

# Town of LeRay

## Town Board Minutes

January 11, 2024

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### Call to Order

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Proceedings of a Town Board Meeting held at the LeRay Town Municipal Office on January 11, 2024. The meeting was called to order at 4:00 p.m. by Supervisor Carpenter who led the room in the Pledge of Allegiance.

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### Open Regular Meeting

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

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### Approval of Minutes

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The minutes from the meeting held on December 14, & 20 2023, were reviewed by the Board Members. A motion to approve the minutes as drafted was made by Councilman Biondolillo and seconded by Councilman Gracey.

The vote went as follows:

Ayes:	5	Nays:	0
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The motion passed.

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### Comments from the Floor

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**Public Hearing scheduled at 4:05 p.m. to consider Local Law #1 of 2024 – Set Water and Sewer Rates for 2024 as follows:**

**Former Water District #1** – Effective January 1, 2024 - \$0.00370 per gallon charge for metered water usage and a 3% per quarter penalty after 30 days from billing date.

**Former Water District #2** – Effective January 1, 2024 - \$0.00370 per gallon charge for metered water usage and a 3% per quarter penalty after 30 days from billing date.

**Former Water District #3** – Effective March 1, 2024 - \$0.01090 per gallon charge for metered water usage and a 3% per quarter penalty after 30 days from billing date.

**Former Water District #4** – Effective January 1, 2024 - \$0.00370 per gallon charge for metered water usage and a 3% per quarter penalty after 30 days from billing date.

**Sewer District #1** – Effective January 1, 2024 - A minimum charge of \$15.00 for usage up to and including the first 1,980 gallons based on metered water usage bill quarterly. Usage exceeding 1,980 gallons is charged at \$0.00760 per gallon sewer rate and a 3% per quarter penalty after 30 days from billing date.

**Sewer District #2** – Effective March 1, 2024 - A minimum charge of \$15.00 for usage up to and including the first 1,990 gallons based on metered water usage bill quarterly. Usage exceeding 1,990 gallons is charged at \$0.00780 per gallon sewer rate and a 3% per quarter penalty after 30 days from billing date.

**Sewer District #3** – Effective January 1, 2024 - A minimum charge of \$62.00 for usage up to and including the first 12,500 gallons based on metered water usage bill quarterly. Usage exceeding 12,500 gallons is charged at \$0.00300 per gallon sewer rate and a 3% per quarter penalty after 30 days from billing date.

**Sewer District #4** – Effective January 1, 2024, - A minimum charge of \$63.00 for usage up to and including the first 12,500 gallons based on metered water usage bill quarterly. Usage exceeding 12,500 gallons is charged at \$0.00300 per gallon sewer rate billed quarterly and a 3% per quarter penalty after 30 days from billing.

Supervisor Carpenter opened the Public Hearing at 4:12 p.m. Supervisor Carpenter asked Clerk Verne to read the Public Hearing Notice as published in the Watertown Daily Times on January 2, 2024. Supervisor 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:	5	Nays:	0
The motion passed.			

**RESOLUTION #1 OF 2024**

**ADOPTING LOCAL LAW 1 of 2024  
SET WATER AND SEWER RATES FOR 2024**

**WHEREAS**, the Town Board of the Town of LeRay, New York is interested in setting the Water and Sewer rates for 2024; 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 set the Water and Sewer rates for 2024.

**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. 1 of 2024 and which is intended update the Water and Sewer Rates.
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 Biondolillo**, 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	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Merle C. Otis	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Dated: January 11, 2024

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Melissa L. Verne, Town Clerk

**Public Hearing scheduled at 4:10 p.m. to consider Local Law #2 of 2024 to address Freedom of Information Law (FOIL) to allow FOIL requests to be submitted through the Town’s Municipal Website**

Supervisor Carpenter opened the Public Hearing at 4:15 p.m. Supervisor Carpenter asked Clerk Verne to read the Public Hearing Notice as published in the Watertown Daily Times on January 2, 2024. The Supervisor then asked if there were any comments from the floor. No comments were made.

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

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

**RESOLUTION 2 of 2024**  
**Local Law 2 of 2024**  
**REPEAL AND REPLACE LOCAL LAW REGARDING**  
**Chapter 36-6 – Procedure for Requests (FOIL)**

**WHEREAS**, the Town Board for the Town of LeRay, New York is interested in repealing and replacing a Local Law regarding Freedom of Information Law (“FOIL”) procedures within the Town; and

**WHEREAS**, the Town Board has reviewed the proposed legislation that will repeal and replace any of the Town’s current Local Laws, ordinances, rules, or regulations (Chapter 36-6) that address the same and replace that chapter with this version.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of LeRay, New York as follows:

1. The forgoing recitation is incorporated herein and made a part hereof as if set forth herein.

2. The Town Board hereby repeals the existing Chapter 36-6 of the Town Code and enacts the Local Law for Procedure for Requests as a new Chapter 36-6 as being in the best interests of the Town of LeRay.
3. The Supervisor for the Town of LeRay, and the Town Clerk, their respective agents and employees are hereby authorized to sign all documents and take all steps necessary to enact this legislation.
4. This Legislation shall be filed with the New York State Department of State and shall become effective thereafter.
5. 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	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Merle C. Otis	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Dated: January 11, 2024

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Melissa L. Verne, Town Clerk

### **Report from Community Development Coordinator – Jessica Jenack**

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Mrs. Jenack gave her monthly report. A discussion was had with the board about possible changes to the Wewer Development.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to amend section 1 of the Wewer Developer Agreement.

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

### **Report from the Town Engineer – Mike Altieri**

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Mr. Altieri reported that he visited properties with Mr. Shimel regarding unsecure and unsafe properties. Mr. Altieri updated the board on the Water District Extension project and Well Development.

**RESOLUTION and ORDER**  
**Removal of Unsafe Building/Structure**  
**Located at: 26856 County Route 32**  
**Tax Parcel #: 65.00-1-84.211**  
**On An Emergency Basis**

**WHEREAS**, The Town Board of LeRay has familiarized itself with a building and/or structure located at 26856 County Route 32, in the Town and identified as Tax Parcel #: 65.00-1-84.211 and considered an investigation conducted by the Town's Enforcement Officer, with photograph, and the Town Engineer's recommendation all pertaining to the same pursuant to Local Law No.: 2 of 2023 (Unsafe Buildings and Structures Law); and

**WHEREAS**, the Town Board has familiarized itself with the property and the structure and considered whether the structure is in apparent violation of the Unsafe Buildings 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 Buildings and Structures Law; and

**WHEREAS**, the Town Board has considered the Official Record and determines as follows:

1. The building/structure has been found to be dangerous and/or unsafe in that it has already partially collapsed and is in danger of further collapse, especially during the Winter months with a likelihood of high winds and snow load as specified by the Unsafe Buildings and Structures Law Section 4.
2. The Town Board accepts and agrees with the recommendations of the Enforcement Officer and Town Engineer that further collapse of the building is highly likely and imminent.
3. The scenario results in a present, clear and imminent danger to the public and is an attractive nuisance to the public (especially children) and endangers the health and safety of the public unless the partially collapsed structure is demolished and removed.
4. This scenario constitutes an Emergency pursuant to Section 12 of the Unsafe Buildings and Structures Law.
5. The Enforcement Officer shall take steps for prompt and proper demolition and removal of the building/structure with the use of Town employees, if available, or with the use of a third-party all on an emergency basis.
6. Prompt notification of this scenario shall be provided to the record owner ASAP, by US Mail and in person, if possible.
7. 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 owner, 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.
8. 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 on an emergency basis.

9. This Resolution and Order shall take effect immediately.

The foregoing Resolution was offered by **Board Member, Eisenhauer**, 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	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Merle C. Otis	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Dated: January 11, 2024

\_\_\_\_\_  
Melissa L. Verne, Town Clerk

**Report from the Town Assessor – William Vargulick**

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Mr. Vargulick discussed parcels with EDU charges with the Board.

**Report from the Town Clerk – Melissa L. Verne**

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	Cash Balances as of December 31, 2023	Current Month Abstract 1
<b>General Fund</b>	\$ 4,082,115.03	\$ 69,027.57
<b>Highway Fund-Town wide</b>	\$ 923,492.06	\$ 56,901.21
<b>Highway Fund-Town Outside</b>	\$ 203,220.96	\$ 0.00
<b>Expendable Trust</b>	\$ 790.30	\$ 0.00
<b>Consolidated Water District</b>	\$ 1,835,816.13	\$ 24,214.24
<b>Water District # 3</b>	\$ 18,423.90	\$ 28.00
<b>Sewer District # 1</b>	\$ 669,148.44	\$ 4,961.65
<b>Sewer District # 2</b>	\$ 31,001.80	\$ 1,131.50
<b>Sewer District # 3</b>	\$ 67,908.23	\$ 2,052.39
<b>Sewer District # 4</b>	\$ 288,992.93	\$ 1,199.83
<b>Capital Project # 3 (Sewer Dist. 1)</b>	\$ 134,806.21	\$ 0.00
<b>Capital Project # 4W (Water 2 Imp)</b>	\$ 0.00	\$ 0.00
<b>Capital Project # 5 (Highway Fac.)</b>	\$ 0.00	\$ 0.00
<b>Trust &amp; Agency</b>	\$ 7,070.00	\$ 64,708.15

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey that Abstract #1 vouchers 1694-1698 and 1-153 in the amount of \$224,224.54 be paid from the above accounts.

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

A motion was made to approve reimbursement in the amount of \$365.12 to Raymond Countryman, parcel 75.00-1-54.2 for Unpaid Sewer on his 2023 Town/County Tax bill that he paid that did not belong to him.

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

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey that the Evans Mills Branch of the KeyBank be designated as the depository for the Town of LeRay for the year 2024.

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

A motion was made by Councilman Gracey and seconded by Councilman Biondolillo that the schedule of salary payments be paid bi-weekly during the year 2024 with the exception of the Town Board and Planning board which will be paid on a quarterly basis.

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

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey that the Watertown Daily Times be designated as the official newspaper for the Town of LeRay for the year 2024.

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

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey that the Evans Mills branch of KeyBank be designated as the depository for the Town Tax Collector for the year 2024.

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

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey. Resolved, to approve the blanket undertaking bond covering all Town Employees as required by Section 25 of the Town Law, and it is further Resolved, that Town Justices are specifically covered under said Blanket Undertaking, as required by Public Officers Law Section 112).

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

A motion was made by Councilman Gracey and seconded by Councilman Biondolillo that Lee Shimel be appointed Constable for the year 2024.

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

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo that the 2023 report of the Town Clerk was presented and examined, her monies turned over to the proper officials and that the detailed statement has been examined and filed.

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

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to appoint Mary E. Hebert as Deputy Town Clerk for the year 2024.

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

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey that Melissa L. Verne be appointed Registrar of Vital Statistics and Mary E. Hebert be appointed as Deputy Registrar of Vital Statistics for the year 2024.

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

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey that Nathan Toutant be appointed as official delegate and Merle Otis be alternate to attend the Association of Towns Meeting.

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

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey to appoint Samuel Biondolillo as Deputy Supervisor for the year 2024.

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

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey that the mileage for Town business will be the allowable IRS rate. (.67 cents)



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

A motion was made by Councilman Gracey and seconded by Councilman Otis to appoint Lee Shimel as ZEO for the year 2024.

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

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey to appoint Deborah Biondolillo as the Planning Board Chairman for the year 2024.

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

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey to appoint Brian Jefferds to the Planning board, term to expire 12/31/2030.

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

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to appoint Jan Oatman to the ZBA board, term to expire 12/31/2028.

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

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to appoint Jan Oatman as the Zoning Board of Appeals Chairman for the year 2024.

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

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey to approve the salaries for Elected Officials and Town Employees as set forth, effective January 1, 2024.

Supervisor \$ \$33,540

Town Clerk/Tax Collector \$ 52,000

Deputy Town Clerk \$ 45,000

Highway Superintendent \$ 84,500

Town Board (4) \$ 9,800  
 Admin Clerk to Supervisor \$ 93,500  
 Assessor \$ 49,120  
 Justice (2) @ \$ 21,000  
 Confidential Clerk to Justice #1 \$ 45,000  
 Confidential Clerk to Justice #2 \$ 45,000  
 Court Attendant \$ 25.00/ hr.  
 Zoning Officer \$ 23,000  
 Zoning Board Chair \$ 4,800  
 Board Members (4) \$ 2,400  
 Planning Board Chairman \$ 15,000  
 Planning Board Member (6) \$ 3,690  
 Clerk to Planning/ Zoning Board \$ 39,190  
 Community Devel. Coordinator \$ 45,000  
 BAR (3) \$ 400

A motion was made by Councilman Eisenhower and seconded by Councilman Biondolillo to go into Executive Session at 6:14 p.m. for a personnel matter on a particular individual.

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

A motion was made by Councilman Eisenhower and seconded by Councilman Biondolillo to return to Regular session at 6:25 p.m.

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

**Report from Nathan Toutant, Clerk to the Supervisor**

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A motion was made by Councilman Eisenhower and seconded by Councilman Biondolillo to approve the installation of four (4) poles and four (4) 96-watt streetlights at each of the following intersections:

- US Route 11 and Jewett Place
- NYS Route 342 and Jewett Place
- US Route 11 and Casey Avenue
- US Route 11 and Gerald Avenue

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

A motion was made by Councilman Otis and seconded by Councilman Gracey to approve the installation of one (1) 96-watt streetlight at the intersection of NYS Route 283 and Woodland Drive.

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

A motion was made by Councilman Eisenhower and seconded by Councilman Gracey to adjourn this meeting, at 6:26 p.m. to January 25, 2024 at 4:00 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