

TOWN OF MURRAY BOARD MEETING

July 19, 2021

Present: Supervisor Joseph Sidonio, Councilmen Lloyd Christ, Paul Hendel, Michael Mele. Councilman Randall Bower present via speaker phone, Town Clerk Cindy Oliver, Highway Superintendent Dirk Lammes, Assessor Louise Passarell, Attorney John Sansone, Scott Underwood, Art Knab, Legislator John DeFilipps, David Piedmonte, Frank Long, Marlene Kenyon, Roy Kenyon, Amelia Sidonio, Kellie Gregoire, Kathy Lammes, Kerri Neale, Amy Machamer, Karen Appleman, Jarred Saj, Sandy Shaw, Wayne Fauci, Brian Fauci, John Fitzak

Moment of Silence

Pledge to the flag.

Supervisor Sidonio announced that it is unlawful for Councilman Bower to vote, per the Association of Towns. Councilman Bower informed the Supervisor last week that he would be out of town and he would have to join the meeting either by zoom or speaker phone. Councilman Mele said our zoom account is still open until July 23rd according to the last invoice. Attorney Sansone said that in order for Councilman Bower to be able to vote via zoom, the legal notice must indicate where the absent Council Person's location is. Councilman Hendel stated that since the other members of the Board, including Councilman Bower are just now being informed of this, we should put any motions/resolutions on another agenda. No other discussion. The meeting proceeded.

Public Hearing – Local Law No. 1 of 2021 entitled *A Local Law Imposing a Temporary Moratorium on Wind, Solar, Biomass Energy or Other Alternative Sources of Renewable Energy*

Motion by Hendel, Seconded by Christ to open the public hearing

After being put to a vote, the vote was carried

Public hearing opened at 7:13 p.m.

Supervisor Sidonio stated that the local law was forwarded to the County and it was referred back to us. Last meeting, we did not advertise the public hearing.

Ron Vendetti reminded all that at the last meeting, Councilman Hendel suggested a committee look at this moratorium and that he should be a part of that committee. No one contacted Ron and now you are moving forward with it, with no review. The Town has an opportunity to fix the only bad spot in this law. He also questioned why the people on this committee and the Chairman of the Planning Board are allowed to decide that the current law is not good anymore. There have been no problems with any applications. Storage is the only issue that was not covered in the original law. Ron urged the Town Board to turn down the moratorium.

Art Knab asked if this was just referring to commercial. Yes.

No other comments from those present.

Motion by Christ, Seconded by Mele to close the public hearing

After being put to a vote, the motion was carried

Public hearing closed at 7:17 p.m.

TOWN BOARD MEETING

Motion by Mele, Seconded by Christ that the regular Town Board meeting be opened.

After being put to a vote, the motion was carried

Regular Town Board meeting opened at 7:17 p.m.

Motion by Hendel, Seconded by Christ approving the minutes of the June 10th work meeting as submitted

After being put to a vote, the motion was carried

Motion by Christ, Seconded by Hendel approving the minutes of the June 21st public hearing as submitted

After being put to a vote, the motion was carried

Motion by Christ, Seconded by Mele approving the minutes of the June 21st board meeting as submitted

After being put to a vote, the motion was carried

Town Clerk

June receipts totaled \$777.00 with \$519.54 going into the general fund.

Assessor

Louise asked the board for a resolution allowing the Assessor's office to perform a town wide valuation for the 2022 roll.

Motion by Hendel, Seconded by Christ authorizing the Assessor to perform a town wide valuation for the 2022 roll.

After being put to a vote, the resolution was adopted

Highway and Water

The department has been busy mowing cemeteries, guardrails, monuments, signs. Slack adjusters/brakes were worked on.

Tentatively scheduled to do road work on Hindsburg Road on July 26th.

In regards to roadside mowing on town roads, Councilman Mele asked if the operator could move over a bit to mow more of the ditch. He has had several residents complaining about this.

Fire hydrant at Lynch Road and Route 31 was replaced. A new service was put in at County Line and Gulf Road.

The approximate water loss is 33%. Looking for leaks is a work in progress. Dirk met with Ti-Sales about a new billing program and new meters which is very expensive.

Councilman Hendel questioned why more attention isn't being put towards the water loss. It was a major priority last year and now it doesn't seem to be. He asked if there was anything the Board could do or equipment he needed to help find the leaks. Dirk said that our equipment is good.

Councilman Hendel we have American Rescue money coming. Supervisor Sidonio said approximately \$150,000. We need to collaboratively prioritize.

David Paul entered the meeting.

Amy Machamer entered the meeting.

Dirk stated that it is hard to do daily work and also work on water issues unless you tap into some overtime. The guys could possibly work full days on Fridays while trying to work around the weather, paving, and helping other towns. Councilman Hendel wants to make sure the water loss stays a priority.

Discussion regarding the ditch at 17152 Route 31. Councilman Hendel stated if a resident had a collapsed ditch and the state was not willing to correct it, then yes, the town has an obligation to help that resident. On the other hand, if a resident wants tile in their ditch to make it look nicer, that is not something the town should get involved in. Councilman Mele agrees. He has looked at the ditch and believes if we do one, the neighbors will want theirs done also. Councilman Bower believes it is not a good precedent to start. We don't have enough people to look for water leaks but you want to spend worker's time on this when it is the state's responsibility. We should reallocate the manpower to find water leaks. Councilman Hendel asked Dirk if his department even had the time and manpower to do this. Dirk stated he will do what the board wants. Councilman Hendel asked Dirk directly what his opinion is. Councilman Bower said that is a lot of state property to take over and you have to be fair to everyone and offer this to all. It is a bad precedent to set. Councilman Hendel said this is a motion for one single property only. Help him understand why the town has to do this for one property when it is the state's responsibility. Dirk said the state does not think it is needed but Dirk believes it is a draining and mowing issue.

Motion by Christ, Seconded by Mele authorizing the Highway department to install and maintain a culvert at 17152 Route 31.

After being put to a vote, the motion was carried.

Orleans County Cooperative Extension asked if the town can donate a length of 12-inch pipe needed at the Orleans County Fairgrounds. Dirk said we have the extra pipe.

Motion by Hendel, Seconded by Mele authorizing the donation of a length of 12-inch pipe to the Orleans County Cooperative Extension.

After being put to a vote, the motion was carried

Brief discussion regarding bond repayment of water district for Big Guy’s Campground. Dirk and Louise should be thinking about the water assessment and formula as we will need to be ready with the information once they open.

Discussion regarding the town doing work at Sandy Creek Cemetery. Beth Schmidt provided us with a copy of Municipal Law 165A which authorizes voluntary municipal assistance to non-profit cemeteries. Attorney Sansone wants to confirm that Sandy Creek is a non-profit cemetery. The town can provide services if we want to. Discussion of the type of work that will be done. Attorney Sansone suggested creating a simple list. Financial reimbursement and maintenance should be included. Supervisor Sidonio agrees that we should have a basic agreement. He stated that Beth is willing to continue mowing and maintaining for around another 5 years. Over this time, we will learn the ins and outs and it will be a smooth transition.

Code Enforcement

Written report submitted by Kevin Moore.

- Building permits issued: 4
- Special Use Permits – ongoing reviews: 3
 - Big Guys Campground
 - Dirk Lammes
 - Vertical Bridge Tower, REIT
- Site Plan Reviews – ongoing reviews 4
 - Big Guys Campground
 - Taryn Estates
 - Dirk Lammes
 - Vertical Bridge Tower, REIT
- Variance Applications – ongoing reviews 1
 - Vertical Bridge Tower, REIT

County Planning Board Referrals:	2
Big Guys Campground	
Dirk Lammes	
Inspections Completed:	10
Zoning Board of Appeals Hearings:	1
Planning Board	1
Certificate of Compliance Issued:	3
Complaints Received:	2

New Business

Discussion regarding proposed Local Law No. 1 of 2021, Imposing a Temporary Moratorium on Wind, Solar, Biomass Energy and Other Alternative Sources of Renewable Energy.

Councilman Hendel hopes that our Planning Board takes advantage of the expertise that Mr. Vendetti has regarding these issues. Councilman Mele believes the Board should take into account what the public has said tonight regarding the moratorium and vote on it next month. Councilman Hendel said he would like Chad Fabry and Kevin Moore’s opinion. Supervisor Sidonio told him they both recommended it.

Motion by Hendel, Seconded by Christ adopting Local Law No. 1 of 2021, entitled *A Local Law Imposing a Temporary Moratorium on Wind, Solar, Biomass Energy and Other Alternative Sources of Renewable Energy.*

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

Ayes	3	Christ, Hendel, Sidonio
Nays	1	Mele
Unable to vote	1	Bower

Resolution was thereupon adopted.

Councilman Hendel asked if our neighboring communities received written notice of the public hearing on the comprehensive plan and zoning changes. Supervisor Sidonio was told by Barbara Johnson that it is not a law to do so, just a policy. Attorney Sansone stated if you’re going to pass legislation, the town should give neighboring municipalities notice. Councilman Hendel said if we get to that point, all neighboring municipalities will receive written notice.

At the last work meeting, Councilman Hendel said he wanted to re-examine the business district along Route 104 (Ridge Road). If the board decides to expand the business zone on Route 104,

this proposed comprehensive plan would keep us from doing it. Once adopted, it nullifies any opportunity we have for expanding businesses on Ridge Road. He is reluctant to adopt this tonight without a conversation for business expansion on Ridge Road. Supervisor Sidonio stated that the committee met again and created additional business opportunities on Ridge Road. Councilman Hendel said that after a business opportunity that could have happened in Murray was lost, it caused him to re-examine the issue.

Councilman Mele stated that after hearing the suggestion of attracting businesses to the hamlets, he drove through our hamlets and found hardly no places for new businesses there.

Supervisor Sidonio sent a referral to the county because there was a deadline. He will withdraw the referral.

Discussion regarding healthcare. Attorney Sansone drafted two different resolutions regarding domestic partners. Supervisor Sidonio read both aloud. One states that an eligible domestic partner shall pay 100% of the cost of a single plan and the other states that an eligible domestic partner shall pay 15% of the cost of single plus spouse (domestic partner) health insurance and the Town of Murray shall pay 85% of the cost of single plus spouse (domestic partner) coverage. Discussed topics included payroll deductions, plan costs. Councilmen Hendel and Bower believe we should treat spouses and domestic partners the same. Councilman Christ stated we've not offered it in the past and he does not think we should offer it now unless it is paid for by the employee. Councilman Mele thinks the resolutions have to be modified to state how the healthcare will be paid.

Councilman Hendel asked if Supervisor Sidonio would consider tabling this matter until all members can be present to vote. Supervisor Sidonio said no.

Motion by Mele, Seconded by Hendel to table the issue of domestic healthcare until after executive session.

After being put to a vote, the motion was carried.

Other Business

Sandy Shaw was present to inform all that the library is in the middle of their summer programs and children of any age are welcome. Construction is beginning, new lights will be installed next week, doors and more exciting things. She would like everyone to know that if any one needs relief from the heat, feel free to come to the library, sit down and read a paper.

Public Comment

Ron Vendetti spoke of his disappointment with the moratorium. Kevin Moore and Chad Fabry lead this moratorium but the town board should be involved.

TJ Knight mowed the ditches on Hindsburg Road and he did the best mowing Ron has seen.

He has concerns with the increase in water loss. He does not think the water district can afford to lose that much and maybe someone should be hired to find the problem.

Regarding the ditch on Route 31, Ron does not think it should be a problem. The town has done this multiple times.

It was said earlier that the comprehensive plan committee expanded the business opportunities in the Town but David Paul has been trying to get his permits for two years. The Big Guys Campground project is still being delayed. The process should not take this long.

David Piedmonte informed the board that his brother had a pipe installed in front of his house. He paid for the top soil and the town put it in. He also spoke of his concern of the water loss.

David Paul thinks the pipes on Route 31 are right up to the driveways. He thinks the homeowner should pay for pipe and topsoil and the town should install it.

Mr. Paul said the town is still short one member on the Planning Board. One person should not be running things. When you go to another town and explain what you want to do, regarding putting up a building or opening a business, there is a list of items that need to be taken care of. The town does not have a checklist. He has gone through 20 site plans and Big Guys Campground has gone through the same thing. Big Guys won't even be open this year at the rate this is going for them. It isn't fair to the taxpayers that will benefit from new businesses and it isn't fair to the applicants.

Marlene Kenyon stated that having the town pay for a domestic partners insurance is wrong. It is her tax money.

Art Knab said people are tired of their tax money going out the window. He does not support domestic partners.

Amy Machamer said the comprehensive plan is a guide and the roadmap that the board and the community wants to have implemented on where businesses should be and how you want the town to take shape. She doesn't think real estate transactions should guide your vision.

She said the biggest difference with domestic partnership is that a domestic partner is not necessarily a permanent fixture in someone's life. The board should consider the transitory nature versus the legal formalized marriage. We contribute a huge amount to the healthcare for the betterment of the town employee. When you are considering your decision, remember that it is our hard-earned money.

Kelly Gregoire stated that our town is agricultural. It is not Greece, Clarkson or Parma. Ridge Road looks good the way it is. She is also against health care for domestic partners.

Louise Passarell stated for someone to call domestic partnership transient and not permanent is dismissive and insulting. It does not mean it is any less of a partnership than a marriage if a couple lives together and are in a 20-year relationship.

Brian Fauci thinks if the employee wants healthcare for their domestic partner, they should pay for it themselves.

He asked what the status is on the three-way stop sign on Gulf Road. Dirk will get back to him.

Amy Machamer apologized and clarified that she meant that a domestic partnership could be a temporary relationship.

Ron Vendetti stated that during the pandemic, the town sent out water bills and assessed late charges after the due date passed. The Governor signed an executive order stating that late fees couldn't be charged. You have collected late fees and he asked the town to make it right or he will contact Letitia James and let her tell you to do it.

PUBLIC COMMENTS CLOSED

Supervisor Sidonio said perhaps the board can invite the planning and zoning board to one of the work meetings to see how things are going and where we can improve.

Motion by Mele, Seconded by Christ to approve the supervisor's financial report and that the following bills be paid:

After being put to a vote, the motion was carried.

General Fund	\$22,220.53
Highway Fund	\$9,313.66
SW 1	\$801.79
SW 2	\$20.25
SW 6	\$40.83
SW 10	\$2.59
SW 11	\$252.52
SW 14	\$424.00
SW	\$824.94
SW North	\$17,351.74
SW South	\$9,317.00
Steet Light Districts	\$621.55

Brief discussion regarding acquiring a town credit card for small purchases. This would be easier than reimbursement.

Fancher War Memorial re-dedication is August 14th at 2:00 p.m. If you are available, please show your support for the ten young men who gave their lives.

Motion by Hendel, Seconded by Christ for the board to move into executive session at 9:31 p.m. to discuss a personnel matter and possible litigation.

After being put to a vote, the motion was carried.

Motion by Hendel, Seconded by Mele that the board return to regular session at 10:08 p.m. with no action taken.

After being put to a vote, the motion was carried.

Motion by Christ, Seconded by Mele for the Town of Murray to create a category of health insurance coverage for domestic partners.

After being put to a vote, the motion was carried.

Motion by Mele, Seconded by Christ that the following resolution be adopted:

WHEREAS, the Town of Murray provides health insurance coverage for employees of the Town of Murray; and,

WHEREAS, the categories for health insurance coverage and benefits currently include plans for single and family; and,

WHEREAS, New York State Insurance Law allows an employer to cover domestic partners, in certain circumstances; and,

WHEREAS, the Town of Murray is desirous of creating a category for domestic partnerships for health insurance coverage.

NOW, BE IT RESOLVED that the Town of Murray Board creates a category for health insurance coverage only for dependent domestic partners, either same or opposite sex, upon a determination of eligibility; and,

IT IS FURTHER RESOLVED that, on a case-by-case basis, certain criteria will be utilized to determine if a person qualifies as a domestic partner. Factors indicating dependence include, but are not limited to, the length of the relationship, joint residency, cohabitation, financial dependence, mutual commitment to share responsibility for each other's welfare and financial obligations, neither party is married, neither party is related by blood in such a way as to preclude marriage in New York State, and any other basis suggested, or required, by an insurance provider or New York State; and,

IT IS FURTHER RESOLVED that domestic partners shall be required to periodically provide documentation of proof of continued eligibility. The inability to provide satisfactory proof may result in a finding of ineligibility as a domestic partner, in the sole discretion of the Town of Murray Board; and

IT IS FURTHER RESOLVED that once the Town of Murray passes this resolution, such coverage for domestic partners who are determined eligible for coverage shall commence effective 07/01/2021; and,

IT IS FURTHER RESOLVED that a Town of Murray Employee shall pay 100% of the cost of a single plan; and,

IT IS FURTHER RESOLVED that an employee and an eligible domestic partner shall be responsible to notify the Town of Murray Board, in writing, if the domestic partnership ends. Coverage for domestic partners shall also end if an employee, or domestic partner, is unable to provide documented proof of the domestic partnership in the sole discretion of the Town of Murray Board.

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

Ayes	3	Christ, Mele, Sidonio
Nays	1	Hendel
Unable to vote:	1	Bower

The resolution was thereupon adopted.

Motion by Mele, Seconded by Hendel to adjourn the meeting at 10:14 p.m.

Upon being put to a vote, the motion was carried.

Respectfully Submitted,

Cynthia L. Oliver