

# Town of LeRay

## Town Board Minutes

May 9, 2024

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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 May 9, 2024. The meeting was called to order at 4:00 p.m. by Supervisor Carpenter who led the room in the Pledge of Allegiance.

### Open Regular Meeting

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Leland J. Carpenter – Supervisor, Melissa L. Verne – Town Clerk, Nathan Toutant – Clerk to Supervisor, Board Members in attendance: Samuel Biondolillo – Absent, Michael Gracey, Merle Otis, Patrick O’Donnell, James Burrows – Town Attorney, Jessica Jenack – Community Development Coordinator – Absent , Lee Shimel – Zoning Enforcement Officer, William Vargulick – Town Assessor, Dan Young – Highway Superintendent, Michael Altieri – Town Engineer, Kenny Kizzer – DANC

### Approval of Minutes

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The minutes from the meeting held on April 11, and 25, 2024, were reviewed by the Board Members. A motion to approve the minutes as drafted was made by Councilman O’Donnell and seconded by Councilman Gracey.

The vote went as follows:

Ayes:	4	Nays:	0
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The motion passed.

Supervisor Carpenter announced that the Public Hearing that was scheduled for 4:05 p.m. this evening for the three (3) unsafe buildings was CANCELLED for the following:

- (1) 31237 Elm Ridge Road, Evans Mills, NY
- (2) 27813 US Route 11, Evans Mills, NY
- (3) 30429 County Route 46, Evans Mills, NY

The board then proceeded to review and approve by roll call vote, Resolutions 7, 8 & 9 of 2024 for the three (3) potentially unsafe Building/Structures.

**RESOLUTION #7-2024 and ORDER**  
**Public Hearing – Potentially Unsafe Building/Structure**  
**Located at: 31237 Elm Ridge Road, Evans Mills, NY 13637**  
**Tax Parcel #45.00-3-31.31**

**WHEREAS**, The Town Board previously adopted Local Law 2 of 2023 (Unsafe Building and Structure Law) in an effort to address buildings and structures that may be dangerous and/or unsafe by reason of damage by fire, the elements, age or general deterioration; and

**WHEREAS**, the Town Board recognizes that vacant building(s) or structure(s) not properly secured also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients; and

**WHEREAS**, the Town’s Enforcement Officer and Engineer have investigated and recommended that the building and/or structure located at: 31237 Elm Ridge Road, Evans Mills, NY 13637 and identified as Tax Map No.: 45.00-3-31.31 is dangerous and/or unsafe and is otherwise in violation of the Unsafe Buildings and Structures Law. A copy of that investigation report is attached and incorporated by reference; and

**WHEREAS**, the Town Board has familiarized itself with this structure and property and has reviewed and considered the report, with certain attached materials, and is prepared to proceed.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, by the Town Board of LeRay:

1. The Town Board concludes that it is likely that the building or structure located 31237 Elm Ridge Road, Evans Mills, NY 13637, Tax Map No.: 45.00-3-31.31/45.00-3-31.31 is dangerous and/or unsafe and is in violation of the Unsafe Building and Structure Law
2. The Town’s Enforcement Officer is directed to coordinate efforts with the Town Clerk for the preparation of a Notice of Public Hearing which shall be published, posted (including posting the property), and served upon the persons having legal interests in the subject property in accordance with the Unsafe Buildings and Structures Law.
3. The Public Hearing will be held at 8650 LeRay Street Evans Mills, New York on June 13, 2024 at 4:10p.m. to determine whether the building(s) and/or structure(s) is dangerous and/or unsafe, and if so, whether the same shall be promptly demolished and removed.
4. This Resolution and Order shall take effect immediately.

The foregoing Resolution and Order was offered by Board Member, **Gracey**, and seconded by Board Member, **O’Donnell**, and upon roll call vote of the Board was duly adopted as follows

Supervisor Leland J. Carpenter	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Michael J. Gracey	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Samuel J. Biondolillo- <b>Absent</b>	Yes <u>      </u>	No <u>      </u>
Merle C.Otis	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Patrick E. O’Donnell	Yes <u>  <b>X</b>  </u>	No <u>      </u>

Dated: May 9, 2024

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Melissa L. Verne, Town Clerk

**RESOLUTION #8-2024 and ORDER**  
**Public Hearing – Potentially Unsafe Building/Structure**  
**Located at: 27813 US Route 11, Evans Mills, NY 13637**  
**Tax Parcel #: 65.05-1-38**

**WHEREAS**, The Town Board previously adopted Local Law 2 of 2023 (Unsafe Building and Structure Law) in an effort to address buildings and structures that may be dangerous and/or unsafe by reason of damage by fire, the elements, age or general deterioration; and

**WHEREAS**, the Town Board recognizes that vacant building(s) or structure(s) not properly secured also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients; and

**WHEREAS**, the Town’s Enforcement Officer and Engineer have investigated and recommended that the building and/or structure located at: 27813 US Route 11, Evans Mills, NY 13637 and identified as Tax Map No.: 65.05-1-38 is dangerous and/or unsafe and is otherwise in violation of the Unsafe Buildings and Structures Law. A copy of that investigation report is attached and incorporated by reference; and

**WHEREAS**, the Town Board has familiarized itself with this structure and property and has reviewed and considered the report, with certain attached materials, and is prepared to proceed.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, by the Town Board of LeRay:

1. The Town Board concludes that it is likely that the building or structure located 27813 US Route 11, Evans Mills, NY 13637, Tax Map No.: 65.05-1-38 is dangerous and/or unsafe and is in violation of the Unsafe Building and Structure Law
2. The Town’s Enforcement Officer is directed to coordinate efforts with the Town Clerk for the preparation of a Notice of Public Hearing which shall be published, posted (including posting the property), and served upon the persons having legal interests in the subject property in accordance with the Unsafe Buildings and Structures Law.
3. The Public Hearing will be held at 8650 LeRay Street Evans Mills, New York on June 13, 2024 at 4:10 p.m. to determine whether the building(s) and/or structure(s) is dangerous and/or unsafe, and if so, whether the same shall be promptly demolished and removed.
4. This Resolution and Order shall take effect immediately.

The foregoing Resolution and Order was offered by Board Member, **Gracey**, and seconded by Board Member, **O’Donnell**, and upon roll call vote of the Board was duly adopted as follows

Supervisor Leland J. Carpenter	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Michael J. Gracey	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Samuel J. Biondolillo- <b>Absent</b>	Yes <u>      </u>	No <u>      </u>
Merle C.Otis	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Patrick E. O’Donnell	Yes <u>  <b>X</b>  </u>	No <u>      </u>

Dated: May 9, 2024

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Melissa L. Verne, Town Clerk

**RESOLUTION #9-2024 and ORDER**  
**Public Hearing – Potentially Unsafe Building/Structure**  
**Located at: 30429 County Route 46, Evans Mills, NY 13637**  
**Tax Parcel # 55.00-1-1.5**

**WHEREAS**, The Town Board previously adopted Local Law 2 of 2023 (Unsafe Building and Structure Law) in an effort to address buildings and structures that may be dangerous and/or unsafe by reason of damage by fire, the elements, age or general deterioration; and

**WHEREAS**, the Town Board recognizes that vacant building(s) or structure(s) not properly secured also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients; and

**WHEREAS**, the Town’s Enforcement Officer and Engineer have investigated and recommended that the building and/or structure located at: 30429 County Route 46, Evans Mills, NY 13637 and identified as Tax Map No.: 55.00-1-1.5 is dangerous and/or unsafe and is otherwise in violation of the Unsafe Buildings and Structures Law. A copy of that investigation report is attached and incorporated by reference; and

**WHEREAS**, the Town Board has familiarized itself with this structure and property and has reviewed and considered the report, with certain attached materials, and is prepared to proceed.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, by the Town Board of LeRay:

1. The Town Board concludes that it is likely that the building or structure located 30429 County Route 46, Evans Mills, NY 13637, Tax Map No.: 55.00-1-1.5 is dangerous and/or unsafe and is in violation of the Unsafe Building and Structure Law
2. The Town’s Enforcement Officer is directed to coordinate efforts with the Town Clerk for the preparation of a Notice of Public Hearing which shall be published, posted (including posting the property), and served upon the persons having legal interests in the subject property in accordance with the Unsafe Buildings and Structures Law.
3. The Public Hearing will be held at 8650 LeRay Street Evans Mills, New York on June 13, 2024 at 4:10 p.m. to determine whether the building(s) and/or structure(s) is dangerous and/or unsafe, and if so, whether the same shall be promptly demolished and removed
4. This Resolution and Order shall take effect immediately.

The foregoing Resolution and Order was offered by Board Member, **Gracey**, and seconded by Board Member, **O’Donnell**, and upon roll call vote of the Board was duly adopted as follows

Supervisor Leland J. Carpenter	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Michael J. Gracey	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Samuel J. Biondolillo- <b>Absent</b>	Yes <u>      </u>	No <u>      </u>
Merle C.Otis	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Patrick E. O’Donnell	Yes <u>  <b>X</b>  </u>	No <u>      </u>

Dated: May 9, 2024

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Melissa L. Verne, Town Clerk

**Comments from the Floor**

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No comments from the floor.

**Report from DANC – Kenny Kizzer**

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Mr. Kizzer gave his monthly report

**Report from Highway Superintendent – Dan Young**

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A motion was made by Councilman Gracey and seconded by Supervisor Carpenter to accept the letter of resignation from Justin Lagrow effective as of May 9, 2024.

The vote went as follows:			
Ayes:	4	Nays:	0
The motion passed.			

A motion was made by Supervisor Carpenter and seconded by Councilman O'Donnell to accept the quote from Milton for \$105,825.00 and order the new Loader.

The vote went as follows:			
Ayes:	4	Nays:	0
The motion passed.			

**Report from Community Development Coordinator – Jessica Jenack (absent)**

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A report was submitted by Debbie Biondolillo.

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

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Mr. Altieri updated on the water system. Department of health reviewed the water quality of Carey Well and the LeRay II well (Gracey Well). The Gracey Well will not be going online and Carey Well will proceed. Mr. Altieri will get more information on protecting Gracey Well for future use.

A Resolution was reviewed and a roll call vote called, authorizing the acceptance of engineering planning grant project 131217 for wastewater treatment collection and treatment system planning study

**RESOLUTION #10-2024**

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF ENGINEERING PLANNING GRANT PROJECT NUMBER 131217 FOR WASTEWATER TREATMENT COLLECTION AND TREATMENT SYSTEM PLANNING STUDY**

**WHEREAS**, the Town of LeRay seeks to remove inflow and infiltration from the Town sewer collection system to reduce high wet-weather flows, reduce system operation and maintenance costs, and restore capacity for future growth of residential and commercial development; and

**WHEREAS**, the New York State DEC and Environmental Facilities Corporation (EFC) Wastewater Infrastructure Engineering Planning Grant (i.e. EPG) program is as an eligible funding source for this project; and

**WHEREAS**, the Town of LeRay submitted a 2023 New York State Consolidated Funding Application (CFA) to perform an engineering study for a Town municipal wastewater system; and

**WHEREAS**, the Town has been selected to receive up to \$50,000 from the EPG to fund the study for a Town municipal wastewater system.

**WHEREAS**, that the Town authorizes and appropriates a minimum 20% local match as required by the Engineering Planning Grant Program for the Town’s wastewater treatment collection and treatment system study. Under the EPG program, this local match must be at least \$ 10,000. The source of the local match, and any amount in excess of the required match, shall be provided by the Town with either in kind services or Town sewer funds. The maximum local match shall not exceed \$10,000 based upon a total estimated maximum project cost of \$60,000. The Supervisor may increase this local match through the use of in kind services without prior approval from the Town.

**BE IT FURTHER RESOLVED**, that the Supervisor or his assigned designee, is hereby authorized to act as the projects “Authorized Representative”, and to enter into any necessary contracts to administer said grants.

The foregoing Resolution was offered by Board Member, **Gracey**, and seconded by Board Member, **Otis**, and upon roll call vote of the Board was duly adopted as follows:

Supervisor Leland J. Carpenter	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Michael J. Gracey	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Samuel J. Biondolillo- <b>Absent</b>	Yes <u>      </u>	No <u>      </u>
Merle C. Otis	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Patrick E. O’Donnell	Yes <u>  <b>X</b>  </u>	No <u>      </u>

Dated: May 09, 2024

\_\_\_\_\_  
Melissa L. Verne, Town Clerk

A motion was made by Supervisor Carpenter and seconded by Councilman Otis to approve the Developer Agreement with National Grid and have Supervisor Leland Carpenter sign it.

The vote went as follows:			
Ayes:	4	Nays:	0
The motion passed.			

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

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Mr. Shimel reported on projects in process.

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

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Mr. Vargulick discussed with the Board, Sweet Haven Church in Black River. He lowered the assessment and plans to change the status to not exempt as it doesn't seem to have been being used.

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

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	<b>Cash Balances as of April 30, 2024</b>	<b>Current Month Abstract 5</b>
<b>General Fund</b>	\$ 3,947,846.01	\$ 75,642.67
<b>Highway Fund-Town wide</b>	\$ 1,087,501.07	\$ 287,583.87
<b>Highway Fund-Town Outside</b>	\$ 677,002.99	\$ 22,870.76
<b>Expendable Trust</b>	\$ 791.45	\$ 0.00
<b>Consolidated Water District</b>	\$ 2,095,180.25	\$ 29,376.32
<b>Water District # 3</b>	\$ 19,123.72	\$ 30.00
<b>Sewer District # 1</b>	\$ 800,599.93	\$ 119,933.16
<b>Sewer District # 2</b>	\$ 51,803.00	\$ 1,020.96
<b>Sewer District # 3</b>	\$ 57,161.04	\$ 11,338.50
<b>Sewer District # 4</b>	\$ 365,452.71	\$ 8,528.75
<b>Capital Project # 3 (Sewer Dist. 1)</b>	\$ 134,985.08	\$ 0.00
<b>Capital Project # 4W (Water 2 Imp)</b>	\$ 0.00	\$ 0.00
<b>Capital Project # 5 (Highway Fac.)</b>	\$ 0.00	\$ 0.00
<b>Trust &amp; Agency</b>	\$ 59,570.00	\$ 4,520.04

A motion was made by Councilman Gracey and seconded by Councilman Otis that Abstract #5 vouchers 639-758 in the amount of \$560,845.03 be paid from the above accounts.

The vote went as follows:		
Ayes:	4	Nays: 0
The motion passed.		

**Report from James Burrows, Town Attorney**

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Mr. Burrows will forward a local law to the Town for battery storage.

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

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Mr. Toutant reported on the financials for the Town.

A motion was made by Councilman Gracey and seconded by Councilman Otis to accept the proposal from Spectrum to increase the number of phone lines at the Town Office.

The vote went as follows:		
Ayes:	4	Nays: 0
The motion passed.		

A motion was made by Councilman O'Donnell and seconded by Councilman Gracey to accept the quote of \$1,848.19 from Black River Electric to purchase and install a water level alarm system for the Town Office basement.

The vote went as follows:			
Ayes:	4	Nays:	0
The motion passed.			

A motion was made by Councilman O'Donnell and seconded by Councilman Gracey to adjourn this meeting, at 5:50 p.m.

The vote went as follows:			
Ayes:	4	Nays:	0
The motion passed.			

Respectfully given:

*Melissa L. Verne*

Melissa L. Verne, LeRay Town Clerk