

**PUBLIC HEARING -Local law for Dog Law Amendment  
@ 5:30 PM  
REGULAR BOARD MEETING  
@ The Russell Town Hall @ 6:00 pm  
02/16/2021**

**PRESENT:**

Supervisor White  
Councilor Burnham  
Councilor - vacant  
Tess Eells – Town Clerk  
Councilor Kerr  
Councilor Whiteford  
Highway Superintendent White

**GUESTS:**

Bobby Knox  
Doug Beachard  
Larry Denesha  
Tom O'Brien  
Fred Whitmarsh

The Pledge of Allegiance

The Public Hearing was called to order at 5:32 PM by Supervisor White.

- The amendment to the law is to add the Fees for seizures of dogs into the law so they can be enforced and are up to what Ag & Markets want in Local Dog Laws.
- Fred Whitmarsh stated he supports the amendment to the Local Law for Dogs. He had an issue for over 2 years with previous DEO. He hopes the dog laws will get enforced better now.
- There was no one that opposed the amendment to the Dog Law.

**RESOLUTION # 28** Adopting the Dog Law Amendment for 2021

A motion was made by Councilor Kerr and seconded by Councilor Burnham to adopt the following Local Law:

Local Law Filing

New York State Department of State  
162 Washington Avenue, Albany, New York  
12231

Text of Law should be given amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Russell

**Local Law No. 1 of the year 2021**

A local law Amending Local Law Number 1 for the Year 2010 Pertaining to Dog Control for the Town of Russell

Be it enacted by the Town Board (Nitrte of Legislative Body) of the

Town of Russell as follows:

RESOLVED that Local Law Number 1 for the year 2010 is hereby amended as follows:

Section 60) is hereby deleted and the following shall be placed in its stead:

Section 6: Licensing of Dogs:

(j) Fees for Seizure of Dogs: The fee for seizure and impoundment of dogs in violation of this law, and specifically Section 7 of this law, or the laws of New York State including but not limited to the Agriculture and Markets Law shall be as follows:

- (i) First Offense: Not less than Ten Dollars (\$10.00) for the first impoundment of any dog owned by that person;
(ii) Second Offense: Not less than Twenty Dollars (\$20.00) for the second impoundment; or
(iii) Third Offense: Not less than Forty Dollars (\$40.00) for the third offense, and the amount of the fine shall double thereafter, for all such offenses occurring within a 30-day period from the first occurrence.
(iv) In the situation where there is a second offense outside of the 30-day period from the first offense, but within one (1) year of the first offense, the impoundment fee shall be not less than \$20.00, plus \$3.00 for each 24-hour period that the dog is impounded.
(v) In the situation where there is a third subsequent offense outside of the 30-day period from the first offense, but within one (1) year of the first offense, the impoundment fee shall be not less than \$30.00, plus \$3.00 for each 24-hour period that the dog is impounded.

Section 7 is hereby amended to insert the following:

Section 7-A: Redemption/Holding Period: Each unidentified dog, licensed or Not, must be held

for a period of five (5) days from the date of seizure. A day is defined as a 24-hour period from Midnight to midnight. Redemption period starts after midnight following the day of seizure. If the shelter is closed on the last day of the redemption period, the redemption period is extended one (1) more day to give the owner the opportunity to redeem their dog.

**Section 7-B:** Redemption by Owner: The dog must be currently licensed and the impoundment fee paid before it can; be released to the owner. Residents must also provide proof of license and if not available, must license the dog before it can be released. An impoundment fee must also be paid as set forth in Section 6(j) above.

**Section 7-C:** Dog Not Redeemed by Owner: Should a dog not be claimed by its owner after an appropriate and reasonable length of time, the dog may be offered for adoption, or if deemed appropriate, humanely euthanized.

**Effective Date: This Local Law shall be effective upon filing with the Secretary of State in** accordance with Section 27 of Municipal Home Rule Law of the State of New York.

Ayes – 4 Burnham, White, Whiteford, Kerr

Nays – 0 Motion carried

Entered the Regular Meeting at 5:55 PM

**PUBLIC DISCUSSION:** none

**ACCEPTANCE OF THE MINUTES:**

A motion was made by Councilor Whiteford and seconded by Councilor Kerr to accept the minutes from 01/19/2021 as presented by the Town Clerk.

Ayes-4 Burnham, White, Whiteford, Kerr

Nays-0 motion carried.

**TOWN CLERK REPORT:**

**January 2021 Report:**

19 dog licenses	\$136.00
Hunting licenses	6.08
0 Marriage licenses	.00
2 Certified copies	20.00
2 Building permits	50.00
1 impoundment fee	10.00
0 donations for community room use	.00
<u>Revenue to supervisor:</u>	<u>\$222.08</u>
<u>Disbursed amounts:</u>	
Ag & Market (spay, neuter program)	39.00
NYS Department of Health	.00
<u>Decals</u>	<u>103.92</u>

Total Disbursed \$ 365.00

I have collected 74.33% of the taxes \$1,382,186.14. I have paid the supervisor the Town tax levy and have sent money down to the county treasurer.

A motion was made by Councilor Whiteford  
Seconded by Councilor Kerr  
To accept the Clerk Report as presented  
Ayes-4 Burnham, White, Whiteford, Kerr  
Nays-0 Motion carried

**BALLFIELD COMMITTEE:**

- Supervisor White stated do we open the gate and plow a landing area for the helicopter emergency service. Putting another post with a sign on it for landing area was discussed. Supervisor White will check on the sign.

**SUPERVISOR REPORT:** Timothy White 02/16/2021

1. Financial Report
  - Details of all income and expense transactions have been filed with the Town Clerk.
  - Account balances as of February 16, 2021 or the general fund, highway fund, capital improvement fund, and streetlight fund have been filed with the Town Clerk.
  - I have spoken to a couple local repair shops and they are going to save their used oil for the town to burn. I am going to pick up a couple oil barrels for them to fill for us. They said they would let me know when they are full.
  - Superintendent White stated we need to be careful because hauling it wrong could be considered hazardous. This needs to be checked into more.

A motion was made by Councilor Whiteford and seconded by Councilor Burnham to accept the supervisor report as presented.

Ayes-4 Burnham, White, Whiteford, Kerr  
Nays-0 Motion carried

**LEGISLATURE REPORT:** Larry Denesha

- COVID: as of today, there are 23 new cases making it 5,593 total positive cases. We had a spike when colleges came back.
- Sales tax generated online was estimated by the state comptroller to be 1.5 million dollars for St. Lawrence County.
- We passed a resolution calling on NYS to allow relief for rentals. NYS did executive order to order no evictions could be done and it is causing a hardship for landlords of rental property. We passed it on to our State Representatives.

- At our Service Committee meeting I was conflicted over allowing opening schools for sports. I agreed but it is up to the schools if they meet the criteria for opening the sports.
- The County Health Director Dana Macguire has resigned to take another job. She has worked extremely hard through the pandemic and we thank her for her service.
- The broadband survey will start 02/19 online. It will also be conducted via forms/ phone calls. It will be well advertised, doing the survey online allows them to see what the strength of your internet is for your area.
- Fred Whitmarsh explained how he got it hooked up after trying 6 months to get it done.
- Larry stated that DANC will also assist with the internet survey.
- David Whiteford stated that he met a county snow- plow and its headlights were not very well lit or lined up and maybe they should be checked on. Larry Denesha stated he will talk to Don Chambers about it.

A motion was made by Councilor Whiteford and seconded by Councilor Kerr to accept the legislature report as presented.

Ayes – 4 Burnham, White, Whiteford, Kerr

Nays – 0 Motion carried

#### **FIRE DEPARTMENT REPORT:**

##### **Russell – Bobby Knox**

- Having a chicken BBQ on the 20<sup>th</sup> it starts at noon you can call and pre order your meal.
- We will have a pork dinner on April 17<sup>th</sup>.
- We have had a few Fire calls.

**DeGrasse:** no report

A motion was made by Councilor Whiteford and seconded by Councilor Kerr to accept the report as presented.

Ayes – 4 Burnham, White, Whiteford, Kerr

Nays – 0 motions carried

#### **HIGHWAY SUPERINTENDENT REPORT: 02/16/2021 \* Larry White**

Most of our time has been on plowing and sanding and all equipment has worked well.

We had an accident when one of our P/U backed into a P/U while turning around. All information has been given to our insurance company and being taken care of. No damage to the P/U.

We have completed work on the stationary screen at the pit and it is working as planned.

We have moved the Excavator to the barn for service and some repairs.

We have transferred another tank of used oil to the burner and have approximately 30-40 gallons left.

We have another order of salt in and it has been mixed.

This has been a productive month and I thank the men for their effort.

Councilor Whiteford asked when the Highway Committee will meet. Larry stated he will set one up in the next couple of weeks.

**HIGHWAY COMMITTEE REPORT:** included above N/A

A motion was made by Councilor Whiteford and seconded by Councilor Kerr to accept the Highway and Highway Committee reports as presented.

Ayes – 4 Burnham, White, Whiteford, Kerr

Nays – 0 Motion carried

**HORSE TRAILS REPORT:** David Whiteford

- Nothing to report on this currently until spring.

**BLUEWAY TRAIL REPORT**

**RESOLUTION # 29** \* Audit Report-Timothy White & Sandra Burnham

A motion was made by Councilor Whiteford and seconded by Councilor Kerr to pay the following bills.

Audit Committee Report

February 16, 2021

Fund	Vouchers	Total
General	25 - 54	\$13,355.48
Highway	25- 42	\$25,774.73
Capital Highway Improvements	0	.00
Fire Protection	1-4	\$111,459.00
Street Lights	2	\$832.15

Ayes-4 Burnham, White, Whiteford, Kerr

Nays-0 motion carried

**OLD BUSINESS:**

- There were 2 candidates to fill in remaining term of Councilor Averill. Tom O'Brien and Douglas Beachard.
- Councilor Whiteford asked them why they want to be on the board.

**RESOLUTION # 30** appointing Douglas Beachard to Town Board seat.

A motion was made by Councilor Kerr and seconded by Councilor Whiteford to appoint Douglas Beachard to fill the vacated seat of Tomorra Averill. Her seat expires 12/31/21.

Ayes – 2 Whiteford, Kerr

Abstained -1 Burnham

Nays – 1 White motion carried.

- Tim White made a motion to appoint Tom O'brien but didn't get a second.
- Sandy Burnham asked if the community room could be painted.
- Changing the lights over to LED was discussed also.
- Supervisor White stated he picked up a new toilet for the restroom.

**NEW BUSINESS:**

**RESOLUTION # 31** Reappointing Fred LaPoint to Board of Review

A motion was made by Councilor Burnham

Seconded by Councilor Kerr

**THEREFORE**, the Russell Town Board will reappoint Fred LaPoint as a member of the Board of Review for the Town of Russell for a 5 year term beginning October 1, 2021 to September 30, 2026

Ayes- 4 Burnham, White, Whiteford, Kerr

Nays- 0 motion carried

**RESOLUTION # 32** \* Holding Harmless the County of St. Lawrence for providing Services for 2021

**HOLDING HARMLESS THE COUNTY OF ST. LAWRENCE COUNTY FOR PROVIDING SERVICE FOR 2021**

**TOWN OF RUSSELL**

**By Town Board, Town of Russell**

A motion was made by Councilor Burnham and seconded by Councilor Whiteford

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

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

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

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

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

General Liability Insurance  
On an "Occurrence" basis, with the following limits:

- \$1,000,000 Each Occurrence
- \$3,000,000 General Aggregate
- \$1,000,000 Products Aggregate
- \$1,000,000 Personal Injury
- \$ 50,000 Fire damage Legal Liability
- \$ 5,000 Medical payment Expense

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

Ayes: 4 Burnham, White, Whiteford, Kerr  
Nays: 0 Motion carried

- Larry Denesha stated the Extreme Winter Weather money will not be in the new budget. But the CHIP's money should be back to where it was.
- Highway Superintendent White handed the board the following letter:

Attention: Tim White  
Russell town board

February 16th, 202

Has our CHIP's reimbursement come in.  
The board and the highway dept were not informed of a return. At this time we are short \$104,983.51. If you would have informed me of a return I would have been able to inform you of an error when it occurred. I have gone over this with the DOT office and it will be corrected on their end for a March payment. If this



error had not been corrected we would not have the funds available when needed this summer.

Used oil burner:

The town barn is my department and I would like Tim White to stop interfering with our operating of the furnace. It will be used as needed. If we use it as you want we will be back to buying fuel oil that we don't need. From January 21<sup>st</sup> — February 8<sup>th</sup> (18days) we went from a full tank 250 gallons to 1/8 of a tank. Using it the way you think will take a lot of fuel oil and money because we don't have a never ending supply of used oil. If it's that important to run it all the time then the tax payers will be back to buying fuel oil when the used oil is gone.

There is no need for more heat in that section unless the temperature is around 0 degrees and I don't feel the tax payers should be paying for fuel we don't need. I feel that if Tim spent his time doing the job he was elected to do instead of interfering in the department I was elected to do the \$22,000.00 error that occurred last fall , the \$104,983.51 error in December may not have occurred and as for burning the used oil (just because we have some) is not going to happen. My responsibility lays with the people I serve. If you have concerns with the highway department please call me not my men.

Highway Superintendent

Lawrence G. White

Larry stated one CHIP's reimbursement form was not sent in so we have a carry over. Cut was 20% carry over, starting balance was \$191,000 balance is \$153,000 we are short \$104,983.51.

Tim will get with Brenda to see what happened.

Larry stated I want to use the oil burner when it is below zero. We save money using wood. I will use the oil burner on that end of the shop if it gets below 45degrees. We will turn it up to 60 degrees to warm it up when working under a truck bare handed. The tanks are full right now. We have a electric pump to pump oil from barrels to the tank.

The heat exchanger will cost \$400.00 but we may need some valves also.

The men will use the oil burner as needed.

Motion by Councilor Burnham and seconded by Councilor Whiteford to adjourn the meeting at 6:45 pm all were in favor

Respectfully submitted by  
Town Clerk – Tess Eells

