

Town of Fowler Regular Scheduled Board Meeting & Public Hearing Minutes for the 2020 Proposed Budget held on November 7th, 2019 at 7:00PM.

The Regular scheduled board meeting for the Town of Fowler and Public Hearing for the 2020 Proposed Budget was held on the above date with all Board members present. Also present were Town Clerk Tami Gale, Deputy Town Clerk Debra Tupper, Assessor Chair Sherry Geer, Assessor Phyllis Shaw, Bookkeeper Barbara Finnie, Code Enforcement Officer Glen Besaw, Highway Superintendent Randy Durham, Planning Board Members Stephen Gale, Larry Streeter, Art Besaw and Roger Refici, Board of Ethics Committee Member Vicky Cappellino, and Pavilion Committee member Richard Clement.

Supervisor Cappellino called the meeting to order at 7PM then proceeded with the opening prayer and the pledge of allegiance.

A motion was made by Councilperson Newvine, seconded by Councilperson Simmons to approve the minutes of the Regular Town Board Meeting held on October 1, 2019 at 7PM. All in Favor. MOTION CARRIED.

At 7:02PM a motion was made by Councilperson Andrews, seconded by Councilperson Newvine to open the Public hearing on the Proposed 2020 budget. All in Favor. MOTION CARRIED.

Bookkeeper Finnie addressed the minor changes that had been made to the preliminary budget during the budget work sessions. She stated that the assessment had gone down this year as it has in previous years, which impacts the budget. Bookkeeper Finnie reported that the Town was way under the tax-cap. Town Clerk Tami Gale reported that there were copies of the proposed budget for the tax-payers in attendance to view during the Public Hearing. Supervisor Cappellino announced that the public hearing would be left open, as the meeting continued, to give attendees time to review the proposed budget and ask any questions. Supervisor Cappellino announced that the meeting would continue with the opening of two fuel bids that were received. He reported that bids had been received from MX Fuels and Tripp Fuel, LLC. Councilpersons Karen Simmons and Jeff Andrews opened the sealed bids.

MX Fuels

- Item #1 Low Sulfur Diesel - NYS OGS Posting less \$0.0100/gallon
- Item #2 Regular Grade Gasoline - NYS OGS Posting less \$0.0100/gallon
- Item #3 No.2 Heating Fuel for the Town Barn - NYS OGS Posting less \$0.0100/gallon
- Item #4 No.2 Heating Fuel for the Town Hall - NYS OGS Posting less \$0.0100/gallon

Tripp Fuels, LLC

- Item #1 Low Sulfur Diesel - \$2.10 escalating without tax included (Straight Diesel)
- Item #1 Low Sulfur Diesel - \$2.19 escalating without tax included (Winterblend Price)
- Item #2 Regular Grade Gasoline - \$1.80 escalating without tax included
- Item #3 No.2 Heating Fuel for the Town Barn - \$2.09 escalating
- Item #4 No.2 Heating Fuel for the Town Hall - \$2.09 escalating

A non-collusive bidding certificate was attached to both bids.

After discussion, a motion was made by Councilperson Newvine, seconded by Councilperson Andrews to accept both of the fuel bids. The board directed Highway Superintendent Randy Durham to do some research on the pricing and the awarding of the fuel bid will be made at the December 3, 2019 Town board meeting. All in Favor. MOTION CARRIED.

Supervisor Cappellino asked the attendees if anyone had any questions pertaining to the 2020 proposed budget. Assessor Chair Sherry Geer stated that she had a few items to discuss. Assessor Chair Geer stated that the board all knew that she had asked for an increase in pay for Assessor Phyllis Shaw. The board had responded by stating that they could not increase the salary of one assessor and not the other citing State Law. Assessor Chair Geer stated that she had contacted the Association of Towns to research the matter, and that there are ways a Town could increase the pay by adopting a Local Law when an assessor reaches certified status. She reported that Phyllis was now a certified Assessor. Assessor Chair Geer stated that she realized that nothing would be done this fiscal year, but wanted to educate the board that the opportunity existed for this to happen in the future, and asked the board to take a look at the research she had prepared and presented to them and consider passing the local law for next year.

Councilperson Newvine asked how long it takes for an assessor to become certified. Assessor Chair Geer reported that the certification typically takes 3 years to achieve, and Phyllis had fast tracked the certification in 2 years, as she herself had done. Assessor Phyllis Shaw reported that there are 3 full one week courses that need to be attended in which she takes time off of her full-time job to attend. As well there are 4 on-line courses that take a month to a month and a half to complete followed by testing that is performed in Syracuse that involve "field work" (assessing out in the community), and can take up to 2 days to complete. Assessor Chair Geer added that there are County Meetings, ethic classes amongst other training that the assessors attend, that all involve using time at their full time jobs. Councilperson Newvine stated that there was no doubt that Assessor Shaw had deserved to earn more money, but discussed that the Town had set a precedent with the previous Assessors. They had asked to be paid more than the incoming assessor, who was not certified coming into the office, and the boards' feelings were at the time, that they would keep all the assessors pay equal.

Assessor Chair Geer addressed the board with her second budget issue. She stated that the board has taken from the Assessor budget for the last 3 years, and asked if her department runs out of money will they be able to use a reserve fund like other departments have done. Councilperson Newvine asked Assessor Chair Geer if she was referring to data collection. Assessor Chair Geer stated that was what she was referencing. Assessor Chair Geer stated that she has thought about doing the re-evaluation like the Town of Fine is doing now, by bringing in a data collection company, but it costs thousands of dollars and is very expensive.

Bookkeeper Finnie stated that the board had discussed data collection at the budget workshops and they would like the data to continue to be collected by the assessors. Bookkeeper Finnie stated that if all 3 assessors work on the data collection, and the board sees that there is a need for more money that they could vote to use the fund balance. Assessor Chair Geer stated that she is hoping to have newly elected assessor Kathy Besaw get involved in the data collection. Bookkeeper Finnie reported that the assessor office gets revenue from the State for their training due to the present assessors filling out all of the paperwork necessary and being reimbursed. Bookkeeper Finnie stated that the money received from the reimbursement was a new revenue for the Town as it had never been done by past assessors.

Councilperson Newvine asked the assessors how much of the data collection had been completed at this time. Assessor Chair Geer stated that there are 1716 parcels in the Town of Fowler and that 760 parcels have been completed at this time not including the parcels that were done by Devon Korn 6 years ago.

Assessor Chair Geer stated that she is not trying to argue, or pick on anybody or say that they don't deserve it, but she has seen raises in some departments since she has been a Town of Fowler employee. She stated that she has watched the highway superintendent pay go up by \$12,000, she has watched the town clerk pay go up by \$12,500. She stated that the board did raise her salary by \$1,000 the year that the previous assessors resigned and she finished the year on her own, and that the other assessors pay has not increased. Councilperson Karen Simmons stated that she feels that maybe next year things will look different, but as for this year, things did not look good, and she hopes that next year maybe everybody can get a little bit of a raise. Assessor Geer stated that she did not want anything for herself and that she declined a raise last year because she feels it should pertain to all or none being that there are 3 assessors.

Highway Superintendent Randy Durham interjected that he felt that the raises that had been given over the last few years was the board trying to adjust the positions that were increased to a more competitive level. He stated that this is just his own thoughts, but he felt that once the board gets the wages to that level then the town board will start giving raises across the board like 1%.

Councilperson Newvine stated that the reason that the town clerk and highway superintendent pay were raised so high is because the Town did away with their insurance. Assessor Chair Geer responded that when they started in the positions, they knew there was no insurance. Supervisor Cappellino stated that part of the agreement when the insurance was terminated was to compensate for the lack of insurance with a raise. Supervisor Cappellino asked if there were any other questions regarding the 2020 proposed budget. No further questions were asked.

At 7:26PM a motion was made by Councilperson Newvine seconded by Councilperson Simmons to close the Public Hearing on the 2020 proposed budget. All in Favor. MOTION CARRIED.

A motion was made by Councilperson Newvine seconded by Councilperson Simmons to adopt the Town Budget for Fiscal Year 2020. All in Favor. MOTION CARRIED.

Supervisor Cappellino submitted Resolution # 16 of 2019, a Resolution amending the 2019 General Fund Budget to the board for their review. A motion was made by Councilperson Andrews seconded by Councilperson Bishop to pass Resolution # 16 of 2019. All in Favor. MOTION CARRIED.

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

NAY 0

Town Department Reports

Town Clerk

Town Clerk Tami Gale reported:

- She had taken in a gross of \$2,938.00 in DEC sales and \$141.25 in commissions for the month, had issued 1 marriage license, 1 certified marriage transcript, issued 12 Certified Death Certificates, licensed 39 dogs, sold 4 Bicentennial books, and handled 5 building permits.
- That she and Deputy Town Clerk Debra Tupper had attended the Local Government Conference on October 15 held at SUNY Potsdam and found it to be very informative.
- The new computer in the Town Clerk office has been installed by Tom Manley of Pinnacle Technologies and was upgraded to windows 10.
- The handicap parking permits have all been entered into the Town Clerk BAS system which should make verifying them much easier.
- The Town Clerk office will be closed on November 11, 2019 in observance of Veterans Day.
- Court Clerk Irma Ashley reported that Court will not be held on November 19, 2019 as the judge has training on that day.
- She had training school information available for any newly elected officials in the Town if anyone was interested.

Bookkeeper

Bookkeeper Barbara Finnie:

- Reported that to date 71% of the highway fund has been spent to date.
- The fire and lighting district are both doing good.
- The Town has received 136% of its revenue and is over the 100% for the General Fund.

- The sales tax check has been received and it was up \$10,000 from 2018. The Town had received \$129,000 for the 4th quarter in sales tax for 2018 and this year it has received \$140,000.
- That she will divide the sales tax money received and put \$75,000 into the General Fund and \$65,000 into the Highway Fund.
- That all the bills are paid thru the end of October.
- Reminded the board that amendments and adjustments can be made to the budget throughout the year at Town board meetings as needed.

Assessors

Assessor Chair Sherry Geer reported:

- That a portion of her assessor report was discussed earlier in the meeting.
- She would like to let Town of Fowler taxpayers know that if they have the basic star exemption, and if they turn 65 years of age at any time next year, that they can keep it and still get the enhanced exemption.
- She will be discussing the exemptions further in the assessor section of the 2020 Town newsletter.
- The assessors will soon be out checking on the 2019 completed building permits.
- Supervisor Cappellino congratulated Phyllis Shaw and Kathy Besaw for their recent elections.

Historian

Historian Karen Simmons reported:

- That all 3 of the Welcome to Fowler signs have been stained. Councilperson Newvine asked if the Town was still going to install the solar lights to accentuate the signs. Councilperson Simmons stated that the solar lights will be installed on the signs next year. Historian Simmons asked Councilperson Bishop if his mom had seen the freshly stained signs yet. Councilperson Bishop replied that he would be sure to take retired Town of Fowler Historian Connie Bishop on a ride so she could view the signs.
- She had spoken to the St. Lawrence County Historical Association regarding the possibility of the Tri-County Marker being put on the Historical Registry and had discovered that the Tri-County Marker is not historical because nothing historical had happened there. That there was nothing historical about it.
- That she had researched a design on-line for the Tri-County marker and presented the design to the board for their review. Historian Simmons reported the cost to be \$42.71 for the sign, lamination of the sign would be \$16.95, and with shipping the total cost would be \$80.92 to order the sign.
- She had collaborated with Highway Superintendent Durham regarding ordering the posts to install the sign locally, as it would be very costly to order them through the mail. After discussion, it was the consensus of the board to have Historian Simmons look into a similar design by BOCES, and change part of the wording on the sign, and to order a sign to be installed at the Tri-County marker.

- She has been working on a web-site submission that was received earlier in the week.
- She is working on the Korean Conflict plaque. Presently she has gathered 65 names, which still need to be confirmed. If anyone knows of someone who was in the Korean war and from the Town of Fowler, please get in touch with her.
- She has some names to begin working on the Vietnam war plaque as well, but that will be after the Korean war plaque is completed.

Dog Control

Dog Control Officer Dan Moyer was not in attendance.

Councilperson Karen Simmons reported for Dan Moyer:

- There was a kennel inspection done by New York State Ag & Markets on Monday November 4, 2019 that went well and everything had passed inspection.
- There is one window that needs a little work that either Dan or Jack Woodward will fix.
- There was a loose dog running around in Hailesboro that he had been chasing for 3 days. The dog was eventually caught and returned to its owner.
- There was a 2nd complaint in Hailesboro that had not been resolved at meeting time.

Code Enforcement

Code Enforcement Officer Glen Besaw reported:

- There had been 5 building permits for the month.
- He had been busy closing building permits for which the work had been completed. This is a process of tracking people down as not many notify him of the projects' completion.
- He had attended the Local Government Conference at SUNY Potsdam and thought that it was really well put together and informational.
- There will be a new code book for code enforcement coming out in March that will be adopted by New York State.
- He had received 2 complaints. One complaint was legitimate and resulted of a building being posted for no further use.

Highway Department

Highway Superintendent Randy Durham reported:

- The CHIPS money will arrive on December 15, 2019.
- The New Holland Boomer 55 Tractor, New Holland Front Broom, and the Rossi mower had been delivered.
- An optional bucket had been delivered with the new tractor at a price of \$5,000. He asked the boards opinion on the purchase of the optional bucket. After some discussion, it was the consensus of the board that the bucket was not necessary and to have it picked up.
- Councilperson Newvine asked Highway Superintendent Durham about the length of the sickle bar that came with the new tractor. Councilperson Newvine thought that the quote stated a 7' sickle bar and what came is 6'. Highway Superintendent Durham stated that he would look into it.
- That he had prepared for the board a list of Town of Fowler Seasonal Roads. He stated that there had been no changes to the list, and it is the same as last year.

Seasonal Roads in the Town of Fowler December 1, 2019 to April 1, 2020:

1. Stone Road from bus turn around to Orebed Road.
2. Sibley Road from bus turn around to State Land.
3. Fire Falls Road from Luke Gates to Town of Fowler line.
4. Lamb Road from Country Club Road to Town of Fowler line.

Supervisor Cappellino reminded the board that declaring the roads to be seasonal is done annually. He asked for a motion to declare the roads as seasonal. A motion was made by Councilperson Newvine and seconded by Councilperson Andrews. All in Favor. MOTION CARRIED.

- That the new 2020 plow truck that is being acquired through the USDA grant is scheduled to go into the shop at Viking on November 8, 2019.
- That the 98 truck has the engine in and is running. It has an oil leak and is having some work done on minor problems.
- He has put a wing on the 2000 plow truck to use as the 6th plow truck until the 98 truck is back in service. He reported the 2000 plow truck to be the truck with the cracked frame but feels that it can still be used for sanding.

Councilmembers

Councilperson Lynn Bishop

- Expressed to Highway Superintendent Durham to have the highway department workers use caution when they are plowing this time of year as the shoulders are soft.
- Asked to have the highway department drivers check their individual plow routes for hazards and install wing blingers or poles to notify them of the hazard, such as rocks and rock ledges and the like.
- Reported that there was a hanging tree on the North Woods road.
- That there was a catch basin on Mill Street that was full of sand and needed to be cleaned out and the grate uncovered.

Councilperson Jeff Andrews

- Reported that he had received a phone call from a taxpayer who was concerned about the Towns dry hydrants. Councilperson Andrews placed a call to Fire Chief Tommy Conklin and was told that the dry hydrant on Little York Rd and the dry hydrant on County Route 22, by Ed Siebels home did not work well.
- Reported that Highway Superintendent Durham had went to look at the hydrants and thought they appeared to look to be in good shape, however neither himself nor the Highway Superintendent know much about dry hydrants, and it was discussed that no one seemed to know when the hydrants were put in.
- After further discussion, it was decided that the fire department should be contacted to see if they will come and back flush the dry hydrants.
- Reported that Fire Chief Tommy Conklin had asked him about the fire contract and questioned why no one had contacted him about it. Councilperson Andrews asked Fire Chief Conklin to attend this evenings' Public Hearing on the 2020 Budget & regular

scheduled board meeting to discuss the contract, as the budget would be voted on at the conclusion of the public hearing. It was also discussed that in the past, the fire department presented in person requests regarding fire contracts during monthly board meetings held at the Town Hall.

- Asked if any of the board members had reached out to Bill Sheridan, our County Legislator, to discuss the County finding money to fix the bridge on the seasonal limited use road in Parishville and not being able to find money to fix the Town of Fowler's Emeryville Road bridge.
- Suggested that the board should invite Legislator Sheridan to our next board meeting to discuss the matter.

Councilperson Ricky Newvine

- Provided the board members with the media release from February 4, 2019 when Sherriff Kevin Wells announced to the public that he was not seeking re-election for the Office of Sherriff, St. Lawrence County and that he would be retiring at the end of this term December 2019.
- Reported that he had been contacted by past board member Natalie Spilman with a request asking if the Town of Fowler would be interested in purchasing a parting gift, and token of appreciation for Sherriff Wells, in honor of his retirement. It was the consensus of the board to approve the request.
- Provided the board with a report from Titan Company that gives an update on the Empire State Mines. Councilperson Newvine reported that the map that is used in the report now includes the Town of Fowler being listed on the map. The Town of Fowler was previously omitted from the map, which he took exception to.
- Reported that he had visited the beach earlier in the day and stated that everything was wrapped up for the season.
- Reported that the board needed to hold an executive session when everyone was done giving their reports.

Councilperson Karen Simmons

- Reported that the Town had received a thank you card from the family of Roger Rice.
- Reported that there was a very good turn out on October 27, 2019 for the Trunk or Treat event despite the weather conditions that day. There were around 12 individuals handing out candy from inside the Town Hall. The Gouverneur rescue squad, the State Police, and the Elk's Club with Elroy the mascot set up outside at the rear entrance to the Town Hall.
- Reported that there had been a few requests for burial lots at the Fullerville Cemetery, which she and Supervisor Cappellino are overseeing.
- Reported that there is a sign missing from the cemetery that is on the Farm to Market road.
- Provided all the department heads with their individual sections from last years newsletter and asked to have them updated and returned to the town clerk by November 21, 2019, as the 2020 newsletter production has begun.

Supervisor Cappellino

- Reported to Highway Superintendent Durham that he had viewed a large leak of hydraulic fluid from one of the Towns vehicles while the men were cutting trees on the Fire Falls Road. After some discussion, it was determined that the truck with the leak was the 1991 truck that Highway Superintendent Durham refers to as the summer truck. Highway Superintendent Durham stated that he would have the part replaced or re-built over the winter.
- Asked the boards permission to sign the Town of Fowler insurance policy contract with Fuller Insurance company to renew the Town insurance for 2020. After some discussion concerning the timeliness of the request, it was the consensus of the board to approve the signing of the contract.
- Reported that the Town had been contacted by Matthew Denner Sr, Director of St. Lawrence County Emergency Services requesting information about any storm damage the Town may have received.
- Reported that Highway Superintendent Durham had provided information to be submitted that the Town had cleaned up 20 trees in the road. The clean up was completed during regular work hours (120 hours) at a cost of \$2244.00 and that there was an extended period of time that lights out on the Fire Falls Road. Supervisor Cappellino stated that the government may provide some funds for the clean up from the storm damage.
- Supervisor Cappellino reported that the Town Clerk had learned at a recent government training session that the Town should be amending the budget as it is necessary not at the end of the year as has been done in the past.

Planning Board

- Planning Board Chair Stephen Gale presented the board with a draft zoning map of the water district that Matilda Larson, of the St. Lawrence County Planning Office is assisting the Planning Board with and asked for their thoughts on the map. The map that was drafted shows 200', 300', and 500' for distances of the proposed shoreline district. He explained that the County has recommended a 300' distance of the shoreline district, which is 300' from the high- water mark of the shoreline. This would create a boundary around Sylvia Lake, Chub Lake, and the Oswegatchie River and set the water district. It will change the code regarding building on shorelines for any new construction, but it does not affect existing structures.
- Councilperson Newvine asked if the proposed water district would affect assessments. Planning Board Chair Stephen Gale and Code Enforcement Officer Glen Besaw stated that the proposed water district has nothing to with assessments. It is strictly a part of Local Law #1 of 2019 Land Use Laws and Regulations for the Town of Fowler.

After discussion, it was the consensus of the board to have Matilda Larson of the St. Lawrence County Planning Office create a district map showing only the 300' distance of the shoreline district, and a Public Hearing will be scheduled and held for the board to adopt the District Map after the County Planning Board approves it.

Public Comment

- Sherry Geer asked if the tractor bid was State contract. Highway Superintendent Durham stated that it was.
- Sherry Geer asked Highway Superintendent Durham if the highway department men had received training on the new tractor. He responded that they had.
- Vicky Cappellino asked if the Fire Department had supplied the Town with a financial report, to give the Town an idea of where the money is dispersed. Supervisor Cappellino stated that the Town has received a treasurer's report in the past but did not have one submitted with the new contract proposal, and that he would request one from the fire Chief.

Executive Session

At 8:38PM, a motion was made by Councilperson Newvine seconded by Councilperson Bishop for the board to go into executive session, excluding Supervisor Cappellino, and inviting Code Enforcement Officer Glen Besaw to attend. All in Favor. MOTION CARRIED.

At 8:50PM, a motion was made by Councilperson Newvine seconded by Councilperson Bishop to end the Executive Session. All In Favor. MOTION CARRIED. Deputy Supervisor Newvine stated that the executive session was in regard to litigation that the Town may or may not be involved with. The board, excluding Supervisor Cappellino has instructed Deputy Supervisor Newvine to inform Town Attorney Henry Leader the boards intentions, whether they are going to be involved or what they are going to do. Deputy Supervisor Newvine reported that he would contact Henry Leader the following day with the Towns intentions regarding the matter.

The bills audited for the General and Highway Fund were #415 -#462, with a total of \$145,603.07.

Councilperson Newvine asked Highway Superintendent Durham what the big bill was for at Nortrax, (PowerPlan) for over \$4,300. Highway Superintendent Durham responded that it was the brakes going out again on the backhoe. After Discussion, and further examination of the Nortrax bill, it was determined that \$3,000 of the bill was for a one month, Hitachi equipment rental.

The next regular scheduled board meeting will be held on December 3, 2019 at 7 PM.

A motion was made by Councilperson Newvine, seconded by Councilperson Bishop to adjourn the meeting at 8:56PM. All in Favor. MOTION CARRIED.

Tami Gale; Town Clerk