

Minutes - July 2, 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, Justice Paul Lamson, Bookkeeper Gary Higgins, Code Enforcement Officer Rick Whitford, Deputy Dog Warden Tammy Hooley, Tom Graves, Joel LaPierre, Debbie Tupper, Wanda Fayette, Dustin Fayette, Supervisor Lifeguard Chantele Worden, Vicki Cappellino, Herb Fuller, Tim Prashaw, & Joanne Orford.

Supervisor Cappellino called the meeting to order then proceeded with the opening prayer & the pledge of allegiance.

After discussion, a motion was made by Councilperson Rick Newvine to approve the June 4, 2013 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 2 truck bids were received from West Herr Ford. One for the $\frac{3}{4}$ ton pickup for \$27,369.00 & one for the F450 low profile dump truck for \$43,323.00. Superintendent Williams stated that he would like to have the $\frac{3}{4}$ ton truck purchased because it would be small enough to still plow the bridges in Fowler. After discussion, a motion was made by Councilperson Rick Newvine to purchase the $\frac{3}{4}$ ton crew cab pickup from West Herr Ford & seconded by Councilperson Randy Durham. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Natalie Spilman; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED.

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Reported that these new resolutions are required by NY State Retirement because of a previous misuse of the Retirement System by other parties in the system. After discussion, a motion was made by Councilperson Rick Newvine to approve Resolution #8 of 2013 Standard Work Day Resolution for Employees & seconded by Councilperson Karen Simmons. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Natalie Spilman; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED. After discussion, a motion was made by Councilperson Rick Newvine to approve Resolution No. 9 of 2013 Standard Work Day and Reporting Resolution & seconded by Councilperson Natalie Spilman. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Natalie Spilman; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED.

Joanne Orford asked if there was any progress concerning the Sylvia Lake beach boundaries issue. Supervisor Cappellino reported that it is in litigation & could not be discussed at this time.

Joel LaPierre asked if the Town has a road rehabilitation plan & has bonding for road repair been considered. It was discussed that all options are being considered; but there is basically only so much money for road work.

Code Enforcement Officer Rick Whitford reported that he has issued 8 permits for June. He has been working on stone facing on the front of the Town Hall.

Beaver Control Officer Tim Prashaw reported that 3 beavers have

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been taken in the last month.

Councilperson Rick Newvine reported that AMP is involved in some litigation. Also, the Land Use Plan is nearly finalized & hopefully will be presented at the next meeting.

Councilperson Karen Simmons reported that a thank you letter from Friends 4 Pound Paws was received for the donation they received from the rabies clinic donations. She reported that \$210 in donations was received at the rabies clinic. The donation money was distributed as follows: \$100 - Dr. William Twining, \$50 - Friends 4 Pound Paws, \$50 - Spay/neuter Now clinic, \$10 - soda for Town Barn.

Deputy Dog Warden Tammy Hooley reported that 11 complaints, 6 warnings, & 1 ticket were issued during June.

Councilperson Randy Durham reported that Lauren French is starting 2 committees - Fowler School Historical Committee & What To Do with the closed Fowler School Building Committee if anyone is interested in joining. He reported that 13 rehab grants were chosen through interviews & he would like to pursue a grant for Parks & Recreation for Fowler. He will get more information. He would like to get the bridge count numbers from the County when they are available & Superintendent Williams will look into getting the information.

Councilperson Natalie Spilman reported the beach will be open this year from June 22nd - September 2nd with hours of 11 am - 7 PM everyday. Chantele Worden is the new Supervising Lifeguard

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at the beach. The Department of Health did an inspection for the beach. There were only a few issues which have already been corrected. So far there has been a very good attendance up at the beach. She has asked the individuals that had their boat trailers parked in the Beach parking lot to move them out of the Beach parking area & the trailers have been moved to another location. BOCES is going to do some more improvements at the Beach in the fall & better handicapped access to the beach is going to be looked into.

Councilperson Natalie Spilman reported that Data Collector Devan Korn has been organizing records, 49 cards are done so far, & lots of calls are being received from the town residents.

Highway Superintendent Williams reported that the roadsides are being mowed, the Emeryville Bridge barricades have been replaced again, & a portion of tree has come down on the Fullerville Road. It's in the Town's right-of-way which is in rough shape & could fall on a home. He has received 3 quotes to have the tree removed since the Highway Department can not do it. He feels that since the safety issue has been brought to the attention of the Town, it is a liability issue for the Town to address by having the tree taken down. The issue was discussed by the board & is on hold until the Association of Towns & the town lawyer are contacted about the liability issue.

Supervisor Cappellino reported that he contacted the town lawyer concerning signing the Fire Department Contract. He has not heard anything back yet.

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Supervisor Cappellino reported that the Local Law No. 2 Referendum asking the residents of Fowler if they want the Highway Superintendent position changed from elected to appointed will be in the November election for the residents to vote on.

Supervisor Cappellino reported that Nellie Dimon has resigned from the Deputy Town Clerk position & Variance Board Chairman as she has moved away. A motion was made by Councilperson Rick Newvine to accept Nellie Dimon's resignations with regret & seconded by Councilperson Randy Durham. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Natalie Spilman; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED.

Supervisor Cappellino reported that the board would be going into Executive Session concerning the Sylvia Lake Beach at 8:25 PM. A motion was made by Councilperson Rick Newvine for the board to go into Executive Session & seconded by Councilperson Karen Simmons. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Natalie Spilman; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED. At 8:50 PM the Executive Session was done & Supervisor Cappellino reported that the litigation concerning the individuals who have put docks on beach property were discussed.

Supervisor Cappellino reported that he has information for anyone that would like to make a donation to Friends 4 Pound Paws.

Supervisor Cappellino reported that he received a letter from

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Senator Patty Ritchie stating that she is also against the NY Safe Act Legislation.

Supervisor Cappellino reported that the next board meeting is August 6, 2013 at 7 PM in the Fowler Town Hall.

The bills audited for the General Fund were #140 - #167 \$14,891.09 & Highway Fund #96 - #109 - \$20,550.39.

A motion was made by Councilperson Rick Newvine to adjourn the meeting at 8:55 PM & seconded by Councilperson Randy Durham. 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