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Town of Murray Board Meeting

December 18, 2023

Present: Supervisor Joseph Sidonio, Councilmen Lloyd Christ, Michael Christopher and Gerald Rightmyer, Town Clerk Cindy Oliver, Highway and Water Superintendent Dirk Lammes, Legislator John Fitzak, Elaine Berg, Dave Knapp, Dave Piedmonte, Alexis Penna, Sandy Shaw, Chris Caufield, Sam Lammes, Eric Fredendall, Donna Smith, Amelia Sidonio, Stacey Keon, Mark Scarborough, Alma Gilman, Annette Curtis, Louise Passarell, Art Knabb

Moment of silence and pledge to the Flag.

Motion by Rightmyer, Seconded by Christ to approve the November 20th meeting minutes with the following correction on page 7 second to the last paragraph under old business: *'Dirk stated at a meeting in June, the Supervisor asked for a motion for Dirk to be given a verbal warning or a letter of censure'* to read *'Supervisor stated that it is the recommendation of the Town Attorney that Dirk be given a verbal warning or a letter of censure.'* Motion Carried

David and Tammy Leach entered the meeting.

Councilman Rightmyer informed all about the water main break on December 3rd. It rained most of the weekend and our employees were standing in knee deep water repairing it. Thank you to Dirk and the water department for their hard work. It took a while but no one really suffered for that long of a time without water.

Amy Machamer, Mary Machamer entered the meeting.

David Paul entered the meeting.

Councilman Rightmyer made the following statement on behalf of the board:

Over the past several months, there have been two separate issues raised by our town supervisor regarding ethics improprieties involving our Highway Superintendent Dirk Lammes. The first issue involved a ditching bucket. A specialized piece of equipment, this bucket was not available commercially, but was designed to save the Highway Department both time and money. The bucket was designed and manufactured by several people, including Dirk's son. The Supervisor felt there was impropriety and the Town of Murray's attorney felt several ethics violations had been broken. Dirk Lammes and his attorney both felt they were well within the law to involve his son in the construction of the bucket. Two opposing opinions, each party feeling they were right. It is the Board's position that communication could have been better on both sides. It is also the Board's position that Mr. Lammes did nothing illegal, was not derelict in his duty, and no censure or disciplinary action should be taken as a result of this incident. The Town of Murray is in full support of our Highway Superintendent, and we believe no further comments need to be made.

The second incident involved scrap metal monies collected by a highway employee. Those monies were turned over to Mr. Lammes and held by him, with a receipt. The monies were not

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immediately turned in and the Supervisor brought this point up at our most recent Town Board meeting. The following day, an e-mail regarding the missing money was sent to all of the Town Board members and our Town attorney was also copied in. That week, Dirk handed the money in to our Town Clerk, with a receipt, and those monies were placed in the Town's vault. Simple communication between the Town Supervisor and the Highway Superintendent would have resolved this situation in short order. Attempting to embarrass the Highway Superintendent at a Town Board meeting serves no purpose other than to drive a larger wedge between two elected officials. The Town of Murray is in full support of our Highway Superintendent, and we believe no further comments need to be made.

Sincerely,

Town Board Members
Bower, Christ, Christopher, Rightmyer

Supervisor Sidonio asked why monies weren't turned over immediately, why is part of the money from 2022. He requested it two weeks in a row. Nearly \$2,000 was held for more than a year. Maybe the Board should talk to the Supervisor. Councilman Rightmyer stated it works both ways. Highway Superintendent Lammes stated that anyone with professionalism would have inquired about it.

Town Clerk

Receipts for November totaled \$1,998.00 with \$500.38 going into the general fund.

Cindy has received the 2024 tax roll from Real Property and the new bills have been imported into the system. Physical tax bills have been delivered and Annette and I will begin to go through the bank requisitions tomorrow. The bills will be mailed on December 30th. The tax collectors notice has been sent to the Batavia Daily News and will be published twice; once on the 23rd and once on the 30th.

Highway and Water

Dirk took care of Sun King's notification. They want us to work on surveillance of the drop off area.

There are miscellaneous items Dirk's department is not using and he'd like to put them in auction.

Brief discussion regarding the replacement truck purchase. Dirk will bring the information to the board at the January meeting.

Discussion regarding the two water agreements between the Village of Holley and Murray. The Village has an outstanding balance due to the Town because they stopped paying us the meter fee that was agreed upon. Murray's contract that was signed and agreed upon by them states we take care of the meter and they must pay the Town a meter fee. The Villages contract with Murray states that we will be charge no meter fee.

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Dirk asked the Village to present to us the changes they wanted made and they've never given us anything.

All in agreement for Dirk to take the lead and present changes he deems necessary and present it to the Board and then it can be presented to the Village. Keep in mind that the Town of Murray is still owed the outstanding balance due from the Village.

Code Enforcement

Written report submitted:

Building Permits Issued	3	<i>Generator, Gas Stove, Mobile Home</i>
Sub-Divisions	1	<i>Sam & Son</i>
Building Inspections	10	
Certificate of Compliance Issued	3	<i>Generator, Temporary Sign, Pavilion</i>

The Code Enforcement office is contacting residents and following up on open permits from 2022.

Zoning Board of Appeals

- There were no appeals for the month of December
- Eric Collyer's term expires 12/31/2023. He would like to serve another term.

Planning Board

- Sam & Son sub-division was approved on 12/05/2023.
- Elaine Berg has resigned from the Planning Board as of 12/07/2023 as she will be a Town Board member beginning 01/01/2024.
- Dorothy Morgan's term expires on 12/31/2023. She would like to service another term.
- There will be an ad placed in the Pennysaver looking for applicants for both boards. Zoning has one vacancy and Planning has two vacancies.

New Business

Motion by Christ, Seconded by Rightmyer that the January Town Board meeting be rescheduled from January 15th to January 22 due to Martin Luther King, Jr. Day. Motion Carried

RESOLUTION 2023-057

At a regular meeting of the Murray Town Board held on December 18, 2023, Councilman Lloyd Christ moved adoption of the following resolution; Councilman Michael Christopher seconded the motion:

WHEREAS, the Board of Assessment Review for the Town of Murray currently has a 3-person membership; and it is

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RESOLVED, that the Town Board of the Town of Murray hereby increases the Town of Murray Board of Assessment Review from three members to five members beginning in the year 2024.

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

RESOLUTION 2023-058

At a meeting of the Murray Town Board duly held on December 18, 2023, Councilman Lloyd Christ moved adoption of the following resolution; Councilman Michael Christopher seconded the motion:

WHEREAS, Councilperson Elect, Elaine Berg will begin her term as Councilperson on January 1, 2024; so be it

RESOLVED, that the Town Board of the Town of Murray hereby accepts the resignation of Elaine Berg from the Town of Murray Board of Assessment Review and the Town of Murray Planning Board effective December 6, 2023.

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

Reappointments to the Planning Board and Zoning Board of Appeals will be done at the January 2nd organizational meeting. The appointment of Alexis Penna's position will be moved to the organizational meeting along with all other appointments and designations.

RESOLUTION NO. 2023-059

At a meeting of the Murray Town Board duly held on December 18, 2023, Councilman Gerald Rightmyer moved adoption of the following resolution; Councilman Lloyd Christ seconded the motion:

RESOLVED, that the Town Board of the Town of Murray hereby accepts the resignation of Alexis Penna as Account Clerk Part-Time effective December 31, 2023.

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

RESOLUTION 2023-060

At a meeting of the Murray Town Board duly held on December 18, 2023, Councilman Gerald Rightmyer moved adoption of the following resolution; Councilman Michael Christopher seconded the motion:

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BE IT RESOLVED, that the Town Board of the Town of Murray hereby authorizes Supervisor Sidonio to execute the Local Government Support Services Engagement letter for the year 2024.

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

RESOLUTION 2023-061

At a meeting of the Murray Town Board, held on December 18, 2023, Councilman Gerald Rightmyer moved adoption of the following resolution; Councilman Michael Christopher seconded the motion:

BE IT RESOLVED, that the Town Board of the Town of Murray hereby opposes the establishment of an Orleans County District Court.

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

Supervisor Sidonio stated that the comptroller suggests prohibiting cash sales. He would like a motion and a second to require scrap material proceeds be paid only by check from the vendor. Councilman Christ said that he met with the vice president and general manager at the scrap yard and the Town now has an account set up and all proceeds will be given by check made out to the Town of Murray. Councilman Christ asked the Supervisor where he got the picture of our employee at the counter of the scrap place. Supervisor stated it just came to him. Councilman Christ stated that the woman at the scrap place said no one has the authority to take pictures of anyone on the security screen and someone will probably lose their job because of it. Whoever the supervisor is involved with unethically provided him with a picture. Supervisor asked about a motion. No motion was made. Supervisor stated he will be informing the state comptroller of this. Councilman Christopher told him to make sure he let the comptroller know that the Town already has an account set up.

Old Business:

The Board has three options regarding the meeting room ceiling repair given to us by Chad. They will be moving forward with their decision at the January 2nd meeting.

There are two vacancies on the Planning Board, one vacancy on the Zoning Board of Appeals and three people will now be needed to make the Board of Assessment Review whole.

There are no financial reports but they've assured us we will have them within the next couple of days.

Councilman Rightmyer stated in going over the vouchers to be approved at tonight's meeting, he is very concerned that the Article 78 filed by Ted Spada against the Town of Murray is costing the Town quite a bit of money. Thus far it has cost the Town just under \$19,000 and the bill will continue to get higher the longer this goes on. Supervisor asked what else is someone who feels their property rights are being violated supposed to do? Councilman Rightmyer thinks the public

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has the right to know that their tax dollars are paying for this. Supervisor Sidonio stated that everyone deserves their day in court.

Motion by Christ, Seconded by Christopher that the following bills be paid:

Motion Carried

General Fund	\$40,622.06
Highway Fund	\$9,597.94
Water District No. 1	\$649.72
Water District No. 2	\$8,368.46
Water District No. 3	\$4,310.04
Water District No. 4	\$1,196.95
Water District No. 5	\$620.32
Water District No. 6	\$2,671.12
Water District No. 7	\$1,764.75
Water District No. 8	\$2,529.05
Water District No. 9	\$331.66
Water District No. 10	\$874.53
Water District No. 11	\$7,937.90
Water District No. 12	\$340.62
Water District No. 13	\$1,678.38
Water District No. 15	\$3,070.06
Water District No. 16	\$766.28
Water District No. 20	\$2,004.37
Steet Lights	\$748.47

Motion by Christ, Seconded by Christopher to adjourn the meeting.

Motion Carried

Respectfully Submitted,

Cynthia L. Oliver