

Town of DeKalb Board Meeting

At a regular meeting, of the Town Board, of the Town of DeKalb, St. Lawrence County, New York, held on the 19st day of October 2022, at the Town Hall in DeKalb Junction NY, there were present:

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

Ed Newcombe, Town Board Member, absent due to illness.

Members of the community present: Larry Denesha, SLC Legislator

Members of the community attending via ZOOM: Janice Brabaw

Supervisor Frary opened the regular meeting at 7PM.

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 September 21, 2022, as submitted by the Town Clerk, be and hereby approved. Seconded by Andrew Fenton and adopted unanimously.

Michael Livingston moved that the minutes of the Budget Meeting, of the Town Board, held on October 12, 2022, as submitted by the Town Clerk, be and hereby approved. Seconded by Andrew Fenton and adopted unanimously.

Actions

1. Supervisor Frary to follow-up request for the third quote regarding the ditching.
2. Supervisor Frary to contact DANC regarding the availability of grants through the Cleanwater Act.
3. Change out the water meter for Eathon Graham per his request.
4. Follow-up with IT for information regarding the ability for the public to record ZOOM meetings.
5. Budget Review meeting October 12, 2022, send for publication. **Completed 9/22/22.**
6. Mail copy of Local Law #3 of Year 2022 to Albany and Attorney Nash. **Completed 9/22/22.**
7. Mail signed copy of Resolution #9, St. Lawrence County Centralized Biosolids Composting Facility Feasibility Study to the Legislators. **Completed 9/30/22.**
8. Order new hydrant. **Ordered 9/26/22.**
9. Order new waterpipe. **Ordered 9/26/22.**
10. Purchase hotbox. **Completed.**
11. Attend Safety Training.
12. Place ad for bids on excavator.
13. Be prepared to discuss Ethic Policy at the October meeting.
14. Continue to work on SDS.

Public Forum:

Larry Denesha

-The County's preliminary budget will be presented Monday at the Finance Committee Meeting. We do not anticipate any increase in taxes for 2023.

-Passed a resolution for equalization rates for 2023. De Kalb is at 84% which is down from 93%.

-Churchill Estate, the contract has been amended with the soil monitoring company, as buried fuel tanks have been found. Monitoring and/or remediation will occur.

-There were 86 parcels that went on the auction block for unpaid taxes. There were 288 bidders registered, and a total of \$1,506,000, was collected from the sales. After all back taxes of \$1,175,000 were paid along with other expenses paid, the county received \$268,000. Of this

amount, \$100,000 will go into the fund that has been set aside for cleaning up properties that are unsellable as they are.

-Passed a resolution to send a letter encouraging the United States Army to explore a reasonable salary increase for all military personnel. Currently most military personnel are at such a low-income level, they qualify for SNAP Benefits.

-This past year, SLC funds has earned \$714,000 in its interest and investments. This is such a turn around from a few years ago, when the county was paying this much in interest for money it needed to borrow each year to meet payroll.

Financials:

There was no Court Audit for this month.

Constance Elen made the motion to accept the Town Clerk Audit for the Clerk's Water & Sewer accounts, seconded by Michael Livingston. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

Clerk Report: Barbara Creazzo

A total of \$ 4,048.60 was collected for the month of September. Of this total, the town was able to retain \$1,398.95 for its coffers. The breakdown is as follows: NYDEC - \$2,576.65, town - \$147.35, Ag & Markets - \$28, town - \$107.50, town - \$986.80 for building permits, NYDOH for marriage licenses - \$45, town - \$35, town - \$90 for death certificates, town \$30.30 for copies and \$2 for faxes sent.

Water payments collected for the month of September were \$9,311.33 and for sewer, \$12,563.73 for a total collected \$21,875.06.

Final tax payment to the Supervisor in the amount of \$3,200.67 was made, closing out the books for the year.

Wanda Law, deputy clerk, worked a total of 13 hours for the month of September.

Notice of unpaid water and or sewer bills have been sent out. All payments must be received no later than November 1st. All payments received after this date will be returned, as unpaid balances need to be recorded for re-levy and submitted to the County to be levied on the 2023 tax bills. As of today, there is \$20,037.88 in unpaid sewer bills and \$15,514.28 in unpaid water bills.

A motion was made by Constance Elen and seconded by Michael Livingston, for the clerk to re-levy no more than \$20,037.88 for unpaid sewer bills and \$15,514.28 for unpaid water bills. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

FOIL Request. An individual recently requested, in person, a FOIL request. Most that have been requested have either been via email or written letter. There is no formal request that the town uses. I have spoken with Tess Eells, Town Clerk, for the Town of Russell, and she sent me a copy of what she uses. I have adapted the form for the Town of De Kalb to use moving forward. The form allows for tracking of the request.

A motion was made Michael Livingston and seconded by Constance Elen, to approve the FOIL request form for future FOIL request. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

Supervisor Frary distributed this month's Year to Date Financial Report for review. There were no questions at this time.

Public Hearing for the 2021 Budget is set for November 16, 2022, beginning at 6:45 PM at the De Kalb Junction, Town Hall.

Water/Sewer Report:

DANC – water, a total of 811,200 gallons of water were metered in the month of September, with an average daily flow of 27,040 gallons. A total of 5 gallons of sodium hypochlorite were used in the treatment of the water produced. All daily, weekly, and monthly, inspections and/or maintenances were conducted as scheduled. One random distribution sample was taken for bacteriological testing and the result was satisfactory. Fire hydrants were flushed. Fire hydrant

located on County Route 17 needs to be replaced, as it malfunctioned during the flushing process, therefore, causing a main break in the system. The break occurred near the end of the waterline near the Family Dollar Store. Notification of the break, along with boil water notices were completed in a timely manner. Notification was also made when the boil water notice was lifted. The complete report includes all daily flow chart records.

-sewer, a total of 1,072,000 gallons of wastewater were treated in the month of September, with an average daily flow of 35,733 gallons. There were no SPDES permit violations. All daily, weekly, and monthly, inspections and/or maintenances were conducted as scheduled. The complete report includes all daily flow chart records.

A total of \$6,000,000 has been secured either through grants or 0% interest loans for the upcoming sewer district upgrades which are a result of DEC mandates. Now that funding has been secured, it is time to meet with the customers within the sewer district. Supervisor Frary will contact Mark White, Superintendent of Hermon De Kalb School, for the use of the auditorium. A large screen for a power point presentation is necessary. Scott Thornhill, DANC, Charles Prior, EDR, and others will be available to explain the process of funding and the necessary upgrades to the system. Once a date and time has been established, the notice of such will be published in the Watertown Daily Times, on the Town's Website, and postcards sent to those living within the water/sewer district. Will try for November 9, 2022, as a possible date.

A motion was made by Andrew Fenton and seconded by Constance Elen, to pass a resolution requesting consideration for a St. Lawrence County Water/Wastewater Infrastructure ARPA Funding Initiative Grant, for the Town of De Kalb's upcoming state mandated wastewater upgrades. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

Supervisor Frary informed the Board that he has not heard from AOK Architect. Therefore, he will now reach out to another architect for a quote for the proposed ditching that has been discussed, as three (3) quotes minimum are required.

Duck (Donald) Brown has located pipe to replace the section of water main that has been repaired. Previous, it was noted there would be a twenty (20) week delivery time. Now we are just waiting on a price for the pipe.

DEC has conducted their annual inspection of the sewer plant and it is reported to be in good working order.

The generator has also had its annual inspection completed and it too, is in good working order.

Highway Report: Wayne Holland

- Have purchased the hotbox and it is working well.
- Have received notice that the new truck that was ordered in 2020 is scheduled to be built February 14, 2023.
- Had an employee resign effective 10/06/2022. Have had one application and will most likely hire if background checks are good.
- Sand is ready for the winter, as 300 loads were hauled.
- Salt is also in and ready.
- Getting trucks ready for the winter.
- Will be borrowing Fowler's crack filling machine within the next week if the weather holds.
- The new excavator is due for delivery in December.

Dog Control: No report

Buildings & Code Report: No report

Assessor Report: Suzanne Arquette

- Reviewed Veteran's exemptions and decided to update all Veteran's renewal applications by sending out Veteran's applications to all property owners that have the veteran's exemptions along with the codes that we put in place. A total of eighty-nine (89) applications were sent out.
- Continuing to review deed transfers on a regular basis as they come in, address changes, and keeping up with the Income Verification Program (IVP) to ensure that our Enhanced Star recipients are up to date on the New York State Website.

- Have started reviewing building permits, along with the sales verifications.
- As of today, there have been 59 deed transfers.

Supervisor Frary reminded the Board that Ms. Arquette has completed her six (6) month trial period, and he recommends to the board that she now be appointed to complete the remainder of the unexpired six (6) year term, which ends September 30, 2025.

A motion was made by John Frary and seconded by Constance Elen, to appoint Suzanne Arquette to the remainder of the six (6) year Assess Term for the Town of De Kalb. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

Communications:

- Solar projects are nearing completion but have not been connected to the power grid.
- Streetlights have all been repaired and are functioning.
- Christmas decorations have been received.
- Review of Code of Ethics for the Town of De Kalb, a copy of the policy was distributed last month for members of the board to review and be prepared to comment on for this meeting. No discussion was brought forward. Therefore:

A motion was made by Michael Livingston and seconded by Andrew Fenton, to continue with the Town of De Kalb Code of Ethics Policy as written, as no changes are recommended at this time. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

-Now that the members of the board have had time to review the three (3) quotes for the architectural design for the Pipeline Park pavilion, a motion is required to move forward.

A motion was made by Constance Elen and seconded by Michael Livingston, to accept the quote of \$7,540, from Brooks Washburn Architecture, DPC, for designing the proposed pavilion at Pipeline Park. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

Supervisor Frary distributed a copy of a proposed Local Law for the governing of use of ZOOM for meetings. This will be discussed at future meetings beginning with next month.

After reviewing all bills presented, and signing all bills over \$500.00, a motion was made by Constance Elen and seconded by Andrew Fenton to approve payment of the bills as entered on Abstract #10-2022. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

A motion was made by Andrew Fenton and seconded by Constance Elen, to adjourn.

Meeting adjourned at 8:40PM

Respectfully submitted by

Barbara A. Creazzo
Town Clerk

Actions

1. Send notice to newspaper for Public Hearing for the 2023 Budget. **Completed 10/24/2022.**
2. Post Public Hearing for Budget on website. **Completed 10/24/2022.**
3. Sign and send copy of Resolution #10 to Scott Thornhill. **Completed 10/24/22.**
4. Post Public Notice for Sewer upgrades meeting. **Completed 10/24/22.**
5. Inform Brooks Washburn Architecture, DPC that he has been award the bid for Pipeline Park. **Completed 10/24/2022.**
6. Review and be prepared to discuss proposed Local Law for ZOOM.

**TOWN OF DE KALB
FREEDOM OF INFORMATION LAW (FOIL) REQUEST FORM**

This form is to be used by all persons making a request for information and/or records from the Town of De Kalb pursuant to the New York State Freedom of information Law.

Name: _____ Phone: _____

Address: _____

Department information being requested: _____

Please indicate below the record(s) you are requesting including relevant dates, names, addresses, case numbers, etc.

1. Please be aware that the Freedom of Information Law of New York State allows a municipality to take up to five (5) business days to acknowledge your request. The production of certain records may require additional time. All requests may be picked up at this office. To inquire about a request, you may contact this office at 315-347-3331.
2. The statutory fee which the town will charge for the production of records is \$0.25 per 8½" x 11" photocopied page and/or the actual cost of reproduction of certain other materials and records.
3. The Freedom of Information officer for the Town of De Kalb is the Town Clerk. If you need to make a request, or appeal, you may do so in writing and mail to De Kalb Town Clerk PO Box 133 De Kalb Jct., NY 13630.

YOUR SIGNATURE BELOW INDICATES THAT YOU HAVE READ AND UNDERSTAND THE ABOVE PROVISIONS.

Signature: _____

Date: _____

Town Clerk Office Use Only

Date received: _____

By: _____

Due to be completed by Department: _____

Department Use Only

____ Approved ____ Denied

By: _____

____ Pages attached

*Turn all FOIL requests into Town Clerk

**If request is denied, attach, or write Reason for Denial above

RESOLUTION # 10 IN SUPPORT OF

ST. LAWRENCE COUNTY WATER/WASTE WATER INFRASTRUCTURE ARPA FUNDING INITIATIVE

FOR THE TOWN OF DEKALB WASTEWATER SYSTEM IMPROVEMENTS PROJECT

WHEREAS, a notice of funding availability from the 2022 St. Lawrence County Water/Waste Water Infrastructure American Rescue Plan Act (ARPA) Funding Initiative Program was announced with a total of \$3,000,000 available to help municipalities close a funding gap for shovel-ready projects; and

WHEREAS, the Town of DeKalb seeks to construct wastewater treatment plant improvements essential to addressing critical New York State Department of Environmental Conservation (NYS DEC) required disinfection and water quality issues; and

WHEREAS, the Town of DeKalb began the planning for required improvements to its municipal wastewater system improvements in 2019. The project could not proceed until it was made affordable through obtaining funding from multiple agencies. The NYS DEC WOIP offered a \$1,000,000 grant, which has been accepted. The New York State Water Infrastructure Improvement Act (NYS WIIA) program offered a \$2,500,000 grant, which has been accepted. USDA Rural Development made an offering of \$1,625,000 loan and \$875,000 grant, which was also accepted and made the project somewhat affordable for the Town. Thus, the Town is seeking additional grant funding to implement the project at a practical rate increase. With the majority of funding in place the Town is planning to begin construction in 2023; and

WHEREAS, the Town has completed all necessary steps to advance the work in accordance with NYS Local Finance Law. It has completed the required Preliminary Engineering Report, Environmental Review and SEQR/SHPO coordinated review for certification and approval. The Town subsequently adopted a Bond Resolution and issued Estoppel Notice. Design drawings and specifications were submitted in early summer 2022 for NYS DEC review and approval so the project can proceed to bidding in December; and

WHEREAS, grant funding from the St. Lawrence County Water/Waste Water Infrastructure ARPA Funding Initiative would greatly assist the Town in providing the critical upgrades without further increase to customer rates; and

WHEREAS, the Town of DeKalb Town Board fully supports a proposed funding application.

NOW, THEREFORE, BE IT:

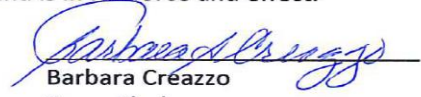
RESOLVED that the Supervisor is hereby authorized and directed to file an application for \$250,000 in grant funds from the St. Lawrence County Water/Waste Water Infrastructure ARPA Funding Initiative; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized and directed to execute all documents and agreements associated with the funding upon award.

CERTIFICATE OF RECORDING OFFICER

I, Barbara Creazzo, the duly qualified and acting Clerk of the Town of DeKalb, New York, do hereby certify that the attached resolution was adopted at a regular meeting of the Town of DeKalb on October 19, 2022 and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Seal of the Municipality:


Barbara Creazzo
Town Clerk

Town of De Kalb Code of Ethics

Legislative Intent

The Town Board of the Town of De Kalb recognizes that there are state statutory provisions mandating towns and villages to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this town as part of our state's important system of local government. It is the purpose of this chapter to implement this objective through the establishment of standards of conduct, to provide for a punishment for violation of such standards and to create a Board of Ethics to render advisory opinions to the town's officers and employees as provided herein.

Provisions to be in addition to certain regulations

The standards, prohibitive acts and procedures established herein are in addition to any prohibitive acts, conflicts of interest provisions or procedures prescribed by statute of the State of New York and are also in addition to common law rules and judicial decisions relating to the conduct of town officers to the extent that the same are more severe in their application than this chapter.

Definitions

As used in this chapter, the following terms shall have the meanings indicated:

CONTRACT

Any claim, account or demand against or agreement with the Town of De Kalb, written, expressed or otherwise implied.

INTEREST

Any direct or indirect pecuniary or material benefit accruing to a town employee as the result of a contract with the Town of De Kalb. For the purposes of this chapter, a town employee shall be deemed to have an interest in the contract of his spouse, minor children and dependents, except a contract of employment with the Town of De Kalb; a firm, partnership or association of which such employee is a member or employee; a corporation of which such employee is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by such employee.

TOWN

Any board, commission, district council or other agency, department or unit of the government of the Town of De Kalb.

TOWN EMPLOYEE

Any officer or employee of the Town of De Kalb, whether paid or unpaid, whether serving under a full-time, part-time or advisory capacity. (No person shall be deemed to be a town employee solely by reason of being a volunteer fireman, rescue squad member or civil defense volunteer)

Town of De Kalb Code of Ethics

Conflicts of interest

Except as provided in § 802 of the General Municipal Law of the State of New York, no town employee shall have any interest in any actual or potential contract with the Town of De Kalb, other than the employee's contract of employment with said town. The provisions of this section shall not be construed to preclude the payment of lawful compensation and necessary expenses of any town employee in one or more positions of public employment, the holding of which is not prohibited by law.

Standards of conduct

A. No town employee shall accept other employment which will impair his/her independence of judgment in the exercise of his/her official duties.

B. No town employee shall accept employment or engage in any business or professional activity which will require him/her to disclose confidential information which he/she has gained by reason of his/her official position or authority.

C. No town employee shall use or attempt to use his/her official position to secure unwarranted privileges or exemptions for him/herself or others.

D. No town employee shall engage in any transaction as representative or agent of the town with any business entity in which he/she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his/her official duties, unless proper, prior and legal written disclosure thereof shall have been made.

E. The town employee shall not let his/her conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of his/her official duties or that he/she is affected by the kinship, rank, position or influence of any party or person.

F. Each town employee shall abstain from making personal investments in enterprises which he/she has reason to believe may be directly involved in decisions to be made by him/her or which will otherwise create substantial conflict between his/her duty and the public interest and his/her private interest.

G. Each town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he/she is likely to be engaged in acts that are in violation of his/her trust, or that could be construed as impeding his/her ability to properly conduct town business.

H. No town employee employed on a full-time basis, nor any firm or association of which such employee is a member, nor any corporation, a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods and services to any person, firm, corporation or association who or which is licensed or whose rates are fixed by the village in which such employee serves or is employed.

Penalties for offenses

In addition to any penalty contained in any other provision of law, any such town employee who shall knowingly and intentionally violate any of the provisions of this chapter may be disciplined, suspended or removed from office or employment in the manner provided by law.

Town of De Kalb Code of Ethics

Board of ethics

A. There is hereby established a Board of Ethics consisting of three members, to be appointed by the Town Board, all of whom reside in the Town of De Kalb, and who shall serve without compensation and at the pleasure of the Town Board of the Town of De Kalb. A majority of such members shall be persons other than town employees, but the Board shall include at least one member who is an elected or appointed town employee of the Town of De Kalb.

B. The Board of Ethics established hereunder shall render advisory opinions to town employees upon written request and make recommendations to such Board of Trustees as to any amendments of this chapter. The opinions of the Board of Ethics shall be advisory and confidential, and in no event shall the identity of the town employee be disclosed except to authorized persons and agencies. Such opinion shall be on the advice of counsel employed by the Board of Ethics or, if none, of the Town Attorney.

C. Such Board of Ethics, upon its formation, shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

Distribution and posting

Upon the adoption of this chapter, the Town Supervisor shall cause a copy thereof to be distributed to every town employee of this town. Failure to distribute any such copy, or failure of any town employee to receive such copy, shall have no effect on his duty in compliance with neither this code, nor the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the town. Failure to so post this chapter shall have no effect on the duty of compliance herewith, nor the enforcement of the provisions hereof.

Copy to be filed

Within 30 days of the adoption of this chapter, the Town Clerk shall file a copy thereof in the office of the State Comptroller.

Appropriations for Board of Ethics

The Town Board may appropriate moneys from general town funds for the maintenance of and for personal services to the Board of Ethics established hereunder. Such Board of Ethics may not commit the expenditure of town moneys except within the appropriations provided herein.



Municipal Ethics

Analyzing a Conflict of Interest:

GML
Article 18

1. Is there a potential conflict with a contract with the municipality?

2. If yes to #1, do you have an "interest" in the contract?

"Interest" means a direct or indirect financial or material benefit received because of the contract.

3. If yes to #1 and 2, do you have "control" over the contract?

"Control" means you can, individually or as a board, negotiate/approve contract authorize payments from contract audit bills from contracts or appoint someone who can.

4. If "yes" to #1-3, do any statutory exceptions listed in General Municipal Law § 802 apply?

STOP! If you answered yes to #1-3 and "no" to #4 the contract is prohibited.

5. What does your local ethics code say?

6. Is there an "appearance of impropriety?"

- Is the interest personal?

- Is the interest substantial?

Nepotism: No general prohibition against two members of the same family from working for the same municipality; however, an officer should not participate in decisions concerning salary or terms and conditions of employment for family members also employed by municipality. Also, consult local ethics code for local nepotism rules that may apply.