

Town of Murray Public Hearing
April 14, 2009

Present: Deputy Supervisor/Councilman Henry Wagner, Councilmen Ed Bower, Lloyd Christ and John Morriss, Attorney Jeff Martin, Town Clerk Cindy Oliver, Highway & Water Superintendent Ed Morgan, Assessor Lynn Wood, Nick Quaranto, Legislator Kenneth Rush, Joe Sidonio, Amy Machamer, Jim Manno, Taryn Hilliker, David Paul, George Karpenko, Richard Downey
Absent: Supervisor Henry Lehning

Town of Murray Public Hearing to consider the application of David Paul and Taryn A. Hilliker for a special use permit for the storage and sale of topsoil, mulch, wood chips and related materials and modification of the current special use permit

Deputy Supervisor Henry Wagner read the legal notice that was placed in the Batavia Daily News announcing the public hearing.

Attorney Jeff Martin informed all that Mr. Paul currently has a special use permit which covers 77 acres. He has applied to relax the acreage on the current special use permit and get a second special use permit that will allow him to sell mulch, topsoil, etc. from approximately 34 of the original 77 acres. As the new zoning revision has not been adopted yet, a special use permit is still issued by the Town Board. Jeff had a copy of the site plan and showed all present. It complies with the road frontage needed. Jeff stated that owner of the County Line Mobile Home Park and also the Brockport County Club contacted him with concerns of airborne materials, noise and proximity to the golf course. Patricia Davis of 3829 County Line Road stated she has many problems with blowing dirt from Mr. Paul's driveway. She has to wash her house every summer, cannot hang clothes on the line and cannot open her windows because of the dirt that blows across the road to her property. Ms. Davis also spoke about an existing pile of mulch that is near Mr. Paul's driveway. Mr. Paul explained that the mulch will be going on top of his berm because that is what the NYS DEC stated he had to do. It will not be staying there. Ms. Davis also stated that she thought Mr. Paul was supposed to pave his driveway according to his special use permit, but Jeff stated that he is not in violation of his special use permit. Amy Machamer asked about the days and hours of operation. Hours will be six days a week exclusive of Sundays, 7:00 am – 7:00 pm. Amy asked if the hours of operation could be stopped one hour earlier. She is concerned about noise as they spend many evening hours outside in the summer months. Amy

wants to make sure Mr. Paul is aware that Sundays are off limits for his business. She is also concerned about the proximity to their property and that eventually he doesn't encroach on their property and is there a method for making sure it remains that way. The site plan was discussed and the closest pile to Amy's property would be well over 400 feet from it and 200 feet from the golf course. The piles and screener will be within the oval area on the map; five piles total. There will be no selling of salt. Mr. Paul stores salt in a garage for personal use. Customers will not be coming and picking up; it will be delivered so no additional parking is needed. Mr. Paul also stated there will be no additional piles. County Planning made recommendations and these conditions will be in writing.

Public Hearing closed at 7:50 pm.

Town of Murray Board Meeting
April 14, 2009

Present: Deputy Supervisor/Councilman Henry Wagner, Councilmen Ed Bower, Lloyd Christ and John Morriss, Attorney Jeff Martin, Town Clerk Cindy Oliver, Highway & Water Superintendent Ed Morgan, Assessor Lynn Wood, Nick Quaranto, Legislator Kenneth Rush, Joe Sidonio, Amy Machamer, Jim Manno, Taryn Hilliker, David Paul, George Karpenko, Richard Downey
Absent: Supervisor Henry Lehning

Assessor: Lynn Wood reported that they are preparing for the tentative roll as it must be finalized by May 1st. A lot of office traffic which Lynn thinks is due to the economic situation. Residents are very concerned with their assessments. They are now tied in to the county-wide server. It is not something they are using for every day data, it is just a trial. Lynn spoke about special franchises roll section 5. Verizon is asking for a reduction which we will deny as section 6 is not mandated that we do it yearly. He will send the property manager of Verizon a letter explaining this.

Correspondence:

- Spring 2009 Regional Local Government Workshop Agenda and Registration
- Stuart I. Brown Associates proposal/agreement to prepare the revised Pre Eligibility Determination for submission to Rural Development for the reconfiguration of Water District No. 15. Their fee is \$500.
- County Planning Board Meeting Minutes

- Invitation to the Annual Murray-Holley Historical Society dinner on April 28th at the American Legion. RSVP by April 20th.
- Ninth Annual Town Finance Schools Co-sponsored by the Association of Towns and the NYS Office of the State Comptroller, May 6-8 at Woodcliff Hotel, Rochester
- NYMIR's Proposed Rate Adjustments for 2009

Old Business:

Motion by Bower, Seconded by Morriss approving the purchase of the Rel Comm, Inc. phone system at a cost of \$5,996.50 Motion Carried

Tom Martin asked those present if there were any questions regarding the zoning revisions. Is the Town Board satisfied? The Town Board is satisfied with all revisions. Motion by Morriss, Seconded by Bower to refer the proposed new Zoning Ordinance and Zoning District Map, with a Zoning Referral Form, SEQR Full Environmental Assessment Form and SEQR Negative Declaration to the Orleans County Planning Board for its recommendation.

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

Ayes	4	Wagner, Christ, Bower, Morriss
Nays	0	
Absent	1	Lehning

Resolution was thereupon adopted (On file in Town Clerk's office)

New Business:

We have a proposal from The Bonadio Group for the 2008 Audit. We are still waiting for a proposal from Gray CPA.

Discussion of revised agreement between Orleans County Planning Board and the Town of Murray Exempting Certain Minor Land Use Actions from County Planning Board Review. Jeff Martin stated that County Planning does not see a need to refer certain issues to them and they have put together a revised agreement. Under the revised agreement, site plan reviews, certain types of uses, portioning or combining parcels would not need county approval. This will limit what the Town has to send to the County Planning Board. More minor issues wouldn't need to be sent. Jeff Martin has reviewed the proposed agreement and it would be appropriate to sign. County Planning Board member Joe Sidonio stated that even though the Town may sign the revised agreement, if the Town would still like the County Planning Board's recommendations on a specific issue, we can still do so. Motion by Morriss, Seconded by Christ accepting and adopting the revised agreement between the Orleans County Planning

Board and the Town of Murray *Exempting Certain Minor Land Use Actions from County Planning Board Review* (Revised March 2009)

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

Ayes	4	Wagner, Christ, Bower, Morriss
Nays	0	
Absent	1	Lehning

Resolution was thereupon adopted (On file in Town Clerk's office)

Councilman Morriss spoke about court consolidation. Dan Gazer from Kendall informed Councilman Morriss that they are in a position where they are looking to move forward with the court consolidation soon and asked where the Town of Murray stood on this issue. Councilman Morriss suggested we begin the process by holding a meeting with our Judges to see what their views are. This is not something that we should jump into as there are many unanswered questions. Councilman Wagner stated that the County will obviously benefit most from this. Councilman Morriss thinks that since the Town of Kendall approached us, this is incentive for the Town of Murray to begin the process of researching this issue. When Supervisor Lehning returns we will set up a meeting with our judges and possibly form a committee of a couple board members and one judge to meet with surrounding towns to discuss this.

Attorney:

Brief discussion about the old high school. A developer is trying to acquire it and convert it into 30-35 senior housing units. Councilman Morriss asked about tax revenue. Jeff said normally there is a payment in lieu of taxes (pilot payment) that would be divided up between town, county and school. This is the same developer who acquired the old Academy St. school in Albion and the transformation is amazing. Joe Sidonio stated that the Town contributed to a feasibility study and the result of the study was that it was not feasible; now this developer is saying it can be done. Jeff said he thinks it was not feasible for a private enterprise to come in and fund the project, but this is a different situation. This developer would induce investors to put up money in exchange for tax credits for less than dollar value. Understandably, before they incur any expense, the developer wants control of the site.

Our fire contract with the Village, rescue contract with FHM and Holley Volunteer Ambulance Contract expired at the end of 2008. Jeff will get these initiated.

Regarding the application of David Paul for a Special Use Permit; Motion by Christ, Seconded by Bower that the Town Board elects to act as Lead Agency to assess the environmental impact of the proposed project under SEQURA and hereby determines that the project is an unlisted action; and after fully considering the site plan, special permit application, EAF and all other appropriate information and the criteria set forth in the SEQRA regulations, the Town Board hereby determines that the project will not result in any potentially large adverse environmental impacts and issues a Negative Declaration for the project; and that the Applicant's request for a reduction in the acreage subject to the November 2002 special use permit for the storage and incidental repair of construction equipment is granted, so that the acreage now subject to that permit is reduced from 77 acres to 35.64 acres, with all other terms and conditions of the original permit, except as modified by the stipulation and order of the Orleans County Supreme Court, remaining in full force and effect; and it is further resolved, that the Applicant's application for a special use permit for the storage and sale of topsoil, mulch, wood chips and similar type products is granted on following terms and conditions:

- 1) Hours of operation shall be 7:00 AM until 7:00 PM Monday through Saturday, with no Sunday or Holiday hours.
- 2) The materials permitted to be stored on site for retail sale include topsoil, mulch, wood chips, gravel, crushed stone and landscape stone. All materials will be stored in the oval area located between the concrete block garage and the proposed building, west of the office, as shown on the approved site plan by Maier Land Surveying dated February 29, 2009. No materials will be located closer than 150 feet to the north line of the 35.734 acre parcel, or closer than 450 feet to the west line of the parcel. Any screener used in the operation of the business shall be located within the oval area shown on the site plan.
- 3) No material which could be considered hazardous to the environment if stored openly on the property will be permitted. Applicant will be permitted to store salt on site, for Applicant's personal (non-resale) use, provided that the salt is stored in a covered building to prevent leaching and runoff.
- 4) Retail sale to customers using their own vehicles to transport materials from site will not be permitted. Applicant will provide all trucking for any materials removed from site.
- 5) No additional screening is necessary for the protection of neighboring properties. Existing vegetation should be maintained to the maximum extent possible. No additional parking areas are required because of the absence of customer traffic in and out of the site.

6) The standards set forth in §726(A) 1-15 of the Town of Murray Zoning Ordinance are incorporated by reference, and each of those standards shall apply, except as superseded by the provisions of paragraphs (1) through (5) above.

7) The conditions of approval set forth in the Orleans County Planning Board approval letter of March 27, 2009 are incorporated by reference.

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

Ayes	4	Wagner, Christ, Bower, Morriss
Nays	0	
Absent	1	Lehning

Resolution was thereupon declared adopted (on file in Town Clerk's office)

Town Clerk:

Receipts for March totaled \$648.16; the Town share totaled \$413.20.

The Town Clerk's conference is being held in Rochester this year on April 27th through 29th. Cindy will be commuting on those days and Sally will be in the office.

We received notice that Red Oak Golf Range and Brockport Country Club are renewing their liquor licenses. Also, Hickory Ridge Golf and Country Club is renewing three of their liquor licenses for the snack shop, banquet room and the banquet hall.

I was copied in on a letter from the State DOT to Holley Police Chief Bill Murphy informing him that they have determined that a 20 mph school speed limit is justified on Route 237 between a point 200 feet north of Union Street and a point 1270 feet northerly. The effectual hours of this speed limit are between 7:00 am to 9:00 am and 2:00 pm to 4:00 pm on school days. Their investigation of Lynch Road indicated that there are no sidewalks and that no children are expected to walk along or cross Lynch Road to attend school. One of the conditions that should be met for a school speed limit is that some of the children walk or bicycle to or from the facility; or the facility and related facility are separated by a highway and require the children to cross the highway on foot to access the facilities. Also, a supervised, marked crosswalk should be present. Since none of these conditions exist, the DOT cannot concur with the request of a school speed limit on Lynch Road at this time.

Assemblyman Hawley will be visiting the Town Hall on Saturday, May 9th at 11:15 to speak and take questions from residents. All are encouraged to attend.

Highway Superintendent:

Ed Morgan handed out list of equipment to be disposed of at Palmyra Municipal Auction on May 9th. Items listed are as follows:

1987 Mack Dump Truck
Serial #IM2P129C6HA011977
Model RD685P
Mack 237

1985 Case Cruz-Air 1085B
Serial #6293848
Ext. boom –
5' ditching
24" digging
5' rotary mower
10' snow blade

3 Slide Harder Sanders
3pt Hitch Rotary Mower
6' Woods

3pt Hitch 7' backblade
Serial #101033

Set of old Pallet Forks
Ajax K5 5hp Shop compressor
Serial #885-834

John Deere 318 Mower
Old desks & file cabinets

Misc. Items:
Old Grader Tire % Wheel/Flail Mower & Bracket
Old Ditching Bucket

Motion by Bower, Seconded by Christ declaring these items obsolete and no longer needed for Town use. Motion Carried

Ed went over the town highway improvements that are scheduled for this year. Motion by Morriss, Seconded by Bower authorizing the Agreement for the Expenditure of Highway Monies Motion Carried

Motion by Christ, Seconded by Morriss authorizing the Town to purchase road material from the Orleans County material bids list
Motion Carried

Water Superintendent:

Ed discussed an issue the Department had at a home where a resident went to Florida for the winter and turned the water in the house off themselves. When the department went to read the meter, they heard water running, looked in the basement window and it was full of water. 842,000 gallons of water went through the meter. We need to encourage people who are leaving for the winter to let the Water Department turn their water off at the road. Although there is a \$25.00 charge for this, it is worth it by avoiding these types of problems. Ed will address this in the Town Newsletter.

The new water meters are being installed at a good rate with no problems. There are less than 100 more to install as March and April have been very productive.

The Town of Gaines is very satisfied with our reading of their meters. We are going to be reading their meters for them and will be making about \$550 per year to do this. This takes very little time.

Motion by Christ, Seconded by Morriss to approving the Supervisor's Financial Report and authorizing the following bills to be paid:
Motion Carried

General Fund	Claims 100-132	Total \$16,005.36
Highway Fund	Claims 82-99	Total \$36,337.83
Water District No. 1	Claims 10-12	Total \$ 2,191.60
Water District No. 2	Claims 17-22	Total \$ 8,736.43
Water District No. 3	Claims 14-17	Total \$ 2,980.35
Water District No. 4	Claim 8	Total \$ 11.85
Water District No. 5	Claim 8	Total \$ 7.90
Water District No. 6	Claims 17-21	Total \$ 4,536.03
Water District No. 7	Claims 10-11	Total \$ 958.39
Water District No. 8	Claims 8-10	Total \$ 978.87
Water District No. 9	NONE	Total \$ 0.00
Water District No. 10	Claims 12-14	Total \$ 358.57
Water District No. 11	Claims 21-28	Total \$ 1,360.36
Water District No. 12	Claim 7	Total \$ 11.85
Water District No. 13	Claim 12	Total \$ 11.85

Legislator Rush stated that the County expenses are coming in about 6% less than they budgeted and revenues are a bit more. He also gave a brief report on the County Jail. Most of the cells are working and they are using bracelets for house arrest to try to keep the numbers where they are supposed to be. The state is pushing for shared services so the county is trying to come up with other

alternatives for the jail as they could do without the \$25 - \$30 million dollar project. Joe Sidonio asked how the ethanol plant is doing. Legislator Rush said he thinks it are doing fine. There is also profit from the therapy the county now has at the nursing home.

Motion by Christ, Seconded by Morriss to adjourn meeting.
Motion Carried

Meeting adjourned until May 12th at 7:00 pm.

Respectfully submitted,

Cynthia L. Oliver