

# Town of LeRay

## Town Board Minutes

November 3, 2022

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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 November 3, 2022. The meeting was called to order at 4:00 p.m. by Supervisor Taylor who led the room in the Pledge of Allegiance.

### Open Regular Meeting

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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, Joseph Russell – Town Attorney- Absent, Jessica Jenack – Community Development Coordinator, Lee Shimel – Zoning Enforcement Officer, William Vargulick – Town Assessor, Dan Young – Highway Superintendent, Mike Altieri – Town Engineer, Steve Marshall – DANC- absent.

### Approval of Minutes

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The minutes from the meeting held on October 13, 2022, 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
The motion passed.			

### Comments from the Floor

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Supervisor Taylor asked if there was anyone who was not on the agenda that wished to address the Board. There was none.

**Public Hearing scheduled @ 4:05 p.m.** for the Fire and Ambulance Contracts for the year 2023.

Supervisor Taylor opened the Public Hearing at 4:15 p.m. and Clerk Verne was asked to read the hearing notice as published in the Watertown Daily Times on October 28, 2022. Supervisor Taylor asked if there were any comments from the floor. Hearing none, a motion was made by Councilman Carpenter and seconded by Councilman Gracey to close the Public Hearing.

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

Supervisor Taylor asked the Board if they had any other comments or questions regarding the Fire and Ambulance Contracts for the year 2023, to which the Board had none.

A motion was made by Councilman Biondolillo and seconded by Councilman Carpenter for the Board to approve the Fire and Ambulance Contract for the year 2023 as follows:

Black River Vol. Ambulance Squad .....	\$45,800
Evans Mills Vol. Ambulance .....	\$57,500
Black River Fire Department .....	\$111,647
Pamelia Vol. Fire Company .....	\$18,034

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

**Public Hearing immediately following** to adopt the preliminary budget as the Annual Budget for the year 2023.

Supervisor Taylor opened the Public Hearing at 4:20 p.m. Supervisor Taylor asked if there were any comments from the floor.

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to increase the Evans Mills Youth Contract as requested from \$6,000 to \$8,000 for the year 2023.

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

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

Supervisor Taylor asked the Board if they had any other comments or questions regarding the Preliminary Budget, to which the Board had none.

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

A motion was made by Councilman Gracey and seconded by Councilman Carpenter to adopt the Preliminary Budget as the Final Budget for FY 2023.

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

**Review the proposed Local Law #6-2022 – Water and Sewer rates for the year 2023**

**Former Water District #1 – Effective February 1, 2023**

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\$0.00370 per gallon charge for metered water usage and a 3% per quarter penalty after 30 days from billing date. In an effort to align billing dates of the Consolidated Water District, 2023 billing dates for Former Water District #1 will be February 1, 2023, April 1, 2023 and quarterly thereafter.

**Former Water District #2 – Effective January 1, 2023**

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\$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, 2023**

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\$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 March 1, 2023**

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\$0.00370 per gallon charge for metered water usage and a 3% per quarter penalty after 30 days from billing date. In an effort to align billing dates of the Consolidated Water District, 2023 billing dates for Former Water District #4 will be March 1, 2023, April 1, 2023 and quarterly thereafter.

**Sewer District #1 – Effective January 1, 2023 –**

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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, 2023**

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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 \$0.00774 per gallon sewer rate and a 3% per quarter penalty after 30 days from billing date.

**Sewer District #3 – Effective February 1, 2023**

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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 March 1, 2023**

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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 date.

Supervisor Taylor asked the Board if they had any other comments or questions regarding the Water and Sewer rates for the year 2023, to which the Board had none.

According to Section 617.5 of the State of Environmental Quality Review (SEQR) Act, the project is classified as a Type II and therefore would require no further review.

A motion was made by Councilman Gracey and seconded by Councilman Biondolillo to declare this action as a Type II.

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 set the Public Hearing for December 8, 2022 at 4:05 p.m.

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

**Review the proposed Local Law #7-2022** – to amend sections 158-6, 158-20 and 158 attachment 1, Schedule of District Uses of the Code of the Town of LeRay.

Mrs. Jenack, Community Development Coordinator told the Board this project is a Type I action and will need part 1, Long Form completed, she will prepare for next month’s meeting and Mr. Russell will prepare the rest of the law.

#### **Report from the Highway Superintendent – Dan Young**

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Mr. Young gave his monthly report for the work completed. Mr. Young presented to the Board a thank you card from the Town Highway Department for the performance bonus.

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

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Mrs. Jenack reported that that the Planning Board will be reviewing a request for an extension of a previously approved Site plan and Special Use Permit for DG LeRay, LLC Solar on US Route 11. The Planning Board will also begin working on zoning additions for short-term rentals. There are many projects in the works within the Town.

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

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Mr. Altieri gave an update on projects in progress. The pipeline replacement project has started, just waiting on the LeRay 300 easement. The water storage project is substantially complete, there is a small field order to paint the stainless-steel rack on the outside, a decision to paint it “Blue print” was made by the Board. The water district extension project will mobilize soon. A bid package is being put together for the asbestos for the Briant property the Town purchase in the Village of Evans Mills.

## Report from the Zoning Enforcement Officer – Lee Shimel

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Mr. Shimel gave his monthly report.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to approve the NYSLRS Reporting Resolution as presented for Lee Shimel and certify it in 30 days.

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

## Report from the Town Assessor – William Vargulick

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Mr. Vargulick gave an update on the McDonald's settlement from Deb Sullivan, the Board advised him not to settle and to stay at the appraised value.

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

	Cash Balances as of October 31, 2022		Current Month Abstract 11	
<b>General Fund</b>	\$	4,059,611.72	\$	67,958.51
<b>Highway Fund-Town wide</b>	\$	879,397.53	\$	38,965.30
<b>Highway Fund-Town Outside</b>	\$	328,370.90	\$	19,867.09
<b>Expendable Trust</b>	\$	787.51	\$	0.00
<b>Consolidated Water District</b>	\$	1,791,105.49	\$	75,058.07
<b>Water District # 3</b>	\$	14,593.91	\$	609.36
<b>Sewer District # 1</b>	\$	347,659.90	\$	84,304.32
<b>Sewer District # 2</b>	\$	76,603.62	\$	697.67
<b>Sewer District # 3</b>	\$	19,707.95	\$	2,079.42
<b>Sewer District # 4</b>	\$	265,750.09	\$	3,304.72
<b>Capital Project # 1 (Taylor Rd)</b>	\$	27.93	\$	0.00
<b>Capital Project # 2 (Water Dist. 4)</b>	\$	0.00	\$	0.00
<b>Capital Project # 3 (Sewer Dist. 1)</b>	\$	119,170.03	\$	0.00
<b>Capital Project # 3A (Sewer Dist. 4)</b>	\$	0.00	\$	0.00
<b>Capital Project # 4W (Water 2 Imp)</b>	\$	0.00	\$	0.00
<b>Capital Project # 5 (Highway Fac.)</b>	\$	(2,446.15)	\$	10,944.03
<b>Trust &amp; Agency</b>	\$	21,897.00	\$	4,515.03

A motion was made by Councilman Gracey and seconded by Councilman Carpenter that Abstract #11 vouchers 1448-1553 in the amount of \$ 308,303.52 be paid from the above accounts.

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

Clerk Verne reported that she sent the EDU and Relevy list into Jefferson County to be put onto the 2023 Town & County Taxes. After the last Board meeting Mr. Marshall turned off as many water accounts as he could from the Relevy list and the Clerk had 20 accounts paid before the list was sent in, for a total of 38 accounts relevied.

Clerk Verne told the Board that she set up a meeting to have a live demo of the Folder/Inserter machine that she had requested in her budget. The Board made the decision to allow the purchase of the Folder/Inserter machine after a financial resolution is passed at the December 8, 2022 meeting.

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

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A motion was made by Councilman Biondolillo and seconded by Councilman Carpenter to pass the financial resolutions to modify the 2022 Town Budget as follows:

1. Appropriate \$13,391 from 911.01 Unappropriated Fund Balance to 99509.1 Transfer to Capital Projects.
2. Authorize the Supervisor to transfer \$13,391 from 99509.1 Transfer to Capital Projects into Highway Facility Capital Project Fund 5031.58 Interfund Transfer
3. Transfer appropriation in the amount of \$8,500 from account 19904.1 Contingency Fund to 64104.1 Publicity CE.

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

A motion was made by Councilman Carpenter and seconded by Councilman Gracey to have Supervisor Ronald C. Taylor sign the Water Service Agreement with the Development Authority of the North Country (DANC).

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

A motion was made by Councilman Carpenter and seconded by Councilman Gracey to have Supervisor Ronald C. Taylor sign the new positions and duties statement (MSD 222) for Water Meter Specialist and send to Jefferson County.

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

**BOND RESOLUTION**

At a regular/special meeting of the Town Board of the Town of LeRay, Jefferson County, New York, held at the Town Offices in said Town on the 3<sup>rd</sup> day of November 2022 at 4:00 p.m., prevailing time.

The meeting was called to order by Supervisor Taylor and upon roll being called, the following were:

Ronald C. Taylor, Supervisor

Samuel J. Biondolillo, Councilmember

Leland Carpenter, Councilmember

Michael J. Gracey, Councilmember

John W. Eisenhauer, Councilmember

Absent: \_\_\_\_\_

The following resolution was offered by Councilmember Eisenhauer, who moved its adoption, seconded by Councilmember Biondolillo to wit:

**AMENDED AND RESTATED**

**BOND RESOLUTION DATED NOVEMBER 3, 2022**

**AN AMENDED AND RESTATED RESOLUTION AUTHORIZING IMPROVEMENTS TO BE CONSTRUCTED TO INCLUDE TRANSMISSION LINES, APPURTENANCES AND LATERAL CONNECTIONS FOR THE TRANSPORT OF WATER TO THE IMPROVED PARCELS WITHIN THE EXTENSION AREA OF THE CONSOLIDATED WATER DISTRICT FOR THE EXISTING WATER TRANSMISSION SYSTEM CURRENTLY SERVING THE CONSOLIDATED WATER DISTRICT ON BEHALF OF THE TOWN OF LERAY AND THE PARCELS WITHIN THE EXISTING WATER DISTRICT #3 TO BE INCLUDED AS PART OF THE TOWN OF LERAY CONSOLIDATED WATER DISTRICT AS OF JANUARY 1, 2022 AND AUTHORIZING THE ISSUANCE OF A NOT TO EXCEED \$4,500,000 IN SERIAL BONDS OR A STATUTORY INSTALLMENT OF SAID TOWN TO PAY THE COST THEREOF.**

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

**Section 1.** The purpose of this amended and restated bond resolution is to increase the cost of the project from \$4,000,000 to \$4,500,000.

**Section 2.** The specific object or purpose of this resolution is the improvements to be constructed including transmission lines, appurtenances and lateral connections for the transport of water to the improved parcels within the extension area for the existing water transmission system currently serving the consolidated water district on behalf of the Town of LeRay and the existing Water District #3 to be included as part of the Town of LeRay Consolidated Water District as of January 1, 2022 (the “Project”), is in the interest of the citizens of the Towns of LeRay. The estimated maximum cost of such specific object or purpose is \$4,500,000

**Section 3.** It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years, pursuant to subdivision 1 of paragraph a of section 11.00 of the Local Finance Law. It is further determined that no down payment is required pursuant to Section 107 of the Local Finance Law.

**Section 4.** The plan for the financing of such estimated maximum cost of such specific object or purpose is by the issuance of Serial Bonds or a Statutory Installment Bond and/or grants and low interest loans through the Water Infrastructure Improvements Act (WIIA), and/or grants and low interest loans through a Community Development Block Grant (CDBG), of said Town and such bonds are hereby authorized to be issued therefore pursuant to the Local Finance Law for a period in excess of five (5) years in an amount not exceeding \$4,500,000.

**Section 5.** The faith and credit of said Town of LeRay, Jefferson County, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall annually be levied on all property of said Town, sufficient to pay the principal of and interest of such bonds as the same become due and payable.

**Section 6.** Subject to the Local Finance Law, the power to authorize the issuance of and to sell Bond Anticipation Notes including renewal of such notes, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer. Such notes shall be of such terms, form and contents and shall be sold in such a manner as may be prescribed by said Town Supervisor consistent with the provisions of the Local Finance Law.

**Section 7.** All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether to manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bond are to be executed in the name of the Town by the facsimile signature of its Town Supervisor), including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the

Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Town Supervisor shall determine.

**Section 8.** The validity of such bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit, or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 9.** Upon this resolution taking effect, the entirety of the same be published in the Watertown Daily Times, the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 10.** This resolution is subject to permissive referendum, pursuant to Section 35.00 of the Local Finance Law.

**Section 11.** This resolution shall constitute a statement of official intent for the purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

A motion to adopt the foregoing resolution was made by Councilmember Eisenhauer and seconded by Councilmember Biondolillo and upon a roll call vote of the Board was duly adopted as follows:

Supervisor Ronald C. Taylor	yes <u>x</u> no ___
Councilmember Samuel J. Biondolillo	yes <u>x</u> no ___
Councilmember Leland Carpenter	yes <u>x</u> no ___
Councilmember Michael J. Gracey	yes <u>x</u> no ___
Councilmember John W. Eisenhauer	yes <u>x</u> no ___

The foregoing resolution was thereupon declared duly adopted.

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to add Mr. Burrows as additional council and put out an RFP for a Town Attorney.

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

A motion was made by Councilman Biondolillo and seconded by Councilman Eisenhauer to accept Patrick Hebert's letter as presented, as notice of retirement from the position as Highway Deputy Superintendent, effective October 14, 2022 and in his place appoint Bruce Shawcross as Highway Deputy Superintendent.

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

A motion was made by Councilman Carpenter and seconded by Councilman Gracey to allocate \$7,500 in occupancy tax (bed tax) to the Northern Lights Evans Mills Speedway.

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 fund the request of \$1,000 of occupancy tax (bed tax) for a Christmas celebration, from the Sally Ploof Hunter Memorial Library.

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

A motion was made by Councilman Carpenter and seconded by Councilman Gracey to sign the 2022 Youth Contract with the Village of Evans Mills and pay them \$6,000 as stated.

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 adjourn the meeting at 7:20 p.m.

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

Respectfully given:  
*Melissa L. Verne*

DRAFT