

Town of LeRay

Town Board Minutes

April 21, 2022

Call to Order

Proceedings of a Town Board Meeting held at the LeRay Town Municipal Office on April 21, 2022. The meeting was called to order by Supervisor Taylor at 4:00 p.m. who led the room in the Pledge of Allegiance.

Open Regular Meeting

Ronald C. Taylor – Supervisor, Melissa L. Verne – Town Clerk, Nathan Toutant – Clerk to Supervisor, Board Members in attendance: Samuel Biondolillo, John Eisenhauer, Michael Gracey, Lee Carpenter Lee Shimmel – Zoning Enforcement Officer, Joseph Russell – Town Attorney, William Vargulick – Town Assessor, Dan Young – Highway Superintendent, Tim Barber and Mike Altieri – Town Engineers. Additionally present- Mary Smith

Approval of Minutes

The minutes from the meeting held on March 10th, 2022, were reviewed by the Board Members. A motion to approve the minutes as drafted was made by Councilman Biondolillo and seconded by Councilman Carpenter.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

Comments from the Floor

Supervisor Taylor asked if there were any comments from the floor. None at this time.

Report from Mike Altieri and Tim Barber, Town Engineers

Mr. Barber gave an update on LeRay II water tower project that has resumed. J.E. Sheehan was the lowest bidder for the Pipeline Replacement project on Route 11 and their bid qualification package has been presented to The Board for review. The Board has received a draft waterline easement from LeRay 300, LLC. They are requesting the Town reimburse all their legal/ survey fees associated with this easement totaling. \$5,000. BCA has expressed to the owner that LeRay has never paid for an easement and will most likely take a similar stance in this situation. BCA will offer to survey their property. Once bid is awarded to J.E. Sheehan contract will be sent over to Mr. Russell for review.

A motion was made by Supervisor Taylor and seconded by Councilman Eisenhauer to have BCA offer to the owner of LeRay 300, LLC to survey their property.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

A motion was made by Councilman Biondolillo and seconded by Councilman Carpenter to award J.E. Sheehan the bid for the Water Improvements Project.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

BCA met with Mr. Marshall and the Department of Health (DOH) to discuss the final design of the green sand filtration system. DOH would like to see the Town try other means of sequestering the iron manganese through different types of chemical agents before jumping to the green sand system. Mr. Altieri explained to The Board the process that needs to be done.

The Board received two (2) proposals to remove all trees and stumps at the Interconnect site on Route 342. Black River Tree Removal gave a quote of \$8,300 and Ryan's Tree Service gave a quote of \$18,500. The Board needs to award one of the companies with the bid to perform the work.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to award Black River Tree Removal the contract for \$8,300 for the Interconnect project on Route 342.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

Mr. Altieri updated The Board on the Highway Garage Project. Interior work continues and is nearing substantial completion.

The Board was presented with three (3) Resolutions to approve for the Engineering Planning Grant (EPG).

Authorization for Representative to Execute Grant Agreement

NOW, THEREFORE, BE IT:

RESOLVED that the Town of LeRay Supervisor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents, and instruments necessary to bring about the project and to fulfill the Town of LeRay obligations under the Grant Agreement.

Authorization and Appropriation of Local Match - Local match is a minimum of 20% of the EPG grant award.

NOW, THEREFORE, BE IT:

RESOLVED that the Town of LeRay authorizes and appropriates a minimum 20% local match as required by the Engineering Planning Grant Program for the Town of LeRay Sewer District 1 I&I Study. Under the EPG program, this local match must be at least 20% of the EPG grant award of \$30,000. The source of the local match, and any amount in excess of the required match, shall be paid for by Sewer District 1. The maximum local match shall not exceed \$6,000 based upon a total estimated maximum project cost of \$30,000. The Town of LeRay Supervisor may increase this local match through the use of in kind services without further approval from the Town of LeRay.

SEQR Determination (Type II)

WHEREAS, Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Section 617.5 under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law;

NOW, THEREFORE, BE IT:

RESOLVED that the Town of LeRay hereby determines that the proposed engineering report for the Town of LeRay I&I Study is a Type II action in accordance with 6 NYCRR Section 617.5(c) subparagraphs (24) and (27) which constitutes the “(24) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;” and “(27) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;” and is therefore not subject to review under 6 NYCRR Part 617.

A motion was made by Councilman Eisenhauer and Seconded by Councilman Carpenter to approve all three (3) of the above resolutions as presented to The Board;

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

A motion was made by Councilman Biondolillo and seconded by Councilman Carpenter to have Mr. Taylor sign the BCA Engineering Grant Agreement for the EPG I&I study.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

Report from Dan Young, Highway Superintendent

Mr. Young gave his monthly report on all worked performed by the Highway Department. Mr. Young presented the Agreement for the Expenditure of Highway Money for 2022.

Town of LeRay

Agreement for the Expenditure of Highway Money for 2022

1. **Gardnerville Road** – from State Route 11 to County Route 30 **1.25 miles by 20'**
 - a. Recycled Grindings 3" compacted and surface treatment.
 - b. Work done by Suit-Kote with Town work force \$111,126.93.

2. **Schell Road** – from State Route 37 to Pink Schoolhouse Road **1.05 miles by 20'**
 - a. Reprofile with add stone 3" compacted 59w and surface treatment
 - b. Work done by Suit-Kote with Town work force \$89,780.65.

3. **Taylor Road** – from Johnson Road to Kestrel Road **0.63 miles by 20'**
 - a. 1 ½ compacted 12.5 mm top
 - b. Work done by Suit-Kote with Town work force \$68,682.60

4. **Kestrel Road** – from Taylor Road to where the sidewalk starts **0.13 miles by 20'**
 - a. 1 ½ compacted 12.5 mm top
 - b. Work done by Suit-Kote with Town work force \$17,253.60

5. **Waddingham Road** – from State Route 11 to County Route 32 **1.21 miles by 20'**
 - a. Resurface treatment
 - b. Work done by Suit-Kote with Town work force, \$25,099.59

6. **Call, Lashaw, and North Star Road** – three short dead-end roads
 - a. Resurface treatment
 - c. Work done by Suit-Kote with Town work force, \$15,000.00

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to approve the agreement above as presented.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

Mr. Young will come before the Board at May's meeting with pickup truck prices and a decision will then need to be made.

Effective May 1, 2022 Jefferson County will be charging for recycling electronics, so The Town will now be charged the same as Municipal Solid Waste which is \$73.00 per ton. The Town has contacted Kimco to see about getting a metal dumpster for electronics, waiting on a call back.

Report from Lee Shimel, Zoning Enforcement Officer

Mr. Shimel gave his monthly report. Mr. Shimel and Jan Oatman met with their new ZBA member, John Hallett to go over policies and procedures. FEMA has contracted with DEC on flood plains.

Report from Bill Vargulick, Town Assessor

Mr. Vargulick gave his monthly report, he spoke on his reassessments and grievance day.

Report from Melissa L. Verne, Town Clerk

	Cash Balances as of March 31, 2022		Current Month Abstract 4	
General Fund	\$	2,592,971.20	\$	37,045.26
Highway Fund-Town wide	\$	453,150.29	\$	55,328.06
Highway Fund-Town Outside	\$	653,487.02	\$	16,760.94
Expendable Trust	\$	787.40	\$	0.00
Consolidated Water District	\$	1,941,307.61	\$	46,372.84
Water District # 3	\$	13,311.60	\$	271.16
Sewer District # 1	\$	279,379.01	\$	123,849.55
Sewer District # 2	\$	41,101.36	\$	1,834.40
Sewer District # 3	\$	32,556.92	\$	16,415.31
Sewer District # 4	\$	302,785.81	\$	6,860.09
Capital Project # 1 (Taylor Rd)	\$	113,015.38	\$	0.00
Capital Project # 2 (Water Dist. 4)	\$	0.00	\$	0.00
Capital Project # 3 (Sewer Dist. 1)	\$	119,141.04	\$	0.00
Capital Project # 3A (Sewer Dist. 4)	\$	0.00	\$	0.00
Capital Project # 4W (Water 2 Imp)	\$	-3,682.08	\$	0.00
Capital Project # 5 (Highway Fac.)	\$	576,457.10	\$	136,114.88
Trust & Agency	\$	21,897.00	\$	5,316.09

A motion was made by Councilman Biondolillo and seconded by Councilman Carpenter that Abstract #4, vouchers 504-680 in the amount of \$446,168.58 be paid from the above accounts.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

Mrs. Verne presented to The Board a sales proposal for her to receive six (6) hours of advanced new user trainer from Edmunds Govtech, for our current water utility program, in the amount of \$900.00

Councilman Eisenhower asked, in light of paying for outside training for the Town Clerk on the water billing system, what the exit plan was for the former Town Clerk in the training role and was advised that such would end in June 2022.

A motion was made by Councilman Eisenhower and seconded by Councilman Biondolillo to approve the advanced new user training for the Edmunds Govtech utility program, in the amount of \$900.00 for Mrs. Verne to advance her knowledge on The Town's water program.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

A motion was made by Councilman Biondolillo and seconded by Councilman Carpenter to set a Public Hearing for Local Law #4 of 2022 for May 12th, 2022 at 4:10pm.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

A motion was made by Councilman Biondolillo and seconded by Councilman Carpenter to set a Public Hearing for Local Law #5 of 2022 for May 12th, 2022 at 4:15pm.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

Report from Nathan Toutant, Clerk to the Supervisor

A motion was made by Councilman Biondolillo and seconded by Councilman Carpenter to adopt the Supervisor's Financial Planning report for 2021 as presented.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

Before potentially demolishing the recently purchased house located at 8427 Willow Street, the Town is required to perform asbestos abatement if deemed necessary. The Town received two (2) quotes as requested from Converse Laboratories and Atlantic Testing Laboratories(ATL), for a NYS certified asbestos pre-demolition survey of the entire house. ATL gave a quote of \$4,039.00 and Converse Laboratories gave a quote of \$1,200.

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to accept Converse Laboratories bid of \$1,200, for the testing.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

Mr. Toutant presented the annual Municipal Solutions contract renewal agreement to the Board for review and approval.

A motion was made by Councilman Biondolillo and seconded by Councilman Carpenter to allow Supervisor Taylor to sign both Municipal Solutions agreements.

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 set a Public Hearing for May 12th, 2022, at 4:20pm to consider the Franchise Renewal Agreement with Charter Communications.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

A motion was made by Councilman Eisenhauer and seconded by Councilman Carpenter to set a Public Hearing on May 12th, 2022 at 4:25pm to consider a resolution to declare the Town as a Suburban Town.

The vote went as follows:

Ayes: 4- Eisenhauer, Carpenter, Gracey, Biondolillo Nays: 1- Taylor

The motion passed.

Mrs. Verne brought up to the Board that the Village of Evans Mills is having a Centennial Celebration in September of 2022. Mrs. Verne suggested donating to the Village of Evans Mills Centennial Celebration. Mr. Russell said the Town can use occupancy tax revenue. The Board would like to have a dollar amount Mrs. Verne would like to donate. Mrs. Verne will reach out to the Village of Evans Mills Clerk and see if there is a dollar amount needed or a specific event that may need sponsorship for.

A motion was made by Councilman Eisenhauer and seconded by Councilman Carpenter to go into Executive Session at 6:30 pm to discuss allegations submitted to the Jefferson County Board of Ethics in May of 2021, which may lead to the discipline of particular persons.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

The Town Board asked Mrs. Verne, Supervisor Taylor and Mr. Toutant to leave the room.

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey to come out of Executive Session at 7:00 pm.

The vote went as follows:

Ayes: 4 Nays: 0

The motion passed.

A motion was made by Councilman Eisenhauer, to appoint an independent investigator to investigate allegations submitted to the Jefferson County Board of Ethics in May of 2021 pursuant to the release of their report.

Councilman Eisenhauer's motion failed to be seconded. This motion was voided by Supervisor Taylor.

A motion was made by Councilman Gracey and seconded by Councilman Biondolillo to adjourn the meeting at 7:05 pm.

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

Respectfully given:

Melissa L. Verne

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LeRay Town Clerk