

## **Town of Fowler Regular Board Meeting Minutes for April 14, 2020 at 6:00PM**

The Regular scheduled board meeting for the Town of Fowler was held on the above date by teleconference with all Board members attending remotely. Also attending the teleconference remotely were Town Clerk Tami Gale, Bookkeeper Barbara Finnie, Highway Superintendent Randy Durham, Shari Barnhart of Rainbowtech Designs, and Rachel Hunter of the Gouverneur Tribune Press. Tom Manley of Pinnacle Technologies set up and attended the meeting briefly to assure the conference call was working properly. Tax-payer Paul Lamson requested and was provided the information to attend the teleconference meeting however there was no announcement that he did join or attend the meeting. The meeting was posted on the Town Hall entrances, and the Town of Fowler website.

Before the meeting got underway Supervisor Newvine apologized stating that the meeting had limited participation due to technological constraints.

The Town conducted the meeting in a manner that was thought to be acceptable according to Governor Cuomo's Executive Order 202.1 suspending Article 7 of the Public Officer's Law, as advised by Town Attorney Henry Leader. Upon further clarification from Town Attorney Henry Leader it was discovered that the meeting should have provided the public with the ability to listen to or view the meeting in real time as it was being conducted and not from a recorded audio file of the meeting later, as was thought by the Town, to be acceptable.

The Town of Fowler regrets their erroneous interpretation of the Governor's Executive Order 202.1 and is making the necessary adjustments to the teleconference size, and will make sure the notice of future meetings clearly state how they are taking place and how the public may listen to or view future meetings in real time as they are being conducted.

Supervisor Newvine opened the meeting at 6:00PM and requested a moment of silence not only in honor of our military men and women but also for the people in healthcare that are trying to keep us safe.

Supervisor Newvine asked for a motion that would allow him to make a few changes to the agenda to include: having no pledge of allegiance as the meeting is being conducted remotely and not all attendees may have access to an American flag, Town Department reports being read aloud by the supervisor as several department heads would not be in attendance, and to restrict the public comment portion of the meeting. A motion was made by Councilperson Simmons seconded by Councilperson Bishop to allow the changes in the agenda. All in Favor. MOTION CARRIED.

A motion was made by Councilperson Andrews, seconded by Councilperson Simmons to approve the minutes of the Regular Town Board Meeting held on March 3, 2020 at 7PM. All in Favor. MOTION CARRIED.

A motion was made by Councilperson Andrews, seconded by Councilperson Bishop to approve the minutes of the Emergency Meeting concerning COVID-19 held on March 21, 2020 at 10:00AM. All in Favor. MOTION CARRIED.

A motion was made by Councilperson Bishop, seconded by Councilperson Andrews to approve the minutes of the Emergency Meeting concerning COVID-19 held on March 23, 2020 at 4:00PM. All in Favor. MOTION CARRIED.

A motion was made by Councilperson Simmons, seconded by Councilperson Andrews to approve the minutes of the Emergency Meeting concerning COVID-19 held on March 27, 2020 at 9:00AM. All in Favor. MOTION CARRIED.

A motion was made by Councilperson Simmons, seconded by Councilperson Bishop to approve the minutes of the Emergency Meeting concerning COVID-19 held on March 31, 2020 at 4:00PM. All in Favor. MOTION CARRIED.

### **Invitation to Quote Road Work for 2020**

Highway Superintendent Randy Durham reported that he had prepared and delivered a copy of the invitation to quote road work for 2020 to the board members prior to this evenings meeting. The roads to be quoted in 2020 are as follows:

- River Road**                    **Approximately 1.1 miles. 22' wide X 3" over a profiled road with type 3 Binder. About 1.1 miles X 22' wide X 1" compaction with type 6 starting at the Town of Fowler Line and Ending on River Road new pavement from 2019. Both edges of this pavement shall be raked down to act as shoulders. New road is to be fanned to marked area at Bay Road bridge.**
- Kilkarney Road**            **Approximately .12 miles 20' wide X 3" over a profiled road with type 3 binder. About .12 miles X 20' wide X 1" compaction with type 6 starting at State Highway 58 and Ending at the far end of turn around, and pave the plow turn around 36' wide 60' deep. Both edges if this pavement shall be raked down to act as shoulders. Turn around shall not be raked down. New road is to be fanned to marked area on State Highway 58.**
- Byrns Road**                    **Approximately 1 mile 18' wide X 3" over a profiled road with special/fine binder. Road shall be fanned at intersection with County Route 22 and Swiss Hill Road to the White markings.**
- Byrns Road**                    **Approximately .9 mile 18' wide X 3" over a profiled road with special/fine binder. Road shall be fanned at intersection with Shantytville Road and 90 degree turn of Byrns Road.**

Supervisor Newvine stated that there is a chance that the Town would not be completing any paving this year. Highway Superintendent Durham agreed. Supervisor Newvine stated that the longer the Disaster Declaration regarding the COVID-19 crisis goes on, that the status of finances would be up in the air. Bookkeeper Barbara Finnie agreed.

Supervisor Newvine asked the board if they had any issues with placing the invitation to quote the 2020 road work out to bid. Councilperson Andrews stated that there were more roads on the invitation to quote than had previously been discussed. Supervisor Newvine stated that he feels the Town should bid all the roads as the Town does not have to accept the bids. After further discussion, it was the consensus of the board to have Highway Superintendent Durham bid the roadwork as stated for 2020.

### **BOARD MEETING DATE CHANGES TO BEGIN IN MAY**

Supervisor Newvine wanted to give a reminder to all that the Town board meeting dates were changed at the March 3, 2020 Town Board meeting. Board Meetings will now be held on the 2<sup>nd</sup> Monday of each month effective beginning on May 11, 2020 at 7:00PM.

# Town Department Reports

## **Justice Department**

Town Justice Ryan Young was not in attendance and gave his court report to Supervisor Newvine prior to the Board meeting.

## **Bookkeeper**

Bookkeeper Barbara Finnie reported:

- That she would email the Cash Balance Month Ending for March 2020 to the Town Clerk the next day and she could get them to the board members.

## **Assessors**

Supervisor Newvine read aloud a report from Assessor Chair Sherry Geer:

- Due to COVID-19 the assessor's office is preparing a plan in order to utilize telephone conferencing to have contact with property owners in May for the Hearing of Complaints when they sit with the tentative assessment roll.
- Tom Manley of Pinnacle Technologies is setting up a phone in the board room of the Town Hall for this purpose.
- She is finalizing setting the dates that the assessors will be available to hear complaints this week.
- Property owners can call Sherry Geer to schedule a phone conference appointment. Property Owners will need to submit by mail, email, fax, or utilize the Town drop box to submit their complaint form RP524 and evidence to back up their complaint prior to the phone conference. If the owner does not wish to set up a phone conference with the assessors, they can still submit their complaint to the assessors' office and evidence for the assessors to consider in order to make a determination.
- If the assessors agree to change an assessment, they will mail the stipulation agreement to the property owner to sign and return to the assessor office prior to grievance day.
- If the assessors' do not come to an agreement with the property owners, the property owners can still grieve on grievance day. The grievance's will also be held by teleconference. She has discussed the matter with Assessment Review Board Chair Donna Brown, and if a property owner wants to set up a grievance phone conference they will call Assessor Chair Geer to set up the time for the Board of Review to call the property owner on Grievance day.
- The grievance board can also make a determination with the property owners submitting the completed RP524 form and supporting evidence.
- Assessor Chair Geer is going to be setting up a box at the rear entrance to the Town Hall for property owners to pick up grievance forms. They can also find them on the New York State website, or by calling Sherry Geer at 315-286-0298, or the Assessors office at 315-287-0045 extension 105.
- Letters will be mailed out to property owners with assessment changes around May 1, 2020. This letter will explain what actions and procedure can be taken by the property owners who would like to grieve their land taxes.
- Its been a strange year but we will get through this one way or another.

## **Historian**

Historian Karen Simmons reported:

- She has not been up to the historians office during the COVID-19 crisis but has continued to work on scrap booking from home.

## Animal Control

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

- He had received several calls about a dog that was harassing several customers at Bob's Market. The same dog had also chased a cat up a tree in the same vicinity.
- The dog was caught, placed in the Town of Fowler kennel, and later was claimed by its owner.
- The owner has since installed 2 outdoor kennels to keep better track of his animals.

## Beaver Control

Councilperson Simmons reported for Dan Moyer of Moyers Wildlife Control:

- 6- 7 beavers have been removed from the Shantyville Road.
- 1 beaver has been removed from the Byrns Road.
- He had also been dispatched to the Stone Road with nothing yet to report.

## Code Enforcement

Supervisor Newvine reported for Glen Besaw who was not in attendance:

- He had issued 6 building permits for the month.
- Received 1 phoned in complaint of an illegal burn which was referred to the Sheriff's Department.
- Under Executive Order 202.6 & 202.11 the Governor of New York State has ordered Code Enforcement Officers to remain on the job to enforce the Uniform Code and the executive orders.
- Certain aspects of the Uniformed Code are ordered to be relaxed due to travel and order restrictions during the Pandemic under the executive orders. The specifics of the orders are very vague and left up to the discretion of the Code Enforcement Officer.
- There was an inquiry concerning a building permit that he had issued to taxpayer Patrick Steele. Although the lot is non- conforming, the permit is deemed to be allowable under Local Law 1 of 2019: article 5, subsection B. This law states that any lot in existence before this law was passed, is considered to be compliant. Supervisor Newvine stated any further questions on the building permit would need to be answered by Code Enforcement Officer Besaw directly.

**Councilperson Simmons** questioned a voucher that she had signed earlier in the day, to be paid to Jeremy Link in the amount of \$95.00 for an electrical inspection that was performed at 1442 County Route 24, and specifically why the Town was paying for the inspection to be done for a private residence and not the homeowner.

**Supervisor Newvine** asked Bookkeeper Barbara Finnie her thoughts on the matter. Bookkeeper Finnie inquired as to who asked for the electrical inspection to be done. Supervisor Newvine stated that he thought that Code Enforcement Officer Besaw had asked for the inspection to be done. Bookkeeper Finnie reported that if the Code Enforcement Officer asked for the electrical inspection to be done, then the Town is liable and responsible for paying the bill for it to be done she believed.

**Councilperson Bishop** wanted to know why Code Officer Besaw was called in the first place and asked why the fire department was not called. He feels that the Town can't keep paying for private home inspections to be completed. Supervisor Newvine stated that Code Enforcement Officer Besaw reported it was the Town's responsibility. Supervisor Newvine reported that he himself did not know the answer and that the Town would need to research the matter. Supervisor Newvine stated that he will get a hold of Code Enforcement Besaw the following day and see what he has found out regarding how to proceed.

## Town Clerk

Town Clerk Tami Gale reported:

- She had licensed 25 dogs, handled 7 building permits, issued 8 certified death certificates, collected \$50.00 in kennel fees and the total DEC sales for the month was \$90.00 with \$2.10 being Town commissions.
- That 79.42% of Town & County Land Taxes have been collected.
- 2<sup>nd</sup> notices for payment of County land taxes have been readied to be mailed this month to 137 taxpayers.
- She had been attending the weekly COVID-19 conference call updates from the County.
- She had requested and received 2 gallons and 10 2oz bottles of spray hand sanitizer from the County Emergency Services. She had requested the Town of Fowler to be placed on a list to receive face masks.
- She had attended a FEMA teleconference call on 4480 DR NY, to learn more on the major disaster declared by President Trump for the COVID-19 incident and how the Town could receive reimbursement on purchases relating to the pandemic.
- She would like to congratulate Deputy Town Clerk Debra Tupper on passing her Notary Public Exam.
- She would like to thank Shari Barnhart for all of the website updates stemming from the Pandemic.
- The Town clerk office is accepting credit cards for taxes, DEC licenses and Town Clerk items.
- That the Town Court had closed on March 17, the Town Hall & Playground closed to the public on March 18, and she asked the board what their thoughts were about the ballfield and the beach.

Supervisor Newvine stated that both the ballfield and beach would also be closed to the public until after the pandemic is over and will have signs saying closed until further notice installed at both locations.

## Highway Department

Highway Superintendent Randy Durham discussed culverts:

- Stating last month he had sold a culvert from the Town of Fowler's stock of culverts to a resident, and asked the board if that was going to be their new SOP selling culverts to the public at Town cost, stating that other Town's do that, so it must be legal. Supervisor Newvine stated that he did not see why the Town couldn't sell the culverts that were purchased by the Town of Fowler to the taxpayers. Supervisor Newvine reported that the policy in place now states the taxpayer has to pay for the culvert, but it does not say who they have to buy it from. Highway Superintendent Durham stated that was correct, adding the Town has never sold culverts to the public before. Highway Superintendent Durham reported that he did not have any problems selling the culverts as he had a ton of culverts over there right now. Supervisor Newvine stated then he might better get rid of some and get some money from them.

Councilperson Simmons interjected that in the bills for this month was an invoice from Howland Pump Supply in the amount of over \$10,000, and asked Highway Superintendent Durham if it was necessary to buy that many culverts all at once. Highway Superintendent Durham reported that was the amount it was going to take to get the Byrns Road done. Councilperson Simmons stated there were 46 culverts that were ordered on the Howland Pump Supply invoice. Highway Superintendent Durham stated that a lot of the roads will take 2 and ½ 20' culverts to get across the road, and that he has seen it take up to 80' of culvert to do a road. He reported that he gets the culverts at state contract price and you have to buy so many culverts to get the state contract price. Highway Superintendent Durham reported that he did not have any culverts to start the year with and that the culverts were not going to go to waste, and told the board that they were all welcome to come and put culverts in with him.

Councilperson Bishop asked Supervisor Newvine what the policy was if the highway department installs a culvert for a taxpayer's driveway, does the Town supply the gravel and the man - power to cover it back up. Supervisor Newvine and Councilperson Simmons stated that yes that was the Town policy. Highway Superintendent Durham stated that the Town supplies 2 loads of gravel when they install culverts for taxpayers and they do not charge for the gravel.

## **Return to work date of Highway Department**

Supervisor Newvine led a discussion on when the highway department laborers would be returning to work by asking the rest of the board their thoughts on the subject. Highway Superintendent Durham reported that he and Councilperson Andrews had discussed that they want to start bringing them back. Councilperson Andrews then suggested waiting one more week but by the end of the month he would say bring them back. Supervisor Newvine stated that he was thinking the 1<sup>st</sup> of May to bring them back. Councilperson Andrews stated that there is a ton of stuff to do and he didn't see why five men could not return to work and be able to practice social distancing sufficiently. Councilperson Bishop stated they could start picking up the road sides and practice social distancing that way. Highway Superintendent Durham reported that he had plenty of work for them to do. Supervisor Newvine stated that they would be looking to bring the highway laborers back to work the first week of May and if something more were to change then the board would make a decision to amend the return to work recommendation.

## **Councilmembers**

### **Councilperson Simmons:**

- Reported the Town had received 4 thank you cards from individuals who have received care packages from the Town, and everyone seems very appreciative and are pleased even just to receive a phone call to check on them even if they do not wish to receive a care package.
- Wanted to give Supervisor Newvine the credit for coming up with the SOS (Support Our Seniors) program initiative to help offer assistance to the Town of Fowler 65 years of age or older population during the COVID-19 Pandemic.
- Wanted to commend Town Clerk Gale for getting the Municipay credit card service set up for the Town of Fowler to be able to accept credit cards as a form of payment making it easier for some residents to be able to pay their taxes.
- Reported that the 2<sup>nd</sup> delivery of care packages for SOS (Support Our Seniors) is expected to be delivered this week and asked the volunteer callers to have their number of people who wish to receive a care package to her by 8PM Wednesday so she could have a good idea of the amount of items to buy.
- Shopping for the care packages will be done on Thursday and packing up the items would be done on Friday with deliveries expected to be made on Friday and Saturday. She stated that a larger number of recipients are anticipated this delivery.
- Discussed the probability that Fowler Family Day is likely going to be cancelled this year and reported that she had already received some money for the event. Supervisor Newvine stated that the Family Day Committee hopefully would be able to meet soon to make the decision on cancelling and arrange to have any monies already received returned to the individuals.

### **Councilperson Andrews:**

- Reported that all of his questions were previously answered earlier in the meeting.

### **Councilperson Bishop:**

- Asked Supervisor Newvine if the mowing contract work has begun. Supervisor Newvine reported that Danny Fifield had begun the cleaning of the Gulf , the Balmat and California Road cemeteries and the beach.
- Asked Supervisor Newvine if the Town was going to have a good solid base installed to hold an American Flag and pole at the pavilion site. Supervisor Newvine reported that he had shared Councilperson Bishop's idea with Mike Cappellino who will have discussions with Ivan Shampine to include the request.

### **Supervisor Newvine:**

- Reported that he had received the paperwork from the Department of Health for the permit to run the beach and stated that he will execute the document in the time period as the Governor's orders allow.
- Reported that he had received a thank you card from Joanne Woodard, addressed to himself and Councilperson Bishop thanking them for the care package that had been received. He wanted to state that he and Councilperson Bishop had the least to do with the care packages and he wanted to give thanks to Karen Simmons, Debra Tupper, Linda Hill, and Tami Gale for their work and congratulated them for their efforts for making the SOS (Support Our Seniors) program work, as well thanked Jeff Hill and Randy Durham with assisting with deliveries.
- Read a thank you letter from the Hailesboro Cemetery Association for the Town's yearly contribution to the cemetery. The letter announced the money will help with the removal of three more trees that have become a hazard, as well as their efforts to replace old wooden name markers with New York State required granite markers in the older section of the cemetery. The letter also went on to thank the Town of Fowler for their continued support as it helps with the on- going maintenance of the cemetery.
- Read Jeff Hill's retirement letter with his official retirement date of March 20<sup>th</sup>, 2020 to the board.
- Asked the board members if they had all received a policy book prior to the board meeting. The book was put together by Councilperson Karen Simmons, Deputy Town Clerk Debra Tupper and Town Clerk Gale compiling the Town's policies for each board member to have for their review. Councilperson Simmons stated that she would like the board members to look over the policy book over the next month or so and the board could get together to amend and make revisions to the policies.
- Reported that the Town has yet to audit the bookkeepers' books and appointed Councilperson Andrews and Councilperson Simmons to the audit committee. He asked the two Councilmembers to arrange a time to get together with bookkeeper Barbara Finnie to conduct the audit.

A motion was made by Councilperson Andrews seconded by Councilperson Simmons to audit the bills.

The bills audited for the General and Highway Fund were # 99 - # 142, with a total of \$61,864.57.

The next regularly scheduled board meeting will be on Monday, May 11, 2020 at 7 PM.

At 8:24PM motion was made by Councilperson Andrews seconded by Councilperson Simmons to adjourn the meeting.

Tami Gale; Town Clerk