

Town of LeRay

Town Board Minutes

June 13, 2024

Call to Order

Proceedings of a Town Board Meeting held at the LeRay Town Municipal Office on June 13, 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 – Absent, Michael Gracey – Absent, Merle Otis, Patrick O’Donnell, James Burrows – Town Attorney – Absent, Jessica Jenack – Community Development Coordinator – Absent, Lee Shimel – Zoning Enforcement Officer, William Vargulick – Town Assessor, Dan Young – Highway Superintendent, Michael Altieri – Town Engineer, Kenny Kizzer – DANC

Approval of Minutes

The minutes from the meeting held on May 9, 2024, were reviewed by the Board Members. A motion to approve the minutes as drafted was made by Councilman O’Donnell and seconded by Councilman Otis.

The vote went as follows:			
Ayes:	3	Nays:	0
The motion passed.			

Comments from the Floor

Jerry from Honey Ridge Solar updated the board on their project.

A motion was made by Councilman O’Donnell and seconded by Councilman Otis to fund the request to the Evans Mills Public Library and Sally Ploof Hunter Memorial Library \$350.00 each respectively of bedtax money for REPCO, a program they offer to patrons.

The vote went as follows:			
Ayes:	3	Nays:	0
The motion passed.			

Public Hearing scheduled at 4:10 p.m. for three (3) potentially unsafe buildings and/or structures identified as:

- 1.) 31287 Elm Ridge Road, Evans Mills, NY
- 2.) 27813 US Route 11, Evans Mills, NY
- 3.) 30429 County Route 46, Evans Mills, NY

Supervisor Carpenter opened the Public Hearing at 4:10 p.m. Supervisor Carpenter asked Clerk Verne to read the Public Hearing Notice as published in the Watertown Daily Times on May 24, 2024. Supervisor then asked if there were any comments from the floor. No comments were made.

A motion was made by Councilman Otis and seconded by Councilman O'Donnell to close the Public Hearing.

The vote went as follows:		
Ayes:	3	Nays: 0
The motion passed.		

RESOLUTION #12-2024 and ORDER
Removal of Unsafe Building/Structure
Located at: 31237 Elm Ridge Road., Evans Mills
Tax Parcel #: 45.00-3-31.31

WHEREAS, The Town Board of LeRay has familiarized itself with buildings and/or structures located at 31237 Elm Ridge Road., Evans Mills, Tax Parcel #: 45.00-3-31.31 and considered an investigation report conducted by the Town's Enforcement Officer, with exhibits, pertaining to the same pursuant to Local Law No.: 2 of 2023 (Unsafe Building and Structures); and

WHEREAS, the Town Board has conducted a Public hearing to determine whether the building and/or structure located at 31237 Elm Ridge Road., Evans Mills, Tax Parcel #: 45.00-3-31.31 is in violation of the Unsafe Building and Structures Law and is so dangerous and/or unsafe that it should be demolished and removed to protect the health, safety and welfare of the public in accordance with the Unsafe Building and Structures Law; and

WHEREAS, the Town Board has considered comments provided at the Public Hearing, together with the Official Record and determines as follows:

1. The building/structure has been found to be dangerous and/or unsafe in that the Town Engineer, BCA Architects & Engineers recommends the structure be demolished to avoid potential injury based on the findings of the Engineer report dated February 21, 2024, as provided by the Unsafe Building and Structures Law Section 4.
2. The Town Board adopts the Inspection Report of the Enforcement Officer and the recommendation in respect thereto.
3. The building and/or structure shall be demolished and removed by persons having interests in the property and/or their designated agents, starting within seven (7) calendar days from date of the close of the Public Hearing and shall be completed within thirty (30) days of the close of the Public Hearing, unless extended in writing by the Enforcement Officer.
4. The Town's Enforcement Officer shall monitor all progress in regard thereto and report his/her findings, as needed, to the Town Supervisor and Town Clerk.
5. In the event that the Enforcement Officer shall determine that persons having interests in the subject property have neglected and/or refused to comply with this Resolution and Order, then the Enforcement Officer shall take steps for demolition and removal of the offending building or structure with the use of Town employees, if available or with the use of a third-party.
6. The Town Enforcement Officer shall document all costs and expenses incurred in connection with this matter and coordinate efforts with the Town Clerk to assess all costs and expenses

thereof against the owners, and to require repayment/reimbursement of all costs and expenses of demolition and removal, including administrative, engineering and legal costs and expenses from persons having interests in the subject property.

7. In the event that repayment/reimbursement of costs and expenses of demolition and removal including administrative, engineering and legal costs and expenses are not paid to the Town Clerk within thirty (30) days from billing, then Town Officers and/or agents and/or employees shall take all steps reasonably necessary to assess all costs and expenses and levy the same upon the real property from which such dangerous/unsafe building/condition has been removed/abated.
8. This Resolution and Order shall take effect immediately.

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

Supervisor Leland J. Carpenter	Yes <u>X</u>	No _____
Michael J. Gracey- Absent	Yes _____	No _____
Samuel J. Biondolillo- Absent	Yes _____	No _____
Merle Otis	Yes <u>X</u>	No _____
Patrick O'Donnell	Yes <u>X</u>	No _____

Dated: June 13, 2024

Melissa L. Verne, Town Clerk

RESOLUTION #13-2024 and ORDER
Removal of Unsafe Building/Structure
Located at: 27813 US Route 11, Evans Mills
Tax Parcel #: 65.05-1-38

WHEREAS, The Town Board of LeRay has familiarized itself with buildings and/or structures located at 27813 US Route 11, Evans Mills, Tax Parcel #: 65.05-1-38 and considered an investigation report conducted by the Town's Enforcement Officer, with exhibits, pertaining to the same pursuant to Local Law No.: 2 of 2023 (Unsafe Building and Structures); and

WHEREAS, the Town Board has conducted a Public hearing to determine whether the building and/or structure located at 27813 US Route 11, Evans Mills, Tax Parcel #: 65.05-1-38 and is in violation of the Unsafe Building and Structures Law and is so dangerous and/or unsafe that it should be demolished and removed to protect the health, safety and welfare of the public in accordance with the Unsafe Building and Structures Law; and

WHEREAS, the Town Board has considered comments provided at the Public Hearing, together with the Official Record and determines as follows:

1. The building/structure has been found to be dangerous and/or unsafe in that the Town Engineer, BCA Architects & Engineers recommends that the structure be demolish entirely based on the

findings of the Engineer report dated February 21, 2024, as provided by the Unsafe Building and Structures Law Section 4.

2. The Town Board adopts the Inspection Report of the Enforcement Officer and the recommendation in respect thereto.
3. The building and/or structure shall be demolished and removed by persons having interests in the property and/or their designated agents, starting within seven (7) calendar days from date of the close of the Public Hearing and shall be completed within thirty (30) days of the close of the Public Hearing, unless extended in writing by the Enforcement Officer.
4. The Town's Enforcement Officer shall monitor all progress in regard thereto and report his/her findings, as needed, to the Town Supervisor and Town Clerk.
5. In the event that the Enforcement Officer shall determine that persons having interests in the subject property have neglected and/or refused to comply with this Resolution and Order, then the Enforcement Officer shall take steps for demolition and removal of the offending building or structure with the use of Town employees, if available or with the use of a third-party.
6. The Town Enforcement Officer shall document all costs and expenses incurred in connection with this matter and coordinate efforts with the Town Clerk to assess all costs and expenses thereof against the owners, and to require repayment/reimbursement of all costs and expenses of demolition and removal, including administrative, engineering and legal costs and expenses from persons having interests in the subject property.
7. In the event that repayment/reimbursement of costs and expenses of demolition and removal including administrative, engineering and legal costs and expenses are not paid to the Town Clerk within thirty (30) days from billing, then Town Officers and/or agents and/or employees shall take all steps reasonably necessary to assess all costs and expenses and levy the same upon the real property from which such dangerous/unsafe building/condition has been removed/abated.
8. This Resolution and Order shall take effect immediately.

The foregoing Resolution was offered by Board Member, **O'Donnell**, 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- Absent	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Samuel J. Biondolillo- Absent	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Merle Otis	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Patrick O'Donnell	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Dated: June 13, 2024

Melissa L. Verne, Town Clerk

RESOLUTION #14-2024 and ORDER
Removal of Unsafe Building/Structure
Located at: 30429 County Route 46, Evans Mills, NY
Tax Parcel # 55.00-1-1.5

WHEREAS, The Town Board of LeRay has familiarized itself with buildings and/or structures located at 30429 County Route 46, Evans Mills, NY, Tax Parcel # 55.00-1-1.5 and considered an investigation report conducted by the Town's Enforcement Officer, with exhibits, pertaining to the same pursuant to Local Law No.: 2 of 2023 (Unsafe Building and Structures); and

WHEREAS, the Town Board has conducted a Public hearing to determine whether the building and/or structure located at 30429 County Route 46, Evans Mills, NY, Tax Parcel # 55.00-1-1.5 is in violation of the Unsafe Building and Structures Law and is so dangerous and/or unsafe that it should be demolished and removed to protect the health, safety and welfare of the public in accordance with the Unsafe Building and Structures Law; and

WHEREAS, the Town Board has considered comments provided at the Public Hearing, together with the Official Record and determines as follows:

1. The building/structure has been found to be dangerous and/or unsafe in that the Town Engineer, BCA Architects & Engineers recommends the structure be demolished entirely to avoid potential for injury based on the findings of the Engineer report dated February 21, 2024, as provided by the Unsafe Building and Structures Law Section 4.
2. The Town Board adopts the Inspection Report of the Enforcement Officer and the recommendation in respect thereto.
3. The building and/or structure shall be demolished and removed by persons having interests in the property and/or their designated agents, starting within seven (7) calendar days from date of the close of the Public Hearing and shall be completed within thirty (30) days of the close of the Public Hearing, unless extended in writing by the Enforcement Officer.
4. The Town's Enforcement Officer shall monitor all progress in regard thereto and report his/her findings, as needed, to the Town Supervisor and Town Clerk.
5. In the event that the Enforcement Officer shall determine that persons having interests in the subject property have neglected and/or refused to comply with this Resolution and Order, then the Enforcement Officer shall take steps for demolition and removal of the offending building or structure with the use of Town employees, if available or with the use of a third-party.
6. The Town Enforcement Officer shall document all costs and expenses incurred in connection with this matter and coordinate efforts with the Town Clerk to assess all costs and expenses thereof against the owners, and to require repayment/reimbursement of all costs and expenses of demolition and removal, including administrative, engineering and legal costs and expenses from persons having interests in the subject property.

7. In the event that repayment/reimbursement of costs and expenses of demolition and removal including administrative, engineering and legal costs and expenses are not paid to the Town Clerk within thirty (30) days from billing, then Town Officers and/or agents and/or employees shall take all steps reasonably necessary to assess all costs and expenses and levy the same upon the real property from which such dangerous/unsafe building/condition has been removed/abated.
8. This Resolution and Order shall take effect immediately.

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

Supervisor Leland J. Carpenter	Yes <u> X </u>	No <u> </u>
Michael J. Gracey- Absent	Yes <u> </u>	No <u> </u>
Samuel J. Biondolillo- Absent	Yes <u> </u>	No <u> </u>
Merle Otis	Yes <u> X </u>	No <u> </u>
Patrick O'Donnell	Yes <u> X </u>	No <u> </u>

Dated: June 13, 2024

Melissa L. Verne, Town Clerk

Report from DANC – Kenny Kizzer

Mr. Kizzer gave his monthly report

Report from Highway Superintendent – Dan Young

A motion was made by Supervisor Carpenter and seconded by Councilman Otis to hire Highway intern William Young as summer help for the Highway to start on June 15, 2024.

The vote went as follows:			
Ayes:	3	Nays:	0
The motion passed.			

Report from Community Development Coordinator – Jessica Jenack (absent)

A motion was made by Supervisor Carpenter and seconded by Councilman O'Donnell to waive the solar moratorium for the solar project currently in progress, Pivot Solar NY 11 so they can subsequently request for an extension with the Planning Board to continue on with their project.

The vote went as follows:			
Ayes:	3	Nays:	0
The motion passed.			

Report from the Town Engineer – Mike Altieri

Mr. Altieri discussed phases of possible old highway garage upgrades.

A motion was made by Supervisor Carpenter and seconded by Councilman Otis to allow BCA to put the bid packages out to bid to get a response back.

The vote went as follows:			
Ayes:	3	Nays:	0
The motion passed.			

Report from the Zoning Enforcement Officer – Lee Shimel

Mr. Shimel reported on projects in process.

Report from the Town Assessor – William Vargulick

Mr. Vargulick spoke on grievances from Grievance day in May 2024.

Report from the Town Clerk – Melissa L. Verne

	Cash Balances as of May 31, 2024		Current Month Abstract 6	
General Fund	\$	3,840,539.19	\$	105,510.21
Highway Fund-Town wide	\$	821,558.32	\$	24,012.36
Highway Fund-Town Outside	\$	602,444.59	\$	210,685.76
Expendable Trust	\$	791.65	\$	0.00
Consolidated Water District	\$	2,124,408.09	\$	73,112.60
Water District # 3	\$	19,167.79	\$	12,392.00
Sewer District # 1	\$	778,795.88	\$	11,457.55
Sewer District # 2	\$	51,034.86	\$	971.05
Sewer District # 3	\$	24,024.82	\$	10,599.78
Sewer District # 4	\$	369,265.58	\$	379.83
Capital Project # 3 (Sewer Dist. 1)	\$	135,030.95	\$	0.00
Capital Project # 4W (Water 2 Imp)	\$	0.00	\$	0.00
Capital Project # 5 (Highway Fac.)	\$	0.00	\$	0.00
Trust & Agency	\$	59,570.00	\$	4234.15

A motion was made by Supervisor Carpenter and seconded by Councilman Otis that Abstract #6 vouchers 759-902 in the amount of \$453,355.29 be paid from the above accounts.

The vote went as follows:			
Ayes:	3	Nays:	0
The motion passed.			

Report from Nathan Toutant, Clerk to the Supervisor

Mr. Toutant reported that the Town Audit had started, and the report would be ready in 2 months. Mr. Toutant also reported that the sump pump alarm was installed in the basement of the Town offices.

A motion was made by Supervisor Carpenter and Councilman Otis to go into Executive session at 5:33 p.m. for a Tax Certification issue.

The vote went as follows:			
Ayes:	3	Nays:	0
The motion passed.			

A motion was made by Supervisor Carpenter and seconded by Councilman Otis to come out of Executive session back into Regular session at 5:56 p.m.

The vote went as follows:			
Ayes:	3	Nays:	0
The motion passed.			

A motion was made by Councilman O'Donnell and seconded by Councilman Otis to adjourn this meeting, at 6:03 p.m.

The vote went as follows:			
Ayes:	3	Nays:	0
The motion passed.			

Respectfully given:

Melissa L. Verne

Melissa L. Verne, LeRay Town Clerk