

Town of LeRay

Town Board Minutes

December 14, 2023

Call to Order

Proceedings of a Town Board Meeting held at the LeRay Town Municipal Office on December 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- Absent, Lee Shimel – Zoning Enforcement Officer, Dan Young – Highway Superintendent, Mike Altieri – Town Engineer, Kenny Kizzer – DANC, William Vargulick – Town Assessor- Absent

Also in attendance: Mary Smith, Debbie Biondolillo, Merle Otis, Timothy Barber, Amanda Malmin, Deana LaSage, Bob Ingerson, Ken & Sheila Blankenbush, Michael Montigelli and many other members of the community

Approval of Minutes

The minutes from the meeting held on November 2, and November 16, 2023, were reviewed by the Board Members. A motion to approve the minutes as drafted was made by Councilman Carpenter and seconded by Councilman Gracey.

The vote went as follows:

Ayes: 5	Nays: 0
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The motion passed.

Public Hearing scheduled at 4:05 p.m. for Local Law #8 to amend Chapter 158-Zoning uses in an R-1 District

Supervisor Taylor opened the Public Hearing at 4:06 p.m. Supervisor Taylor asked Clerk Verne to read the Public Hearing Notice as published in the Watertown Daily Times on November 30, 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.

The vote went as follows:

Ayes: 5	Nays: 0
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The motion passed.

RESOLUTION #19 OF 2023
Negative Declaration for SEQR (Short Form)
For Amending Chapter 158 of the Town's Zoning 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 Town's Zoning Law; 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 Board finds this action to be a Type 1 as set forth at 6 NYCRR §617.4(b)(2); and

WHEREAS, having considered the action, consisting of the adoption of 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 a Type 1 action under SEQR 617.4(b)(2); 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:

Based upon the examination and consideration of the Short Environmental Assessment Form and comparison of the proposed action and criteria set forth at 6 NYCRR §617.7, no significant impact on the environment is known by the adoption of the proposed legislation.

1. The Supervisor for the Town of LeRay is authorized to execute the Short Environmental Assessment Form parts 2 and 3 to the effect that the Town Board is issuing a "negative declaration" under SEQR.
2. 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.
3. This Resolution shall take effect immediately.

The foregoing Resolution was offered by **Board Member Biondolillo**, and seconded by **Board Member Carpenter**, 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

No

Leland J. Carpenter

Yes

No

Dated: December 14, 2023

Melissa L. Verne, Town Clerk

RESOLUTION #20 OF 2023

Local Law # 8 of 2023

**Amending Chapter 158 of the
Town of LeRay Zoning Law**

WHEREAS, the Town Board of the Town of LeRay, New York is interested in amending the Town of LeRay Zoning Law Chapter 158 -Zoning; and

WHEREAS, the Town Board has evaluated the legislation in light of the State Environmental Quality Review Act (SEQR) and SEQR review has been performed; and

WHEREAS, the Town Board has determined to proceed with legislation to amend the Town of LeRay Zoning Law Chapter 158 – Zoning, uses in R-1 District.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of LeRay, New York that:

1. The Town Board hereby enacts Local Law No. ____ of 2023 and which is intended to amend Chapter 158 of Town of LeRay Zoning Law in respect to uses in the R-1 District.
2. The Supervisor for the Town of LeRay and the Town Clerk for the Town of LeRay, their respective agents and employees are authorized to sign all documents and take all steps necessary to enact the legislation.
3. This resolution shall take effect immediately.

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

Supervisor Ronald C. Taylor

Yes

No

Michael J. Gracey

Yes

No

Samuel J. Biondolillo

Yes

No

John W. Eisenhauer

Yes

No

Leland J. Carpenter

Yes

No

Dated: December 14, 2023

Melissa L. Verne, Town Clerk

Report from the Town Engineer

Mr. Barber reported on well development. Ms. Malmin reported on the DOT options for the Water Extension project on Route 11. Mr. Altieri presented a preliminary list of items to improve the Old Highway Building. Mr. Ingerson discussed the preliminary list with the Board. Heating options were discussed at length for the Highway Garage. The Board decided to hold a meeting at the Highway Garage December 20, 2023 at 9:00am.

A motion was made by Councilman Eisenhauer and seconded by Councilman Carpenter to direct BCA to pursue Alternate Route 4 for the Water Extension Project.

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

Report from Highway Superintendent – Dan Young

Mr. Young gave his monthly report.

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to accept Joseph Brislan’s letter of official retirement as MEO as of January 20, 2024.

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 allow an over hire beginning on January 2, 2024 and ending no later than January 20, 2024.

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

Report from Community Development Coordinator – Jessica Jenack

The Planning Board Chair, Mrs. Biondolillo, reported on behalf of the Planning Department. There are two (2) Developer Agreements to discuss and adopt.

RESOLUTION #21 OF 2023 DEVELOPER AGREEMENT Nickles Hauling, LLC

WHEREAS, the Planning Board for the Town of LeRay, New York will be considering an application under the Town of LeRay’s Zoning Laws as submitted by **Nickles Hauling, LLC** in connection with a project to be located at **26080 Eagle Ridge Road, Evans Mills, NY 13637** (the “Project”); and

WHEREAS, the Project is anticipated to be more complex and require services to be provided by Town Engineers, and/or Town Attorneys (“Professional Services”); and

WHEREAS, Professional Services, in all fairness, should not be absorbed by Town Taxpayers as a whole and the Town Board has the authority to require review fees for such matters (which are reasonably

necessary to accomplish the statutory demands) be paid by the Applicant; and

WHEREAS, the Town Board has reviewed the proposed Developer Agreement and asked Town Engineers and/or Town Attorneys to provide their estimate for the average cost of administering the zoning law in respect to the Project; and

WHEREAS, the Applicant has reviewed and expressed a willingness to accept the proposed Developer Agreement and has executed the same; and

WHEREAS, the Town Board has expressed a desire to accept the proposed Developer Agreement and is prepared to proceed as follows.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of LeRay, NY:

1. The above recitations are incorporated herein and made a part of as if set forth thereafter.
2. The Town Board accepts, and approves, the attached Developer Agreement for the Project as being in the best interest for the Town of LeRay, Town Taxpayers, and the Applicant and approves receipt of the initial deposit set forth therein.
3. The Supervisor for the Town of LeRay is authorized to sign all documents and shall take all steps necessary to support this Resolution and the Town Clerk is authorized to receive the deposit in a separate account and which shall be drawn down against audited bills during the review and/or construction process.
4. This Resolution shall take effect immediately.

The foregoing Resolution was offered by **Board Member Biondolillo**, and seconded by **Board Member Carpenter**, 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: December 14, 2023

**RESOLUTION #22 OF 2023
DEVELOPER AGREEMENT
Wewer Holdings Corp**

WHEREAS, the Planning Board for the Town of LeRay, New York will be considering an application under the Town of LeRay’s Zoning Laws as submitted by **Wewer Holdings Corp** in connection with a project to be located at **the intersection of Waddingham Road (Northern side) and US Route 11** (the “Project”); and

WHEREAS, the Project is anticipated to be more complex and require services to be provided by Town Engineers, and/or Town Attorneys (“Professional Services”); and

WHEREAS, Professional Services, in all fairness, should not be absorbed by Town Tax Payers as a whole and the Town Board has the authority to require review fees for such matters (which are reasonably necessary to accomplish the statutory demands) be paid by the Applicant; and

WHEREAS, the Town Board has reviewed the proposed Developer Agreement and asked Town Engineers and/or Town Attorneys to provide their estimate for the average cost of administering the zoning law in respect to the Project; and

WHEREAS, the Applicant has reviewed and expressed a willingness to accept the proposed Developer Agreement and has executed the same; and

WHEREAS, the Town Board has expressed a desire to accept the proposed Developer Agreement and is prepared to proceed as follows.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of LeRay, NY:

1. The above recitations are incorporated herein and made a part of as if set forth thereafter.
2. The Town Board accepts, and approves, the attached Developer Agreement for the Project as being in the best interest for the Town of LeRay, Town Taxpayers, and the Applicant and approves receipt of the initial deposit set forth therein.
3. The Supervisor for the Town of LeRay is authorized to sign all documents and shall take all steps necessary to support this Resolution and the Town Clerk is authorized to receive the deposit in a separate account and which shall be drawn down against audited bills during the review and/or construction process.
4. This Resolution shall take effect immediately.

The foregoing Resolution was offered by **Board Member Carpenter**, 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: December 14, 2023

Report from the Zoning Enforcement Officer – Lee Shimel

Mr. Shimel gave his monthly report.

Report from DANC – Kenny Kizzer

Mr. Kizzer gave his monthly report.

Report from the Town Clerk – Melissa L. Verne

	Cash Balances as of November 30, 2023		Current Month Abstract 12	
General Fund	\$	4,043,959.03	\$	107,612.94
Highway Fund-Town wide	\$	1,018,740.53	\$	89,297.68
Highway Fund-Town Outside	\$	137,960.85	\$	39,304.63
Expendable Trust	\$	790.07	\$	0.00
Consolidated Water District	\$	1,763,323.56	\$	81,144.61
Water District # 3	\$	16,791.23	\$	19,119.00
Sewer District # 1	\$	600,857.70	\$	3,338.04
Sewer District # 2	\$	80,895.87	\$	66,559.52
Sewer District # 3	\$	25,611.06	\$	14,222.70
Sewer District # 4	\$	285,381.06	\$	379.83
Capital Project # 3 (Sewer Dist. 1)	\$	134,757.75	\$	0.00
Capital Project # 4W (Water 2 Imp)	\$	-2,027.42	\$	0.00
Capital Project # 5 (Highway Fac.)	\$	0.00	\$	0.00
Trust & Agency	\$	7,070.00	\$	4,852.06

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey that Abstract #12 vouchers 1547-1693 in the amount of \$425,831.01 be paid from the above accounts.

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

Approval for Monthly Board Meetings – for the year of 2024

- ❖ January 11, 2024 ❖ February 8, 2024 ❖ March 14, 2024 ❖ April 11, 2024
- ❖ May 9, 2024 ❖ June 13, 2024 ❖ July 11, 2024 ❖ August 8, 2024
- ❖ September 12, 2024 ❖ October 10, 2024 ❖ November 1, 2024 ❖ December 12, 2024

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to approve the meeting date as presented above for the year 2024.

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 Biondolillo and seconded by Councilman Eisenhauer to approve the Financial Resolutions 1-12 below, as modified to modify the 2023 Town Budget.

FINANCIAL RESOLUTIONS--To Modify the 2023 Town Budget

1. Increase revenue account 1120.1 Non-Property Tax Distribution in the amount of \$ 164,627 and increase the following appropriation accounts:
 - 12204.1 Supervisor CE \$ 560
 - 14104.1 Town Clerk CE \$ 9,810
 - 14204.1 Attorney CE \$ 19,988

14404.1 Engineering CE	\$ 17,492
16204.1 Buildings CE	\$116,777

2. Increase revenue account 2401.2 Interest & Earnings in the amount of \$ 2,674 and increase appropriation account 90608.2 Medical Insurance by the same amount.
3. Increase revenue account 2401.3 Interest & Earnings in the amount of \$ 5,015 and increase the following appropriation accounts:

51302.3 Machinery CE	\$3,124
90608.2 Medical Insurance	\$1,891
4. Increase revenue account 2300.4 Transportation Services in the amount of \$ 20,000, 2401.4 Interest & Earnings in the amount of \$ 10,185 and increase the following appropriation accounts:

51101.4 General Repairs PS	\$10,223
51122.4 Permanent Improvements	\$19,962
5. Decrease appropriation account 83204.82 Source Pump CE by \$76,585 and increase the following appropriation accounts:

83401.82 Transmission PS	\$18,974
83404.82 Transmission CE	\$47,340
90308.82 Social Security	\$ 2,000
97107.82 D/S Serial Bond Int	\$ 8,271
6. Increase revenue account 2140.83 Metered Water Sales in the amount of \$6,518 and increase appropriation account 83404.83 Transmission/Distribution CE by the same amount.
7. Authorize the Supervisor to transfer \$200,000 from 200.3 Cash-Highway Fund DA to 233.3.3 Cash-Special Reserve- Highway Equipment.
8. Authorize the Supervisor to transfer \$10,000 from 200.4 Cash-Highway Fund DB to 233.4.4 Cash-Special Reserve- Stormwater Infrastructure.
9. Authorize the Supervisor to transfer \$125,000 from 200.82 Cash-Consolidated Water District to 233.82 Cash-Repair Reserve-Consolidated Water District.
10. Authorize the Supervisor to transfer \$165,000 from 200.91 Cash-Sewer District 1 to 233.91 Cash-Repair Reserve-Sewer District #1.
11. Authorize the Supervisor to transfer \$40,000 from 200.94 Cash-Sewer District 4 to 233.94 Cash-Repair Reserve-Sewer District #4.
12. Authorize the Supervisor to transfer \$600,000 from the General Fund-Townwide into the Highway Facility Capital Project.

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 approve and have Supervisor Taylor sign the Director of Finance MSD-222, description of duties.

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 set a Public Hearing for January 11, 2024 at 4:05 p.m. to hear public comments on a Local Law to set the Water and Sewer rates for 2024.

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 set a Public Hearing for January 11, 2024 at 4:10 p.m. to hear public comments on a Local Law to enable FOIL requests to be submitted electronically.

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

Mr. Burrows reminded the Board that the Town adopted a 6-month Moratorium on battery and solar back in October 2023, that will expire in March 2024 and can be extended if it needs to be. Mr. Burrows spoke on audio/video conferencing. Mr. Burrows also touched on minutes after being asked a question by Councilman Eisenhauer. Mr. Burrows stated the Clerk’s Minutes are not required to be a verbatim account of a meeting, only a summary, to include motions and decisions.

Supervisor Taylor was presented by Assemblyman, Ken Blankenbush with a New York State Assembly Citation for 40 years of Service. Supervisor Taylor was also presented by Jefferson County Legislator, Michael Montigelli with a Certificate of Appreciation for 40 years of Service from the Jefferson County Board of Legislators.

Many members of the Board and Community Members in the audience spoke praise to Supervisor Taylor on his 40 years of service to the Town of LeRay and wished him well on his retirement.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to adjourn this meeting at 5:53 p.m., until December 20, 2023, at 9:00 a.m. at the Town Highway Garage.

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

Respectfully given:
Melissa L. Verne
Melissa L. Verne, LeRay Town Clerk