

## **Town of Fowler May 9<sup>th</sup>, 2022, Minutes of 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, Code Enforcement Officer Glen Besaw, Assessor Chair Kathleen Besaw, Assessor Robert Theriault, Sherry Geer, Art & Lynette Besaw, Pavilion Committee member Richard Clement, Ethics Committee Member Vivian Goodman, Data Collector Mike Cappellino, Planning Board Chair Stephen Gale, Jason Fuller, Jakob Fuller, 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 our military men and women, and all healthcare workers.

Supervisor Newvine asked for a motion to approve the minutes from the April 11, 2022, regular scheduled board meeting. A motion was made by Councilperson Cleveland, seconded by Councilperson Bishop. All in Favor. MOTION CARRIED.

### **SERVICE AWARDS PRESENTATION**

Supervisor Newvine presented plaques to Sherry Geer and James "Art" Besaw thanking them for their years of dedicated service to the Town of Fowler. Supervisor Newvine reported Phyllis Shaw, who was not in attendance, will be receiving a plaque for her years of dedicated service to the Town of Fowler, at a later date.

### **PRESENTATION OF CEMETERY SIGNS**

Supervisor Newvine introduced student Jakob Fuller, from Southwest Tech BOCES to the board with a presentation of one of the new cemetery signs he made for the Town of Fowler, using a plasma cutting machine at the technical center. Jakob reported he has made a total of 9 new signs to be installed at each cemetery located in the Town of Fowler. Supervisor Newvine and the board thanked Jakob for his presentation and his great work making the cemetery signs.

### **OPENING OF BIDS RECEIVED FOR ROAD WORK 2022**

Supervisor Newvine discussed there was a BID that did not arrive by the 4:00 PM deadline and will not be opened or considered this evening. It was discussed the late bid arrived at 4:38 PM from JE Sheehan Contracting.

Councilperson Andrews, read out loud the 1 bid received from Barrett Paving for Road Work 2022. The bid was received by 4:00PM on Monday, May 9th, 2022, and included a NON -COLLUSIVE BID Certificate.

### **ROAD BID RESULTS 2022**

| <b><u>BIDDER</u></b>  | <b><u>River Rd</u></b> | <b><u>Country Club Rd</u></b> | <b><u>Mobilization Price</u></b> | <b><u>Total Price</u></b> |
|-----------------------|------------------------|-------------------------------|----------------------------------|---------------------------|
| <b>Barrett Paving</b> | <b>\$ 235,169.00</b>   | <b>\$ 83,452.00</b>           | <b>\$2,542.00</b>                | <b>\$321,621.00</b>       |

Councilperson Andrews read the BID conditions aloud.

Conditions:

Hot Mix Price Adjustment: This quote is based on the St. Lawrence County Bid Price for liquid asphalt for the month of May. Hot mix asphalt prices will be adjusted for the actual month the work is performed. Prices include HMA, trucking, equipment, and labor for paving operations. Diluted Tack Coat is not included in the quote. BPMI is not responsible for traffic control. BPMI is not responsible for temporary or final striping of the roadways. BPMI is not responsible for failures due to deficient subgrade.

The price is based on 1 mobilization per site. Any additional mobilizations will be billed at \$3,000 each. The quote is based on prevailing wage rates. Barrett Paving Materials, Inc, reserves the right to adjust its' quote, should the scope of work and/or completion date change.

Supervisor Newvine confirmed that the mobilization charge meant they would be charged \$3,000 every time they moved their equipment, and stated it was quite an open-ended bid. Hwy. Superintendent Durham agreed stating the price will depend on which month the paving gets done in and the prices aren't going down. Hwy. Superintendent Durham reported he had budgeted \$335,000 for paving. Councilperson Bishop suggested that they re-bid the road work.

After some discussion, a motion was made by Councilperson Andrews seconded by Councilperson Bishop to reject the bid received as the quote is too open-ended to determine what the cost will be. All in Favor. MOTION CARRIED.

It was discussed the roadwork will be re-bid to come in at the June 13<sup>th</sup> meeting.

## **Town Department Reports**

### **Justice Department**

Town Justice Tim Knowlton reported:

- Court continues to be slow.
- He and Court Clerk Ashley have been completing various annual mandatory training, to include DWI training and the effects of legal marijuana use and driving.
- Reminded the board that court has been canceled on May 17<sup>th</sup> and cases have been rescheduled.

### **Bookkeeper**

Bookkeeper Barbara Finnie was not in attendance.

- She had provided Town of Fowler Cash Balance Reports for Month Ending April 30, 2022, and Budget Balances for Month Ending April 30, 2022, to the board members for their review.

Supervisor Newvine stated Bookkeeper Finnie had reported to him the Town finances are in good shape. The Hwy. Department is a little high at 48% spent. Hwy. Superintendent Durham stated all of his money had not come in yet and the new truck had been paid for, causing the hwy. budget expenditures to be a little high.

Councilperson Simmons noticed a bill in this evening's vouchers to be paid to the Village of Gouverneur for ½ of the cost of a maintenance plan for a copier in the amount of \$126.00 and asked Supervisor Newvine if he knew anything about it. Supervisor Newvine asked Town Clerk Tami Gale if she knew. Town Clerk Gale reported she didn't know but guessed it would be for a shared service between the Town of Fowler and the

Village of Gouverneur for copier use. Supervisor Newwine told Councilperson Simmons he would ask Bookkeeper Finnie about the bill.

## **Assessors**

Assessor Chair Kathleen Besaw reported:

- The tentative tax assessment roll has been picked up for the assessor's office and the town clerk's office.
- They had heard their first grievance, and felt it went well.
- She and Assessor Theriault had turned in some data collection cards, and newly appointed data collector Mike Cappellino has a large pile of cards for her to look at.
- She needed to stand corrected on the number of data collection cards she reported had been completed at the April 11<sup>th</sup> board meeting. She was made aware of a data collection book she wasn't aware existed, and it looks like over 800 data collection cards had been completed. She will have better numbers to report at the next board meeting.

## **Historian**

Historian Karen Simmons reported:

- Nothing has been going on right now in the Historians Office.
- Thanked Tim Knowlton for his efforts in having BOCES make the new cemetery signs that were presented and discussed earlier in the meeting.
- She had picked up cornerstones to be placed in the Fullerville Cemetery that will be installed next week by Dan Fifield.

## **Animal Control**

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

- There were 2 dogs in the kennel recently. One dog stayed only a few hours before being claimed by its owner.
- The 2<sup>nd</sup> dog stayed in the kennel for a week and earned the nickname the "Tasmanian Devil" due to all of the damage he caused to the kennel during his stay.
- He broke the toilet, chewed the wood on the window casing, and caused all kinds of damage inside the kennel.
- The Department of Ag & Markets had come to complete an inspection of the kennel during this time, which led to maintenance worker Byron Woodward working over the weekend to complete the various repairs noted during the inspection.
- All repairs have been made except to the outside cage, which she is checking with Ag & Markets to see if it could be removed.
- The 2<sup>nd</sup> dog was unclaimed and was adopted.

## **Beaver Control**

Councilperson Simmons reported for Moyer's Wildlife Control who was not in attendance:

- He is working on beaver control on the Byrns Road.
- Included in this evening's vouchers to be paid is a bill for beavers that were removed from the Shantyville Road, Chub Lake Road, Stone Road, Byrns Road, and the Country Club Road.

## **Code Enforcement**

Code Enforcement Officer Besaw reported:

- The other 2 towns that he is a Code Enforcement Officer for are going to reimburse the Town of Fowler 1/3 of the costs each for his recent training that was paid for by the Town of Fowler.
- He had received correspondence from Empire State Mines regarding a project they are beginning, asking if there were any Local Laws in the Town of Fowler regarding the scope of their project. CEO Besaw reported he had shared the information Empire State Mines had provided him with planning board chair Gale who inquired with the County planning board, and it had been determined there was nothing in the Local Law to prevent the Empire State Mines from perusing their project.

Supervisor Newvine reported he had a copy of the plans from Empire State Mines project if anyone in attendance wanted to view it.

## **Town Clerk**

Town Clerk Tami Gale reported:

- DEC Gross sales for the month were 345.00 with the Town of Fowler's Commission being \$19.06. She had licensed 30 dogs, prepared 6 Certified Death Certificates, handled 6 building permit applications, collected \$20.00 in bank fees and \$3.00 for a replacement dog tag.
- Taxes are 86.11% collected and the last day to pay at her office is 5/31/2022.
- Bottle & Can money was received in the amount of \$55.90.
- No scrap metal checks have been received this year. Hwy. Superintendent Durham reported he would call and see if any checks have been mailed.

## **Highway Department**

Highway Superintendent Randy Durham Reported:

- He had received a bridge report on the River Road bridge and it appears they are recommending to remove the red flag status of the bridge, which it has had since 2012.
- He will be attending Highway school June 6<sup>th</sup> – June 8<sup>th</sup>.
- The Country Club Road project has begun, and he requested to have Supervisor Newvine at the site when they get to Absalon's home.
- The Town of Fowler will be receiving a total of \$299,000 this year from Pave NY, Chips and the pothole program (POP) program.

Supervisor Newvine asked Hwy. Superintendent Durham if he had called before digging started at the town hall and across the road from the town hall. Hwy. Superintendent Durham reported they did not call as they know the area they were digging.

Supervisor Newvine stated the call needs to be made to 811 before any digging is done as it can result in large fines. Hwy. Superintendent Durham agreed it does if you hit anything. Councilperson Andrews stated we would rather be safe than sorry.

Hwy. Superintendent Durham reported the 811 doesn't do local stuff, they do big stuff like cable tv, electric and stuff like that and it doesn't do anything local. He reported the Town has dug in the same spots and they know there is nothing there.

Councilperson Bishop reported that if 811 is not called, the State could come in and pull the operator's license on the spot. Hwy. Superintendent Durham reported he had at least 10 digs certified right now, and ready to go.

Supervisor Newvine asked Hwy. Superintendent Durham to get every dig certified in the future.

### **Discussion on the Sluice Pipe Policy**

Supervisor Newvine reported there has been some issues with the Town of Fowler's revised Sluice Pipe Policy that he would like to review.

Supervisor Newvine asked Hwy. Superintendent Durham about the culvert pipe length cannot exceed 30 feet, as written in the policy.

Hwy. Superintendent Durham reported the average driveway is 30 feet, and reported that is what the Town can install, 30 feet. Hwy. Superintendent Durham stated if they want to buy 40 feet or 60 feet from the town, he didn't see a problem with it, as long as it is installed on a Fowler property.

Supervisor Newvine asked Hwy. Superintendent Durham to clarify that the Town does not install more than 30 feet of culvert pipe. Hwy. Superintendent Durham stated that is true, the Town does not install more than 30 feet of culvert pipe, unless it is a safety issue, like the culvert that he had just installed on the Doane Road.

Councilperson Simmons stated it doesn't make sense if the town only installs 30 feet of culvert pipe and they buy 40 feet of culvert pipe, who is going to install the other 10 feet of pipe. Hwy. Superintendent Durham stated they can install it themselves.

Supervisor Newvine asked if the length of culvert pipe installed by the town needed to be changed to more than 30 feet in length. Hwy. Superintendent Durham reported he does not install more than 30 feet of culvert pipe and he only uses 2 loads of gravel. He reported the town does not sell the gravel they only sell the culvert pipe.

Supervisor Newvine stated Town Clerk Gale is confused as to which invoice the price of the culvert is being derived from when someone comes in to purchase the culverts, as there are multiple sizes of culvert pipe and multiple invoices. Supervisor Newvine told Hwy. Superintendent Durham that he should be writing the culvert sale up stating what is being sold, to include the length of the culvert, the inch opening of the culvert, and the cost per foot of the culvert for the purchaser of the culvert to present to her when they are paying for their culvert. It was discussed there is a concern about contractors coming to the town to purchase culverts at a cheaper price than purchasing from a plumbing retailer. Hwy. Superintendent Durham reported the contractor that purchased the culvert for the lady on the Emeryville Road, purchased the culvert for the lady at that price. Hwy. Superintendent Durham stated we don't sell to contractors, but we do sell to contractors as long as the cost and the culvert pipe is going to the Town of Fowler landowner.

Michael Cappellino asked why do we even do that. The landowner can go to Whites and buy the pipe and put it in themselves or can buy the culvert pipe and have the Town put it in if it is a road pipe no more than 30 feet.

Supervisor Newvine stated they thought it was a nice perk for the taxpayer to get a break on the cost of the culvert pipe. It was questioned if any other town municipality purchased and re-sold culvert pipes. Town Clerk Gale reported there was none that she was aware of.

Supervisor Newvine stated Town of Fowler landowners should be paying for any culvert pipes that are purchased, not contractors, and this should be stated in the policy, as well as confirming where the purchased culvert pipes are being installed should be added to the policy. After further discussion, Supervisor Newvine reported he would take into consideration the concerns discussed and update the policy to reflect the concerns and re address it at the next meeting.

### **Councilmembers**

#### **Councilperson Karen Simmons:**

- Reported the HAP Program had 42 visitors in the month of April.
- Thanked Jeff Andrews for setting the HAP program up to receive the food boxes from the school once a month, stating they are receiving 20 food boxes a month now to give out.
- Thanked Randy Durham for picking up the food boxes from the school as well as going to Watertown weekly to pick up free bread products for the HAP Program.
- The next SOS Program delivery will be made in June, prior of the July 4<sup>th</sup> holiday.
- Raffle tickets and letters for Family Day will start to be mailed this week.

#### **Councilperson Lynn Bishop:**

- Discussed his concerns earlier in the meeting.

#### **Councilperson Jeff Andrews:**

- Asked Hwy. Superintendent Durham if the signs had been replaced on the Island Branch Road from the mishap that occurred a few weeks ago.

Hwy. Superintendent Durham reported one sign had been replaced at that location, but he didn't think it was from the mishap. He reported he had replaced a stop sign on the Northwoods Road that had been knocked over.

- Asked Hwy. Superintendent about the clean up of intersections. Hwy. Superintendent Durham reported they have cleaned a couple of intersections this year already.
- Thanked Councilperson Cleveland and his wife Marcia for the beautiful job they had done to spruce up the playground.

#### **Councilperson Cleveland:**

- Reported he and his wife Marcia had cleaned up the playground over the weekend removing weeds, mushrooms and fluffing up the playground chips.

- Reported he had posted on Facebook that the playground is open and if anyone had suggestions for improvements to let him know. He reported he had received a suggestion for the playground to be fenced in or partially fenced in to help contain the smaller children. Sherry Geer stated she visits the local playgrounds with her grandchildren and the Town of Edwards playground is fenced in with a gate which makes it nice to keep track of the younger children. Supervisor Newvine asked Councilperson Cleveland to research the cost and felt it was a good idea to consider the upgrade of a fence to possibly use some of the anticipated ARPA funds on.

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

- Reported he had spoken to Legislator Bill Sheridan today and asked him if there were any funds to repair the Emeryville Road bridge. He was told there was no money to be used for infrastructure but had learned broadband is an item that is on the list that funds could be used for.
- Discussed with Legislator Sheridan that a few roads on Sylvia Lake had been missed and don't have access to broadband.
- Reported he would get in touch with Alex MacKinnon with DANC to further discuss the broadband issue at Sylvia Lake.
- Reported the revised pavilion application had been finished and asked the board members if everyone had a chance to review it.
- Reported he had received correspondence from GADC containing a presentation on Ft. Drum and its 108-acre facility and would like to tour the facility with board members if they are interested.
- He reported Ft. Drum had a 1.8-billion-dollar financial impact on this area and is an unbelievable facility.
- Reported he had recently attended an open house at Southwest Tech BOCES, reporting he had learned more about what is being taught and stated it is an amazing facility that graduates young adults as trained professionals.
- Reported the front section of Pump House Road had been fixed up nice.
- Reported on May 2<sup>nd</sup>, the town had its annual safety inspection completed by Jody Wenzel, St. Lawrence County Risk Manager/Compliance Officer, and the town's facilities were found to be in good shape. The Emergency lights were found to be in non-working order and need of replacement. It was discussed new LED Emergency Exit signs with Emergency lights would be ordered by consensus of the board. Councilperson Cleveland requested additional emergency exit signs and lights to be ordered to be installed in the pavilion.
- Reported maintenance worker Byron Woodward had re-painted the handicap parking spots as well as the handicap parking sign poles located at the town hall, and it looks great.
- Reported he had talked to a former highway superintendent in the Town of Hermon, to discuss a portion of the Battle Hill Road abandoned by the Town of Hermon that the Town of Fowler takes care of. Supervisor Newvine asked Hwy. Superintendent Durham what he was looking for concerning the Town of Hermon's portion of the road. Hwy. Superintendent Durham stated he is looking for the Town of Hermon to help take care of the road. Supervisor Newvine stated he would make a request about the issue.

## **Community Correspondence**

Supervisor Newvine Read aloud a thank you card received from Edna Gates for the Easter SOS Program delivery which included a \$5.00 cash donation to the program.

## **Work Session**

Supervisor Newvine discussed the need to hold a work session to discuss and update the workplace violence policy for the Town of Fowler. He reported, some of the other townships have asked about 2<sup>nd</sup> amendment and if an employee is allowed to carry a firearm in a government building.

After some discussion, a work session was scheduled to be held on Monday, June 20, 2022, at 3:00 PM to update the workplace violence policy.

## **Public Comment**

- Glen Besaw stated it is his understanding 3 million of the County ARPA money is slated to be used for residential septic systems and asked Supervisor Newvine if he, as Code Enforcement Officer for the Town, sees a person in need of septic replacement, if the town would consider it a conflict of interest if he referred the person to the County.
- CEO Besaw reported the County Planning Office will be distributing the money for the septic replacement, which will be income based, and he wasn't sure if the funds were available yet.

Supervisor Newvine recommended that CEO Besaw get in contact with Jason Pfothenauer, Director of the Planning Department to learn more about the program.

- Data Collector Michael Cappellino reported he had met with a representative from the County and had completed some data collection on CR 22. He reported he will sit down with assessor chair Besaw to discuss the data collection that was done and reported there was a lot to the data collection process.

Supervisor Newvine asked for a motion to audit the bills. A motion was made by Councilperson Cleveland seconded by Councilperson Andrews to audit the bills. All in Favor. MOTION CARRIED.

The bills audited for the General and Highway Fund were #126 to #172, with a total of \$ 78,698.26.

The next regular scheduled board meeting will be held on June 13th, 2022, at 6:00PM.

The next scheduled work session will be held on June 20<sup>th</sup>, 2022, at 3:00PM.

With no further business, on a motion of Councilperson Andrews, seconded by Councilperson Cleveland, the May 9<sup>th</sup>, 2022, Regular Town Board meeting was adjourned at 6:57PM. CARRIED UNANIMOUSLY.

Tami Gale; Town Clerk