VILLAGE OF LOWVILLE
BOARD OF TRUSTEES

Meeting Minutes
October 21, 2020

Call to Order

A regular meeting of the Board of Trustees of the Village of Lowville was called to order at 4:00 PM on October 21, 2020 by Mayor Joseph Beagle.

Roll Call:

Meeting included the following board members:

Mayor Joseph Beagle *Trustee Danny Salmon* *Trustee Timothy Widrick*
Trustee Edward Murphy *Trustee Charles Terrillion*

Others:

Paul Denise *Pam Roes* *Randy Roggie* *Kevin Bamann*
Joseph Russell *Pat Scordo* *Matthew Cervini* *Joseph Austin*
Henry Avallone *Rich Defone* *Scott Gilbert* *Vanessa Gilbert*

Orders of the Day:

- **Public Hearing – Local Law Amendment – Opting Out of Real Property Tax Law Section 487:**

4:00 PM – Motion by Trustee Murphy, seconded by Trustee Widrick to open public hearing for proposed local law to opt out Real Property Tax Law Section 487. All in favor.

4:43 PM – Motion by Trustee Salmon, seconded by Trustee Murphy to close the public hearing. All in favor.

Public Hearing Comments:

- Richard Defone inquired as to why the Village was looking at a solar tax exemption at this time, as there are no solar projects in the Village limits at this time. Does the Village foresee someone putting a solar farm within the Village?

- **Public Hearing – 5% Sewer Rate Increase:**

4:04 PM – Motion by Trustee Terrillion, seconded by Trustee Salmon to open public hearing for a proposed increase of 5% to sewer rates. All in favor.

5:45 PM – Motion by Trustee Widrick, seconded by Trustee Terrillion to close the public hearing. All in favor.

Public Hearing Comments:

- Richard Defone stated that the Village needs to look at how much they are going to be increasing rates. The Board needs to hold the line on increases for water/sewer rates and taxes for the way the economy is this year.

- **Scott Gilbert – (Tug Hill Artisan Roasters):**

  - Mr. Gilbert spoke to the Board with information regarding a project his business is proposing. He would like to purchase the old jail in the Village and transform it into a multi-use building. He has been told that the Village zoning code does not allow for "manufacturing" within the Village center, which roasting coffee falls under. He proposed to the Board that the current law be amended to allow for "light manufacturing" within the Village center. They also hope to have an in-house bakery and ice cream manufacturer on site along with the roasting of the coffee. Development of this property would also put it back on the tax roll, as it has been tax exempt for many years.

Approval of Minutes/Excuse Board Members:

Motion by Trustee Murphy, seconded by Trustee Widrick to approve the minutes of the September 23, 2020 regular meeting. All in favor.

Motion by Trustee Widrick, seconded by Trustee Murphy to approve the minutes of the October 14, 2020 special meeting. All in favor with Trustee Salmon abstaining from the vote.

Approval of Vouchers:

Motion by Trustee Salmon, seconded by Trustee Murphy to approve the vouchers as audited. All in favor.

A #005	$ 83,279.32
F #005	$ 87,711.56
G #005	$ 88,718.21
HA #005	$ 792,077.73

Unfinished Business:

a. **Five Street/Utility Reconstruction Project**:

- Kevin Bamann, GYMO, reported that utility work is complete on Shady Ave. Restoration work left to do includes pavement, sidewalks, etc. Binder pavement is scheduled tentatively to be put down the beginning of November. Trinity Ave. and Park Ave. have received the topcoat of pavement. The pump-station is scheduled for a full start-up tomorrow.

- Change Order #10 - $175,619.48.

  Motion by Trustee Salmon, seconded by Trustee Terrillion to authorize the Mayor to sign Change Order #10 in the amount of $175,619.48. All in favor.

b. **WWTP Upgrades**:

- Phase II:
  - Zoning – (Site Plan Review??):

- Atty. Russell stated that the Village Board may determine that the improvements at the WWTP on property owned by the Village are exempt from the Village Zoning Law and that a Site Plan Review by the Planning Board is not necessary. He provided a letter to the Board and the Planning Board listing the nine factors that courts have established as tests to determine exemption from your own zoning laws. *(Included as an attachment)*

  Motion by Trustee Widrick, seconded by Trustee Salmon to determine that the Village of Lowville is exempt from requirements of the Village Zoning Law for the Phase II WWTP Upgrades project, therefore the conduct of Site Plan Review by the Planning Board is not necessary. All in favor.

- Environmental Assessment Form:

  Motion by Trustee Murphy, seconded by Trustee Widrick to adopt Part 1 of the EAF and to declare the Village of Lowville as lead agency for the WWTP Phase II project. All in favor.

c. **Village Water System:**

- Groundwater Development Project: - Mr. Bamann reported that Frey Well Drilling is on site now working to complete the wells.
  - Municipal Solutions – Amended Contract (Additional $4,750 – BAN Borrowings):

    Motion by Trustee Salmon, seconded by Trustee Murphy to authorize the Mayor to sign the amended Municipal Solutions contract as listed above. All in favor.

- EPA Administrative Order: - The 3rd Quarter information will be mailed to the EPA as an update to the Administrative Order. As recommended by GYMO, the Village will request that the Administrative Order be closed out.
- Water Supply Investigation - (Property Owner Proposal): - An estimate was received from Jay Billings for test wells. The estimate will be used for funding application purposes.

d. **Street Lighting LED Conversion Program:**

- Mayor Beagle reported that he checked with the Village's insurance agent about putting the LED lights on our insurance policy. He stated that the cost is expected to be approximately $200 per year.

  Motion by Trustee Widrick, seconded by Trustee Salmon to move forward with the NYPA LED Street Light Conversion Program. All in favor.

e. **NYSEG – Ross Road:**

- Atty. Russell reported that he has not heard back from the Public Service Commission, he will follow-up with them.

f. **Shrub Complaint – Cascade Ave./Stowe St.:**

- Atty. Russell reported that the case has been dismissed.

g. **Proposed Local Law – Opting Out of Real Property Tax Law Section 487:**

- Local Law #6-2020 – Opting Out of NYS Real Property Tax Law Section 487 exemptions for Real Property which includes any Solar Energy System, Wind Energy System, Farm to Waste Energy System projects, micro hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating

equipment system, electric energy storage equipment or electric energy storage system, or fuel flexible linear generator electric generating system or any other renewable energy system.

Motion by Trustee Murphy, seconded by Trustee Salmon to approve of Local Law #6-2020 as listed above. All in favor.

- 2021 Exemption Questionnaire:

Motion by Trustee Salmon, seconded by Trustee Murphy to retain the current exemption chart except for the opting out of exemptions for solar/wind as noted in above listed Local Law #6. All in favor.

h. **Sewer Rate Increases:**

- 5% Increase – May 2021 Billing:

Motion by Trustee Widrick, seconded by Trustee Terrillion to increase sewer rates for all customers by 5% to be effective for the May 2021 billing. All in favor.

- Septic System Haulers Rate - $0.05:

Motion by Trustee Salmon, seconded by Trustee Murphy to increase the rate for septic system haulers to $0.05 to be effective on December 1st, 2020. All in favor.

- Lewis County Solid Waste Billing Rate - $0.05 per gallon:

Motion by Trustee Salmon, seconded by Trustee Murphy to begin billing the Lewis County Solid Waste for their wastewater discharge brought to the Village WWTP at a rate of $0.05 per gallon. All in favor.

New Business:

a. Kraft Surcharges:
- August 2020 - $1,750.
- September 2020 - $500

Motion by Trustee Widrick, seconded by Trustee Murphy to approve August and September of 2020 surcharges to Kraft in the amount of $2,250. All in favor.

b. Lowville Housing Authority Plowing/Sweeping/Sanding Services:

Motion by Trustee Murphy, seconded by Trustee Widrick to authorize the Mayor to sign the contract with the Lowville Housing Authority as listed above for the 2020-2021 period. All in favor.

c. Resolution – Retention & Disposition Schedule for NY Local Government Records (LGS-1):

Motion by Trustee Salmon, seconded by Trustee Murphy to approve resolution adopting the new Retention and Disposition Schedule for NY Local Government Records for use in legally disposing of valueless records. All in favor.

d. Fire Contracts:

Motion by Trustee Murphy, seconded by Trustee Terrillion to authorize the Mayor to sign the Fire Contracts for 2021. All in favor.

e. Public Health Officer – Dyana Manning:

- Mayor Beagle reported that Dr. Sean Harney is resigning from all municipalities as their Public Health Officer effective 12/31/20 but will resign earlier as municipalities fill the position. Mayor Beagle stated that Dyana Manning PA is willing to be Public Health Officer.

  Motion by Trustee Salmon seconded by Trustee Widrick to appoint Dyana Manning PA as the Village of Lowville Public Health Officer for a term to 4/3/2024. All in favor.

f. Housing Authority Board Member – Kathleen Wallace:

Motion by Trustee Murphy, seconded by Trustee Terrillion to appoint Kathleen Wallace as a Housing Authority Board Member for a term to 3/31/2025. All in favor.

g. General Fund Budget Amendments:

Motion by Trustee Salmon, seconded by Trustee Murphy to approve of budget amendments as presented. All in favor.

h. Workplace Violence Prevention Program/Policy:

- A committee of representatives of each Village department met on October 7th to do the yearly assessment and records examination as they apply to the Village's Workplace Violence Prevention Program/Policy. An updated document was presented to the Board for their approval.

  Motion by Trustee Terrillion, seconded by Trustee Murphy to approve of the updated Workplace Violence Prevention Program/Policy. All in favor.

i. Development of Pandemic Operations Plan:

- The Personnel Committee will work on developing a Pandemic Operations Plan with department heads and labor representatives.

j. Moratorium on Residential Water Services Termination:

- The Village is now required to notify residential customers of the protection afforded under the amended Public Service Law that Governor Cuomo signed into law in June. A customer may request payment deferral of the water bill during the COVID-19 state of emergency, although the law does not eliminate a customer's obligation to pay the accrued charges. Customers who have experienced a change in financial circumstances due to the COVID-19 state of emergency must be provided with the opportunity to enter into a deferred payment plan without the imposition of deposits, late fees or penalties. The law does not address the sewer portion of billing.

  Motion by Trustee Murphy, seconded by Trustee Widrick to waive fees and penalties on the water portion of billing for those customers that submit a 'Water Payment Deferral Request Form' to the Village. All in favor.

k. 2021 Health Insurance Employer HRA rates:

- Information was presented to the Board regarding the increase of the 2021 deductible/out of pocket costs and the increase of rates. It was decided by the Board to split the difference of the increase of out of pocket costs by raising the HRA limit by ½ of the increase of the deductible

l. Music in the Park Grant:

- Trustee Salmon reported that he is working with Casandra Buell to submit an application to the St. Lawrence County Council Community Arts Grant for funding for a "Music in the Park" program. A support letter is required from the Village.

  Motion by Trustee Salmon, seconded by Trustee Widrick to provide a letter of support for the grant application as listed above. All in favor.

Correspondence:

a. Scott Gilbert (Tug Hill Artisan Roasters) – re: Requesting amendment to zoning for allowance of "light manufacturing" within village limits for a multi-use building. *(See "Orders of the Day")* Trustee Widrick stated that the Village needs a better definition of "manufacturing" or an additional definition of "light manufacturing" in order to be friendly for new businesses coming into the Village. An amendment of the zoning law should be done to allow that use in the Village Center by special permit. Trustee Widrick will research language for an amendment and forward to Atty. Russell. The Village will move forward to have a draft law amendment by the next meeting.

Officers & Committee Reports:

a. **Village Attorney:**

- Atty. Russell will prepare waiver for the Waters Road solar farm to sign, as requested by the Municipal Board.

b. **Mayor**:

- Mayor Beagle reported that the Soldier's Monument Park fountain will be disassembled and removed for repainting. The Village is also getting estimates for the repair of the fountain base.

- Mayor Beagle also reported the purchase of new basketball backboards and hoops to be installed next spring at the tennis courts.

c. **Clerk/Treasurer**:

- Clerk Roes presented a written report to the Board of current issues.

d. **Chief of Police**:

- Chief Roggie reported that the handheld lidar has been received. The new truck lettering has been applied and is the truck is operational.

- Chief Roggie did a reminder of the Halloween curfew and the winter parking ban on Village Streets.
- Chief Roggie spoke of the NYS Police Reform requirements. He will be reaching out to other agencies that have already started the process.

e. **Superintendent**:

- Supt. Denise reported that fall cleanup is in full force.
- A new TV was installed in the courtroom to be accessible for zoom meetings, etc.
- Supt. Denise reported that the equipment auction had ended. All items had successful bidders, but the 2009 dump truck bidder did not pay the invoice so this truck will have to be re-listed on Auction Site.

f. **Capital / Future Planning**

- Trustee Murphy reported that he and Supt. Denise had attended the first Comprehensive Plan committee meeting. Most of the discussion centered on a community survey that is being considered. The next meeting in on November 4th.

g. **Personnel:**

- Trustee Salmon reported that the personnel committee would like to have regular meetings with department heads. They would also like to work on amendments to the DPW contract language.

h. **Finance:**

- The Justice bank statement audits are up to date.

i. **Liaisons:**

- Fire Department:
  - Trustee Salmon reported that the Lowville Fire Dept. auxiliary is having a drive-thru spaghetti supper tomorrow night.
- Police Department:
  - Trustee Widrick reported that he plans to meet with Chief Roggie every Monday.
  - Executive Session.
- Joint Planning Bd./ZBA:
  - None.
- Municipal Board:
  - The next Municipal Board meeting will be held on November 10th, at 6:00 pm.
- Town:
  - None.
- County:
  - Trustee Salmon reported that he had attended the last meeting. The County voted on its solar development law.

- Recreation:
    - The fairgrounds playground lease is still unresolved. Mayor Beagle reported that he is looking into the replacement of the playground as a possible community project.

Public Comment:

- Rich Defone asked if the Village has a liaison with Kraft. He stated that it would be good to keep in touch with Kraft as to what their future plans are, as they have recently sold off some of their rights to a French dairy Co. He also asked if the board agenda could be put on linkinglewis.com

Executive Session:

Motion by Trustee Murphy, seconded by Trustee Widrick to enter executive session to discuss a contractual issue and issues regarding specific personnel at 5:47 PM. All in favor.

Motion by Trustee Salmon, seconded by Trustee Murphy to exit executive session at 6:17 PM. All in favor.

Adjournment:

6:17 PM - Motion by Trustee Murphy, seconded by Trustee Widrick to adjourn the meeting. All in favor.

Minutes submitted by: _____
PJR *Clerk/Treasurer*