

# Town of LeRay

## Town Board Minutes

March 9, 2023

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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 March 9, 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

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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, James Burrows – 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, Kenny Kizzer – DANC  
Additionally present- Patrick O'Donnell, Steve Marshall, Debbie Biondolillo, Howard O'Brien and Mary Boucher

### Approval of Minutes

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The minutes from the meeting held on February 9, 2023, were reviewed by the Board Members. A motion to approve the minutes as drafted was made by Councilman Carpenter and seconded by Councilman Biondolillo.

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

### Comments from the Floor

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Mr. O'Brien from the Pamela Volunteer Fire Department spoke to the Board and presented a proposal asking the Town of LeRay to fund five (5) sets of turnout gear, totaling \$26,241.70. The department has not had new turnout gear since 2010.

### Public Hearing scheduled at 4:05 p.m. to consider Local Law #2-2023 – Unsafe Building and Structures Law

Supervisor Taylor opened the Public Hearing at 4:15 p.m. Supervisor Taylor asked Clerk Verne to read the Public Hearing Notice as published in the Watertown Daily Times on March 1, 2023. Supervisor Taylor then asked if there were any comments from the floor.

No comments were made.

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

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

Part 1 and Part 2 of the Full Environmental Assessment Form(FEAF) had been prepared by Attorney Burrows for the Boards Review.

A motion was made by Councilman Biondolillo and Councilman Carpenter to have Supervisor Taylor sign and date Part 1 of the FEAF.

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

Based upon a review of the information and analysis, the Board had determined that the proposed action would not result in any significant adverse environmental impacts.

### **RESOLUTION #5-2023**

#### **NEGATIVE DECLARATION FOR SEQR (Long Form) FOR UNSAFE BUILDING and STRUCTURE LAW**

**WHEREAS**, the Town Board of the Town of LeRay, New York has considered the adoption of Legislation in the Town of LeRay in connection with Unsafe Buildings and Structures; and

**WHEREAS**, the Town Board of the Town of LeRay has reviewed an Environmental Assessment Form for the purpose of assisting the Town Board in making a determination of significance in respect to the Legislation; of whether the enactment of the Legislation would have a significant adverse impact on the environment; and

**WHEREAS**, the Town has reviewed the criteria for determining significance of an action that is set forth at 6 NYCRR §617.7(c); and

**WHEREAS**, having considered the action, consisting of the adoption of the Legislation and the potential environmental impacts associated with such action, the Town Board has determined to proceed.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of LeRay finds that the proposed action of adopting the legislation is subject to SEQR; and

**BE IT FURTHER RESOLVED**, that the action constitutes an unlisted action under SEQR 617.2(a); and

**BE IT FURTHER RESOLVED**, that the Town Board is the agency with jurisdiction by law to fund, approve, or directly undertake this action, and therefore, a coordinated review of the action under SEQR is neither required nor necessary.

**BE IT FURTHER RESOLVED**, by the Town Board of the Town of LeRay, New York:

1. Based upon the examination and consideration of the Long Environmental Assessment Form and comparison of the proposed action and criteria set forth at 617.7, no significant impact on the environment is known by the adoption of the proposed legislation.

2. The Supervisor for the Town of LeRay is authorized to execute the Long Environmental Assessment Form to the effect that the Town Board is issuing a “negative declaration” under SEQR.

3. A complete copy of the EAF including its negative declaration shall be maintained in the Town Clerk’s office in a file that will be readily accessible to the Public. All subsequent notices regarding the undertaking of the project as set forth in this Resolution shall state that a negative declaration has been issued.

4. 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:

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: March 9, 2023

Melissa L. Verne, Town Clerk

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to approve Local Law #2-2023 for Unsafe Building and Structures.

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

Mr. Burrows had been advised that NYS DOS did not file Local Law #6-2022 when it was received. As a result, Local Law #1-2023 has already been filed and therefore the Town of LeRay is required to readopt Local Law #6-2022 as Local Law #3-2023. According to Mr. Burrows, a new public hearing was not required.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to readopt Local Law #6-2022 as Local Law #3-2023, to set Water and Sewer rates for 2023.

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

## Report from Community Development Coordinator – Jessica Jenack

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Mrs. Jenack gave her monthly report from the Planning Board and the many projects they have going on.

Councilman Carpenter brought up that he noticed Mrs. Jenack and the Planning Board have a much larger workload in most recent months. Mrs. Jenack and Mrs. Biondolillo both agreed that they have had to do a lot of work from home and may need to reassess.

## Report from Highway Superintendent – Dan Young

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Mr. Young gave his monthly report. The Highway Department have all done their MS4 training.

### Financial Resolutions – To Modify the 2023 Town Budget

1. Authorize the Supervisor to transfer \$200,000 from 200.3 Cash – Highway Fund DA to 233.3.3 Cash – Special Reserve – Highway Equipment.
2. Authorize the Supervisor to transfer \$10,000 from 200.4 Cash – Highway Fund DB to 233.4.4 Cash – Special Reserve – Stormwater Infrastructure.

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey to approve the Financial Resolutions above as presented.

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

Mr. Young presented a breakdown of the differences between the two (2) company quotes, Hacker's Packers and Wastequip, for roll off containers.

A motion was made by Councilman Biondolillo and seconded by Councilman Eisenhauer to accept the quote from Wastequip for the two (2) roll off containers for the Transfer Station.

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

The Board reviewed the Invitation for Bid for two (2) pickup trucks for the Highway Department.

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to put the Invitation to Bid out for two (2) pickup trucks.

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 send a technician from BCA to see what needs to be done to update the old Highway Garage.

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

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

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Mr. Shimel gave his monthly report.

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

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Mr. Altieri discussed with the Board the email from Mr. Lundy regarding a Developer Agreement for the LeRay Commons project.

A motion was made by Councilman Eisenhower and seconded by Councilman Biondolillo to reject Mr. Lundy's email request.

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

Mr. Altieri gave a progress report on work being completed on Route 342 for the water interconnect project. The extension project on Route 11 is not moving as fast as they would like it to, they are waiting on Department of Health (DOH) for permits. The OSHA variance to take the Willow Street home down should be finalized soon.

### **Report from DANC- Kenny Kizzer**

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Mr. Kizzer gave his monthly report.

### **Report from the Assessor – William Vargulick**

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Mr. Vargulick spoke on equalization and what it would do to the taxes next year. The equalization rate for next year will be 94% and not 100%.

Mr. Vargulick needs the Board to go into executive session and the Board tabled it till the end of the meeting.

Report from the Town Clerk – Melissa L. Verne

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	Cash Balances as of February 28, 2023		Current Month Abstract 3	
<b>General Fund</b>	\$	4,449,483.79	\$	55,983.15
<b>Highway Fund-Town wide</b>	\$	747,281.98	\$	47,793.77
<b>Highway Fund-Town Outside</b>	\$	559,265.20	\$	17,785.13
<b>Expendable Trust</b>	\$	788.33	\$	0.00
<b>Consolidated Water District</b>	\$	2,139,332.43	\$	32,185.62
<b>Water District # 3</b>	\$	14,096.79	\$	20,323.75
<b>Sewer District # 1</b>	\$	508,595.71	\$	3,598.16
<b>Sewer District # 2</b>	\$	19,717.22	\$	3,442.77
<b>Sewer District # 3</b>	\$	26,045.74	\$	13,984.58
<b>Sewer District # 4</b>	\$	310,484.85	\$	372.41
<b>Capital Project # 1 (Taylor Rd)</b>	\$	0.00	\$	0.00
<b>Capital Project # 2 (Water Dist. 4)</b>	\$	0.00	\$	0.00
<b>Capital Project # 3 (Sewer Dist. 1)</b>	\$	134,348.00	\$	0.00
<b>Capital Project # 3A (Sewer Dist. 4)</b>	\$	0.00	\$	0.00
<b>Capital Project # 4W (Water 2 Imp)</b>	\$	0.00	\$	148,503.86
<b>Capital Project # 5 (Highway Fac.)</b>	\$	0.00	\$	0.00
<b>Trust &amp; Agency</b>	\$	21,897.00	\$	987.81

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey that Abstract #3 vouchers 324-469 in the amount of \$344,961.01 be paid from the above accounts.

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

Clerk Verne told the Board that the New York State Town Clerk Association would be having their annual Town Clerk’s conference April 23-26, 2023, in Syracuse, NY and she would like approval to go to this conference.

A motion was made by Councilman Biondolillo and seconded by Councilman Carpenter to allow and have expenses paid by the Town for Clerk Verne to attend the NYSTCA conference, April 23-26, 2023.

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

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

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A proposed Resolution was prepared by Harris Beach to set a public hearing for Bond Resolution for the Consolidated Water District project.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to act on the Resolution prepared by Harris Beach to set the public hearing for April 13, 2023, at 4:05.

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

### Resolution #6-2023

#### **RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LERAY, JEFFERSON COUNTY, NEW YORK CALLING FOR A PUBLIC HEARING IN ACCORDANCE WITH SECTION 202-b OF THE TOWN LAW WITH RESPECT TO IMPROVEMENTS TO BE UNDERTAKEN TO THE TOWN'S CONSOLIDATED WATER DISTRICT**

WHEREAS, the Town Board (the "Town Board") of the Town of LeRay, Jefferson County, New York (the "Town") is considering authorizing certain improvements to and for the benefit of the Town's Consolidated Water District, including the construction of transmission lines, appurtenances and lateral connections (collectively, the "Project"), at an estimated maximum cost of \$4,500,000, and

WHEREAS, the Town Board now intends to conduct a public hearing in accordance with Section 202-b of the Town Law with respect to undertaking the Project at such estimated maximum cost.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board as follows:

Section 1. A public hearing shall be held at a public meeting of the Town Board to be held on April 13, 2023 at 4:00 p.m. in the Board Room of the Municipal Office Building, located at 8650 LeRay Street, Evans Mills, New York, 13637, to consider if it is in the public interest to undertake the Project at an estimated maximum cost of \$4,500,000 and to hear all persons interested in the subject matter thereof.

Section 2. The Town Clerk is hereby directed to cause notice of such public hearing to be published in *Watertown Daily Times* and posted on the Town Bulletin Board at 8650 LeRay Street, Evans Mills, New York, 13637 in the manner prescribed by Section 193 of Town Law.

Section 3. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

	AYES:	NAYS:
Councilman Michael J. Gracey	x	
Councilman Samuel J. Biondolillo	x	
Councilman John W. Eisenhauer	x	
Councilman Leland J. Carpenter	x	

The resolution was thereupon declared duly adopted by a vote of 5 ayes and 0 nays.

Dated: March 9, 2023

Mr. Toutant presented a draft Request for Proposal (RFP) for Emergency Vet Services. The RFP will be posted to the website, sent to the Jefferson County SPCA and sent to local Veterinarians.

The AED machines that were approved at a prior meeting have arrived. CPR classes will be offered to those employees who want to take it. The blinds have been installed on the windows of the Town clerk’s office and the court office.

Three (3) homeowners on Route 342 would like to be included in the interconnect water project in progress and have water supplied to them at the expense of the Town. The Board will extend the water district to include these 3 parcels and they will then be part of the water district and will have an EDU charge as well as pay for their quarterly water service.

Supervisor Taylor had a meeting with a property owner, Mr. McBride on 971V, he presented a letter stating that he had a meeting with Mr. Taylor back in 2009 that he would not receive an EDU for a small parcel that used to be a Verizon sub-station and with the changes we made to the Town’s EDU list this past year he was charged this year.

A motion was made by Councilman Eisenhauer and seconded by Councilman Carpenter to reimburse Mr. McBride the EDU charged on his taxes and remove the EDU from any future charges on his parcel.

A letter from the St. Mary’s Church Food Pantry was presented to the Board, asking the Town for assistance in helping fund an electrical issue that needs prompt attention. Mary Boucher was present and told the Board the food pantry, services the Indian River School District in the Town of LeRay but are lenient for others who also need help. The issue was being brought to the attention of the Village of Evans Mills Board as well.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to fund up to \$5,000 or the difference between what the Village of Evans Mills offers to fund.

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

The Board was presented with two (2) applications for employment for the Water Meter Reader position. A discussion was had on the credentials of both applicants.

A motion was made by Councilman Eisenhauer and seconded by Councilman Carpenter to offer the Water Meter Reader position to Steven G. Marshall, based on current experience and licenses not being expired, contingent on an hourly wage.



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 go into Executive Session at 6:12 p.m., to discuss ongoing litigation and invite the Town Assessor and the Town Planning Board Chair, then to also discuss wage negotiations for a new hire.

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 go back into Regular Session at 6:42 p.m.

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 amend the motion from the earlier meeting to read, to offer Steven G. Marshall the Water Meter Reader position contingent on his acceptance of an hourly wage of \$21.00 per hour.

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

A motion was made by Councilman Gracey and seconded by Councilman Biondolillo to adjourn the meeting at 7:00 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