

*The Town of Orleans Board Meeting
July 13, 2023*

The Town of Orleans Town Board held a regular scheduled board meeting on July 13, 2023 at 7:00PM at the municipal building in LaFargeville.

*Members Present: Kevin Rarick, Peter Wilson, Gwen Kirkby, Thomas Johnston
And Mary Ford-Waterman*

Others Present: Jim Burrows, Rob Black, Rob Company, Pam McDowell, Mike Curtiss, Manny Jerome, and Tyler Lashomb

Supervisor Rarick called meeting to order at 7:03pm

1. Approval of minutes- A motion was made by Peter Wilson and seconded by Gwen Kirkby to accept June 8, 2023 minutes as read

Kevin Rarick, Aye

Peter Wilson, Aye

Thomas Johnston, Aye

Mary Ford-Waterman, Aye

Gwen Kirkby, Aye All in favor motion carried

2. Financial Report- No questions

3. TILT- Discussion was held. Resolution #9 was adopted as follows:

Town of Orleans
PO Box 103
LaFargeville, New York 13656
“This institution is an equal opportunity provider and employer”

Supervisor
Kevin Rarick 658-4411
Town Clerk
Tammy Donnelly 658-9950
Highway
Superintendent
Brian Kirkby 658-9920
Town Assessor
Dale Raymo 658-4309

Zoning Officer
Lee Shimel 658-2057

Town Council
Gwen Kirkby
Peter Wilson
Mary Ford-Waterman
Thomas Johnston

RESOLUTION
Resolution # 9 of 2023
OPPOSITION TO PROPOSED LOCATION FOR NEW WELLESLEY
ISLAND BORDER PATROL STATION, ORLEANS, NEW YORK
US Customs and Border Patrol, Buffalo Sector, NY

WHEREAS, the Town Board for the Town of Orleans, NY is vested with the responsibility to protect the health, safety, and welfare of all Orleans residents and the orderly development, and use, of real property located within the boundaries of the Town of Orleans, NY; and

WHEREAS, the Town Board meets its responsibilities herein by the drafting and adoption of the Town of Orleans Zoning Law and adherence with that law; and

WHEREAS, the Town Board meets its responsibilities herein by the creation, and adoption of its Comprehensive Plan as required by NY Town Law §272-a; and

WHEREAS, the Town Board meets its responsibilities herein by the creation of a Zoning Board of Appeals, a Planning Board, and a Zoning Enforcement Official, all with the responsibility to administer and enforce the Town of Orleans Zoning and in consideration of the Town Comprehensive Plan; and

WHEREAS, the Town Board meets its responsibilities herein by the appointment of an Assessor to perform the duties and responsibilities required by NY Real Property Tax Law to assist with the imposition and collection of real property taxes to help meet the financial obligations of the Town of Orleans on behalf of all Orleans residents; and

WHEREAS, the Town Board has received, and reviewed, a draft Environmental Assessment for the New Wellesley Island Border Patrol Station, US Border Patrol, Buffalo

Sector, NY, US Customs and Border Protection Department of Homeland Security, dated February 22, 2022, and has familiarized itself with the proposed project, its location within the Town of Orleans, and the potential impact the same would likely have on lands within the Town of Orleans, the impact the Proposed Project could have on the potential development of nearby lands, the potential impact on the value of nearby lands, and Town residents' health and welfare in general; and

WHEREAS, the US Customs and Board Protection has invited public comments to be received on or before June 8, 2023, for incorporation into any potential final Environmental Assessment, and

WHEREAS, the Town Board is prepared to proceed and expresses its official position on the proposed location for the Project.

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

1. The foregoing recitations are incorporated herein and made a part hereof as if set forth hereafter.
2. NYS Law obligates municipalities to take a "hard look" at proposed actions before development to ensure they do not pose a significant adverse environmental impact upon the: site, surrounding neighborhood; or the community as a whole. This environmental review is known as the State Environmental Quality Review Law or "SEQR". See NY Env. Cons. Law §3-0301, et. seq.
3. The Town is required to adhere to regulations promulgated pursuant to SEQR as it performs its environmental review. See SEQR regulations Part 617 of Title 6 of the NYS Codes, Rules and Regulations.
4. Although the Project has not been submitted for an Environmental review locally, if it were, it is obvious that it would be classified as a "Type 1" action. See 6 NYCRR §617.4(b)(3) and (6).
5. A Type 1 classification would culminate in the identification of potential Project impacts in an EAF Part 2 Form. A copy of such a Form is attached as **Exhibit "A"**.
6. A review of the eighteen (18) subject areas from EAF Part 2 reveals the Proposed Project would likely have a moderate to large impact on several

of the areas of inquiry. See Exhibit A. (A detailed analysis is not possible at this time since no SEQR EAF Part 1 has been, nor will be, submitted to the Board).

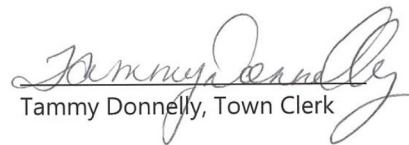
7. A finding of even one (1) potential moderate to large impact would result in a for more detailed environmental Impact Statement. See 6 NYCRR §617.7-12.
8. The Draft submitted is not adequate for the Town Board's "hard look" obligations under SEQR.
9. The Board can, however, identify some areas of concern from a zoning perspective and municipal perspective and which are a part of any environmental review.
10. The site for the proposed project is located within the Town' Rural Residence District along the Seaway Trail, a NYS Scenic Byway and which was created to avoid a multitude of commercial uses. See Town Zoning Law §3.01(B). A copy of the Town's Zoning Map and portion of its Zoning Law are attached as **Exhibit "B"**.
11. The proposed development, and use, of the site for the Proposed Project is not consistent with, and is not authorized, as a permitted use; site plan use; or special use under the Town's Zoning. A copy of authorized activities is attached as **Exhibit "C"**.
12. The Town Board recently adopted its Comprehensive Plan as required by NY Town Law §272-a and which, in relevant part, culminated in the expression of the Town's vision, goals, objectives, and project considerations for the future. A copy of Chapter 8 of the Comprehensive Plan is attached as **Exhibit "D"**.
13. The Proposed Project is not consistent with, and is incompatible with, the Town's vision for further development in that area.
14. The Town Board is aware that the proposed project would be tax exempt. This means the valuable real property would be effectively removed from the Tax Roll with no possibility of taxable development on the site consistent with the Comprehensive Plan for decades to come. The Proposed Project will shift the financial burden for services upon the balance of lands (and landowners) within the Town.

- 15. Residents near the site of the proposed project have expressed their concerns that the proposed project would have a “chilling effect” upon nearby future development and could diminish real property values of those lands in close proximity to the proposed project. The Town Assessor agrees, although the magnitude of the same cannot be quantified at this time.
- 16. The Town Board has considered the above and opposes development of the site for the Proposed Project.
- 17. This Resolution shall become effective immediately and be provided to any interested person.

The foregoing Resolution was offered by Board Member, Gwen Kirkby and seconded by Board Member, Mary Ford Waterman and upon roll call vote of the Board was duly adopted as follows:

Supervisor Kevin Rarick	Yes <u>X</u>	No ____
Thomas Johnston	Yes <u>X</u>	No ____
Gwendolyn Kirkby	Yes <u>X</u>	No ____
Peter Wilson	Yes <u>X</u>	No ____
Mary Ford-Waterman	Yes <u>X</u>	No ____

Dated: July 13, 2023


Tammy Donnelly, Town Clerk

4. Tyler Lashomb- Tyler spoke regarding the drug problem in LaFargeville. Discussion was held

Tyler asked Attorney Burrows if they could create a booster club. Discussion was held. Jim stated they can as long as it is not under the town. They will need to have a different name for booster club. They can still be under Town of Orleans youth commission for the town budget. They will need to be 2 different groups.

5. Nicole Winters submitted a letter of interest to be on the Youth Commission board. A motion was made by Gwen Kirkby and seconded by Peter Wilson to appoint Nicole Winters to the youth commission board.

Kevin Rarick, Aye
Peter Wilson, Aye
Thomas Johnston, Aye
Mary Ford-Waterman, Aye
Gwen Kirkby, Aye All in favor motion carried

6. Lee Shimel – Lee gave zoning report to the town board. Damon Kirkby resigned from the planning board. Town board thanked for his time. Andy Greene will move up to Damon's seat from alternate seat.

Solar on Robinson Rd., Lee has contacted them several times regarding the screening and they have not complied. Town board would like to put pressure on them. Discussion was held.

Lee stated Tammy and himself have received complaints about tall grass on some properties in the town. Lee stated the board can consider a local law. Discussion was held. A motion was made by Mary-Ford Waterman and seconded by Thomas Johnston to adopt a local law for a grass ordinance.

Kevin Rarick, No
Peter Wilson, No
Thomas Johnston, Yes
Mary Ford-Waterman, No
Gwen Kirkby, Yes Did not pass

7. Fuel Quotes have been received as follows.

Re: Fuel Oil, Kerosene, and Propane bids

From: Kimberly Roberts (kimberly.roberts@hellersgas.com)

To: orleanstownclerk@aol.com

Date: Friday, July 7, 2023 at 11:53 AM EDT

This message contains blocked images. [Show images](#) or [Always show images](#)

Good afternoon (again),

Fixed rates would be:

Fuel Oil ... \$3.59

Kero ... \$4.35

Propane ... \$1.80

Jeff recommends the variable rate since the prices fluctuate so much, but he understands that for budget purposes you may need a fixed rate.

Have a great weekend!

Kim

Kimberly Roberts

Administrative Assistant

20202 YOUNGS RD

WATERTOWN, NY 13601

OFFICE: 315-523-7742 EXT 2130

FAX: 315-661-6010

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Please consider the environment before printing this email.

From: Tammy Donnelly <orleanstownclerk@aol.com>

Sent: Friday, July 7, 2023 11:29 AM

To: Kimberly Roberts <kimberly.roberts@hellersgas.com>

Subject: Re: Fuel Oil, Kerosene, and Propane bids

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you so much. I will need it by Wednesday for our board meeting. so that will be fine

RE: Scanned Document

From: Tracy Keill (tracy.keill@mirabito.com)

To: orleanstownclerk@netscape.net; orleanssuper@aol.com

Date: Thursday, July 6, 2023 at 04:32 PM EDT

Here's what Mirabito has to offer for your 2023-2024 heating season:

Fixed Pricing for all three products (no fluctuating pricing)

Fuel Oil Fixed 2.95

Dyed Kerosene Fixed 3.85

Propane Fixed 1.85

Let me know if I can be of further assistance and thank you for the opportunity!

Tracy Keill

West Monroe Operations Manager

North Shore Oil a division of Mirabito Energy

2634 State Route 49

West Monroe, NY 13167

Phone: (315) 668-8181

Direct: (315) 676-2390

Fax: (315) 668-6844

Email: Tracy.Keill@mirabito.com

website: www.mirabito.com

From: Tammy Donnelly <orleanstownclerk@netscape.net>
Sent: Friday, June 30, 2023 9:45 AM
To: Tracy Keill <Tracy.Keill@mirabito.com>; Kevin Rarick <orleanssuper@aol.com>
Subject: Fw: Scanned Document

This message was sent from outside our company. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Tracy Supervisor Rarick asked me to email the attached information you need to give the Town of Orleans a quote on Fuel, Propane, and Kerosene.

You will probably have questions but for right now the first sheet is the gallons for all product.

Please send a price per gallon on each if you could.

Discussion was held board would like to go with fixed rates. Kevin will check with school to see if we can go on their contract with BOCES for fuel, propane, and kerosene. Kevin will also check state contract. Tabled until next month's meeting.

11. Speed Zone on NYS Rte. 12 – Discussion was held . Town board would like to lower speed limit from 55mph to 45mph on NYS rte. 12 from town line to town line. Resolution #11 as follows

Resolution #11

A motion was made by Peter Wilson and seconded by Gwen Kirkby to reduce the speed limit on NYS Rte. 12, from 55mph to 45mph from town line to town line.

*Kevin Rarick, Aye
Peter Wilson, Aye
Thomas Johnston, Aye
Mary Ford-Waterman, Aye
Gwen Kirkby, Aye All in favor motion carried*

12. TIERS Contract – Discussion was held. The town portion is 1/3rd . Kevin did not realize that. Discussion was held. Town board gave Kevin permission to sign Contract with TIERS for 1/1/2023-12/31/2025. Kevin will give to TIERS for their signature.

13. Town Clerk Report reviewed

14. Bills were audited in the amount of \$274,299.89

15. A motion was made by Supervisor Rarick and seconded by Gwen Kirkby to go into executive session for possible pending litigation and Consent order for LA Sewer.

*Kevin Rarick, Aye
Peter Wilson, Aye
Thomas Johnston, Aye
Mary Ford-Waterman, Aye
Gwen Kirkby, Aye All in favor motion carried*

Entered executive session at 9:00

Exited executive session at 9:15

Town board discussed and voted on the consent order resolution for La Sewer as follows:

Town of Orleans
PO Box 103
LaFargeville, New York 13656
"This institution is an equal opportunity provider and employer"

Supervisor
Kevin Rarick 658-4411
Town Clerk
Tammy Donnelly 658-9950
Highway
Superintendent
Brian Kirkby 658-9920
Town Assessor
Dale Raymo 658-4309

Zoning Officer
Lee Shimmel 658-2057

Town Council
Gwen Kirkby
Peter Wilson
Mary Ford Waterman
Thomas Johnston

RESOLUTION # 12 of 2023
Approval of Consent Order

WHEREAS, the Town Board of the Town of Orleans operates a Wastewater Treatment Facility located on Sunrise Avenue; and

WHEREAS, the Town is authorized to operate its Wastewater Treatment Facility pursuant to a State Pollution Discharge Elimination System ("SPDES") permit; and

WHEREAS, reported permit parameter exceedances have occurred on several instances; and

WHEREAS, the Town is in violation of its SPDES permit and has coordinated efforts with the NYS DEC to resolve the matter by Consent Order and is determined to proceed.

NOW, THEREFORE, on motion duly made and seconded this Board makes the following determinations and it is hereby resolved:

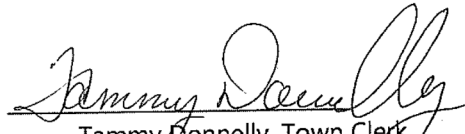
1. The foregoing recitations are incorporated herein and made a part thereof as if set forth hereafter.
2. The Supervisor for the Town of Orleans is authorized to execute the Consent Order on behalf of the Town. The Consent Order is attached and is incorporated by reference.

3. The Town Supervisor, Town Clerk, Town Engineers and Town Attorneys, their respective agents and employees are authorized to sign all other documents and take all steps necessary to complete this process.
4. This Resolution shall take effect immediately.

The foregoing Resolution was offered by Board Member, Gwen Kirkby, and seconded by Board Member, Tom Johnson, and upon roll call vote of the Board was duly adopted as follows:

Supervisor Kevin Rarick	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Thomas Johnston, Jr.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Gwendolyn Kirkby	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Peter Wilson	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Mary Ford-Waterman	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Dated: July 13, 2023


Tammy Donnelly, Town Clerk

*A motion was made by Gwen Kirkby and seconded by Mary Ford-Waterman to adjourn meeting.
Meeting adjourned at 9:20PM*

Kevin Rarick, Aye

Peter Wilson, Aye

Thomas Johnston, Aye

Mary Ford-Waterman, Aye

Gwen Kirkby, Aye All in favor motion carried

Respectfully submitted

Tammy Donnelly

Town Clerk