

Town of Fowler May 13th, 2024 Regular scheduled Meeting and Public Hearing for proposed Local Law No. 3 of 2024 Minutes 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, Highway Superintendent Randy Durham, Bookkeeper Barbara Finnie, Assessor Timothy Thomas, Maintenance Worker Byron Woodward, Planning Board member John Walsh, Laurina Greenhill, Ricky Woodrow, Richard Clement, and Ed Lugo.

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 to remember those who have been lost since the last board meeting: Gary Clifford, Robert Kuhns, Bradley Harmer, Carmen Wells, and Suzanne Bayes.

Supervisor Newvine asked for a motion to approve the minutes from the April 8, 2024 regular scheduled board meeting. A motion was made by Councilperson Cleveland, seconded by Councilperson Simmons. All in Favor. MOTION CARRIED.

Open Public Hearing

AT 6:01 PM Supervisor Newvine asked for a motion to open the public hearing for proposed Local Law No. 3 of 2024 – Establishing Burning Regulations in the Town of Fowler. Supervisor Newvine thanked Code Enforcement Officer Besaw for meeting with town attorney Henry Leader in preparation of the proposed law. Supervisor Newvine reported the law would simply allow CEO Besaw to issue a citation to persons who conduct open burning of items that they should not be burning. Supervisor Newvine reported that there are copies of the proposed law available for anyone who would like a copy. A motion was made by Councilperson Simmons seconded by Councilperson Knight and CARRIED.

RESOLUTION

RESOLUTION #12 of 2024

Transfer of Roadways between St. Lawrence County and the Town of Fowler

Supervisor Newvine reported the proposed road swap had been discussed previously at a town board meeting, and the County of St. Lawrence has accepted the section of Emeryville Road, from County Route 22 to Emeryville Road Bridge (B.I.N. 2259360), approximately .13 miles in length, from the Town of Fowler, and St. Lawrence County has accepted maintenance, repair and legal responsibilities of said roadway, and that the Town of Fowler accepts the section of ownership of Balmat-Fowler Road, State Highway 58 to Little York Road, approximately .13 miles in length, with the name to remain as Balmat-Fowler Road; and Balmat-Fowler Road, from Pumhouse Road to State Highway 812, approximately .18 miles in length to be renamed as “Lake Road”, and the Town of Fowler accepts maintenance, repair and legal responsibilities of said roadways.

Supervisor Newvine asked for a motion to adopt Resolution #12 of 2024.

A motion was made by Councilperson Knight seconded by Councilperson Bishop to adopt Resolution #12 of 2024. All in Favor. MOTION CARRIED.

AYES: 5 *NEWVINE, SIMMONS, BISHOP, CLEVELAND, KNIGHT*

NAYS: 0

NYMIR Yearly Insurance Agreement

Supervisor Newvine reported the Town of Fowler’s annual insurance runs out on May 15th, and he had received the municipal insurance proposal from NYMIR in the amount of \$36,568.26. Supervisor Newvine reported it is

a 7% increase, and noted the proposal includes a new truck as well as replacement cost for the town hall and town barn if they were to need to be replaced.

Supervisor Newvine asked for a motion to allow him to sign the municipal yearly insurance proposal.

A motion was made by Councilperson Cleveland seconded by Councilperson Bishop. All in Favor. MOTION CARRIED.

DISCUSSION ON AWARDING OVERHEAD DOOR BID OPTION #1 OR OPTION #2 (ACCEPTED AND TABLED ON 4/8/2024)

Bidder info: Kelly Sales Corporation

Option #1 Power Supply to the Motor Operators included. Total \$ 22,400.00

Option #2 Power Supply to the Motor Operators not included. Total \$19,495.00

Supervisor Newvine reported that it would cost a little less to have the power supply work for the overhead doors completed by Link Electric.

After some discussion, a motion was made by Councilperson Knight seconded by Councilperson Cleveland to accept Option #2 – power supply to the motor operators not included at a total of \$19,495.00. All in Favor. MOTION CARRIED.

Dog Kennel Camera Estimate– Barkley’s Safe & Lock

Supervisor Newvine discussed he had received an estimate from Barkley’s Safe & Lock in the amount of \$2,450.50 to supply a camera to cover the dog kennel building and asked the board members their thoughts on the proposed purchase.

Councilperson Cleveland said he felt it was a good idea to purchase the camera due to past vandalism of the dog kennel. Councilperson Simmons asked if the camera was only going to cover the dog kennel. Supervisor Newvine reported that was correct.

After some discussion, a motion was made by Councilperson Cleveland seconded by Councilperson Simmons to approve the purchase of the camera for the dog kennel area. All in Favor. MOTION CARRIED.

Closing Public Hearing

Supervisor Newvine asked if there were any questions from the public before the proposed local law was considered for passage.

Public Commentary on proposed Local Law No. 3 of 2024

- **Byron Woodward** asked when the law would go into effect. Supervisor Newvine reported it would go into effect when it was filed with the Department of State.
- **Richard Clement** asked if brush would be able to be burned under the proposed new local law. Supervisor Newvine reported that it yes, it could.
- **Laurina Greenhill** stated that it was good to see the proposed Local Law on the town website for people to look at, stating the Town of Fowler’s website is really good and she was happy to find it there and had the following items to point out for the town boards consideration:
 1. It is her understanding that if there is a State Law...you can restrict it even further by local law ...but you cannot expand it. She is curious if a few items in the proposed local law have expanded the State Law:

Section 7: Open burning of leaves (Page 3)

- ...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.

Section 7 F. (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”.

2. Additional Wording Concerns

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

- Maintain – if a person just simply has or “maintains” a barrel in their own yard is this cause for someone who is enforcement of this law to come on to their property due to the presence of a barrel?

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

- Should this be more precise naming the Code Enforcement Officer and the Fire Chief as the two individuals who have authority to enter not any agent, employee or representative of the Town of Fowler?

Section 11 and 12: Enforcement and Penalties (Page 5).....

- It should be recorded in our local law... who has the authority to issue tickets : (Code Enforcement Officer) is not clearly stated as this person, because he is not a peace officer or a police officer, it has to be designated by law for him to be able to have the authority to write such a ticket answerable in court.
- She thought the wording was confusing naming disorderly conduct as a misdemeanor stating it was a violation but realized that under home rule a higher penalty could be established. She assumed that any appearance tickets should use the wording violation of the Local Law and not disorderly conduct.

After some discussion, Supervisor Newvine reported that proposed Local Law No. 3 of 2024 will not be considered this evening for passage, and instead he will have CEO Besaw take the concerns brought forward this evening to the Town attorney for further clarification.

At 6:16 PM, Supervisor Newvine asked for a motion to close the public hearing on proposed Local Law No. 3 of 2024 – Establishing Burning Regulations for the Town of Fowler. A motion was made by Councilperson Cleveland seconded by Councilperson Bishop. All in Favor. MOTION CARRIED.

Supervisor Newvine reported Resolution #13 of 2024 – Enacting Local Law No. 3 of 2024 Establishing Burning Regulations isn’t being considered and will be skipped over this evening.

****Resolution #14 of 2024- Requesting Relief Legislation for the Town of Fowler Dog Kennel - on the agenda, will now be passed as Resolution #13 of 2024****

RESOLUTION

RESOLUTION # 13 OF 2024

Requesting Relief Legislation for the Town of Fowler Dog Kennel

Supervisor Newvine reported that due to the costs that will be incurred by the Town of Fowler for mandated upgrades to animal shelters that was signed into law by Governor Hochul in December of 2023, the town has asked our legislatures to see if they can find some relief for small communities like ours. Supervisor Newvine read the proposed resolution out loud and asked for a motion to adopt the resolution.

A motion was made by Councilperson Simmons seconded by Councilperson Cleveland. All in Favor.

MOTION CARRIED.

AYES: 5 *NEWWINE, SIMMONS, BISHOP, CLEVELAND, KNIGHT*

NAYS: 0

Town Department Reports

Justice Department

Town Justice Tim Knowlton was not in attendance.

Bookkeeper

Bookkeeper Barbara Finnie:

- Reported she had provided Town of Fowler Cash Balance and Budget Balance Reports for Month Ending March 31, 2024 and April 30, 2024 to the board members for their review.
- Reported the general fund was 30.66% spent, with 44.92% of revenue received and the highway fund was 15.19% spent with 66.92% of revenue received.
- Reported the expenditures are normal and most of the town revenue comes in during the first few months of the year.
- The May sales tax check had been received in the amount of \$160,648.00 and last year at this time \$170,453.00 was received reporting we are about \$9,800.00 down from last year.
- Reported the town needed to have a plan in place by December to spend the remaining ARPA funds.

Supervisor Newvine reported that the Town of Fowler is still waiting on an estimate for a generator for Kilkarney Court to be purchased and installed using the ARPA funds, which will use some of the funds.

- It was discussed that some of the ARPA funds would be used for the new basketball court, possibly the new overhead doors, and earmarking some of the funds to be used for the mandated updates to the dog kennel.

Assessors

Assessor Timothy Thomas reported:

- Two grievances have been received by the assessor's office to date.
- The first grievance was received from Bestway Enterprises. He reported they had to have a re-assessment done, which was completed by the bank, and reported that their assessment is going down approximately by a little over one (1) million dollars.
- The second grievance was received from one of the Hydro plants, and their assessment is also going to go down by about one (1) million dollars.
- He reported that between the two properties the town is losing about two (2) million dollars.

Supervisor Newvine asked if either of the two properties were seeking retro pay on their assessments. Assessor Thomas reported neither of the properties were.

Councilperson Simmons asked how this is going to affect the other taxpayers in the town. Assessor Thomas stated that their taxes are going to go up, as the County is not going to lower our tax burden, therefore the price per thousand will be going up.

Councilperson Bishop stated he believed at one time Bestway Enterprises had received a tax break. Assessor Thomas reported that the tax break has ended as far as he was aware. Assessor Thomas reported there were a few other assessments completed on the Bestway Enterprises property, one from 2009 and one from 2013, and both were aligned with the assessment completed by the bank, and the Town of Fowler's assessment was double this amount in its assessment of the property.

Supervisor Newvine asked if Assessor Chair Besaw had finalized the grievance with Bestway. Assessor Thomas reported it had been signed and sent in today.

Supervisor Newvine reported that we should be prepared for the rest of the hydro facilities.

Councilperson Bishop stated the assessors do a good job, but questions how they can assess properties like these properly. Assessor Thomas stated that is why the town hired an outside firm to complete the assessment on the Hydro, as it requires a lot of training to be able to assess such a property.

- As of meeting time the assessors have held two days for taxpayers to meet with them to grieve their taxes and no one had come in to grieve.

Historian

Historian Karen Simmons reported:

- She is preparing to deliver the names of those that served in the Korean Conflict to Bradley's Military for a plaque to be made.

Animal Control

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

- The dog that DCO Officer Moyer has received multiple complaints about for running at large, had hung himself after being placed on a chain.
- A complaint was received about a dog running at large on the Battle Hill Road and was resolved.

Beaver Control

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

- He has been working on beaver control on the Chub Lake Road.
- He has finished beaver control on the upper and lower Stone Road, Sylvia Lake Road, and the Shantyville Road.

Code Enforcement

Code Enforcement Officer Besaw was not in attendance.

Town Clerk

Town Clerk Tami Gale reported:

- DEC Gross sales for the month were \$250.00 with the Town of Fowler's Commission being \$13.80. She had issued 1 marriage license, 1 One Day Marriage Officiant License, issued 1 death certificate, had licensed 30 dogs, collected \$60.00 in dog kennel fees, collected \$50.00 for miscellaneous dog control fees, handled 9 building permit applications, sold 3 bicentennial books, and had taken in \$17.22 in photocopies.
- Taxes are now 85.45% collected.
- She had received a scrap Metal check in the amount of \$323.60 for just over 2.78 tons of scrap.
- She had received bottle & can money in the amount of \$88.98
- She had ordered a new flag for the pavilion/playground which was replaced by maintenance worker Byron Woodward.
- Tax collection will end on May 31st.
- She had attended the government training held on May 1st.
- She is working on the beach application.

Beach Discussion

Supervisor Newvine reported he had received some bad news earlier in the day from the Village of Gouverneur regarding the rec center not being able to bring participants to Sylvia Lake Beach this year.

Village of Gouverneur Clerk/Treasurer Barbara Finnie reported they had received new regulations from the State, requiring the Village of Gouverneur to hire one lifeguard for every 25 children that attend the beach rec program. She stated the Village would be responsible for hiring a total of 2 lifeguards to accompany the rec program to the beach.

Supervisor Newvine reported we are still working on the situation stating the 2 additional lifeguards that are being required by the State to attend with the Village of Gouverneur's rec program, are in addition to the 3 lifeguards that the Town of Fowler already provides on rec program days.

Village of Gouverneur Clerk/Treasurer Barbara Finnie reported they were notified that because the rec program comes as a group, is the States determination of why they need to provide their own lifeguards. She stated if they had been given enough notice, it would have been budgeted. The State wants the Village of Gouverneur to make their rec program a day camp with permitting, and the rec program coordinator does not believe that they should be considered as a day camp, because that is not what they are.

Supervisor Newvine reported he has a call into Canton and is willing to volunteer the needed lifeguards, stating without the rec program attending, our beach would only typically see 10 people a week, and there would not be a need for our number of lifeguards for the season. Supervisor Newvine stated the rec program kids love to come to the beach and stated it is an awful shame to take that away from them. He reported that he will continue to try to work with the Village of Gouverneur for a solution.

Highway Department

Overhead door discussion

Highway Superintendent Durham asked Maintenance Worker Byron Woodward to comment on preparation work for the overhead door installation.

Maintenance Worker Bryon Woodward reported:

- That a slab or footer should be placed in the building that the new overhead doors are being put in.
- It was discussed that a 2ft deep footer would be plenty to keep everything sealed properly.

Supervisor Newvine asked Hwy. Superintendent Durham to coordinate with Kelly Sales Corporation and Maintenance Worker Byron Woodward for the work to be scheduled.

Highway Superintendent Randy Durham:

- Asked if the board had made any decisions on the repair of the furnace in the highway department discussed at the April 8, 2024 meeting.

It was the consensus of the board to have Hwy. Superintendent Durham provide the board with a quote for the repair of the furnace at the June 10th board meeting.

- Reported we need to start thinking about replacing truck 91, which is now 33 years old.
- He suggested either getting a good used Volvo, which he is unsure of the cost, or getting a new chassis, and putting that box on it. He reported a new chassis will cost around \$150,000. Supervisor Newvine asked Hwy. Superintendent to obtain the cost of a Volvo.
- He stated we could get a good used truck to replace truck 91, and that we don't necessarily need a brand new one. He would like to replace it by next year.
- Reported he has a better understanding of his paving plan.
- CHIPS came in for the year, and there was no rise in the amount of CHIPS, which really means it is less money, but he had previously saved \$109,000 of the CHIPS funds, so he has a total amount of \$422,467.43 for paving which includes CHIPS, PAVE NEW YORK, POT HOLES AND EXTREME WEATHER FUNDS.
- He reported \$300,000 was budgeted for paving.
- He intends to pave Popple Hill Rd, Little York Rd, Balmat-Fowler Rd, Lake Rd, and half of the Sylvia Lake Rd.
- Reported there is going to be a new culvert policy for New York State, that means for every creek, the culvert, or bridge, must be two and a half times whatever the creek is at high water.

- Reported in June, the County will use the “train” on the Popple Hill Rd, Little York Rd, and the Fowler-Balmat Rd. He described the “train” as: grinding the road, adding stone to it, adding emulsion to it, and laying it back down.
- Reported in July, the County will come and top everything, and when the Lake Road and the Sylvia Lake Road will be paved.

Supervisor Newvine asked Hwy. Superintendent Durham if he had any recommendations for installing new signage in Hailesboro at the intersection, stating that where the stop sign is located...is too far below the hill, and you are on it before you know it, causing it to be a dangerous intersection. Hwy. Superintendent Durham recommended installing two new warning signs one on Island Branch Rd, and one on Main St. Hailesboro Rd. indicating a dangerous intersection ahead of the existing stop sign.

Supervisor Newvine reported he had spoken to the Sheriff about safety concerns with the Amish road side stand on the Country Club Rd. and vehicles being parked in the roadway. The Amish gentleman expressed his intentions on moving the stand further down the roadway but felt it would make the situation worse. Supervisor Newvine agreed, stating if it gets moved you would not be able to see any of it. He has agreed to move the stand back off the road further and has asked the town to provide a little fill so that the cars will have a place to park. Supervisor Newvine asked the board their thoughts on the matter. Councilperson Cleveland asked if the Town was allowed to do that. Supervisor Newvine asked Hwy. Superintendent Durham to find out what exactly the stand owner wants to do and it could be further discussed what could be done by the Town.

Councilperson Bishop reported the Gulf Rd corner where it comes to the Sullivan Rd, has had the stone shoulders ripped up by four wheelers. Hwy. Superintendent Durham stated it is a daily occurrence, but he would sweep the road again. He reported he has the same issue on Fullerville Rd.

Supervisor Newvine and Councilperson Bishop reported that there is a large bump coming into the Fullerville Cemetery and asked Hwy. Superintendent Durham whose responsibility it would be to build that area up and install sluice pipe. Hwy. Superintendent stated it was definitely a County job and he would take a look at it.

Councilmembers

Councilperson Karen Simmons:

- In the month of April, the HAP Program was visited 26 times.
- Thanked Dave and Shelley Fackler for making a big donation of grocery items to the HAP Program and for their donation of 100 boxes of Suddenly Salad and 100 cans of Busch’s Baked Beans to be delivered in the SOS packages in June.
- June 14th will be the next delivery of the SOS packages which is now up to 102 families.
- Suggested the need to order some new signs for the cemeteries.
- The next Fowler Family Day meeting is going to be held on Friday, May 24th at 3:00 PM.

Supervisor Newvine reported that Family Day is going to be newer, bigger and better this year and asked Councilperson Simmons to share the big news. Councilperson Simmons stated we hope to have Lena the Lizard Lady here this year. Town Clerk Gale reported she has received her certificate of liability, W9, and other information which has been approved to be used for advertising. It was discussed there will be a variety of lizards, snakes, 2 sloths, several staff members, merchandise, and photo opportunities. Supervisor Newvine reported that the big raffle tickets are also now available for everyone to purchase and encouraged all to do so.

Councilperson Leo Knight Jr.:

- Reported he only had the union contract discussions this evening.

Supervisor Newvine stated he will call an executive session for the union contract discussions after the councilmember section of the agenda is done.

Councilperson Lynn Bishop:

- Reported the trash cans are full in the Fullerville Cemetery and need to be emptied.

Councilperson Scott Cleveland:

- Reported he had contacted the company the spring riders installed at the playground were purchased from to complain about the quality of two of the three pieces. The company is going to contact the manufacturer and will get back to him to see if there is any guidance.
- Reported they needed to figure out where the new basketball court is going to go.
- Discussed he had also received a few complaints about the dog on the Country Club Rd, discussed earlier in the meeting that had strangled itself, and was hoping to talk to DCO Moyer this evening with his concerns.
- Reported he will contact the owner of the home that this happened at, as the dog owner is not the owner of the home and make them aware of the situation.
- Reported he will also bring up the road side stand concerns with the owners of the property to make them aware of that situation

Supervisor Ricky W. Newvine:

- Thanked Empire State Mines for getting through the Sylvia Lake Rd closure last week, reporting it worked out as the Mine's hoist was down and there was no production going on.
- Thanked Empire State Mines for picking up the roadsides during the closure, stating it was a nice thing to do.
- Addressed Ricky Woodrow, an attendee of the meeting, stating that it was his understanding that the mess at 663 County Route 22, discussed previously at the April 8, 2024 meeting, had been cleaned up. Mr. Woodrow reported that there is still a pile out back as high as the ceiling and about 8 feet wide. It was agreed that the house and front of the property had been cleaned up. Supervisor Newvine reported that he would send CEO Besaw back to the property.

Hwy. Superintendent Durham stated individuals at this property have asked the town for some dirt and asked if he should hold off giving them any. Supervisor Newvine asked him to hold off on the dirt.

Ricky Woodrow stated there are still issues with the well and septic and reported that the house was never posted. Supervisor Newvine stated he would get ahold of CEO Besaw and ask him about it. Mr. Woodrow stated there are many other properties around the Town of Fowler that need to be cleaned up. Supervisor Newvine reported that they are working on it.

- Apologized to board members for making an executive decision, without their input, regarding the start of employment date for Bill Finnie. Supervisor Newvine reported he values everyone's opinions and apologized for not keeping them informed.
- Reported the Town had received a thank you card from Friends 4 Pound Paws for a donation in memory of Shelley Prashaw, sister of CEO Glen Besaw.
- Reported he had recently participated in a tour of Fort Drum, and it is a great facility. He will leave the pamphlets he received at the Town Clerk's office if anyone would like to view them.
- Reported he had attended the IDA mixer in Canton which was very interesting. Clara Cummings with Empire State Mines gave a great presentation. Supervisor Newvine reported if you are in business and

you need something you should get ahold of the IDA, stating they know where to go and who to contact, saying it serves as a very valuable service that we don't use enough.

EXECUTIVE SESSION

At 7:02 PM Supervisor Newvine asked for a motion to enter executive session. A motion was made by Councilperson Cleveland seconded by Councilperson Bishop. All in Favor. MOTION CARRIED.

At 7:12 PM Supervisor Newvine asked for a motion to exit executive session. A motion was made by Councilperson Simmons seconded by Councilperson Cleveland. All in Favor. MOTION CARRIED.

Supervisor Newvine reported the highway department union contract is coming due, and the executive session was regarding the proposal received from the union, and what their proposal back would be. Supervisor Newvine reported that negotiations are confidential and that is all that he can disclose.

Public Comment

Maintenance Worker Byron Woodward reported he has painted "no diving" on the new raft for the beach, but he is not sure how the ladder is going to be attached to it. It is going to need to be floated out in the water about half way, and then you need to get under neath it to attach the steel bar, and he does not swim. It was discussed they will research a different ladder and call the place of purchase for guidance. Supervisor Newvine thanked Hwy. Superintendent Durham for driving to Vermont to pick up the raft which saved over \$300.00 on the cost.

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

The bills audited for the General and Highway Fund were #146 to #190, with a total of \$74,073.45.

The next regular scheduled board meeting will be held on June 10th, 2024, at 6:00PM.

With no further business, on a motion of Councilperson Cleveland, seconded by Councilperson Bishop, the May 13th, 2024, Regular Town Board meeting was adjourned at 7:16 PM. CARRIED UNANIMOUSLY.

Tami Gale; Town Clerk