

Town of LeRay

Town Board Minutes

February 9, 2023

Call to Order

Proceedings of a Town Board Meeting held at the LeRay Town Municipal Office on February 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, followed by a moment of silence for Mr. Joseph Russell.

Open Regular Meeting

Ronald C. Taylor – Supervisor, Melissa L. Verne – Town Clerk, Nathan Toutant – Clerk to Supervisor, Board Members in attendance: Samuel Biondolillo, John Eisenhauer, Michael Gracey-Absent, Lee Carpenter, James Burrows – Town Attorney, 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- Merle Otis and Patrick O'Donnell

Approval of Minutes

The minutes from the meeting held on January 12, 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:	4	Nays:	0
The motion passed.			

Report from Community Development Coordinator – Jessica Jenack

Mrs. Jenack gave her monthly report on projects discussed by the Planning Board. The next Comprehensive Planning Committee meeting will be held March 16th 2023 at 1:00 p.m. and the next MS4 meeting will be held March 16th 2023 at 3:00 p.m at the Village of Black River Offices. Mrs. Jenack discussed the Resolution for LeRay Commons Park.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo that Resolution #1-2023, that the Town of LeRay intends to take over the proposed infrastructure of the LeRay Commons Park off from Route 11 be accepted as amended.

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

RESOLUTION #1-2023

RESOLUTION THAT THE TOWN OF LERAY INTENDS TO TAKE OVER THE PROPOSED INFRASTRUCTURE TO SUPPORT THE CONSTRUCTION OF THE LERAY COMMONS PARK OFF FROM ROUTE 11.

WHEREAS, tax map numbers 64.20-1-43, owned by Lundy Development & Property Management, is proposed to create an 11-lot subdivision for business development.

WHEREAS, the developer plans to install roadways, sanitary sewer, storm sewer and water main throughout the park within the ROW & Easements which is intended to be taking over by the Town once installed with the following conditions completed by the owner:

- The infrastructure will be installed meeting Town specifications and as approved by the Town Engineer.
- The existing transformer at the current traffic light entrance to Freedom Plaza and AutoZone will be relocated to allow the entrance to be re-aligned.
- Freedom Plaza's water service be abandoned under AutoZone and connected to the proposed new water main on the Entry Road.
- Existing Sewer manholes to be connected to the Town sewer and bench walls per Town specifications be installed.

WHEREAS, once construction is complete and infrastructure is inspected and accepted by the Town and Town Engineer, through the proper infrastructure dedication process, the Town will assume ownership and maintenance duties of the following:

- 3,008 +/- feet of roadway
- 2,202 +/- feet of 8" waterline
- 1,342 +/- feet of 8" and 10" sewer main with manholes
- Associated stormwater within ROW/Easements

NOW, THEREFORE, BE IT RESOLVED by the Town of LeRay Town Board that the proposed infrastructure is intended to be taken over by the Town for the above referenced Development following the proper infrastructure dedication process.

Report from the Highway Superintendent – Dan Young

Mr. Young gave his monthly report. Mr. Young presented the Board with car counts for Joachim Road (seasonal road) for September and October 2022. A decision will need to be made to either replace the culvert or close the road completely. Mr. Burrows explained to the Board that the Town is not responsible for mailboxes to be replaced when hit and it is stated so in New York State Highway Law, under section 319. The Board discussed posting a mailbox policy on the website and decided on the example presented to them, no motion required. Mr. Young presented quotes for dumpsters for the transfer site and explained the difference in the 2 quotes.

Mr. Young supports the following Resolutions offered by the Board.

RESOLUTION #2-2023

**Establishing a Capital Reserve Fund to finance a
“Type” of Stormwater Infrastructure**

WHEREAS, the Town Board of the Town of LeRay is vested with the authority and responsibility to plan for construction/reconstruction of its Stormwater Infrastructure; and

WHEREAS, the Town Board of the Town of LeRay is vested with the authority and responsibility to manage and control the finances of the Town and plan for the payment for such infrastructure; and

WHEREAS, Town Board considers establishing a "Type" of Stormwater Infrastructure Reserve Fund to accomplish these legitimate objectives; and

WHEREAS, the Town Board is prepared to proceed.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Pursuant to NY General Municipal Law §6-c a "Type" Capital Reserve Fund to be known as the "Stormwater Infrastructure Reserve Fund" to finance construction/reconstruction of its Stormwater Infrastructure shall be established.
2. The purpose of this reserve fund is to accumulate monies to finance the cost of a "Type" of Capital Improvement, as specified above.
3. The Town Supervisor, as Chief Fiscal Officer, is hereby authorized and directed to deposit funds totaling\$ _____ from the **Highway Outside (DB) assigned or unassigned funds**. Additional amounts may be deposited from time-to-time by approval of the Town Board.
4. The Town Supervisor, as Chief Fiscal Officer, is hereby authorized and directed to deposit and secure the monies of this reserve fund in the manner as provided by NY General Municipal Law §10 and which may be invested in the manner provided by NY General Municipal Law §11 and consistent with the investment policy of the Town of LeRay.
5. Any interest earned, or capital gains realized on all monies deposited or invested in this Stormwater Infrastructure Reserve Fund shall accrue to and become a part of the Reserve Fund.
6. The Chief Fiscal Officer shall account for the Reserve Fund in a manner which maintains a separate identity of the Stormwater Infrastructure Reserve Fund and shows the date and the amount of each sum paid into the fund, interest earned by the Fund, Capital Gains or losses resulting from investments of the Fund, the amount and date of each withdrawal from the fund and the total assets of the Fund, showing cash balances and a schedule of investments and shall, at the end of each fiscal year, render to the Town Board, with the assistance of the Director of Finance, a detailed report of the operation and condition of the Stormwater Infrastructure Reserve Fund.
7. Except as otherwise provided by law, expenditures from the Stormwater Infrastructure Reserve Fund shall be made only for the purpose for which this Fund is established.

No expenditures shall be made from this Reserve Fund without the approval of the Town Board and such additional actions or proceedings as may be required by NY General Municipal Law §6-c including a permissive referendum if required by NY General Municipal Law

§6-c(4) and as the same may be amended from time to time.

8. The Town Supervisor, Town Clerk, and Director of Finance are authorized to take such steps as necessary to accomplish the objectives of this Resolution.
9. This Resolution is contingent upon the consent of the Town Superintendent of Highways and the County Superintendent of Highways.
10. This Resolution shall take effect immediately.

The foregoing Resolution was offered by Councilman Eisenhower and seconded by Councilman 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- ABSENT	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Samuel J. Biondolillo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
John W. Eisenhower	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Leland J. Carpenter	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Dated: February 9, 2023

Melissa L. Verne, Town Clerk

RESOLUTION #3-2023

**Establishing a Capital Reserve Fund to finance a
“Type” of Highway Equipment**

WHEREAS, the Town Board of the Town of LeRay is vested with the authority and responsibility to plan for purchase and/or replacement of its Highway Equipment; and

WHEREAS, the Town Board of the Town of LeRay is vested with the authority and responsibility to manage and control the finances of the Town and plan for the payment for such equipment; and

WHEREAS, Town Board considers establishing a "Type" of Highway Equipment Reserve Fund to accomplish these legitimate objectives; and

WHEREAS, the Town Board is prepared to proceed.

NOW. THEREFORE. BE IT RESOLVED, that:

1. Pursuant to NY General Municipal Law §6-c a "Type" Capital Reserve Fund to be known as the "Highway Equipment Reserve Fund" to pay for apart, or all, of certain Highway Equipment shall be established.
2. The purpose of this reserve fund is to accumulate monies to finance the cost of a "Type" of Capital Improvement, as specified above.
3. The Town Supervisor, as Chief Fiscal Officer, is hereby authorized and directed to deposit funds totaling \$ _____ from the **Highway Townwide (DA) assigned or unassigned funds**. Additional amounts may be deposited from time-to-time by approval of the Town Board.
4. The Town Supervisor, as Chief Fiscal Officer, is hereby authorized and directed to deposit and secure the monies of this reserve fund in the manner as provided by NY General Municipal Law §10 and which may be invested in the manner provided by NY General Municipal Law §11 and consistent with the investment policy of the Town of LeRay.
5. Any interest earned, or capital gains realized on all monies deposited or invested in this Highway Equipment Reserve Fund shall accrue to and become a part of the Reserve Fund.
6. The Chief Fiscal Officer shall account for the Reserve Fund in a manner which maintains a separate identity of the Highway Equipment Reserve Fund and shows the date and the amount of each sum paid into the fund, interest earned by the Fund, Capital Gains or losses resulting from investments of the Fund, the amount and date of each withdrawal from the fund and the total assets of the Fund, showing cash balances and a schedule of investments and shall, at the end of each fiscal year, render to the Town Board, with the assistance of the Director of Finance, a detailed report of the operation and condition of the Highway Equipment Reserve Fund.
7. Except as otherwise provided by law, expenditures from the Highway Equipment

Reserve Fund shall be made only for the purpose for which this Fund is established. No expenditures shall be made from this Reserve Fund without the approval of the Town Board and such additional actions or proceedings as may be required by NY General Municipal Law §6-c including a permissive referendum if required by NY General Municipal Law §6-c(4) and as the same may be amended from time to time.

8. The Town Supervisor, Town Clerk, and Director of Finance are authorized to take such steps as necessary to accomplish the objectives of this Resolution.
9. This Resolution is contingent upon the consent of the Town Superintendent of Highways and the County Superintendent of Highways.
10. This Resolution shall take effect immediately.

The foregoing Resolution was offered by Councilman Eisenhower and seconded by Councilman Biondolillo and upon roll call vote of the Board was duly adopted as follows:

Supervisor Ronald C. Taylor	Yes <u> X </u>	No <u> </u>
Michael J. Gracey - ABSENT	Yes <u> </u>	No <u> </u>
Samuel J. Biondolillo	Yes <u> X </u>	No <u> </u>
John W. Eisenhower	Yes <u> X </u>	No <u> </u>
Leland J. Carpenter	Yes <u> X </u>	No <u> </u>

Dated: February 9, 2023

Melissa L. Verne, Town Clerk

Report from the Zoning Enforcement Officer – Lee Shimel

Mr. Shimel gave his monthly report. Mr. Shimel presented a Certificate of Attendance for Land Use Training.

A motion was made by Councilman Eisenhower and seconded by Councilman Biondolillo to accept and file Lee Shimel’s training certificate.

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

Report from the Town Engineer – Mike Altieri

Mr. Altieri discussed the LeRay II, Water Storage tank and the water levels. Mr. Altieri discussed the LeRay II water interconnect project on Route 342, DOH says the Town may be able to go in the Right of Way, instead of using eminent domain as previously discussed. A variance is being sought for the asbestos abatement for the property the Town purchased on Willow Street in the Village of

Evans Mills. The Town of LeRay was awarded two (2) awards from the American Public Works Association (APWA) for the Highway Garage Project and the LeRay II Water System Improvements Project, being presented on February 15, 2023

A motion was made by Councilman Carpenter and seconded by Councilman Biondolillo to have Supervisor Ronald C. Taylor sign the change order #2 for JE Sheehan, for the LeRay II Water Improvements Project.

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

Report from Town Attorney – James Burrows

The Board reviewed Local Law #2-2023. Mr. Burrows explained to the Board the Unsafe Building and Structures Law and the steps it takes to enforce this law.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to set a Public Hearing for Local Law #2-2023, Unsafe Building and Structures Law, for the March 9, 2023 at 4:05 p.m.

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

Mr. Burrows spoke on Suburban Town Law and explained that the language is very vague. Mr. Burrows has drawn up a Resolution to consider that the Title of Supervisor can still be used interchangeable with Chief Executive Officer.

Mr. Burrows explained how audio/video recording in Town Offices and Court facilities works. The Town has the ability to post signage to prohibit video recording. Councilman Eisenhauer asked if Mr. Burrows could come up with language for signs to post with the distinction that video recording is allowed during an open meeting. The Board will wait to approve the Resolution for video recording until Mr. Burrows comes up with language for a sign. Mr. Burrows explained the Town's authority to change Town speed limit being a Suburban Town.

RESOLUTION #4-2023 RECOGNIZING CHANGE OF TITLE FROM TOWN SUPERVISOR TO TOWN CHIEF EXECUTIVE OFFICER

WHEREAS, the Town Board for the Town of LeRay, New York has recently completed the process to become a Suburban Town as defined by New York Town Law Article 3-A; and

WHEREAS, the Town Board understands that the applicable statutes refer to the Town Supervisor both as Supervisor and as Town Chief Executive Officer; and

WHEREAS, the Town Board would like to clarify that while the official title for the Town Supervisor shall remain “Supervisor”, such title shall be synonymous with Chief Executive Officer; and

WHEREAS, the Town Board has determined that in all matters and for the purposes of all documents requiring signature by the Town Supervisor, the Town Supervisor shall continue to be known as, and sign as, Town Supervisor.

NOW, THEREFORE, on motion duly made and seconded, it is:

RESOLVED, that the Town Supervisor shall be referred to as the Town Supervisor and the Town Board shall take notice of the fact that such title is synonymous with Town Chief Executive Officer (“CEO”) moving forward.

The foregoing Resolution was offered by Councilman Eisenhower and seconded by Councilman Carpenter and upon roll call vote of the Board was duly adopted as follows:

CEO Ronald C. Taylor	Yes <u>X</u>	No _____
Michael J. Gracey -ABSENT	Yes _____	No _____
Samuel J. Biondolillo	Yes <u>X</u>	No _____
John W. Eisenhower	Yes <u>X</u>	No _____
Leland J. Carpenter	Yes <u>X</u>	No _____

Dated: February 9, 2023

Melissa L. Verne, Town Clerk

Report from DANC- Kenny Kizzer

Mr. Kizzer gave his monthly report. He read Water District #1 meters for the Town Clerk. Hyde-Stone installed a new heater at Pharish. There was a water main break on Route 3 on January 28, 2023.

Report from the Assessor – William Vargulick

Mr. Vargulick had a meeting setup for February 24, 2023 at 11:00 a.m. at the Town of LeRay offices with Tug Hill Tomorrow. The Board decided on having two (2) Board members attend, Councilman Eisenhower and Councilman Carpenter. Mr. Vargulick brought to the Board a possible change in next year’s equalization rate.

Report from the Town Clerk – Melissa L. Verne

	Cash Balances as of January 31, 2023		Current Month Abstract 2	
General Fund	\$	4,174,031.86	\$	336,989.92
Highway Fund-Town wide	\$	670,899.76	\$	71,615.51
Highway Fund-Town Outside	\$	558,372.14	\$	65.28
Expendable Trust	\$	788.15	\$	0.00
Consolidated Water District	\$	1,708,286.66	\$	41,898.87
Water District # 3	\$	14,210.76	\$	28.00
Sewer District # 1	\$	576,564.59	\$	104,314.86
Sewer District # 2	\$	22,393.52	\$	2,688.82
Sewer District # 3	\$	67,450.22	\$	152,270.69
Sewer District # 4	\$	255,265.95	\$	7,654.83
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)	\$	134,306.78	\$	0.00
Capital Project # 3A (Sewer Dist. 4)	\$	0.00	\$	0.00
Capital Project # 4W (Water 2 Imp)	\$	0.00	\$	424,790.63
Capital Project # 5 (Highway Fac.)	\$	0.00	\$	0.00
Trust & Agency	\$	21,897.00	\$	614,183.71

A motion was made by Councilman Biondolillo and seconded by Councilman Eisenhauer that Abstract #2 vouchers 167-323 in the amount of \$1,756,501.12 be paid from the above accounts.

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

Clerk Verne reported to the Board that she would be attending a New York State Town Clerks Association (NYSTCA) Regional Education session in Clayton, NY on March 13, 2023, for the day. Clerk Verne requested that she get approval to close the Town Clerk’s office to allow for Deputy Clerk Mary Hebert to join her as well. A notice that the Town Clerk’s office would be closed would be placed on the front door, lobby window and the website.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to close the Town Clerk’s office on March 13, 2023 to allow for both the Town Clerk and Deputy Clerk to go to the NYSTCA Regional Education session.

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

Mr. Terry Zimmer sold his property at 28415 Steinhilber Road and he had a credit of \$87.00 on his water account. Mr. Zimmer would like reimbursement for this amount.

A motion was made by Councilman Biondolillo and seconded by Councilman Eisenhower to reimburse Terry Zimmer the credit on his water account in the amount of \$87.00.

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

A motion was made by Councilman Eisenhower and seconded by Councilman Biondolillo that the combined computer-generated report and detailed statement of Justices Clark and Covell for the year 2022 were presented and examined, the fines and fees collected had been turned over to the proper officials.

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

Report from Nathan Toutant, Clerk to the Supervisor

The position of Water Meter Reader was approved by Jefferson County Human Resources as a non-competitive position.

A motion was made by Councilman Eisenhower and seconded by Councilman Biondolillo to approve and have Supervisor Ronald C. Taylor sign the New Positions Duty Statement, MSD-222 for the Water Meter Reader position.

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

Mr. Toutant will post the Water Meter Reader job position on the website to gather applications.

A proposal was presented by Harris Beach to provide Bond Counsel Services to the Town of LeRay in connection with the New York State Environmental Facilities Corporation.

A motion was made by Councilman Biondolillo and seconded by Councilman Carpenter to approve the Bond Counsel Services with Harris Beach and have Supervisor Ronald C. Taylor sign the agreement.

The vote went as follows:					
Ayes:	3- Carpenter, Taylor, Biondolillo	Nays:	0	Abstain:	1-Eisenhauer
The motion passed.					

A motion was made by Councilman Eisenhower and seconded by Councilman Carpenter to accept the Bid Proposal as presented from Core & Main to upgrade to Automatic Meter Reading (AMI)

and install meters, to be paid with the American Rescue Plan Act (ARPA) Funding, pending their amendment for any two 2-inch meters.

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

Councilman Carpenter had brought up at the previous Board meeting that the Town Offices should be closed for all Federal Holidays, including Martin Luther King Jr Day(MLK), President’s Day and Juneteenth, the three (3) later currently not being recognized currently by the Town. He asked again for the Board to consider closing for those other three (3) Holidays, being that the Town Clerk’s office kept track of the foot traffic on MLK day and only three (3) people came in.

A motion was made by Councilman Carpenter and seconded by Councilman Biondolillo that the Town Offices close for all Federal Holidays going forward.

The vote went as follows:			
Ayes:	3- Carpenter, Eisenhauer, Biondolillo	Nays:	1-Taylor
The motion passed.			

Councilman Carpenter had also brought up at the previous Board meeting about the Town should have an Automated External Defibrillator (AED) machine and he received and presented quotes to the Board. Councilman Carpenter also checked into CPR/AED training from the Evans Mills Ambulance Squad, and they could do that for \$20.00 per person for those interested, it would be a 2-3 hour course.

A motion was made by Councilman Carpenter and seconded by Councilman Biondolillo to purchase two (2) AED machines, one (1) for the Town Offices and one (1) for the Highway Garage in the amount of \$2,582.36.

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

Councilman Carpenter presented quotes from Budget Blinds for black blinds for the lobby windows for the Town Clerk’s office and the Court Clerk’s office. Currently the Court lobby windows are covered with black paper for privacy and Councilman Carpenter presented that these blinds would look better and could also be used when training occurs during a workday and the rest of the building is still open.

A motion was made by Councilman Carpenter and seconded by Councilman Biondolillo to purchase four (4) lobby window black blinds from Budget Blinds in the amount of \$1,271.00.

The vote went as follows:			
Ayes:	3- Carpenter, Eisenhauer, Biondolillo	Nays:	1-Taylor
The motion passed.			

A price quote for three hundred (300) hydrant markers was presented to the Board. These would be the last three hundred (300) needed and all hydrant markers in the Town would now be replaced.

A motion was made by Councilman Biondolillo and seconded by Councilman Eisenhauer to purchase three hundred (300) hydrant markers in the amount of \$7,710.28.

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

A motion was made by Councilman Biondolillo and seconded by Councilman Eisenhauer to go into Executive Session at 6:51 p.m. to discuss ongoing litigation with Eagle Ridge.

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

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to go back into Regular Session at 7:05 p.m.

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

A motion was made by Councilman Eisenhauer and seconded by Councilman Carpenter to accept the settlement offer proposed by Eagle Ridge.

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

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to adjourn the meeting at 7:06 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