

Minutes - February 5, 2013 - 7 PM

The Regular Meeting for the Town of Fowler was held on the above date with all members present. Also present were Town Clerk Sherrie Williams, Code Enforcement Officer Rick Whitford, Justice Paul Lamson, Bookkeeper Gary Higgins, Highway Superintendent Gary Williams, Legislator Alex MacKinnon, Tim Prashaw, Mike Sweeney, Dalton Fayette, Dustin Fayette, Eugene Bishop, Lynn Bishop, Kathy Moses, Debbie Tupper, Dick Tupper, Larry Allen, Mike Macaulay, Jeff Hill, Dave Spilman, Deputy Dog Warden Tammy Hooley & Ian Fawcett.

Supervisor Cappellino called the meeting to order then proceeded with the opening prayer & the pledge of allegiance. At 7:01 Supervisor Cappellino opened the Public Hearing for the Proposed Local Law No. 1 of the year 2013 Amending Local Law No. 21 for the year 2010, Dog Control Law for the Town of Fowler, to Increase the Penalties for Violation which will last for 1 hour.

After discussion, a motion was made by Councilperson Rick Newvine to approve the January 15, 2013 Organizational Meeting Minutes & seconded by Councilperson Randy Durham. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Randy Durham; Yes, Natalie Spilman; Yes. All in Favor. MOTION CARRIED.

Supervisor Cappellino reported that he had Resolution No. 3 of 2013 for approval of Judge Lamson's 2012 books to be approved by the board. After examination of Judge Lamson's 2012 books by the board, a motion was made by Councilperson Rick Newvine to approve Resolution No. 3 of 2013 for approval of Judge Lamson's 2012 books & seconded by Councilperson Karen Simmons. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Randy Durham; Yes, Natalie Spilman, Yes.

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All in Favor. MOTION CARRIED.

Supervisor Cappellino reported that there was 1 bid for the Data Collection Bid which was from Devan F. Korn for \$28,500 plus 0.555 mileage & the work would be completed by March 31, 2014. An appointment will be made for the board to meet with him to get more information so the issue was tabled.

Supervisor Cappellino reported that 4 Beaver Control Bids have been received as follows:

1. Daniel Moyer - \$5,000 per year
2. Darrel Whitton - \$749 per month/ \$8,239 per year
- 3 Timothy Prashaw - \$7,700 per year
4. Daniel Ebel - \$19,900 per year

Consensus of the board was to accept all the bids & verify all the information. After discussion, a motion was made by Councilperson Randy Durham to appoint Tim Prashaw to the Beaver Control Position for the year 2013 at a bid of \$7,700 per year & seconded by Councilperson Rick Newvine. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Randy Durham; Yes, Natalie Spilman; Yes. All in Favor. MOTION CARRIED.

Lynn Bishop had a concern with 1 highway snow plow driver's speed & plows making too many runs. Although unaware of it, Mr. Williams said he would take care of the problem of the speed, but that he does not believe there have been too many runs since the Highway Department has been dealing with wind, snow, thawing & freezing.

Legislator MacKinnon reported that the Emeryville Bridge repair is progressing. The County received a report from the State which

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says the base of the beams may have to be replaced & could be very costly. Based on that information, the County will only replace the deck on the Emeryville Bridge. The Town will contribute money for the project. The County believes that the Emeryville Bridge deterioration may be more than expected. A height barrier will be put on the bridge so no big trucks can cross the bridge. It was also discussed about the 1% sales tax increase that the County is pursuing.

Town Clerk & Tax Collector Sherrie Williams reported that 73.89% of the taxes have been collected so far.

Deputy Dog Warden Tammy Hooley reported that 8 complaints & 1 warning have been addressed. There were 2 dogs in the kennel which have both gone to homes. Three dogs were missing & have gone home. She thanked Rick Whitford for his work on the Dog Pound to improve some issues.

Councilperson Karen Simmons stated that names are being researched for the WWII Fowler Plaques.

Highway Report - Superintendent Williams reported that he would like to replace the ¾ ton pickup with a ¾ ton truck with a plow for the Highway Department. A 1 ton diesel truck was also discussed as a possibility; the issue will be discussed further.

The possible closing of the Fowler Elementary School was discussed & the effects it would have on the area.

At 8:17 PM a motion was made by Councilperson Randy Durham to close the Public Hearing for the Proposed Local Law No. 1 of

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2013 Amending the Dog Control Penalties & by Councilperson Karen Simmons. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Randy Durham; Yes, Natalie Spilman; Yes. All in Favor. MOTION CARRIED.

Councilperson Randy Durham recommended 5 people to be appointed on the Code of Ethics Committee for 1 year. They are Lillith Griffith, Vicky Cappellino, Carrie Dickinson, Laurina Greenhill, & Randy Durham. After discussion, a motion was made by Councilperson Natalie Spilman to appoint Lillith Griffith, Vicky Cappellino, Carrie Dickinson, Laurina Greenhill, & Randy Durham to the Code of Ethics Committee for 1 year & seconded by Councilperson Karen Simmons. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Randy Durham; Yes, Natalie Spilman; Yes. All in Favor. MOTION CARRIED.

Councilperson Karen Simmons reported that Dr. Twining said he would do the Fowler Rabies Clinic this year if he is able to. She will contact Dr. Tim Monroe to see if he would do the rabies clinic if Dr. Twining was not able to. The date of the rabies clinic will probably be in May.

Councilperson Karen Simmons reported that Historian Connie Bishop is in the hospital & she is filling in for her in the Historian Department.

After discussion, a motion was made by Councilperson Randy Durham to approve Local Law No. 1 of 2013 Dog Control Law for the Town of Fowler to Increase the Penalties for Violation & seconded by Councilperson Karen Simmons. Roll call vote

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showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Randy Durham; Yes, Natalie Spilman; Yes. All in Favor. MOTION CARRIED.

Councilperson Rick Newvine reported that he made a Mileage Reimbursement Policy for the board to consider. After discussion, a motion was made by Councilperson Rick Newvine to approve the Mileage Reimbursement Policy & seconded by Councilperson Natalie Spilman. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Randy Durham; Yes, Natalie Spilman; Yes. All in Favor. MOTION CARRIED.

Supervisor Cappellino announced the 2013 appointments for the Town Board Committees & Departments as follow: Natalie Spilman - Sylvia Lake Beach; Rick Newvine - Ball Parks & Cemeteries; Randy Durham - Highway Department; Karen Simmons - Animal Control; Michael Cappellino, Rick Newvine, Randy Durham - Audit Committee.

Supervisor Cappellino reported that he received a letter from Robert Buddenhagen resigning from the Board of Appeals (Variance Board) effective immediately. After discussion, a motion was made by Councilperson Rick Newvine accepting Robert Buddenhagen's resignation from the Board of Appeals with regret & seconded by Councilperson Randy Durham. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Randy Durham; Yes, Natalie Spilman; Yes. All in Favor. MOTION CARRIED.

Supervisor Cappellino reported that the board will have a work

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session on February 19, 2013 at 6:30 PM on several issues at the Fowler Town Hall.

Supervisor Cappellino reported that the board would like to have department heads attend board meetings.

Supervisor Cappellino reported that the new Town Hall furnace has been installed & Tripp Fuels has provided a quote of \$1,500 for the work that needs to be done on the horizontal furnace in the Town Barn. Consensus of the board was for Tripp Fuels to repair the furnace.

Supervisor Cappellino reported that the Town was awarded the 2012 NYS Community Development Block Grant Housing Award for \$400,000 for housing rehabilitation. The environmental review is in process at this time.

Jeff Hill asked the board if they were going to be laying off more men from the Highway Department. Supervisor Cappellino said that he did not have an answer for him at this time.

Ian Fawcett wanted to offer his computer services to the Town.

The board audited the Town Clerk & Bookkeeper 2012 books.

At 8:45 PM a motion was made by Councilperson Rick Newvine for the board to go into Executive Session concerning highway employees union contract & seconded by Councilperson Randy Durham. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Randy Durham; Yes, Natalie

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Spilman; Yes. All in Favor. MOTION CARRIED.

At 9:15 PM the board came out of Executive Session concerning the highway employee union contract.

Supervisor Michael Cappellino reported that the next Board Meeting will be on March 5, 2013 at 7 PM in the Fowler Town Hall.

The bills audited for the General Fund were #12 - #33 \$13,444.95 & Highway Fund #9 - #22 - \$16,158.55.

A motion was made by Councilperson Rick Newvine to adjourn the meeting at 9:25 PM & seconded by Councilperson Karen Simmons. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Natalie Spilman; Yes, Karen Simmons; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED.

Michael Cappellino; Supervisor    Sherrie Williams; Town Clerk

Rick Newvine; Councilperson    Randy Durham; Councilperson

Karen Simmons, Councilperson    Natalie Spilman; Councilperson

## 2013 TOWN BOARD COMMITTEES & DEPARTMENTS

1. Councilperson Natalie Spilman - Head of Sylvia Lake Beach
2. Councilperson Rick Newvine - Head of the Ball Parks & Cemeteries
3. Councilperson Randy Durham - Head of Highway Department issues
4. Councilperson Karen Simmons - Head of the Animal Control issues
5. Audit Committee - Supervisor Michael Cappellino, Councilperson Rick Newvine, Councilperson Randy Durham



TOWN OF FOWLER  
MILEAGE REIMBURSEMENT POLICY EFFECTIVE 1/1/2013  
APPROVED FEBRUARY 5, 2013

For purposes of this policy the definition of employee will be any paid employee, elected official, appointee (paid or unpaid) or volunteer deemed eligible for reimbursement by law and/or by edict of the Town Board.

Mileage reimbursement will be considered for employee activities per the direction of the Town Board and any training or duties necessary to properly meet positional qualifications. Only mileage from the Town facilities at 87 Little York Road to the duty destination and back will qualify. The employee is responsible for any costs to arrive at the Town facility to attend regular meetings and any events deemed necessary by the Town Board as a part of regular protocol.

Qualifying mileage will be paid at the rate set at the Town of Fowler organizational meeting for the year in which the service is provided.