

Town of Fowler November 4, 2021, Regular Scheduled Board Meeting & Public Hearing on the Proposed 2022 Town Budget and Proposed Local Law #3 of 2021 Minutes at 6PM.

The Town of Fowler Regular scheduled Town Board meeting was held on the above date with four Board members present, and Councilperson Bishop attending the meeting by phone. Also, present were Town Clerk Tami Gale, Highway Superintendent Randy Durham, Bookkeeper Barbara Finnie, Assessor Chair Phyllis Shaw, Assessor Sherry Geer, Assessor Elect Michael Bates, Town Justice Tim Knowlton, Richard Clement, Vivian Goodman, and Rachel Hunter, Editor of the Gouverneur Tribune Press. Others attending the meeting by phone were: Assessor Kathy Besaw, and Code Enforcement Officer Glen Besaw.

Supervisor Newvine called the meeting to order at 6:00 PM then proceeded with the pledge of allegiance.

Supervisor Newvine led a moment of silence to honor our military men and women, all healthcare workers, and for Fowler resident Grant Mitchell, who he was unaware had passed, and neglected to mention at the last meeting.

Supervisor Newvine asked for a motion to approve the minutes from the October 4, 2021, Town board meeting. A motion was made by Councilperson Cleveland, seconded by Councilperson Andrews to approve the minutes. All in Favor. MOTION CARRIED.

OPEN PUBLIC HEARING

At 6:02PM Supervisor Newvine asked for a motion to open the Public Hearing on the proposed 2022 Town budget. A motion was made by Councilperson Andrews seconded by Councilperson Simmons to open the Public Hearing on the Proposed 2022 budget. All in Favor. MOTION CARRIED.

Supervisor Newvine reported the Public Hearing on the proposed 2022 Budget would be left open as long as anyone needs for questions or clarification on the proposed budget. Supervisor Newvine reported the budget indicates a less than 2% tax increase of 1.99% and basically much of the budget remains the same. All employees will see a 2% pay raise in 2022, and beginning January 1st, the planning board will be paid \$25.00 for each meeting they attend.

At 6:03PM Supervisor Newvine asked for a motion to open the Public Hearing on proposed Local Law # 3 of 2021, amending the setback requirements of Local Law # 2 of 2020, pertaining to Land Use Law and Regulations. A motion was made by Councilperson Cleveland seconded by Councilperson Simmons to open the Public Hearing on proposed Local Law #3 of 2021. All in Favor. MOTION CARRIED.

Supervisor Newvine reported proposed Local Law #3 of 2021, is an amendment to Local Law #2 of 2020, stating the regulations for setbacks will be 50' from the center of the road, previously the regulations stated 50', but omitted 50' from exactly where. Supervisor Newvine reported the Public Hearing on proposed Local Law #3 of 2021 would be left open as long as anyone needs for questions or clarifications on the proposed Local Law.

OPENING OF FUEL BIDS

Supervisor Newvine reported only 1 fuel bid had been received and handed the sealed bid to Councilperson Cleveland to open and read aloud:

MX Fuels

Item #1 Low Sulfur Diesel – OGS State Price \$2.8600/gallon

Item #2 Regular Grade Gasoline - OGS State Price \$2.8514/gallon

Item #3 No.2 Heating Fuel for the Town Barn (50/50 Fuel Oil & Kerosene Mix)

Heating Oil – OGS Sate Price \$2.8187/gallon

Kerosene – OGS State Price \$3.2651/gallon

Item #4 No.2 Heating Fuel Oil for Town Hall – OGS State Price \$2.8187

All prices do not include any applicable taxes. A non-collusive bidding certificate was attached to the bid.

Supervisor Newvine asked the board if they would like to accept, table, or award the bid. After some discussion, a motion was made by Councilperson Andrews, seconded by Councilperson Cleveland to accept, and award the fuel bid to MX Fuels. All in Favor. MOTION CARRIED.

Supervisor Newvine asked if there was any further discussion on the fuel bid. Councilperson Simmons stated so Tripp's didn't apply. Supervisor Newvine reported he had called Brian when he saw there was no bid from Tripp Fuel and was told he must have missed it on his desk. Supervisor Newvine commented it was too late by then anyway and there wasn't anything we could do about it.

CAMERA UPDATE

Supervisor Newvine reported he had met with Will Smith of Barkley's Safe and Lock, to obtain a quote for replacing the camera system for the Town that would replace the current system that is outdated. He reported there is a camera presently that overlooks the playground area. Mr. Smith estimated 16 cameras would cover the areas requested to be monitored. Supervisor Newvine reported he would keep the board members apprised of the endeavor.

RESOLUTIONS

RESOLUTION #18 OF 2021

Installation of new Playground/Pavilion Signage.

Supervisor Newvine submitted Resolution #18 of 2021, a Resolution allowing for new signage to be installed at the playground/pavilion to ensure the safety, protection, and best use of the playground/pavilion from inappropriate comments, vulgar language, and inappropriate behavior; and for the benefit of all who use it to the board for adoption.

Supervisor Newvine discussed he had sent board members copies of the wording that will be placed on the signs at the playground/pavilion which include: the area to be a drug and alcohol-free family-oriented facility, vulgarity will not be tolerated, and any violators will be asked to leave and repeat violators will be banned from using the area, and new hours of operation will be from dawn to dusk. After further discussion, Councilperson Bishop requested "No smoking" be included in the wording for the new signage.

A motion was made by Councilperson Cleveland seconded by Councilperson Simmons to adopt Resolution #18 of 2021, All in Favor. MOTION CARRIED.

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

NAYS: 0

CLOSING THE PUBLIC HEARING ON THE PROPOSED 2022 BUDGET

Supervisor Newvine asked if there were any questions on the proposed 2022 Town budget. Rachel Hunter, Editor of the Gouverneur Tribune Press asked what the amount of tax needing to be raised is and what the assessed value for taxpayers would be in 2022. Bookkeeper Barbara Finnie reported the assessed value for 2022 is \$17,900,540.00. In the general fund \$54,625.00 is needed, in the highway fund \$606,000.00***** is needed with a total of \$662,394.00 and with the fire district and Haillesboro lighting district \$713,267.00 is needed. Rachel Hunter asked if the taxpayer would see a raise in their taxes. Bookkeeper Finnie reported taxpayers would receive a 2% increase for 2022, stating the last few years taxpayer's have seen a 2% increase as we have stayed under the tax cap.

RESOLUTION #19 OF 2021

Adopting the Town of Fowler Budget for Fiscal Year 2022.

Supervisor Newvine submitted Resolution #19 of 2021, a Resolution, approving and adopting the operating budget for the Town of Fowler for Fiscal Year 2022 to the board for adoption.

At 6:13PM, a motion was made by Councilperson Andrews seconded by Councilperson Cleveland to close the public hearing on the proposed 2022 budget and adopt Resolution #19 of 2021, All in Favor. MOTION CARRIED.

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

NAYS: 0

CLOSING THE PUBLIC HEARING ON PROPOSED LOCAL LAW No. 3 OF 2021

Supervisor Newvine asked if there were any questions on proposed Local Law #3 of 2021, a law amending the setback requirements established in the land use law.

With no questions received at 6:14PM a motion was made by Councilperson Simmons seconded by Councilperson Cleveland to close the public hearing on proposed Local Law No.3 of 2021. All in Favor. MOTION CARRIED.

RESOLUTION #20 OF 2021

Adopting Local Law No. 3 of 2021 amending setback requirements in the Land Use Law

Supervisor Newvine submitted Resolution #20 of 2021, a Resolution enacting Local Law No. 3 of 2021, a law amending Local Law No. 2 for the year 2020 Pertaining to Land Use Law and Regulations, amending the setback requirements, to the board for adoption.

A motion was made by Councilperson Andrews seconded by Councilperson Cleveland to adopt Resolution #20 of 2021, All in Favor. MOTION CARRIED.

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

NAYS: 0

TOWN DEPARTMENT REPORTS

Town Justice

Town Justice Tim Knowlton Reported:

- Court Clerk Irma Ashley continues to SCOFF licenses of people who have failed to answer to court summons, in which many of the cases are extremely old. He stated there has been a good response, as the individuals receive correspondence from the court that their licenses will be suspended within 60 days if the matter is not tended to.
- He had Al Beatrus assist him in the court with some of the electronic controls located behind the bench to the tv monitor and they had installed a new HDMI cable to be able to access the monitor so that he could use it with his justice computer, if need be, for future court procedures. He reported the system installed in the court to be an old system that should be wireless at this point in time, and he would address the issue with the office of court administration. Supervisor Newvine reported the walk thru that he had done with Mr. Smith of Barkley's Safe and Lock, for the new camera upgrade may also offer help with this situation.

Bookkeeper

Bookkeeper Barbara Finnie:

- Presented cash balance month ending October 31, 2021, reports and budget balance reports, to the board for their review.
- Reported the budget balances should be at about 85% spent, and the general fund is at 85% spent, the highway fund is at 86% spent, the fire district is 36% spent and the lighting district is at 65% spent. Bookkeeper Finnie reported we are still proceeding slowly and not over spending which is good.

- 4th quarter sales tax was received in the amount of \$163,772.13, which is up \$5,991.00 from the last quarter in August, and up \$4,659.00 from last November at the same time.
- Reported we had estimated at budget time that we would bring in \$130,000.00, and we ended up bringing in an additional \$33,000, which helps the fund balance.

Assessors

Assessor Chair Phyllis Shaw reported:

- They are still checking the completed work done on building permits.
- She had attended the County meeting yesterday, which is always very informative.
- She has received a signed purchase offer on her house, with no closing date yet, and asked the board if they want her to resign the day of the closing, or how they want to proceed with that, as she is moving out of the Town of Fowler. Supervisor Newvine asked how soon the closing would be. Assessor Chair Shaw reported it may be by the end of November. Supervisor Newvine thanked Phyllis for making the board aware of the news and stated he hated to see her go.
- Supervisor Newvine stated the board would need to discuss the matter to decide how they will proceed.

Supervisor Newvine introduced and welcomed Michael Bates to the meeting attendees, reporting he will be taking his elected office of assessor January 1st, and the assessors holding office now will help him out. Assessor Sherry Geer reported she would be glad to help Michael out.

Historian

Historian Karen Simmons reported:

- She was called from a lady in Oswego, NY, who is also a historian, who is looking for information on the Weir family.

Animal Control

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

- There was an issue this week with a dog on the Little York Road, chasing after a walker and her dog. The owner of the unleashed dog will be issued a ticket for their dog running at large. The incident was witnessed by Supervisor Newvine.
- There is a 2nd individual who will be receiving a ticket for her unlicensed dog. The two issues are not related. She reported we are working on trying to get individuals with delinquent licenses caught up.

Supervisor Newvine reported he had received a letter from Janet Collier, of Agriculture and Markets, stating the Fowler dog kennel was recently inspected and everything was fine. They also inspected Dan's kennel at his residence, and both were deemed satisfactory and approved. Councilperson Simmons interjected Janet Collier had let Dan know there are a few minor up keep improvements to be done at the Town facility and she will get a list together for maintenance worker Byron Woodward.

Beaver Control

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

- Permission had been obtained from landowner Mrs. Fuller, to allow Dan to trap the beaver on her property, that is creating issues on the Shantyville Road.
- He is still working on the Shantyville Road and the Stone Road.
- He was paid in this evening's purchase orders for beaver control on the Swiss Hill Road and River Road.

Code Enforcement

Code Enforcement Officer Glen Besaw reported:

- He had received a complaint that appears to have stemmed from an honest mistake involving property lines that were thought to be correct, and it turns out they were not, leading to part of a deck being located on someone else's property. He has spoken to both parties involved and informed them he would give them a few weeks to see if they can work something out. If they can't work it out, he will have to give an order for the deck to be removed.
- He reported if someone is remodeling a home, they do not require a building permit unless they are doing more than 50% of the home. He reported the building permit application presently charges remodel work as a new build and requested the board to take a look at it.

Town Clerk

Town Clerk Tami Gale reported:

- She was presented a letter yesterday and was asked to read it at the November 4, 2021, Town Board meeting addressed to Supervisor Rick Newvine.

Dear Rick,

We'd like to thank you for the delightful roast beef dinners that you so kindly provided for the Election Inspectors who worked the election on Nov 2, 2021. The meal and desserts were delicious! And we know you supported the local church with your gift. We deeply appreciate your support and your thoughtful contribution to our long day!

Very sincerely:

Jane Dodds, JoAnn Whitford, Sue Cartwright, Lori Barr, Larry Streeter

- The gross DEC sales for the month were \$1,801.00 with the Towns commission being \$88.93, she had collected \$90.00 in kennel fees, \$6.00 for replacement dog tags, licensed 36 dogs, handled 5 building permits, and sold 1 bi-centennial book at \$5.00.
- Reported she had neglected to mention the scrap metal checks received last month: Northstar, which is the Town's new provider, scrap metal check \$473.20 and Kimco steel scrap check \$121.20.
- Reported this month she had received a Northstar scrap check of \$571.20, and the last Kimco steel scrap check of \$123.00.
- Bottle & Can donations last month were \$134.50 and this month \$67.95 was collected.
- Reported she had signed the proposal with Advanced Business Systems for \$469.52 that was discussed at the October meeting and is waiting for a date to be scheduled by Advanced Business Systems for the work to be completed.

Supervisor Newvine thanked Town Clerk Gale for preparing the resolution for the playground signage after receiving it earlier in the day, stating it was very professional.

Highway Department

Highway Superintendent Randy Durham:

- Asked the board if they had received a copy of the letter from a disgruntled taxpayer. Supervisor Newvine reported they had and will discuss it in executive session later in the meeting.
- Reported the seasonal roads are declared every year in November and discussed it is the same list of roads as last year.

A motion was made by Councilperson Andrews seconded by Councilperson Cleveland to declare the following roads as seasonal beginning December 1, 2021, to April 1, 2022.

SEASONAL ROADS DECLARED

The following roads were declared as seasonal roads
December 1, 2021, to April 1, 2022.

Stone Road from bus turn around to Orebed Road.

Sibley Road from bus turn around to State Land.

Fire Falls Road from Luke Gates home to Town of Fowler Line.

Lamb Road from Country Club Road to Town of Fowler Line.

Shantyville Road from the Besaw Farm to the plow turn around on Byrns Road end. (Corral)

- Reported the new 2022 Mack plow truck is at Viking and will be returned to Beam Mack to be checked over again. He is aware there is one part on back order. It should be delivered to the Town after that and expects the process to take 2 more weeks.
- Reported the bobcat is down with a pressure problem. It is a safety issue. The cost to repair it will be \$3,858.62 and the part is on backorder.

QUOTE FOR CRACK SEALER

- Reported he has done a lot of research on a Seal Master crack filler. He is looking for a USDA grant that would have a bond that would be at a 2.25% interest rate right now, and by the time the paperwork is completed for the USDA grant the interest rate could go up or down. He has prices from 3 different vendors for a crack sealer.

Tracey quote for \$65,730.00 with no compressor

CYNCON quote for \$68,519.00

Seal Master quote for \$62,562.00

Supervisor Newvine asked what the grant amount would be with the USDA. Hwy. Superintendent Durham stated it would be 15% off the top of everything. He reported he has looked over the SAM grant three times for a new excavator and it is 0.00 dollars every year, which is leading into his next subject.

QUOTE FOR EXCAVATOR

- Reported he has looked at 3 different excavators.
 - Case quote From Monroe Tractor for \$107,995.00**
 - John Deer quote for \$121,706.03**
 - CAT quote for \$125,142.00**
- Reported he wasn't looking for any decisions this evening on the requested purchases but wanted to give the board something to think about. He reported he provided specifications of the seal master quote to the board. He stated last year the Town sealed 5 miles of road at a cost of over \$20,000 just to seal cracks.

NEW HIRE IN HIGHWAY DEPARTMENT

- Reported he had hired Anthony Seguin as a highway department laborer. He is an eighteen-year-old, who lives in Balmat, and has his CDL permit. He has been through the heavy equipment operation course and will be taking his CDL drivers test next month and is doing very well driving.
- Reported summer help Tom Peck is now done working for the year and is expected to return as summer help next year.

Councilperson Andrews asked Hwy. Superintendent Durham if he wanted to discuss the Country Club Road.

- Hwy. Superintendent Durham Reported he would like to get the Country Club Road completed from the post office to the State Barn next year.
- He believes it will take a group effort including the board to be able to give the residents, who will be affected in this area, time to talk to the Town to let them know what their problems are, because he is pretty sure when he starts digging, he will be digging people's septic tanks and septic lines up that are next to the road and are not supposed to be there. Councilperson Simmons stated in other words people's septic systems are coming out towards the road instead of going behind their houses.

Councilperson Simmons stated she thought most people have their septic systems behind their house. Hwy. Superintendent Durham stated it is the same situation on some of the Farm to Market Road too. Hwy. Superintendent Durham stated there is a pipe that runs down through there that has been caving in, and the Town has had to replace parts of it already, and there is grey water, or leech field water, or whatever going into that pipe.

Supervisor Newvine stated when we get to that point, we will need to invite all of the affected residents to a meeting to discuss what we are going to do, and also the driveways will all need to have culverts in them so they can be ditched back out.

Councilmembers

Councilperson Scott Cleveland:

- Reported the pavilion is all finished being painted, and the plumbing is all winterized.
- By spring, there should be a policy in regard to how the bathroom will be managed being locked and unlocked when the pavilion is ready for use.
- He would like to start pricing some toddler playground equipment and has been waiting to see what was left in the account after the pavilion was finished. Bookkeeper Finnie reported there is \$1,989.44 as of month ending October 31, 2021. Bookkeeper Finnie stated the scrap metal and bottle money that comes in will add to the amount.
- Encouraged the other board members to take a look at the pavilion work that was been done if they haven't seen the bathroom everything looks really nice.

Councilperson Jeff Andrews:

- Asked if there was any heat in the pavilion bathroom. Councilperson Cleveland reported there is no heat, as it is all winterized right now.

Councilperson Lynn Bishop:

- Asked Hwy. Superintendent if the diesel fuel for the trucks needs to be cut with kerosene so that it doesn't gel up. Hwy. Superintendent Durham replied yes, Tripp Fuel and MX do so automatically.
- Asked Supervisor Newvine if MX Fuel would be bringing the diesel fuel cut. It was determined it is listed as so in the BID.
- Wished a speedy recovery for Town Clerk Gale's mother and hoped she would be on the mend soon.
- Asked Hwy Superintendent Durham if the paving of the parking lot would be started tomorrow. Hwy. Superintendent Durham reported yes, he hoped so.
- Expressed his opinion on an excavator purchase, stating he would vote for the CAT.

Councilperson Karen Simmons:

- Asked Hwy. Superintendent Durham to dump the trash in the Fullerville cemetery again before winter.
- Reported the next SOS Program delivery will be November 19th, for Thanksgiving.
- Reported the HAP Program is still going very well, it is held at the Town Hall on Thursdays from 9AM – 4PM, and recently there have been some new visitors.

Supervisor Ricky W. Newvine:

- Corrected a statement he had made at the last meeting concerning the beach grant being in the amount of \$1,000. He reported that was an error, that was the amount of the grant for the year 2021. The beach grant award is actually for the amount of \$3,000 and it is going to be \$3,000 every year for

the next three years. He reported we had asked for \$5,000 and are receiving \$3,000 and it had worked out very well.

- Asked the board members their thoughts about composing a resolution passing similar legislation on the 2nd amendment like the Town of Macomb has done. After some discussion it was the consensus of the board to have Supervisor Newvine take the information to Town Attorney Henry Leader to compose a resolution to be passed by the Town of Fowler.
- Congratulated all of the winners of the election.
- Reported there was a snag with the anticipated milfoil help from the County for Sylvia Lake. He stated he had previously reported the County had agreed to give Sylvia Lake funds to assist in their milfoil efforts, and now it has been tabled. He reported there is now going to be a moratorium, due to the amount of people who are asking for assistance from the County with a milfoil problem. He spoke to Legislator Sheridan about the issue and is awaiting to hear back from him.
- Reported he is still working on the Emeryville bridge. He was given a suggestion to call Senator Patty Ritchie, so he did, and asked her if there was something she could do to help, discussing that anytime there is a big project to be done in the Town of Fowler, we have to put money into it. Supervisor Newvine explained the Town is not opposed to putting money in, however he feels that we pay our county taxes and every project in the Town shouldn't be put on the backs of Town of Fowler taxpayers.
- Discussed there will be a Public Hearing on the 'Solar Law,' proposed Local Law No 4 of 2021 at the December 13th Town board meeting.
- Reported the parking lot is scheduled to be paved on Friday and Monday, and because they extended the paving date, they are going to give the town a free tack coat.

EXECUTIVE SESSION

Supervisor Newvine asked for a motion to enter into executive session to discuss an anonymous letter that was received by the Town.

At 6:38PM a motion was made by Councilperson Andrews seconded by Councilperson Cleveland to enter into executive session to discuss the matter. All in Favor. MOTION CARRIED.

At 6:39PM Highway Superintendent Randy Durham was asked to enter into the executive session.

At 6:45PM a motion was made by Councilperson Andrews seconded by Councilperson Simmons to close the executive session. All in Favor. MOTION CARRIED.

Supervisor Newvine reported the Town had received an anonymous complaint involving a highway, stating Highway Superintendent Durham is aware of it, and is handling the situation. The board feels they can't address an anonymous complaint, as it could very well be a personal vendetta, and someone could say that this is going on and that is going on, and it could open a can of worms. Supervisor Newvine stated he would advise any person in the Town who wants to make a complaint, the board is open to listen to it, but they need to know who is making the complaint, stating it is a basic right to know who your accuser is, and the matter is closed.

Public Comment

- Tim Knowlton announced that Southwest Tech BOCES is having an open house on Tuesday, November 30th from 5PM to 7PM. He reported the public is welcome to attend and stated he thought the houses out back would be open to view. He stated the Town is blessed to have such a wonderful facility.

Supervisor Newvine agreed, stating the Town is going to be receiving the 2nd portion of the ARPA (American Rescue Plan Act) funds in the amount of \$112,000, some of which is going toward finishing the parking lot, and asked Tim if he thought BOCES would entertain the possibility of building an addition on the Town Hall to gain office space. After some discussion, Tim directed Supervisor Newvine to speak with the principal Holly Durham.

- Vivian Goodman thanked Supervisor Newvine for contacting the County to inquire about having County Route 24 from State Highway 812 to the California Road worked on and repaired. She stated the pot holes have been tended to and the sides of the roads were patched up. Supervisor Newvine stated he'd like to take the credit for it, but the County had simply gotten to it on their own, but he did make a phone call to Don Chambers to thank him for the completed road work.
- Sherry Geer stated she saw the Davis property in the County meeting minutes. Supervisor Newvine reported that the County is going to foreclose on the property and New York State is going to clean it up.

BUDGET TRANSFERS

Supervisor Newvine reported bookkeeper Finnie had prepared budget transfers for the general fund and the highway fund. Bookkeeper Barbara Finnie stated the budget transfers this evening are the usual transfers, shuffling monies to some of the accounts that are in the hole, stating it is hard to know where we are going to spend. She reported the general fund total budget transfer to be \$21,665.94, and the highway fund total budget transfer to be \$106,952.88.

Supervisor Newvine asked for a motion to approve the budget transfers. A motion was made by Councilperson Simmons seconded by Councilperson Cleveland. All in Favor. MOTION CARRIED.

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

The bills audited for the General and Highway Fund were # 400 to #444 with a total of \$85,008.46.

The next regular scheduled board meeting & Public Hearing on proposed Local Law No 4 of 2021 will be held on December 13, 2021 at 6:00PM.

With no further business, on a motion of Councilperson Simmons, seconded by Councilperson Cleveland, the meeting was adjourned at 6:55 PM. CARRIED UNANIMOUSLY.

Tami Gale; Town Clerk