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Town of Murray Public Hearing Minutes March 14, 2006

Present: Supervisor Henry Lehning, Councilmen Lloyd Christ, Ed Bower and John Morriss, Town Attorney Jeff Martin, Zoning Officer Dan Strong, Highway Clerk Karen Clark, Town Clerk Cindy Oliver, residents Donna Persia, Gary Persia, Richard Downey, George Patterson, Bill Herring, Don Bauch, Linda Fitzgerald, Kathleen Bates, Tim Rogers, Roy Kenyon, David Piedmonte, Joe Sidonio, David Paul, George Karpenko, Taryn Hilliker

Public Hearing – Local Law No. 1 of 2006 – Moratorium on Wind Energy Deriving Towers and Transmission Facilities Law.

Public Hearing opened by Supervisor Lehning at 7:15 p.m.

There has been some interest in this part of the state about developing property with windmills for energy production. People have been approached in Orleans County about leasing property for wind energy systems. Presently, the Town of Murray does not have any regulations in place that would govern that type of development, thus the reason for putting a moratorium in place for a period of six months. This means the Town wouldn't entertain any applications for this type of facility within 180 days of the adoption of this Local Law. Within this six-month period, some regulations would be put in place that would govern windmills and similar types of energy producing facilities. Brief discussion followed.

Public Hearing closed at 7:20 p.m.

Public Hearing – Small Cities Grant Program – Water District #12

Public Hearing opened by Supervisor Lehning at 7:30 p.m.

Attorney Jeff Martin informed those present about the Small Cities Grant Program and Water District #12, which is a \$550,000.00 project. A requirement under the Small Cities Grant Program is that a municipality conduct a Public Hearing prior to submitting an application for funding. This gives the community an opportunity to ask questions about the grant program, to make suggestions to the Town as to what types of projects they would like to see the Town pursue funding for. Other types of projects that would be eligible would be sewer improvements, low-income housing, etc. Brief discussion as to why the original Water District #12 was pared down to a much smaller water district this time around.

Public Hearing closed at 7:30 p.m.

Town of Murray Regular Board Meeting Minutes March 14, 2006

Present: Supervisor Henry Lehning, Councilmen Lloyd Christ, Ed Bower and John Morriss, Town Attorney Jeff Martin, Assessor Lynn Wood, Zoning Officer Dan Strong, Highway Clerk Karen Clark, Town Clerk Cindy Oliver, Residents Donna Persia, Gary Persia, Richard Downey, George Patterson, Bill Herring, Don Bauch, Linda Fitzgerald, Tim Rogers, Roy Kenyon, David Piedmonte, Joe Sidonio, David Paul, George Karpenko, Taryn Hilliker

Meeting called to order by Supervisor Lehning at 7:40 p.m.

Pledge to the flag.

MOTION by Christ, SECOND by Bower, that the February 2006 minutes be approved.
CARRIED

David Paul spoke briefly about the videotape that was taken of his property a few years ago. He wanted a copy of the video but it cannot be located. Mr. Paul also questioned the testing of water in different water districts. The water in each district has to be tested on a monthly basis and each test costs \$12.00. Mr. Paul inquired about the number of C of O's that were issued in

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2005. Cindy Oliver said she would check in the Town Clerk records and let him know. Regarding the proposed snow removal for the Village of Holley, Mr. Paul suggested a public meeting with the residents of the Village of Holley and discuss merging our resources. The tax rate would either stay the same or go down, not up. If it could be proven to the residents that combining would lower taxes, it may help the Town in getting a new town hall. Supervisor Lehning stated that the Village would have to take the initiative. Several towns/villages have voted for this same thing and it never passes, as residents do not want to give up their villages. Mr. Paul spoke about attracting people to the Town of Murray in particular high-income people and keeping them here. Supervisor Lehning stated that the Board cannot control the income level of people in the community.

Joe Sidonio spoke about our Comprehensive Plan that is about 5 years old. We do not have a long-range plan. Where are we heading? We need a vision for our community and a plan to take the community to the next level. Mr. Sidonio passed out articles regarding tourism (Erie Canal), preservation, and community development. Grants can be used for things other than water districts. We need to take the initiative and reinvest in our community. David Piedmonte stated that there are many things that could bring people and tourism into our community. Mr. Sidonio would like to see the Town Board reach out to the community in different ways; in particular, the businesses and bridge the gaps. He stated the rules for zoning enforcement seem to be inconsistently applied. He made reference to motor cross track on Mr. Paul's property not being considered a recreational use. Discussion regarding opinions of recreational use. Mr. Sidonio asked how Mr. Christ could have a tractor-pull and demolition derby in a district zoned the same as Mr. Paul's district and does this without a building permit. Councilman Christ explained that these events are strictly fundraisers and the CEO at the time told him he didn't need a building permit. Last year, the Town Planning Board had work sessions to get some revisions into our zoning that would allow for a Special Event Permit for uses such as Mr. Christ's that are limited to 2 or 3 times a year. Also a resident approached the Board about wanting to have snowmobile races a couple of times in the winter. There is a definite difference between that type of limited use versus something like a motor cross track that would be in operation year-round for a profit. The zoning revisions that are proposed would distinguish between something operated continuously or 6 months continuously during the year versus something for just 2 or 3 weekends. Mr. Sidonio thinks the Board needs to implement the Special Event Permit as soon as possible. We need to bridge the board and the community and have uniformity. Supervisor Lehning stated that we now have Dan and Lynda on board. They are doing a great job and are being uniform in the enforcement of codes. They are working to get the County Line Trailer Park cleaned up, which has not been done before. You have to take small steps and cannot expect everything to be perfect right away. We are making progress and moving forward.

Assessors – Brief discussion regarding tax rates and exemptions. Lynn Wood informed the Board that so far this year the town has 1 small business exemption and 1 new exemption for an agricultural building. For new structures that are 100% for business, the town offers a business exemption of 50% for the first year. It raises 5% every year over 10 years until it's 100%. This is done to entice small businesses to come in to the Town. An agricultural building is 100% exempt for 10 years. Sales in New York state are decreasing. Sales in January of this year as opposed to January of last year have decreased 8.6%. Sales are decreasing, but the sale price of the structures are increasing. Homes are selling for over the assessed values. Our equalization rate is down to 92%.

Code Enforcement/Zoning – Dan and Lynda met with the owner of the County Line Mobile Home Park. It was a positive meeting. Dan and Lynda put together a letter to the residents of the park stating that effective immediately, building permits are required for any additions, alterations, and improvements to existing structures. This includes installation of new/used mobile homes. Also stated in the letter is that they will be reviewing all properties for any violations of Local Zoning and Code. This letter will go out with Mr. Gelb's monthly letter he sends to residents. As far as new permits being issued, Dan thinks Mr. Gelb should approve anything that goes on in the park, as he is the property owner of record. Jeff agrees that any permit issued should be issued to the owner of record rather than the tenant. This is not something that can be fixed in a couple of months. It will take time. Mr. Paul asked if a permit is required when a mobile home is removed from the park. Dan said he would have an answer for him next month. He will be in training next week and the state will be spending 3 hours on mobile homes and their location.

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In May the annual tax auction in the county is held. A concern of his is homes in various states of disrepair going to tax auction. People buy these homes without realizing they will have to answer to the local zoning and building codes. Dan gave a copy of what they sent to the County which basically states that before an auction takes place, a person cannot deny the fact that they have to see the zoning officer if they buy a home that is in serious disrepair. This will make the buyers aware.

Other zoning issues: Mr. Karpenko is scheduled for court on March 29th. Dan and Lynda will be meeting with the Moyers in March. There are 12 different addresses that Lynda will be sending clean-up letters to this month. These properties either have unregistered/abandoned vehicles or the yards need to be cleaned up. This is just a start. Each week as she travels through the town, she will check more properties. Lynn Prest began rebuilding his house on Creek Rd. A ranch house on Route 31 is due for final inspection. A nice home by Murray Superette is near completion as well. Dan asked the Board if they would split the mileage expense for his training in Rochester this week with the Town of Carlton. Dan asked if the Board wanted him or Lynda to remain until the end of the meetings as they are being paid for their time. It was decided that unless there is something on the agenda that would require Dan or Lynda's input, once the public interaction is over, they've given their report and answered any questions, there is no reason for them to stay.

Correspondence – The Holley Soccer Club is looking for some dirt fill for their site behind the funeral home. Invitation to a State Conference in Albany on April 29th to learn about the design of roundabouts.

New Business – MOTION by Morriss, SECOND by Christ that in accordance with the NYS Environmental Quality Review regulations, the Town Board serve as lead agency to conduct an environmental review of a project which involves the adoption of Local Law No. 1 of 2006 by the Murray Town Board CARRIED -Resolution on file in Town Clerk's office

There are some people who need to sign a NYS Employee Retirement System Option Form. Supervisor Lehning will make sure these people get them signed and turned in to the state by April 1st.

Supervisor Lehning is trying to get a date when the State Auditors will come in and give us their report. We will hopefully be meeting with them before April 1st. When he gets a date, he will let the Board know.

Attorney – George Karpenko will be in court for trial on the 29th for the junkyard violation. Jeff will report on that at the next meeting. Tomorrow at 7:00 p.m. is the informational meeting on establishing Water District #12.

Town Clerk – Cindy Oliver reported that receipts for February were \$404.10 and revenues for the General Fund were \$252.65. Cindy also announced that The American Red Cross is having a Chinese Auction and Steak Dinner on March 25th at the American Legion in Albion. Tickets are \$20.00 and all proceeds benefit the disaster relief fund. Tickets can be purchased at the Town Clerk's office.

Highway Superintendent – Ed Morgan gave the Board a written report as he was out of town. Plow time is down 28% and salt usage is down 37% from the 5 yr. average.

Partial shipment of fence for cemetery is in and they will start working on it next week.

More water samples had to be taken and results sent to Stu Brown along with 4 more income surveys for Water District #12.

Supervisor Lehning referred to the Budget Report under Town wide General Fund, payment in lieu of taxes. Based on what we're going to receive as a town overall, the Business Park will generate over \$90,000. in tax payments this year. This will continue to go up each year.

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MOTION by Christ, SECOND by Bower approving the Supervisor's Financial Report and that the following bills be approved and paid as follows:

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| Highway Fund, Claims 96 through 125 | Totaling \$161,179.54 |
| General Fund, Claims 72 through 111 | Totaling 10,918.74 |
| Water District # 1, Claims 13 through 16 | Totaling 330.05 |
| Water District # 2, Claims 14 through 20 | Totaling 4,527.55 |
| Water District # 3, Claims 12 through 17 | Totaling 1,054.07 |
| Water District # 4, Claims 7 through 11 | Totaling 640.40 |
| Water District # 5, Claims 10 through 12 | Totaling 26.20 |
| Water District # 6, Claims 10 through 14 | Totaling 460.66 |
| Water District # 7, Claims 9 through 11 | Totaling 90.10 |
| Water District # 8, Claims 8 through 10 | Totaling 61.70 |
| Water District # 9, Claims 7 through 9 | Totaling 26.20 |
| Water District #10, Claims 12 through 17 | Totaling 327.63 |
| Water District #11, Claims 15 through 22 | Totaling 6,164.01 |

Meeting adjourned by Supervisor Lehning at 8:55 p.m.

Cynthia Oliver