

**Town of Murray Public Hearing and Board Meeting**  
December 19, 2017

Present: Supervisor John Morriss, Councilmen Lloyd Christ, Paul Hendel and Bob Miller, Town Clerk Cindy Oliver, Attorney Jeff Martin, Code Enforcement Officer Ron Vendetti, Assessor Clerk Louise Passarell, W. Skellen, Sharon Boccaccio, Mike Boccaccio, Sandy Shaw, Robert Cone, Neil Valentine, S. Ramsey, David Piedmonte, Melissa Penna, Pat Neary, Rita Neary, Dennis Piedmonte, Elaine Berg, Mike Curtis, Deana Curtis, Frank Long, Roy Kenyon, Dave Surdi, Chrissy Surdi, Joe Sidonio, Paul Lauricella, Anthony Peone, Farin Seiler, Randall Piedmonte, Krista Wiley, Brian Sorochty, Kerri Neale, Kayla Neale, Koryn Neale, Valerie Mauro, Ted Karpenko, Joe Kellenberger, Zig Urbaniak, Rick Gallo, Kim DeFrank, Tim Bader

Pledge to the flag.

**Public Hearing – Property Maintenance Law**

This is the second public hearing on the proposed property maintenance law. Code Enforcement Officer Ron Vendetti informed all that everything contained in the proposed property maintenance law are laws that are already being enforced, either through our local ordinance or the NYS Building and Fire Code. Putting them together in one law makes it easier for everyone involved as we wouldn't be siting sections of the local ordinance and/or the NYS building and Fire Code. One difference is that under the NYS Building and Fire Code, any offense is considered a misdemeanor. Under the local proposed law, any offense would only be deemed a violation which means there are no criminal charges, just a simple violation. There has been one addition to the local property maintenance law and refers to the time limit that home owners have to remove their empty trash cans the day after garbage pick up. The floor was opened for questions/comments. Mayor of the Village of Holley, Brian Sorochty shared his perspective on this law which has been in effect in the Village since 1998. This law ultimately impacts very few people as most violation notices are cleared up or worked out before it comes down to a written ticket. It is helpful, promotes a safe and healthy environment and also maintains property values. If residents are willing to work with us, we will work with them. If someone is in violation, but they have a plan to move forward we always give them extra time to take care of the issue. Comments from the public included;

- Pat Neary - The Code Enforcement Officer should not be allowed to look for violations on people's property. Ron informed him that it is the constitutional right of the property owner that he cannot come onto your property without your permission or without a search warrant. Ron does

not and will not step foot on your property unless authorized by the property owner.

- George Perrin - Can the Town make someone put in a driveway? No the Town cannot.
- Jim Johnson - Ron explained what 'tree lawn' meant. Tree Lawn refers to the area between the sidewalk and the street. There are no sidewalks in the Town of Murray so it doesn't apply.
- Art Knab - Something should be in the law regarding runoff or someone dumping water onto adjacent property
- Joe Sanderson - Property owners cannot work on their cars in their driveway? Ron stated that the law reads that it has to be done in an enclosed place such as a garage. This is a safety issue, such as a car being jacked up or on a lift for an extended period of time. Keep in mind, if I were to see this in someone's driveway, I would write a notice giving the property owner 10 days to stop the work being done on the vehicle. By the time that deadline comes, I'm sure the vehicle work would be done anyways.
- Joe Sidonio - has our agricultural representative on the Planning Board had input in the development of this proposed law? Ron asked Mr. Sidonio which provision he has an issue with. Mr. Sidonio said he was not going to say.
- Kerri Neale - does not think it's a good idea to have this hearing just before a new Board comes in. Ron stated that the Town still has to go about our business every day and continue on no matter what board we have in place.
- Randy Piedmonte - is the Town required to take everything from the State code or can you pick and choose? No, everything that is in the state law is now in effect. We are putting it all in one local code so these charges are not misdemeanors but violations. No, we cannot pick and choose.
- Dave Piedmonte - Does this apply to agriculture? No, farmers are exempt. Mr. Piedmonte also thinks a definition section should be in the front of the law.
- Joe Sidonio - Why do this if we already have to follow New York State code? He would like to hear from the agricultural representative on the planning board.
- Charles Collier - stated he thinks the Code Enforcement Officer should only issue violations if the Town gets a complaint. Ron stated that the Town hired him to enforce the codes. He would be doing a disservice to the community by not doing his job.
- Randy Piedmonte - Can the town legally create a town property maintenance law that just works for us and somehow not deal with the state law? No, we cannot.

- Joe Sidonio does not think the law fairly represents the residents for the reasons we live here in a rural community. He is also troubled that the same person writing the law is prosecuting the law. Ron is not writing the law, he is adapting the state law and putting it into the local law.
- Inaam Al-Khazaali – thanked Ron for his patience tonight with the questions and comments. She was written a violation for her lawn and she understands that it is the law. It is fine that he was doing his job. She has no complaints.
- Jeff Martin – was given notice that he was in violation of the building code due to damage on his office building. He took care of the issue and did what needed to be done. That was the end of it.
- Supervisor Morriss – stated he received a violation notice due to incorrect spacing of spindles on his deck. It was corrected within 30 days and it was over.
- Bill Skellen – Mr. Skellen owns many houses in Monroe County and Orleans County. He always calls the code officer when he purchases a home so they can look at the properties. Ron is the only one out of many who has come when he called and has helped him.
- Charles Collier - Can the Town post notices in a paper other than the Batavia Daily? Perhaps the Pennysaver or Suburban News? Jeff Martin informed him that the Town's official paper must be a paid publication. Also, all meetings and public hearings are posted on the Town website.

Supervisor Morriss thanked all for their comments and questions. Public Hearing closed at 7:53 p.m.

### Town Board Meeting

Motion by Christ, Seconded by Miller approving the minutes of the October 26th work meeting, the October 30<sup>th</sup> public hearings and the November 14<sup>th</sup> Board meeting as submitted Motion Carried

### ASSESSOR

Louise reported that the office is getting prepared for the Ag Exemption renewals that are due by the first of the year and also the Enhanced Star renewals need to be turned in by March 1<sup>st</sup>.

### NEW BUSINESS

Motion by Bower, Seconded by Christ reappointing Angelo Gifaldi to a five-year term on the Zoning Board of Appeals, beginning 01/01/18 and ending 12/31/22 Motion Carried

Motion by Hendel, Seconded by Miller reappointing Charles Felice to a five-year term on the Planning Board, beginning 01/01/18 and ending 12/31/22 Motion Carried

Motion by Miller, Seconded by Christ to pay Green County Commercial Bank \$201,890.00, with \$200,000 to be taken from the Agency Account and \$1,890.00 to be taken from the Joint Savings Account Motion Carried

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

BE IT RESOLVED, that the Town Board of the Town of Murray hereby authorizes Highway Superintendent Edward Morgan to sign the New York State Department of Transportation Agreement to Extend Indexed Lump Sum Municipal Snow and Ice Agreement for the 2019-2020 contract year.

Upon being put to a vote, the following voted in favor of adoption of the resolution: Supervisor Morriss, Councilmen Bower, Christ, Hendel and Miller.

The following voted against adoption: none

The resolution was thereupon adopted.

Councilman Hendel stated that if there are concerns among some residents regarding Local Law No. 4 of 2017, we need to work collaboratively with our Code Enforcement Officer, Planning and Zoning Boards to make sure that everyone is treated fairly. Regardless of what the Board elects to do, there will be some that won't agree. Councilman Miller has spent much time speaking with Jeff Martin and Ron about this law and the bottom line is, this property maintenance law is nothing new other than it decriminalizes something that was listed as a misdemeanor. We could all pick out a few things in the law that we do not agree with or that we dislike but these laws are already present under the state code and we are already living under them now. Motion by Hendel, Seconded by Miller adopting Town of Murray Local Law No. 4 of 2017 Town of Murray Property Maintenance Law  
Motion Carried

John and Paul updated all on a meeting they attended with Senator Ortt. Spectrum was present spoke about a four-year plan to bring high speed video and internet to rural areas in the state. This plan can change any time between now and 2021. Residents can go to <http://www.bldlkup.com/> and type in their address to see if your property is slated in the next four years. Thank you to Senator Ortt, Assemblyman Hawley and Legislator Lynn Johnson for organizing this.

Motion by Hendel, Seconded by Miller authorizing Supervisor Morriss to sign Bonadio & Co.'s 2017 audit agreement in the amount of \$10,200., based upon Jeff Martin's approval of the contract Motion Carried

Town Clerk

Receipts for November totaled \$1,264.00 with \$632.68 going into the general fund. Tax bills should arrive sometime this week. They will be sorted, the bank requisitions will be done and will be mailed on December 30<sup>th</sup>.

Cindy gave the Board a report of the Town Clerk receipts for the year, showing the amounts taken in from dog licensing, marriages, building permits, certified copies, and sporting licenses, etc.

Public Comments

Betty Passarell thanked Supervisor Morriss for his service and said she is sorry to see him leave but is happy to have Bob in his place.

Joe Sidonio thanked Supervisor Morriss for all of his years of service.

Supervisor Morriss said he was appointed to the Town Board in the fall of 1999. The public wasn't always as engaged as they are today and that is due to Joe, Dave and Kerri getting the public out to listen and get engaged. John thanked Ed, Jeff, Louise, Paul, Ron, the Board and Cindy for their dedication and help.

Motion by Christ, Seconded by Miller approving the Supervisor's financial report and to pay the following bills: Motion Carried

General	Claims 368-394	\$29,737.41
Highway	Claims 137-157	\$15,914.34
Water District No. 1	Claims 24-26	\$810.56
Water District No. 2	Claims 39-43	\$8,920.01
Water District No. 3	Claims 18-20	\$1,404.04
Water District No. 4	Claims 16-17	\$296.38
Water District No. 5	Claims 16-17	\$168.17
Water District No. 6	Claims 53-57	\$3,901.33
Water District No. 7	Claim 21	\$125.65
Water District No. 8	Claims 15-17	\$424.51
Water District No. 9	Claims 14-15	\$178.76
Water District No. 10	Claims 25-28	\$1,118.56
Water District No. 11	Claims 59-65	\$6,475.53
Water District No. 12	Claims 13-14	\$287.30
Water District No. 13	Claim 14	\$40.87
Water District No. 14	Claim 14	\$12.11
Water District No. 15	Claims 21-23	\$1,084.22
Water District No. 20	NONE	\$0.00

Water District No. 3 Ext. 1	NONE	\$0.00
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Motion by Bower, Seconded by Christ to adjourn the meeting.

So adjourned at 8:19 p.m.

Respectfully Submitted,

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Cynthia Oliver