

Town of LeRay

Town Board Minutes

June 8, 2023

Call to Order

Proceedings of a Town Board Meeting held at the LeRay Town Municipal Office on June 8, 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

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 – Absent, Lee Shimel – Zoning Enforcement Officer, William Vargulick – Town Assessor – Absent , Dan Young – Highway Superintendent, Mike Altieri – Town Engineer, Kenny Kizzer – DANC Also in attendance: Deborah Biondolillo, Brian Nutting, Patrick O’ Donnell and Harry Faulk Jr.

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.			

Comments from the Floor

Brian Nutting, Division Director of Water quality at DANC presented information to prepare an application for an Engineering Planning Grant (EPG). Mr. Nutting has reached out to Towns and Villages who are in the Route 3 Sewer District to prepare the application at no additional cost. If the Board is in favor the Board would adopt a Resolution.

Harry Faulk Jr. had came before the Board at the May 2023 meeting requesting permission to do non-burning training in the home the Town purchased in the Village of Evans Mills. Mr. Altieri checked into the request and was given the ok to do so. Mr. Burrows weighed in on the Fire Department needing additional coverage to protect the Town from any liability. Mr. Faulk rescinded his request to use the property for training.

RESOLUTION #11-2023

**IN SUPPORT OF A
NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION
WASTEWATER INFRASTRUCTURE ENGINEERING PLANNING GRANT
APPLICATION
FOR THE TOWN OF LERAY INFLOW AND INFILTRATION PROJECT**

WHEREAS, a notice of funding availability from the 2023 New York State Environmental Facilities Corporation Wastewater Infrastructure Engineering Planning Grant program was announced with a total of \$3,000,000 available to help municipalities complete a Preliminary Engineering Report for future funding to correct wastewater infrastructure deficiencies; and

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, grant funding from the New York State Environmental Facilities Corporation Wastewater Infrastructure Engineering Planning Grant program would greatly assist the Town in contracting an engineering firm to prepare a Preliminary Engineering Report that identifies the scope of needed improvements, total estimated project cost, and a schedule to complete the work; and

WHEREAS, the Town of LeRay Town Board fully supports a proposed funding application.

NOW, THEREFORE, BE IT:

RESOLVED that the Town Supervisor is hereby authorized and directed to file an application for \$50,000 in grant funds from the New York State Environmental Facilities Corporation Wastewater Infrastructure Planning Grant Program to minimize planning costs to the Town of LeRay Sewer District customers; and

BE IT FURTHER RESOLVED that the Town of LeRay Town Board authorizes and obligates the sum of \$10,000 to provide the required 20-percent local match funds to secure the State grant; and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized to serve as the Town's representative to execute all documents and agreements associated with the funding upon award.

A motion was made by Councilman Eisenhauer and seconded by Councilman Carpenter to adopt Resolution #11-2023 as presented above.

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

Report from Highway Superintendent – Dan Young

Mr. Young gave his monthly report on the work the Highway Department completed. Mr. Young asked the Board if Retired Highway worker Patrick Hebert could be asked to work a day or two each week as he is still on the books for subbing last year. The Board approved Mr. Young's request. It was brought to the attention of a Board member that there was no communication of when roads are being worked on. Mr. Young agreed that it should be put out to residents somehow. A Request for Proposal (RFP) will be drawn up to get bids on a program to get information, such as road work, out promptly to residents.

Report from Community Development Coordinator – Jessica Jenack- Absent

Mrs. Biondolillo gave the report for the Planning Board in the absence of Mrs. Jenack. Mr. Burrows explained the Resolution for Decommissioning Bond and what it does for the Town when working with Solar projects. The Resolution was tabled for Mrs. Jenack to review before approval. Mr. Lundy has not yet signed a Developer Agreement for his project, Mrs. Biondolillo said a letter will be drawn up and sent to him.

Report from the Zoning Enforcement Officer – Lee Shimel

Mr. Shimel started his report with the property at 27609 NYS Route 3, Mr. Burrows sent a letter to the bank, as did Mr. Shimel giving them until June 20th 2023. Thomas Boxberger, Local Health Officer for the Town visited the property and submitted a report of his findings. Mr. Boxberger made the determination that Public Health Hazards do exist on the property. Mr. Shimel has had several calls from residents around the property. Mr. Shimel is asking the Board if they want to deem this property a Health Emergency. Mr. Burrows explained to the Board what the Town code says and what legal powers the Town Board may act on.

A motion was made by Councilman Eisenhauer and seconded by Councilman Biondolillo based upon reports from community members, personal observations of members of the Town Board along with the inspection and advice of the Town's Public Health Officer, a finding of a Public Health Hazard at 27609 NYS Route 3 that constitutes an emergency condition, the emergency to be abated and the Town will solicit a Request for Proposal (RFP) for an abatement of the Health Emergency and there will be a full accounting of the cost and any cost would be liened against the property.

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

Mr. Burrows reiterated that #1) The Town Board members have, to whatever extent that they deemed necessary, familiarized themselves with the property. #2) They may have received complaints and concerns expressed by citizens. #3) The zoning officer has inspected the property multiple times, multiple efforts have been made to persons having interest in the property, that also includes the Town's Health Officer having inspected the property and as of Tuesday June 6, 2023 it was determined to be a public health hazard. The Town Board, in the exercise of its police powers

to protect the health, safety and welfare of its citizens, has declared this to be an emergency and is taking immediate steps to abate that emergency. And in so doing with our Highway Department or with an outside third party and all costs will be liened against the property.

Report from the Town Engineer – Mike Altieri

Mr. Altieri reported on a complaint from Wendy’s and an issue with their irrigation system. Mr. Altieri explained how it was damaged but repaired. The current issue they are experiencing is a fault of their landscaper and they will fix that. Any water loss will not be credited as it was not the Town’s liability. Mr. Altieri has not heard any more on the dewatering change order from J.E. Sheehan. Well development in portions of the Town have continued.

Report from DANC- Kenny Kizzer

Mr. Kizzer gave his monthly report.

Report from the Assessor – William Vargulick – Absent

Supervisor Taylor read a report from Mr. Vargulick. Mr. Vargulick’s report stated that the equalization rate for 2023 will be 94%. Grievance day went smoothly, with just a few who came, Tug Hill Tomorrow, a Commercial office on Fabco Road and GCR Capital, a mobile home park in Black River.

Report from the Town Clerk – Melissa L. Verne

	Cash Balances as of May 31, 2023		Current Month Abstract 6	
General Fund	\$	4,207,821.18	\$	66,939.25
Highway Fund-Town wide	\$	633,184.31	\$	11,109.93
Highway Fund-Town Outside	\$	686,625.43	\$	89,181.71
Expendable Trust	\$	788.82	\$	0.00
Consolidated Water District	\$	1,951,241.63	\$	20,561.08
Water District # 3	\$	15,338.93	\$	26,777.00
Sewer District # 1	\$	551,424.96	\$	3,048.79
Sewer District # 2	\$	45,341.21	\$	973.84
Sewer District # 3	\$	25,640.50	\$	12,637.38
Sewer District # 4	\$	325,326.41	\$	725.91
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)	\$	134,491.83	\$	0.00
Capital Project # 3A (Sewer Dist. 4)	\$	0.00	\$	0.00
Capital Project # 4W (Water 2 Imp)	\$	-2,027.42	\$	0.00
Capital Project # 5 (Highway Fac.)	\$	0.00	\$	0.00
Trust & Agency	\$	21,897.00	\$	4,453.02

A motion was made by Councilman Biondolillo and seconded by Councilman Eisenhauer that Abstract #6 vouchers 764-883 in the amount of \$236,407.91 be paid from the above accounts.

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

A letter and Resolution from the Town of Huntington regarding the Voter Identification process was presented. The Resolution was discussed. Councilman Eisenhower stated he sent an email to Jefferson Board of Elections to see if there is a need for such legislation.

Stephanie Marnell with the Friends of Evans Mills/ Evans Mills Centennial reached out to see if the Town of LeRay would like to purchase one of their Business Flags for \$55.00.

A motion was made by Councilman Biondolillo and seconded by Councilman Eisenhower to purchase a flag for the Town of LeRay from the Friends of Evans Mills for \$55.00.

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

Report from Nathan Toutant, Clerk to the Supervisor

A motion was made by Councilman Eisenhower and seconded by Councilman Carpenter to accept Amendment Number 1 to Operations and Maintenance Service Agreement between the Town of LeRay and DANC.

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

A motion was made by Councilman Eisenhower and seconded by Councilman Biondolillo pursuant to section 64-1A of NYS Town Law, to increase the petty cash amount from \$200 to \$1000, allocating \$500 each to the Town Justice and Town Clerk.

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

A motion was made by Councilman Eisenhower and seconded by Councilman Biondolillo to approve Kendall, Walton and Burrows for Bond Council.

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

A motion was made by Councilman Eisenhower and seconded by Councilman Biondolillo to approve the credit card policy as amended.

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

A motion was made by Councilman Eisenhower and seconded by Councilman Biondolillo to approve the remote work policy as presented.

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

A motion was made by Councilman Biondolillo and seconded by Councilman Carpenter to go into Executive Session at 6:07 p.m. to get advice from Legal Counsel.

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

A motion was made by Councilman Eisenhower and seconded by Councilman Biondolillo to go back into regular session at 6:33 p.m.

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

A motion was made by Supervisor Taylor and seconded by Councilman Eisenhower to adjourn this meeting at 6:46 p.m. until June 21st, 2023, at 4:00 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