

Town of LeRay

Town Board Minutes

August 10, 2023

Call to Order

Proceedings of a Town Board Meeting held at the LeRay Town Municipal Office on August 10, 2023. The meeting was called to order at 4:00 p.m. by Supervisor Taylor who led the room in the Pledge of Allegiance.

Open Regular Meeting

Attendance: Ronald C. Taylor – Supervisor, Samuel Biondolillo – Councilman, John Eisenhauer – Councilman, Michael Gracey – Councilman, Lee Carpenter – Councilman, Melissa L. Verne – Town Clerk, Nathan Toutant – Clerk to Supervisor, James Burrows – Town Attorney, Jessica Jenack – Community Development Coordinator, Lee Shimel – Zoning Enforcement Officer, Dan Young – Highway Superintendent, Mike Altieri – Town Engineer. Kenny Kizzer – DANC and William Vargulick – Town Assessor were absent. Also in attendance: Terri Davis (DOT), Debbie Biondolillo and Merle Otis.

Approval of Minutes

The minutes from the meeting held on July 13, 2023, were reviewed by the Board Members. A motion to approve the minutes as drafted was made by Councilman Carpenter and seconded by Councilman Biondolillo.

The vote went as follows:

Ayes: 5	Nays: 0
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The motion passed.

Comments from the Floor

Terri Davis, NYS DOT Real Estate Specialist was present to discuss and answer any questions the Board had on the Factory Street Easement.

A motion was made by Councilman Biondolillo and seconded by Councilman Eisenhauer to accept the NYS DOT Resolution authorizing Supervisor Ronald C. Taylor to execute closing papers on behalf of the Town of LeRay.

The vote went as follows:

Ayes: 5	Nays: 0
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The motion passed.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to have Supervisor Ronald C. Taylor sign the Agreement for Advance Payment, the Affidavit of Title, and the Claim for Payment – Purchase of Land or Property.

The vote went as follows:

Ayes: 5	Nays: 0
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The motion passed.

Public Hearing scheduled at 4:05 p.m. for Local Law #5 Amending Chapter 102 of the Town of LeRay Code.

Supervisor Taylor opened the Public Hearing at 4:42 p.m. Supervisor Taylor asked Clerk Verne to read the Public Hearing Notice as published in the Watertown Daily Times on July 22, 2023. Supervisor Taylor then asked if there were any comments from the floor. No comments were made. A motion was made by Councilman Carpenter and seconded by Councilman Biondolillo to close the Public Hearing.

The vote went as follows:
Ayes: 5 Nays: 0
The motion passed.

RESOLUTION # 12 of 2023

**Local Law #5 of 2023
Amending Chapter 102 of the Town of LeRay Code**

WHEREAS, the Town Board of the Town of LeRay, New York is interested in amending the Town of LeRay Code Chapter 102 Junkyards, Junk Storage; and

WHEREAS, the Town Board has evaluated the legislation in light of the State Environmental Quality Review Act (SEQR) and has determined SEQR does not apply; and

WHEREAS, the Town Board has determined to proceed with legislation to amend the Town of LeRay Code Chapter 102 – Junkyards, Junk Storage.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of LeRay, New York that:

1. The Town Board hereby enacts Local Law No. 5 of 2023 and which is intended to amend Chapter 102 of Town of LeRay Code.
2. The Supervisor for the Town of LeRay and the Town Clerk for the Town of LeRay, their respective agents and employees are authorized to sign all documents and take all steps necessary to enact the legislation.
3. This resolution shall take effect immediately.

The foregoing Resolution was offered by **Board Member Eisenhauer**, and seconded by **Board Member Carpenter**, and upon roll call vote of the Board was duly adopted as follows:

Supervisor Ronald C. Taylor	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Michael J. Gracey	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Samuel J. Biondolillo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
John W. Eisenhauer	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Leland J. Carpenter	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Dated: August 10, 2023

Melissa L. Verne, Town Clerk

Report from the Town Engineer – Mike Altieri

Mr. Altieri gave his report. Mr. Altieri went over the list of potential upgrades to the Old Highway garage for Town Board consideration, no safety issues were found. Mr. Altieri will have estimates for these upgrades at the September meeting. Mr. Altieri also talked about the new wells being explored.

A motion was made by Councilman Eisenhauer and seconded by Councilman Carpenter to accept and authorize Supervisor Ronald C. Taylor sign Change Order Number 4 for J.E. Sheehan.

The vote went as follows:
Ayes: 5 Nays: 0
The motion passed.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to accept a bid for the demolition of the former residence at 8427 Willow Street in the Village of Evans Mills, from D.E.W Builders Inc. in the amount of \$26,500, with a budget amendment to transfer the bid amount from account 2401.1 to account 16204.1.

The vote went as follows:
Ayes: 5 Nays: 0
The motion passed.

A motion was made by Councilman Carpenter and seconded by Councilman Biondolillo for Northeast Geoscience to proceed with a 72-hour pump test.

The vote went as follows:
Ayes: 5 Nays: 0
The motion passed.

The Development Agreement with Lundy Development & Property Management was discussed and amended. A Roll Call vote to approve as amended was needed for Resolution 13 of 2023.

RESOLUTION #13 OF 2023

Development Agreement

WHEREAS, the Planning Board for the Town of LeRay, New York will be considering an application under the Town of LeRay’s Zoning Laws as submitted by Lundy Development & Property Management in connection with a project to be located at 25991 US Rt. 11 (the “Project”); and

WHEREAS, the Project is anticipated to be more complex and require services to be provided by Town Engineers, and/or Town Attorneys (“Professional Services”); an

WHEREAS, Professional Services, in all fairness, should not be absorbed by Town Tax Payers as a whole and the Town Board has the authority to require review fees for such matters (which are reasonably necessary to accomplish the statutory demands) be paid by the Applicant; and

WHEREAS, the Town Board has reviewed the proposed Development Agreement and asked Town Engineers and/or Town Attorneys to provide their estimate for the average cost of administering the zoning law in respect to the Project; and

WHEREAS, the Applicant has reviewed and expressed a willingness to accept the proposed

Development Agreement and has executed the same; and

WHEREAS, the Town Board has expressed a desire to accept the proposed Development Agreement and is prepared to proceed as follows.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of LeRay, NY:

1. The above recitations are incorporated herein and made a part of as if set forth thereafter.
2. The Town Board accepts, and approves, the attached Development Agreement for the Project as being in the best interest for the Town of LeRay, Town Taxpayers, and the Applicant and approves receipt of the initial deposit set forth therein.
3. The Supervisor for the Town of LeRay is authorized to sign all documents and shall take all steps necessary to support this Resolution and the Town Clerk is authorized to receive the deposit in a separate account and which shall be drawn down against audited bills during the review and/or construction process.
4. This Resolution shall take effect immediately.

The foregoing Resolution was offered by **Board Member, Eisenhauer**, and seconded by **Board Member, Biondolillo**, and upon roll call vote of the Board was duly adopted as follows:

Supervisor Ronald C. Taylor	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Michael J. Gracey	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Samuel J. Biondolillo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
John W. Eisenhauer	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Leland J. Carpenter	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Dated: August 10, 2023

Melissa L. Verne, Town Clerk

Report from Highway Superintendent – Dan Young

Mr. Young gave his monthly report on work completed since the last meeting. The Town Board discussed an invitation for bid for the Decommission and replacement of a double wall diesel tank, it will be posted on the Town website and in the Watertown Daily Times, bids to be due by August 24, 2023 at 2:00 p.m.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to accept the Proposal from Docteur Environmental for the Monthly Fuel Systems Inspection and reporting Annual NYS DEC testing for three (3) years.

The vote went as follows:
Ayes: 5 Nays: 0
The motion passed.

A motion was made by Councilman Carpenter and seconded by Councilman Biondolillo to accept the quote from Hall Welding as presented for \$20,200 to fabricate a Canopy Screener.

The vote went as follows:		
Ayes: 4 – Carpenter, Taylor, Biondolillo, Gracey	Nays: 1 – Eisenhauer	Abstain: 0
The motion passed.		

Report from Community Development Coordinator – Jessica Jenack

Mrs. Jenack reported on current projects before the Planning Board. There was discussion on adding a Mixed use to the R-1 zoning District, Mr. Burrows will draw up a local law for this. The Solar Decommissioning plan was discussed. Mr. Burrows also spoke about and explained how the Municipal Road Agreement works.

RESOLUTION # 14 OF 2023

Decommissioning Bond

WHEREAS, the Planning Board for the Town of LeRay, New York has considered the application for a Special Use Permit and Site Plan Approval under the Town’s Zoning Laws as submitted by Pivot Energy Solar NY 11 (the “Applicant”) in connection with a 4 MW Solar Energy Project in the Town of LeRay located at 28746 Martin Road North (the “Project”); and

WHEREAS, the Town’s Zoning Law condition approval for such Project upon an acceptable Decommissioning Plan, Decommissioning Agreement and Decommissioning Bond providing appropriate security for removal in a timely manner upon the end of the useful life of the Project; and

WHEREAS, the Applicant has proposed to adhere to Decommission tasks and estimated costs as set forth in a Decommissioning Plan and Decommissioning Agreement, which are attached as Exhibit “A” and shall be bound by the same; and

WHEREAS, the Applicant has proposed an Annually Renewable Decommissioning Bond, or other satisfactory security, a copy of which is attached, in the amount of \$306,629 intending to cover decommissioning of the Project (the “Decommissioning Security”); and

WHEREAS, the Town Board has expressed a desire to accept the same, for decommissioning upon the end of the useful life of the Project; and

WHEREAS, the Applicant has agreed to the same.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of LeRay, NY:

1. The above recitations and exhibits are incorporated herein and are a part of this Resolution.
2. In regard to the 4 MW Project at 28746 Martin Road North, listed herein, and prior to receiving a permit, the Applicant shall provide the Decommissioning Security in a form acceptable to the Town. The Town shall have the right to employ the Decommissioning Security to carry out decommissioning if the Applicant fails to timely do so as required by the local approvals and/or the permit. The initial Decommissioning Security shall be:

\$306,629

The Decommissioning Security shall not expire for at least one (1) year after the end of the life of the Project. The Town Zoning Enforcement Officer shall notify the Applicant and/or its successor and/or assignee in writing at least one (1) year before the end of the term for which the Decommissioning Security is provided restating the terms Decommissioning Plan, Decommissioning Agreement and this Resolution.

The Decommissioning Security shall not be allowed to lapse during the life of Project. Failure to comply with the Decommissioning Plan and/or Decommissioning Agreement shall be a breach of this Resolution and the permit immediately entitling the Town to use the Decommissioning Security without further proceedings.

3. The respective Decommissioning Plan, Agreement and Bond attached shall be an express condition of this approval.
4. The Supervisor for the Town of LeRay, Town Clerk for the Town of LeRay, the Zoning Enforcement Officer for the Town of LeRay and Town Attorneys and all other Town officers, agents or representatives are authorized to execute all papers and shall take all steps necessary to bring full force and effect to this approval.
5. This Resolution shall take effect immediately.

The foregoing Resolution was offered by **Board Member, Eisenhauer**, and seconded by **Board Member, Carpenter**, and upon roll call vote of the Board was duly adopted as follows:

Supervisor Ronald C. Taylor	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Michael J. Gracey	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Samuel J. Biondolillo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
John W. Eisenhauer	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Leland J. Carpenter	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Dated: August 10, 2023

Melissa L. Verne, Town Clerk

A motion was made by Councilman Eisenhauer and seconded by Councilman Carpenter to approve the Municipal Repair and Maintenance Security Agreement as amended.

The vote went as follows:			
Ayes:	5	Nays:	0
The motion passed.			

Report from the Zoning Enforcement Officer – Lee Shimel

Mr. Shimel spoke on Solar and Battery storage. The Town Board discussed a Moratorium for solar and battery storage. Mr. Burrows will prepare a local law for the Board to review.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to have the Town Engineer inspect the six (6) buildings that the Zoning Enforcement Officer presented as unsafe buildings.

The vote went as follows:			
Ayes:	5	Nays:	0
The motion passed.			

Report from the Town Clerk – Melissa L. Verne

Cash Balances as of July 31, 2023	Current Month Abstract 8
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General Fund	\$	4,212,889.17	\$	47,542.70
Highway Fund-Town wide	\$	658,588.16	\$	51,753.00
Highway Fund-Town Outside	\$	668,803.73	\$	21,209.22
Expendable Trust	\$	789.25	\$	0.00
Consolidated Water District	\$	1,867,735.70	\$	46,413.53
Water District # 3	\$	17,442.33	\$	28.00
Sewer District # 1	\$	443,903.54	\$	102,815.91
Sewer District # 2	\$	70,514.13	\$	931.80
Sewer District # 3	\$	21,202.91	\$	8,321.74
Sewer District # 4	\$	332,457.98	\$	7,752.81
Capital Project # 1 (Taylor Rd)	\$	0.00	\$	0.00
Capital Project # 2 (Water Dist. 4)	\$	0.00	\$	0.00
Capital Project # 3 (Sewer Dist. 1)	\$	134,580.41	\$	0.00
Capital Project # 3A (Sewer Dist. 4)	\$	0.00	\$	0.00
Capital Project # 4W (Water 2 Imp)	\$	-2,027.42	\$	0.00
Capital Project # 5 (Highway Fac.)	\$	0.00	\$	0.00
Trust & Agency	\$	21,897.00	\$	12,996.83

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey that Abstract #8 vouchers 1006-1100 in the amount of \$299,765.54 be paid from the above accounts.

The vote went as follows:
Ayes: 5 Nays: 0
The motion passed.

Report from Nathan Toutant, Clerk to the Supervisor

The following was presented to the Board for authorization:

To: Town Clerk
From: Larry G. Covell, Town Justice
Re: Application for funding from the Justice Court Assistance Program
Date: 08/10/2023

The Town Court is requesting authorization from the Town Board to apply for funding from the Justice Court Assistance Program during the upcoming grant cycle. One required component of that application is a Resolution from the Town Board authorizing the Town Court to apply for this funding.

The Office of Court Administration will not accept the court’s application unless the Resolution incorporates one of the following two options EXACTLY as written below:

Option # 1 (chosen)

“The Board of the Town of LeRay authorizes the LeRay Town Court to apply for a JCAP grant in the 2023-2024 grant cycle up to \$30,000.00.”

A motion was made by Councilman Biondolillo and seconded by Councilman Carpenter that the Board of the Town of LeRay authorizes the LeRay Town Court to apply for a JCAP grant in the 2023-2024 grant cycle up to \$30,000.

The vote went as follows:
Ayes: 5 Nays: 0

The motion passed.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to go into executive session for legal advice and to discuss personnel history of a particular individual at 6:30 p.m.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to go back into regular session at 6:45 p.m.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to adjourn this meeting at 6:50 p.m., until August 24, 2023, at 2:00 p.m.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

Respectfully given:

Melissa L. Verne

Melissa L. Verne, LeRay Town Clerk