

Town of Murray Public Hearing and Board Meeting
February 9, 2010

Present: Supervisor John Morriss, Councilpersons Ed Bower, Kathy Case, Lloyd Christ and Paul Hendel, Town Clerk Cindy Oliver, Highway & Water Superintendent Ed Morgan, Attorney Jeff Martin, Assessor Lynn Wood, Nick Quaranto, Zoning Officer Lynda Woolston, Sally Naomi Shiffer, Joe Sidonio, Richard Downey, George Karpenko, Rick Carey

Public Hearing – 3383B Canal Road

The Town Board scheduled this public hearing to give the owner of the Turkstra property an opportunity to be heard. 3383 Canal Rd. was damaged by fire and Code Enforcer Ron Vendetti filed a report recommending it be demolished and removed. Owner, Clifford Turkstra was served at his residence in Canada. There is no appearance on behalf of the owner. Notice of Default will be given to him instructing him to proceed with the clean-up and removal. Upon his receipt of the notice, he will have 30 days to begin removal and 60 days to complete it. Discussion of options to recover the Town's cost, if the burden of clean-up fell to the Town. The Fire Dept. cannot do a controlled burn within 500 feet of other properties. Any expense the Town incurs can be added to the tax bill next January. Public Hearing closed at 7:10 p.m.

Town Board Meeting

Pledge to the flag.

Motion by Christ, Seconded by Bower that the minutes of December 22, January 5, and January 19, be approved with the correction to the January 5th minutes noting Councilman Christ being absent from meeting. Motion Carried

Fire Department Reports: The Board is in receipt of a written report from the Fancher Hulberton Murray Fire Company.

Rick Cary was present to give Holley Fire Dept. report for January. Calls for service: 35, number in village: 13, number in Town: 8, Mutual Aid given: 14. Discussed the incident summary and passed out list of each call. Discussion regarding what equipment the village owns, and what the Dept. owns, number of active members, insurance and

equipment costs, and tax rates. Part of our contract states that we are to receive financial statements from the fire dept, ambulance and rescue. The Town has never been provided with these statements. Hopefully this is a step in the right direction.

David Paul entered the meeting.

Assessor: Lynn Wood reported on activities in the Assessor's office. Busy with the update, and exemptions. Councilman Christ asked about the house that had a fire on Center Road. Lynn stated that it is owned by the government and tax free.

Zoning Officer: Lynda Woolston discussed roadside stands with the board. Lynda stated that the way the law is written, it is difficult to determine where the produce is coming from at these stands. Jeff Martin informed her that the law gives her the authority to request the information from the owner. Put the burden of proof on the stand operator. The law does not state that they have to grow it on the property where the stand is located. The produce can be grown on other property owned by the stand operator, on site, or on other land leased by that individual. They have to provide us with documentation such as a copy of deed, property location, and tax map number. If they are leasing the land, then a copy of the lease can be given. Joe Sidonio asked what the intent of the roadside stand law is. It is for individual profit, not providing a retail establishment 12 months of the year and it limits others from coming in to Town and selling produce that is grown elsewhere. It allows producers of locally grown crops to benefit and not let others from outside the town benefit.

Discussion regarding the clean up and removal at the Wishing Well property. Two bids were received. Ron e-mailed Jeff the scope of the work and it was sent out to prospective bidders. This included asbestos clean up. One for \$78,259 and the other for \$19,871. Ron recommended awarding to Robert Gibbs for \$19,871. The Town will try to recoup the money. It will be added to the tax bill and if the property sells, the new property owner assumes responsibility for taxes and the clean up expense. The property is zoned as commercial property and it will stay that way without the structure there. Board is in agreement of Jeff's recommendation of the Town filing a claim against the estate. It is his understanding that there are no assets at all in the estate but it has to be cleaned up whether the town incurs the expense or not.

Motion by Case, Seconded by Christ awarding the bid to Robert Gibbs for \$19,871.

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

Ayes	5	Bower, Case, Christ, Hendel, Morriss
Nays	0	
Absent	0	

Resolution was thereupon adopted

Discussion of DePalma property on the Fancher curve. The attorney representing the estate contacted Jeff and informed him that he has a gentleman who is very interested in purchasing the property. Jeff has a letter from the attorney regarding this. If there is an individual who could purchase the property, that individual would be responsible for the clean up. Board is in agreement to table the matter for one month. It will not jeopardize things by postponing the matter. If this does not go through, we can take care of it at the March meeting and the Board can accept Ron's findings and recommendations at that time.

Correspondence:

- Chatfield Engineers hourly billing rate will remain the same as 2008 rate.
- Canal Clean Sweep; if anyone wants to help clean up along the canal. Jeff Martin will bring the form to the school as it would be a good community service project.

Old Business

Councilman Hendel researched local Planning and Zoning Board training regulations and distributed educational literature from the Dept. of State. The Town needs to adopt a policy about the required training for employees, including who needs to be trained, what kind of training (on line or classroom training), how many hours of training. The state requires four hours annually but a municipality can adjust it for either more or less hours per year. The first step is to put together a policy with all the aforementioned information and then contact the people who do not have their training completed. A decision that the Planning or Zoning Board makes cannot be overturned because someone has not received all of their training. All are in agreement that the required hours of training annually should remain at 4 hours. Training hours can be carried over to the next year if the individual received more than the required amount. There are a number of sources available to receive the required training. Board members will have from 01/01 to 12/31. Payment per meeting is given at the end

of the calendar year. If training has not been completed, no payment will be made. David Paul gave the Board his letter of intent. Kathy and Paul will be holding the interviews for the vacant positions.

A few years ago, the Town agreed to pay 1/3 of the Murray Holley Historical Society utility bills. They have always turned in their utility summary at the end of each year and it was paid in December. This year they never submitted it until February after the 2009 books had been closed. They requested that we pay both 2009 and 2010 this year. Supervisor Morriss explained to Charlene Seilaff that our budget is in place and the Town cannot make two payments this year. We will pay 1/3 of the 2009 utility bills next month and from this time forward we will be one year behind. She also requested that the Town pay 1/3 of their insurance costs. Supervisor Morriss told her that we would think of it when the budget process for 2011 begins and that she should speak to the board at that time.

Supervisor Legislators dinner is a work/dinner meeting this month. Anyone interested in attending, please RSVP. It begins at 5:30 p.m. on the 23rd.

Motion by Christ, Seconded by Hendel that the Board to enter into executive session to discuss a personnel matter concerning a particular individual

Motion Carried Entered into executive session at 8:35 p.m.

Motion by Bower, Seconded by Case for the Board to return to regular session Motion Carried Returned to regular session at 9:00 p.m.

Attorney: Jeff Martin spoke about the Vendetti Properties Article 7 Proceeding. Procedurally, Vendetti Properties attorney did not do everything that is required. Jeff made a motion to dismiss because of this and the proceeding was dismissed.

The Brockport Country Club Article 7 has been resolved. There are no refunds due as they will be paying less tax due to the reduction in assessment.

Rural Development is waiting to close out water district 13. If closed by March 31st, the interest rate is 4.25% on the larger loan and 2.375% on the smaller loan. Jeff will contact them to let them know we will be prepared to close it on or before March 31st.

Town Clerk: Cindy handed out the Town Clerk Annual Report for 2009. Total state, county and local revenues were \$19,325.72. Local shares remitted were \$3,814.34.

Receipts for January totaled \$591.00 with revenues for the General Fund totaling \$153.59.

Cindy informed the Board that many of the Orleans County Town Clerks are planning on attending the 2010 Local Government Conference in Albany. May 16th through May 18th instead of attending the Town Clerk Conference in Saratoga Springs this year. The cost is \$450 per person all inclusive; taking the train to Albany and back. There will be a program and tour of NYS Archives, FOIL and Open Meetings Law among other classes. All are in agreement that Cindy can attend the Local Government Conference.

Highway and Water Superintendent: We had our Bi-annual visit from NYMIR. Toured the building and will not write the Town up as a fault, but smoke detectors are needed in the back room of the building. He also recommended burglar alarms on all of the man doors. Ed called our technician and he will be meeting with him on Thursday to discuss this.

The a-frame we bought at auction that was used to lift the little sander is not certified and we should declare it as obsolete and dispose of it at auction sites that municipalities can participate in.

Highway work agreement for 2010: The capital project will be Hindsburg Road – in place recycled.

Ed will be going to Albany for Advocacy Day on March 9th to make sure we at least maintain what we received last year.

The new insurance plan is in effect and the employees need to have the balance of their co-pay into their health saving accounts in March or April.

One comp case; employee got metal in his eye using the grinder. He was using glasses, but took the face shield off.

Back in July, Ed got a letter from the Village stating that they were awarded a grant for the feasibility study. Ed is wondering about the

status of this. The Village is the lead agency and the next step was to hire a firm to do the study. We need to see what the status of this is.

Motion by Christ, Seconded by Bower, declaring the a-frame and plow obsolete and no longer needed for Town use and allowing Highway Superintendent to dispose of them at his discretion

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

Ayes	5	Bower, Case, Christ, Hendel, Morriss
Nays	0	
Absent	0	

Motion was thereupon adopted

Motion by Bower, Seconded by Hendel authorizing the Highway Superintendent to enter into the highway work agreement for 2010

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

Ayes	5	Bower, Case, Christ, Hendel, Morriss
Nays	0	
Absent	0	

Motion was thereupon adopted

Ed spoke about the new winter work shifts that he put in place. This has generated a savings in overtime and the Town has better coverage. The man that came out from NYMIR asked if we have any claims due to one-man plowing. In the area they cover, there are 40% less accidents with one-man plowing compared to two.

Motion by Case, Seconded by Christ approving the Supervisor's financial report and that the following bills be approved and paid:

Motion Carried

General Fund	Claims 26-60	Total	\$14,182.89
Highway Fund	Claims 18-42	Total	\$55,057.80
Water District No. 1	Claims 4-5	Total	\$ 913.04
Water District No. 2	Claims 6-9	Total	\$ 242.42
Water District No. 3	Claims 3-5	Total	\$ 121.59
Water District No. 4	Claims 2-3	Total	\$ 1,005.60
Water District No. 5	Claims 2-3	Total	\$ 383.18
Water District No. 6	Claims 3-7	Total	\$ 3,472.42
Water District No. 7	Claims 2-3	Total	\$ 3,047.50
Water District No. 8	Claims 3-5	Total	\$ 1,878.14
Water District No. 9	Claim 1	Total	\$ 1,059.06
Water District No. 10	Claims 4-6	Total	\$ 302.82
Water District No. 11	Claims 4-10	Total	\$ 4,509.93

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Water District No. 12	Claims 2-3	Total	\$ 496.08
Water District No. 13	Claims 2-4	Total	\$ 1,441.78
Water District No. 14	NONE		
Water District No. 15	Claim 1	Total	\$ 97.00
Water District No. 20	Claim 1	Total	\$ 800.31

Motion by Bower, Seconded by Hendel to adjourn meeting
Motion Carried

So adjourned at 9:23 p.m.

Respectfully Submitted,

Cynthia L. Oliver