

Town of LeRay

Town Board Minutes

February 8, 2024

Call to Order

Proceedings of a Town Board Meeting held at the LeRay Town Municipal Office on February 8, 2024. The meeting was called to order at 4:00 p.m. by Supervisor Carpenter who led the room in the Pledge of Allegiance.

Open Regular Meeting

Leland J. Carpenter – Supervisor, Melissa L. Verne – Town Clerk, Nathan Toutant – Clerk to Supervisor, Board Members in attendance: Samuel Biondolillo, John Eisenhauer – Absent, Michael Gracey, Merle Otis, James Burrows – Town Attorney, Jessica Jenack – Community Development Coordinator, Lee Shimel – Zoning Enforcement Officer, William Vargulick – Town Assessor – Absent, Dan Young – Highway Superintendent – Absent, Mike Altieri – Town Engineer, Kenny Kizzer – DANC
Additionally present: Debbie Biondolillo, Wayne Robbe, and Pat O'Donnell

Approval of Minutes

The minutes from the meeting held on January 11, & 25 2024, were reviewed by the Board Members. A motion to approve the minutes as drafted was made by Councilman Gracey and seconded by Councilman Otis.

The vote went as follows:			
Ayes:	4	Nays:	0
The motion passed.			

Comments from the Floor

Public Hearing scheduled at 4:05 p.m. to consider Local Law #3 of 2024 – to extend the Town Wide Moratorium on all Renewable Energy Facilities and Battery Energy Storage Systems for an additional three (3) months.

Supervisor Carpenter opened the Public Hearing at 4:13 p.m. Supervisor Carpenter asked Clerk Verne to read the Public Hearing Notice as published in the Watertown Daily Times on February 1, 2024. Supervisor Carpenter then asked if there were any comments from the floor. No comments were made.

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to close the Public Hearing.

The vote went as follows:			
Ayes:	4	Nays:	0
The motion passed.			

RESOLUTION #4 OF 2024

**AMENDING LOCAL LAW 6 of 2023
Extending a Townwide Moratorium for
Renewable Energy Facilities and Battery Energy Storage Systems**

WHEREAS, the Moratorium regarding Renewable Energy Facilities and Battery Energy Storage Systems was recently adopted by the Town Board and which is set to expire on/about March 19, 2024; and

WHEREAS, the Town Board for the Town of LeRay, New York is considering a number of steps to update, revise and amend its Zoning with regard to Renewable Energy Facilities and Battery Energy Storage Systems, but anticipates that completion of that process will not be accomplished by March 19, 2024; and

WHEREAS, in light of the above, the Town Board has determined that extending the moratorium for up to an additional three (3) months is reasonably necessary and appropriate to ensure that adequate time exists within which the Town Board might adopt reasonable amendments to Town Zoning in respect to Renewable Energy Facilities and Battery Energy Storage Systems.

NOW BE IT RESOLVED, that a public hearing Amending Local Law 6 of 2023 to extend the moratorium for an additional three (3) months (subject to earlier cancellation by Resolution) was conducted February 8, 2024; and

BE IT FURTHER RESOLVED, that extending the moratorium to provide adequate time to amend Zoning in regard to Renewable Energy Facilities and Battery Energy Storage Systems is appropriate and the local law is approved; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

Supervisor Leland J. Carpenter	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- Absent	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Merle C. Otis	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Dated: February 8, 2024

Melissa L. Verne, Town Clerk

Report from DANC – Kenny Kizzer

Mr. Kizzer gave his monthly report.

Report from Community Development Coordinator – Jessica Jenack

Mrs. Jenack gave her monthly report. There are two (2) solar projects that need site plans amended and given that the board has extended the solar moratorium, the Planning Board needed to know how to proceed.

A motion was made by Councilman Gracey and seconded by Councilman Biondolillo to waive the solar moratorium for the two (2) solar projects currently in progress, Jenkins Road Solar and DG Solar so they can continue on with their projects.

The vote went as follows:			
Ayes:	4	Nays:	0
The motion passed.			

A motion was made by Councilman Gracey and seconded by Councilman Otis to have Supervisor Leland Carpenter sign the MS\$ Operator Certification form for e-reports.

The vote went as follows:			
Ayes:	4	Nays:	0
The motion passed.			

The Board and the Planning Board Chair, Debbie Biondolillo, had a discussion regarding comp time for salaried employees. The Board communicated to Mrs. Biondolillo that going forward salaried employees are not entitled to comp time.

Report from the Town Engineer – Mike Altieri

Mr. Altieri reported on the Water Extension project.

Report from the Zoning Enforcement Officer – Lee Shimel

Mr. Shimel reported that the demolition at 26856 County Route 32 will start on February 12th, 2024. The Karate School on Route 3 will open in March 2024.

Report from the Town Clerk – Melissa L. Verne

	Cash Balances as of January 31, 2024		Current Month Abstract 2	
General Fund	\$	3,965,644.62	\$	311,730.81
Highway Fund-Town wide	\$	814,397.34	\$	77,264.04
Highway Fund-Town Outside	\$	203,239.69	\$	139.90
Expendable Trust	\$	790.57	\$	0.00
Consolidated Water District	\$	1,836,735.02	\$	49,830.12
Water District # 3	\$	18,492.57	\$	0.00
Sewer District # 1	\$	688,897.78	\$	114,916.93
Sewer District # 2	\$	29,876.63	\$	1850.77
Sewer District # 3	\$	75,850.60	\$	158,189.39
Sewer District # 4	\$	291,597.76	\$	8,769.59
Capital Project # 3 (Sewer Dist. 1)	\$	134,852.01	\$	0.00
Capital Project # 4W (Water 2 Imp)	\$	0.00	\$	0.00
Capital Project # 5 (Highway Fac.)	\$	0.00	\$	0.00
Trust & Agency	\$	7,070.00	\$	626,179.66

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey that Abstract #2 vouchers 154-319 in the amount of \$1,348,871.21 be paid from the above accounts.

The vote went as follows:			
Ayes:	4	Nays:	0
The motion passed.			

Clerk Verne reported that Tax collecting went well in January and two (2) checks were written to the Town making it whole on February 5, 2024, in the amount of \$2,191,615.89.

Report from Nathan Toutant, Clerk to the Supervisor

FINANCIAL RESOLUTIONS--To Modify the 2024 Town Budget

02/08/2024

1. Authorize the Supervisor to transfer \$37,631 from 230.82 Cash-Consolidated Water District to 233.82.1 Cash Reserve- Consolidate Water District- Debt Reserve Water District 2.
2. Authorize the Supervisor to transfer \$22,950 from 230.82 Cash-Consolidated Water District to 233.82.2 Cash Reserve-Consolidated Water District-Debt Reserve Water District 4.

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to authorize the above Financial Resolutions.

The vote went as follows:			
Ayes:	4	Nays:	0
The motion passed.			

RESOLUTION # 5 OF 2024

CONFIRMATION OF NEGATIVE DECLARATION(SEQR) RELATED TO WATERLINE CONSTRUCTION WITH EXTENSION OF CONSOLIDATED WATER DISTRICT

WHEREAS, the Town Board of the Town of LeRay, New York on/about May 13, 2021 adopted a Negative Declaration, Notice of Determination of Non-significance under the NYS Environmental Quality Review Act in its capacity as lead agency, advised involved agencies of that determination and published notice of the same in the ENB Region 6 Notice on/about July 16, 2021; and

WHEREAS, the Consolidated Water District was extended pursuant to an Order of the Town Board of LeRay adopted May 13, 2021 and construction is likely to proceed shortly; and

WHEREAS, the Town Engineers have undertaken considerable efforts to secure necessary consent from Real Property owners associated with locating a route for a portion of waterline; and

WHEREAS, a number of potential locations have been considered and the route has been selected and which is depicted on a Site Map attached as **Exhibit "A"** which is different from the originally anticipated location; and

WHEREAS, the Town Board in an abundance of caution is considering what aspect, if any, of its environmental review pursuant to SEQR should be changed, amended, etc. due to the proposed shift in location of the waterline; and

WHEREAS, the Town Board emphasizes the following relevant aspects related to the shift in location/route of a portion of the waterline:

1. The proposed location/route is still wholly within the existing district as extended;
2. The proposed location/route will not require any further district extension/amendment;
3. The proposed location/route is wholly within the lands within which the underlying SEQR review was previously performed;
4. The proposed location/route is more removed from potential traffic and the general population near the original proposed route;
5. The proposed location/route is not within any identified wetlands nor is it expected to create any risk not otherwise considered during the course of the Town’s “hard look” under SEQR pursuant to the coordinated review;
6. There has been no change in nearby land uses since the Town Board’s SEQR review and issuance of a Negative Declaration;
7. The Town Board is not aware of, nor has it been advised of, any potential change in any environmental impacts associated with the proposed location/route and is not aware of any other relevant adverse factors for purposes of SEQR.

WHEREAS, the Town Board has reviewed the matter and is determined to proceed.

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

1. The foregoing recitations are incorporated herein and made a part hereof as if set forth hereafter.
2. Based upon a thorough review and examination of the known facts related to the underlying project, and the proposed location/route of a portion of the waterline and careful review of all potential adverse environmental impacts, and the entire record and proceedings related to the project, the Town Board finds that the proposed location/route of a portion of the waterline in regard to the project is de minimis, will not have a significant adverse impact on the environment, and that a draft environmental impact statement will not be prepared and no additional SEQR review is necessary.
3. The underlying Negative Declaration incorporated herein by reference, is reconfirmed and readopted for the reasons stated in the earlier Negative Declaration.
4. This resolution shall take effect immediately.

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

Supervisor Leland J. Carpenter	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- Absent	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Merle C. Otis	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Dated: February 8, 2024

Melissa L. Verne, Town Clerk

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to authorize Supervisor Leland Carpenter to approve and sign the Jefferson County MSD-222 for the Director of Finance position.

The vote went as follows:	
Ayes: 4	Nays: 0
The motion passed.	

A motion was made by Councilman Otis and seconded by Councilman Gracey to have Supervisor Leland Carpenter execute both agreements with Municipal Solutions Inc.

The vote went as follows:	
Ayes: 4	Nays: 0
The motion passed.	

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to have Supervisor Leland Carpenter sign the National Grid easement at 8433 Willow Street for the bridge replacement on Noble Street, in Evans Mills.

The vote went as follows:	
Ayes: 4	Nays: 0
The motion passed.	

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to appoint Wayne Robbe to the open position on the Zoning Board of Appeals (ZBA) term to expire 12/31/2026.

The vote went as follows:	
Ayes: 4	Nays: 0
The motion passed.	

Attorney James Burrows brought it to the attention of the board that if they desired, they could consider a local law to align the Town Supervisor’s term with that of the rest of the elected officials in the Town. Mr. Burrows made it known that Supervisor Carpenter did not request this change.

A motion was made by Councilman Biondolillo and seconded by Councilman Otis to set a Public Hearing to consider a local law to extend the Term of Office of the Supervisor from two (2) to four (4) years.

The vote went as follows:			
Ayes:	3 – Biondolillo, Otis, Gracey	Nays:	0
Abstained:	1 – Carpenter		
The motion passed.			

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to adjourn this meeting, at 6:05 p.m. to February 22, 2024 at 4:00 p.m.

The vote went as follows:	
Ayes: 4	Nays: 0
The motion passed.	

Respectfully given:

Melissa L. Verne

Melissa L. Verne, LeRay Town Clerk