

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 19th day of January, 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
Barbara Creazzo	Town Clerk/Collector	Bill Chambers	Building & Codes
Wayne Holland	Highway Superintendent	Charles B Nash	Town Attorney

Ed Newcombe, Town Board Member, absent

Members of the community present: Arthur Baker, Town Supervisor of Hermon, Larry D Denesha, SLC Legislator, Michael MacCue, Constituent (Mr. MacCue attended the Public Hearing and did not stay for the regular meeting), and Mark Deaver, Gouverneur Volunteer Rescue Squad.

Members of the community attending via ZOOM: There was no one in attendance

Supervisor Frary opened the Public Hearing at 6:50 PM.

Public Hearing: Local Law No. 1 of the Year 2022 – A Local Law regulating the accumulation and disposal of rubbish and garbage. This law is designed to hold the owner responsible for rubbish and garbage accumulation. The question asked during the hearing was, “how does it get enforced if the property is posted for unfit habitation?”. Most likely will need to go to the State Supreme Court to have a warrant issued. By doing so, law enforcement will then have the authority to vacate the resident by handcuffs if necessary.

All board members indicated they had taken a hard look at the Short Environmental Assessment Form which accompanies the proposed local law, and they have no concerns regarding it.

Public Hearing closed at 7:02 PM.

Supervisor Frary opened the regular meeting at 7:02 PM.

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

Public Forum:

Mark Deaver – GVRS, the squad responded to 1920 ambulance calls during 2021. Will be sending Supervisor Frary a breakdown of the number of calls they responded to in the Town of De Kalb. Several issues were raised during th past year and are likely to continue into the next several years. Staffing shortages, some due to older volunteers backing away due to COVID-19, quarantine requirements for the times when staff were exposed during a call. Each of these items resulted in added cost due to overtime. Funding remains inadequate for the standard that must be provided. Mr. Deaver also indicated these are not specific to his squad but are nationwide. Fiscally, Mr. Deaver believes they are in decent shape for now, but expects if things continue as is, they will become less sound.

Board Member Elen asked that she, along with Supervisor Frary, and Mr. Deaver, schedule a time to meet so they can discuss options for the future.

Larr D Denesha, -COVID 19, there are 268 positive cases reported for today, which is up from yesterday. Currently there are thirty-two individuals hospitalized, and the number of deaths to date is 164.

-Every home is eligible to order four home COVID test, sponsored by the Federal Government. The process is easy to complete on-line.

-Seventy-five percent of all hospitalized in the County for COVID are unvaccinated.

_Fifty-nine percent of all eligible individuals in the County are fully vaccinated.

_William Sheridan was named Chair of the SLC Legislators, and I (Larry Denesha), have been named Vice Chair.

-The Home Rule for the collection of sales tax must be asked for every three years. It has been presented to the State Legislators that this request become automatic, eliminating the renewal process.

-The distressed hospital fund for SLC, cost \$7000,000 thousand for the past year.

-There is nationwide talk to have all fusion fueled plants move to renewable power. This is unlikely to move forward as solar and wind power would require vast amounts of land to be able to produce the amount of energy required to operate even one plant. The Legislators will be voting on a Resolution to discourage such a plan.

Mr. Denesha was asked if he could explain what the COVID Relief Monies could be used for. Mr. Denesha explained that it is easier to state what the money cannot be used for. That is it cannot be used for pensions or for off-setting taxes.

Connie Elen moved that the minutes of the Regular Meeting, of the Town Board, held on December 15,2021, as submitted by the Town Clerk, be and hereby approved. Seconded by Michael Livingston and adopted unanimously.

Actions from the meeting

1. Supervisor Frary to sign Amendment NO. 3 in front of a Notary. **Completed**

Financials:

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

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

Town Clerk Report: Barbara Creazzo

For the month of December, \$1266.90 was collected and of that amount, the town was able to retain \$638.26 for its coffers. The breakdown is as follows: NY DEC received \$580.14, while the town retained \$8.86 for licenses sold. NYS Ag & Markets received \$26, while the town retained \$81.50 for dog licenses. The Town retained \$420.40 for issued building permits, NYS DOH received \$22.50 and the town retained \$17.50 for a marriage license. The town also retained \$20 for 2 Certified Birth Certificates, \$70 for seven Certified Death Certificates, and \$20 for copies made.

End of Year Report: NY DEC \$\$5567.09 and the town \$299.91, NYS Ag & Markets \$296 and town \$1022, building permits for the town \$61,162.58, NY DOH \$\$67.50, and town \$52.50 for marriage licenses, the town received the following \$20 for Certified Marriages, \$50 for Certified Birth Certificates, \$240 for Certified Death Certificates, \$22 for Genealogy Search, \$393.70 for copies made, \$38 for faxes sent, and \$25 for a junk permit. Therefore, a total of \$69,306.28 was collected for the year and the town retained \$63,375.69.

Water & Sewer Collections for December totaled \$14,444.,48. Of this \$6,379.65 was collected for water and \$8,064.83.

Joseph Peters' term for Board of Assessment Review has expired. I have spoken with Mr. Peters, and he would like to serve another 5-year term.

Michael Livingston made the motion to appoint Joseph Peters to another 5-year term as member of the Board of Assessment Review, seconded by Connie Elen. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

The Association of Towns training information was presented to the members of the Board. No one will be attending this year and no designee was appointed.

Supervisor Frary distributed to each member, a copy of the monthly and year to date financial report. Supervisor Frary also passed around the 2021 Payroll Check Audit and Accounts Payable Audit for October, November, and December of 2021 for review and approval.

Connie Elen made a motion and seconded by Michael Livingston to accept the above-mentioned audits as presented. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

Supervisor Frary announced that the Town of De Kalb Wastewater Treatment Facility Disinfection Project has been selected to receive up to \$1,000,000 through the WQIP program.

Supervisor Frary also announced that Joseph W. Russell, P.C., who has been working at Barclay Damon, and who has been appointed to compete the necessary Bond for the Wastewater upgrades, is starting his own practice. If the town wishes to continue with him, there is no need to do anything, as the town's files remain under his control.

John Frary made the motion seconded by Michael Livingston to continue with Mr. Russell for any future bond needs for the upgrade of the wastewater treatment plant. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

DANC Water/Sewer Report:

Water – A total of 727,600 gallons of water were metered in the month of December, with an average daily flow of 23,471 gallons. A total of 3-gallons of sodium hypochlorite were used in the treatment of the water produced. The report includes all daily flow charts. All daily, weekly, and monthly, inspections and maintenances were completed as scheduled. One random distribution sample for bacteriological testing was done with a satisfactory result. Meter reads were conducted during the month of December.

Sewer – A total of 1,944,000 gallons of wastewater were treated in the month of December, with an average daily flow of 62,710 gallons. The report includes all daily flow charts. All daily, weekly, and monthly, inspections and maintenances were completed as scheduled. There were no SPDES permit violations during the month. One after hours call-out was due to a power outage resulting in the need to start the generator.

Highway Department Report: Wayne Holland

- Working in the shop as needed.
- Chipping brush as weather permits.
- Took down dead trees with the help of Town of Russell.
- Still waiting to hear about the repairs to the excavator.
- New loader cost is \$22,900 and this is the year to replace.
- Truck #7 (2012 International) is leaking oil and has engine blow by, just going to limp it through the winter, but will need a motor job soon.
- Furnace at the sewer plant needs repair, estimating to be about \$1,100.
- Plowing and sanding as needed.
- Inspection of the garage's alarm system was completed by NCC Systems Inc.
- CHIPS rollover from last year is \$1,279.16.

Superintendent Holland shared with the members the frontend loader specifications. The total price delivered is \$152,900. However, with the trade-in of the current loader at \$130,000, the net delivered price is \$22,900.

Connie Elen motioned, seconded by Michael Livingston to proceed with the trade-in and purchase the new CAT fronted loader. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

It is time once again for the Board to review and pass the Holding Harmless Agreement with County.

Connie Elen made the motion seconded by Michael Livingston to accept Resolution No. 2 Holding Harmless the County of St. Lawrence for Providing Service for 2022. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

Superintendent Holland asked the Board for their approval for the Agreement to Spend Town Highway Funds for the Town of De Kalb in the amount of \$70,000, to be expended for general repairs upon 75 miles of town highways. Also, for \$300,000, to be expended for the improvement of various roads in the Town of De Kalb.

Michael Livingston made the motion and seconded by Connie Elen, for the approval of the above agreement, To Spend Town Highway Funds for various road improvements. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

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AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

TOWN OF Dekalb

COUNTY OF ST. LAWRENCE

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected for the repair and improvement of highways, and received from the state for the repair and improvements of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$ 70,000.00 may be expended for general repairs upon 75 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

2. IMPROVEMENTS. The following sums shall be set aside to be expended for the improvement of town highways: 300,000.00

(a) On the road commencing at Various Roads and leading to _____, a distance of 75 miles of road miles there shall be expended not over the sum of \$ _____ Type _____
- Width of traveled surface _____
Thickness _____ Subbase _____

(b) On the road commencing at _____ and leading to _____, a distance of _____ miles there shall be expended not over the sum of \$ _____ Type _____
- Width of traveled surface _____
Thickness _____ Subbase _____

(c) On the road commencing at _____ and leading to _____, a distance of _____ miles there shall be expended not over the sum of \$ _____ Type _____
- Width of traveled surface _____
Thickness _____ Subbase _____

No moneys set aside for such improvements shall be expended, nor shall any work be undertaken on such improvements, until approved by the majority of Town Board.

This agreement shall take effect when it is filed with the County Superintendent of Highways.

Executed in duplicate this 19th day of JANUARY, 20 22.

John M Frary
Supervisor
Michael B Livingston
Councilman

Andrew Fenton
Councilman
Constance Elen
Councilman

The contract for Zachary Risk Management, LLC, will not be renewed for this year. He completed only one inspection of the town garage and asked that no one be there because of

COVID. Training provided by him, consisted of him giving us a disk with Sexual Harassment and Workplace Violence for self-study. His fee of \$2,500 is too high for service we received.

Dog Control Report: No report this month.

Codes & Buildings Report: Bill Chambers

-The new expansion for Corning Glass is progressing.

-The three solar projects are slated to begin in the Spring.

Will be attending training at the end of February in Lake Placid, while there, will ask what the standard practice is for dealing with an eviction. Is it recommended that a warrant be issued so if the person will not vacate, law enforcement can be called? Will report at the March meeting.

Assessor Report:

Resolution for automatic renewal of the real property tax exemptions due to COVID. This resolution will allow for the exemptions(s) to remain in-place, so low-income senior/disabled property owners do not need to come to the Assessor's office to renew.

Connie Elen made the motion, seconded by Andrew Fenton to approve **Resolution No. 3, Automatic Renewal of the Real Property Tax Exemption**. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

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TOWN OF DE KALB

RESOLUTION NO. 3 OF THE YEAR 2022

Whereas, on December 26, 2021, the Governor of New York issued Executive Order 11.1, and

Whereas, this Executive Order allows for the automatic renewal of the real property tax exemptions afforded in subdivisions 7, 7-a and 8 of Section 459-C of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of Section 467 of the Real Property Tax Law if the assessing unit adopts a resolution directing the assessor to grant exemptions pursuant to such section on the 2022 assessment roll to all property owners who received that exemption on the 2021 assessment roll, and

Whereas, this would allow the Low-Income Senior/Disabled property owner to not have to file an exemption application with the Town of De Kalb Department of Assessment in order to continue their exemption on the 2022 Assessment Roll, and

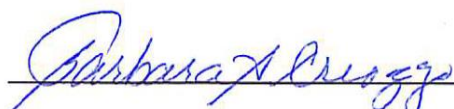
Whereas, this law also allows the governing body of the assessing unit to put a local option for when the assessor might require a renewal application, now therefore let it be

Resolved, that the Town of De Kalb Board, at the recommendation of the Government Operations Committee, allows the Town of De Kalb Department of Assessment to automatically grant exemptions for RPTL 459-c and RPTL 467 as were received on the 2021 Assessment Roll onto the 2022 Assessment Roll, and be it further

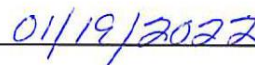
Resolved, that the Department of Assessment can review the 2022 income for property owner's whose income may have dropped in 2020 to ensure that the largest exemption is granted to the property owner if the income is provided by the federal deadline to submit income taxes with an extension, and be it further

Resolved, that the Department of Assessment can require a renewal application to be filed by taxable status date, in instances where the Department has reason to believe that an owner who qualified for the exemption on the 2021 Assessment Roll may have since changed their primary residence, added another owner to the deed, transferred the property to a new owner, or died.

SEQR ACTION: TYPE II-26



Town Clerk



Date

Mr. Ball has informed Supervisor Frary that he will be terminating his appointment at the end of March. Supervisor Frary went over the job description and duties of the assessor position with Mr. Ball, as he would like to post the position for assessor. The posting will be published in the *Watertown Daily Times* and *North Country Now*.

Communications:

- The streetlight upgrade, Supervisor Frary will be attending a meeting next week.
- Some COVID funds have been transferred to accounts where money has been spent to address issues caused by COVID.
- Marijuana Law was sent to Albany at the end of December for filing.
- Received a courtesy letter from Reid Huff, Licensing Specialist, informing the board that Family Dollar, located at 4269 US 11, intends to apply with the State of New York to sell beer and wine for off-premises.
- Hermon Volunteer Rescue Squad financial request. Will table until the squad can provide information noting the number of calls, they have responded to during 2021 in the Town of De Kalb and whether or not they have a fulltime EMT Monday through Friday during the day hours. Additional money had been agreed upon based on this coverage.

Local Law No. 1 of the Year 2022 and SEQR. The members of the board having thoroughly read the SEQR and declare there is a negative dissolution for the proposed local law, a motion was made by Connie Elen and seconded by Michael Livingston to accept the SEQR as presented. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

Connie Elen made the motion, seconded by Andrew Fenton to approve, and pass Local Law No. 1 of the Year 2022, regulating the accumulation and disposal of rubbish and garbage. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

Local Law Filing

New York State Department of State

41 State Street, Albany, NY 13331

Town of DeKalb

Local Law No. 1 of the year 2022

A Local Law regulating the accumulation and disposal of rubbish and garbage.

Be it enacted by the Town Board of

Town of DeKalb as follows:

SECTION 1. Intent.

The health, welfare and safety of the population of the Town of DeKalb is adversely affected by the improper accumulation and disposal of rubbish and garbage. It is the intent of this law to protect the general population from the health concerns that may arise from the improper accumulation and disposal of rubbish and garbage.

SECTION 2. Definitions.

A. Garbage: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

B. Rubbish: Combustible and non-combustible waste materials, except garbage; this term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SECTION 3. Text of Law.

3.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

3.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved container.

3.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

3.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

3.3. Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

3.3.1. Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit, an approved incinerator unit in the structure available to the occupants in each dwelling unit, or an approved leakproof, covered, outside garbage container.

3.3.2. Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

SECTION 4. Enforcement.

It is the owner of the real property who is responsible for the accumulation of rubbish and/or garbage and its proper disposal.

The Code Enforcement Officer, under authority of 19 NYCRR1203 and this Local Law may post the premises with NOT TO BE OCCUPIED should the Code Enforcement Officer find a violation.

The premises would then have to be vacated and remain vacated until the situation is rectified and approval of the Code Enforcement Officer is given for reoccupation.

SECTION 5. Penalties.

Any person committing an offense against any provision of these Sections shall be guilty of a violation and subject to a fine not to exceed \$250.00.

In addition, the municipality may impose a civil penalty against the land owner for each violation. The continuance of an offense for each day (24 hour period) shall be deemed a separate and distinct offense punishable by a \$250.00 civil penalty for each day of violation. The civil penalty may be reduced to a Judgment.

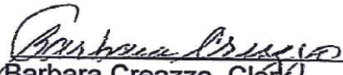
Should the Town of DeKalb have to pay any costs for the removal of said materials, the Town shall have the right to recover said costs by a civil Judgment.

The Town of DeKalb shall also have all legal remedies, including the right to injunctive relief.

SECTION 6.

This Local Law shall become effective upon filing with the Department of State.

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 1 of 2022 of the Town of DeKalb was duly passed by the Town Board on January 19, 2022, in accordance with the applicable provisions of Law.



Barbara Creazzo, Clerk
Town of DeKalb

(Seal)

Date: 1/19/22

STATE OF NEW YORK)
) ss.:
COUNTY OF ST. LAWRENCE)

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.


Charles B. Nash, Esq.
Town Attorney
Town of DeKalb

Date: 1/19/22

Amendments for Transferring of Account Funds

Sewer Budget Amendment – Whereas, the Town of De Kalb wishes to amend the Sewer Fund Budget to reflect an increase in Estimated Expenditures due to under budgeted accounts and invoices paid.

Appropriations SS8130.40 need to be increased by \$1,487 and SS8320.40 needs to be increased by \$1,073.

A motion is required to approve the budget amendment as submitted by the Town Supervisor. Motion made by Council Member Connie Elen, seconded by Council Member Michael Livingston, and carried.

Highway Town-wide Budget Amendment – Whereas, the Town of De Kalb wishes to amend the Highway Town-wide Fund Budget to reflect an increase in Estimated Expenditures due to under budgeted accounts and invoices paid.

Appropriation DA5130.20 needs to be increased by \$110,000 for a plow truck that was budgeted in 2021 but was not delivered and will be spent in 2022.

A motion was required to approve the budget amendment as submitted by the Town Supervisor. Motion made by Council Member Connie Elen, seconded by Council Member Andrew Fenton, and carried.

General Fund Budget Amendment and General Outside Village Amendment – Whereas, the Town of De Kalb wished to amend the General Fund Budget to reflect an increase in Estimated Expenditures due to under budgeted accounts and invoices paid.

Appropriations A1220.11 needs to be increased by \$12; A1355.40 needs to be increased by \$657; A1460.40 needs to be increased by \$1,548; A5051.40 needs to be increased by \$12; and A9010.80 needs to be increased by \$2,487. Appropriation B7310.40 needs to be increased by \$1,804.

A motion is required to approve the budget amendment as submitted by the Town Supervisor. Motion made by Council Member Michael Livingston, seconded by Andrew Fenton, and carried.

After reviewing all bills presented, and signing all bills over \$500.00, a motion was made by Michael Livingston and seconded by Connie Elen to approve payment of the bills as entered on Abstract #1-2022. Vote: Michael Livingston yes, Constance Elen yes, Andrew Fenton yes, John Frary yes.

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

Meeting adjourned at 9:16 PM

Respectfully submitted by

Barbara A. Clerk
Town Clerk

Actions

1. Schedule a meeting with Supervisor Frary, Council Member Elen, and Mr. Deaver to discuss rescue squad options. **On-going.**
2. Proceed with trade-in of frontend loader.
3. Return the Hold Harmless Agreement to Don Chambers. **Completed.**
4. Return agreement to spend Highway Funds to Don Chambers. **Completed.**
5. Post for Assessor in the *Watertown Daily Times* and *North Country Now*. **Completed.**
6. Transfer of funds as listed in minutes. **Completed.**