

**Town of Murray Board Meeting Minutes**

September 11, 2007

Present: Supervisor Henry Lehning, Councilmen Henry Wagner, Lloyd Christ and John Morriss, Code Enforcement/Zoning Officers Daniel Strong and Lynda Woolston, Assessors Lynn Wood and Nick Quaranto, Highway/Water Superintendent Ed Morgan, Town Clerk Cindy Oliver, residents David Dill, George Marriott, Charles Marriott, Richard Downey, Stanley Kemp, mark Taylor, Lori Rife, Jim Johnson, David Orians, Rex Horton, Barbara Ludington, Kathleen Case and George Patterson

Motion by Wagner, Seconded by Christ to approve the minutes of the August Town Board meeting as submitted      Motion Carried

**Mark Taylor:** Mr. Taylor spoke of complaints that he brought to the board in previous months such as the light in front of Pasquelly's. He submitted a FOIL request to Lynda Woolston. He stated that all records were not given to him. Building permits and DEC permits were not included. He said Mr. Marriott has no enclosure for the dumpster. The Town Board and Code Enforcement were shown pictures supplied by him. Mr. Taylor said wild dogs and cats are getting into the garbage which is strewn all over the place. He has spoken to the Health Dept. regarding this. He has asked repeatedly and has gotten no response from Dan or Lynda. Lynda stated that she will not respond to phone calls placed to her home at 6:45 a.m. and 10:45 p.m. Dan stated that the four issues that Mr. Taylor wanted addressed at last meeting have been taken care of. Dan passed out pictures that were taken on Sept. 9<sup>th</sup> and also a letter from a commercial dumpster service stating that Pasquelly's now has commercial dumpster service. The cooler has not been moved and is not in violation. A cooler that is portable is not considered a structure. If there is any question of that interpretation, the issue can be brought to the Zoning Board of Appeals. There are no longer setback issues with the storage shed. The trailer is a licensed vehicle and the Town has no authority over a licensed vehicle. Discussion regarding sign and light requirements. Dan stated that no lights are supposed to flash, move or appear to move. He had a letter from the Dept. of Transportation to Mr. Marriott that discussed the light. NYS DOT suggested the light as well. The lighting that Pasquelly's has is no different than any business in Murray. Dan said there are other residents that live within a business district and this is not an isolated location. It is a business district mixed with residential properties. Lynda said that the FOIL requests were responded to. Dan spoke to Officer Rausch (NYS DEC) regarding the oil issue. The oil is being taken and turned into fuel for Tim Rogers' truck. It is not being dumped. Mr. Taylor spoke to Paul Hendel, Chairman of the Town Planning Board. Mr. Hendel informed him that permission from the Planning Board is needed for the large signs Mr. Marriott

has put up on Ridge Rd. These signs need to be taken down. There are no permits for these signs or for the fence. Building permits are supposed to expire after one year. By the Town not responding to his complaints, Mr. Taylor does not have a problem suing the Town and Zoning Officers. He asked for resignations from Dan Strong and Lynda Woolston.

**George Marriott:** Mr. Marriott read letter from the Dept. of Transportation. He stated that everything he has done has been done legally. He will be dealing with Lori, as it is her property and not Mr. Taylor's. Since the request from the Town Board, Mr. Marriott has turned off his light at night. He did this even though NYS DOT recommended he have the light. One night he forgot to turn it off and the next morning it was smashed. This was the same morning that Lynda received their phone call. Mr. Marriott stated that all issues were addressed. He has taken care of what he was told to. Mr. Marriott listed his own complaints. The dog kennel Lori has on her property smells and is too close to the property line. Is there a building permit for this kennel? Lori's leach field lines are on his property. They need to be fifteen feet from the property line.

**Kathy Case:** Kathy, Chairperson of the Town of Murray Republican Committee stated that the Town's Republican Committee appreciates the job that the Supervisor and Town Board are doing. She presented a check from the Republican Committee to the Town as a donation towards the bicentennial celebration.

**Assessors:** Lynn Wood spoke of NYS consolidation efforts. He handed out County Assessing Advantages and Options brochure. Lynn also passed out a NY Times article. Brief discussion about STAR rebate checks. The amounts of these checks are based on income. The small claims case will be heard tomorrow at 5:00 p.m.

**Zoning/Code Enforcement:** Residents having garage sales were supplied with a copy of the law regarding this. Many residents were not aware a permit is needed for roofing or re-roofing. Permits were issued for a couple new houses, a special event permit for St. Rocco's. Sixteen permits issued in all. One special event permit will be issued for snowmobile club races. There are two more people coming into court for unlicensed vehicles. Mr. Moyer of Carton Rd. is taking care of the problems on his property. Lynda has met with him a couple times and he getting a game plan together. Supervisor Lehning asked that they keep the pressure up so the progress continues.

Discussion regarding Pasquelly's; garbage, signs and fence. Dan stated the fence could be up to ten feet. The zoning ordinance states that building permits are good for one year. Mr. Marriott did apply for and received a permit for the fence

a couple years ago, but never put it up. Technically, the permit Mr. Marriott has is invalid as it is over one year old. He will have to apply and pay for another permit. As far as screening the commercial refuse container from view; no permit is required for that. Dan stated that all issues that were brought up at last meeting were addressed. If George applies for and pays for another fence permit, there are no other issues that remain unaddressed. A permit is not required for the shed. The sign is only ten feet high and the Zoning Board said not to go over fifty feet high. Dan will fill out a complaint form for the complaints George Marriott brought up this evening.

**Correspondence:**

Letter from Adam Johnson thanking the Board for listening to his ideas regarding the old high school.

Beth Moy has given up the cleaning job at the Town Hall. ARC is now doing the cleaning at the Town Hall and offices for \$129/month.

Copy of letter from Judge Spada to Village Mayor Kenney asking the Village Board to approve the use of Village Police for extra security on district attorney nights.

Letter from Stu Brown regarding shared services of school districts, municipalities, etc.

Monday there will be a symposium at GCC regarding consolidation and our future.

Rochester Genesee Regional Transportation Authority annual report.

**Supervisor:** The Comprehensive Plan Committee is ready to present their recommendations to the Planning Board. Instead of scheduling a special meeting, it was decided that the committee and Planning Board would be present at the beginning of the October meeting. They will go over their comprehensive plan review at that time.

The date of Wednesday, September 19<sup>th</sup> at 7:00 p.m. was set for a budget work session. Cindy will place legal notice in the newspaper.

**Old Business:** Brief discussion regarding wind tower application fees. Last month the Board was given a list of suggested fees. Motion by Wagner, Seconded by Christ to adopt the Special Permit Application Fees for Wind Energy Facilities.

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

Ayes	4	Lehning, Wagner, Christ, Morriss
Nays	0	
Absent	1	Bower

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

Discussion regarding the water agreement with the Town of Albion (Albion District 7, Murray District 12) for the servicing of residents on Transit Rd. Attorney Jeff Martin is not satisfied with some details of the agreement. Barbara Ludington of Transit Road urged the Board to approve the agreement as soon as possible. The Town of Albion needs to include the agreement when they send the application for funding. Motion by Wagner, Seconded by Christ authorizing Supervisor Lehning, on behalf of the Town Board to sign the water agreement with the Town of Albion once Jeff Martin is satisfied with all details of agreement. Motion Carried

We have received Pay Estimate No. 1 for Water District No. 12. The amount to be paid to Pilon Construction is \$181,210.06. Motion by Christ, Seconded by Morriss to approve Pay Estimate No. 1 for the amount of \$181,210.06 to Pilon Construction. Motion Carried

**New Business:** Discussion regarding municipalities being able to use free community papers to place their legal ads. The cost would be significantly less and more people would see the notices. Motion by Morriss, Seconded by Christ to support the legislative resolution on publication of legal notices in local free community papers.

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

Ayes	4	Lehning, Wagner, Christ, Morriss
Nays	0	
Absent	1	Bower

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

Cindy will send Association of Towns letter and resolution.

Lynn Wood announced that the Annual Assessors Conference is September 23<sup>rd</sup>-26<sup>th</sup>. Chipper will be in the office on these dates.

Councilman Christ suggested there be some kind of uniform for the person handling security on district attorney nights. A shirt indicating *Court Official* should be sufficient. Will get Judges opinions.

**Attorney Jeff Martin:** Jeff asked Lynn if there were any applications for the disability exemption. Lynn said there were not.

Friday the local share of Water District No. 12 will be borrowed in the amount of \$149,569 at 3.98%. We can pre pay for one year so it can be closed out sooner.

Jeff sent a package to bond council. Hopefully at the October meeting a bond resolution can be adopted for Water District No. 13.

**Town Clerk:** Cindy reported August receipts of \$2,706.60. Revenues for the General Fund totaled \$1,035.30.

**Highway/Water Superintendent:** Ed gave a brief update of Water District No. 12 construction.

Prints are going to the Health Dept. and Rural Development this week for approval of Water District 13. Paul Chatfield thinks it could be ready for an October bid.

The highway work is done. Lake Rd. and Hulberton Rd. have been resealed using the new technique. The mower tractor is in and mowing will begin this week or next.

A resident on Groth Rd. between Phillips Rd. and Rt. 104 has complained about the speed in that section of Road. Sheriff’s Dept. and State Police cannot enforce the speed at that area as it is not posted both ways. The Town cannot set speed limits so Ed suggested he fill out a TE9 form and present it to the county. The county will then send it back to us with a recommendation. Motion by Christ, Seconded by Wagner authorizing Highway Superintendent to fill out TE9 form in order to establish a speed limit on Groth Rd. Motion Carried

Highway Dept. will finish putting the final top on the IDA Park with the county tomorrow. They will then help the county do Telegraph Rd.

Rex Horton of E. Transit Church Rd. asked if his road would be included in Water District No. 13. Ed Morgan said that Rural Development has suggested that it not be addressed until it goes out to bid. If there are funds left over, we could possible ask for emergency funds and add it on. If Water District No. 13 is as successful as Water District No. 12, there will be funds left over. Supervisor Lehning told Mr. Horton that the Board certainly has not forgotten about his water problem. Once we get the bids in may be the time to measure for this.

Motion by Wagner, Seconded by Christ to approve the Supervisor’s financial report and that the following bills be approved and paid: Motion Carried

General Fund	Claims 284-315	Total \$18,540.13
Highway Fund	Claims 207-221	Total \$20,253.86
Water District No. 1	Claims 48-50	Total \$ 724.18
Water District No. 2	Claims 62-67	Total \$ 6,638.97
Water District No. 3	Claims 68-71	Total \$ 1,198.21
Water District No. 4	Claims 41-42	Total \$ 86.20
Water District No. 5	Claims 36-37	Total \$ 49.11

Water District No. 6	Claims 70-75	Total \$ 9,291.84
Water District No. 7	Claims 44-45	Total \$ 216.09
Water District No. 8	Claims 42-43	Total \$ 141.87
Water District No. 9	Claims 41-43	Total \$ 84.33
Water District No.10	Claims 63-67	Total \$ 195.67
Water District No.11	Claims 76-82	Total \$ 2,235.34

The budget work session will be on the September 19<sup>th</sup> at 7:00 p.m. The next Town Board meeting is October 9<sup>th</sup>.

Motion by Morriss, Seconded by Wagner to adjourn the meeting  
Motion Carried

Meeting adjourned at 8:50 p.m. by Supervisor Lehning.

Respectfully Submitted,

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Cynthia Oliver