

Town of LeRay

Town Board Minutes

May 11, 2023

Call to Order

Proceedings of a Town Board Meeting held at the LeRay Town Municipal Office on May 11, 2023. The meeting was called to order at 4:01 p.m. by Supervisor Taylor who led the room in the Pledge of Allegiance.

Open Regular Meeting

Ronald C. Taylor – Supervisor, Melissa L. Verne – Town Clerk, Nathan Toutant – Clerk to Supervisor, Board Members in attendance: Samuel Biondolillo – Absent, John Eisenhauer, Michael Gracey, Lee Carpenter, James Burrows – Town Attorney, Jessica Jenack – Community Development Coordinator – Absent, Lee Shimel – Zoning Enforcement Officer, William Vargulick – Town Assessor (arrived at 4:29 p.m.), Dan Young – Highway Superintendent, Mike Altieri – Town Engineer, Kenny Kizzer – DANC – Absent

Also in attendance: Merle Otis, Patrick O’ Donnell, Harry Faulk Jr. and Matthew Merritt

Approval of Minutes

The minutes from the meeting held on April 13, 2023, were reviewed by the Board Members. A motion to approve the minutes as drafted was made by Councilman Carpenter and seconded by Councilman Eisenhauer.

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

The minutes from the Special meeting held on May 1, 2023, were reviewed by the Board Members. A motion to approve the minutes as drafted was made by Councilman Carpenter and seconded by Councilman Eisenhauer.

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

Comments from the Floor

Harry Faulk Jr. asked the Board if the Pamela Fire Department could be granted permission to do non-burning training in the home purchased in the Village of Evans Mills. Mr. Altieri advised against it due to asbestos found in the roof. Mr. Altieri will find out if it is possibly by next Board meeting.

Public Hearing scheduled at 4:10 p.m. for Local Law #4 to address Prior Written Notice/ Notification of Defects

Supervisor Taylor opened the Public Hearing at 4:10 p.m. Supervisor Taylor asked Clerk Verne to read the Public Hearing Notice as published in the Watertown Daily Times on April 24, 2023. Supervisor Taylor then asked if there were any comments from the floor. No comments were made.

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

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

RESOLUTION # 9-2023

ENACT LOCAL LAW #4-2023 REQUIRING PRIOR WRITTEN NOTICE / NOTIFICATIONS OF DEFECTS

WHEREAS, the Town Board for the Town of LeRay, New York has devoted considerable time and attention to protecting public roads and finances; and

WHEREAS, the Town Board has determined that requiring prior written notice of defects prior to commencing certain civil claim(s) against the Town is appropriate; and

WHEREAS, pursuant to the New York Environmental Quality Review Act, the proposed legislation is not considered an “action” requiring any environmental review.

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

1. The forgoing recitation is incorporated herein and made a part hereof as if set forth hereafter.
2. The Town Board hereby enacts the Local Law requiring Prior Written Notice/Notifications of Defects as being in the best interests of the Town of LeRay.
3. 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 this legislation.
4. This Legislation shall be filed with the New York State Department of State, and with the Town Clerk of the Town of LeRay.
5. This Resolution shall take effect immediately.

The foregoing Resolution was offered by Board Member, Gracey, 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 - Absent	Yes <input 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: May 11, 2023

Melissa L. Verne, Town Clerk

RESOLUTION # 10-2023

RESTRICTING AUDIO OR VIDEO RECORDING OF EMPLOYEES AND PRIVATE PAPERS WITHIN THE MUNICIPAL BUILDING

WHEREAS, the Town Board for the Town of LeRay, New York is responsible for the control, care, and custody of Town property; and

WHEREAS, the Town Board values the safety of Town employees, has a duty to protect said employees and ensure the workplace is productive and efficient and applicable privacy interests are protected; and

WHEREAS, the Town Board recognizes both the private nature of certain materials located within the Municipal Building and the Town’s responsibility to prevent public viewing/dissemination of such private materials; and

WHEREAS, the Town Board is aware that substantial portions of the Municipal Building also serve as a “Courthouse” for the Town and therefore is subject to the New York Rules of the Chief Judge; and

WHEREAS, the Town Board is aware of certain efforts being taken to audio and/or video record Town employees and documents within the Municipal Building. The Town Board recognizes that such recording is likely to promote the public distribution of private information which the Town is required to protect, and that such recording will likely be unduly disruptive to Town employees so as to impair their ability to carry out the primary purpose of their employment.

NOW, THEREFORE, be it resolved by the Town Board of the Town of LeRay

1. The foregoing recitations are incorporated herein and made a part hereof as if set forth herein.
2. The Town Board shall post signage within the Municipal Building which will serve to restrict audio and/or video recording within the Municipal Building. Such restrictions shall not interfere with the requirements of Open Meetings Law.
3. The Model Rules are attached and shall be posted on the Town’s Bulletin Board and with the filed Town Clerk for reference.

4. The signage is attached and shall be posted on entry doors in a visible location unless otherwise determined by the Town Board.

The foregoing Resolution was offered by **Councilman Eisenhauer**, and seconded by **Councilman Carpenter** 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	Yes <u> X </u>	No <u> </u>
Samuel J. Biondolillo - Absent	Yes <u> </u>	No <u> </u>
John W. Eisenhauer	Yes <u> X </u>	No <u> </u>
Leland J. Carpenter	Yes <u> X </u>	No <u> </u>

Dated: May 11, 2023

Melissa L. Verne, Town Clerk

Report from Highway Superintendent – Dan Young

Mr. Young gave his monthly report on the work the Highway Department completed.

Report from Community Development Coordinator – Jessica Jenack- Absent

Absent no report given.

Report from the Zoning Enforcement Officer – Lee Shimel

Mr. Shimel gave his monthly report.

Report from the Town Engineer – Mike Altieri

Mr. Altieri gave his report on the current projects going on in the Town.

Report from DANC- Kenny Kizzer- Absent

Absent no report given.

Report from the Assessor – William Vargulick (arrived at 4:29 p.m.)

Mr. Vargulick reported that he would be sitting with the Tentative Roll that evening from 6:00pm-8:00pm and again on Saturday, May 13, 2023 from 8:00am-12:00pm. Mr. Vargulick handed out a copy of an email from Tug Hill Tomorrow and a discussion ensued.

Report from the Town Clerk – Melissa L. Verne

	Cash Balances as of April 30, 2023		Current Month Abstract 5	
General Fund	\$	4,264,637.96	\$	32,067.16
Highway Fund-Town wide	\$	638,771.23	\$	6,632.76
Highway Fund-Town Outside	\$	762,784.33	\$	40,757.45
Expendable Trust	\$	788.60	\$	0.00
Consolidated Water District	\$	1,944,455.34	\$	56,263.18
Water District # 3	\$	15,324.17	\$	28.00
Sewer District # 1	\$	550,392.13	\$	124,389.37
Sewer District # 2	\$	45,472.45	\$	180.14
Sewer District # 3	\$	20,996.06	\$	10,739.51
Sewer District # 4	\$	325,160.25	\$	9,269.85
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)	\$	134,444.09	\$	0.00
Capital Project # 3A (Sewer Dist. 4)	\$	0.00	\$	0.00
Capital Project # 4W (Water 2 Imp)	\$	0.00	\$	215,955.13
Capital Project # 5 (Highway Fac.)	\$	0.00	\$	0.00
Trust & Agency	\$	21,897.00	\$	4,446.16

A motion was made by Councilman Gracey and seconded by Councilman Carpenter that Abstract #5 vouchers 651-763 in the amount of \$500,728.71 be paid from the above accounts.

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

A motion was made by Councilman Eisenhower and seconded by Councilman Carpenter to approve the NYSLRS Reporting Resolution as presented for Melissa L. Verne and for the Town Clerk to certify it in 30 days.

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

Report from Town Attorney – James Burrows

Mr. Burrows reported that he has received the report from the Ethics Investigation that has been ongoing and will have a response for the Board by next month's meeting.

Report from Nathan Toutant, Clerk to the Supervisor

Mr. Toutant gave a report on the work that the Water Meter Reader, Steve Marshall has completed this month. Mr. Marshall has replaced 77 meters and repaired 29 meters.

A letter was submitted from the Village of Black River for a proposed water rate increase of 30% for the Towns of Rutland, and LeRay as well as inside the Village. The Board discussed the effect on our rates for Water District 4, nothing was determined on the rates.

Financial Resolutions – To Modify the 2023 Town Budget

1. Increase revenue account 2401.1 General Fund A Interest and Earnings in the amount of \$5,000 and appropriation account 61434.1 General Fund A Food Assistance Program by the same amount.
2. Increase revenue account 3021.1 General Fund A State Aid Court Facility in the amount of \$10,680 and appropriation account 11104.1 General Fund A Justice CE by the same amount.
3. Appropriate \$ 12,182 from 911.01 General Fund A Unappropriated Fund Balance to 16204.1 General Fund A Buildings CE.
4. Transfer appropriation in the amount of \$ 20,324 from account 19904.1 General Fund A Contingency Fund to account 81602.1 General Fund A Transfer Site Equipment.
5. Increase revenue account 2680.3 Highway Fund DA Insurance Recoveries in the amount of \$3,044 and appropriation account 51304.3 Highway Fund DA Machinery CE by the same amount.
6. Increase revenue account 4089.82 Consolidated Water District General Governmental Aid in the amount of \$47,407 and appropriation account 83972.82 Consolidated Water District Water Capital Project by the same amount.

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey to approve the Financial Resolutions to Modify the 2023 Town Budget as presented above.

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 A/C repair quote for the Clerk's office in the amount of \$2,994.64 from Hyde- Stone Mechanical as presented.

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

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey to authorize Nathan Toutant to secure additional bids from Cheney Tire and Number One Speed for comparable equipment and to authorize a purchase not to exceed \$2,653.

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

Councilman Carpenter discussed a letter from the Black River Fire Department for the Black River First Responder 5k run/walk. The Black River Fire Department and Black River Ambulance squad were looking for sponsorship from the Town. Councilman Carpenter made a motion to sponsor \$250.00 to the run/walk and it was not seconded.

A motion was made by Supervisor Taylor and seconded by Councilman Eisenhauer to adjourn the meeting at 5:42 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