

# Town of De Kalb Board Meeting

At a regular meeting of the Town Board, of the Town of De Kalb, St. Lawrence County, New York, held on the 19<sup>th</sup> day of August 2020, at the Town Hall, in De Kalb Junction NY, there were present:

John Frary	Supervisor	Michael Livingston	Board Member
Ed Newcombe	Board Member	Connie Elen	Board Member
Wayne Holland	Highway Superintendent	Andrew Fenton	Board Member
Bill Chambers	Building & Codes	Barbara Creazzo	Town Clerk/Collector
Charles Nash	Town Attorney		

Members of the community present: Larry D Denesha, SLC Legislator

Supervisor Frary opened the meeting at 7:01PM

Pledge of Allegiance was led by Supervisor Frary, followed by a moment of silent prayer and/or reflection.

Constance Elen moved that the minutes of the Regular Meeting, of the Town Board, held on the 15<sup>th</sup> day of July 2020, as submitted by the Town Clerk, be and hereby approved. Seconded by Michael Livingston and adopted unanimously.

## Actions

1. Resolution for re-evaluation of Commercial Properties. **Completed**
2. Contact Public Health regarding Rabies Clinic and the Amish. **Completed 07/17/2020**

## Public Forum:

Larry D Denesha, SLC Legislator

-Today (8/19/20), has one new case of COVID-19 in the county.

-Since the 8<sup>th</sup> of August, there have been 608 complaints filed with the State of New York regarding people not wearing mask, gathering in large groups, and/or not adhering to social distancing.

-The Legislators have started budget planning for 2021. Fourteen department budgets have been completed and it is hoped that the budget for 2021 can be presented at the October 15<sup>th</sup> Legislative meeting. If everything remains as planned, they do not anticipate any tax increase.

-Cynthia Ackerman, has been appointed as the Director of Social Services.

-Worker's Compensation amount for the Town of De Kalb for 2021 will increase by \$5255 to \$26,357.

-There have been two bills presented, one (1) from the Senate and one (1) from the Assembly, requiring Law Enforcement Officers, to carry their own liability insurance. The SLC Legislators has sent a resolution to Albany, opposing these two bills.

-If any person, who has received a Court Order for Mental Health Services, the cost was shared by the State and the County. The County has received notice, they must now pay for the full amount, as the State funding has stopped. For the remainder of the year, the County is looking at approximately \$500,000 to cover this cost. This means, next year, there will need to be budgeted at least one million to cover the year.

-Harry Smithers, has been appointed as a Legislator to fill Henry Leaders position, representing District 5.

## Financials:

Ed Newcombe made the motion to accept the Court Clerk Audit as presented, seconded by Andrew Fenton.

Andrew Fenton-yes

Constance Elen-yes

Michael Livingston-yes

Ed Newcombe-yes

John Frary-yes

Michael Livingston made the motion to accept the Town Clerk Audit for Water and Sewer accounts, seconded by Constance Elen.

Andrew Fenton-yes

Constance Elen-yes

Michael Livingston-yes

Ed Newcombe-yes

John Frary-yes

**Clerk Report:** Barbara A. Creazzo

-A total of \$846.20 was collected by the clerk for the month of July. Of that amount, the town was able to retain \$768.20 for its coffers. The breakdown is as follows: Ag & Market received \$78 and the town received \$226.50 for dog licenses, the town also received \$420 for building permits, \$10 for a Certified Birth Certificate, \$110 for Death Certificates, and \$1.70 for copies made.

Still unable to sell DEC Licenses, as the new printer and program have not been installed. I do not anticipate we will be selling for the remainder of the year, as they are backed logged with the installations. I have compiled a list of area clerks who are able to sell and what their offices hours are for people who come to the office to purchase DEC licenses.

**Water & Sewer Report:**

-For July, the Water District collected \$674.09 and the Sewer District collected \$422.62. Water meter reading for the fourth quarter will be done on August 25<sup>th</sup> and 26<sup>th</sup>.

Deputy Clerk, Wanda Law, worked a total of 20.5 hours for July.

Supervisor Frary, distributed copies of the monthly and year to date financial reports. There were no questions regarding the reports.

Supervisor Frary, stated he would like to set a date for the first budget work session. He asked if August 26, 2020, at 7 PM, was workable for everyone. All agreed; therefore, the board will meet as noted for a working session.

Supervisor Frary, distributed an update of the sales tax receipts for the first 3 quarters. While the amount is down slightly for the 3<sup>rd</sup> quarter, the town is doing ok, as is the county. Hopefully, the trend will remain the same for the 4<sup>th</sup> quarter.

**Water/Sewer District Reports:**

-One of the main blowers at the sewer plant quit, we were able to switch to a rebuilt unit. The removed blower will be taken to Patterson Electric for rebuilding.

-Mr. Holland asked if the second RBC motor could now be replaced. One has been changed from a 3hp motor to a 5hp and is working well. If the second could also be replaced with a 5hp, they will be able to restart on their own if the power goes out. As it is now, if power goes out, it takes two people to crank the motors over. If this occurs during the night, the DANC employee on call must call another employee to assist; therefore, there is the cost of 2 employees, plus, the cost of mileage. Because of this, the second new motor will pay for itself in a short time. The second 5hp motor will be purchased and installed.

Supervisor Frary, informed the Board, that the engineers from DANC, who are working on the sewer plants updates, would like to meet with them. This meeting will occur at next month's regular board meeting. This meeting may occur as a Zoom meeting.

-A total of 945,600 gallons of water were metered in the month of July, with an average daily flow of 30,503 gallons. A total of 7 gallons of sodium hypochlorite were used in the treatment of the water produced. All daily, weekly, and monthly inspections/maintenances were completed as scheduled. All daily flow graphs are included in the complete report. One random distribution sample for bacteriological testing was completed and the result was satisfactory. Annual Lead and Copper collections as scheduled, were also completed. There were no fees over the base contract for the month of July.

-A total of 809,000 gallons of wastewater were treated in the month of July, with an average daily flow of 26,097. There were no SPDES permit violations. All daily, weekly, and monthly inspections/maintenances were completed as scheduled. All daily flow graphs are included in the complete report. Have been rotating the RBC in reverse an hour a day to allow the weight to decrease. There were no fees over the base contract for the month of July.

Hope to be working with a new matrix for the water billing for this quarter. Tom Manley, IT, and the clerk have been working on building a new data system from scratch. Hopefully, this will eliminate many of the errors during meter reads.

**Highway Report: Wayne Holland (07/16/2020-08/19/2020)**

- Drew blacktop for Town of Russell for 3 days
- Drew blacktop for the Town of Oswegatchie for 4 days
- Drew blacktop for the Town of Morristown for 2 days
- Drew blacktop for the Town of Hermon for 2 days
- Drew blacktop for the Town of DePyester for 2 days
- Blacktopped Old Canton Road (1.4 miles), Old State Road (0.4 mile), East De Kalb Road (1.1 mile)
- Put shoulders on the roads that have been blacktopped and have been putting on elsewhere as needed.
- Installed 5hp motor at the sewer plant.

Expenditures for CHIPS money are as follows:

\$124,509.36 blacktop  
\$ 2,330.59 rebates  
\$ 5,540.00 shoulder materials  
\$ 7,195.22 paver, roller, & county wages  
\$139,575.17

\$257,000.00 CHIPS  
\$ 51,400.00 less 20%  
\$205,600.00

\$205,600.00 workable total  
\$139,575.17 amount spent  
\$ 66,024.83 remainder of unused CHIPS

A motion was made by Michael Livingston, granting authorization for Supervisor Frary, to write a check in the amount of \$7,195.22, to St. Lawrence County Highway Department, for the use of their paver, roller, and personnel, for the recent paving completed in the Town of De Kalb. This motion was seconded by Andrew Fenton.

Andrew Fenton-yes                      Constance Elen-yes                      Michael Livingston-yes  
Ed Newcombe-yes                      John Frary-yes

Superintendent Holland will be contacting the County Highway Department, to do a solid line striping on the East De Kalb Road, as this is a highly traveled road.

**Dog Control Report: Dan Moyer**

- Picked up a hound on Route 11, returned to owner
- Picked up a German Shepard on the Hayden Road, returned to owner with new license and Rabies Vaccination completed
- Continue to work on clerk's list of unlicensed dogs
- Had inspection of the Pound and Records by NYS Ag & Markets, have not gotten report back, but understand no problems with the Pound at this time

**Building & Codes Report: William Chambers**

- A total of 18 Permits have been issued since last report. Fee amounts for the permits is \$7,811.20 and the project cost for all, totals \$3,554,100. The total fee amounts to date is \$9,644.80, while the total project cost for all is \$3,813,450
- Permits issued for this report are as follows: 3 electrical commercials, 1 deck, 4 single family homes, 3 shops, 1 addition, 2 accessory structures, 1 camp, 1 re-roofing, and 1 windows and doors replacement

New York State Dig Safe, has implemented a new program, and it has not been successfully loaded to my work computer. Tom Manley, IT, has been working on it. Until it is working properly, we may receive a couple of late fees for untimely response.

**Communications:**

- LWRP, an extension has been granted until next April, due to COVID-19. Hope to have stage 1 and 2 completed by then, as De Kalb's boundaries have been extended to include most of the Village of Richville. Stage 1 has been to establish the boundaries and State 2, is to define flood

areas, invasive species, and other anomalies. There will be a zoom meeting hopefully sometime in October.

-Solar projects, building permits have been renewed and awaiting final PILOT signing.

-Streetlights, National Grid has finally provided the closeout cost of the current streetlights, and that total is \$21,000. The cost of the total project is estimated to be \$65,000 and the town should see an annual savings of \$6,100 per year. There are 59 streetlights that are to be upgraded with LED lighting and new poles. This is still on hold as costs are being finalized.

-Phone system should be upgraded by the first of September.

-Water used for firefighting, in the past, when water has been drawn from the hydrants in the hamlet, the Water District has covered the cost to the District. The Town of De Kalb should and will be paying for this usage, as it is a benefit to have the hydrants in the hamlet. Luckily, this is not something that occurs often, and does have a rather widespread benefit.

-A tour of the Stockholm and Brasher Town Halls, have been scheduled for August 21, starting at 1:30 PM. This will be advertised as a traveling meeting.

-Supervisor Frary asked the members of the board, if they agree that an architect should be hired to look at the property next door, for possible ideas and estimated cost of necessary renovations to the building. It has become evident during this pandemic, that the current building is barely able to meet the Town's current needs.

A motion was made by Constance Elen and seconded by Michael Livingston, for an architect to be hired to inspect and propose ideas for the building next door to the Town Hall. Certainly, the estimated cost of a renovation of the building for the Town's use, may be higher than is feasible. This is something that needs to be known prior to making a purchase offer for the property.

Andrew Fenton-yes

Constance Elen-yes

Michael Livingston-yes

Ed Newcombe-yes

John Frary-yes

-Discussion regarding the Town's property on County Route 17, has been taken off the table, as there is not a majority interest from the board to continue the intent of selling a portion of the property.

-AED purchase, a while back, it was brought to the Board's attention, if they should have an AED at the Town Hall and at the Town Garage. No decision was made at the time. After discussion at this meeting, it was decided this would not move forward.

-A motion was made by Constance Elen and seconded by Ed Newcomb, to send another resolution to Donald Chambers, Superintendent of Highways for St. Lawrence County, to request a speed reduction to 25 mph, on the portion of the East De Kalb Road, that runs parallel to the Hermon-De Kalb Central School. When this request was presented a few years back, the response was to allow the speed to be reduced from normal road speed to 45 mph. Now, the dynamics has changed greatly for pedestrian traffic. A large parking lot has been constructed on the opposite side of the East De Kalb Road from the school. This now means, pedestrians will be crossing the road on a regular basis.

Andrew Fenton-yes

Constance Elen-yes

Michael Livingston-yes

Ed Newcombe-yes

John Frary-yes

**RESOLUTION #10  
FOR THE TOWN OF DE KALB  
REQUEST FOR SPEED REDUCTION ON THE  
EAST DE KALB ROAD AT THE  
HERMON-DE KALB CENTRAL SCHOOL**

The Town of De Kalb hereby request the Speed of 20 Miles Per Hour to be posted for the portion of the East De Kalb Road, that runs from the intersection with US Highway 11, to the railroad tracks.

The current speed is 45 Miles Per Hour, which was established in late 2016, or early 2017.

The Board is requesting this new reduction, as new concerns for safety have developed. The school has now installed a new parking-lot across the East De Kalb Road from the school. A crosswalk will be installed for pedestrians to use for the road crossing; however, the parking-lot will be used daily by students, teachers, and visitors.

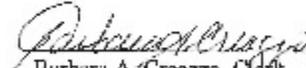
Therefore, the Board is requesting this speed reduction to ensure the safety of individuals walking from the parking-lot, to the school.

BE IT RESOLVED that the Board of the Town of De Kalb, unanimously promotes the speed reduction from 45 Miles Per Hour, to 20 Miles Per Hour within the Hermon-De Kalb Central School zone.

Constance Elen yes  
John Frary yes  
Ed Newcombe – yes

Andrew Fenton yes  
Michael Livingston – yes

08/27/2020  
Date

  
Barbara A. Crazzo, Clerk

A motion was presented by Michael Livingston and seconded by Constance Elen, to submit a Resolution to the St. Lawrence County Legislators, in support of opposing the proposed New York State Law requiring Law Enforcement Officers, to carry their own Liability Insurance.

Andrew Fenton-yes  
Ed Newcombe-yes

Constance Elen-yes  
John Frary-yes

Michael Livingston-yes

**TOWN OF DE KALB  
RESOLUTION NO. 11**

**RESOLUTION IN OPPOSITION TO NEW YORK SENTATE BILL  
S.8676/ASSEMBLY BILL A.10780 WHICH WOULD REQUIRE POLICE  
OFFICERS TO MAINTAIN PRIVATE LIABILITY INSURANCE AND  
EXCLUDE POLICE OFFICERS FROM PROVISIONS PROVIDING  
DEFENSE AND INDEMNIFICATION**

**By Town of De Kalb**

**WHEREAS**, for generations law enforcement officers have donned the badge and uniform to place themselves in harm's way to provide for the general welfare and safety of society, and

**WHEREAS**, in consideration of the threat of harm and the recognition of their public service, law enforcement officers have been provided legal protections whereby municipal employers provide for defense and indemnification of actions taken in furtherance of their official duties, and

**WHEREAS**, New York State Senator Alessandra Biaggi and New York State Assemblywoman Alicia Hyndman have recently introduced same-as legislation in the New York Senate and New York Assembly which would amend the law to remove the requirement for defense and indemnification of law enforcement officers, and

**WHEREAS**, the legislation (Senate Bill S.8676 and Assembly Bill A. 10780) would also require officers to obtain their own personal liability insurance, at individual expense or at the expense of their municipal employers, and

**WHEREAS**, municipalities annually face hundreds, if not thousands, of lawsuits brought by individuals alleged to have violated the law or individuals convicted of violating the law and who are incarcerated, the vast majority of which are without merit and designated to harass or intimidate the police accuser and the prosecution, and

**WHEREAS**, the imposition of this individual insurance mandate on law enforcement and local municipalities will result in a significant unfunded mandate, frustrate criminal prosecutions, and create the likely consequence of reducing the number of capable and desirable individuals willing to serve in a law enforcement capacity.

Constance Elen asked if the following minutes could be included in this month's Town Board Minutes. By doing so, it will allow communities member what has been done to date with improvements/maintenance of the playground.

**DeKalb Playground Committee Meeting**

August 2, 2020, Town of DeKalb Pipeline Park, DeKalb Jct. NY 1:00 PM

**Present:** Jordan Deleel; Constance Elen, DeKalb Town Council; Andrew Fenton, DeKalb Town Council; Tami French; Ginger Thomas

**Introduction to the Committee's Task**

Town Councilperson Connie Elen explained interest had been expressed, by Ms. Tami French, at the July 2020 Town of DeKalb Council Meeting about revitalizing the Town park. Ms. French was asked to work on a committee to investigate the possibilities for improving the park. Ms. Elen and Mr. Fenton were appointed to the committee as Town Council representatives. All were encouraged to invite other interested individuals to participate in the

planning process. Town representatives would help bring issues to the Town Council and also offered to assist with any grant writing, which might be needed in the future.

### **Areas for Possible Park Improvements**

- **Additional lighting** at the park was discussed as necessary for safety reasons. A streetlight could be added to an existing electric pole located across the street from the park or current pole in the park area. A floodlight was also mentioned as a possibility.
- A **covered pavilion** suggested by other Community members with a cement base and possibly a barbecue grill nearby.
- A **walking trail**, which could be used, by children and adults was also suggested by people from the Town.
- **Accessible to the handicapped** was suggested
  
- **Playground Equipment:**
  1. Balance beam, pull-up bars and the new addition of play equipment may not be safe for younger children and need to be assessed for safety standards.
  2. None of the equipment is appropriate for young children (ages 2-7).
  3. The wood chips/pea gravel used under the play equipment have been packed and broken down leaving them unable to cushion a child's fall with the potential for injuries.
  4. Inappropriate and unsafe equipment could lead to lawsuits
  5. Cut up tires were mentioned as a ground cover that would be safer for placing under playground equipment. (Will check out safety standard recommendations)
  
- **Install proper drainage in the park.**
  1. Draining the park towards the back area should be considered.
  2. Mr. Fenton mentioned that drainage might be done by the Town Highway Department or by donated labor and equipment; however, it should be done by someone who knows how to use GPS and how to install drainage the correct way.
  3. The field owned by the Fire Department should be drained at the same time. Mr. Deleel did not think the Fire Department members would have any trouble with equipment being on their land, if, they knew what was being done and when.
  4. The owner of the property behind the park should also be contacted, prior to any drainage work, to be sure the Town has the right to be on that property if necessary. Connie Elen will find the owner information.
  5. Consulting an engineer to ensure the drainage is located and installed correctly.
  6. A surface ditch running along an existing valley section of the park from the Fire Department field to the back section (eastern) may create a difference for drainage.
  7. The ditch could be covered with #2 stone, or larger stone, after drainage was installed, with small bridges to walk over if needed.

Everyone present was concerned about where the water would go once drained from the park and how it would affect the overall drainage system of the hamlet of DeKalb Jct. The conclusion was that it would ultimately find a way to the drainage ditch, which runs through the center of the hamlet.

The boundaries for the parkland were discussed most probably being the tree line to the South and East, and the fence line between the park and the field owned by the Fire Department on the North. The parking lot on the West side (Gibbon Street) is shared between the Town and the Fire Department.

Ms. Thomas mentioned that many new playgrounds are putting in more natural areas where children can play on logs, tree stumps, boulders, and other nature related items rather than manmade equipment.

It was also suggested that at the time drainage was put into the park area, sculpting the landscape a bit differently might also be possible. Creating small hillocks, alcoves, berms, or depressions could provide children with a variety of landforms to play on safely.

Mr. Deleel asked if there were any plans for the old Town Barn and the property at the top of the hill off Ridge Street. He suggested the building could be used for community members to store campers or boats and the revenue from storage fees could be used for park renovations. It was also discussed that the area on the hill might be an alternative location for a play area and

would not need the drainage. It was also mentioned that sewer may already be connected to the building and water could be easily installed at that site for public access.

### **Funding**

In addition to Town recreation funds it was discussed that corporations like Corning and Michaels, etc. putting in the high-power lines, might have funds available to help communities. Connie Elen is assessing the possibilities.

### **Priority Items**

1. Drainage of the playground and Fire Department field was identified as the priority for the playground revitalization. If, at the least, the first drainage ditches could be constructed during the summer and fall of 2020, the results could be observed during the spring of 2021 and further drainage plans made based on the results.
2. Gathering ideas and designs for revitalizing the park is also a priority.

Submitted by Connie Elen from notes taken at the Committee meeting to be presented to the Town Board minutes as an attachment.

After reviewing all bills presented, and signing all bills over \$500.00, a motion was made by Andrew Fenton and seconded by Constance Elen, to approve payment of the bills as entered on Abstract # 8-2020.

Andrew Fenton-yes	Constance Elen-yes	Michael Livingston-yes
Ed Newcombe-yes	John Frary-yes	

A motion was made by Ed Newcombe and seconded by Michael Livingston, to adjourn.

Andrew Fenton-yes	Constance Elen-yes	Michael Livingston-yes
Ed Newcombe-yes	John Frary-yes	

Meeting adjourned at 9:30 PM

Respectfully submitted by  
Barbara A. Creazzo

### **ACTIONS**

1. Supervisor Frary to write the check to the County Highway Department for \$7, 195.22 for paver, roller, & county wages. **Completed**
2. Hire architect to explore the possibilities for the building next door if the town is to purchase it.
3. Send resolution to Donald Chambers requesting speed reduction for the East De Kalb Road at the school. **Completed 08/27/2020**
4. Submit a Resolution to State Representatives in support of opposing the proposed New York State Law, requiring Law Enforcement Officers to carry their own Liability Insurance. **Completed 08/28/2020**