

**Town of Murray Public Hearing Minutes**

August 12, 2008

Present: Supervisor Henry Lehning, Councilmen Henry Wagner, Ed Bower and John Morriss, Town Clerk Cindy Oliver, Hwy & Water Superintendent Ed Morgan, Attorney Jeff Martin, Assessor Lynn Wood, Nick Quaranto, Code Enforcement Officer Ron Vendetti, Stanley Kemp, Mark Taylor, David Orians, Lori Miller, Craig Kenyon, Kathleen Bates, Joe Sidonio and George Karpenko  
Absent: Councilman Lloyd Christ

Public Hearing – Town of Murray Local Law No. 2 of the Year 2008 –  
*A Local Law Regulating Excavation and Mining in the Town of Murray*

Jeff Martin spoke about the proposed law that will repeal the local law of 1993. The law creates a process for the Town Board to issue a special permit rather than the Planning Board. The proposed local law has been on file with the Town Clerk for the last 30 days and available for inspection. County Planning recommended approval with a few revisions. If the Town Board is inclined to adopt the local law by resolution, we would also address the environmental aspect of it. It would be filed with the Department of State and would become effective once it is filed. Resident Stanley Kemp mentioned that Todd Campbell should be setting up some sort of shop in our town. Joe Sidonio asked if Mr. Campbell does not grind or cut the stone in the Town of Murray, what is the benefit to our county or town. Supervisor Lehning reminded those present that this is not a Public Hearing to discuss Mr. Campbell's project. We are here to discuss the proposed local law, not the applicant. The Town Board will address each special permit request on an individual basis. No more questions or comments.

Public Hearing closed at 7:17 p.m.

*Town of Murray Town Board Meeting*

Pledge to the flag.

Motion by Wagner, Seconded by Bower approving and accepting the minutes of the July meeting. Motion Carried

**Mark Taylor** of 16351 Ridge Rd. Mr. Taylor discussed the situation with Pasquelly's Pizza having been closed since January and Mr. Marriott has the light turned on and has also tipped it towards his house. Mr. Taylor believes the law covers this; "*glaring on adjacent properties*". Code Enforcer Ron Vendetti stated that the way the law reads it is not very enforceable. Supervisor was in agreement that if the business is closed there is no reason

a light should be on. Height of the sign versus height of the building was discussed. Jeff Martin said the law is very vague. It is difficult to enforce for that reason. As time goes by, changes to the law need to be made and this is an example of one item that needs to be amended. Joseph Sidonio suggested the Board form another committee to amend the zoning ordinance as they did with the Comprehensive Plan. Supervisor Lehning stated that the Comprehensive Plan and Zoning should go hand in hand and he has already begun requesting proposals for this project.

**Assessor** – Lynn received official notice from the state that our equalization rate is at 97%. Lynn spoke about payment received from state for implementing the STAR Program. NYS is beginning to cut back on the amounts they are paying out. Nick has been in the field updating pictures for property files.

**Supervisor** – Supervisor thanked Councilman John Morriss and Cindy Oliver on what was a successful bicentennial celebration. It was a very nice weekend. Cindy supplied Supervisor Lehning with a list of expenses and the committee stayed within the set budget. Money is also still coming in as the bicentennial books are still being sold.

**Zoning & Code Enforcement** – Ron gave out 37 violation notices last month. Initially all of these residents received educational material as to what needed to be done on their properties to be within the code. Enough time has passed without any progress so the violation notices were sent. Of the 37 notices, they've gotten 36 compliances.

Ron passed out copies of letters that were sent for the Board to review. A property owner contacted Supervisor Lehning with a request for an extension. This would be the third extension but subsequent to her conversation with the Supervisor, Ron gave her another extension. This is what will begin to happen once violation notices are given out. This woman's first claim was that they did not have enough money so Ron gave them applications for assistance with Rural Opportunities.

Discussion regarding the Property Maintenance Code that states grass cannot exceed ten inches in length and how to go about maintaining these lawns where houses are vacant as the owners live elsewhere. Jeff Martin said if the Town does this, there is liability on the Town's part if something is damaged. Supervisor Lehning stated we'd be better off contracting it out. Either way, the cost will end up on the property owner's taxes. Motion by Bower, Seconded by Morriss authorizing Supervisor Lehning to sign a lawn mowing contract for no more than \$150/hour for the mowing of unmaintained lawns Motion Carried

The requirement of fence and re-roof permits was discussed. Ron stated he does not have a problem requiring these but unless something is being changed structurally, he does not think a permit is required. Ron also does not think we should be collecting a fee for fence permits. Motion by Bower, Seconded by Morriss that the Town not require permits for fences and to suspend the roofing permit requirement Motion Carried

Discussion of BAS Software for Code Enforcement. The Village of Holley is willing to split the cost with the Town. Supervisor Lehning asked if Ron could wait until next year so it can be put into the budget. Ron asked for an increase in hours as at this time, there is much work to be done. Board is in agreement to increase Ron's hours to 20 hours per week.

### **Correspondence –**

-We are in receipt of bill for retirement payment for \$24,490; this is a bit smaller than last year.

-Office of Small Cities name changed to Office of Community Renewal.

-We were not successful in obtaining the grant for water district no. 15. We will now be looking towards a grant from Rural Development. We have not yet received the reasons for being turned down. Stu Brown will approach Rural Development next January or February. Resident Stan Kemp questioned if letters from residents against this water district had anything to do with the Town not being awarded the grant. Supervisor Lehning does not think that had anything to do with it. Jeff Martin was told by Stu Brown that it was a terrible year for upstate not received grants. Discussion of grants and what type of projects they were primarily used for. In the past the grants were mostly used for water and sewer projects. Presently many different projects are involved.

-Kendall Supervisor Jack Gilman invited officials from surrounding towns to attend a meeting on August 26<sup>th</sup> as he has an agent from Preferred Care speaking. Supervisor Lehning will try to attend this meeting.

### **Old Business –**

Regarding Town of Murray Local Law No. 2 of 2008 *A Local Law Regulating Excavation and Mining in the Town of Murray*; Motion by Wagner, Seconded by Bower that in accordance with the NYS Environmental Quality Review (SEQR) regulations, the Town Board announces its intent to serve as lead agency for the environmental review of Local Law No. 2 of 2008; that the Town accepts the environmental assessment form that has been prepared by Martin Environmental Consulting, and declares that the action will have no significant adverse environmental impact and that a Negative Declaration be issued under SEQR for this action.

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

Motion by Bower, Seconded by Morriss adopting Town of Murray Local Law No. 2 of the Year 2008 entitled *A Local Law Regulating Excavation and Mining in the Town of Murray*. After being put to a roll call vote, the vote was as follows:

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

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

The 30-day referendum for consolidated Water District No. 13 expired on July 26<sup>th</sup>. Jeff filed a No Referendum Certificate with the County Clerk. Motion by Morriss, Seconded by Bower adopting the final order on consolidated Water District No. 13 Final Order was thereupon adopted (All board members signed the final order)

Motion by Wagner, Seconded by Bower authorizing Supervisor Lehning to execute and submit application to Rural Development for loan assistance for the construction of improvements to serve the proposed extension of Water District No. 13. Motion Carried (On file in Town Clerk's office)

Motion by Bower, Seconded by Morriss authorizing Supervisor Lehning to sign the legal services contract for the establishment and construction of extension to Water District No. 13.

Motion Carried (On file in Town Clerk's office)

This is for the amounts that was budgeted and are basic numbers from Rural Development. This is not a figure that Heath and Martin come up with.

Jeff spoke of last meeting when Lynda Woolston mentioned the application that Mr. Moyer made for his junkyard. Jeff does remember speaking to her about an application and went back to his files. He has no application or records of ever receiving one. Jeff brought the three-page application that Mr. Moyer must fill out. The application fee is \$250. If Jeff receives the application back from Mr. Moyer, he will certainly process it. Jeff also will leave a copy of the Local Law for Lynda and Mr. Moyer so they are both aware of what is required. Jeff did receive an application from Lynda from Kevin Diehl. Basically Kevin would like to modify his permit allowing some of the RVs in his RV Park to stay year round, keeping them there through the winter months while the owners go south. Eventually Jeff will be referring the modified special permit application to County Planning.

**Town Clerk** – Receipts for July totaled \$613.50 with \$334.05 for the General Fund. Cindy has a quote of \$5,285.25 for a phone system for all departments in Town Building. She is still waiting for a quote from Matrix. Cindy spoke of the quote from B.A.S. for tax collection software. The

Williamson software presently being used is very old and has had problems converting house numbers correctly. Most of the towns in the county are using the B.A.S. software and hopefully the County will be converting to it also. Cindy was assured we can pay half this year and the balance in January. The quote includes installation on two computers, and training for the 2009 tax collection.

**Highway and Water Superintendent** – Ed asked Jeff Martin to research where the right of way is located for the cemetery on Hulberton Road in the Hamlet of Hulberton. The Town needs to maintain it, but Ed is unaware of where the right of way is. It is located behind a house and the homeowners asked how the Town planned on getting back there without going on their property.

Ed spoke of price increases this year. Salt prices have gone up over \$6.00/ton. We will buy 700 tons by September 1<sup>st</sup> to avoid paying that \$6.00/ton. We are paying \$4.10/gallon for fuel. We paid \$40.00/ton last year for asphalt and this year the price has increased to \$82.00/ton.

Brett Caruthers from NYMAR was pleased to see the parking lot done. One concern he had was that the fuel and salt prices would affect the level of service our Highway Dept. can provide and if we have any plans to cut back on service. Ed informed him that the Highway Dept. is planning on maintaining the same level of service it has in the past.

Motion by Wagner, Seconded by Morriss to accept the Supervisor's Financial Report and that the following bills be paid: Motion Carried

General Fund	Claims	256-302	Total	\$ 50,892.86
Highway Fund	Claims	176-195	Total	\$107,320.40
Water District No. 1	Claims	29-33	Total	\$ 611.10
Water District No. 2	Claims	38-45	Total	\$ 5,621.32
Water District No. 3	Claims	39-45	Total	\$ 2,337.98
Water District No. 4	Claims	23-26	Total	\$ 146.82
Water District No. 5	Claims	24-27	Total	\$ 4,499.50
Water District No. 6	Claims	46-55	Total	\$ 5,258.25
Water District No. 7	Claims	22-25	Total	\$ 339.67
Water District No. 8	Claims	23-26	Total	\$ 243.28
Water District No. 9	Claims	23-26	Total	\$ 122.71
Water District No. 10	Claims	42-48	Total	\$ 274.66
Water District No. 11	Claims	59-69	Total	\$ 3,378.56
Water District No. 12	Claims	24-27	Total	\$ 144.32
Water District No. 13	Claims	28-30	Total	\$ 144.32

Motion by Bower, Seconded by Wagner to adjourn the meeting.  
Motion Carried

Meeting adjourned by Supervisor Lehning at 8:57 p.m.

Respectfully Submitted,

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Cynthia L. Oliver