

TOWN OF MURRAY BOARD MEETING

May 11, 2010

Present: Supervisor John Morriss, Councilwoman Kathy Case, Councilmen Ed Bower, Lloyd Christ and Paul Hendel, Town Clerk Cindy Oliver, Highway & Water Superintendent Ed Morgan, Assessor Lynn Wood, Attorney Jeff Martin, Code Enforcer Ron Vendetti, Nick Quaranto, Sally Naomi Shiffer, Mark Taylor, Lori Rife, Patti Johnson, David Orians, Joe Sidonio, Stan Kemp, George Karpenko, Ray Gardner David Paul, Charles Marriott, George Marriott, Charlotte Rodas, Wayne Moyer

Meeting called to order by Supervisor Morriss at 7:00 p.m.

Pledge to the flag.

Motion by Christ, Seconded by Hendel accepting the April board meeting minutes with correction of *Councilwoman Case seconding the motion that the bills be approved paid and accepting the Supervisor's financial report.* Motion Carried

Brooke Pontillo of Toshiba Business Solutions was present to discuss and answer questions regarding the e-Studio 203L copier, printer and scanner system. Our present copier is over five years old and we have been having many problems with the machine. Special State Contract Pricing is as follows: 63-month lease includes 2,000 images per month at \$116/month.

Motion by Christ, Seconded by Bower that the Town enters into a 63-month lease for the Toshiba-e-Studio 203L Copier, Printer and Scanner System Motion Carried

Michael Furness, Alternatives to Incarceration Coordinator was present to discuss this community service program. He is trying to develop more jobs for the work crew to carry out for the county and towns. The type of jobs could entail mostly everything except operating machinery, such as painting, road clean-up, etc. The crews only operate on weekends from 7:30 a.m. Saturday until 3:30 p.m. Sunday. There is always a county employee who is on site supervising the work crew. The Board questioned where the responsibility falls if a crew member gets hurt while performing a service in the Town. Mr. Furness is unsure but will try to get an answer from the County.

Fire Departments: Written report submitted from Holley Fire Department. No report from Fancher Hulberton Murray Fire Company.

Privilege of the Floor: Supervisor Morriss reminded all that individuals must be limited to five minutes and to direct comments to the Board. If arguments ensue public speaking will stop.

Charles Marriott: Regarding the roadside stands, Mr. Marriott asked the board how they can change the law without it being made public. Attorney Jeff Martin explained that the Town Zoning Ordinance was adopted in May 2009. There were public hearings prior to adoption. These regulations on roadside stands were adopted over a year ago and have not changed since that time.

George Marriott: Mr. Marriott stated that when he applies and receives a permit, it isn't right that the rules and regulations change once someone makes a complaint. The rules should apply to all. Jeff Martin stated that once a permit is issued, there are stipulations that must be met. Brief discussion regarding fence setback requirements. Anyone on your property, whether to mow alongside a fence or not, is not a town issue. Other than the height of the fence, the town has no interest unless there is a zoning violation having to do with that fence.

Charlotte Rodas: Ms. Rodas informed the board that the products on her roadside stand are garlic, tomatoes and rhubarb. She will not be removing the stand from the side of the road.

Mark Taylor: Mr. Taylor stated he did not attend the meeting to discuss the fence issue. They put the fence up two feet from the property line so they could maintain the other side. Mr. Taylor does not care what produce is sold from the stand, but the Town made laws and they should enforce them. People are stopping at that stand at all hours of the night. If the town does not enforce the roadside stand law then you cannot enforce the law stating there cannot be garage sales year-round. Mr. Taylor also spoke of the burning of garbage. He gave pictures to the Board. He said that Mr. Marriott is dumping and burning junk from his roofing jobs. There cannot be selective enforcement.

Assessor: Grievance day takes place Tuesday, May 25th from 10:00 a.m. – noon, and 6:00 p.m. – 8:00 p.m. There are six property owners scheduled for that day. Sales are coming in slow. There was one sale in the village and one in the town within the last month and both were sold over assessed value. Nick has been updating and getting photos of the properties where none are on file.

Code Enforcement Officer: Discussion regarding the Wishing Well clean-up. Ron thinks the safest way to move forward is to go back

and take bids. We need to get as many bids as we can. The Board needs to decide if we are going to move forward with the clean-up or not. Councilman Hendel said if the board decides to do nothing and it sits there for twenty years, is that not considered an environmental hazard? Ron thinks the town could be sued and be forced to clean it up. With this property, the town has no leverage. Our law for dealing with this is somewhat problematic. We had control the night of the fire and could have shipped the debris out at that time, but once we relinquish control, it is out of our hands. The local law needs to be looked at. Councilman Hendel stated that a decision needs to be made and if the board decides to take care of it, it needs to be done correctly. Board agreed to have Jeff pursue the town taking possession of the property.

Regarding the Turkstra property, it will be taken care of. It is slow going but it will be completed.

Ron has not received the asbestos survey for the DePalma property that was supposed to be provided. If the prospective buyers do not purchase the property, the estate has the money to take care of the clean-up/removal.

Old Business: Scheduled old business discussed in Code Enforcement Report.

Attorney Jeff Martin: Stenographer Edith Forbes is scheduled to report for both sessions on grievance day. She will only provide transcripts if needed.

Regarding the Richardson appeal; Attorney Jim Bell has filed his brief and is waiting for a date for his oral argument. It will be held in Rochester.

The close-out package for water district 13 has been sent to Rural Development. By mid-June we will be done. Bond council will prepare all the loan documents. Jeff will have the sets of closing documents in advance. He and Supervisor Morriss will go to Batavia and take care of it.

Jeff has not heard anything regarding the courtroom case about working dogs. Department of Agriculture and Markets contacted Jeff three or four about the town adopting a policy of allowing working dogs in court.

Discussion of the status of the DePalma property, asbestos survey, and status of the purchase offer. Their target closing date is May 5th. Jeff thinks once they get the results of the asbestos survey, it will proceed. It is reasonable to think that if they have the results of the survey, we should have a closing date by next meeting. Jeff informed the board that anytime they have said they would contact or call him they have done so. Councilman Hendel does not think it is prudent to start proceedings against the current owners if there is going to be a transfer of ownership. Board is in agreement to wait until next meeting and check the status at that time.

Wayne Moyer was present to inform the board that he still does not have his junkyard permit. He has previously handed in all the paperwork he was told he needed to provide. Ron understands the application process for a new junkyard but for one that already exists, the process is too much. There is no way Mr. Moyer can get to the end of the process. Jeff said he would be happy to sit down with Wayne and Ron to go over things. Mr. Moyer gave Jeff his contact numbers so a meeting date can be set.

Adam Morgan was present to discuss group retirement benefits. His company specializes in municipalities and non-profit organizations. Adam will e-mail Supervisor Morriss some proposals/options available and John will forward it to members of the board.

Town Clerk: Receipts for April totaled \$712.60 with \$359.91 going into the general fund. Cindy is waiting for payment on three tax checks that were returned for insufficient funds. She cannot reconcile the taxes or turn unpaid taxes over to the County Treasurer until these checks are paid for. She has given the property owners until May 14th to make these checks good. If they are not taken care of by that date, she will reverse the payments and they will be sent to the Treasurer as unpaid.

Highway and Water Superintendent: This past winter, in an attempt to keep our costs down, Ed hired a part-time MEO operator for snow removal. A new position needs to be created for County Self-Insurance for a part-time MEO position retroactive to January 1, 2010. Motion by Bower, Seconded by Christ that a position for Part-time MEO operator be created retroactive January 1, 2010.

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

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

Motion was thereupon adopted

Motion by Christ, Seconded by Case authorizing Highway Superintendent Ed Morgan to sign the 2010/2011 snow and ice contract.

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

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

Resolution was thereupon adopted

Motion by Hendel, Seconded by Christ authorizing the Town to purchase road building materials off of county bid as the county has accepted these bids and passed them on to the towns.

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

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

Resolution was thereupon adopted

Part of our water agreement with the Village of Holley is that they sell water districts #1 and #10 water at their cost of \$2.75 per thousand. Our agreement is we sell them water through the IDA Park at our cost of \$2.75 with water coming from the water authority. Now the water is coming from the Town of Albion at \$2.99 per thousand. We need to charge them our actual cost.

Motion by Christ, Seconded by Hendel that the town charge the Village of Holley the actual cost per thousand gallons that the Town of Murray is being charged by the Town of Albion for water for the IDA Park.

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

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

Resolution was thereupon adopted

Ed reported two water breaks this month. A major one in District #3 on Ridge Rd. and a minor on Route 31. Both are repaired.

All but seven new meters have been changed. Out of those seven, four are vacant homes. Last year unaccounted water was between 8 and 12% and with the new meters it is down to 4%.

The Village of Holley wants to use the voting machine as they do for all of their elections. In talking with our Election Commissioner, the County does not want these machines back as they are obsolete and the town will not be using them anymore. Board decided to get the

serial number off of the machine that Ed will bring to the Village and they can leave it there and store it for the county instead of having our Highway Department bring it back and forth. Motion by Case, Seconded by Hendel to allow the Village of Holley to use one of the voting machines for their upcoming election and allowing the Village to store the machine for the County.

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

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

Resolution was thereupon adopted

Discussion regarding water district #10 surveys that were mailed two weeks ago. 80 surveys were sent to dwellings only and were to be mailed back by Saturday; 48-yes, 7-no, 5-yes or no, 16-no return. Paul Chatfield's research gave us a cost estimate of \$474.00 bond repayment per parcel. A meeting is needed to determine how we proceed. Jeff wants to be sure of the number of bond repayment units because determining the bond repayment cost is based on the number of parcels. Brief discussion of the possibility of a resident being allowed to pre-pay that repayment cost. Jeff would need to find out if that is permissible.

Jeff is in receipt of a letter from Mrs. Scarborough on Bennetts Corners Road. She wants to know about a waterline going down her road. There are six houses, four of which are already serviced by the village.

Discussion regarding the Village and water service in the IDA Park. Months ago Ed gave estimated costs of moving the pit. In the village meeting minutes, the village board authorized their attorney, John Sansone to draw up a contract with terms and conditions for Murray to operate the system. In March Jeff Martin e-mailed their attorney asking if the contract had been drawn up yet. Mr. Sansone stated he was unaware of what Jeff was speaking of. The village has debt and now cannot lease the system to Monroe Water Authority. They say they are in the process of looking for leaks, etc., and are not making a decision. Meanwhile, Precision Packaging has spent probably \$100,000. Ron will look into this first thing tomorrow morning. We are trying to promote business in the IDA Park and this needs to be taken care of.

Brief discussion regarding yard sales. Yard sales are allowed only for three weeks per year and to exceed that 3 week period, residents must get a special use permit which entails filing an application, that

application going to the County Planning Board and then coming back to the town.

The Town Board would like to commend the Holley Community Free Library on its excellent art show. The students of Holley and Kendall had some terrific art work and the library did a fine job in displaying their work. Councilman Hendel recommended that next year, the board rotate the judging to the next new town board member

Motion by Christ, Seconded by Bower to approve the Supervisor's financial report and that the following bills are paid: Motion Carried

General Fund	Claims 138-163	\$7,924.68
Highway Fund	Claims 98-115	\$3,715.52
Water District No. 1	Claims 11-15	\$1,478.91
Water District No. 2	Claims 20-25	\$6,221.14
Water District No. 3	Claims 17-21	\$3,233.89
Water District No. 4	Claims 9-10	\$21.76
Water District No. 5	Claims 8-9	\$14.51
Water District No. 6	Claims 21-28	\$3,898.67
Water District No. 7	Claims 8-11	\$422.98
Water District No. 8	Claims 12-14	\$305.28
Water District No. 9	NONE	\$0.00
Water District No. 10	Claims 14-16	\$299.28
Water District No. 11	Claims 25-31	\$523.11
Water District No. 12	Claims 8-9	\$21.76
Water District No. 13	Claims 10-11	\$21.76
Water District No. 14	Claim 2	\$433.99
Water District No. 15	Claim 2	\$194.00
Water District No. 20	NONE	0.00

Motion by Bower, Seconded by Case that meeting be adjourned at 8:30 p.m. Motion Carried

So Adjourned.

Respectfully Submitted,
