

PROCEEDINGS OF A TOWN BOARD MEETING HELD AT THE TOWN MUNICIPAL OFFICE ON May 13, 2021.

The meeting was called to order by Supervisor Taylor at 4:00 p.m. with the following present:

Ronald C. Taylor, Supervisor	Lee Shimel, ZEO
Mary C. Smith, Town Clerk	Nathan Toutant, Ck to Supervisor
Samuel Biondolillo, Councilman	Joseph Russell, Atty
Michael Gracey, Councilman	Jessica Jenack, Planner
John Eisenhauer, Councilman	William Vargulick, Assessor
Lee Carpenter, Councilman	Mike Altieri, Engineer

A motion was made by Biondolillo and seconded by Gracey to adopt the minutes of the regular meeting held on April 8, 2021. Carried Ayes 5 Nay 0.

Councilman John Eisenhauer read and presented the following statement to the town board.

I want to share a compilation of complaints that I have received from several residents from across

the Town of LeRay and request appropriate action from the Town Board on their behalf. Many

of these residents asked if it would be appropriate for them to come forward and publicly express their grievances, and I asked, in good faith, to be given the opportunity to share this information.

with the board prior to them doing so to give us the opportunity to act. As well, several residents

have stated that the 4 PM time for meetings has precluded public attendance due to work commitments.

The general allegations are as follows:

1. Town officials have been contributing the campaign of a candidate for town office by handing out political campaign sign/literature out of the town facilities and during town business hours to town residents.
2. Town Officials have been sharing confidential town records and other information, to which access is only provided for performance of their public duties, during town business hours and within town facilities, with a private citizen who is a candidate for public office.
3. Town Officials have approached department supervisors within the town to question the off-duty political activities of their employees that occurred outside of the town facilities/property ostensibly to influence those off-duty political activities.

Therefore, I now move that the Town Board appoint an independent investigator, as recommended by Town Counsel, to further investigate the foregoing allegations and

make a recommendation to the Town Board as to any actions the Board may either statutorily or permissively take, if any.

Councilman Carpenter motioned to table this to the end of meeting seconded by Eisenhauer. Carried Ayes 5 Nay 0.

Jessica Jenack, Planner, reported that the planning board did not meet this month. She also reported that the MS4 Annual report has been presented; and she has also sent final expenses to close out the Grant funding in the amount of \$64,000. A motion was made by Biondolillo and seconded by Eisenhauer that the board accepted the MS4 report as presented. Carried Ayes 5 Nay 0.

The Town board went through the SEQR form for the Water District expansion on Route 11, Evans Mills. A motion was made by Eisenhauer and seconded by Biondolillo that the board declared a negative declaration to SEQR. Carried Ayes 5 Nay 0

RESOLUTION OF THE TOWN BOARD  
OF THE TOWN OF LERAY

At a regular meeting of the Town Board of the Town of LeRay, held at the Town offices, 8650 LeRay Street, Evans Mills, New York, on May 13, 2021, there were:

PRESENT:

Ronald C. Taylor, Supervisor  
Samuel J. Biondolillo, Councilmember  
Leland J. Carpenter, Councilmember  
John W. Eisenhauer, Councilmember  
Michael J. Gracey, Councilmember

ABSENT:

\_\_\_\_\_  
\_\_\_\_\_

**WHEREAS**, the Town of LeRay, hereinafter referred to as the "Town", is proposing extend its Consolidated Water District to provide water to Commercial and residential users in the proposed extension that currently use on-site water sources which are generally problematic and have yielded positive test results for contamination. The project consists of investigations, evaluations, and construction of a new water line that will service the Town of LaRay's Consolidated District Extension and well development and improvements at the Town owned water supply and distribution facilities and will generally include the installation of waterline such as HDPE pipe, property connections, corporation and curb stops, valves, and meters, along with appurtenances associated with the new connections (the "Project"); and

**WHEREAS**, at a regular meeting of this Board held on April 8, 2021, Part 1 of a Long Form Environmental Assessment Form ("EAF") was duly accepted for filing by this Board and a resolution was duly adopted by which this Board declared itself lead agency and directed the circulation of Part I of the EAF to the involved agencies identified in Part I of EAF; and

**WHEREAS**, the Town's Attorney's Office has forwarded letters to the other involved agencies indicating this Board's intent to serve as lead agency for the SEQRA review and enclosing Part 1 of the EAF; and

**WHEREAS**, this Board has received the consent of the involved agencies that this Board act as lead agency for the SEQRA review of the project; and

**WHEREAS**, pursuant to 6 NYCRR Part 617, this Board has reviewed Part 2 of the EAF to determine whether the project will have any significant effect on the environment; and

**WHEREAS**, pursuant to Article VIII of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation, to wit: 6 NYCRR Part 617, this Board has determined that the action will not have a significant effect on the environment and, therefore, the preparation of an Environmental Impact Statement is not required.

**NOW, THEREFORE**, be it resolved by the Town Board of the Town of LeRay as follows:

1. The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter.
2. Based upon the examination of Part 2 of the EAF and the criteria set forth in 6 NYCRR Part 617, this board makes the following findings:
  - A. The proposed action constitutes a Type I action pursuant to 6 NYCRR Part 617, and this Board has previously determined that coordinated review is appropriate.
  - B. This Board has received the concurrence from the other involved agencies that this Board shall act as lead agency.
  - C. This Board has determined that any potential impacts are not significant, and that those impacts will be mitigated by requirements imposed upon the contractors, and therefore this Board does not consider those impacts to be significant adverse impacts on the environment.
  - D. There will be no substantial adverse change in existing air or water quality.
  - E. There will be no hazard created to human health.
  - F. There will be no substantial change in the use or the intensity of use of the land.
  - G. There will not be created a material conflict with the community's current plans or goals as officially adopted.
  - H. None of the criteria listed in 6 NYCRR §617.11 will be present in the proposed project and no similar criteria will be present which will adversely impact on the environment.
2. The Notice of Determination of Non-Significant attached hereto is hereby adopted and accepted by this Board as its Negative Declaration in connection with this project.
3. The Town Clerk for the Town of LeRay and is hereby directed to file in the Town Clerk's office in a file readily accessible to the public the Negative Declaration attached hereto.
4. The Town's Attorney's Office is directed to cause the Negative Declaration to be served on each of the other involved agency.
5. The Town's Attorney's Office is directed to cause to be published the Negative Declaration in the Environmental News Bulletin.

6. All subsequent notices concerning this project shall note that this Board has issued a negative Declaration

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

A motion to adopt the foregoing Order 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 Taylor	Yes
Councilmember Biondolillo	Yes
Councilmember Carpenter	Yes
Councilmember Eisenhauer	Yes
Councilmember Gracey	Yes

Carried 5 Nay 0.

Public hearing having been at 4:10 p.m. to hear comments on the extension of Consolidated Water District along Route 11 to Evans Mills. No one commented. Hearing Closed.

**ORDER OF THE TOWN BOARD EXTENDING  
CONSOLIDATED WATER DISTRICT OF THE TOWN OF LERAY**

At a regular meeting of the Town Board of the Town of LeRay, held at the Town offices, 8650 LeRay Street, Evans Mills, New York, on May 13, 2021, there were:

PRESENT:

Ronald C. Taylor, Supervisor  
Samuel J. Biondolillo, Councilmember  
Leland J. Carpenter, Councilmember  
John W. Eisenhauer, Councilmember  
Michael J. Gracey, Councilmember

ABSENT:

\_\_\_\_\_

**WHEREAS**, at a regular meeting of this Board held at the Town offices on the 8<sup>th</sup> day of April 2021, an Order of this Board was duly adopted and entered in the minutes of the proceedings reciting in general terms the filing with the Town Clerk of the Town of LeRay of a map, plan and report prepared by Bernier, Carr & Associates, Engineers, Architects and Land Surveyors, P.C. (“BCA”), Michael D. Altieri, P.E. for the extension of Consolidated Water District within the Town of LeRay, reciting the boundaries of the proposed District Extension, the improvements proposed, the maximum amount proposed to be expended for the improvements, the proposed method of financing, and specifying that a public hearing shall be held to hear all persons interested in the proposed extension of Consolidated Water District at 4:10 p.m. on May 13, 2021; and

**WHEREAS**, the May 13, 2021, notice of public hearing was duly published and posted pursuant to the provisions of Section 209-e of the Town Law, and on May 13, 2021, a public hearing was held to hear all persons interested in the boundaries of the expanded Consolidated Water District; and

**NOW**, on motion duly made and seconded, this Board makes the following determinations:

1. The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter.
2. The notice of public hearing dated May 13, 2021, was duly published and posted as required by law, and is otherwise sufficient.
3. All property and property owners to be benefited by the proposed Consolidated Water District Extension are included within the limits of the proposed district extension.
4. All of the property owners and all of the property located within the proposed Consolidated Water District extension are benefited thereby.
5. The extension of Town of LeRay Consolidated Water District pursuant to the map, plan, and report on file in the office of the Town Clerk, and upon which the public hearing was held on May 13, 2021, is in the public interest.
6. The extension of the Town of LeRay Consolidated Water District as described in the map, plan and report prepared by Bernier, Carr & Associates, Engineers, Architects and Land Surveyors, P.C., for the proposed Town of LeRay Consolidated Water District Extension within the Town of LeRay dated April 2021, the boundaries of which shall be as described on the attached Schedule "A", is hereby approved.
7. A Negative Declaration, Notice of Determination of Non-significance under the New York State Environmental Quality Review act was adopted by this Board as lead agency on May 13, 2021.
8. This Resolution is adopted subject to a permissive referendum.
9. The Town Clerk is hereby directed to publish a copy of this Resolution in the official newspaper of the Town of LeRay within ten (10) days of its adoption.

A motion to adopt the foregoing resolution was made by Eisenhower second by Carpenter, and upon a roll call vote of the Board was duly adopted as follows:

Supervisor Ronald C. Taylor	yes x
Councilmember Samuel J. Biondolillo	yes x
Councilmember Leland J. Carpenter	yes x
Councilmember John W. Eisenhower	yes x
Councilmember Michael J. Gracey	yes x

Carried Ayes 5 Nay 0.

Mike Altieri, BCA reported that the Water Tower project is out for bids to be opened on May 27, 2021 at 2:00 p.m. He also reported that the highway building project should start construction as soon as we can get the final paperwork from the General Contractor.

Lee Shimel, ZEO reported that they had a pre-con meeting with the Solar company for Waddingham Road and VanTassel Road.

Dan Young, Highway Superintendent gave his monthly report on the road projects that they will be working with the County on.

A motion was made by Eisenhower and seconded by Carpenter that Steve Marshall from DANC replace the Wood Creek panel in the amount of \$8380 and replace the EBARA sewer pump in the amount of \$9079.00. Carried Ayes 5 Nay 0.

Councilman Carpenter is requesting that the board hire Steve Wood as a security guard for court days. After much discussion no decision was made.

A motion was made by Gracey and seconded by Biondolillo that Abstract #5 vouchers 641-808 in the amount of \$246,975.47 be paid from the following accounts.

Cash Balances as of April 30, 2021		Current Month Abstract 5
\$ 3,384,130.91	General Fund	\$55,971.47
\$ 608,963.66	Highway Fund-Townwide	\$30,222.70
\$ 885,571.48	Highway Fund-Town Outside	\$16,890.38
\$ 787.29	Expendable Trust	\$
\$ 1,477,562.64	Water District # 2	\$27,216.40
\$ 12,712.91	Water District # 3	\$ 465.86
\$ 238,696.92	Sewer District # 1	\$95,457.97
\$ 35,099.97	Sewer District # 2	\$ 4,978.20
\$ 50,673.94	Sewer District # 3	\$ 1,140.62
\$ 270,434.03	Sewer District # 4	\$ 4,602.08
\$ 168,327.08	Capital Project # 1 (Taylor Rd)	\$
\$ 8,573.97	Capital Project # 2 (Water Dist 4)	\$
\$ 119,910.09	Capital Project # 3 (Sewer Dist 1)	\$ 780.00
\$ 74.23	Capital Project # 3A (Sewer Dist 4)	\$
\$ -3,682.84	Capital Project # 4W (Water 2 Imp)	\$
\$ 193,965.49	Capital Project # 5 (Highway Fac.)	\$ 4,039.70
\$ 22,397.00	Trust & Agency	\$ 5,210.09
Carried Ayes 4 Nay 1.		
Supervisor Taylor	Yes	
Councilman Biondolillo	Yes	
Councilman Carpenter	Yes	
Councilman Gracey	Yes	
Councilman Eisenhauer	No	

A motion was made by Eisenhauer and seconded by Biondolillo to transfer funds from A1255 General Fund to B outside funds. Carried Ayes 5 Nay 0.

A motion was made by Eisenhauer and seconded by Gracey that the board approve credit card contract contingent review by Town Counsel. Carried Ayes 5 Nay 0

A motion was made by Eisenhauer and seconded by Carpenter to have streetlight installed on the following intersections: Route 11/Gardnerville Rd, Roue 11/Town Line Road, Route 11/Steinhilber Rd, Waddingham/Gould Corners Rd, Route 11/Sanford Corners Rd, Route 342/Virginia Smith Drive, Route 342/LaFave Rd, Route 283, Cottontail Dr., Route 342, Putney Lane. Carried Ayes 5 Nay 0

A motion was made by Eisenhauer and seconded by Carpenter that the board approve financial resolution to modify the 2021 Town Budget as follows:

1. Increase revenue account 2680.3 Highway Fund DA Insurance Recoveries in the amount of \$9,701 and appropriation account 51424.3 Highway Fund DA Snow Removal CE by the same amount.
2. Authorize the Supervisor to transfer \$100,000 from 99509.1 General Fund Townwide Transfer to Capital Projects into 5031.58 Highway Facility Interfund Transfers.
3. Authorize the Supervisor to transfer \$1,769,740.86 from 231.1 General Fund Municipal Building Reserves into 5031.58 Highway Facility Interfund Transfers.

Carried Ayes 5 Nay 0.

A motion was made by Eisenhauer and seconded by Carpenter to untable the discussion on the complaint by Councilman Eisenhauer presented at the beginning of the meeting. Carried Ayes 5 Nay 0

A motion was made by Eisenhauer and seconded by Gracey that the Town Board refer the following allegations to the Jefferson County, New York Board of Ethics for investigation and request a recommendation to the Town Board as to any action the Board may either statutorily or permissively take, If any. Carried 3 Nay 2.

Supervisor Taylor	No
Councilman Biondolillo	No
Councilman Eisenhauer	Yes
Councilman Gracey	Yes
Councilman Carpenter	Yes

A motion was made by Biondolillo and seconded by Carpenter to adjourn meeting at 6:10 p.m. Carried Ayes 5 Nay 0.

Respectfully Given:

Mary C. Smith, RMC  
Town Clerk