

# Town of LeRay

## Town Board Minutes

September 19, 2024

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### Call to Order

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Proceedings of a Town Board Meeting held at the LeRay Town Municipal Office on September 19, 2024, this meeting was a rescheduled meeting from September 12, 2024. The meeting was called to order at 4:00 p.m. by Supervisor Carpenter who led the room in the Pledge of Allegiance.

### Open Regular Meeting

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Leland J. Carpenter – Supervisor, Melissa L. Verne – Town Clerk, Nathan Toutant – Clerk to Supervisor, Board Members in attendance: Samuel Biondolillo, Michael Gracey, Merle Otis, Patrick O'Donnell, James Burrows – Town Attorney, Jessica Jenack – Community Development Coordinator – Absent , Lee Shimel – Zoning Enforcement Officer, William Vargulick – Town Assessor, Dan Young – Highway Superintendent, Michael Altieri – Town Engineer, Kenny Kizzer – DANC  
Additionally present – Debbie Biondolillo and Ethan Corp

### Approval of Minutes

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The minutes from the meeting held on August 8, 15 and 29 2024, were reviewed by the Board Members. A motion to approve the minutes as drafted was made by Councilman Biondolillo and seconded by Councilman O'Donnell.

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

### Comments from the Floor

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The board listened to comments from a resident, Mr. Ethan Corp of Alverson Road regarding lack of signs on this dead-end road. Mr. Corp would like a dead-end road sign, a hidden driveway sign and a speed limit sign.

### Report from Highway Superintendent – Dan Young

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Mr. Young reported on work done the past month.

### Report from Assessor – William Vargulick

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Mr. Vargulick discussed talking with Deb Sullivan on Splash Carwash. He explained that Tughill Tomorrow has signed a discontinuance of all litigation, they have agreed to submit a driveway, sign and parking lot permit. Once their plan is received Lee Shimel can sign a zoning permit. Once all the above is done, Mr. Vargulick will then be allowed to sign their exemption application prior to March 1, 2025, exempting 4 of their parcels, leaving 5 parcels on the roll in 2025.

The Town Board was presented with 3 Resolutions regarding MS4.

**RESOLUTION #17 OF 2024  
ENFORCEMENT RESPONSE PLAN**

**WHEREAS**, the Town of LeRay is automatically designated as a regulated Municipal Separate Storm Sewer System (“MS4”) based upon population density and the Town’s proximity to an urbanized area; and

**WHEREAS**, the Town Board previously adopted Local Law 2 of 2017 to establish minimum storm water management requirements and controls to protect and safeguard the general health, safety and welfare of the public; and

**WHEREAS**, the Town Board previously adopted Local Law 3 of 2017 to prohibit illicit discharges and connections to separate storm sewer systems to the maximum extent practicable as required by Federal and State law; and

**WHEREAS**, in conformance with MS4 protocols, the Town Board is obligated to adopt an appropriate Enforcement Response Plan in an effort to ensure compliance with the Town’s Stormwater Management Program Plan and which is intended to provide guidance to Town personnel when determining appropriate enforcement actions; and

**WHEREAS**, the Town Board has received, reviewed, and edited a proposed Enforcement Response Plan, a copy of which is attached as **Exhibit “A”** and approves of the same and desires to utilize that Enforcement Response Plan.

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

1. The foregoing recitations are incorporated herein and made a part hereof as if set forth therein.
2. The Enforcement Response Plan attached as Exhibit “A” is hereby approved and adopted by the Town Board of LeRay.
3. The Supervisor for the Town of LeRay, the Town Clerk, and their respective agents and/or employees are hereby authorized to sign all documents and shall take all steps necessary to enact and bring fully force and effect to this Resolution and the Enforcement Response Plan.
4. This Resolution shall take effect immediately.

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

Supervisor Leland J. Carpenter	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Michael J. Gracey	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Samuel J. Biondolillo	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Merle Otis	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Patrick O’Donnell	Yes <u>  <b>X</b>  </u>	No <u>      </u>

Dated: September 19, 2024

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Melissa L. Verne, Town Clerk

**RESOLUTION #18 OF 2024  
STANDARD OPERATING PROCEDURES FOR  
STREET SWEEPING AS AN MS4**

**WHEREAS**, the Town of LeRay is required to prepare and adopt a Standard Operating Procedures for Street Sweeping as an MS4; and

**WHEREAS**, the Town Board has received, and reviewed the proposed Standard Operating Procedures which have been prepared, updated, and recommended by the Town of LeRay Highway Superintendent and the Town’s Stormwater Management Officer and is prepared to proceed.

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

2. The foregoing recitations are incorporated herein and made a part hereof as if set forth therein.

2. The Standard Operating Procedures is attached as **Exhibit “A”** is hereby approved and adopted by the Town Board of LeRay.

3. The Supervisor for the Town of LeRay, the Highway Superintendent, the Town Clerk, and their respective agents and/or employees are hereby authorized to sign all documents and shall take all steps necessary to enact and bring fully force and effect to this Resolution and the Standard Operating Procedures.

4. This Resolution shall take effect immediately.

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

Supervisor Leland J. Carpenter	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Michael J. Gracey	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Samuel J. Biondolillo	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Merle Otis	Yes <u>  <b>X</b>  </u>	No <u>      </u>
Patrick O’Donnell	Yes <u>  <b>X</b>  </u>	No <u>      </u>

Dated: September 19, 2024

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Melissa L. Verne, Town Clerk

**RESOLUTION #19 OF 2024**

**ADMINISTERING AND ENFORCING THE TOWN MUNICIPAL SEPARATE STORM SEWER SYSTEM (“MS4”)**

**WHEREAS**, the Town Board previously adopted Local Law 2 of 2017 to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety and welfare; and

**WHEREAS**, the Town Board previously adopted Local Law 3 of 2017 to prohibit illicit discharges and connections to Separate Storm Sewer Systems to the maximum extent practicable as required by Federal and State Law; and

**WHEREAS**, Local Laws 2 and 3 of 2017 are administered and/or enforced by a Stormwater Management Officer designated by the Town to accept and review Stormwater Pollution Prevention Plans, perform inspections and to otherwise enforce these laws; and

**WHEREAS**, certain aspects of Local Law 2 and 3 of 2017 and/or the Enforcement Response Plan and/or the Standard Operating Procedures require the time and attention of the Town’s Community Development Coordinator to serve as a designated MS4 Stormwater Coordinator; and

**WHEREAS**, in order to avoid any uncertainty and to ensure a smooth and efficient operation of the Town’s MS4 efforts, the Town Board considers the Town’s Community Development Coordinator to serve as the Stormwater Coordinator as a designee of the Stormwater Management Officer and to similarly possess the authority and responsibilities necessary to administer and enforce all aspects of the Town’s MS4 as may be reasonably required.

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

3. The foregoing recitations are incorporated herein and made a part hereof as if set forth therein.
2. The Town’s Community Development Coordinator shall serve as an MS4 Stormwater Coordinator and as a designee of the Town’s Stormwater Management Officer for purposes of Municipal Separate Storm Sewer System (MS4).
3. This Resolution shall take effect immediately.

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

Supervisor Leland J. Carpenter	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"/>
Merle Otis	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Patrick O’Donnell	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Dated: September 19, 2024

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Melissa L. Verne, Town Clerk

### Report from the Town Engineer – Mike Altieri

Mr. Altieri discussed with the Board the letter from the Department of Health regarding Carey Well. The Carey Well must remain off-line for now and the Town must continue to test it quarterly, if it was ever needed in an emergency. The proposed well at the LeRay Tower II will also not be approved at this time. The Old Highway garage project is going well.

A motion was made by Councilman Gracey and seconded by Councilman Otis to have Supervisor Carpenter sign the Arnold Construction Company, Inc proposal.

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

### Report from the Zoning Enforcement Officer – Lee Shimel

Mr. Shimel spoke on Jessie’s Pet Spa, which has no original site plan approval for original plans. A zoning permit was approved for Tughill Tomorrow parking lot. Mr. Burrows will prepare the SEQR for the unsafe building on County Route 46, to begin the process to bid out the demolition of the property.

### Report from DANC – Kenny Kizzer

Mr. Kizzer gave his monthly report. Water Districts 2, 3 & 4 have had hydrants flushed and Water District 1 will be done soon.

### Report from the Town Clerk – Melissa L. Verne

	Cash Balances as of August 31, 2024		Current Month Abstract 9	
<b>General Fund</b>	\$	3,847,746.17	\$	59,330.68
<b>Highway Fund-Town wide</b>	\$	1,162,066.22	\$	17,004.62
<b>Highway Fund-Town Outside</b>	\$	421,074.27	\$	46,441.43
<b>Expendable Trust</b>	\$	792.24	\$	0.00
<b>Consolidated Water District</b>	\$	2,071,984.43	\$	67,874.85
<b>Water District # 3</b>	\$	17,726.09	\$	14,082.25
<b>Sewer District # 1</b>	\$	745,061.99	\$	3,613.53
<b>Sewer District # 2</b>	\$	70,806.83	\$	1,849.00
<b>Sewer District # 3</b>	\$	26,055.10	\$	13,078.25
<b>Sewer District # 4</b>	\$	379,872.22	\$	379.83
<b>Capital Project # 3 (Sewer Dist. 1)</b>	\$	135,167.15	\$	0.00
<b>Capital Project # 4W (Water 2 Imp)</b>	\$	0.00	\$	0.00
<b>Capital Project # 5 (Highway Fac.)</b>	\$	0.00	\$	0.00
<b>Trust &amp; Agency</b>	\$	81,070.00	\$	5,559.59

A motion was made by Supervisor Carpenter and seconded by Councilman Biondolillo that Abstract #9 vouchers 1126-1261 in the amount of \$229,214.03 be paid from the above accounts.

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

**Report from Clerk to the Supervisor/Director of Finance – Nathan Toutant**

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A motion was made by Councilman Biondolillo and seconded by Councilman O'Donnell to set the Budget Work session for October 7, 2024 at 12:00 p.m.

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

A motion was made by Councilman Biondolillo and seconded by Councilman Otis to set a Public Hearing for a Local Law to Override the 2% Tax Cap for October 10, 2024 at 4:00 p.m.

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

A motion was made by Councilman Gracey and seconded by Councilman O'Donnell to go into Executive session at 5:49 p.m. to discuss ongoing union negotiations.

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

A motion was made by Councilman Gracey and seconded by Councilman Otis to come out of Executive session back into Regular session at 6:03 p.m.

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

A motion was made by Councilman Biondolillo and seconded by Councilman Gracey to accept the new union contract for the Highway Department.

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

A motion was made by Councilman Biondolillo and seconded by Supervisor Carpenter to adjourn this meeting, at 6:08 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