

# 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 February 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

Members of the community present: Thomas Haynes, Engineer for DANC, Larry D. Denesha, SLC Legislator

Supervisor Frary opened the meeting at 7:00 PM

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

Michael Livingston moved that the minutes of the Organizational Meeting, of the Town Board, held on January 8, 2020, as submitted by the Town Clerk, be and hereby approved. Seconded by Constance Elen and adopted unanimously.

Andrew Fenton moved that the minutes of the meeting of the Town Board, held on the 15<sup>th</sup> day of January 2020, as submitted by the Town Clerk, be and hereby approved. Seconded by Ed Newcombe and adopted unanimously.

## Actions

1. Sign and return Snowplowing/sanding contract to St. Lawrence County. **Completed**
  2. Highway Superintendent to purchase a plow for pickup truck. **Has been ordered**
  3. Obtain more information for mowing tractor.
  4. All sites to prepare for Risk Management Survey/Inspection. **On Going**
  5. Sign Resolution #3 for 2020. **Completed**
  6. Continue discussion with realtor for the sale of St. Henry's. **On Going**
  7. Obtain survey of property on County Route 17 for boundaries/acreage, for dump site, and for right of way.
  8. Continue to attend LWRP meetings as scheduled. **On Going**
  9. Review Insurance Buy-Out Plan and bring ideas to the table. **On Going**
  10. Complete Oath of Office for Deputy Historian with Daun Martin-Poole. **Completed**
- 01/23/2020**

## Public Forum:

Larry Denesha

-The inmate population, at the County Jail, continues to decrease, as it has decreased from 106 inmates in December to 48 in February.

-The Board of Legislators have passed a resolution calling for repeal of the Bail Reform, which will be presented to Patti Ritchie, and others for consideration in Albany.

-At the full Board Meeting, held on February 13, there were approximately 90-100 citizens in attendance, to express their desire to have St. Lawrence County become a Second Amendment Sanctuary County. While the Board listened to the public, it is noted that we must all follow the laws that have been put forth by our State Government.

-Joanne Sevick, Director of Youth Bureau, for the county, has retired. Her replacement is Alexis Backus.

-A proposal has been put forth to authorize Sheriff Bigwarfe, to oversee pistol safety classes. A couple of classes a month will be held, one on a Saturday and the other, in the evening. The cost for a class will be \$30.

-Extreme Weather Recovery money is a loss of \$580,000 for the county and towns. In Mr. Denesha's District, the loss for towns range from \$17,000 to \$40,000. When it was removed from the State's budget before, it was returned. It is hoped this will occur again, as a meeting with Pattie Ritchie has been scheduled to try and get it reinstated back into the budget.

-Of the 2020 Tax Levey, which is \$49,077,278.00, 94% of this is spent on State Mandated projects. Every week, the County writes a check to New York State, to cover the cost of Medicaid. The check is written in the amount of \$443,756, which amounts to \$23,075,000 per year.

-Work continues to request the reduction of the speed limit on US Highway 11, at the intersection of the East De Kalb Road. Accidents continue to occur, as another happened this past week. Petitions have been gathered and will be presented to NY DOT. A resolution will be passed next month by the Legislators, requesting the lowering of the speed near the intersection from 55 mph to 35 mph. The passed resolution will be sent to the DOT.

The members of the Town Board, believe the intersection of US Highway 11 and the East De Kalb Road to be unsafe at the current speed of 55 mph on US Highway 11. While it is recognized there is a caution light at the intersection, it does little to slow traffic on US Highway 11. Therefore; the Town of De Kalb Resolution # 3 is brought forth by Michael Livingston and seconded by Constance Elen:

**TOWN OF DE KALB RESOLUTION # 3  
REDUCUTION OF VEHICLER SPEED ON US HIGHWAY 11,  
FOR THE SAFETY OF OUR STUDENTS, STAFF, PARENTS, AND THE  
COMMUNITY MEMBERS, WHO ATTEND FUNCTIONS AT HERMON-DE KALB  
CENTRAL SCHOOL**

**WHEREAS**, the Hermon-De Kalb Central School District's elementary and junior/senior high building is located at the intersection of US Highway 11, a heavily used highway, and the East De Kalb Road, and

**WHEREAS**, there are athletic fields located adjacent to US Highway 11 and students and spectators have continuous and frequent interactions with traffic during field sports seasons, and

**WHEREAS**, there is a constant flow of traffic in and out of the District's parking lot and there is a four-way intersection at the northeasterly corner of the District's property that is the primary entrance to the District's parking lot and school building, and

**WHEREAS**, District buses enter and exit US Highway 11 throughout the day, and

**WHEREAS**, the Hermon-De Kalb Central School District, places the safety of our students, staff, parents and community members as our top priority;

**IT IS NOW THEREFORE**, resolved that the Town Board of the Town of De Kalb, requests the reduction of the current speed limit from 55 mph to 35 mph on US Highway 11 for the maximum allowable distance in each direction from the District property lines and that such reduction be completed as expediently as possible.

By Order of the De Kalb Town Board: Michael Livingston, yes, Ed Newcombe, yes, Constance Elen, yes, Andrew Fenton, yes, and John Frary, yes, have all voted to endorse this resolution. A copy of the resolution will be sent to the Patti Richie, State Senator for this District.

**Water/Sewer:**

DANC Report: Water – a total of 575,500 gallons of water were metered in the month of January, with an average daily flow of 18,565 gallons. A total of 5 gallons of sodium hypochlorite were used in the treatment of water produced. The full report includes all daily flow charts. Daily, weekly, and monthly inspections and maintenances were performed as scheduled. One random distribution sample for bacteriological testing was completed and received a satisfactory result.

Wastewater – a total of 2,044,000 gallons of wastewater were treated in the month of January, with an average daily flow of 65,935 gallons. The full report includes all daily flow charts. Daily, weekly, and monthly inspections and maintenances were performed as scheduled. There were no SPEDS permit violations for this time period. There was one emergency call due to the high-flow alarm being activated. Response required the by-pass to be activated.

Thomas Haynes, Project Engineer for DANC, presented to the Board, the process for the Town of De Kalb Wastewater Disinfection Project. A handout was distributed, which outlines the anticipated expenditures for the project. The Engineering Planning Grant that has been awarded is \$22,500 with a local match of \$4,500, bringing the total to \$27,000.

Mr. Haynes also presented the SEQR for the project, which was approved by the Board Members, as their votes are recorded as follows:

TOWN OF DEKALB TOWN BOARD

DETERMINATION THAT THE PROPOSED WATEWATER PRELIMINARY ENGINEERING REPORT IS A TYPE II ACTION UNDER SEQR AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

WHEREAS, the Town has been notified of the award of an Engineering Planning Grant (EPG) by the New York State Environmental Facilities Corporation (NYSEFC) for a Wastewater Preliminary Engineering Report (the Project); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations at 6 NYCRR Part 317 (the "Regulations"), the Town desires to comply with SEQRA and the Regulations with respect to the Project; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law;

NOW, THEREFORE, BE IT RESOLVED that the Town of DeKalb hereby determines that the proposed engineering report for the Wastewater Preliminary Engineering Report is a Type II action in accordance with 6 NYCRR Section 617.5(c) (27) which constitutes the conduction of concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary for the formulation of a proposal for action and is therefore not subject to review under 6 NYCRR Part 617.

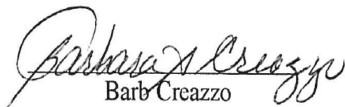
The question of adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

John Frary, Supervisor	Voted	yes
Mike Livingston, Councilman	Voted	yes
Constance J. Elen, Councilman	Voted	yes
Edward Newcombe, Councilman	Voted	yes
Andrew Fenton, Councilman	Voted	yes

The foregoing resolution was thereupon declared duly adopted.

Dated: February 19, 2020

I hereby certify that this resolution was adopted on February 19, 2020 and is recorded in the Meeting Minutes of the Town of DeKalb Town Board.

  
Barb Creazzo  
Town Clerk

Agreement Between Client and Consultant for Professional Services, had been distributed to members of the Board prior to this meeting, for their review. This agreement is with Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C., and is part of the planned work at the De Kalb Wastewater Treatment Plant. The agreement is for the study of the Disinfection Project, along with other plant upgrades to the plant to ensure its viability for the next 20 years.

A motion was made by Constance Elen and seconded by Andrew Fenton, granting permission for Supervisor, John Frary, to sign the Agreement Between Client and Consultant for Professional Services, on behalf of the Town of De Kalb. Michael Livingston, yes, Ed Newcombe, yes, Constance Elen, yes, Andrew Fenton, yes, and John Frary, yes

The Town of De Kalb - Wastewater Treatment Plant Improvements agreement with Barclay Damon, was presented to the members of the board. This agreement confirms the Town of De Kalb, accepts Barclay Damon, as the party who will be responsible for obtaining funding sources in the amount not to exceed \$1,500,000 for the Wastewater Treatment Plant Improvements Project.

A motion was made by Constance Elen and seconded by Andrew Fenton, authorizing Supervisor Frary, to sign the Wastewater Treatment Plant Improvements Agreement, with Barclay Damon, and for the amount not to exceed \$1,500,000. Michael Livingston, yes, Ed Newcombe, yes, Constance Elen, yes, Andrew Fenton, yes, and John Frary, yes

Amendment to Resolution #1 Resolution to accept Engineering Planning Grant for an additional \$4,000 dollars, as the second phase is about to begin.

A motion was made by Michael Livingston and seconded by Constance Elen to amend Resolution # 1 at a cost not to exceed \$4,000. Michael Livingston, yes, Ed Newcombe, yes, Constance Elen, yes, Andrew Fenton, yes, and John Frary, yes.

#### **Financials:**

A motion was made by Ed Newcombe and seconded by Andrew Fenton, to accept the Court Clerk Audit as presented. Michael Livingston, yes, Ed Newcombe, yes, Constance Elen, yes, Andrew Fenton, yes, and John Frary, yes

A motion was made by Michael Livingston and seconded by Constance Elen, to accept the Water & Sewer Audit as presented for the Clerk's account. Michael Livingston, yes, Ed Newcombe, yes, Constance Elen, yes, Andrew Fenton, yes, and John Frary, yes

#### **Town Clerk Report: Barbara A. Creazzo**

Clerk Account – A total of \$1112.70 was collected for the month of January. Of this amount, \$226.12 was deposited into the town's coffers. The amounts collected and dispersed is as follows: received for sale of DEC licenses was \$8.42 while DEC received \$756.58, dog licenses collected \$93 and Ag & Markets received \$30, \$69 was received for a building permit that was issued, \$10 was received for a certified copy of a death certificate, \$40.70 was received for copies made and \$5 for faxes that were sent.

Water – A total of \$875.99 was collected for January, total for this quarter collected is \$8,603.45

Sewer – A total of \$725.56 was collected for January, total for this quarter collected is \$8,785.18

Taxes – A total of \$1,337,194.10 was collected for the month of January. The Supervisor has received a check in the amount of \$684,521.99, which pays the town in full for its allotted amount of taxes received. The first payment to the county has been completed via a check, in the amount of \$500,000. At the end of the first due date of taxes, 72.44% has been collected.

-Deputy Clerk, Wanda Law, worked a total of 38.5 hours in January.

-A safety inspection of the Town Hall has been conducted, and there are no safety concerns at this time. This inspection was completed in preparation of an upcoming safety inspection to be completed by the SLC Risk Manager.

Each Board Member received a copy of the Monthly and Year to Date Budget Reports and there were no questions. Supervisor Frary distributed the Payroll Checks Audit for 2019, as well as, the Accounts Payable Check Audit. Both were approved by signature of each Board Member. Signed copy of each audit was emailed to the account.

**Highway Report:** Wayne Holland (01/15/2020-02/19/2020)

- Twenty-four (24) rounds of plowing and sanding were completed.
- Continue to work on trucks and other equipment as needed and as time permits.
- Continue to cut brush along roads as weather permits.
- Safety trainings are done weekly (Toolbox Safety)

Highway Superintendent Holland presented his Ten (10) Year Equipment Purchase Plan to the board. This is the year for the trade-in for the front-end loader and a comparison of a John Deere versus a Caterpillar is being done. The Kubota used for mowing roadsides is up for replacement this year as well. The plow setup for the new truck purchased in 2019 is due this year, at a cost of \$96,000. Superintendent Holland would like to plan to purchase a new truck in 2021 to replace a 1999 International. The truck would be purchased in 2021 and the plow setup would be purchased and mounted in 2022. Monies have been setup in an equipment fund for truck purchasing. If the board moves forward for a new truck, a public referendum will need to occur.

The garage needs a new drill-press. The current drill is at a point that it has become a safety concern, as many repairs and modifications have been completed. A new one that will meet the needs of the department, can be purchased for approximately \$2,500. This cost is within the Procurement Policy that does not require a motion. Also, due to the fact, the current one has safety issues, a new one is to be purchased as soon as possible.

A motion was made by John Frary and seconded by Michael Livingston for the purchase of a new drill press. Michael Livingston, yes, Ed Newcombe, yes, Constance Elen, yes, Andrew Fenton, yes, and John Frary, yes

DEC is scheduled to inspect the storage tanks at the Town Barn on 02/20/2020. Do not anticipate any issues or concerns.

It is time once again, for the Board to approve the **Holding Harmless the County of St. Lawrence For Providing Service for 2020**. This resolution is passed each year and allows for shared services between the town and the county.

A motion was made by Andrew Fenton and seconded by Ed Newcombe to pass the following Resolution # 2. Michael Livingston, yes, Ed Newcombe, yes, Constance Elen, yes, Andrew Fenton, yes, and John Frary, yes.

RESOLUTION NO. 2

OF THE TOWN OF DE KALB

**HOLDING HARMLESS THE COUNTY OF ST. LAWRENCE FOR PROVIDING  
SERVICE FOR 2020**

By: Town Board, Town of De Kalb

**WHEREAS**, the **Town of De Kalb** is desirous of St. Lawrence County Department of Highways providing shared services such as paving, signage, road stripping, blasting, and other routine maintenance activities to the Town, and

**WHEREAS**, both the **Town of De Kalb** and the County of St. Lawrence are desirous of promoting partnering efforts for the safety of the traveling public in St. Lawrence County, and

**WHEREAS**, in this joint cooperative endeavor the **Town of De Kalb** and the County of St. Lawrence desires to be reimbursed for their expenditures, and

**WHEREAS**, the **Town** is aware that the County may incur liability in the providing of the services and wishes to indemnify the County in this regard,

**NOW, THEREFORE, BE IT RESOLVED** that to the fullest extent permitted by law, the **Town of De Kalb** will indemnify and hold harmless the County, their officers, directors, partners, representatives, agents and employees from and against any and all claims, suits, liens, judgments, damages, losses and expenses, including legal fees and all court costs and liability (including statutory liability) arising in whole or in part and in any manner from injury and/or death of person or damage to or loss of any property relating to or arising out of any negligent or intentional acts and/or omissions of the **Town of De Kalb** or any of its directors, officers, employees, contractors, representatives, or agents.

**BE IT FURTHER RESOLVED** that the following request for General Liability (GL) coverage is as follows:

General Liability Insurance

On an "Occurrence" basis, with the following limits:

\$1,000,000 Each Occurrence

\$3,000,000 General Aggregate

\$1,000,000 Products Aggregate

\$1,000,000 Personal Injury

\$ 50,000 Fire Damage Legal Liability

\$ 5,000 Medical Payment Expense

**BE IT FURTHER RESOLVED** that St. Lawrence County shall be an additional insured on the GL Policy, via ISO endorsement CG 2026.

2/19/2020  
Date

John M. Eray  
Town of De Kalb Supervisor

**Dog Control Report: Daniel Moyer**

- Picked up two (2) dogs this month, both were licensed and returned to owners, with a warning to keep them from running.
- Spoke with two (2) neighbors about dogs staying on their own property.
- Spoke to two (2) owners in village of Richville about getting their dogs licensed.

**Code Officer Report: Bill Chambers**

- Four (4) permits have been issued at a total project cost of \$121,650, with \$138 generated in permit fees. The permits were for the following: 1 Cell Tower-Repair/Maintenance, 1 accessory structure, 1 re-roofing, and 1 addition.
- Public inspections for the year are nearly completed.

**Historian's Annual Report: Bryan Thompson**

- Approximately fifty (50) visitors, visited the Historical Building and 312 phone calls or email request were answered.
- An exhibit featuring the county schools of De Kalb were updated during the year.
- School Classroom Lectures/Presentations for the following subjects were provided:

- The 1918 Flu Epidemic
- Farm Chores of the 1890's
- Black Pioneers of St. Lawrence County
- The KKK in St. Lawrence County
- Public Lectures/Presentations
  - Mines, Minerals and Exploration in the Town of De Kalb
  - Researching your black ancestors in St. Lawrence County
  - The 1918 Flu Epidemic in De Kalb
  - Richville Welsh Church
  - A Walking Tour of Old De Kalb
  - The Abolitionist Movement and the Underground Railroad in St. Lawrence County
- Historical Research
  - The 1814 Goff Survey of De Kalb
  - The Overseers of the Poor in De Kalb
- Historical Publications
  - The 1814 Goff Survey of De Kalb
  - Lewis S. Bishop, De Kalb's Flying Tiger
- Heritage Tourism Projects
  - Received funding from the Pomeroy Foundation for a legends and lore marker for Cooper's Rock in the town of De Kalb
- Attended and presented at the National Parks Symposium on the Underground Railroad at Niagara Falls
- Other
  - Worked with the educational committee of the St. Lawrence County Historical Association to plan and put on several educational programs.

### **Communications:**

- Supervisor Frary updated the board regarding the solar array projects. All PILOLTs will be negotiated by IDA. Of the percentages distributed, the town will receive the smallest amount.
- LWRP- meeting will be held March 4<sup>th</sup>, at 4pm at the Canton Municipal Building. This meeting is to get the State Board to join the local project.
- Phone system is scheduled to be installed Friday the 28<sup>th</sup>.
- Turnbull property, members of the board had the opportunity to see most of the building. Members would like Rebecca Wells to tour the building and provide a preliminary plan of use for the building. Members would also like to visit other new Town Office buildings that have been constructed over the past couple of years. Supervisor Frary will set up a couple of visits.
- St Henry's has been shown once.
- There was no discussion of the CR 17 property.
- Copies of the adjusted Municipal Property and Liability Policy Renewal Declarations, was distributed to the members of the board. Changes were requested at the Organizational Meeting which was held in January.
- Copies of Audits of Local Governments and School Districts was also distributed. This information contains recommendations of audits, having in place, a resolution allowing the payment of certain bills prior to the board meeting, and to ensure procurement policies are in place and followed.
- Further discussion occurred regarding the Health Insurance Buy-Out Plan. While the proposed plan looks to be well written, members would like the opportunity to look at what other municipalities have in place. Copies of other plans will be obtained by Constance Elen.
- Received a copy of ADVOCATE DRUM newsletter.
- The Justice Court Assistance Program grant, that Sheila Gardner applied for, has been granted. This will provide safety alarms within the building.

After reviewing all bills presented, and signing all bills over \$500.00, a motion was made by Michael Livingston and seconded by Andrew Fenton to approve payment of the bills as entered on Abstract #2-2020. Michael Livingston, yes, Ed Newcombe, yes, Constance Elen, yes, Andrew Fenton, yes, and John Frary, yes

A motion was made by Ed Newcombe and seconded by Constance Elen, to adjourn. Michael Livingston, yes, Ed Newcombe, yes, Constance Elen, yes, Andrew Fenton, yes, and John Frary, yes

Meeting adjourned at 9:55 PM

Respectfully submitted by

Barbara A. Creazzo  
Town Clerk

Actions

1. Send Senator Patti Ritchie a copy of Resolution # 3 for the reduction of the speed limit at the intersection of US Highway 11 and the East De Kalb Road. **Completed 02/21/2020**
2. Send signed letter to Barclay Damon (Joseph W Russell) for bond application. **02/24/2020**
3. Send signed copy of Resolution # 2 (Hold Harmless), to Don Chambers, Superintendent of Highways for St. Lawrence County. **Completed 02/24/2020**