

## **Town of Fowler February 14<sup>th</sup>, 2022, Justice Audit & Town Clerk Audit and Regular Scheduled Board Meeting at 6PM.**

The Town of Fowler Justice Audit & Town Clerk Audit and Regular scheduled Town Board meeting was held on the above date with 4 Board members present. Also present were Town Clerk Tami Gale, 1<sup>st</sup> Deputy Town Clerk Debra Tupper, Town Justice Tim Knowlton, Dog Control Officer Dan Moyer, Code Enforcement Officer Glen Besaw, Assessor Chair Kathleen Besaw, Highway Superintendent Randy Durham, Pavilion Committee member Richard Clement, Planning Board Members Leo Knight and Stephen Gale, Ethics Committee Member Vivian Goodman, Richard Tupper, Robert Theriault, Rachel Hunter, Editor of the Gouverneur Tribune Press, and attending via teleconference was Councilperson Bishop.

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, all healthcare workers, and a special note this evening for the families of Thomas Hentz, Phillip Palleschi, and John Walsh to be in our prayers.

### **MASK MANDATE DISCUSSION**

Supervisor Newvine discussed as Covid-19 conditions continue to improve, he believes it is prudent to revise visitor rules for the town hall. He discussed changing wearing masks to being recommended and no longer mandatory and left up to the visitor's individual choice. It was the consensus of the board to agree with the change. Supervisor Newvine discussed social distancing will remain in effect and sanitizer will continue to be available for any town resident.

Supervisor Newvine asked for a motion to approve the minutes from the January 10, 2022, Organizational Town board meeting. A motion was made by Councilperson Cleveland, seconded by Councilperson Simmons. All in Favor. MOTION CARRIED. Rachel Hunter, Editor of the Gouverneur Tribune Press made Town Clerk Gale aware of a misspelled name prior to the meeting being called to order, and as a result, a **\*Correction was made on the spelling of Deavers, under Rescue Squad Contract Presentation by Director Mark Deavers.\***

### **JUSTICE COURT AUDIT & TOWN CLERK AUDIT OF 2021 BOOKS**

Supervisor Newvine noted the 2021 books and records of Town Justice Timothy Knowlton, and Town Clerk Tami Gale were presented to the board for review this evening and will remain open for public inspection during the regular board meeting. The audit conducted by the town board members will be completed at the end of the board meeting by resolution.

### **2022 AGREEMENTS**

Supervisor Newvine presented three Agreements that are executed yearly to the Town board for their consideration, and asked for a motion giving him permission to sign the following:

1. CEMETERY AGREEMENT (HAILESBORO CEMETERY ASSOCIATION) \$5,000.
2. READING ROOM AGREEMENT \$1,400.
3. RECREATION CENTER AGREEMENT \$1,200.

After discussion, a motion was made by Councilperson Simmons seconded by Councilperson Andrews giving permission for Supervisor Newvine to sign all three agreements. All in Favor. MOTION CARRIED.

## **RESIGNATION**

Supervisor Newvine read aloud a resignation letter received on February 11, 2022, from tax-assessor Michael Bates and asked for a motion to accept the resignation letter. A motion was made by Councilperson Cleveland seconded by Councilperson Andrews. All in Favor. MOTION CARRIED. Supervisor Newvine thanked Michael for his interest in government and for making the decision to resign sooner, rather than later when he realized he didn't have the time to put into the position.

## **APPOINTMENT**

Supervisor Newvine asked for a motion to appoint Robert Theriault as tax-assessor. A motion was made by Councilperson Andrews seconded by Councilperson Cleveland. All in Favor. MOTION CARRIED. Town Justice Timothy Knowlton administered the Oath of Office to newly appointed tax-assessor Theriault, and congratulations were extended by those in attendance.

## **BEAVER CONTRACT**

Supervisor Newvine discussed the Town of Fowler Beaver Contract is in effect from March 1<sup>st</sup> to December 31<sup>st</sup> and asked for a motion to award the beaver contract to Moyer's Wildlife Control for 2022. After some discussion, a motion was made by Councilperson Simmons seconded by Councilperson Cleveland to award the beaver control contract to Moyer's Wildlife Control. All in Favor. MOTION CARRIED.

## **NEW CAMERA SYSTEM DISCUSSION**

Supervisor Newvine discussed the status of purchasing a new camera system for the Town of Fowler. He reported the camera system currently in place was purchased with a justice grant through the court system and they have been made aware there are limitations on what they can and cannot do. Supervisor Newvine reported the quote from Barkley's Safe & Lock was \$17,000 to replace the existing camera system, which he felt was a lot of money. Supervisor Newvine reported Justice Timothy Knowlton was going to look into the possibility of applying for grant money again through the court system. After further discussion, it was the consensus of the board the purchase of a new camera system would be tabled.

## **Town Department Reports**

### **Justice Department**

Town Justice Tim Knowlton reported:

- Eviction proceedings have begun in court with the moratorium having been lifted.
- On January 28<sup>th</sup>, he and Court Clerk Irma Ashley attended training at SUNY Canton with presentations on Opioid Addiction Treatment Programs, Stop DWI, and Mental Health.
- The court is running smoothly.

### **Bookkeeper**

Bookkeeper Barbara Finnie was not in attendance:

- She had provided Town of Fowler Cash Balance Reports for Month Ending December 31, 2021, and January 31, 2022, to the board members for their review.

## **Assessors**

Assessor Chair Kathleen Besaw reported:

- The end of the assessment year is approaching on March 1<sup>st</sup> and all of the exemptions and valuations she has received are done to this point.
- She has been contacted by the County and by the State and had learned our current assessment rate is going to go down. Assessor Chair Besaw reported that this is not good. It means that our tax level is going to go up. Assessor Chair Besaw requested a meeting with the board members to explain to them what the ramification of this is, so they may decide what they want to do to address it. She explained the valuation rate is telling us that our town is topsy turvy when it comes to taxes and assessments, stating this is no surprise to anybody. She reported it is so skewed that it is creating an issue.
- She reported the current assessment rate to be 11.8% and both the County and State are saying it should be at around 9.2%. She has asked them not to go that low and believed the town would settle in at 10.3%. Supervisor Newvine stated it meant that we are assessing properties at less than 10% of their value. After some discussion, a Special Meeting was set to be held at the Town Hall on February 28<sup>th</sup>, 2022, at 3:00PM to discuss the current assessment rate with Assessor Chair Besaw.

## **Historian**

Historian Karen Simmons reported:

- She is working on a genealogy for Evelyn Phelps, a past resident of the Town of Fowler, who is looking for her mother's parents, her grandparents, with the last name of Whitmore.

## **Animal Control**

Dog Control Officer Dan Moyer reported:

- He had received a report of a dog running at large on the Emeryville Road, which he has been unable to locate. He has received new information on who the dog's owner may be.
- He picked up a dog on Sunday near Spilman's Garage, who is kenneled at his facility, due to the Town of Fowler's dog kennel being found to be in need of maintenance over the weekend. Photos of the animal are advertised, with no one claiming it yet. He reported there is a list of people who would like to adopt the animal if it is not claimed when it becomes available from the town.

Supervisor Newvine asked Councilperson Simmons to report on the Town of Fowler's dog kennel repairs. Councilperson Simmons reported maintenance worker Byron Woodward had discovered the hot water heater had sprung a leak and water was all over the floor when he entered the kennel to perform scheduled maintenance over the weekend. He had also discovered one of the 2 heaters had burned out from the water leak located above it and had discovered the toilet had a crack in it. It was discussed the emergency light outside did not kick on to indicate there was any problems. Maintenance worker Byron Woodward has ordered the equipment needed for repairs and expects to complete the work over the weekend.

## **Code Enforcement**

Code Enforcement Officer Glen Besaw reported:

- His computer and file recovery both have kind of been fixed. He reported some of his files are missing and are in the process of being recovered.
- He can't do his training on his new computer due to the lack of speakers. He reported he will need to turn in a ticket with Advanced Business Systems for speakers to be added.
- The State has cancelled online training, and he has signed up to take his code enforcement training in Syracuse in April.
- He attended FEMA training in Canton on Flood Plain administration. He reported the Town of Fowler has an existing flood plain law, and because we have the law the town must follow FEMA's regulations not New York State's regulations.
- He reported the new flood plain maps are expected to come out in 2024, which will require the town to change its flood plain law.
- He reported on several concerns he has about the new changes and how it impacts code enforcement officers in regard to what they would need to enforce. He and other local code enforcement officers do not agree with what would be required. CEO Besaw reported he will look for further training opportunities on the flood plain. It was discussed the town is going to need to research the impact on residents and how to best move forward with future flood plain administration. Supervisor Newvine stated he would make some phone calls to inquire on the matter.

## **Town Clerk**

Town Clerk Tami Gale reported:

- Reminded everyone about the training opportunity on April 29<sup>th</sup> for the 31<sup>st</sup> Tug Hill Government Conference being held at the Turning Stone Event Center. She reported she had class schedules if anyone wanted to be signed up.
- Reported January was a very busy month of collecting taxes. They are 74.72% collected.
- DEC Gross sales for the month were \$115.00 with the Town of Fowler Commission being \$3.48. She had licensed 28 dogs in January.

## **Highway Department**

Highway Superintendent Randy Durham reported:

- He had talked to John Walsh today and reported he seemed to be doing better and discussed if anyone wanted to send cards, food, or whatever, John and his family do appreciate it.
- He had spoken to Fuller Insurance earlier concerning the burned-up plow truck and was told it is looking like the Town will be receiving \$160,000, reporting the amount wasn't a guarantee.
- Reported the only truck available to replace the burned-up plow truck is an International with a total price of \$247,100.50.
- He reported he had talked to Beam Mack, Western Star, and Peterbilt, all of which can't give him a price or order one, leaving the International truck that he quoted earlier from Stadium, the only truck that could be in our shop by next fall.

Supervisor Newvine questioned if the possibility of a lawsuit involving Stadium over the burned-up plow truck would be a factor to consider. Supervisor Newvine asked when it would need to be ordered to get it in the

shop by fall. Hwy. Superintendent Durham replied if they wanted to have it by winter, they would need to order it now.

Supervisor Newvine stated he didn't feel the board was ready to act on the purchase this evening.

Councilperson Andrews reported there is still a concern about the cost. Supervisor Newvine added that we are only assuming we are getting the \$160,000 from insurance, it is not a guarantee. Hwy. Superintendent Durham stated he had spoken to bookkeeper Finnie and was sure they could get the rest of the cost of a new truck out of the highway budget. After further discussion, it was decided the topic could be addressed again at the special meeting being held on February 28<sup>th</sup> and maybe a more definite answer would be obtained from the insurance company.

Deputy Town Clerk Debra Tupper asked if they had determined what had happened to cause the plow truck fire yet. Hwy. Superintendent Durham replied at our level we may never know. Councilperson Andrews stated as a board member he wants to know what had happened to it and thought the insurance company should make them aware of their findings.

### **FUEL SPILL REMEDIATION FROM PLOW TRUCK INCIDENT ON 1/17/22**

Supervisor Newvine reported he had spoken with a representative from US Ecology, who performed the fuel spill clean up from the plow truck incident on 1/17/2022 and had learned they had taken 9 loads from the accident site to the Rodman Landfill facility. He reported the area has been re-seeded, which may or may not take, and if it doesn't, he will ask them to come back in the spring to re-seed it again.

Supervisor Newvine discussed the landowner of the accident site was very concerned the Town did not notify her of the incident or of the remediation work being performed. Supervisor Newvine asked Hwy. Superintendent Durham to research what the Town's obligations are in this situation, regarding the right of way. Supervisor Newvine reported the landowner was very good about the oversight, and he would like the research done to be better prepared in the event of a future situation.

### **COMMUNITY CORRESPONDENCE**

Supervisor Newvine reported the board had received several letters from the public and asked councilmembers in attendance to read them out loud.

- Councilperson Cleveland read aloud a card received from Karen Beck, of the old Fowler Elementary School Senior Apartments, thanking the Town for all the care packages she has received all year long, stating it is the best of small-town life and how it should be, and gave a special thank you to Councilperson Simmons for all her hard work with the food programs.
- Councilperson Andrews read aloud a thank you letter received from Anna Bice, thanking the board for thinking of her family after their recent loss, and a thank you letter for the card and money, received after their recent loss from Mavis, Kermit, Iva, and Grady Allen.
- Supervisor Newvine read aloud a thank you card received from John and Debbie Walsh and family for the calls, cards, and food delivery after John's accident.
- Councilperson Simmons read aloud a letter from Barbara Roser thanking the town for all the care packages she has received and thanking the maker of the crocheted lap throw she received which was donated and included in one of her packages, stating it is said that people move to Fowler because of the taxes, but she feels, it is because of the people that live here.

## Councilmembers

### **Councilperson Karen Simmons:**

- Reported in the month of January 23 people had benefited from the HAP Program (Hometown Assistance Program) held on Thursdays from 9-12 and 1-4.
- Reported the next SOS (Support Our Seniors) Care Package Delivery will be held in April for Easter.
- Asked what the board members thought about the ability to hold Fowler Family Day this year. Supervisor Newvine stated he feels we should plan for it, he felt people were ready to return to the event and preparations typically begin in February. Supervisor Newvine suggested the first meeting could be held on Thursday, February 24<sup>th</sup> at 3:00 and asked past members and anyone interested to come to the meeting. Councilperson Simmons asked everyone to bring all their ideas.

### **Councilperson Lynn Bishop:**

- Asked Hwy. Superintendent Durham if he had enough sand left in the barn. Hwy. Superintendent Durham replied he had 2000 yards left.
- Asked Hwy. Superintendent Durham if we should look into getting next year's sand now if it would be cheaper. Hwy. Superintendent Durham reported they get the sand in April, as he has the bulldozer at that time, and he purchases it at last year's price.
- Asked Hwy. Superintendent Durham if he thought he should mark the bumps that are on the back roads, as some of them are getting awfully sharp, stating 2 bumps he has noticed were on the Hull Road, and 3 deep bumps are located on the Sylvia Lake Road. Hwy. Superintendent Durham reported he would go look at them.

### **Councilperson Jeff Andrews:**

- Asked where the clean up of the Betty Davis property across the road from the town hall stands. Supervisor Newvine stated he has not been contacted by the County with any new information on their progress.
- Asked if there had been any decision made about purchasing a warranty for the loader. After some discussion, it was the consensus of the board to have Hwy. Superintendent Durham confirm the price of the warranty and they would re-address the purchase of the warranty at the special meeting being held on February 28<sup>th</sup>.

### **Councilperson Cleveland:**

- Reported the siding that had blown off the pavilion in the wind had been replaced by maintenance worker Byron Woodward.
- Reported he was contacted by an individual who would like to reserve the pavilion this summer for July 15<sup>th</sup> and 16<sup>th</sup> and asked the board to let him know when the date is set for Fowler Family Day this year, which is usually held around the same time. Supervisor Newvine reported the date for Fowler Family Day will be set at the 1<sup>st</sup> meeting being held on Thursday the 24<sup>th</sup> and he would let him know the date chosen.

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

- Reported he had received an email from a FEMA Disaster Assistance Representative to ask if the Town was still interested in submitting a project or withdrawing from the program. After further discussion it was determined we hadn't incurred enough expense to qualify for FEMA assistance.
- Reported he had received a letter from New York State Senator Daniel Stec, 45<sup>th</sup> Senate District, thanking the town for their letter of support for the Ogdensburg Correctional Facility.

### **Public Comment**

- Deputy Town Clerk Debra Tupper asked if the town was going to seek any grants again, stating she had read in the paper that \$400,000.00 in grants were being given to municipalities. Supervisor Newvine reported he would contact Jason Pfothenauer – Director of the St. Lawrence County Planning Board for an update on available grants.
- CEO Besaw asked where the last round of grant money had come from. Councilperson Simmons and Supervisor Newvine reported it was federal money that was managed through the housing council.

### **RESOLUTION**

#### ***RESOLUTION # 10 of 2022***

#### ***Justice Audit & Town Clerk Audit of the 2021 Books***

A motion was made by Councilperson Cleveland seconded by Councilperson Simmons to adopt a resolution to allow the Town Board to audit the Justice Department 2021 books & the Town Clerk 2021 books. All in Favor. MOTION CARRIED.

AYES: 4 NEWVINE, SIMMONS, ANDREWS, BISHOP, CLEVELAND

NAYS: 0

The 2021 books and records of Town Justice Timothy Knowlton and Town Clerk Tami Gale were presented for review. The board examined the records and dockets and verified that the records of criminal actions stated the names of the sworn witnesses as well as residence information. The records were duly examined and, it was determined that the fines therein collected have been turned over to the proper officials of the Town of Fowler as required by law. The Town Clerk's records including the deposits of all funds were determined to be in order.

Supervisor Newvine asked for a motion to audit the bills. 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 # 11 to # 47, and #52 with a total of \$52,868.57.

The next regular scheduled board meeting will be held on March 14, 2022, at 6:00PM.

With no further business, on a motion of Councilperson Cleveland, seconded by Councilperson Andrews, the February Audit & Regular Town Board meeting was adjourned at 6:52PM. CARRIED UNANIMOUSLY.

Tami Gale; Town Clerk