

# Town of LeRay

## Town Board Minutes

August 8, 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 August 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

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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, 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  
Additionally present – Jeffrey More

### Approval of Minutes

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The minutes from the meeting held on July 11, 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

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Jeffrey More of 25112 Sanford Corners Road spoke to the Board on a situation with water drainage on his property. The Board agreed to let Dan Young, try a French drain to try and remedy the problem.

**Public Hearing scheduled at 4:00 p.m. to establish a Town Wide Six (6) Month Moratorium on all Renewable Energy Facilities and Battery Energy Storage Systems.**

Supervisor Carpenter opened the Public Hearing at 4:22 p.m. Supervisor Carpenter asked Clerk Verne to read the Public Hearing Notice as published in the Watertown Daily Times on July 22, 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 #15 OF 2024**  
**ADOPTING LOCAL LAW #4 of 2024**  
**Establishing a Townwide Six (6) Month Moratorium**  
**for Renewable Energy Facilities and Battery Energy Storage Systems**

**WHEREAS**, the Town Board of the Town of LeRay recognizes that there is potential that person(s) might proceed with an application seeking approval for Renewable Energy Facilities and Battery Energy Storage Systems. As part of, or in addition to, an application for renewable energy located within the boundaries of the Town of LeRay; and

**WHEREAS**, the Town Board of the Town of LeRay upon review of the Town of LeRay Zoning Law, familiarity with lands within the Town, considering concerns expressed by some area residents, and in recognition of an obligation to promote the health, safety and welfare of the general public within the Town of LeRay, deems it to be in the public interest to stop and temporarily suspend the processing of any application(s) that may include Battery Energy Storage Systems within the Town of LeRay ; and

**WHEREAS**, the Town Board anticipates undertaking steps to potentially update, revise and/or amend its Zoning in regard to Battery Energy Storage Systems within the Town and has determined that providing for a temporary moratorium is appropriate; and

**WHEREAS**, this action is considered a Type II action under SEQR per 6 NYCRR 617.5(c)(36).

**NOW, THEREFORE, BE IT RESOLVED**, that a Public Hearing regarding a possible moratorium for six (6) months was conducted on August 8, 2024 and such information and comments have been considered by the Town Board; and

**BE IT FURTHER RESOLVED**, that adoption of a six (6) month moratorium to provide adequate time to fully consider and potentially amend its Zoning Law and/or Solar Energy Law within the Town of LeRay regarding Renewable Energy Facilities and Battery Energy Storage Systems is appropriate and the Local Law establishing the Moratorium is approved; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately and the underlying Local Law shall become effective upon filing with the NYS Department of State.

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

Dated: August 8, 2024

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Melissa L. Verne, Town Clerk

**Public Hearing scheduled at 4:05 p.m. to consider a Local Law to address the Deputy Highway Superintendent Residency.**

Supervisor Carpenter opened the Public Hearing at 4:25 p.m. Supervisor Carpenter asked Clerk Verne to read the Public Hearing Notice as published in the Watertown Daily Times on July 22, 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 #16 of 2024**

**ENACT A LOCAL LAW ESTABLISHING RESIDENCY REQUIREMENTS FOR THE OFFICE OF THE DEPUTY HIGHWAY SUPERINTENDENT**

**WHEREAS**, the term of office for Town Board members has considered making changed to the residency requirements for the Deputy Highway Superintendent; and

**WHEREAS**, the Town Board for the Town of LeRay, NY is interested in enacting a Local Law to change the requirements for the Deputy Highway Superintendent to expand residency outside the Town Limits to include anywhere within Jefferson County; and

**WHEREAS**, the Town Board believes that changing the residency requirement for the Deputy Highway Superintendent is in the public's best interest.

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

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

1. The foregoing recitations are incorporated herein and make a part hereof as if set forth hereafter.
2. The Town Board hereby adopts this Resolution to change the residency requirements of the Deputy Highway Superintendent from within the Town Limits to anywhere in Jefferson County, and this change shall be considered to be in the best interests of the Town of LeRay.
3. The Supervisor of the Town of LeRay, the Town Trustees, and the Town Clerk, their respective agents, and employees are authorized to sign all documents and take all steps necessary to bring full force and effect to this Resolution.
4. This Legislation shall be filed with the New York State Department of State;
5. This Resolution shall take effect immediately.

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

Dated: August 8, 2024

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Melissa L. Verne, Town Clerk

**Report from Highway Superintendent – Dan Young**

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Mr. Young reported on work done the past month.

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

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Mr. Shimel discussed the planning projects.

A motion was made b Supervisor Carpenter and seconded by Councilman Otis to accept the letter of resignation from Planning Board Member, P. William Albrecht from the Planning Board as of August 9, 2024.

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

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

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Mr. Altieri spoke on the Highway Bods opened earlier in the afternoon, the Town Board will be able to award bids next Thursday after they are looked at more carefully. Mr. Altieri also updated the Board on the Water Consolidation project.

**Report from the Zoning Enforcement Officer – Lee Shimel**

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Mr. Shimel reported of a request for a Zoning Change from Adam Kokinda, which the Board requested be sent to the Planning Board for consideration. The Wewer project has DEC violations that the Town is liable for, the Town can issue a Stop Work Order.

**Report from DANC – Kenny Kizzer**

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Mr. Kizzer gave his report on after hours calls. The meter has been fixed for Water District 3.

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

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	Cash Balances as of July 31, 2024		Current Month Abstract 8	
<b>General Fund</b>	\$	3,961,598.13	\$	57,172.98
<b>Highway Fund-Town wide</b>	\$	1,157,887.04	\$	43,988.94
<b>Highway Fund-Town Outside</b>	\$	472,335.62	\$	26,791.28
<b>Expendable Trust</b>	\$	791.98	\$	0.00
<b>Consolidated Water District</b>	\$	2,061,103.16	\$	23,001.80
<b>Water District # 3</b>	\$	20,348.71	\$	2,699.92
<b>Sewer District # 1</b>	\$	714,678.47	\$	102,769.74
<b>Sewer District # 2</b>	\$	71,667.13	\$	989.18
<b>Sewer District # 3</b>	\$	25,189.07	\$	11,759.22
<b>Sewer District # 4</b>	\$	379,547.67	\$	8,390.14
<b>Capital Project # 3 (Sewer Dist. 1)</b>	\$	135,121.24	\$	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>	\$	80,423.47	\$	4,118.99

A motion was made by Supervisor Carpenter and seconded by Councilman O'Donnell that Abstract #8 vouchers 1007-1125 in the amount of \$281,682.19 be paid from the above accounts.

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

**Report from Clerk to the Supervisor/Director of Finance – Nathan Toutant**

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Mr. Toutant report that the budget process will start and that all Department Heads will receive budget worksheets to get that started.

Steve Marshall, the Town's Water Meter Reader has requested 49 meters needed to finish the meter replacement and satellite reading project. The following are needed:

- Two (2) 1 ½" x 13 ¼" at \$1,409.50 each,
- Forty-Five (45) 2" x 15 ¼" at \$1,626.35 each,
- One (1) 2" x 17 ¼" at \$1,626.35 and
- One (1) 3" x 17" at \$2,60.05.

A motion was made by Supervisor Carpenter and seconded by Councilman Otis to allow Steve Marshall to order the Forty-Nine 49 meters needed at the above-mentioned prices, for a total of \$79,691.15, for the meter replacement and satellite project.

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

A motion was made by Councilman Otis and seconded by Councilman O'Donnell to go into Executive session at 5:54 p.m. to get advice from the attorney for a legal matter.

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 6:16 p.m.

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

A motion was made by Supervisor Carpenter and seconded by Councilman O'Donnell to adjourn this meeting, at 6:20 p.m to August 15, 2024 at 4:00 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