

Town of Murray Town Board Meeting

April 12, 2016

Present: Supervisor John Morriss, Councilwoman Kathy Case, Councilmen Ed Bower and Paul Hendel, Town Clerk Cindy Oliver, Assessor Lynn Wood, Code Enforcement Officer Ron Vendetti, Attorney Jeff Martin, Mallory Diefenbach, Dave Piedmonte, Farin Seiler, Randy Piedmonte, Dave Knapp, Tamara Leach, David Leach, Joseph Sidonio, Dale Passarell, Jeremy Fox, Eric Collyer, Rick Collyer, Dennis Piedmonte, Doug Piedmonte, Kerri Neale, Charles Pritt, Beverly Whiteman Absent: Councilman Lloyd Christ

Pledge to the flag.

Kerri Neale asked that the minutes of the March 8th public hearing be corrected with the word Constitution being capitalized. Motion by Bower, Seconded by Case approving the March minutes as corrected Motion Carried

Supervisor Comments

Many issues have been brought up since the beginning of the year: Did Ed Morgan retire? My response to the Comptroller's audit. The latest is the over-taxing of the water districts. Ed Morgan did not retire. He is collecting his retirement.

My response to the Comptroller: First of all, the auditor was new. He had to have his administrator present to do the initial interview and the exiting review. Also, no one from the Board was able to sit in on any of these meetings with me. They would sit one-on-one only but never with the whole Board. Not the way we do things. My response was based on my conversation with the auditor who did not like the way the bookkeeper did things "in house". The bookkeeper used letter codes and a program different from what the Comptroller's office wanted. However, let me point out that when reports were sent to the Comptroller, they were in the preferred format. The auditor stated that the potential was there for problems but when pressed, he confirmed that no money was missing. He could account for all money, the problem was procedural. The other issues in paragraph 2 on page 4 that Joe Sidonio referred to have been taken care of or are in the process of being taken care of. The \$140,000 that was "improperly" transferred from highway town-wide to the general town-wide fund for the completion of the town hall project was in fact, a pay back of money loaned to the highway town-wide fund from the general town-wide fund. At issue here is the lack of resolutions with stipulations for original pay back.

Over-taxing the water districts:

I spoke with Rural Development concerning this issue. According to Rural Development, we should be collecting a minimum of 10% of the bond repayment plus additional money for basic operation and maintenance of the

water district. If we were out of line, Rural Development would not continue to give us money. What are some of the costs? Water purchase from our sources, monthly meter charge from our water sources, yearly audit, bookkeeping fee, monthly health testing costs, wages, retirement, health insurance, repairs and finally the cost of unmetered water. What is unmetered water? Leaks, fires, fire department training, hydrant flushing. Hydrant flushing is done starting in the spring and continuing until the fall. There are 20+ dead-ends in our water system. In order to keep the amount of chlorine at safe levels, these dead-ends need to be flushed. What is the Town doing to offset the operational costs of the water districts? If you look at the budget, in both 2015 and 2016, the Town has used fund balance to help keep costs down. I have given the figures from Joe Sidonio to the auditor and am waiting for his response.

Public Comments on Agenda Items

None

Assessor

The office has been holding informal hearings for those that want to question their assessments. Grievance day is May 24th.

Code Enforcement:

Ron reported issuing a C of O for a home with another in the process of building. Two other property owners are talking about building homes also. Ron discussed property maintenance issues and proposed a property maintenance law that is more comprehensive. He also mentioned modifying our Right to Farm Law. The Town Board and Planning Board has the revised zoning for their review. It was done in review format so all can see the proposed changes. Ron informed the Town Board of issues within the Planning Board. Because of the current political environment there are things being done behind the scenes such as emails. This is becoming a concern because the makeup and mindset of the Board should be to work for the entire community, not just a portion. Discussion regarding parking on state highways. Ron provided the Board with pictures of areas where the parking issue is still not corrected. Ron reminded the Board that it was their decision to have a meeting with property owners of these areas before the Town enacted anything regarding parking. Councilman Hendel stated that the Board began discussions in June of 2014 and a public hearing was held in February of 2015. He believes we have provided more than ample opportunity for these property owners to get this issue corrected. It is now April and seasonal businesses will be open soon. It needs to be dealt with now. Doug Piedemonte spoke about school events and safety issues with parking on the side of Lynch Road during these events. Supervisor Morriss said that area has been discussed as well and we will include a representative from the school during

the meeting. Jeff Martin will look into the jurisdiction issue. Ron said the village does not have a problem posting their side of Lynch Road so both parts could be posted. The Village Police could enforce the village's side and Ron could enforce the Town's.

Old Business:

Supervisor Morriss informed all that a date needs to be set for the violence in the work place training. This training will be given in two, two-hour sessions.

New Business:

Councilman Hendel questioned if there was a connection on the south end of Hurd Road into the Village as part of the current water district plans. He stated this will likely be our last water district and there probably will not be another chance to do this. If this connection was in place, we could feed the village of Holley if they ever had a water problem. Jeff stated that it is not part of the plan and if we were to include that, we'd have to redo all that has been done thus far.

Motion by Hendel, Seconded that the following SEQR resolution be adopted:

"RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Murray hereby announces its intent to serve as Lead Agency to conduct an environmental review of the construction of public water supply improvements to serve the proposed Water District No. 3, Extension No. 1. The proposed action involves the installation of approximately 14,900 linear feet of waterline along portions of Hindsburg Road, West Kendall Road, and Center Road in the Town of Murray. The project will provide public water to properties that are currently dependent upon individual groundwater supplies that historically have produced very low yields of poor quality water.

FURTHER RESOLVED, the Town Board has determined that, as the project requires approval from NYS Department of Health (NYSDOH), the proposed action is a Type I action as defined by NYSDOH under 10 NYCRR 97.14; and, be it

FURTHER RESOLVED, that the Town Board has commissioned LaBella Associates DPC to prepare Part 1 of the Environmental Assessment Form regarding the project.

FURTHER RESOLVED, that the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the completed Part 1 of the full Environmental Assessment Form for review during the 30-day comment period.

After being put to a vote, the following voted in favor of adoption of the resolution: Supervisor John Morriss, Councilwoman Kathleen Case, Councilmen Edwin Bower and Paul Hendel

The following voted against adoption: none

The following was absent: Councilman Lloyd Christ

The resolution was thereupon declared adopted.

Motion by Case, Seconded by Bower to adopt the following resolution:

“RESOLVED, that Supervisor John Morriss is authorized to sign the Full Environmental Assessment Form for the Town of Murray, Water District No. 3, Extension No. 1 project.

After being put to a vote, the following voted in favor of adoption of the resolution: Supervisor John Morriss, Councilwoman Kathleen Case, Councilmen Edwin Bower and Paul Hendel

The following voted against adoption: none

The following was absent: Councilman Lloyd Christ

The resolution was thereupon declared adopted.

The Town Board had previously accepted the resignation of Dennis Piedimonte from the Board of Assessment Review. An ad asking for candidates for this board was published in the Batavia Daily and the Town only received one letter of interest.

Motion by Case, Seconded by Bower appointing Virginia Hendel to the Board of Assessment Review to fill the vacancy left by Dennis Piedimonte which expires 09/30/2019

After being put to a vote, the vote was as follows:

Ayes	3	Morriss, Bower, Case
Nays	0	
Absent	1	Christ
Abstain	1	Hendel

The resolution was thereupon declared adopted

Supervisor Morriss reminded all that the Supervisor/Legislator meeting is April 26th. RSVP yourselves or let Cindy or John know.

Cindy informed all that the Holley-Murray Historical Society annual dinner is also taking place on April 26th. All Town officials are invited. RSVP to Cindy and she will let Charlene know.

Attorney:

Jeff has not gotten a response from NYMIR regarding the violence in the workplace local law that was proposed a few months back. He did speak to Chris Hanes, our local agent from Albion Agencies and he said it wouldn't affect our coverage if such a local law was not adopted. Jeff has done some reviewing since the last meeting and has some recommendations for modification to the proposed local law. At the next work meeting, perhaps the Board can come to a consensus of how to proceed regarding the weapons component. This would be a pared-down version of the original proposed law.

Brief discussion regarding Ron's recommendation of a moratorium on building permits for mobile homes outside of trailer parks. NYS passed a law which allows mobile homes to be placed in any residential district but they reserved the right for Town's to put some restrictions on it. The Planning Board would like more time to examine this issue closely and to think about the restrictions they would like to have in place.

Motion by Bower, Seconded by Hendel introducing Local Law No. 2 of 2016 which is a six-month moratorium on the installation, construction or development of mobile homes outside of mobile home parks. Motion Carried

Brief discussion regarding the method of assessing the lighting districts and how these districts were initially set up. We do not have anything on record as to the method used for the assessment of our lighting districts.

Town Clerk:

March receipts totaled \$458.25, with \$362.29 going into the general fund. Cindy handed out a tax collection summary that shows the amount of taxes collected to date. There are over \$669,000 in taxes that remain uncollected. On Friday, individual notices will be mailed to these property owners informing them that they have until April 30th to pay at the Town Clerk's office. After that date, payment will have to be made to the County Treasurer.

Cindy will not be attending the Town Clerk Conference in Saratoga Springs this year. For reasons unknown, the conference was scheduled a couple

weeks earlier than usual and it is not a convenient time to be away from the office; with tax reminders having to be printed and mailed, and it being the week of the primary it will be too difficult to be gone for three days.

Highway and Water Superintendent:

Ed was absent from the meeting but submitted a written report.

The Superintendent's trip to Albany in March appears to have paid off; according to Assemblyman Hawley's office, Murray's 2016/17 CHIPS money was increased from \$71,987.00 to \$88,419.00.

The new Mack Cab & Chassis has been delivered to Tenco for dump body and plow equipment installation and should be delivered sometime in June.

Ed has applied for a grant from Senator Ortt's office in the sum of \$120,000.00 to go toward the cost of the complete truck. Senator Ortt has told Ed that we will get it, but is not sure when we will be receiving the funds. He will work with Supervisor Morriss and Attorney Jeff Martin on financing the balance of the truck. Bean Mack has finance available at 2.9%. He will have more information at the May meeting.

Motion by Case, Seconded by Bower authorizing the Highway and Water Superintendent to purchase off Orleans County Highway 2016-2017 Road and Bituminous Materials bid Motion Carried

Motion by Hendel, Seconded by Bower to adopt the Town of Murray Highway work agreement between the Town Board and the Highway Superintendent Motion Carried

Motion by Bower, Seconded by Case giving authorization to send the 2001 Pay Star truck without plow or wing to the Palmyra Municipal Auction on May 14, 2016 to be sold to the highest bidder Motion Carried

Public Comments:

Joe Sidonio thanked the Supervisor for responding to his comments. He stated his concern earlier in the year regarding the rapid increase in the property tax rate and that he and the Board have common ground between them. He has no issues with the services in our Town. He spoke of his concern regarding the finances relating to the water districts. He also suggested the Planning Board possibly meet to discuss updating the Town's Comprehensive Plan.

David Piedmonte questioned what unmetered water was. Supervisor Morriss told him it is water that is lost due to a number of issues; leaks, fire hydrants, water main breaks, etc.

Randy Piedmonte stated he has never been asked to attend a Planning Board or Town Board meeting. He attends just to listen to the issues and learn. He also asked if the board could consider including farmers when making changes to the Right to Farm Law. Code Enforcement Officer Ron Vendetti said his earlier comments were not pertaining to him, he was referring to emails that have been sent. And regarding any future changes to the Right to Farm law, the Town has an Agricultural Review Board that partly consists of local farmers.

Eric Collyer questioned the latitude of how the Town can dispose of a highway trucks, for future reference; if someone wanted to purchase one individually. The Highway Superintendent would have the discretion of looking at a number of other options.

Kerri Neale stated that regarding no parking signs on state roads, businesses cannot stand much more of a hit without having to deal with more regulations. If the road is a state road, we should let the state decide if parking should be allowed. He would hope the Planning Board and the Town Board would try to work with these businesses. Kerri said he would like to see KrisAnne Hall scheduled in this area a year from now and invite the Board members to sit in on her Constitutional training session. Ms. Hall is a Constitutional Scholar who travels the country teaching the Constitution and its history.

Motion by Hendel, Seconded by Bower that the following bills be paid:
Motion Carried

General Fund	Claims 89-125	\$22,950.93
Highway Fund	Claims 49-59	\$10,854.53
Water District No. 1	Claims 9-12	\$389.05
Water District No. 2	Claims 12-17	\$4,709.81
Water District No. 3	Claims 10-15	\$3,571.94
Water District No. 4	Claims 5-7	\$78.80
Water District No. 5	Claims 5-7	\$51.60
Water District No. 6	Claims 20-26	\$2,614.62
Water District No. 7	Claims 5-8	\$179.40
Water District No. 8	Claims 6-8	\$133.20
Water District No. 9	Claims 5-7	\$65.20
Water District No. 10	Claims 11-14	\$89.06
Water District No. 11	Claims 21-28	\$4,329.44

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Water District No. 12	Claims 4-6	\$65.20
Water District No. 13	Claims 4-6	\$78.80
Water District No. 14	Claim 2	\$161.55
Water District No. 15	Claims 6-8	\$106.00
Water District No. 20	NONE	\$0.00

Motion by Bower, Seconded by Hendel to adjourn the meeting. Motion Carried

So adjourned at 8:19 p.m.

Respectfully Submitted,
