

**Town of Murray Public Hearing and Board Meeting**

April 17, 2023

Present: Supervisor Joseph Sidonio, Councilmen Lloyd Christ, Michael Mele and Gerald Rightmyer, Town Clerk Cindy Oliver, Highway and Water Superintendent Dirk Lammes, Legislator John Fitzak, Assistant to the Assessor Lynn Wood, Water Clerk Alexis Penna, Scott Underwood, Planning Board Chairperson Dorothy Morgan, Planning Board members Elaine Berg, Scott Lang and Dave Knapp, Zoning Board member David Leach, Mark Scarborough, Art Knab, Sam Lammes, David Piedmonte, Louise Passarell, Stacey Keon, Sandy Shaw, Carol Liese, Wally Liese, Wayne Fauci, Brian Fauci  
Absent: Councilman Randall Bower

Moment of silence and pledge to the Flag.

**Public Hearing** – Local Law No. 1 of 2023 – *To Set Annual Date for Grievance Day to be the Tuesday After the Fourth Tuesday in May*

Public Hearing was opened at 7:02 p.m. No comments from those present.

Motion by Mele, Seconded by Rightmyer to close the public hearing at 7:04 p.m. Motion Carried

**Town of Murray Board Meeting**

Motion by Mele, Seconded by Christ to open the Town Board meeting at 7:04 p.m.

Motion Carried

Amy Machamer entered the meeting.

Motion by Rightmyer, Seconded by Christ approving the minutes of the March board meeting as submitted Motion Carried

**Standing Committee Reports**

The County passed a resolution authorizing the study for the establishment of a district court in Orleans County.

Sam Lammes entered the meeting.

**Town Clerk**

March receipts totaled \$466.20 with \$412.58 going into the general fund.

202 tax reminders were mailed on Friday for those property owners with unpaid balances. A total of \$545,664.70 remain unpaid. We will continue tax collection through April 30th. After that point, payments must be paid to the Orleans County Treasurer. Cindy will wait a week or so to make sure there are no returned checks before she reconciles them. Once reconciled, she will bring reports and unpaid bills to the County Treasurer.

The auditors were at the Town Hall last week. This is always a busy time as they request numerous documents and have procedural questions.

Reminder to board members who are attending the Historical Society business dinner; it is Wednesday at 6:00 p.m.

Highway and Water Superintendent

The department has been cleaning up snow plow damage. Plows have been removed from the trucks. They are getting mowers ready for the good weather.

Some improvements have been made in the water billing system but still some kinks to work out. Not on our end but on Diversified’ s end.

County Legislator

Legislator Fitzak stated the Legislature is still waiting on the state budget. Office of the Aging will be holding public hearings in Kendall on Wednesday and in Albion next Thursday. They will be going over their budget plan and getting input from the community of what they would like the office to offer.

Ron Vendetti entered the meeting.

New Business

RESOLUTION NO. 2023-015

At a regular meeting of the Murray Town Board held on April 17, 2023, Councilman Gerald Rightmyer moved adoption of the following resolution; Councilman Lloyd Christ seconded the motion:

WHEREAS, Local Law No. 1 of the Year 2023 entitled “A Local Law to Set the Annual Date for Grievance Day to be the Tuesday After the Fourth Tuesday in May” was hereunto on the 20th day of March, 2023 introduced and such Local Law having been in its final form upon the desks or tables of the members of the Town Board at least seven (7) calendar days prior to its final passage, and a Public Hearing on said Local law having been duly called and held on April 17, 2023 at 7:00 p.m. at the Murray Town Hall in said Town, it is

RESOLVED, that said Local Law No. 1 of the Year 2023 of the Town of Murray be and the same hereby is adopted in all respects and in the same form as introduced; and it is further

RESOLVED, that Cynthia Oliver, Town Clerk of the Town of Murray is hereby directed to forward the appropriate copies of such Local Law to those individuals and/or agencies entitled to receive the same for filing.

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

Ayes	4	Christ, Mele, Rightmyer, Sidonio
Nays	0	

Absent 1 Bower

The resolution was thereupon declared adopted.

RESOLUTION NO. 2023-018

At a meeting of the Murray Town Board, duly held on April 17, 2023, Councilman Michael Mele moved adoption of the following resolution; Councilman Gerald Rightmyer seconded the motion:

RESOLVED, that proposed Town of Murray Local Law No. 2 of the Year 2023 entitled “Solar Energy Systems and Facilities Law, Article 1 and 2” be and the same hereby is introduced, and a public hearing shall be held on May 15, 2023 at 7:00 p.m. to consider the adoption of such local law; and it is further

RESOLVED, that Cynthia Oliver, Town Clerk of the Town of Murray shall attend to publishing a legal notice in The Batavia Daily News at least five (5) days in advance of such public hearing.

Upon being put to a vote, the foregoing resolution was adopted.

Supervisor Sidonio asked for a motion to introduce Local Law No. 3 of 2023, A Local Law to Rescind the Town of Murray Zoning Ordinance and Adopt the Town of Murray Zoning Local Law.

No motion on the item.

RESOLUTION NO. 2023-019

At a meeting of the Murray Town Board, duly held on April 17, 2023, Councilman Michael Mele moved adoption of the following resolution; Councilman Lloyd Christ seconded the motion:

BE IT RESOLVED that the following items be declared obsolete and no longer needed for Town use:

- |                    |                        |                          |
|--------------------|------------------------|--------------------------|
| Canon fax/printer  | Canon calculator       | Unisonic calculator      |
| 2 IBM typewriters  | Dell monitor           | Compaq monitor           |
| Logitech keyboard  | Brother 4600 fax/phone | Unbranded computer tower |
| Opti quest monitor | Brother fax/phone      | ThinkPad                 |
| Panasonic printer  |                        |                          |

Upon being put to a vote, the resolution was thereupon adopted.

RESOLUTION NO. 2023-020

At a meeting of the Murray Town Board held on April 17, 2023, Councilman Michael Mele moved adoption of the following resolution; Councilman Lloyd Christ seconded the motion:

BE IT RESOLVED, that Adam Moore is hereby appointed to the Town of Murray Zoning Board of Appeals to fill the vacancy left by Gerald Rightmyer to a term ending December 31, 2027.

Upon being put to a vote, the resolution was adopted by a majority of the Town Board.

Councilman Mele reminded the Board that in the past, a member wasn't attending meetings regularly and the Town Board removed him from one of the Boards. There is currently a member of the Zoning Board of Appeals who has yet to attend any meetings. Supervisor Sidonio said he will put the issue on next month's agenda so it can be addressed.

#### RESOLUTION NO. 2023-021

At a meeting of the Murray Town Board held on April 17, 2023, Councilman Lloyd Christ moved adoption of the following resolution; Councilman Gerald Rightmyer seconded the motion:

BE IT RESOLVED that the Town Board of the Town of Murray hereby accepts the resignation of Code Enforcement Officer Mylynda Kuba effective April 8, 2023.

Upon being put to a vote, the resolution was thereupon adopted.

Supervisor Sidonio informed all that Chad Fabry is willing to take over as Interim Code Enforcement Officer at the rate of \$27.00 per hour until the Town finds a permanent replacement.

Councilman Rightmyer asked if that was the rate that Mylynda was making. He was informed that Mylynda was making \$25.75 per hour. Councilman Rightmyer said it does not look good that the interim replacement will be making more than Mylynda was, especially when her pay rate was one of the reasons listed for her resignation. Councilman Mele said the Board told her there was not money in the budget for what she was requesting so how can we offer someone else more? Chad would be an asset to the Town, is very knowledgeable and can help with the zoning local law. All in agreement to speak to Chad and in the meantime, appoint him at the rate \$25.75 per hour.

#### RESOLUTION NO. 2023-022

At a meeting of the Murray Town Board held on April 17, 2023, Councilman Michael Mele moved adoption of the following resolution; Councilman Gerald Rightmyer seconded the motion:

RESOLVED, that the Town Board of the Town of Murray hereby appoints Chad Fabry as Interim Part Time Code Enforcement Officer at the rate of \$25.75 per hour, effective immediately.

Upon being put to a vote, the resolution was thereupon adopted.

RESOLUTION NO. 2023-016

At a meeting of the Town Board of the Town of Murray, held on April 17, 2023, Councilman Lloyd Christ moved adoption of the following resolution; Councilman Gerald Rightmyer seconded the motion:

BE IT RESOLVED that the Town Board of the Town of Murray hereby authorizes the Town of Murray Highway Superintendent to enter into an agreement with New York State for state roadside mowing services for the year 2023.

Upon being put to a vote, the resolution was declared adopted.

RESOLUTION NO. 2023-017

At a regular meeting of the Murray Town Board, duly held on April 17, 2023, Councilman Michael Mele moved the adoption of the following resolution; Councilman Lloyd Christ seconded the motion:

BE IT RESOLVED, that the Town Board of the Town of Murray authorizes the expenditure of Highway Monies totaling \$309,407.00 for the year 2023 pursuant to Section 284 of Highway Law.

Upon being put to a vote, the resolution was declared adopted.

A work meeting is scheduled for May 3rd at 7:00 p.m.

Public Comment

Planning Board Chairman Dorothy Morgan addressed the Board:

The Planning Board would like to ask the Board for an extension to submit the changes we are recommending in the proposed Zoning Ordinance. The work on the Comprehensive Plan and Zoning update occurred during Covid, and meetings were held via Zoom. There was no notification of these monthly meetings and as a result there was little if any community input. LaBella was required to schedule interviews with the Planning and Zoning Boards to review the plan updates, however this was not done.

A year ago, the Planning Board was tasked to work on a Solar law. Our goal was to work on Zoning after completion of the Solar Law. The Solar law was sent to the County in January and

Town of Murray Public Hearing and Board Meeting Minutes April 17, 2023 was approved with some comments.

Since January we have been asked to make some modifications which has delayed us in reviewing the proposed Zoning ordinance. In our initial review of the proposed zoning, we have noted some possible inconsistencies with the Comprehensive plan, the zoning document and the zoning map.

We currently do not have a Code Enforcement Officer as a resource for the Planning Board to work on the proposed zoning ordinance. Last Month the Board voted to have the Planning Board provide a list of concerns (Not something in a final form). A meeting with LaBella was not discussed.

We would like to do a good job with this, as a result will are not prepared to submit anything to the Board on April 19th

Arthur Knab of Hindsburg Road stated that Ms. Kuba should have been given the phone stipend when she asked for it. It was a minute amount and now the Town has lost another employee. Art informed the Supervisor that he has been getting threats and there has been vandalism at his house in regards to politics. He will not stand for it. This is the fourth time and he has every incident on video, including Joe Sidonio, so stay away from his house. Supervisor Sidonio asked when he has been on Mr. Knab’s property? Mr. Knab said he has him on video.

Ron Vendetti of Hindsburg Road concurs with a couple things that have been said. The Town had a good code officer, about the fourth one since Ron held the position. Her resignation stems from one of you directing her on how to do her job, or hollering at her and saying that the position has nothing to do with planning or zoning. This is done so he can make the Town what he wants it to be. Which is why he conducted the comprehensive plan committee meetings in such a way that they didn’t get input from the community. Mr. Vendetti advised the Board to think long and hard before they adopt anything that the planning board has not examined thoroughly.

It wasn’t necessary for the solar law to have taken so long to get through but it was used by a certain person to distract the planning board from the zoning law.

Sandra Shaw of the Community Free Library reminded all of the wine tasting on April 28th at the library. All funds raised go towards summer programs.

Motion by Mele, Seconded by Christ approving the supervisor’s financial report and that the following bills be paid:

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

Ayes	3	Christ, Mele, Rightmyer
Nays	0	
Abstain	1	Sidonio
Absent	1	Bower

Motion Carried

General Fund	\$13,609.56
Highway Fund	\$23,980.33
ARPA	\$30,600.00
Water District No. 1	\$512.82
Water District No. 2	\$2,306.94
Water District No. 3	\$1,188.15
Water District No. 4	\$329.96
Water District No. 5	\$171.01
Water District No. 6	\$2,379.82
Water District No. 7	\$1,572.30
Water District No. 8	\$697.18
Water District No. 9	\$295.48
Water District No. 10	\$779.16
Water District No. 11	\$3,435.94
Water District No. 12	\$303.45
Water District No. 13	\$462.67
Water District No. 14	\$200.00
Water District No. 15	\$881.88
Water District No. 16	\$211.24
Water District No. 20	\$552.53
Street Light Fund	\$733.18

Motion by Mele, Seconded by Christ that the Town Board enter into executive session at 7:38 p.m. regarding a personnel issue. Motion Carried

Motion by Rightmyer, Seconded by Mele that the Town Board return to executive session at 8:51 with no action taken Motion Carried

Councilman Rightmyer wanted to address a comment Amy Machamer made last month regarding taxes on a comparable fruit farm in the Town of Marion. She informed all that the tax rate in Marion was half of what the Town of Murray rate is. Councilman Rightmyer looked into it and found that the Town of Murray tax rate is 4.61 per thousand and the Town of Marion tax rate is 5.27 per thousand. Murray tax rate is in fact 13% lower. Ms. Machamer said that the fruit farm in Marion is still paying half of what she is paying. She said that since Councilman Rightmyer is on the committee for the Assessor's office, he should look into it. It is about studying the tax rate and the implications of the town.

Motion by Mele, Seconded by Christ to adjourn the meeting at 8:55 p.m. Motion Carried

Respectfully Submitted,

Cynthia L. Oliver