

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 16th day of September 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
Barbara Creazzo	Town Clerk/Collector		

Members of the community present: Michael Tamblin and Charles Prior, representing EDR, John Stransky, Hermon Vol. Rescue Squad, and Larry D Denesha, SLC Legislator. Thomas C. Haynes attended via telephone for the Sewer Project Update.

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.

Ed Newcombe moved that the minutes of the meeting of the Town Board, held on the 19th day of August 2020, as submitted by the Town Clerk, be and hereby approved. Seconded by Andrew Fenton and adopted unanimously. Andrew Fenton-yes Constance Elen-yes Michael Livingston-yes Ed Newcombe-yes John Frary-yes

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**

Public Forum:

John Stransky, Hermon Vol. Fire Dept. Rescue Squad, presented the Town Board with Hermon’s proposed budget for 2021, and report. From January to August 1st, of 2019, there were a total of 253 calls received by the squad. For the same period for 2020, there 155 calls. For the Town of De Kalb, there were 53 calls and 32 were responded to. There were 12 calls during the day hours with the hired EMT on duty with response, 20 calls after 3pm with response. There were 21 calls with no one responding. Thirteen of these calls were not responded to, as there was either no crew or driver to respond. At times during the day shift, the EMT must also do the driving, if there is no driver or if the call is not a life-threatening emergency. If he responds to the call without a driver, he must have another department do the transporting, if the transportee needs attention during the transport.

Billing has improved over the past year but is still not as good as it should be. The number of calls for the year has been down; however, if it is a suspected COVID-19 call, the cost of the transport becomes much more expensive due to the precautions that must be taken to minimize the risk of exposure to the crew.

The Rescue Squad ask the Board to provide the same fiscal coverage as for 2020. The Board will discuss this request at their next budget planning workshop.

Sewer Project Update-Review of project with engineering firm, Environmental Design & Research (EDR), presented by Michael Tamblin and Charles Prior.

Mr. Tamblin and Mr. Prior presented to the Board the three (3) options that are could be available for the Sewer Plant. The first option is to do nothing; however, this is not an option, as the SPDES limit for BOD discharge, has been lowered to 5ml. Also, the DEC, will be requiring all effluent discharge to be disinfected prior to leaving the plant. This option has a significant risk of environmental impact, risk of equipment failure (due to age of equipment), and/or Town will be in violation of SPDED permitting.

The second option is to upgrade the wastewater treatment plant. This would entail replacing aging equipment and installing additional equipment, that will bring the plant inline to meet the new DEC SPDES requirements and disinfection of effluent discharge.

The third option is to consolidate with the Town of Hermon in one of two ways. The option A is to convey all wastewater to Hermon for treatment, which would require an upgrade for Hermon to meet the capacity increase. Option B is for De Kalb and Hermon to jointly construct a new wastewater treatment plant between the two townships. Neither of these options are cost effective for either town.

Of all the options, completing an upgrade to the current plant is the best option. There are State and Federal Grants available, that will help to offset the cost to the users of the plant. Discussion is ongoing, as EDR will be searching for funds available to assist with the upgrade. Upon approval and needed funding, the project would like to complete by 2024.

Larry D Denesha, SLC Legislator,

-There are four (4) new cases of COVID-19, which brings the total to 311. There are 10 active cases with 1 hospitalization. Approximately half of the population of the county has been tested.

-The independent audit of the County's financial records for 2019 has been completed. For the second year in a row, there were no findings. The County received compliments on internal controls that have been put in place by Renee Cole, County Treasurer, and completed by her staff.

-The County has an Unappropriated Fund Balance of 21 million or 12½% of its expenditures. (Supervisor Frary stated the Town of De Kalb is currently between 60-65%). Neither the County nor Town, have an overabundance, as many things can occur that would require either to quickly rely on their unappropriated fund balances. Because the County has not had a need to borrow over the past few years, they have been able to keep the Property Tax Rate flat for 2016, 2017, 2018, and 2019. This also demonstrates the importance of having a solid unappropriated fund balance.

-Vacancy Review Process, all vacancies for the County, must be presented to a committee. Department Heads must present the need to fill a position to the committee, doing away with automatic filling of vacancies. The usual response is the position can be filled, but perhaps not for 30, 60, or 90 days. From 2019 to August of 2020, this process has saved the County \$1,600,000.

-New turn lanes on US Highway 11, at the intersection of the East De Kalb Road have been installed. Work continues with the request for a speed reduction for US 11, that runs parallel with the school property.

-Have received notice there is the potential for a 20% reduction in the Social Services reimbursements by New York State. As the County is mandated to provide these services, the County will need to use monies from the unappropriated fund balance to cover the cost. (90% of all tax dollars goes to mandated funding's.)

-Sales tax for this quarter is down.

Supervisor Frary, will send an email to all Supervisors in St. Lawrence County, letting them know the Town of De Kalb Board, does not support any changes to the distribution of the sales tax by the County.

Legislator Denesha was asked if there is a planned Tax Sale for this fall. He responded by saying, "if there is one, it will be in October, and it will all be conducted on-line, due to COVID". There are only 98 parcels, which is about 100 less than in the past.

Financials:

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

Clerk Report: Barbara Creazzo

A total of \$1993.30 was collected by the clerk during the month of August. The breakdown is as follows: Nothing was collected for DEC Licensing, as the office continues to be unable to sell licenses. Continue to work with DEC to rectify the issue. The Town received \$110.50 for dog licenses and Ag & Markets received \$31. NY DOH received \$22.50 for a marriage license and the Town received \$17.50. The Town received the following: Building Permit fees, \$1771.80 \$40 for copies made. Therefore, the Town received a total of \$1939.80 for its coffers.

Water/Sewer Collections received \$836.59 for water and \$1,108.56 for sewer for a total of \$1,945.15 collected.

Deputy Clerk, Wanda Law, worked a total of 79.5 hours for the month of August, because the Clerk was out due to shoulder surgery.

Supervisor Frary distributed a copy of the year to date financial report. There were no questions. Supervisor Frary also distributed a copy of the proposed 2021 Budget, for review of the Board. This also shows all budgets from 2013 through the proposed for 2021. The next budget workshop is scheduled for October 7, 2020, starting at 7PM at the Town Hall.

DANC – Water/Sewer Report

Water-a total of 783,500 gallons of water were metered in the month of August, with an average of daily flow of 25,274 gallons. A total of 4 gallons of sodium hypochlorite were used in the treatment of the water produced. Daily visual inspections of the water plant were completed. One random distribution sample for bacteriological testing was also completed, and the results were satisfactory. The daily flow charts are included in the complete report.

Sewer-a total of 730,000 gallons of wastewater were treated in the month of August, with an average daily flow of 23,548. There were no SPDES permit violations. Daily operations test and visual inspections were completed. The daily flow charts are included in the complete report.

The new 5hr motor for RBC #2 was installed by Town staff. Blower #1 stopped working, a rebuilt blower was installed, and a new blower has been ordered.

Computer Program Update continues moving forward. If the meter reading issue is not resolved soon, a new program will need to be implemented, as the Town cannot continue with the number of meters that are not reading on a regular basis.

Highway Report: Wayne Holland (08/19/20 to 09/16/20)

- Have installed 160 feet of culvert pipe.
- One hundred-fifty loads of sand have been hauled to date.
- Finished third round of mowing roadsides.
- Continue to cold patch as needed.
- Hauled blacktop for the Town of Macomb (2 days/2 trucks).
- Grading and rolling of dirt roads have been done.
- Putting shoulder material where needed.

Dog Control Officer: Dan Moyer

- Picked up one dog on US Rte. 11, as it had a current licensed, it was returned to the owner.
- Working on unlicensed dog list received from clerk.
- Had pound inspection and record inspection, passed both.
- Continue to deal with dog issues in Richville, owner will not keep dog home and I may have to set a live trap to catch the dog, as no one can catch it.

No Code Officer or Assessor Report this month.

Communications:

LWRP-Constance Elen reports there is an on-line survey for people to take regarding the riverway. She will send to anyone who request the information. Landowners' along the river are encouraged to take the survey. It is also open to anyone who wishes to complete it.

Solar Projects-renewal permits were issued. All three contracts have now been approved by the Hermon-De Kalb Central School and Gouverneur School. The projects are for the two solar

projects off County Route 17, toward Hermon and the one which is off US Highway 11, near Richville.

All three (3) Pilot Consent Resolutions now need to be passed by the Town of De Kalb Board.

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PILOT CONSENT RESOLUTION
(ASA DeKalb NY Solar III LLC Project)

A regular meeting of the Town Council of the Town of DeKalb (the "Town") was convened on 09/16, 2020 at :00 p.m.

The following resolution was duly offered and seconded, to wit:

Resolution No. 12

RESOLUTION OF THE TOWN OF DEKALB CONSENTING TO A PROPOSED PILOT AGREEMENT BY THE ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY WITH RESPECT TO A CERTAIN PROJECT (AS DESCRIBED BELOW) TO BE UNDERTAKEN BY ASA DEKALB NY SOLAR III LLC AND AUTHORIZING THE SUPERVISOR OF THE TOWN TO EXECUTE AND DELIVER A CERTIFICATE IN FURTHERANCE OF SAME

WHEREAS, ASA DEKALB NY SOLAR III LLC, a Delaware limited liability company (the "Company"), has requested the assistance of the St. Lawrence County Industrial Development Agency (the "Agency") with a certain project (the "Project") consisting of (A) the acquisition of an interest in approximately 163.8 acres of land located at 2700 US Highway 11, Town of DeKalb, St. Lawrence County, New York (the "Land"); (B) the installation on approximately 15.85 acres of the Land of a 3.33 mW-AC ground-mounted photovoltaic solar energy system including panels, racking, inverters, electrical cables, grid interconnection, site preparation, access roads and any other required improvements (collectively, the "Improvements") (C) the acquisition and installation in and around the Improvements of certain items of machinery, equipment, fixtures, furniture and other incidental tangible personal property (collectively, the "Equipment", and together with the Land and the Improvements, the "Facility"); and (D) the lease of the Issuer's interest in the Facility back to the Company pursuant to a project/leaseback agreement; and

WHEREAS, pursuant to the Application for Financial Assistance (the "Application") submitted by the Company to the Agency, the Project will (i) entail a capital investment of approximately \$3,329,700; (ii) create 20 construction jobs; and (iii) create 6 part time jobs; and

WHEREAS, the Agency's Uniform Tax Exemption Policy provides that sponsors of non-industrial projects and projects whose terms deviate from the standard must secure the consent of local taxing jurisdictions in order to structure the terms of a payment in lieu of tax agreement (the "PILOT Agreement"); and

WHEREAS, in connection with the Application, and in furtherance of the Project's positive financial impact within the Town and the County of St. Lawrence, the Company has requested the Town's support and consent in establishing the terms of the PILOT Agreement as outlined below.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DEKALB AS FOLLOWS:

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Section 1. The Town hereby authorizes the Agency and the Company to enter into the PILOT Agreement whereby the schedule of payments to be made under the PILOT Agreement is more particularly described in Schedule A, which is attached to the Certificate (as hereinafter defined).

Section 2. The Supervisor of the Town is hereby authorized to execute and deliver a consent certificate (the "Certificate"), in the form attached hereto, such Certificate to be delivered to the Agency as evidence of the Town's consent to enter into the PILOT Agreement.

Section 3. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
John Frary	[X]	[]	[]	[]
Mike Livingston	[X]	[]	[]	[]
Connie Elen	[X]	[]	[]	[]
Edward Newcombe	[X]	[]	[]	[]
Andy Fenton	[X]	[]	[]	[]

The resolution was thereupon duly adopted.

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PILOT CONSENT RESOLUTION
(ASA DeKalb NY Solar I LLC Project)

A regular meeting of the Town Council of the Town of DeKalb (the "Town") was convened on 09/16, 2020 at :00 p.m.

The following resolution was duly offered and seconded, to wit:

Resolution No. 13

RESOLUTION OF THE TOWN OF DEKALB CONSENTING TO A PROPOSED PILOT AGREEMENT BY THE ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY WITH RESPECT TO A CERTAIN PROJECT (AS DESCRIBED BELOW) TO BE UNDERTAKEN BY ASA DEKALB NY SOLAR I LLC AND AUTHORIZING THE SUPERVISOR OF THE TOWN TO EXECUTE AND DELIVER A CERTIFICATE IN FURTHERANCE OF SAME

WHEREAS, ASA DEKALB NY SOLAR I LLC, a Delaware limited liability company (the "Company"), has requested the assistance of the St. Lawrence County Industrial Development Agency (the "Agency") with a certain project (the "Project") consisting of (A) the acquisition of an interest in approximately 34.30 acres of land located at 2536 County Route 17, Town of DeKalb, St. Lawrence County, New York (the "Land"); (B) the installation on approximately 18.21 acres of the Land of a 5.0 mW-AC ground-mounted photovoltaic solar energy system including panels, racking, inverters, electrical cables, grid interconnection, site preparation, access roads and any other required improvements (collectively, the "Improvements") (C) the acquisition and installation in and around the Improvements of certain items of machinery, equipment, fixtures, furniture and other incidental tangible personal property (collectively, the "Equipment", and together with the Land and the Improvements, the "Facility"); and (D) the lease of the Issuer's interest in the Facility back to the Company pursuant to a project/leaseback agreement; and

WHEREAS, pursuant to the Application for Financial Assistance (the "Application") submitted by the Company to the Agency, the Project will (i) entail a capital investment of approximately \$5,045,000; (ii) create 20 construction jobs; and (iii) create 6 part time jobs; and

WHEREAS, the Agency's Uniform Tax Exemption Policy provides that sponsors of non-industrial projects and projects whose terms deviate from the standard must secure the consent of local taxing jurisdictions in order to structure the terms of a payment in lieu of tax agreement (the "PILOT Agreement"); and

WHEREAS, in connection with the Application, and in furtherance of the Project's positive financial impact within the Town and the County of St. Lawrence, the Company has requested the Town's support and consent in establishing the terms of the PILOT Agreement as outlined below.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DEKALB AS FOLLOWS:

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Section 1. The Town hereby authorizes the Agency and the Company to enter into the PILOT Agreement whereby the schedule of payments to be made under the PILOT Agreement is more particularly described in Schedule A, which is attached to the Certificate (as hereinafter defined).

Section 2. The Supervisor of the Town is hereby authorized to execute and deliver a consent certificate (the "Certificate"), in the form attached hereto, such Certificate to be delivered to the Agency as evidence of the Town's consent to enter into the PILOT Agreement.

Section 3. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
John Frary	[X]	[]	[]	[]
Mike Livingston	[X]	[]	[]	[]
Connie Elen	[X]	[]	[]	[]
Edward Newcombe	[X]	[]	[]	[]
Andy Fenton	[X]	[]	[]	[]

The resolution was thereupon duly adopted.

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PILOT CONSENT RESOLUTION
(ASA DeKalb NY Solar II LLC Project)

A regular meeting of the Town Council of the Town of DeKalb (the "Town") was convened on 09/16, 2020 at :00 p.m.

The following resolution was duly offered and seconded, to wit:

Resolution No. 14

RESOLUTION OF THE TOWN OF DEKALB CONSENTING TO A PROPOSED PILOT AGREEMENT BY THE ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY WITH RESPECT TO A CERTAIN PROJECT (AS DESCRIBED BELOW) TO BE UNDERTAKEN BY ASA DEKALB NY SOLAR II LLC AND AUTHORIZING THE SUPERVISOR OF THE TOWN TO EXECUTE AND DELIVER A CERTIFICATE IN FURTHERANCE OF SAME

WHEREAS, ASA DEKALB NY SOLAR II LLC, a Delaware limited liability company (the "Company"), has requested the assistance of the St. Lawrence County Industrial Development Agency (the "Agency") with a certain project (the "Project") consisting of (A) the acquisition of an interest in approximately 58.8 acres of land located at 2496 County Route 17, Town of DeKalb, St. Lawrence County, New York (the "Land"); (B) the installation on approximately 15.11 acres of the Land of a 3.0 mW-AC ground-mounted photovoltaic solar energy system including panels, racking, inverters, electrical cables, grid interconnection, site preparation, access roads and any other required improvements (collectively, the "Improvements") (C) the acquisition and installation in and around the Improvements of certain items of machinery, equipment, fixtures, furniture and other incidental tangible personal property (collectively, the "Equipment", and together with the Land and the Improvements, the "Facility"); and (D) the lease of the Issuer's interest in the Facility back to the Company pursuant to a project/leaseback agreement; and

WHEREAS, pursuant to the Application for Financial Assistance (the "Application") submitted by the Company to the Agency, the Project will (i) entail a capital investment of approximately \$3,027,000; (ii) create 20 construction jobs; and (iii) create 6 part time jobs; and

WHEREAS, the Agency's Uniform Tax Exemption Policy provides that sponsors of non-industrial projects and projects whose terms deviate from the standard must secure the consent of local taxing jurisdictions in order to structure the terms of a payment in lieu of tax agreement (the "PILOT Agreement"); and

WHEREAS, in connection with the Application, and in furtherance of the Project's positive financial impact within the Town and the County of St. Lawrence, the Company has requested the Town's support and consent in establishing the terms of the PILOT Agreement as outlined below.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DEKALB AS FOLLOWS:

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Section 1. The Town hereby authorizes the Agency and the Company to enter into the PILOT Agreement whereby the schedule of payments to be made under the PILOT Agreement is more particularly described in Schedule A, which is attached to the Certificate (as hereinafter defined).

Section 2. The Supervisor of the Town is hereby authorized to execute and deliver a consent certificate (the "Certificate"), in the form attached hereto, such Certificate to be delivered to the Agency as evidence of the Town's consent to enter into the PILOT Agreement.

Section 3. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
John Frary	[]	[]	[]	[]
Mike Livingston	[]	[]	[]	[]
Connie Elen	[]	[]	[]	[]
Edward Newcombe	[]	[]	[]	[]
Andy Fenton	[]	[]	[]	[]

The resolution was thereupon duly adopted.

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Street Lighting Update is on-going.

Phone System Upgrade to be completed soon.

Webpage and new email addresses, Supervisor Frary, and Clerk Creazzo, continue to have issues with emails, either not able to send out or receive in. Both have a temporary secondary system in place, but both continue to have problems. It is becoming more difficult to conduct business with outside entities, as not everyone continues the ability to receive fax. If they cannot email out/receive, or fax, then all correspondence must be completed by mail, which can be time consuming.

Also, Board members sometimes state they did not receive an email sent to their personal emails, when sent either by the supervisor or clerk. Therefore, Supervisor Frary would like to move forward with the previously discussed new webpage and the implementing of new email

addresses for the Board members, Supervisor, Clerk, Court Clerk, Code Officer, Assessor, and Highway Superintendent.

A motion was made by Andrew Fenton to implement a new webpage, as previously discussed, as well as, new email addresses for the above-mentioned personnel, seconded by Michael Livingston. Andrew Fenton-yes Constance Elen-yes Michael Livingston-yes
Ed Newcombe-yes John Frary-yes

After reviewing all bills presented, and signing all bills over \$500.00, a motion was made by Michael Livingston and seconded by Constance Elen, to approve payment of the bills as entered on Abstract #9-2020. 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 Andrew Fenton to adjourn.
Andrew Fenton-yes Constance Elen-yes Michael Livingston-yes Ed Newcombe-yes
John Frary-yes

Meeting adjourned at 9:45 PM

Respectfully submitted by
Barbara A. Creazzo, Town Clerk/Collector

Actions

1. Sign and mail Resolutions #12, 13, and 14 to IDA. **Completed 09/18/2020**
2. Sign contract for North Shore Solutions for new webpage and implementation of email address. **Completed 09/18/2020**