

# 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 20<sup>st</sup> day of October 2021, at the Town Hall in DeKalb Junction NY, there were present:

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

Ed Newcombe, Board Member, was unable to attend, as he is currently out of area per a job requirement.

Members of the community present: Charles Prior from EDR, Scott Thornhill from DANC, and Larry D Denesha, SLC Legislator

Members of the community attending via ZOOM: No one requested to attend.

Supervisor Frary opened the Public Hearing Meeting at 6:45 PM. Supervisor Frary explained the breakdown for the water and sewer increases, as he provided copies for members of the board to review. There were no questions or concerns. The Public Hearing closed at 7:00 PM.

Regular Board Meeting was called to order by Supervisor Frary at 7:00 PM, pledge of Allegiance was led by Supervisor Frary, followed by a moment of silent prayer and/or reflection.

Andrew Fenton moved that the minutes of the Regular Meeting, of the Town Board, held on August 18, 2021, as submitted by the Town Clerk, be and hereby approved. Seconded by Michael Livingston and adopted unanimously.

Constance Elen moved that the minutes of the Preliminary Budget Meeting, of the Town Board, held on September 13, 2021, as submitted by the Town Clerk, be and hereby approved. Seconded by Michael Livingston and adopted unanimously.

Andrew Fenton moved that the minutes of the Regular Meeting, of the Town Board, held on September 15, 2021, as submitted by the Town Clerk, be and hereby approved. Seconded by Constance Elen and adopted unanimously.

Michael Livingston moved that the minutes of the Preliminary Budget Meeting, of the Town Board, held on October 6, 2021, as submitted by the Town Clerk, be and hereby approved. Seconded by Andrew Fenton and adopted unanimously.

## Actions

1. Advertise the next budget meeting which will be held 10/06/21. **Completed 09/21/2021**

## Public Forum:

Charles Prior, and Scott Thornhill, presented the up-to-date progress regarding the proposed Wastewater Treatment Plant improvements. Areas that were covered include EAF Part 1, EAF Part 2, EAF Part 3 (Project Impact Summary), EAF Part 3 (form for signature), Suggested negative declaration resolution (form for signature), and approval for Barclay Damon to act as and provide bond counsel services to the Town of De Kalb regarding the improvements for the De Kalb Wastewater District.

It has been determined there will be no negative environmental impact due to the wastewater treatment plant improvements. After review of the documentation, Supervisor Frary, signed and dated *Part 3 – Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance form*.

The next item for discussion was the Resolution to Declare Lead Agency and Issue a Negative Declaration under the State Environmental Quality Review Act (SEQRA).

A motion was made by Constance Elen and seconded by Andrew Fenton to approve the resolution to Declare Lead Agency and Issue a Negative Declaration under the State Environmental Quality Review Act (SEQRA). Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, and John Frary yes. Resolution to be signed by Supervisor Frary and Clerk Creazzo.

Clerk Creazzo will certify the SEQRA document as well as the Resolution.

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**RESOLUTION TO DECLARE LEAD AGENCY AND ISSUE A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)**

WHEREAS the Town of DeKalb is performing a wastewater treatment evaluation and they proposed the implementation of selected improvements. The proposed improvements may include equipment upgrades and improvements at their existing wastewater treatment plant (including new disinfection in accordance with the notification issued to the Town from NYSDEC), as well as inspections and general repairs to the Town of DeKalb sewer system, hereinafter referred to as "said Actions", and

WHEREAS said Actions require review under the New York State Environmental Quality Review Act (SEQRA), per 6NYCRR Part 617, and

WHEREAS said Actions are classified as Unlisted Actions as they do not exceed the Type I thresholds included in 6NYCRR Part 617, Section 617.4(b), and

WHEREAS a Short or Full Environmental Assessment Form may be prepared for an Unlisted Action, and

WHEREAS multiple agencies have approval or funding authority over said Actions, and

WHEREAS 6NYCRR Part 617.2(u) defines "Lead Agency" as, "an involved agency principally responsible for undertaking funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the action, and for the preparation and filing of the statement if one is required", and

WHEREAS the Town of DeKalb intends to act as Lead Agency in the coordinated review of said Actions under SEQRA and further intends to implement and complete all responsibilities of that office, and

WHEREAS, other involved agencies were notified of the Town's Intent to act as Lead Agency on May 18, 2020 and August 24, 2021 and were provided with a copy of part one of the Environmental Assessment Form (EAF) and supporting documentation, and

WHEREAS the Town of DeKalb received no written objections from the Involved Agencies, and

WHEREAS the State Historic Preservation Office has indicated in a letter dated August 20, 2021, that the Actions will not have an adverse effect to cultural resources, and

WHEREAS the Town of DeKalb and their consultants have prepared and filed a Full Environmental Assessment Form which identifies the potential environmental impacts which may result from said Actions, and

WHEREAS, the potential impacts as enumerated below were reviewed by the Town of DeKalb with consultation from Town consultants, and determined to have "no or small impacts" (see Attached Parts 2 and 3 of the EAF):

- Impact on Land;
- Impact on Geological Features;
- Impact on Groundwater;
- Impact on Surface Water
- Impact on Plants and Animals;
- Impact on Flooding;
- Impact on Agricultural Resources;
- Impact on Aesthetic Resources;
- Impacts on Air;
- Impact on Historic and Archeological Resources;

- Impact on Open Space/Recreation;
- Impact on Critical Environmental Areas;
- Impact on Transportation;
- Impact on Energy;
- Impact on Noise, Odor and Light;
- Impact on Human Health;
- Consistency with Community Plans;
- Consistency with Community Character; and

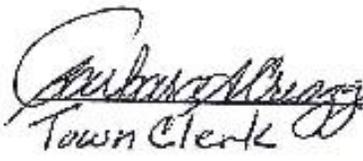
WHEREAS, the completed Part 3 of the EAF indicated how impacts have been avoided, minimized and/or mitigated to the extent practicable, and

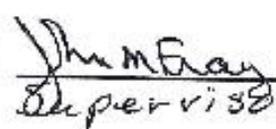
WHEREAS, said Actions will result in improvements to the existing wastewater treatment plant and regional surface water quality.

Therefore, be it

RESOLVED, that the Town of DeKalb declares itself Lead Agency, as defined in 6NYCRR Part 617.2(u), for the coordinated review of said Actions under SEQRA, and

RESOLVED, that the Town of DeKalb declares that, based on the Environmental Record which has been prepared, the project will result in no significant adverse environmental impacts. A Negative Declaration under SEQRA is therefore issued for this project.

 10-20-2011  
 Town Clerk Date

 10/20/2011  
 Supervisor Date

Barclay Damon, in a letter to Supervisor Frary, outlined what they provide for the Town of Dekalb regarding bond counsel services and cost. This information was provided to the members of the board for review.

A motion was made by Andrew Fenton and seconded by Constance Elen to accept and hire Barclay and Damon for bond counsel services for the Wastewater Treatment Plant improvements. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, and John Frary yes. Therefore, Supervisor Frary signed the document agreeing to the terms within.

There will also be a need to procure a separate agreement for additional attorney fees that may arise. Attorney Nash informed the members of the board that he will not be able to provide these services. Supervisor Frary contact another attorney for these services.

Charles Prior gave an overview of the services EDR will be providing during the wastewater treatment plant improvements, from this point forward until the project has been completed. Providing if the Town of De Kalb chooses to continue with EDR.

A motion was made by Constance Elen and seconded by Michael Livingston to continue partnership with EDR for the duration of the wastewater treatment plant improvements, providing they meet all compliance regulations required by both the federal and state government. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, and John Frary yes. Supervisor Frary to sign all necessary documents as needed.

Larry Denesha, SLC Legislator

-COVID cases are down from yesterday. However, St. Lawrence County continues to be near the 8.43% positivity rate. Counties that make up the North County is at a 5.8% positivity rate, while the positivity rate for the State is 2.4%.

-Per result of the past Census, there will be a redistricting for the County Legislators. This will help to ensure the fifteen counties have about the same amount of population. The more significant changes will occur with Ogdensburg, Canton, and Potsdam. Mr. Denesha will retain his current township, while picking up the Town of Clare.

-The County Route 27 bridge work in Degrasse, is expected to be completed by mid-November. The recent Tax Auction had 105 parcels up for bid and there were 351 bidders registered. A total of \$1,757,000 was taken in, while \$946,000 was owed in back taxes; therefore, after the Auction Company was paid, the County was able to net \$811,000.

-Broadband Survey Report revealed there are 2.11% of the residents of the county do not have access to highspeed internet; therefore, approximately 5,000 homes are without highspeed internet.

-The County has signed a contract with a company that will be doing some oversight of the Department of Social Services.

#### **Financials:**

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

Constance Elen made the motion to accept the Town Clerk Audit for the clerk account, seconded by Michael Livingston. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, and John Frary yes.

Clerk Report: Barbara Creazzo

-A total of \$46,504.30 was collected for the month of September with the town retaining \$44,081.75. The breakdown is as follows: NYS DEC received \$2,372.05 for hunting licenses sold while the town received \$139.95, Ag & Markets received \$28 for dog licenses and the town received \$107.50, NYS DOH received \$22.50 for a marriage license and the town received \$17.50. The town received the following: \$43,750 from building permits, \$30.60 for copies made, \$9 for sent faxes, and \$25 from the planning board.

-Water and Sewer Collections: water collected \$7,751.23 while sewer collected \$9,937.00 for the month of September.

-Deputy Clerk, Wanda Law, worked 59 hours during the month of September.

I will need to submit to the County, water, and sewer re-levy amounts prior to the next Regular Board Meeting. Users have until the 30<sup>th</sup> of October to pay their balances due. I have a working document that currently shows \$12,811.07 to be re-levied for water and \$14,207.50 for sewer. As payments are received, the amount is subtracted from the total of each. Therefore, I am asking the members of the board to approve the re-levy of water not to exceed \$12,811.07 and sewer not to exceed \$14,207.50, as this amount will be less each time a payment is received.

A motion was made by Michael Livingston and seconded by Constance Elen, for the town clerk to re-levy water in the amount, not to exceed \$12,811.07 and for the re-levy of sewer in the amount, not to exceed \$14,207.50. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, and John Frary yes.

Supervisor Frary distributed copies of the monthly budget report for review.

Supervisor Frary asked the members of the board if they had any more questions regarding the budget for 2022. When there were no, he asked for a motion to accept the 2022 Budget as presented.

A motion was made by Andrew Fenton and seconded by Constance Elen, to approve the 2022 Budget as presented. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, and John Frary yes.

**Water & Sewer Report: DANC**

Water – a total of 667,500 gallons of water were metered in the month of September, with an average daily flow of 22,250 gallons. A total of 7 gallons of sodium hypochlorite were used in the treatment of the water produced. The full report has all charts included. Daily, weekly, and monthly inspections/maintenance were completed as required. One random distribution sample for bacteriological testing was completed with a satisfactory result.

Sewer – a total of 755,000 gallons of wastewater were treated in the month of September, with an average daily flow of 25,167 gallons. There were no SPDES permit violations. The full report has all charts included. Daily, weekly, and monthly inspections/maintenance were completed as required. Rotating of RBC for one hour per day continues.

**Highway Report: Wayne Holland (09/15 to 10/20)**

- Hauled 320 loads of sand.
- Chipped brush.
- Fixed and replaced signs where needed.
- Put in 40 feet of 30-inch culvert pipe on the River Road.
- All trucks have been serviced and harness have been put on.
- Purchased a gas post-pounder for installing signs.
- The tipping fee for the fall trash pick-up was \$1,850 and \$208 was collected from the metal that was collected by the highway crew during the pick-up days.

The new truck is not expected to be delivered until sometime in February, due to the national disruption of supply chains.

Plan to trade in the current zero turn lawn mower and small tractor lawn mower for a new zero turn. Expense will be covered by equipment budget.

**Code Enforcement Report: Bill Chambers**

A total of 13 permits were issued since last report. Project cost of the permits is \$4,195,450.00 and the permit fees generated is \$11,268.98. To date, 50 permits have been issued with a project cost of \$22,441,008.00 and fees of \$59,787.18.

There continues to be concerns and complaints about properties within the township accumulating garbage and/or household trash. Attorney Nash will develop a Local Town Law draft that will address this issue. The Local Law draft will be ready for review no later than February 2022.

**Cannabis**

A motion was made by Constance Elen and seconded by Michael Livingston, for the following: Be It Resolved that the town of De Kalb hereby opts out of allowing retail cannabis dispensaries and on-site cannabis consumption sites within the Town of De Kalb.

Roll Call Vote:	Yes	No
Andrew Fenton	X	
Constance Elen	X	
Michael Livingston	X	
John Frary	X	

By opting out now, the town will be able to revise resolutions and/or Local Laws in the future. If the town does not take the position of opting out now, it will forever restrict what can and cannot be done in the future.

**Communications:**

LWRP – Constance Elen reports that the first part of the formal plan has been completed and Supervisor Frary should be receiving a copy soon.

Heidi Ames has asked the town for a letter of support for future grant writing options for which her office provides. Supervisor Frary will send a letter of support for Ms. Heidi Ames.

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 #10-2021. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, and John Frary yes.

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

Meeting adjourned at 9:30 PM

Respectfully submitted by

Barbara A. Creazzo  
Town Clerk

#### Actions

1. Supervisor Frary to sign and dated *Part 3 – Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance form*. **Completed 10/20/21**
2. Supervisor Frary to sign and date Resolution to Declare Lead Agency and Issue a Negative Declaration under the State Environmental Quality Review Act (SEQRA). **Completed 10/20/21**
3. Clerk to certify the SEQRA document as well as the Resolution. **Completed 10/20/21**
4. Supervisor Frary to sign agreement with Barclay and Damon. **Completed 10/20/21**
5. Supervisor Frary to contact an outside attorney regarding upcoming wastewater project. **Contact has been made, awaiting contract agreement.**
6. Clerk to submit water & sewer re-levy to County.