

Town of Murray Public Hearing and Town Board Meeting

July 8, 2008

Present: Supervisor Henry Lehning, Councilmen Henry Wagner, Lloyd Christ, Ed Bower, Attorney Jeff Martin, Town Clerk Cindy Oliver, Highway & Water Superintendent Ed Morgan, Legislator Kenneth Rush, Assessor Lynn Wood, Nick Quaranto, Code Enforcement Officer Ron Vendetti, Zoning Officer Lynda Woolston, Tom Martin, Mark Taylor, Alex Salamaca, Hunter Salamaca, Elisi Draper, Marilyn Miller, Joseph Sidonio, George Karpenko
Absent: Councilman John Morriss

Public Hearing – Amended Town of Murray Comprehensive Plan

Public Hearing opened by Supervisor Lehning at 7:00 p.m. This is the second of the two public hearings that are required. Marilyn Miller of the Town of Gaines questioned the type of wind development mentioned in the Comprehensive Plan. It was explained that all areas of wind development are covered in the Comprehensive Plan. Her concern is we will lose our rural character if not careful. No other questions or comments from those present.

Public Hearing closed at 7:06 p.m.

Town Board Meeting

Pledge to the flag.

Motion by Wagner, Seconded by Christ approving and accepting the minutes of the June 10th Public Hearing and Town Board meeting as submitted. Motion Carried

Alex Salamaca of 2900 Kendall Road spoke of FOIL request he sent to Councilman Morriss. Mr. Salamaca was unhappy with Councilman Morriss' response. He will be sending a copy of the letters to the Attorney General's office and will file a complaint with them. Mr. Salamaca spoke of the hiring of Ron Vendetti as Building Inspector/Code Enforcer. That he is well qualified for the job is irrelevant and he thinks it was an unethical decision to hire him. Mr. Salamaca will not acknowledge him and will not accept any tickets from him. He is expecting a visit from him and is prepared to bring up the facts to the Attorney General of the problems that Albion has had.

Mark Taylor of 16351 Ridge Road has some concerns but will reserve comments until he receives documents from his FOIL request. He is still living next door to a place that needs to be inspected. Ron Vendetti stated that he is somewhat aware of the situation and he will get it inspected. As far as Gilman's property on Ridge Rd., Ron will be getting the permits that were issued and will get back to Mr. Taylor regarding this.

David Paul of 3823 Countyline Road discussed his intentions regarding his land. Discussion of Mr. Paul's Special Use Permit. Attorney Jeff Martin thinks the process he needs to follow is to submit a formal application to the town. He needs to get a portion of the 77 acres released from his permit. If Mr. Paul wants the acreage covered under the special use permit modified, he will need to bring something to the Board so they are aware of what he's planning on doing.

Assessor – The final roll was completed and certified July 1st. One property in Murray was transferred to the county for back taxes. Lynn has not received auction information yet. Lynn spoke about the Orleans County Real Property web site. All sales will be listed on their website.

Zoning & Code Enforcement – Lynda reported 10 or 11 permits were issued in June. Discussion regarding inflatable/bag pools and the requirements for fences surrounding them. Ron Vendetti stated that there are some parts of the law that he objects to but this is something that needs to be followed up on. As a municipality, we are required to enforce the state laws. The residents that have not responded to literature that was given to them regarding these pools will be getting a citation. Supervisor Lehning asked Lynda and Ron to keep a journal so each month the board can see what has been worked on. Alex Salamaca asked if ponds require a fence. Ron said it is the landowner's responsibility when it is their own pond.

Supervisor – Supervisor Lehning attended a meeting on June 19th with other county officials regarding shared services. Legislature is moving forward with forming a committee to work on this. The Association of Towns recommends moving slowly as the further away we get from local government the less of a voice we have.

Correspondence –

- Information from Holley Community Free Library announcing programs the library has to offer.
- County Planning Board minutes from May.

Old Business – We have held the necessary public hearings on the updated Comprehensive Plan and have gotten the public's input. Motion by Christ, Seconded by Wagner adopting the Amended Town of Murray Comprehensive Plan as presented.

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

Motion by Bower, Seconded by Christ 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 the amended Town of Murray Comprehensive Plan; that the Town accepts the environmental assessment of the proposed action and declares that the action will have no significant adverse environmental impacts and that a Negative Declaration be issued under SEQR for this action.

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

Joe Sidonio asked if the recommendations of the Orleans County Planning Board were implemented. He was informed that all recommendations were addressed and are a part of what is being adopted tonight.

New Business – In regards to Water District No. 14, the Department of Agriculture and Markets has determined that the project would not have an unreasonably adverse impact on the continuing viability of farming in the district. Their finding is conditional on the Town Board's adoption of a lateral restrictions resolution, limiting connections to the water mains to farm related and existing non-farm uses. Motion by Bower, Seconded by Wagner adopting Water District No. 14 Lateral Restrictions Resolution.

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

We have received Pay Estimate No. 3 for Water District No. 13. Motion by Christ, Seconded by Wagner approving payment no. 3 for Water District No. 13 in the amount of \$39,014.01 to Pilon Construction. Motion Carried

Supervisor Lehning supplied all with our current insurance plan analysis and proposed plans and cost of Preferred Care. These rates are only guaranteed until November. After a brief discussion, the Board decided to hold off on a decision until we receive the new rates for 2009. At that time we will review it again and make a decision.

Motion by Christ, Seconded by Bower authorizing Supervisor Henry Lehning to sign the engineering contract for Water District No. 13 Extension. Motion Carried

David Paul stated he would present the Board with a plan for five acres of his land. The special permit would be issued by the Town Board. Mr. Paul showed the Board a drawing of the five acres and what he is planning to do. The boundaries are not changing. He discussed the selling of top soil and mulch; can this be done if he screens it and delivers it himself? Jeff Martin stated that he does not think he is allowed to have multiple purposes on the same five acres. Roy Kenyon's situation is different because there are two separate entities and two separate parcels. Jeff will research this and get back to Mr. Paul.

Wayne Moyer inquired about his junkyard permit. He said he filled out an application about a year ago and has heard nothing since then. He said he has done everything the Board asked him to do. He has paid his fine and would like to get his permit. Supervisor Lehning appreciates his efforts and it will be taken care of by next meeting.

Attorney Jeff Martin – On June 17th the Zoning Board of Appeals approved an area variance for the subdivision of a 10 acre parcel with 100 feet of frontage on Monroe-Orleans County Line Road owned by Johanna Roman. This has been filed with the Town Clerk and certified copies have been sent to the applicant.

As the Town Board adopted the resolution approving the extension and consolidation of Water District No. 13 on June 26th, the 30-day waiting period is up on July 26th.

Jeff distributed a copy of proposed local law regulating excavation and mining in the Town of Murray. If the Board wishes, it can be introduced tonight. This would have to be referred to County Planning for their recommendations. This would repeal the 1993 law and the 1996 amendment to that law and would be the local law that will be followed. It should be back from County Planning in time for the August meeting. There are pretty heavy restrictions in this proposed law but Jeff thinks these stipulations are needed. Jeff also spoke to DEC and they said they would be coming out from time to time to monitor the operation of Togemco. Joe Sidonio asked if there is a way we could amend the law to allow the sort of operation as Todd Campbell's instead of allowing full-blown mining. Jeff did not think we could make it so specific to Mr. Campbell's situation that it is

something being done solely for him. Motion by Christ, Seconded by Bower introducing proposed Local Law No. 2 of 2008 *A Local Law Regulating Excavation and Mining in the Town of Murray*.
Motion Carried

Town Clerk – June receipts totaled \$1,288.64. General Fund received \$715.69.

The State DOT completed their investigation of Groth Road between Route 104 and Phillips Road relative to the establishment of a lower speed limit. They determined that a 35 mph speed limit is justified on Groth Road. Orders for the speed zone are being processed for filing with the Secretary of State and will be sent to us when approved. The installation of signs can follow at that time. A representative from their office visited the site of Route 104 between Route 272 and Transit Road relative to lowering the speed limit. They also met with the Traffic Supervisor from the NYS Police at the location to seek his input. In consideration of the roadway characteristics, radar data and the review by the State Police, the State DOT determined that a reduction of the speed limit is not warranted.

Returned checks for water bills have become a problem. Do we have to continue accepting checks for water payments from customers who continually write checks that get returned? Discussion of amending the Water District Rules and Regulations. Motion by Bower, Seconded by Christ to amend the Water Rules and Regulations to state that shut-off notices will include a notice that residents have to pay in cash or money order. Motion Carried

Cindy reminded Councilmen to keep open the dates of the Bicentennial celebration.

Highway and Water Superintendent – Ed asked for approval to take East Transit Church Road off of the Capital Expenditure Project because of the price of asphalt and because of the water line that will be going in. Motion by Christ, Seconded by Wagner authorizing Highway Superintendent to remove East Transit Church Road from the Capital Expenditure Project. Motion Carried

Brief discussion of the inter-municipal water agreement between Kendall and Murray. Town of Kendall attorney drafted an agreement but some changes need to be made. Jeff and Ed will review it and bring it back to the Board next month.

Legislator Rush updated those present of the three prospective properties for the new jail. The committee is meeting regularly. There is no money from the State or Federal Government for jails. This is a huge capital project and the cost is a big worry but the county does not have a choice in this matter.

Joe Sidonio asked if the Town had any equipment to clean a culvert under the road that is plugged. There is a plugged culvert on Hurd Road. Ed said villages have sewer jet machines. Since Hurd Road is a county road, he will refer it to the county.

Board received a copy of budget adjustments/transfers. Motion by Christ, Seconded by Bower approving the following budget transfers:
Motion Carried

HIGHWAY FUND – TOWNWIDE

<i>Transfer From:</i>	Unanticipated Revenues		
DA2770	Miscellaneous		\$5,000.00
		TOTAL	\$5,000.00

<i>Transfer to:</i>	DA5130.4	Service Charges/Misc.	\$5,000.00
		TOTAL	\$5,000.00

WATER #2

<i>Transfer From:</i>	Unanticipated Revenues		
SW2770	NSF Fee		\$ 10.00
		TOTAL	\$ 10.00

<i>Transfer To:</i>	SW1990.4	Contingency	\$ 10.00
		TOTAL	\$ 10.00

WATER #6

<i>Transfer From:</i>	Unanticipated Revenues		
SW2770	NSF Fee		\$ 10.00
		TOTAL	\$ 10.00

<i>Transfer To:</i>	SW1990.4	Contingency	\$ 10.00
		TOTAL	\$ 10.00

WATER #8

<i>Transfer From:</i>	Unanticipated Revenues		
-----------------------	-------------------------------	--	--

SW2401	Int. Earnings		\$ 10.00
		TOTAL	\$ 10.00
<i>Transfer To:</i> SW1990.4	Contingency		\$ 10.00
		TOTAL	\$ 10.00
<u>WATER #11</u>			
<i>Transfer From:</i>	Unanticipated Revenues		
SW2140S	Out-of-District Sales		\$ 830.00
SW2144	Water Connection		\$ 3,000.00
SWUB	Unexpended Balance		\$ 7,250.00
		TOTAL	\$11,080.00
<i>Transfer To:</i> SW1990.4	Contingency		\$ 10.00
SW8320.4B	New Construction Cost		\$11,070.00
		TOTAL	\$11,080.00

WATER #12

<i>Transfer From:</i>	Unanticipated Revenues		
SW2144	Water Connection		\$ 237.00
		TOTAL	\$ 237.00
<i>Transfer To:</i> SW1990.4	Contingency		\$ 17.00
SW8310.1B	Admin Pers Service Billing		\$ 220.00
		TOTAL	\$ 237.00

WATER #13

<i>Transfer From:</i>	Unanticipated Revenues		
SW8320.4	Water Purchase Contractual		\$ 115.00
SW2150	Interest		\$ 115.00
		TOTAL	\$ 230.00
<i>Transfer To:</i> SW1990.4	Contingency		\$ 10.00
SW8310.1B	Admin Pers Service Billing		\$ 220.00
		TOTAL	\$ 230.00

Motion by Christ, Seconded by Wagner approving the Supervisor's Financial Report and that the following bills be approved and paid:
Motion Carried

General Fund	Claims 218 – 255	Total	\$29,786.05
Highway Fund	Claims 146 – 166	Total	\$14,576.07
Water District No.	Claims 27 – 28	Total	\$ 493.28
Water District No. 2	Claims 35 – 37	Total	\$ 72.61
Water District No. 3	Claims 35 – 38	Total	\$ 1,813.69
Water District No. 4	Claim 22	Total	\$ 12.00
Water District No. 5	Claims 22 – 23	Total	\$ 58.13

Water District No. 6	Claims 44 – 45	Total \$	43.37
Water District No. 7	Claim 21	Total \$	12.00
Water District No. 8	Claim 22	Total \$	12.00
Water District No. 9	Claim 22	Total \$	12.00
Water District No. 10	Claims 38 – 41	Total \$	779.53
Water District No. 11	Claims 55 – 58	Total \$	947.71
Water District No. 12	Claim 23	Total \$	12.00
Water District No. 13	Claim 27	Total \$	12.00

Motion by Wagner, Seconded by Christ that the meeting be adjourned.
Motion Carried

Meeting adjourned at 8:41 p.m.

Respectfully Submitted,

Cynthia L. Oliver