

**Town of Murray Public Hearing**

May 12, 2009

Present: Supervisor Henry Lehning, Councilmen Ed Bower, Lloyd Christ, John Morriss and Henry Wagner, Attorney Jeff Martin, Town Clerk Cindy Oliver, Assessor Lynn Wood, Nick Quaranto, Tom Martin, Richard Downey, Jim Manno, Tony Manno, George Karpenko, Nick Seitzinger, Dennis Lusk, Cory Blood, Hunter Fiegel, Alex Monacelli, Kathleen Bates, Ann Bates, Ed Bradoc

*Public hearing regarding adoption of new Town of Murray Zoning Ordinance and Zoning District Map*

The legal notice announcing the public hearing was published in the April 24<sup>th</sup> edition of the Batavia Daily News. Tom Martin, editor of the new zoning ordinance was present to answer any questions Councilmen or residents may have. It was referred to the Orleans County Planning Board last month and they recommended approval with two suggestions; that the property maintenance standard for grass length be changed from a maximum height of six inches to ten inches keeping it consistent with the state code; and although the new zoning ordinance limits the business section on Ridge Road, it should be incorporated that any business on Ridge Road legally operating under the current ordinance will be allowed to continue their operation. The Board would like these two recommendations incorporated into the new zoning ordinance. No questions from those present.

Public Hearing closed at 7:08 p.m.

**Town of Murray Board Meeting**

May 12, 2009

Present: Supervisor Henry Lehning, Councilmen Ed Bower, Lloyd Christ, John Morriss and Henry Wagner, Attorney Jeff Martin, Town Clerk Cindy Oliver, Assessor Lynn Wood, Nick Quaranto, Tom Martin, Richard Downey, Jim Manno, Tony Manno, George Karpenko, Nick Seitzinger, Dennis Lusk, Cory Blood, Hunter Fiegel, Alex Monacelli, Kathleen Bates, Ann Bates, Ed Bradoc

Pledge to the flag.

Motion by Wagner, Seconded by Bower approving the minutes of the April 14<sup>th</sup> Public Hearing and Town Board meeting Motion Carried

**Assessor:** Lynn and Nick began their road work this week. It is mandated by New York State that every property must be viewed at least every six years. They completed the viewing of one road yesterday and are taking pictures also. Grievance day with the Board of Assessment Review is May 26<sup>th</sup>. There are two members this year as Joseph Wahl recently resigned. The County auction takes place on May 13<sup>th</sup>. There are a total of 67 properties in Orleans County that are up for auction; two properties in the Village of Holley and five in the Town of Murray.

**Correspondence:**

- Assemblyman Steve Hawley's Community Food Drive
- Joseph Wahl - Board of Assessment Review resignation
- Tomkins Insurance Agencies - Preferred Care/MVP tax increase
- NYMIR – NYS Motor Vehicle Law Enforcement Fee Change from \$5.00 per vehicle to \$10.00 per vehicle effective June 1<sup>st</sup>.
- NYMIR – Increase in NYS Jurisdictional Boiler Inspection Fees from \$50.00 to \$100.00
- The Ethics Board of Orleans County – open meeting on June 3<sup>rd</sup>
- Town of Clarendon – resolution acknowledging and accepting a change in liability insurance coverage for the Joint Youth Recreation Programs
- NYS Canal Corp. – Hours of operation for Canal Corp. locks and lift bridges for the 2009 season
- NYS Canal Corporation – Partnering with NYS DEC for canal to be designated a "No Discharge Zone"
- Orleans County Legislature – Town Hall Meeting on June 2<sup>nd</sup> at 7:00 p.m. at the county 4-H fairgrounds Trolley Bldg.
- Time Warner Cable – will operate channel 15 primarily as a public access channel and channel 12 primarily as a government access channel.
- County Planning Board – meeting minutes of March 26<sup>th</sup>
- Genesee Community College – Any Genesee, Livingston, Orleans and Wyoming County high school graduate this June can attend one or two summer courses, with 100% of tuition costs covered under *Genesee Promise Plus* scholarships at Batavia Campus, Albion, Arcade, Dansville, Lakeville, Medina and Warsaw
- Chatfield Engineers, P.C. – paid invoice for oil/water separator
- Collateral Pledge and Control Agreement

**Old Business:** Motion by Christ, Seconded by Wagner that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board announces its intent to serve as lead agency to conduct an environmental review of the new Town of

Murray Zoning Ordinance and Zoning District Map; that the Town Board has determined that the proposed action is a Type I Action as defined under SEQR; that the Town Board accepts the environmental assessment form that has been prepared by Martin Environmental Consulting, and declares that the action will result in no significant adverse environmental impact and that a Negative Declaration under SEQR be issued for this action.

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

Ayes	5	Lehning, Wagner, Christ, Bower, Morriss
Nays	0	
Absent	0	

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

Motion by Morriss, Seconded by Bower adopting the new Town of Murray Zoning Ordinance and Zoning District Map; and that written notice is to be sent to the Orleans County Planning Board of the Town Board decision to adopt the new Zoning Ordinance and District Map; and a Notice of Adoption and summary of the new ordinance will be published in *The Batavia Daily News* and the new Town of Murray Zoning Ordinance and Zoning District Map will become effective ten days after publication of said notice and the current zoning ordinance and map and all previous amendments thereto, being repealed.

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

Ayes	5	Lehning, Wagner, Christ, Bower, Morriss
Nays	0	
Absent	0	

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

Motion by Wagner, Seconded by Bower approving the Justice Court computer infrastructure renovations totaling of \$1,009.98.

Motion Carried

**New Business:** Motion by Wagner, Seconded by Bower that the Town Board of the Town of Murray expresses its support of the efforts of Smoke Free NOW and Reality Check, encouraging retailers to reduce overall tobacco advertising in their place of business and to eliminate tobacco advertising from areas likely to be seen by children

Motion Carried

Motion by Christ, Seconded by Morriss accepting, with regret, the resignation of Joseph Wahl from the Board of Assessment Review

Motion Carried

David Paul entered the meeting.

Councilman Christ informed Board that Wendy Hargrave would like to see if speed limit on Groth Road can be extended to the top of the hill. When Highway Superintendent returns we will ask him to contact the State Police regarding this.

**Attorney:** Motion by Christ, Seconded by Wagner, authorizing issuance of \$100,000 bonds at 5% for the purchase of a dump truck for the Town of Murray. Bond Resolution was thereupon adopted (on file in Town Clerk's office)

Discussion regarding the expired fire, rescue and ambulance contracts. Jeff is in receipt of a proposed fire contract from village attorney and what they are requesting is \$256 more than we've budgeted for. Also, they have the entire amount to be paid by January 31<sup>st</sup> in advance of their service for the year. We are to be provided with a copy of their budget, which we have not received. Issues need to be discussed regarding the fire, rescue and the Holley Volunteer Ambulance contract. HVA should be providing us with the amounts they are charging. Numerous issues need to be discussed regarding these contracts. Jeff will speak to the Village Clerk and see if she can organize a meeting with all parties.

Motion by Christ, Seconded by Morriss to enter into executive session regarding a personnel matter at 7:48 p.m. Motion Carried

Motion by Morriss, Seconded by Bower to return to regular session at 7:56 p.m. Motion Carried

Motion by Bower, Seconded by Wagner appointing Gary P. Passarell as Murray Town Justice to fill a vacant position for the balance of the 2009 calendar year. Motion Carried

**Town Clerk:** Cindy reported receipts for April totaled \$636.72 with \$343.38 going into the general fund. Tax reconciliation is finished and all reports are balanced. The Town Clerk's office collected 82% of taxes due for a total of \$2,795,240.21 in taxes from January 1, 2009 until April 30, 2009. \$624,458.74 in taxes remain unpaid and those along with the reconciliation reports have been turned in to the County Treasurer's office. Motion by Morriss, Seconded by Wagner approving the Town Clerk report. Motion Carried

**Highway and Water Superintendent:** Motion by Christ, Seconded by Wagner authorizing Highway Superintendent Edward Morgan to sign the NYS Dept. of Transportation Agreement to Extend Indexed Lump Sum Municipal Snow and Ice Agreement for the 2010/2011 contract year Motion Carried (on file in Town Clerk's office)

2009 CHIPS allocation to the Town is \$56,440.02. The new truck is in and will be put into service within the next couple of weeks once it is lettered and the radio installed.

The Municipal Auction in Palmyra on May 9<sup>th</sup> went well with net sales totaling \$14,094.

1987 Mack Dump Truck	\$6,000
Serial #IM2P129C6HA011977	
Model RD685P	
Mack 237	
1985 Case Cruz-Air 1085B	\$3,500
Serial #6293848	
Ext. boom -	
5' ditching	
24" digging	
5' rotary mower	
10' snow blade	\$1,750
3 Slide Harder Sanders	\$ 800
3pt Hitch Rotary Mower	\$ 100
6' Woods	
3pt Hitch 7' backblade	\$ 175
Serial #101033	
Set of old Pallet Forks	\$ 325
Ajax K5 5hp Shop compressor	\$ 300
Serial #885-834	
John Deere 318 Mower	\$1,800
Old desks & file cabinets	\$ 50
Misc. Items	\$ 860
Old Grader Tire % Wheel/Flail Mower & Bracket	
Old Ditching Bucket	
 TOTAL SALES	 \$15,660
Less commission	- 1,566
<b>NET SALES</b>	<b>\$14,094</b>

**Supervisor:** Supervisor Lehning will be meeting with Nancy Merritt of the US Census Bureau regarding the 2010 census on Thursday at 1:00 p.m.

We have received a proposal for the Town audit from The Bonadio Group. It is not clear what the fee is so the appointment of an auditor will be left open until the amount is clearly understood. We are also waiting for a proposal from Gray CPA.

We've received the pre-eligibility for Water District No. 15; the grant portion was not as much as we hoped for. This would put the cost per household to about \$700 and would require the comptroller's approval. Stu Brown will be contacting Rural Development to see if anything more can be done. If not, we will have to think this district through again.

Motion by Christ, Seconded by Wagner approving the Supervisor's financial report and approving and paying the following bills:

General Fund	Claims 133-160	Total \$	10,997.62
Highway Fund	Claims 107-118	Total \$	186,068.62
Water District No.1	Claim 13	Total \$	646.25
Water District No. 2	Claims 23-25	Total \$	8,018.49
Water District No. 3	Claims 18-20	Total \$	4,418.85
Water District No. 4	Zero Claims	Total \$	0.00
Water District No. 5	Zero Claims	Total \$	0.00
Water District No. 6	Claims 22-25	Total \$	5,589.16
Water District No. 7	Zero Claims	Total \$	0.00
Water District No. 8	Zero Claims	Total \$	0.00
Water District No. 9	Zero Claims	Total \$	0.00
Water District No. 10	Claims 15-17	Total \$	402.08
Water District No. 11	Claims 29-34	Total \$	479.69
Water District No. 12	Zero Claims	Total \$	0.00
Water District No. 13	Zero Claims	Total \$	0.00

Motion by Wagner, Seconded by Bower to adjourn meeting.

Motion Carried

So adjourned at 8:03 p.m.

Next meeting is June 9<sup>th</sup> at 7:00 p.m.

Respectfully submitted,

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Cynthia L. Oliver

