

Town of Murray Town Board Meeting

November 14, 2017

Present: Supervisor John Morriss, Councilmen Ed Bower, Lloyd Christ, Paul Hendel and Bob Miller, Town Clerk Cindy Oliver, Highway and Water Superintendent Ed Morgan, Attorney Jeff Martin, Louise Passarell, Dave Piedmonte, Donna Smith, Mike Mele, Joe Sidonio, Kerri Neale, Ted Karpenko

Pledge to the flag.

Motion by Christ, Seconded by Bower accepting the meeting minutes of October 5, October 10, and October 17 meetings Motion Carried

Assessor

Louise informed all that the office has been quiet. The Board of Assessment Review met last month and Lynn was present for that. The day after is when he had his accident. Louise has been in touch with him a couple times a week and is keeping him informed on all Assessor business.

Code Enforcement and Zoning

Ron would like the Board to re-introduce the proposed property maintenance law. As of October, the state has put a new change out, now allowing a single, unlicensed car on individual's property. Ron and the Planning Board took the exact language from the NYS Property Maintenance Code and put it into this proposed law. The only difference is that there is a stipulation of garbage cans being brought in from the road in the Town's law. Empty garbage cans that are left to blow around are a nuisance to neighbors and also pose problems for plow trucks. Also, the State Code states that anyone in violation is charged with a misdemeanor but in the Town Law that is changed as Ron does not think violations should be considered a criminal act, so anyone in violation of the Town Property Maintenance Law will be charged with a violation, NOT a misdemeanor. Ron reiterated that there is nothing new being generated in this proposed law, it will now be in one general code format that can be easily accessed and easier to follow. Ron asked the Board to take it home and re-read it so a public hearing can be scheduled.

Motion by Bower, Seconded by Hendel introducing the Town of Murray Property Maintenance Law Motion Carried

The December Town Board meeting date will be changed to December 19th. A public hearing on the Property Maintenance Law will be held at 6:00 p.m. that evening and the Town Board meeting will begin immediately after the public hearing is closed.

Old Business

The Public Hearings on the 2018 budget and the 2018 water district assessments was held on October 30th. Unfortunately, only two people attended. We are under the tax cap and that has been filed with the state. There is no increase to the tax rate.

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

WHEREAS, in accordance with the requirements of Town Law, the Town of Murray Preliminary Budget for the year 2018 has been prepared and filed with the Murray Town Clerk for inspection by interested persons; and

WHEREAS, a public hearing was scheduled for October 30, 2017, immediately following the conclusion of the public hearing on the water district assessment rolls, to give residents the opportunity to question the Town Board with respect to the proposed Town Budget; and

WHEREAS, notice of the public hearing was published in *The Batavia Daily News*, the Town’s official newspaper, on October 19, 2017; and

WHEREAS, the public hearing was held as scheduled, and no individual appearing at the public hearing expressed any concern with or opposition to the Town Budget as proposed;

NOW, THEREFORE, IT IS

RESOLVED, that the Town Board of the Town of Murray hereby affirms and adopts the 2018 Budget for the Town of Murray in the same form as originally prepared and filed.

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

Ayes	5	Morriss, Bower, Christ, Hendel, Miller
Nays	0	
Absent	0	

The resolution was thereupon considered adopted.

Motion by Hendel, Seconded by Miller approving the following interfund transfers and the Due To/Due From transfers: Motion Carried

A5031	Interfund Transfer	\$8,725.00

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SW1-9950.9	Interfund Transfer	\$587.00
SW2-9950.9	Interfund Transfer	\$1,025.00
SW3-9950.9	Interfund Transfer	\$712.00
SW4-9950.9	Interfund Transfer	\$337.00
SW5-9950.9	Interfund Transfer	\$275.00
SW6-9950.9	Interfund Transfer	\$900.00
SW7-9950.9	Interfund Transfer	\$775.00
SW8-9950.9	Interfund Transfer	\$1,125.00
SW9-9950.9	Interfund Transfer	\$275.00
SW10-9950.9	Interfund Transfer	\$338.00
SW11-9950.9	Interfund Transfer	\$1,050.00
SW12-9950.9	Interfund Transfer	\$338.00
SW13-9950.9	Interfund Transfer	\$338.00
SW15-9950.9	Interfund Transfer	\$650.00
		<u>\$8,725.00</u>

DA5031	Interfund Transfer	<u>\$10,000.00</u>
A9901.9	Interfund Transfer	<u>\$10,000.00</u>

This is the second payment of \$10,000.00 from the A (General) fund the D (Highway) fund.

<u>GENERAL FUND – TOWNWIDE</u>			
Due to:	General Fund Outside Village	\$22.91	Share of Interest - 2015
Due to:	Trust & Agency	\$8.98	NYS refund for S. Morgan
		<u>\$31.89</u>	
<u>GENERAL FUND-OUTSIDE VILLAGE</u>			
Due to:	Highway Fund Outside Village	<u>\$12,182.11</u>	Reclassify Sales Tax from April 2015
		<u>\$12,182.11</u>	
<u>HIGHWAY FUND – TOWNWIDE</u>			
Due to:	Highway Fund Outside Village	<u>\$23.07</u>	Share of Interest – 2015
		<u>\$23.07</u>	
<u>SPECIAL DISTRICTS – FIRE (MURRAY)</u>			
Due to:	Murray Fire District	<u>\$2,383.57</u>	To close out cash to Fire Districts
		<u>\$2,383.57</u>	
<u>SPECIAL DISTRICTS – FIRE (FHM)</u>			
Due to:	Fancher Hulberton, Murray Fire	<u>\$4,606.37</u>	To close out cash to Fire Districts
		<u>\$4,606.37</u>	
<u>WATER #3</u>			
Due to:	General Fund Townwide	<u>\$188.46</u>	To correct transfer error from April vouchers
		<u>\$188.46</u>	
<u>WATER #6</u>			
Due to:	General Fund Townwide	<u>\$8.74</u>	Adjustment for Applied Credit from June Staples Bill – 2017
		<u>\$8.74</u>	

WATER #11			
Due to:	Water #2	\$321.36	To adjust V#2-Monroe Co. Water Auth. To proper amount – 2017
		\$321.36	
TRUST & AGENCY			
Due to:	General Fund Townwide	\$458.20	Health Insurance – 2015
	Highway Fund Townwide	\$1,111.24	Health Insurance – 2015
	Highway Fund Outside Village	\$1,111.24	Health Insurance – 2015
	General Fund Townwide	\$8,577.86	X-fer error 10/13 payroll – 2016
	General Fund Townwide	\$203.62	X-fer error 12/22 payroll – 2016
	General Fund Townwide	\$3,305.92	Health Insurance – 2016
	Highway Fund Townwide	\$948.85	Health Insurance – 2016
	Highway Fund Outside Village	\$948.84	Health Insurance – 2016
	General Fund Townwide	\$5,861.35	X-fer error 3/16 payroll – 2017
		\$22,527.12	

Motion by Bower, Seconded by Miller adopting the following resolution:

URGING THE NEW YORK STATE CONGRESSIONAL DELEGATION TO PRESERVE THE FEDERAL INCOME TAX DEDUCTION FOR STATE AND LOCAL TAXES

WHEREAS, Congress is proposing significant reforms to the federal tax system; and

WHEREAS, under current federal law, there is a deduction for state and local taxes and this deduction has been in place since the federal income tax was instituted in 1913; and

WHEREAS, the deductibility of these taxes prevents double taxation, since state and local taxes are mandatory payments; and

WHEREAS, states and local governments use revenues from property, income, sales and other locally generated resources to finance infrastructure, pay for K – 12 education, support higher education and job training, provide for public safety and health, and implement a large array of federally mandated health and human service programs; and

WHEREAS, the deductibility of these state and local taxes allows them to maintain authority over local tax structures that support the public good; and

WHEREAS, eliminating the deductibility of state and local taxes would represent double taxation on all Americans, a principle strongly rejected throughout the rest of the federal tax code; and

WHEREAS, in 2015, nearly 96 percent of all federal income tax itemizers took the state and local deduction; and

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WHEREAS, over 36 million individuals and families making under \$200,000 claimed this deduction in 2015; and

WHEREAS, the families taking this deduction accounted for 53 percent of the total amount of double taxation avoided in 2015; and

WHEREAS, in New York State as of 2014, over 34 percent of taxpayers itemize their federal income taxes, claiming \$67 billion in deductions for state and local taxes, representing over 13 percent of all state and local tax deductions claimed nationwide; and

WHEREAS, New Yorkers claim the highest average deductions of any state in the nation, at \$36,000, on their federal income taxes, with more than two-thirds of these deductions related to state and local taxes; and

WHEREAS, eliminating the federal deductibility of state and local taxes will imperil the delivery of public services in New York, many of which are mandated by the federal government, and may increase the effective federal income tax rate for many New Yorkers; and

WHEREAS, New York State has been a “donor” state for federal income tax purposes for decades, meaning we pay far more in taxes to the federal government than we get back in federal payments and grants; and

WHEREAS, this consistent “donor” status requires the state to raise more revenues locally via state and local taxes to help pay for necessary services and infrastructure for state residents, and to finance federally mandated programs because federal revenues are insufficient to cover the costs of these local services as well as pay for federally mandated programs, regulations, and rules; now be it

RESOLVED, the Town Board of the Town of Murray calls on the New York State Congressional Delegation to preserve the federal deductibility of state and local taxes to prevent double taxation and to ensure New York’s “donor” state status with the federal government is not made worse; and be it

FURTHER RESOLVED, that the Clerk of the Town of Murray shall forward copies of this resolution to the President of the United States Donald Trump, Governor Andrew M. Cuomo, Congressman Chris Collins, Senator Robert Ortt; Assemblyman Steve Hawley, Assemblyman Michael Norris, and all others deemed necessary and proper.

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

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Ayes	5	Morriss, Bower, Christ, Hendel, Miller
Nays	0	
Absent	0	

The resolution was thereupon considered adopted.

Motion by Miller, Seconded by Christ to issue a Proclamation for the Town of Amherst, New York on the occasion of the commemoration of the 200th anniversary of the founding of the Town of Amherst Motion Carried

Cindy will send the proclamation to Susan Grelick as requested.

Supervisor Morriss received a call regarding the Town signing up for voluntary disability coverage. All in agreement to decline.

As there will be a change in Town Supervisor, the Board has decided to hire The Bonadio Group to perform an exit audit. Motion by Hendel, Seconded by Bower to contract with the Bonadio Group to perform an exit audit, not to exceed \$2,500 Motion Carried

The public hearing on the tentative assessment roll for the water districts was held on October 30th and the cost projection of debt service and operation & maintenance was available to every property owner. Motion by Miller, Seconded by Christ adopting the following resolution:

WHEREAS, in accordance with the requirements of Town Law §§202-a and 237, assessment rolls for each of the Town’s water districts have been prepared and filed with the Murray Town Clerk for inspection by interested persons; and

WHEREAS, a public hearing was scheduled for October 30, 2017 at 6:00 PM to give residents the opportunity to question the Town Board with respect to the proposed debt service and operation and maintenance charges; and

WHEREAS, notice of the public hearing was published in *The Batavia Daily News*, the Town’s official newspaper, on October 19, 2017; and

WHEREAS, the public hearing was held as scheduled, and no individual appearing at the public hearing expressed any concern with or opposition to the assessment rolls as proposed;

NOW, THEREFORE, IT IS

RESOLVED, the Town Board of the Town of Murray hereby affirms and adopts the assessment rolls for all Town of Murray water districts in the same form as originally prepared and filed; and it is further

RESOLVED, that the Town Supervisor be and he hereby is authorized and directed to sign the warrant for collection pursuant to §240(1) of the Town Law and deliver it to the Town Clerk.

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

Ayes	5	Morriss, Bower, Christ, Hendel, Miller
Nays	0	
Absent	0	

The resolution was thereupon considered adopted.

Attorney

Jeff reported that Chatfield Engineer’s is quite far along in the plans for water district no. 3, ext. 1. Jeff will take a look once Paul Chatfield has the plans drawn so he can determine if we need to secure any easements.

Town Clerk

October receipts totaled \$2,798.00 with \$2,354.62 going into the general fund.

Highway and Water Superintendent

Road work for the year is completed and driveways have been repaired from where there were water main breaks.

Stripers will be coming this week to fix the stripe issues we discussed.

The Water Department found a substantial leak under Canal Road that was leaking into a quarry. They wouldn’t have detected it without the new equipment. Ed will know more tomorrow. The Highway Department is ready for winter. They did a test run last Friday morning. Skip is still recovering from shoulder surgery and his arm will remain in a sling until mid-December. Wayne has also been out with a back problem.

Public Comments

Kerri Neale addressed Supervisor Morriss and stated that for the last couple of years since Mr. Neale has been attending our meetings Supervisor Morriss has sat and listened to the public concerns and comments even though it may not have been what he wanted to hear. If he didn’t address a comment

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then, he addressed it later on and he appreciates that. Mr. Neale hopes the next Supervisor will continue the dialogue.

Ron Vendetti reminded the Board that the terms of Chuck Felice of the Planning Board and AJ Gifaldi of the Zoning Board of Appeals will end on December 31, 2017. They both have expressed interest in continuing to serve on their respective Boards. At the next meeting, if the Town Board is inclined, they will need to have their terms renewed. Ron also stated that the Planning Board will need a replacement for alternate, Michael Mele.

Motion by Miller, Seconded by Christ approving the Supervisor's financial report and that the following bills be paid: Motion Carried

General Fund	Claims 329-367	\$21,449.97
Highway Fund	Claims 126-136	\$9,202.41
Water District No. 1	Claims 21-23	\$313.09
Water District No. 2	Claims 33-38	\$7,654.08
Water District No. 3	Claims 14-17	\$31,421.91
Water District No. 4	Claims 13-15	\$1,851.43
Water District No. 5	Claims 12-15	\$1,052.98
Water District No. 6	Claims 47-52	\$4,225.15
Water District No. 7	Claims 16-20	\$1,219.34
Water District No. 8	Claims 12-14	\$4,102.00
Water District No. 9	Claims 11-14	\$1,078.65
Water District No. 10	Claims 21-24	\$1,425.97
Water District No. 11	Claims 50-58	\$15,535.09
Water District No. 12	Claims 10-12	\$1,000.00
Water District No. 13	Claims 11-13	\$2,290.64
Water District No. 14	Claims 11-13	\$304.01
Water District No. 15	Claims 15-20	\$4,157.87
Water District No. 20	None	\$0.00
Water District No. 3, Ext. 1	None	\$0.00

Reminder that the December Town Board meeting has been changed to December 19th and will begin immediately after the public hearing that is scheduled for 6:00 PM. Also, the year-end meeting will be held on December 28th at 5:00 PM. Cindy will place the ad in the paper.

Motion by Christ, Seconded by Miller to adjourn the meeting Motion Carried

Meeting adjourned at 7:37 PM.

Respectfully Submitted,

Cynthia L. Oliver