

Town of LeRay

Town Board Minutes

September 08, 2022

Call to Order

Proceedings of a Town Board Meeting held at the LeRay Town Municipal Office on September 08, 2022. 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

Ronald C. Taylor – Supervisor, Melissa L. Verne – Town Clerk, Nathan Toutant – Clerk to Supervisor, Board Members in attendance: Samuel Biondolillo, John Eisenhauer, Michael Gracey, Lee Carpenter, Joseph Russell – Town Attorney, Jessica Jenack – Community Development Coordinator, Lee Shimel – Zoning Enforcement Officer, William Vargulick – Town Assessor, Dan Young – Highway Superintendent, Mike Altieri – Town Engineer, Steve Marshall & Kenny Kizzer, – DANC. Additionally present – Ian Gilbert and Mary Smith

Approval of Minutes

The minutes from the meeting held on August 11, 2022, 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:	5	Nays: 0
The motion passed.		

Comments from the Floor

Attorney Ian Gilbert introduced himself to the Town Board and presented a letter of his scope of work to be performed. Mr. Gilbert requested that the Board approve his draft plan of action and once he conducts his interviews, a preliminary report would be submitted to the Board.

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey to accept Attorney Ian Gilbert's scope of work as outlined in his letter.

The vote went as follows:	
Ayes:	4 – Eisenhauer, Gracey, Biondolillo, Carpenter
Nays:	0
Abstained:	1 – Taylor
The motion passed.	

Ian Gilbert's letter is entered into the Town Clerk's minutes below.



IAN W. GILBERT
ATTORNEY AT LAW

July 20,
2022

Nathan Toutant
Clerk to the LeRay Town Board
VIA EMAIL

Matter Number: 00066-Town of LeRay: Independent Investigation
RE: Initial Report: scope of representation and plan for work

Dear Mr. Toutant and Members of the Town of LeRay Board,

As you are aware, I have been retained by the Town of LeRay to conduct the internal investigation stemming from allegations raised in the March 15, 2022 Jefferson County Board of Ethics Report. The purpose of this letter is to inform the Town as to how this investigation will be conducted and over what timeframe.

Scope of Representation

It must be stated from the outset that rendering legal advice to the Town is the primary purpose of this investigation. My report will include measures that can be taken to avoid potential legal problems in the future. As special counsel, my obligation is to serve the Town of LeRay within the scope of services I am providing. Like any municipal attorney, whether permanent or temporary, I serve at the pleasure of the board. Because the report will be for the purpose of rendering legal advice, it should be considered attorney work product protected under attorney-client privilege. Likewise, discussions that we have in meetings or in writing, are also confidential as far as outside parties are concerned. The Town may decide to waive privilege, which is their prerogative, either intentionally or unintentionally if the communications end up being disclosed too broadly.

However, individual staff, including board members and other elected officials, should not regard me as their personal attorney. While I maintain confidentiality with the Town, I do not maintain confidentiality with any individual persons. I will disclose to the Town Board all findings in my final report which

are relevant to the investigation. This would include any recommendations I make regarding possible disciplinary action and may address problems that are uncovered in the scope of the investigation but were not previously known. Individuals are advised to seek out their own private legal counsel if they have questions or concerns of a legal nature. I do not have or seek the legal authority to subpoena witnesses or hold people in contempt if they refuse to cooperate, but I will note in my report any individuals who decline to fully participate in the investigation.

Work to be Performed

Nathan Toutant has provided me with contacts for the various town officials, as well as the information from the May 13 board meeting. This includes the referral to the county board of ethics and the names of all personnel who have firsthand knowledge of the allegations. It also includes names of personnel who are believed to have observed or otherwise have knowledge of any or all of the allegations.

Once I receive the green-light from the board to proceed with this proposed plan of action, I will reach out to the people with first-hand information for one-on-one interviews. From there, I will reach out to the other witnesses, possibly by written letter or email in the interest of expediency, with lists of questions for them to answer. These findings may result in more interviews and requests for documents.

I am requesting that the board approve this draft plan of action at the August board meeting. I will then conduct my initial interviews in the month of August and be prepared to submit a preliminary report for the September board meeting.

If at any time board members have questions, I would ask that they be sent to me through Mr. Toutant. Thank you all again for the opportunity to be of service to the Town of LeRay.

Very truly yours,



Ian W. Gilbert

draft

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Councilman Carpenter brought to the attention of the Board that the Town of Watertown had requested a letter of support for the Proposed Thousand Islands Event Center project at the July Board meeting. At the time, two (2) Board Members were in favor, one (1) Board Member was not in favor, and two (2) abstained. Councilman Carpenter asked to revisit this motion.

A motion was made by Councilman Carpenter and seconded by Supervisor Taylor to write a letter of support for the proposed Thousand Islands Event Center.

The vote went as follows:	
Ayes:	4- Taylor, Carpenter, Gracey, Biondolillo
Nays:	1-Eisenhauer
Abstained:	0
The motion passed.	

Jerica and Carson from TextMyGov joined virtually to present their program, stating that the program was essentially a smart texting program to communicate with residents of the Town. They discussed how it would work and allowed the Board to ask questions.

Report from Jessica Jenack, Community Development Coordinator

Mrs. Jenack gave her monthly report. The Planning Board would meet that evening and had five (5) Public Hearings scheduled for subdivision applications. Additionally, Camp Clark was on their agenda for a Site Plan Modification.

Lastly, Mrs. Jenack reported that the Comprehensive Planning meeting would be held on September 19, 2022 at 1:00 p.m. and there was a MS4 meeting that month as well.

Report from Dan Young, Highway Superintendent

Mr. Young gave his monthly report on work the Highway Department had accomplished. Mr. Young stated that the County would conduct a traffic count on Joachim Road if requested. Mr. Young presented a proposal to switch to split shifts for the winter months with one (1) man per plow instead of two (2), with additional shift differential pay.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to propose the shift differential of \$2,500.00 per employee to the union with a reply by the next month's meeting.

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

Report from Mike Altieri, Town Engineer

Mr. Altieri updated the Board on the LeRay II Water Tower Project. Test drills were done for Carey Well and test drills were planned for NorthStar. Mr. Altieri reported that the Water District #3 design was progressing and the target construction would be next spring/summer. Lastly, the new Highway garage was being finalized.

Report from Steve Marshall, DANC

Mr. Marshall gave his monthly report. Twelve (12) meters needed to be replaced and the clutch for Casey pump had been ordered and would arrive in approximately 4-6 weeks. Mr. Marshall ordered twenty-four (24) new meters and twenty (20) MXU's to have on hand.

Mr. Marshall stated that Sewer District 1, 2 & 4 had all been inspected and that Woodcreek and Farish pumps kept clogging and would need the rail systems repaired or replaced. Mr. Marshall stated that Water District #1 needed to be updated as the meters were over twenty (20) years old.

Report from Lee Shimel, Zoning Enforcement Office

Mr. Shimel gave his monthly report. Classy Chassy Car Wash planned to have their carwash running by late fall and had picked up their water/sewer application. Steve Marshall would get prices on a meter for their water/sewer application and get the meter ordered. Lastly, Mr. Shimel stated that the Zoning Board of Appeals would meet on September 14, 2022 at 6:30 p.m.

Report from William Vargulick, Town Assessor

Mr. Vargulick presented a letter to the Board that Karen Sherwood, a BAR (Board Assessment Review) member is resigning, and they would need a new member. Mr. Vargulick stated that he has been working on corrections on assessments.

Report from Melissa L. Verne, Town Clerk

	Cash Balances as of August 31, 2022		Current Month Abstract 9	
General Fund	\$	3,641,170.15	\$	60,939.37
Highway Fund-Town wide	\$	813,704.74	\$	4,271.31
Highway Fund-Town Outside	\$	475,531.00	\$	37,563.87
Expendable Trust	\$	787.43	\$	0.00
Consolidated Water District	\$	1,801,309.28	\$	37,195.72
Water District # 3	\$	14,093.96	\$	13,603.00
Sewer District # 1	\$	290,780.11	\$	826.47
Sewer District # 2	\$	63,464.74	\$	205.14
Sewer District # 3	\$	27,551.73	\$	9,925.38
Sewer District # 4	\$	310,293.06	\$	0.00
Capital Project # 1 (Taylor Rd)	\$	11,314.20	\$	1,472.48
Capital Project # 2 (Water Dist. 4)	\$	0.00	\$	0.00
Capital Project # 3 (Sewer Dist. 1)	\$	119,146.29	\$	0.00
Capital Project # 3A (Sewer Dist. 4)	\$	0.00	\$	0.00
Capital Project # 4W (Water 2 Imp)	\$	-3,679.38	\$	0.00
Capital Project # 5 (Highway Fac.)	\$	0.34	\$	43,226.49
Trust & Agency	\$	21,897.00	\$	9,520.52

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey that Abstract # 9, vouchers 1189-1298 in the amount of \$218,749.75 be paid from the above accounts.

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

Clerk Verne informed the Board that she would be at the Jefferson County Building on September 28, 2022 for training on the new tax software program.

Clerk Verne updated the Board on the Edmunds online bill pay for the water/sewer program; a checking account was being set up to accept the payments as the program could not connect to the current savings account. Once Edmunds received that information, Clerk Verne said they would know the next steps.

Report from Nathan Toutant, Clerk to the Supervisor

A motion was made by Councilman Eisenhauer and seconded by Councilman Carpenter to designate Supervisor Ronald C. Taylor as the Fair Housing Officer as required for the CDBG Local Administrative Plan.

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

A motion was made by Councilman Gracey and seconded by Councilman Biondolillo to designate Nathan Toutant as the Fair Labor Compliance Officer as required for the CDBG Local Administrative Plan.

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

A motion was made by Councilman Eisenhauer and seconded by Councilman Gracey to have Supervisor Ronald C. Taylor to present the easement to Mr. Lewis, of LeRay 300 LLC, as written.

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

A motion was made by Councilman Eisenhauer and seconded by Councilman Carpenter to approve the letters of support on behalf of the SPCA and DANC as written, and the letter on behalf of Re Energy as modified.

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

A motion was made by Councilman Eisenhauer and seconded by Councilman Carpenter to pass the financial resolutions to modify the 2022 Town Budget as follows:

1. Appropriate \$43,227 from 911.01 Unappropriated Fund Balance to 99509.1 Transfer to Capital Projects.

2. Authorize the Supervisor to transfer \$43,227 from 99509.1 Transfer to Capital Projects into Highway Facility Capital Project Fund 5031.58 Interfund Transfer
3. Transfer appropriation in the amount of \$61 from account 19904.1 Contingency Fund to 19504.1 Taxes on Municipal Property CE.

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

It was brought to the attention of the Board that Clerk Verne had been going through the EDU (Equivalent Dwelling Unit) count for the water and sewer districts and had found a few discrepancies between districts. Some parcels had a 0.5 EDU for vacant land while others did not. The Board requested that Clerk Verne gave 0.5 EDU to all vacant lots in a water/sewer district that currently did not have one, and the Board would soon revisit the Town's Water Use Law to address the issue further.

The Board agreed upon a Budget Work Session for October 5, 2022 at 5:00 p.m. A public notice was put in the paper and on the website.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo to set a Public Hearing for October 13, 2022, at 4:05 p.m., to consider a local law to override the Property Tax Cap for the upcoming fiscal year.

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

A motion was made by Councilman Biondolillo and seconded by Councilman Eisenhauer to adjourn the meeting at 7:03 p.m.

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

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