**Town of Fowler June 10, 2024 Minutes of Regular Scheduled Board Meeting at 6PM.**

The Town of Fowler Regular scheduled Town Board meeting was held on the above date with all board members present. Also present were Town Clerk Tami Gale, Town Justice Tim Knowlton, Highway Superintendent Randy Durham, Ethics Committee Member Vivian Goodman, Planning Board member John Walsh, Assessor Chair Kathy Besaw, Code Enforcement Officer Glen Besaw, Debbie Walsh, Ed Lugo, Laurina Greenhill, and Rachel Hunter, Editor of the Gouverneur Tribune Press.

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 those who have passed since our last meeting: Robert McIntosh, George LaBow, Marc Dusharm, and Marjorie Crowner.

Supervisor Newvine asked for a motion to approve the minutes from the May 13, 2024, regular scheduled board meeting. A motion was made by Councilperson Cleveland, seconded by Councilperson Bishop. All in Favor. MOTION CARRIED.

  **RESIGNATIONS**

Supervisor Newvine read aloud a letter of resignation from Brian Koerick, an employee of the highway department, whose last day of work will be June 24th, 2024.

Supervisor Newvine asked for a motion to accept the resignation. A motion was made by Councilperson Knight, seconded by Councilperson Cleveland. All in Favor. MOTION CARRIED.

Supervisor Newvine read aloud a letter of resignation from Anthony Seguin, an employee of the highway department, whose last day of work will be June 20th, 2024.

Supervisor Newvine asked for a motion to accept the resignation. A motion was made by Councilperson Bishop, seconded by Councilperson Knight. All in Favor. MOTION CARRIED.

 **MAINTENANCE UPDATE**

**Maintenance**

**Maintenance Worker Byron Woodward reported:**

* The cement has been completed in the yellow barn in advance of the new overhead doors being installed.
* It is recommended no heavy equipment be on the fresh cement for at least 28 days.
* The new overhead doors are scheduled to be installed next week.
* He has installed safety guards around the sump pump hole in the Town Hall basement to comply with County recommendations.
* He will be pressure washing the Town Hall to get rid of spiders in preparation for family day.
* Recommended that new family day signs be purchased for next year, as the family day signs are in poor condition.

Councilperson Knight thanked maintenance worker Byron Woodward and Councilperson Bishop for the great job they did on the cement work. Supervisor Newvine thanked Councilperson Knight as well, for his help, stating all three had done a great job.

  **PROPOSED LIBRARY BOX FOR THE PLAYGROUND**

Supervisor Newvine reported he had received a call from a taxpayer who proposed having a library box installed at the playground for children to be able to swap out books when they visit. It was the consensus of the board that the library box installation was a great idea, and all are in favor.

 **DISCUSSION ON POPPLE HILL RD SPEED COMPLAINT**

Supervisor Newvine reported he had received a complaint of speeding on Popple Hill Road. It was discussed that Hwy. Superintendent Durham had spoken to the complainant and there is not really much the town can do about it. He stated that we could apply to the State to have a speed study done on the road, which takes between 6 months to 1 year. After some discussion, it was the consensus of the board to start the paperwork to apply for a speed limit reduction study to be completed by the State.

**UPDATE FROM CEO BESAW ON CHANGES TO PROPOSED LOCAL LAW No. 3 OF 2024 – ESTABLISHING BURNING REGULATIONS**

Supervisor Newvine confirmed through CEO Besaw, that the DEC is in favor of the proposed local law and reported that CEO Besaw has been working with DEC officer Scott Atwood on this. Supervisor Newvine stated the problem is the DEC doesn’t respond soon enough and that taxpayers have called with burning complaints multiple times.

Supervisor Newvine stated that in fairness to the DEC, they have issued some tickets for burning within the last week.

Supervisor Newvine asked meeting attendee Laurina Greenhill if she had a chance to view the revised proposed Local Law and what she thought about the revisions. Laurina Greenhill reported that she still had some concerns about the proposed Local Law. She stated that she raises the issues to make sure that we have a clear and concise local law. She stated she had thought about why there was a need for this local law, and referenced other topics talked about at last months board meeting that included the States over regulation including the changes that they have mandated for the dog kennel, and the issue that was raised with a lifeguard now being mandated to attend from the REC Center program, both discussed as being over regulation from the State; and we are proposing a law that in a way isn’t completely necessary when there is already a New York State Law that exists. She understands that there may be some difficulty with the availability of the DEC to respond but questions if the citizenry should have to have more regulation, and named several concerns:

Section 7 E. (Page 3 & 4)

* Outdoor Campfire…size of campfire structures… the proposed local law states it cannot exceed three( 3) feet in height or length…….New York State Law allows for three (3) feet by four (4) feet.

 Section 7 M. (Page 4)

* The word “unless” should be inserted after the word “ structure” and before the word “authorized”.

 Section 8: Burn Barrels (Page 4) “maintain”

* No person shall use or maintain a burn barrel in the Town of Fowler.

(this is more restrictive than the New York State Law.)

 Section 11: Right of Entry and Inspection (Page 5)…… is quite expansive and

 broad.

* Should this be more precise naming the Code Enforcement Officer as the only person with the authority to enter not the Fire Chief, any agent, employee or representative of the Town of Fowler?

 Section 12: Enforcement and Penalties (Page 5)

* She understands that under the Municipal Home Rule, the town can expand on the penalties and fines, but thought that a violation of the proposed law being punishable by up to five (5) days imprisonment was a bit excessive and asked Town Justice Tim Knowlton his thoughts.

Town Justice Knowlton reported he would call and investigate the matter with OCA the next day to garner their opinion and stated it has been recommended not to put arrest warrants out for something like animal control tickets, or open burning violations in the past, but imprisonment is included as a penalty in other local laws.

Section 7: Open burning of leaves (Page 3)

* Open burning of leaves not attached to brush or limbs, weeds, brush, stumps, clean wood and other vegetative debris **is allowed** in the Town of Fowler only in accordance with the following provisions:…

Laurina Greenhill stated leaves are not allowed to be burned under New York State Law; and the wording of the proposed local law gives the appearance that leaves are allowed to be burned in the Town of Fowler, contradicting State Law.

CEO Besaw agreed stating that the proposed local law is not right. It is not allowed under DEC law, and the Town of Fowler can’t lessen a DEC law reporting that you can’t burn leaves unless they are attached to a limb.

It was discussed that the entire first paragraph under section 7 should be omitted.

Town Clerk Gale stated that all the above concerns were documented after the May 13th board meeting and provided for revisions to be made to this proposed local

law.

CEO Besaw stated he had not had time to read the revised, proposed local law yet, but he had talked with the Town Attorney, and thought it stated somewhere in the proposed local law that burning has to be in line with established New York State DEC law which does not allow for the burning of leaves, so he agreed the entire first paragraph under Section 7 should not be in the proposed local law

Supervisor Newvine thanked Laurina for her concerns and commentary.

Supervisor Newvine stated that he would get with CEO Besaw to make the revisions to the proposed local law, and he would like to schedule a second public hearing on proposed Local Law No. 3 of 2024 – Establishing Burning Regulations due to the multiple changes that have been made to it.

After some discussion, a motion was made by Councilperson Cleveland seconded by Councilperson Bishop to hold a second public hearing to consider proposed Local Law No. 3 of 2024 - Establishing Burning Regulations on Monday, June 17th 2024 at 4:30 PM.

 **Town Department Reports**

**Justice Department**

Town Justice Tim Knowlton reported:

* He had attended the Magistrates meeting in Canton, which was held on May 13th, at the same time as the last Town of Fowler board meeting.
* The probation department gave a very informative presentation at the Magistrates meeting.
* DA court days have been extremely full of court attendees, as the process of moving the cases through the court system, some of which are drug arrests that occurred in January, is very slow.
* He is beginning his 12 hours of required yearly training and Court Clerk Ashley will be beginning her 6 hours of required yearly online training.
* There were a few dog related tickets issued and neither of the defendants showed up for court.
* Only two (2) people showed up for vehicle and traffic court.
* There was one (1) open burning citation.

**Bookkeeper**

Bookkeeper Barbara Finnie was not in attendance.

**Assessors**

Assessor Chair Kathy Besaw reported:

* Grievance month is over. There were five (5) grievances filed this year, which is average.
* Four (4) of the grievances were accepted and one (1) was not. Hydro wasn’t accepted as they have already beaten us in court, and there is nothing more their office can do.
* This will change what is going to be collected in taxes. Every time an assessment is lowered, the difference will be dispersed to all of the taxpayers in the town. She reported that this is going to continue to be an issue, and everyone is aware of it.
* There was an $800,000 sale in the Town of Fowler since March 1st. The assessment of the property is very low and cannot be changed to reflect that $800,000 sale. Supervisor Newvine asked what it was assessed for. Assessor Chair Besaw thought it was assessed for around $30,000.
* There was another big sale on Sylvia Lake for the amount of $430,000 and it is assessed at $20,000, and its assessment can’t be changed to reflect the sale.
* She reported the equalization rate is going to go down again, the tax rate per thousand is going to go up again, and that is going to continue to happen every year.
* She reported last year’s tax rate per thousand was about $124.00, and she estimates this year’s will be about $127.00.
* She anticipates seeing more businesses hire assessment specialists to grieve and file their assessments for them.

Supervisor Newvine thanked the assessors for their work.

**Historian**

Historian Karen Simmons reported:

* She is having trouble obtaining names of people who served in the Korean Conflict as there are a lot of people who served during the time period that did not serve in Korea.
* She has placed a call to the military museum in Saratoga, and to Senator Mark Walczyk’s office for assistance.
* She had hoped to have the new plaque in time for family day, but it doesn’t look like that is going to happen.

**Animal Control**

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

* One (1) excessive barking dog complaint was received on County Route 22.

Supervisor Newvine read aloud correspondence received from Senator Mark Walczyk’s office regarding the resolution passed at the May 13th Town of Fowler board meeting requesting legislation to relax the standards that have to be met due to new mandates for the dog kennel. Supervisor Newvine reported that it doesn’t look like we will be receiving any assistance on an exemption for the Fowler dog kennel due to the difficulty in getting one passed by the end of the session.

Supervisor Newvine stated that we will do what we need to do to comply with the mandates as much as is reasonable.

**Beaver Control**

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

* He is still working on beaver control on the Country Club Rd.
* He continues to check beaver activity on the Chub Lake Road.

**Code Enforcement**

Code Enforcement Officer Glen Besaw reported:

* There are more new houses being built in the Town of Fower.
* There is a situation on Stone Rd. involving a compound being built with no building permits obtained.
* He reported he is in contact with Albany, the New York State Department of Health, and the Town Attorney regarding the designing and installation of the septic system without a license, and permit. It was discussed that legal action is forthcoming.
* All parties are aware of the violations and penalties to come, and reported they are going to be residents so we will try to make it as painless as possible.

**Town Clerk**

Town Clerk Tami Gale reported:

* DEC Gross sales for the month were $395.00 with the Town of Fowler’s Commission being $18.96. She had licensed 38 dogs, handled 9 building permit applications, issued 2 certified marriage licenses, issued 1 - One Day Marriage Officiant License, issued 11 death certificates, collected $3.00 in miscellaneous dog fees, and had collected $2.50 for photo copies.
* Tax collection is over, and 93.28% of the tax roll has been collected.
* Bottle & Can money was received in the amount of $72.30 & $44.82.
* Pepsi Machine money received was $273.00.
* Asked the board for permission to sign an amendment to the DEC Licensing Issuing Agreement. It was the consensus of the board to approve the signing of the amendment.
* There will be a local government conference held at SUNY Potsdam on October 15, 2024 and education classes will be offered for assessors, board members, budget & finance, highway superintendents, municipal clerks, planning and zoning. If anyone would like to sign up for the conference training contact her to register.
* The temporary credit for the fraudulent activity on her town credit card has now been resolved and made permanent.
* She has been busy with family day preparations. Tickets are available for purchase and are also available for individuals to sell.

**Highway Department**

Highway Superintendent Randy Durham:

* He has updated information in to SAM, which allows the town to apply for grants.
* The new fuel system is being put in at the highway department and is expected to be completed by Thursday.
* It looks like Popple Hill Rd and Little York Rd will have the cold mix work completed on June 24th and June 26th, and about 21 days later, they will start putting on the Top, which will also include the Sylvia Lake Rd, and the Lake Rd.
* The overhead doors will be in next week, and the wiring has been completed.

Councilperson Knight asked if the signs had been installed at the Hailesboro intersection. Hwy. Superintendent Durham reported the two intersection signs are up, but the caution sign is not.

* He had attended Highway School and driver retention is a big problem everywhere. There is a shortage of drivers, and all of the drivers are going to the highest paying jobs.
* He reported that he had three applicants come in today to apply for the two open jobs in the highway department.

 **Councilmembers**

**Councilperson Karen Simmons****:**

* In the month of May, the HAP Program was visited 41 times.
* Thanked the Presbyterian Church and Mike Tersmette for donating food to the program.
* June 14th SOS Care Packages will be delivered to 102 people.
* Reported Supervisor Newvine had obtained three estimates from Link Electric for a Generac generator to be installed at Kilkarney Court.

 **Estimate #1 $19,700.00**

 **Estimate #2 $28,500.00**

 **Estimate #3 $36,700.00**

* She sent the estimates to Tara Beckstead, and they were in favor of Estimate #2 $28,500. It would run the heat, water, and sewer pumps, the community room and hall lights, the elevator, and would install a light fixture above the entry door inside each apartment.
* She discussed the estimate with Supervisor Newvine and determined the Town of Fowler is willing to contribute $20,000. The reserve fund for Kilkarney Court has about $18,000, which is where the money would come from to help pay for the generator, but right now Kilkarney Court are discussing purchasing a tractor with a mower and a snow blower for $7,200.
* We are waiting to hear from Rural Development, who handles the reserve money for Kilkarney Court, how they would like to proceed.
* Fowler Family Day preparations continue. Lena the Lizard Lady will be set up inside the Town Hall with her animals from 11:00AM to 2:00PM, and there are plenty of tickets to purchase at $2.00 each for a chance to win some wonderful prizes.
* Thanked Luis Gutierrez for his donation of tables to the Town of Fowler.

**Councilperson Cleveland:**

* He had received a video from the company the spring ride toys installed at the playground were purchased from. He took the two spring ride toys apart and reassembled them exactly as shown in the video, and they still aren’t right. He is going to have them welded and see if that will solve the problem, and if that doesn’t work, he will be removing them.

**Councilperson Lynn Bishop**:

* Discussed the need to do something about the pigeons in the town barn.

**Councilperson Leo Knight Jr.**:

* Extended an offer to board members to take an underground tour of Empire State Mines. He reported that three members at a time could take the underground tour on a Saturday to be determined within the next few weeks. Supervisor Newvine and Councilperson Cleveland accepted the offer to tour the mines.

**Supervisor Ricky W. Newvine:**

* Discussed the beach and the possible solution to the mandated lifeguard needed to accompany the Rec Department to visit Sylvia Lake this year.
* Reported we had a lifeguard that we didn’t have room for, who may be hired by the Village of Gouverneur.
* He reported there will be 4 lifeguards for 30 kids.
* He and Hwy. Superintendent Durham had visited the Amish with the road side stand that has been discussed at several board meetings and he believes the issue has been resolved, with the stand being moved back.
* We have received our approved, signed agreement with (NCHC) North Country HOME Consortium, which will help us in the grant process for money to rehab homes.
* Read aloud a thank-you letter from the Hailesboro Cemetery Association for the Town of Fowler’s annual contribution of $5,000 for the continued support of operations of the Hailesboro Cemetery and for the additional contribution of $2,000 for tree removal.
* Discussed that the Town insurance provider should be put out to bid next year.
* Asked if it had been decided where the new basketball court will be located in the playground area. It was suggested to put the new basketball court between the soda machine and the pavilion.

 **Public Comment**

* Hwy. Superintendent Durham reported the tables donated by the school had been brought today and he had them put into the storage area for now.
* Maintenance worker Byron Woodward asked to have the board and Hwy, Superintendent Durham look through the back barn to generate a list of items that are not in use anymore to be put out to bid. It was discussed Hwy. Superintendent Durham would complete a list of surplus items.

 **EXECUTIVE SESSION**

At 7:06 PM Supervisor Newvine asked for a motion to enter executive session to discuss the highway department union contract proposal. A motion was made by Councilperson Knight seconded by Councilperson Cleveland. All in Favor. MOTION CARRIED.

At 7:16 PM Supervisor Newvine asked for a motion to exit executive session. A motion was made by Councilperson Cleveland seconded by Councilperson Bishop. All in Favor. MOTION CARRIED.

Supervisor Newvine reported they discussed the offer that they would make as an union contract proposal and discussed they felt they had negotiated or met much of what was asked for and he is hopeful the negotiations will be wrapped up in a month or so. Supervisor Newvine reported that negotiations are confidential and that is all that he can disclose.

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

The bills audited for the General and Highway Fund were #191 to #228, with a total of $52,085.65.

A Special Meeting and 2nd Public Hearing for proposed Local Law No. 3 of 2024 – Establishing Burning Regulations will be held on Monday, June 17th, 2024 at 4:30 PM.

The next regularly scheduled board meeting will be held on July 8th, 2024, at 6:00PM.

With no further business, on a motion of Councilperson Simmons, seconded by Councilperson Bishop, the June 10th, 2024, Regular Town Board meeting was adjourned at 7:19PM. CARRIED UNANIMOUSLY.

Tami Gale; Town Clerk