

# Town of LeRay

## Town Board Minutes

May 12, 2022

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### Call to Order

Proceedings of a Town Board Meeting held at the LeRay Town Municipal Office on May 12, 2022. The meeting was called to order by Supervisor Taylor at 4:00 p.m. who led the room in the Pledge of Allegiance.

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### 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, Joseph Russell – Town Attorney, Jessica Jenack – Community Development Coordinator, William Vargulick – Town Assessor, Dan Young – Highway Superintendent, Mike Altieri – Town Engineer, Steve Marshall – DANC. Additionally present- Mary Smith, Pat O'Donnell, Larry Covell, Mary Palmer, Warren Palmer, Mary Boucker, Greg Smith, Don Converse, and Robin Converse.

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### Approval of Minutes

The minutes from the meeting held on April 21<sup>st</sup>, 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.			

Supervisor Taylor announced he would like to read a statement he had prepared to read, he read the following statement to the Town Board;

*“At last month’s Town Board meeting Councilman Eisenhauer motioned ‘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’ our Board failed to second this motion including myself, as I was not in the executive session during discussions.*

*I have nothing to hide regarding the allegations and to achieve full transparency, I would suggest the Board reconsider a motion 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.”*

A motion was made by Councilman Eisenhower and seconded by Councilman Carpenter to appoint an independent investigator to prove or disprove the allegations submitted to the Jefferson County Board of Ethics in May of 2021.

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

A motion was made by Councilman Biondolillo and seconded by Councilman Carpenter for a Request for Proposal (RFP) to receive bids for an independent investigator.

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 were any comments from the floor. There were no comments.

### Report from Jessica Jenack, Community Development Coordinator

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Mrs. Jenack reported that The Planning Board reviewed and approved a Lot Line Adjustment at their last meeting. The Comprehensive Planning Committee was held on May 9<sup>th</sup> where the Committee reviewed the Draft Transportation Chapter. The committees next meeting will be June 13<sup>th</sup>. Mrs. Jenack presented the Board with the MS4 Annual report to review. New York State required that the report be presented at a public meeting, and that it would be available on the Town of LeRay’s website.

A motion was made by Councilman Biondolillo and seconded by Councilman Carpenter that the Town Board received a copy of the MS4 Annual report.

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

Mrs. Jenack presented to the Board a letter from Mrs. Biondolillo, the Planning Board Chairperson, to consider referring draft Local Law #5 of 2022 to the Planning Board for review and to provide input/feedback as they have done in the past.

Councilman Eisenhower pushed back on the letter received, stating that the Sign Law in question was unconstitutional. Mr. Eisenhower stated that the Sign Law had been in question before and it needed to be addressed.

**Public Hearing was held at 4:14 p.m. on proposed Local Law #4-2022** to hear comments on amending Section 158-99 “Signage standards in residential districts” of the Municipal Code of The Town of LeRay.

Mrs. Verne was asked to read the Public Hearing Notice as published in the Watertown Daily Times on April 29, 2022.

Supervisor Taylor asked if there were any comments from the floor. Hearing no comments, Supervisor Taylor asked for a motion to close the hearing.

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey to close the Public Hearing for Local Law #4-2022

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

Supervisor Taylor asked the Board to review the Proposed Local Law #4-2022 and asked if there were any comments or questions from the Board.

Councilman Eisenhauer clarified what the Local Law being proposed was. Supervisor Taylor asked for a motion to conduct the environmental review for the Unlisted Action.

A motion was made by Councilman Biondolillo and seconded by Councilman Eisenhauer to conduct the environmental review.

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

Part 1 of the Short Environmental Assessment Form had been prepared for the Boards review. Mr. Russell reviewed with the Board Part 2 of the Short Environmental Assessment Form. Based upon the review of the information and analysis, the Board determined that the proposed action would not result in any significant adverse environmental impacts.

A motion was made by Councilman Carpenter and seconded by Councilman Gracey to declare a negative declaration.

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 send the project to the Jefferson County Planning Board for their review at their May 25, 2022 meeting.

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

The Board will review the Local Law #4-2022 at the next meeting, after receiving comments from the Jefferson County Planning Board.

**Public Hearing was held at 4:22 p.m. on proposed Local Law #5-2022** to hear comments on amending Section 158-94 “Exempt Signs” and Section 158-102 “Temporary Signs” of the Municipal Code of The Town of LeRay.

Mrs. Verne was asked to read the Public Hearing Notice as published in the Watertown Daily Times on April 29, 2022.

Supervisor Taylor asked if there were any comments from the floor. Hearing no comments, Supervisor Taylor asked for a motion to close the hearing.

A motion was made by Councilman Gracey and seconded by Councilman Carpenter to close the Public Hearing for Local Law #5-2022

The vote went as follows:

Ayes: 5 Nays: 0

The motion passed.

Supervisor Taylor asked the Board to review the Proposed Local Law #5-2022 and asked if there were any comments or questions from the Board.

Mrs. Jenack suggested that the Board discuss the proposed law before conducting the Short Environmental Assessment Form and sending it to the Jefferson County Planning Board. Mrs. Jenack said the Board should consider the letter from the Town’s Planning Board Chairperson and allow the Planning Board to review the Local Law being considered.

Councilman Eisenhauer shared his views and concerns that the sign law, in his opinion, was unconstitutional. Councilman Eisenhauer stated that the Planning Board had plenty of time to review the Local Law in question, as he presented the unconstitutionality of it in May of 2021. Councilman Eisenhauer read the sign law to the Board as it read currently. A discussion ensued between Councilman Eisenhauer and Mrs. Jenack on how the law was comprehended. Mr. Russell told the Board what their options were regarding the proposed law, to either send the Local Law to both Jefferson County Planning and the Town’s Planning Board or send the Local Law just to the Town’s Planning Board and wait for their feedback. The Board decided to have the Town’s Planning Board review it before going to the Jefferson County Planning Board and refrain from doing the Short Environmental Assessment Form at this time.

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey to have the Town of LeRay’s Planning Board review the draft Proposed Local Law #5 and have them provide feedback for next month’s board meeting.

The vote went as follows:

Ayes:	5	Nays:	0
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The motion passed.

**Public Hearing was held at 4:35 p.m. on the Franchise Agreement Renewal** to hear comments on a Franchise Agreement Renewal between the Town of LeRay and Charter Communications Inc.

Mrs. Verne was asked to read the Public Hearing Notice as published in the Watertown Daily Times on April 29, 2022.

Supervisor Taylor asked if there were any comments from the floor. Hearing no comments, Supervisor Taylor asked for a motion to close the hearing.

Councilman Carpenter stated he would abstain from voting as he worked as a private contractor for Charter Communications.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to close the Public Hearing for the Franchise Agreement Renewal.

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

Supervisor Taylor asked the Board to review the Franchise Agreement Renewal and asked if there were any questions. There being no further discussion, Supervisor Taylor asked for a motion to approve the Franchise Agreement renewal with Charter Communications as presented.

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to approve the Franchise Agreement Renewal with Charter Communications as presented.

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

**Public Hearing was held at 4:40 p.m. on the Suburban Town Resolution** to hear comments on declaring the Town of LeRay as a Suburban Town.

Mrs. Verne was asked to read the Public Hearing Notice as published in the Watertown Daily Times on April 29, 2022.

Supervisor Taylor asked if there were any comments from the floor to which someone asked what the Town of LeRay was considered currently. Supervisor Taylor explained that the Town of LeRay was currently considered a Town of the 1<sup>st</sup> Class and spoke on what he knew of becoming a Suburban Town. Councilman Eisenhauer also spoke on the advantages of becoming a Suburban Town, with the growth of the Town being over 25,000 in population.

Supervisor Taylor asked for a motion to close the hearing. A motion was made by Councilman Biondolillo and seconded by Councilman Carpenter to close the Public Hearing for the Suburban Town Resolution.

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

### Adoption of Resolution Subject to Permissive Referendum

(ELECTING ARTICLE 3-A OF THE N.Y.S. TOWN LAW PROVISIONS  
DECLARING LERAY AS A SUBURBAN TOWN)

WHEREAS, N.Y.S. Town Law Article 3-A allows a Town to become a Suburban Town and utilize the provisions thereof; and

WHEREAS, the population of Le Ray is now more than 25,000 people as reflected in the 2020 U.S. Decennial Census of Population; and

WHEREAS, a Public Hearing was held on May 12, 2022; and

WHEREAS, a full discussion has been had;

NOW, THEREFORE, BE IT RESOLVED, that effective as of January 1, 2023 the Town of LeRay adopts the provisions of N.Y.S. Town Law Article 3-A and becomes a "Suburban Town"; and

BE IT FURTHER RESOLVED, that the Town Clerk will post and publish this Resolution as required by law.

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey to approve the above Resolution declaring the Town of LeRay as a Suburban Town as presented above, subject to permissive referendum.

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

### Report from Mike Altieri, Town Engineer

Mr. Altieri shared photos of the highway garage and water storage tank from an aerial view. Mr. Altieri said the Highway Garage was near completion and would soon be ready for service and that the Water Storage Tank, LeRay II, was also making progress and was on track for August 2022 completion. Additionally, Mr. Altieri stated that the Carey Well Project was in the progress of getting back online. The Board was given examples of dedication plaques for the water tower to review, and Mr. Toutant would get the Board's feedback and would have a draft ready for the Town Boards June meeting.

### Report from Dan Young, Highway Superintendent

Mr. Young reported on the various highway work that had been done, including roads that were recently paved. Mr. Young said Shell Road would be paved the following week and that Suite-Kote crack-sealed numerous roads. Mr. Young did not have pricing on new trucks this month as he was still waiting for the proposals and would hopefully have them for the Town Boards June meeting.

The Board was presented two (2) quotes to remove an existing fuel oil tank at the Highway Garage. Docteur Environmental had a quote of \$7,600 and Bach Environmental, Inc had a quote of \$6,988.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to accept Docteur Environmental’s quote to remove the existing fuel oil tank in the amount of \$7,600.

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

**Report from Steve Marshall, DANC**

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Mr. Marshall gave his report. On April 20, 2022, Mr. Marshall spent the night with a Leak Detection Agency and checked for leaks for all of Water District #2. Mr. Marshall stated that there was a major leak at the car wash, near The Heights and there was a small leak between McDonalds and Wendy’s that would be replaced during the Pipeline Replacement on Route 342. Mr. Marshall also made twenty-four (24) meter repairs.

**Report from Bill Vargulick, Town Assessor**

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Mr. Vargulick gave his report. Mr. Vargulick stated that there were some Solar Projects on the way, and he might have to change how he would value them. Mr. Vargulick said Grievance Day was in two (2) weeks, he was expecting a few people at least. Councilman Eisenhauer asked about the revaluations to which Mr. Vargulick spoke on how often revaluations were done and the tax rates. A discussion was had amongst Mr. Vargulick, Councilman Eisenhauer, and Mr. Converse on the matter.

**Report from Melissa L. Verne, Town Clerk**

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	Cash Balances as of April 30, 2022		Current Month Abstract 5	
<b>General Fund</b>	\$	2,769,477.13	\$	27,340.88
<b>Highway Fund-Town wide</b>	\$	503,219.47	\$	10,875.43
<b>Highway Fund-Town Outside</b>	\$	809,936.85	\$	63,313.16
<b>Expendable Trust</b>	\$	787.41	\$	0.00
<b>Consolidated Water District</b>	\$	1,731,261.55	\$	32,120.08
<b>Water District # 3</b>	\$	13,040.55	\$	160.58
<b>Sewer District # 1</b>	\$	155,589.47	\$	3,133.33
<b>Sewer District # 2</b>	\$	39,267.47	\$	1,001.22
<b>Sewer District # 3</b>	\$	51,689.99	\$	0.00
<b>Sewer District # 4</b>	\$	300,806.57	\$	365.08
<b>Capital Project # 1 (Taylor Rd)</b>	\$	113,016.28	\$	0.00
<b>Capital Project # 2 (Water Dist. 4)</b>	\$	0.00	\$	0.00
<b>Capital Project # 3 (Sewer Dist. 1)</b>	\$	119,142.02	\$	2,408.22
<b>Capital Project # 3A (Sewer Dist. 4)</b>	\$	0.00	\$	0.00
<b>Capital Project # 4W (Water 2 Imp)</b>	\$	-3,682.08	\$	0.00
<b>Capital Project # 5 (Highway Fac.)</b>	\$	440,346.58	\$	149,956.22

<b>Trust &amp; Agency</b>	\$	21,897.00	\$	4,002.56
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A motion was made by Councilman Gracey and seconded by Councilman Biondolillo that Abstract #5, vouchers 681-815 in the amount of \$ 294,676.76 be paid from the above accounts.

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

Councilman Eisenhauer asked if we could get an actual specific report on what the Adult recreations funds are being used for yearly.

Mrs. Verne reported to The Board that she had sent an email to The Village of Evans Mills Clerk on donating occupancy tax revenue to the Centennial Celebration. The email was forwarded to their committee, so an amount is still not known to donate at this time. Mrs. Verne informed The Board that the online training that was approved last month on the new water utility program has been scheduled for June 14, 15, and 16 2022. The Town Clerk's office will be closed from 12:30pm-4:00pm on those days.

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

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Mr. Toutant reported on occupancy tax for the year. Mr. Toutant has begun uploading information to the Crowley and Holloran CPA portal for them to begin their 2021 Audit of Town and Court Offices. Mr. Toutant reported on The Towns investments. JCSPCA sent a letter to The Board thanking them for their letter of support that helped assist them in receiving their Ag & Market grant that they had applied for to update and expand their facility.

A motion was made by Councilman Carpenter and seconded by Councilman Biondolillo to have Krafft Cleaning, clean Town Office windows twice per year at \$300.00 per cleaning.

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

A motion was made by Councilman Carpenter and seconded by Councilman Biondolillo to submit Request for Proposal's to restripe the Town Office parking lot.

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 authorize Supervisor Taylor to sign all Zoning Permits in the temporary medical absence of the Zoning Enforcement Officer, following the Zoning Enforcement Officers review of each application.

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



A motion was made by Councilman Eisenhower and seconded by Councilman Carpenter to go into Executive Session at 5:55 p.m. to discuss a proposed contract for water with the Village of Evans Mills and an easement with LeRay 300.

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 come out of Executive Session at 6:23 p.m.

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 monthly meeting at 6:24 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