

Town of Fowler Minutes of May 10th, 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 Justice Tim Knowlton, Town Clerk Tami Gale, Highway Superintendent Randy Durham, Bookkeeper Barbara Finnie, Assessor Chair Sherry Geer, Code Enforcement Officer Glen Besaw, Leo Knight, Dave Spilman Sr., Charles Newvine, Dick Clement, Lisa Durham and attending via teleconference were Councilperson Lynn Bishop, Assessor Kathleen Besaw, Assessor Phyllis Shaw, Meggan Anson and Rachel Hunter, Editor of the Gouverneur Tribune Press.

Supervisor Newvine called the meeting to order at 6:25 PM, after a 25- minute delay due to technical difficulties establishing the teleconference call allowing the Town to follow open-meeting guidance from the State.

Supervisor Newvine led a moment of silence in honor of Nora Hayden, for all healthcare workers, and our military.

Supervisor Newvine asked for a motion to approve the minutes, from the April 12, 2021 Town board meeting. A motion was made by Councilperson Cleveland, seconded by Councilperson Andrews. All in Favor. MOTION CARRIED.

Hailesboro Softball League Donation

Supervisor Newvine introduced his son Charles Newvine, of the Hailesboro Softball League, to the board with a presentation. Mr. Newvine reported he would like to thank the Town of Fowler for allowing the Hailesboro Softball League to use the ballfield for the last 15 years and presented Supervisor Newvine with a \$200.00 check donation to the Town of Fowler's Playground Fund in appreciation. Town of Fowler board members thanked Charles and the Hailesboro Softball League for the generous donation.

RESOLUTIONS

RESOLUTION #9 OF 2021

Holding Harmless Agreement with Town of Rossie

Supervisor Newvine submitted Resolution #9 of 2021, a Resolution to allow the board to enter into a Holding Harmless Agreement with the Town of Rossie for shared services in the highway departments to the board for adoption.

A motion was made by Councilperson Simmons seconded by Councilperson Cleveland to adopt Resolution #9 of 2021, All in Favor. MOTION CARRIED.

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

NAYS: 0

RESOLUTION #10 OF 2021

Bond Resolution of the Town of Fowler, authorizing the acquisition of a Plow Truck

Supervisor Newvine submitted Resolution #10 of 2021, a Resolution to approve the adoption of a bond, authorizing the acquisition of a Plow Truck to the board for adoption.

A motion was made by Councilperson Andrews seconded by Councilperson Cleveland to adopt Resolution #10 of 2021, All in Favor. MOTION CARRIED.

AYES: 5 NEWVINE, SIMMONS, BISHOP, ANDREWS, CLEVELAND
NAYS: 0

OPENING OF BIDS RECEIVED FOR ROAD WORK 2021

Councilperson’s Simmons, Andrews, and Cleveland opened and read out loud the 3 bids received from Hanson Aggregates, Barrett Paving and Sheehan(Windy Point) for Road Work 2021. All three bids were received by 4:00PM on Monday May 10, 2021 and included NON -COLLUSIVE BID Certificates.

ROAD BID RESULTS 2021

<u>BIDDER</u>	<u>Byrns</u>	<u>Swiss Hill</u>	<u>Shantyville</u>	<u>Project Total</u>
Barrett Paving	\$215,726.50	\$111,884.00	\$54,696.00	\$382,306.50
Hanson	\$ 191,401.20	\$101,376.20	\$49,509.95	\$342,287.35
Sheehan(Windy Point)	\$314,900.00	\$175,800.00	\$79,400.00	\$570,100.00

After some discussion, a motion was made by Councilperson Andrews seconded by Councilperson Cleveland to accept all 3 bids and award the 2021 road work to the lowest bidder, Hanson Aggregates. All in Favor.
 MOTION CARRIED.

OPENING OF BIDS RECEIVED FOR PAVING WORK 2021

Councilperson’s Simmons, Andrews, and Cleveland opened and read out loud the 3 bids received from Full Service Paving, Barrett Paving and Sheehan(Windy Point) for Paving Work 2021. All three bids were received by 4:00PM on Monday May 10, 2021 and included NON -COLLUSIVE BID Certificates.

PARKING LOT BID RESULTS 2021

<u>BIDDER</u>	<u>ZONE A</u>	<u>ZONE B</u>	<u>Project Total</u>
Barrett Paving	\$31,587.00	\$79,073.00	\$110,660.00
Sheehan(Windy Point)	\$37,200.00	\$84,200.00	\$121,400.00
Full Service Paving Opt 1	\$39,930.00	\$84,304.00	\$124,234.00
Full Service Paving Opt 2	\$43,923.00	\$89,668.00	\$133,591.00

After some discussion, a motion was made by Councilperson Cleveland seconded by Councilperson Andrews to accept all 3 bids and table the bids for further review by the Highway Superintendent. All in Favor.
 MOTION CARRIED.

Town Department Reports

Justice Department

Town Justice Tim Knowlton:

- Distributed documentation penned by St. Lawrence County Office of the District Attorney on a newly implemented traffic reduction procedure involving vehicle or traffic citations to the board.
- Discussed the process involved for individuals wishing to seek a traffic reduction now involves paying a \$50.00 one-time fee and completing an online course within 10 days of starting it.
- Reported he had learned about the new change from Court Clerk Irma Ashley, who had received an email on the matter, adding he felt the change was poorly presented to the justices by the DA's office and was sure there was going to be some negative feedback from the public regarding the change.
- Stated with St. Lawrence County still lacking behind in internet service to some areas, the new procedure is going to make it difficult for some to receive a reduction, and more costly, with no real answer to where the \$50.00 fee for the class is going.
- Reported anyone with questions can call the Town of Fowler court office or visit the District Attorney's page on stlawco.org.

Supervisor Newvine thanked Town Justice Knowlton for his report.

Bookkeeper

Bookkeeper Barbara Finnie:

- Presented cash balance month ending April 30, 2021 reports and budget balance reports, to the board for their review.
- Reported the general fund is 34.57 % spent and is closer to where it should be this month, stating the reasons for it reflecting to be overspent is due to the spending on the HAP Program and the new IT upfront onboarding costs.
- Reported on the 2nd quarter sales tax monies received.

Supervisor Newvine thanked Bookkeeper Finnie for her report.

Assessors

Assessor Chair Sherry Geer reported:

- The assessors have been sitting with the tax roll.
- Reminded anyone wishing to grieve their land taxes that this year Grievance Day is May 25th from 4PM to 8PM at the Town Hall.
- Reminded anyone who will be turning 65 this year that they can still apply for the Enhanced Star credit.

Supervisor Newvine thanked Assessor Chair Geer for her report.

Historian

Historian Karen Simmons reported:

- It remains quiet in the historian's office.
- She received an email concerning a research request.

Animal Control

Councilperson Karen Simmons reported for Dan Moyer who was not in attendance:

- 2 dogs were found to be running at large on the Emeryville Road. The dog's Owner was located and the dogs were unlicensed.

Beaver Control

Councilperson Karen Simmons reported for Moyer's Wildlife Control:

- He had taken 3 beaver on the Emeryville Road, and 2 more beaver on the Shantyville Road.

Code Enforcement:

Code Enforcement Officer Glen Besaw reported:

- He has been checking on the boat launches and picking up any garbage.
- He has been issuing lots of building permits.

Town Clerk

Town Clerk Tami Gale reported:

- DEC commissions for the month were \$19.09, with total DEC sales being \$650.00, she had issued 2 certified marriage transcripts, 1 marriage license, 1 Certified Death Certificate, licensed 27 dogs, handled 10 building permits, taken in \$10.00 in kennel fees and \$20.00 for the dog in the kennel to receive its rabies shot, and collected .50 cents for photocopies.
- She has attended a virtual conference sponsored by the New York State Town Clerk's Association on April 26,27,28. The conference included municipal ethics, cemeteries 101, policies and procedures for Towns, record management, Town board audit of the Town Clerk's books, and Sporting Licenses with the DEC.
- 2 lifeguards had been approved for lifeguarding duties by the Dept of Health and the search for more lifeguards continues.
- She had received two more donations to the HAP program in memory of Karen Bressette. They were made by Mike & Ann Maroun and Sharon Larsen.
- A \$ 253.05 deposit was made into the playground fund from a scrap metal check totaling \$227.05 and t-shirt and hat sales from left-over family day apparel totaling \$26.00.
- Bottle and Can money totaling, \$120.40 was received on April 26, 2021 and turned in to the bookkeeper.
- Barkleys Safe and Lock and Advanced Business Systems were at the Town Hall on May 6th to reset key fobs and perform the new phone system migration.

Supervisor Newvine thanked Town Clerk Gale for her report.

Highway Department

Highway Superintendent Randy Durham reported:

On Excess Equipment

- The roller that was declared excess equipment at the April Town board meeting has a bid price of \$2,175 at present time on Auctions of America, with the bidding set to close at 8PM this evening. He

reported since the last board meeting BOCES has contacted him and are interested in the roller and asked the board their thoughts on the matter.

Councilperson Andrews questioned the issue of the rollers' safety, which is why the Town had declared it as excess, and it going to BOCES for safety concerns. After further discussion, a motion was made by Councilperson Simmons seconded by Councilperson Andrews to donate the roller to BOCES with the stipulation that they sign a waiver. All in Favor. MOTION CARRIED.

- Reported paving will be done in July this year.

Election Days' Time Off for Highway Department

- Sighting concerns of congestion at the Fowler Town Hall parking lot during the 2020 General Election by Supervisor Newvine, Hwy. Superintendent Durham asked the Town board their thoughts about giving the Highway employees time off for the Primary Election June 22, 2021, and for the General Election November 2, 2021. After some discussion, it was the consensus of the board that the highway workers should not work on those days to lessen the congestion in the Fowler Town Hall parking lot.

Councilmembers

Councilperson Scott Cleveland:

- Reported he is signed up to take a 2-day virtual "Town Finance School 2021" presented by the Association of Towns on May 19th and 20th.
- Reported he had been up to check on the playground, and the park is clean and had no problem with garbage.

Councilperson Lynn Bishop:

- Asked about the milling of the roads. Hwy. Superintendent Durham reported that when the roads are milled, they will use it for the base.
- Asked about the door that was blown off and was hanging on the salt barn. Hwy. Superintendent Durham reported it had been removed.
- Asked Hwy. Superintendent Durham if the mowing crew had been given a key for the storage lot. Hwy. Superintendent Durham reported he would get them one.

Councilperson Jeff Andrews:

- Asked about a tire bill for the Grader and if the bill was for 1 or 2 tires. Hwy. Superintendent Durham reported it was for 1 tire.
- Asked about the progress of the pavilion. Supervisor Newvine replied it is coming along slowly. Town Clerk Gale added she had ordered the overhead door from Kelly Sales.

Councilperson Karen Simmons:

- Asked if Hwy. Superintendent Durham had hired anyone yet. Hwy. Superintendent Durham reported he had received 2 applications and has not hired anyone for the position yet.

- Asked Councilperson Cleveland if the playground needed more chips. Councilperson Cleveland replied, the playground chips looked good since they had been raked.
- Reported she would like to get the Tri-County Marker sign installed this summer.
- Thanked Charles Newvine for the donation he presented earlier in the meeting.
- Reported there is a rummage sale going on during the month of May specifically being held to benefit the SOS and HAP programs. She had visited the garage sale and reported the proceeds to date to be \$400.00. Councilperson Simmons thanked the ladies for their efforts.
- Reported that the next SOS Program care package delivery to seniors will be either the end of June or the beginning of July.

Supervisor Ricky W. Newvine:

- Reported he had asked Kris Bice to repair 7 sections to the right side of the fence at the Hailesboro ballfield. The work included pulling poles, pouring concrete and re-attaching fencing.
- Reported the Town of Fowler had received an invitation to attend the Memorial Day Parade in Gouverneur.
- Reported he has received a second call concerning the lack of internet service at Sylvia Lake and has put a call into Senator Patty Ritchie's office.
- Reported he had been contacted by BOCES and they will be forwarding the yearly agreement for him to execute.

Discussion on Assessing Department

Supervisor Newvine reported he had consulted with Town attorney Henry Leader regarding Sherry Geer's residency and her ability to remain an assessor for the Town of Fowler until the end of the year. Supervisor Newvine reported Town attorney Leader advised the Town not to sign a contract as requested by Assessor Chair Geer at the April 12th Town board meeting. Instead, he advised the Town to appoint Sherry Geer as an assessor to a three- month term, re-appoint her at the end of the three- month term to another three -month term, which would take her to the end of the year. Supervisor Newvine stated it will be a part of the minutes and she will be guaranteed to know that she will be appointed.

Assessor Chair Geer asked the board for some time to think about the appointment recommendation by Town attorney Leader. Supervisor Newvine advised Assessor Chair Geer the board would like to resolve this matter now.

After further discussion, Assessor Geer asked why the Town board had to act at all. Supervisor Newvine reported the Town attorney states she is in violation of New York State Law residency requirement. The option to what they are offering her, is to be vacated from office, be without a job and she would have to enter into litigation to get the job back, and he does not want to see us go through all of that. Assessor Chair Geer stated she hates the fact that the Town has wasted tax-payer's dollars on attorney fees on the matter. Supervisor Newvine replied the Town has to follow the law. The Town attorney tells the board what the law is, and they pay him for his knowledge of the law.

After further discussion, Assessor Phyllis Shaw, attending the meeting via teleconference, asked the board if they agree that Assessor Chair Geer is doing a great job, why can't they do away with the elected assessor, and go with a sole appointed assessor and have the sole appointed assessor be Sherry Geer.

Supervisor Newvine responded stating that would be a major decision, he was not comfortable taking the responsibility for, and it would need to be decided by a public referendum as far as he is concerned. Supervisor Newvine stated they do have the authority to make that decision, however he personally is not comfortable doing that and asked the rest of the board their thoughts. Councilperson Bishop stated he was against the sole appointed assessor stating he was a firm believer of having 3 assessors. Councilperson Bishop reported as far as he is concerned, it would need to go to an election for the taxpayers to decide.

After more discussion, Supervisor Newvine stated he can't let this matter drag out anymore, telling Assessor Chair Geer she has to make a decision.

Councilperson Simmons interjected, recommending the board give Assessor Chair Geer to the 1st of June to make a decision on how she wants to proceed.

Charles Newvine, Village of Gouverneur Deputy Mayor, asked if it was legal for Town of Fowler Assessor Chair Sherry Geer to be at Grievance night, stating if she is technically not a resident of the Town of Fowler, she couldn't be at Grievance night. Deputy Supervisor Simmons and Supervisor Ricky W. Newvine agreed that anyone with a grievance takes the grievance up with the Town of Fowler Assessment Review Board.

Councilperson Cleveland stated he has no biases toward anybody, but regardless of why we are here, we are here now, and have to follow the law and how the law is written, reporting that at some point the matter needs to be settled, and he agrees with Supervisor Newvine on that. Councilperson Cleveland stated he understands Assessor Chair Geer's personal feelings, but it is before the board now, it is public knowledge, has been recorded in the minutes, and the board can't turn a blind eye as suggested at the April 12, 2021 Town board meeting.

After some more discussion, Assessor Chair Geer asked the Town board to give her until June 1st to make a decision. It was the consensus of the board to approve Assessor Chair Geer's request.

Public Comment

- Dave Spilman Sr. asked Hwy. Superintendent Durham about filling cracks in the roads and doing some ditching on the Town roads. Hwy. Superintendent Durham reported that over ½ of the Town roads have been done.
- Charles Newvine reported softball would begin this Sunday at the Hailesboro ballpark.
- Supervisor Newvine reported that no picnic tables had been delivered to the ballpark due to social distancing concerns.

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

The bills audited for the General and Highway Fund were # 135 to # 172 with a total of \$71,493.06.

The next regular scheduled board meeting will be held on June 14, 2021, at 6:00PM.

With no further business, on a motion of Councilperson Cleveland, seconded by Councilperson Simmons, the meeting was adjourned at 7:30PM. CARRIED UNANIMOUSLY.

Tami Gale; Town Clerk

