thanked Luis Gutierrez for coming over to help nail back a lot of the pins that had started to come out, which hold the playground frame together.
- Reported he had talked quite a bit with Byron Woodward on Sunday about the pavilion.
- Asked pavilion chair Michael Cappellino if he had any plans to have a pavilion meeting. Michael Cappellino stated he has been in touch with North County Barns and has learned they are too busy to schedule a time to complete the pavilion work and have asked him if someone local could do it. Mike reported he had sent a text message to the committee members and the board members to get a feel for what they thought should be done moving forward to finish the pavilion, and everyone was on board with having maintenance worker Byron Woodward finish the work. Supervisor Newvine asked Mike Cappellino if he thought the pavilion would be finished quicker if they hired it out, stating the pavilion account has the funds to do this. It was discussed finding a contractor that is not busy right now is an issue. Supervisor Newvine stated he had spoken to Link Electric today and they feel they are able to complete the electric for the pavilion. Mike stated that was the plan as soon as Byron gets the

outside walls all framed up, Link Electric will wire all of it, and then the inside will be worked on after it is wired.

- Reported when he had spoke with Byron over the weekend, Byron had a concern if there was another electrical box near the pavilion. Mike Cappellino reported there was a 200 amp-panel box located in the Town Garage. Councilperson Andrew asked if the block work was completed for the pavilion. Mike Cappellino reported the block work had been completed.

Councilperson Lynn Bishop:

- Voiced his concerns earlier in the meeting.

Councilperson Karen Simmons:

- Reported on March 26th a SOS (Support Our Seniors) delivery was made to 86 families in the Town of Fowler. The students from St. James School made Easter magnets that were included in the care packages and were a welcomed addition to the packages. She received several calls from recipients of the care packages to inquire about the magnets. She sent a thank you note to Mrs. Lallier's class at St. James School for their assistance.
- Reported as of yet, it has not been decided when the next SOS delivery will be made.
- Reported the HAP Program (Hometown Assistance Program) was a little slow this week and she thought maybe with people receiving their stimulus checks they may not have needed the assistance.
- Reported there had been a 2nd smaller food rack added to the food pantry since the last board meeting.
- Announced that the Town is still accepting donations of groceries and/or money to the HAP Program.
- Reported we had received a couple of money donations to the HAP Program this month. One donation was from Mr. Jennings from Phoenix, New York, a donation from Bill Cartwright of Hailesboro, and mentioned previously in the meeting, a donation in memory of Karen Bressette, made by Lillith Griffith.

Supervisor Ricky W. Newvine:

- Reported he had received a call from Dave Spilman Sr. last week who suggested the Town install a sign in the cemetery located on the California Road, as no one really knows it is there. Supervisor Newvine stated he would like to put signs in all of the Town 's cemeteries. Councilperson Simmons stated that she, Assessor Chair Geer and Town Clerk Gale had looked at a map last Thursday and circled all the cemeteries in the Town. She reported there to be a total of 9 cemeteries that the Town takes care of. After further discussion, Town Justice Tim Knowlton volunteered to check with Southwest Tech BOCES to see if they can be of assistance in making the cemetery signs.
- Reported there needs to be an amendment made to Local Law #1 of 2021, a law providing for a Community Choice Aggregation (Energy) Program that was adopted at last month's board meeting. A new contract is being prepared by Joule Energy and will be delivered to Town Attorney Henry Leader.
- Reported the Davis property across the road from the Town Hall is no longer being looked at by the Town of Fowler for further consideration, stating there is a private taxpayer who has expressed an interest in the property, and he does not feel the Town should take away property that could go back on the tax roll unless their interest changes.
- Discussed Councilperson Bishop's suggestion of a camera being placed to record the playground for safety concerns. It was discussed there are 2 cameras covering the playground, 1 is pointed at the playground and 1 is pointed at the parking lot in front of the playground. It was discussed that there is not much coverage of the pavilion and maybe the Town could install a camera on the end of the barn facing the pavilion, for better coverage of the area.
- Reported he has completed the Youth Bureau beach attendance paperwork that is filled out yearly.
- Reported there will be a benefit tournament held on May 1st at the Hailesboro Ballpark to raise money for an individual with health issues.

- Reported there is a video available on the St. Lawrence County website on ethics that is very informative and discusses the job duties of an ethic's board. He stated the 17 minute video was made by Steve Button and is available to the public, and encouraged the ethic's board committee members to check it out.
- Reported he had received correspondence from the Association of Towns, and they are working to amend the prevailing wage to change the way prevailing wage is calculated, to more accurately reflect the prevailing wage within the community.
- Reported he had received a call from Melissa Tersmette, inquiring about Broad Band service at Sylvia Lake. He reported there is one section that has not been completed, Indian Head Trail Road. After making some calls, he had learned that New York State had awarded those bids in sections, and that particular section was awarded to someone other than Verizon, and it is unknown when it will be accomplished.
- Reported he had attended a seminar on the new marijuana laws. The Town will need to discuss limiting the use of marijuana at Town properties and it may be able to be tied into the existing smoking policy. He had learned if the Town doesn't have a place that sells it in the Township, then the Town would not receive any of the tax money generated from it. He offered documents pertaining the information to the board members to view.

Community Correspondence

Supervisor Newvine read aloud a letter he received from the Hailesboro Cemetery Association thanking the board for their generous donation to the Hailesboro Cemetery and reporting the money will be used towards the ongoing maintenance and up-keep of the beautiful cemetery.

Supervisor Newvine read aloud a thank you card the Town had received from Legislator Bill Sheridan for the Sympathy Card and prayers that had been sent from the Town of Fowler acknowledging the passing of his father

Discussion on the Assessing Department

Supervisor Newvine reported there was a matter that needed to be discussed and handled within the assessor department and asked Assessor Chair Geer if she wanted to discuss the matter in executive session or discuss the matter in the board room. Assessor Chair Geer replied she felt the public needed to know about the issue.

Supervisor Newvine stated Sherry had moved out of the Township, reporting her residence is not in the Town of Fowler, and it is against State Law for the Town of Fowler to allow her to continue. Assessor Chair Geer replied she had not legally moved.

Supervisor Newvine stated the Town would like Sherry to continue and would like to be able to appoint her to finish out her term, but to be able to do that, she first needed to admit that there is an issue and resign. Assessor Chair Geer replied she is still a property owner in the Town of Fowler, then answered no. In response, Supervisor Newvine stated he was sorry then, the board would have to take whatever action they need to, his hands were tied.

Assessor Chair Geer stated this was a witch hunt of Nancy Fuller and the Andrews'. Councilperson Andrews and Supervisor Newvine replied it wasn't, the board was just trying to follow the law.

Assessor Chair Geer asked, have I been doing my job. Stating she did not re-run for this purpose, and there was so much she would like to do in there for the next person. She didn't feel she was harming anything, and yet she was approached by the board to resign.

Supervisor Newvine stated under direction of our attorney, that is what they had to do. The office could be declared as a vacant office, and she could be appointed to the office by the Town board, to finish out the year. Assessor Chair Geer stated she had a hard time with this and asked why she was being singled out when past practice wasn't this way in this Town. Supervisor Newvine replied she was quick to point out the past practice wasn't right back then. Assessor Chair Geer replied it was declared that the person still could run because his name was still on property in the Town. Supervisor Newvine replied the Board of Elections are the people who made the past decision, and they are not in favor of that now. Assessor Chair Geer stated they both knew why. Assessor Chair Geer asked if the Board of Elections was going to make the same determination now because it is the same situation. Supervisor Newvine replied apparently not. Assessor Chair Geer asked why, what is the difference. Supervisor Newvine replied she would have to ask the Board of Elections that question, stating it was his understanding that Tim's name was still on the house so conceivably he could move back, and that was the logic that he got, and whether this was correct or incorrect he didn't know.

Assessor Chair Geer stated to Councilperson Simmons, she was there that day at the Town Hall, sitting with Nancy Fuller and the petitions. Nancy had Tim's petition in her hand, and I walked in and made a joke that I should run for that, as he doesn't live in the Town. What Nancy Fuller said to her was, oh no no no no no, his wife's moving out, he is moving back in. Councilperson Simmons agreed saying because she didn't know you. Assessor Chair Geer reported she then said I'm sorry Nancy, I'm his wife, and I am not moving out. Assessor Chair Geer stated that this is a total vendetta.

Assessor Chair Geer stated she has put numerous hours in the assessor office, and they knew it. She stated the two Bob's (Fuller & Andrews) resigned in 2017, one in February of 2017 and the other turned his resignation in during the month of February, to be done on March 31st of 2017, and never appeared, which wasn't out of the norm. She reported she finished that year. The board bumped her up to Assessor Chair, but she did the job of three assessors. She reported they had wanted her to fail. She stated she had gotten the roll done, and she got everything done, being green and just one year into being an assessor.

Supervisor Newvine stated that nobody is doubting her ability to do the job, stating she had done a terrific job. The residency is what they have to question, on advice of the attorney.

Assessor Chair Geer stated Nancy Fuller didn't vote her in, and she is having a hard time with this. Supervisor Newvine stated he didn't understand because she will still be able to accomplish what she wanted to accomplish and be able to finish out her term this way. Assessor Chair Geer stated it is because she has been told so many things that she doesn't trust. She stated you come down, asked me to resign, and say that you are going to reappoint me, asking Supervisor Newvine what's the difference. Supervisor Newvine replied exactly, what is the difference.

Assessor Chair Geer stated she is not a quitter. She stated she got voted in to do this job and she is doing it. She stated she could have walked away last November, the first time the board approached her regarding this issue, but she didn't, she stayed there. Assessor Chair Geer stated she feels she does a good job for the public and she doesn't know if the public goes along with all of this. Supervisor Newvine replied he was sorry, but the decision is not for the public, the board has to make this decision.

Councilperson Andrews stated the board had all agreed to have Assessor Chair Geer finish out her term. Assessor Chair Geer told Councilperson Andrews that there had been too many things said to her. She stated on Friday, after meeting with Supervisor Newvine, his words heading out were okay, we'll just let you finish it out, and he would take the heat. Supervisor Newvine corrected Assessor Chair Geer reporting what he said was he would see if the board would agree to let you finish it out, and that he would take the heat.

Supervisor Newvine stated the board has agreed to let her continue, and he didn't see what the issue was. Supervisor Newvine again stated, in order for the board to make an appointment, the position has to be vacant.

Councilperson Andrews stated that he knew Assessor Chair Geer didn't agree, but the board was trying to do the best and fairest way to handle this.

Michael Cappellino asked the board if they could turn a blind eye for 6 or 7 months.

Councilperson Simmons interjected that the board could, but it wasn't all just up to the board, reporting they already had one person who has called Councilperson Simmons, and has called Councilperson Bishop several times wanting to find out what is going on concerning the matter. Councilperson Simmons reported that she doesn't answer the phone when the person calls and won't talk to her, as they have already had it out regarding something else. Councilperson Simmons stated this person is also in the ear of Tom Nichols, at the Board of Elections, concerning the matter, which she learned from Mr. Nichols when she has gone to the Board of Elections in Canton to pick up and drop off petitions.

Michael Cappellino asked if this needed to take place within a certain time frame. Supervisor Newvine replied that it should have already taken place, because it is a violation of the law.

Councilperson Bishop, attending by phone, stated it was hard to hear Sherry and asked for clarification regarding if Sherry still owned property in the Town of Fowler. Assessor Chair Geer replied yes, she did. Supervisor Newvine replied she has rental property, yes. Assessor Chair Geer reported she was also on the camp at the lake too, and she could live wherever she wants in Fowler.

Councilperson Bishop asked Sherry if she still votes in Fowler. Assessor Chair Geer replied she is still registered to vote in the Town of Fowler, that has not legally been changed. Assessor Chair Geer told Councilperson Bishop she can't say this was her life's dream, but her heart and passion is here, and she is proud of herself. Councilperson Bishop replied that Sherry had done a hell of a job, and he was looking out for her interest too, that's why he asked her if she still has property here.

Councilperson Bishop asked Supervisor Newvine if he had contacted the Association of Towns on the matter. Supervisor Newvine replied he had contacted the Association of Towns, had contacted Henry Leader, had talked to County Attorney Steve Button and they all say the same thing. It has to be your residence and you have to live there. Supervisor Newvine stated if Assessor Geer went to vote right now he didn't think she could vote. Councilperson Bishop asked what establishes a residence. CEO Besaw asked how to go about establishing a dual residency. Supervisor Newvine stated you can only have one place where you vote. Councilperson Cleveland added that you only have one legal residence.

A member of the public, attending by phone asked the board if he could say a few words. Brandon Geer introduced himself stating he was pretty familiar with the whole situation but felt members of the public may not be aware of the events that Sherry is referring to, that led up to this. Mr. Geer stated several years back there was an assessor in the Town of Fowler named Tim Geer, who not only left the Town, but left the State, and he believed the Town board at the time completely looked the other way for a very extended period of time and allowed him to continue working, and no one said anything then. Mr. Geer stated now suddenly the situation is exactly the same and is being treated totally different.

Supervisor Newvine replied the difference is that the Board of Elections directed the board to allow Tim Geer back, stating they had made the decision, the board didn't. Mr. Geer asked Supervisor Newvine if he would acknowledge that it seems like a double standard. Supervisor Newvine replied that it does, but two wrongs don't make a right.

Mr. Geer stated the situation is almost exactly the same but is being approached in a totally different way. Supervisor Newvine stated it is exactly the same. Mr. Geer stated you can totally understand where she is coming from saying his mom Sherry Geer had done a ton of work for this Town, has lived here her whole life, and gives a complete day every single week up there. Mr. Geer stated he thinks it is pretty crazy that this is one of the major issues for the Town to be focusing on.

Supervisor Newvine replied the Town is well aware of the job Sherry has done, stating she has done a terrific job, and no one is questioning that whatsoever. Supervisor Newvine stated we just have to get over this hurdle so that she can continue.

Assessor Chair Geer stated the only way she would allow herself to resign, and be reappointed, is if a contract was signed and notarized by all of the board members stating they are reappointing her to finish out the year legally. Assessor Chair Geer stated she was not going to do anything to harm she is only going to do good, stating there was still paperwork from past assessor Max Tessmer that she hasn't got filed to make the office organized. Supervisor Newvine replied that he didn't have a problem signing a contract.

Assessor Chair Geer stated that she felt attacked, because of one person, who is a very political republican, who has not liked her from day one, when she came into this office. She stated this person thought she would fail when the other two assessors left, and when she didn't fail, the person had a big vendetta against her. Councilperson Simmons stated it made the person mad when she didn't fail. Assessor Chair Geer replied she knew that, and it hurts her to feel like the board has attacked her.

Brandon Geer asked if the very concerned member of the public, who was so concerned about this issue, was present at the board meeting to express their concern. Supervisor Newvine replied no. Brandon Geer stated he felt that was a big show of faith right there.

Supervisor Newvine again stated they could work up a contract if that would make Assessor Chair Geer happy. Assessor Chair Geer replied the board has said so many different things to her. She referred to November, when she was asked to attend an executive session and the issue was presented to her for the first time, which happened to be after the election, and stated, it was convenient for people to make sure they were elected in before they started jumping on her.

Supervisor Newvine stated that they are spinning their wheels, and asked Assessor Chair Geer if she wanted a contract to be drawn up. Assessor Chair Geer replied she would show the drawn-up contract to an attorney friend, to make sure that it was good. Supervisor Newvine stated he would need to also check with the Town attorney to make sure he could do that first. He reported one of the attorney's previously had suggested the Town file an article 78 and have her removed from office, and he didn't want to do that. Supervisor Newvine stated he thinks Assessor Chair Geer has done a terrific job.

Assessor Chair Geer asked the Town board if the Board of Elections had done an investigation as to where she resides. Supervisor Newvine replied not that he knew of. Assessor Chair Geer stated that is what she means. This is all going off from Nancy Fuller telling them and it's coming back this way. Assessor Chair Geer stated Tom Nichols, from the Board of Elections had actually apologized to her, saying he was very sorry for the past.

Supervisor Newvine reported he would check with the Town attorney and see if we could resolve this.

Councilperson Simmons asked Assessor Chair Geer, if the Town has a contract that states she is willing to resign as long as they appoint her, if she would resign. Assessor Chair Geer said no she won't resign. Councilperson Simmons asked Assessor Chair Geer to clarify that she would not even resign if the board

signed the papers saying they will reappoint her. Assessor Chair Geer replied she is not a quitter, and her maiden name tells you that she is going to finish her job and do it to the best. Councilperson Simmons replied that she had done the best job that has been done in the assessor office in a long, long, long, time. Councilperson Simmons clarified that she thinks the contract has to say that she is going to resign. Supervisor Newvine replied he didn't know but could see if they could work around it. Assessor Chair Geer stated she would go move into her trailer in the Town of Fowler and asked the board then what would they do. Supervisor Newvine stated if she did, she would be back on and it wouldn't be an issue.

After further discussion, Supervisor Newvine stated he would see if they could accomplish that.

Public Comment

Dave Spilman Sr. stated the Country Club Road from downtown Hailesboro down through, is in real bad shape. He would like to see it be ditched and the water be prevented from running off the road, where Dorothy Phelps' old house was on the corner. He stated there is an artesian well on the property and water runs out of it year-round and travels down the road, instead of a ditch. He would like to see the road ditched down through there and stated the shoulders needed to be cut, but cutting the shoulders isn't going to do any good unless you have a ditch.

Hwy. Superintendent Durham reported it was going to be a major project that he has looked at several times. He stated years ago they put pipe underneath which should have never happened, they will have to re-place all of the pipe, all of the yards are built up with sand, and everybody's septic is running into it, which is not allowed period.

Supervisor Newvine asked Hwy. Superintendent Durham if he had any plans to do that section of road anytime soon. Hwy. Superintendent Durham replied that it was going to be a major project and it will make a lot of people mad to have to do stuff they can't afford, stating almost everybody there is going to be needing a new leech field. Hwy. Superintendent Durham reported that a leech field can't be your drainage pipe, the Town's drainage pipe or the ditch.

Dave Spilman Sr. stated that they were not leech fields, they were cellar drains, they all end up on this side of the road on his property and then on to Matoon Creek.

Hwy. Superintendent Durham stated it was going to be a big mess and he would do it on his last term.

Dave Spilman Sr. stated he would still like to see the Town get a crack filler to fill the cracks in the roads. He said even though it would cost \$60,000, if it was spread out over 10 or 15 years, it would not be a lot of money. He stated the main thing that deteriorates a road is water, and the water has to be kept off of the road. He reported you can do this by filling in the cracks in a road, and by ditching the roads, repeating you have to get the water off of the roads. Hwy. Superintendent stated that was why all these new roads are all ditched, and all kicked back, because water is a killer.

Councilperson Andrews stated they had priced one a couple years back. Hwy. Superintendent Durham thought one was priced last December. Michael Cappellino asked if there were companies that bid the work out. Councilperson Andrews replied there were companies that bid the work, but he wasn't sure how much it is. Hwy. Superintendent Durham stated they charge by the mile.

Dave Spilman Sr. asked if Councilperson Bishop had any comment on the roads. Councilperson Bishop stated he agrees with Dave on the crack sealer stating you have got to keep the water off the roads. Councilperson Bishop stated he has also told Hwy. Superintendent Durham when you are digging a ditch you have got to be doing some of those easements, getting some of that water out of the ditch so it is away from the road. Supervisor Newvine stated it might be a good year to look at a crack sealer with the hwy. department having some extra money.

Bookkeeper Barbara Finnie stated she saw in the minutes where Councilperson Simmons had questioned the numbers from last month's SOS Program, and stated her reports are based on a monthly basis they don't go from board meeting to board meeting, so there will be discrepancies in the bookkeeper's numbers compared

to her numbers. She reported you can see where this month the SOS has picked up by \$1,000. Bookkeeper Finnie reported any expenditures made in April will come out of this months report.

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

The bills audited for the General and Highway Fund were # 91 to # 134, with a total of \$72,337.42

The next regular scheduled board meeting will be held on May 10, 2021 at 6:00PM.

Supervisor Newvine thanked everyone attending in person and attending by phone for being here.

A motion was made by Councilperson Simmons, seconded by Councilperson Cleveland to adjourn the meeting at 7:12PM. All in Favor. MOTION CARRIED.

Tami Gale; Town Clerk