

Town of LeRay

Town Board Minutes

September 14, 2023

Call to Order

Proceedings of a Town Board Meeting held at the LeRay Town Municipal Office on September 14, 2023. 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

Attendance: Ronald C. Taylor – Supervisor, Samuel Biondolillo – Councilman, John Eisenhauer – Councilman, Michael Gracey – Councilman, Lee Carpenter – Councilman, Melissa L. Verne – Town Clerk, Nathan Toutant – Clerk to Supervisor, James Burrows – Town Attorney, Jessica Jenack – Community Development Coordinator, Lee Shimel – Zoning Enforcement Officer, Dan Young – Highway Superintendent, Mike Altieri – Town Engineer, Kenny Kizzer – DANC, William Vargulick – Town Assessor was absent. Also in attendance: Alan Walts, Debbie Biondolillo and Merle Otis.

Approval of Minutes

The minutes from the meeting held on August 10, 2023 and August 24, 2023, were reviewed by the Board Members. A motion to approve the minutes as drafted was made by Councilman Eisenhauer and seconded by Councilman Carpenter.

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| The vote went as follows: |
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| Ayes: 5 | Nays: 0 |
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| The motion passed. |
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Comments from the Floor

Alan Walts, owner of parcel number 74.12-1-79 spoke before the Town Board in regard to his property that was assessed a ½ EDU charge in 2023. He said that the property is non-developable. A discussion on what is buildable ensued. Mr. Burrows has agreed to look at the Town's Water Use Law and draw up a local law to not charge an EDU on non-buildable lots according to the zoning code.

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey to remove the EDU portion of charges on Alan Walts parcel number 74.12-1-79 going forward, but no reimbursement will be made for the past charge.

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| The vote went as follows: |
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| Ayes: 5 | Nays: 0 |
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| The motion passed. |
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| Public Hearing scheduled at 4:05 p.m. for Local Law #6 a Town Wide Six (6) Month Moratorium on all Renewable Energy Facilities and Battery Energy Storage Systems. |
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Supervisor Taylor opened the Public Hearing at 4:20 p.m. Supervisor Taylor asked Clerk Verne to read the Public Hearing Notice as published in the Watertown Daily Times on September 2, 2023. Supervisor Taylor 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.

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

RESOLUTION #15 OF 2023
ADOPTING LOCAL LAW #6 of 2023
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 September 14, 2023 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 Eisenhauer**, and seconded by **Board Member Carpenter**, and upon roll call vote of the Board was duly adopted as follows:

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| Supervisor Ronald C. Taylor | 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"/> |
| Leland J. Carpenter | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

Dated: September 14, 2023

Melissa L. Verne, Town Clerk

Report from the Town Engineer – Mike Altieri

Mr. Altieri reported that they are waiting on the demo permit from the Village of Evans Mills for the home the Town owns on Willow St. to begin demolition. A scoring sheet was discussed with the Town Board for the two (2) bids received from MJDNY and N.W. Contracting, on August 24th 2023 to replace the existing 8,000-gallon fuel tank with a 6,000-gallon fuel tank.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to accept the bid from MJDNY in the amount of \$63,200.

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

Report from Highway Superintendent – Dan Young

Mr. Young gave his report on work performed since the last meeting. Both pickups ordered have been received, just waiting on the plows to be installed.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to allow a temporary over hire of a permanent full-time highway employee.

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

Report from Community Development Coordinator – Jessica Jenack

Mrs. Jenack discussed the projects currently before the Planning Board and other projects being proposed. Mrs. Jenack mentioned to the Board that Contractors would like access to the GIS/ DANC website for projects.

Report from the Zoning Enforcement Officer – Lee Shimel

Mr. Shimel gave his monthly report and addressed some compliance issues with businesses.

**RESOLUTION #16 OF 2023
APPOINTMENT OF ENFORCEMENT OFFICER
FOR UNSAFE BUILDING and STRUCTURE LAW**

WHEREAS, the Town of LeRay has adopted an Unsafe Building and Structure Law (the “Law”), and which Law became effective March 22, 2023; and

WHEREAS, the Town Board desires to appoint a person to administer and enforce the Law; and

WHEREAS, the Town Board has reviewed its underlying Land Use Regulations together with the law and concludes that individual customarily performing the functions of the Town’s Zoning Officer would be the appropriate person to administer and enforce the Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of LeRay, New York resolves as follows

1. The current Zoning Officer, Lee Shimel, and any successor(s) is/are hereby designated as the Enforcement Officer for the Law;
2. The Enforcement Officer shall familiarize himself with the Law and take all steps reasonably necessary to administer and enforce the Law, including the use of the Town Engineer and/or Town Attorney to perform functions reasonably related thereto;
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:

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|-----------------------------|---|-----------------------------|
| Supervisor Ronald C. Taylor | 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"/> |
| Leland J. Carpenter | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

Dated: September 14, 2023

Melissa L. Verne, Town Clerk

Report from DANC – Kenny Kizzer

Mr. Kizzer gave his monthly report. He has flushed hydrants in Water District 3 and working on Water District 2.

Report from the Town Clerk – Melissa L. Verne

| | Cash Balances as of August 31, 2023 | | Current Month Abstract 9 | |
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| General Fund | \$ | 4,138,361.53 | \$ | 35,563.25 |
| Highway Fund-Town wide | \$ | 1,112,163.31 | \$ | 79,358.85 |
| Highway Fund-Town Outside | \$ | 287,533.62 | \$ | 121,718.26 |
| Expendable Trust | \$ | 789.43 | \$ | 0.00 |
| Consolidated Water District | \$ | 1,980,698.34 | \$ | 203,284.49 |
| Water District # 3 | \$ | 17,478.55 | \$ | 14,754.00 |
| Sewer District # 1 | \$ | 542,131.90 | \$ | 2,897.60 |
| Sewer District # 2 | \$ | 69,997.74 | \$ | 932.93 |
| Sewer District # 3 | \$ | 33,983.36 | \$ | 20,359.29 |
| Sewer District # 4 | \$ | 345,011.24 | \$ | 498.91 |
| Capital Project # 1 (Taylor Rd) | \$ | 0.00 | \$ | 0.00 |
| Capital Project # 2 (Water Dist. 4) | \$ | 0.00 | \$ | 0.00 |
| Capital Project # 3 (Sewer Dist. 1) | \$ | 134,625.45 | \$ | 0.00 |
| Capital Project # 3A (Sewer Dist. 4) | \$ | 0.00 | \$ | 0.00 |
| Capital Project # 4W (Water 2 Imp) | \$ | -2,027.42 | \$ | 0.00 |
| Capital Project # 5 (Highway Fac.) | \$ | 0.00 | \$ | 0.00 |
| Trust & Agency | \$ | 21,897.00 | \$ | 6,336.77 |

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey that Abstract #9 vouchers 1101-1239 in the amount of \$485,704.35 be paid from the above accounts.

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| 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 Eisenhauer and seconded by Councilman Biondolillo to have Supervisor Ronald C. Taylor sign and execute the Key2Business Credit Card Application.

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| 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 have 3 board members sign the Public Government Officer's Certification, Supervisor Taylor item 3, Deputy Supervisor Biondolillo and Councilman Carpenter item 7.

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

A motion was made by Councilman Eisenhauer and Councilman Biondolillo to set a Public Hearing at 4:05p.m. on October 12, 2023 to Override the Tax Cap if necessary.

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| 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 schedule a budget work session for October 5, 2023 at 12:00p.m.

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

A motion was made by Councilman Carpenter and seconded by Councilman Eisenhauer to authorize Supervisor Ronald C. Taylor to sign the Outside User Agreement for 1 year with the Village of Evans Mills.

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

Mr. Toutant told the board the firewall in the basement will expire in 3 days, September 10, 2023.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to expend \$1,750 plus installation fee to purchase a new firewall.

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

Financial Resolution – To Modify the 2023 Town Budget

1. Increase revenue account 2300.4 Highway Fund DB Transportation Services in the amount of \$60,600 and increase the following appropriation accounts:

51101.4 General Repairs PS \$ 56,250

90308.4 Social Security-Town Share \$ 4,350

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo that the above financial resolution provides a one-time performance bonus to all Town Highway Department non-elected union employees employed by the Town as of September 1, 2023 in the amount of \$5,000 each from Highway Outside (DB) and \$1,250 each from Highway Outside (DB) for all non-union employees.

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| 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 adjourn the meeting at 6:26 p.m.

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

Respectfully given:

Melissa L. Verne

Melissa L. Verne, LeRay Town Clerk