

## **Town of Murray Public Hearing Minutes September 12, 2006**

Present: Supervisor Henry Lehning, Councilmen Ed Bower, Lloyd Christ, John Morriss and Henry Wagner, Highway/Water Superintendent Ed Morgan, Assessors Lynn Wood and Nicholas Quaranto, Attorney Jeff Martin, Code Enforcement/Zoning Officer Lynda Woolston, Highway/Water Clerk Karen Clark, Town Clerk Cindy Oliver, residents Richard Downey, George Patterson, George Karpenko, Kathleen Bates, David Paul, and Stanley Kemp

Public Hearing called to order at 7:00 p.m. by Supervisor Lehning.

Supervisor Lehning read aloud the legal notice that appeared in the paper announcing tonight's Public Hearing.

Local Law No. 4 of the year 2006 which provides for cash payments in lieu of health insurance for eligible employees was introduced at the August meeting. Anyone working 35 hours or more a week would be eligible. Payment in lieu of health insurance would be equal to one half of the Town's premium for the policy that the employee is eligible for. The Town's cost for the premium would be based on the provider's rate schedule in effect as of January 1<sup>st</sup> of each year. Payments would be made on a monthly basis subject to normal withholding. This local law will also be subject to a 45-day permissive referendum. October 28, 2006 would be the expiration date of the referendum period. Employees will be required to submit proof that he/she does have health insurance through another source. Employees will be required to send a certificate of eligibility every year.

There were no questions or comments from the public.

Public Hearing closed at 7:05 p.m.

## **Town of Murray Regular Board Meeting September 12, 2006**

Present: Supervisor Henry Lehning, Councilmen Ed Bower, Lloyd Christ, John Morriss and Henry Wagner, Highway/Water Superintendent Ed Morgan, Assessors Lynn Wood and Nick Quaranto, Attorney Jeff Martin, Code Enforcement/Zoning Office Lynda Woolston, Highway/Water Clerk Karen Clark, Town Clerk Cindy Oliver, residents Richard Downey, George Patterson, George Karpenko, Kathleen Bates, David Paul and Stanley Kemp.

Pledge to the flag.

MOTION by Wagner, SECOND by Morriss to accept and approve the minutes from the August 8<sup>th</sup> meeting and the August 15<sup>th</sup> reconvened meeting as submitted. CARRIED

**Assessors** – Lynn informed all that Bob Harold will be retiring on September 13<sup>th</sup>.

No additional news regarding the Brockport Country Club.

Lynn didn't realize that the payment to Harris Beach for \$305 came out of the Assessor's contractual budget. Hank explained that it was the Town's portion of the final payment to Harris Beach for the Germeo Article 7 Proceeding.

Assessors are working on the update for next year. They are finished with the commercial properties. Nick informed the Board that there will no longer be any

developing charges for pictures of properties as they are using the digital camera with the version 4 program.

**Supervisor** - The audit is pretty much wound up. Dawn is waiting for a couple reports. Originally supposed to be finished by September 30<sup>th</sup> but we are getting an extension from Rural Development. It will be done before the end of October.

Had the first meeting with the Village of Albion on the water situation. They are proposing to set up an advisory committee; they are trying to get the towns to purchase water from the Village of Albion. They are competing with Monroe County Water Authority. Another meeting will take place this month and Supervisor Lehning will keep everyone posted.

**Zoning/Code Enforcement** – Lynda reported that 2 houses are ready for inspection. 12 permits were issued this month. Lynda has been dealing with many complaints and issues between neighbors. There has been a lot of correspondence with banks and realtors. When property is sold, they are requiring building permits for anything that was previously done to the property being sold. If no records can be found, Lynda has been checking out the property and issuing a letter stating that the property is currently violation-free.

Discussion of the David Paul/Bauerle ongoing dispute. There have been complaints that are well documented that Mr. Paul has been removing topsoil and material off of his property. This violates our mining and excavation law. There are certain exemptions to this law, none of which Mr. Paul qualifies for. These exemptions need to be granted by the Town Board and Mr. Paul has not come before the Board to request any exemptions. Jeff has prepared an Information and Supporting Depositions. Lynda will check with Judge Spada for a court date and will issue an appearance ticket to Mr. Paul along with the Information and Supporting Depositions. Under Local Law No. 4 (Mining and Excavation Law) of 1993 it is a \$5,000 fine for violation. Reasonable efforts have been made to suggest that this type of thing not be occurring. The Board will go into an executive session later on to discuss possible litigation beyond the Town level against Mr. Paul. There was an altercation about a week ago between Mr. Bauerle and Mr. Paul that resulted in Mr. Bauerle being arrested. Further discussion regarding Mr. Paul violating the Mining and Excavating Law and the terms of his special use permit.

Lynda has several residents that she wants to bring into court for excess vehicles. Also court paperwork is being filled out for the violations at A& M Automotive as he is in violation of his operating permit for number of vehicles allowed.

**Correspondence** –

- Notification that applications are being accepted for the Water Quality Improvement.
- The state is offering incentives for shared municipal services.
- Supervisor Lehning encouraged board members to attend the training sessions that are being sponsored by Orl. Co. Planning Board and Niagara Co. Center for Economic Development. September 20<sup>th</sup> at the Albion High School. Sessions include: municipal regulation of windmills, used car sales, regulating storage containers.

**Old Business** – MOTION by Morriss, SECOND by Bower authorizing Supervisor Lehning to sign the NYS Small Cities Program Community Development Block Grant Agreement. CARRIED By signing and returning it, we are accepting the grant money and the terms of how it is to be administered.

MOTION by Christ, SECOND by Morriss that Stuart Brown & Associates be hired as our small cities consultants and to prepare all financial reports, etc. for the fee of \$12,000 which will be paid in increments. CARRIED

Stu recommended that we send out requests for proposals to more than one engineering firm. Requests for proposals have been sent out to Clark Patterson, MRB Group, LaBella Associates, Chatfield Engineers and Costich Engineering. We have requested that the proposals be back to us by 4:00 p.m. on September 29<sup>th</sup>. We will hold a special board meeting on Tuesday, October 3<sup>rd</sup> at 7:00 p.m. to go over each of the proposals. A

decision will be made based on the written submittals instead of having interviews with each firm.

MOTION by Wagner, SECOND by Bower, to adopt Local Law No. 4 of 2006 *Providing for cash payments in lieu of health insurance for eligible employees of the Town of Murray*

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

Supervisor Lehning: Aye  
Councilman Bower: Aye  
Councilman Christ: Aye  
Councilman Morriss: Aye  
Councilman Wagner: Aye

THE RESOLUTION WAS THEREUPON ADOPTED  
(Resolution on file in Town Clerk's office)

Discussion of extension of the moratorium on Wind Energy Towers. We presently have a 6-month moratorium in place that is due to expire on October 11, 2006. There was previous discussion of whether the county would put together a standard wind energy local law that every town could adopt and the county was not inclined to do that. Jeff has put together a very comprehensive wind energy local law that regulates commercial wind energy, small wind energy facilities which would be individual home owners, meteorological towers, etc. Jeff would like to share this with other municipal attorneys in the county to see if they would have any interest in using it and maybe the cost could be shared. Jeff provided the board with copies. The extension on the moratorium would give us an additional 180 days. This would be sufficient time to get whatever regulations we are going to adopt in place.

MOTION by Christ, SECOND by Morriss introducing Local Law No. 3 of 2006, *Extension of the Town of Murray Moratorium on Wind Energy Deriving Towers and Transmission Facilities Law.* CARRIED  
(Resolution on file in Town Clerk's office)

Councilman Morriss so far has four people on the committee for the bi-centennial celebration. Cindy let him know of a couple more people who would be willing to help. She also gave him a few names of people he may want to contact who might be interest in being on the committee. Bill Murphy said he can get antique cars for the parade. Councilman Morriss gave us an update on the ideas he has been speaking to David Dill about. Parade with drum & bugle corps and also a drum corps show. Discussion regarding where the show would be held.

Councilman Morriss will need information from each department for the next newsletter by mid-October.

Joseph Wahl's term for the Board of Assessment Review ends at the end of September. Supervisor Lehning has spoken to him and he has agreed to accept another 3-year term. MOTION by Wagner, SECOND by Christ appointing Joseph Wahl to the Board of Assessment Review for a 3-yr term beginning October 1, 2006 and ending September 30, 2009. CARRIED

MOTION by Wagner, SECOND by Christ to enter into executive session to discuss David Paul legal matter. CARRIED

Board entered into executive session at 8:00 p.m.

MOTION by Christ, SECOND by Morriss that board returns to regular board meeting CARRIED

Board meeting back in regular session at 8:26 p.m.

**Attorney Jeff Martin** – Under the terms of the Germeo Article 7 settlement we have to refund part of the taxes to the 17 petitioners. Jeff figured out the amount of refund that the Town would have to make and was under the impression that the Town of Murray

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would cut a check to their attorney and he would distribute the refunds to the petitioners accordingly. Susan Heard, Orleans County Treasurer informed Jeff that all refunds must go through the Treasurer's office. Jeff let Lynn know that the Assessor's office will have to do the refunds for each parcel. Once that is done, Susan will process them. The County will refund the money and she will deduct it from what the county sends the Town on re-levies.

There were a couple of Planning Board Public Hearings a couple weeks ago. One was for Kevin Diehl's proposed RV Park. The site plan was approved with a few modifications. It will be submitted to County Planning for their meeting on the 28<sup>th</sup>. David Gustke was also present at the public hearing to have the Planning Board review the site plan for the land west of Sandy Creek Cemetery on Ridge Road. He has applied for a Special Use permit to have truck and equipment sales there. Jeff will submit that to County Planning at the same time. There will likely be public hearings held by our Planning Board around mid-October on both applications.

Jeff revised the sign agreement and gave it to Supervisor Lehning.

Jeff thanked Cindy for the up to date version of our zoning ordinance. All revisions have been incorporated into the ordinance and Mike Zona has also put it on the Town's website.

Jeff has Local Law No. 5 put together. This is implementing all of the changes to the NYS Fire and Building Code. In 1987 we adopted a local law whereby the Town agreed to be responsible for enforcing the state code, uniform fire prevention and building code. There are now some revisions to the code that are effective January 1, 2007. This is why the Town needs to adopt a local law implementing these changes. It can be introduced next month and adopted in November. This would take effect on January 1<sup>st</sup>. Jeff will give copies of the draft at the October meeting.

**Town Clerk** – Cindy Oliver reported that August receipts totaled \$2,719.96. Revenues for the general fund were \$819.78.

The office has been busy with sporting license sales. The Town receives very little from these sales. In August we sold almost \$1,600 in sporting licenses. Out of that, the Town only received \$86.32.

Cindy has been getting many calls from residents with complaints about garbage pick up service. She has been giving them the phone number to call NEI. This week she started a list of resident names, addresses and phone numbers. Once she has a list of names she is hoping to get in touch with the representative for our area. It was suggested that we call Chuck Nesbitt if this problem is not corrected.

**Highway/Water Superintendent** – Ed informed all that propane is up 30¢ from last year. The price for 2006-2007 is 145.9 good until June 1, 2007. We are going to continue with Hometown Energy.

Ed would like the old Gateway computer declared as surplus as it is of no use anymore. MOTION by Bower, SECOND by Morriss declaring the Gateway computer from the Water Department as surplus CARRIED

Discussion regarding outstanding water bill. This person has had a balance for over a year and it is the type of bill that cannot be re-levied. Do we want to pursue this legally in order to collect? Jeff will contact him and see what he can work out. Jeff will also contact DePalma's regarding the \$800 water bill. He will see if an agreement can be made.

Thank you to David Paul for the three maps he presented to the Town. We will hang one in the main room but there is no room for all of them. Lynn said he will hang them in the Assessor's office.

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MOTION by Christ, SECOND by Wagner to approve the Supervisor's Financial Report and to pay the following bills: CARRIED

Highway Fund	Claims 270 – 286	Total	\$87,461.35
General Fund	Claims 289 – 315	Total	\$ 8,752.92
Water District No. 1	Claims 43 – 44	Total	\$ 438.25
Water District No. 2	Claims 50 - 54	Total	\$ 7,621.88
Water District No. 3	Claims 49 - 52	Total	\$ 930.91
Water District No. 4	Claims 36 - 38	Total	\$ 320.57
Water District No. 5	Claims 34 - 35	Total	\$ 17.57
Water District No. 6	Claims 51 - 53	Total	\$ 209.43
Water District No. 7	Claims 40 - 41	Total	\$ 20.57
Water District No. 8	Claims 39 - 41	Total	\$ 600.57
Water District No. 9	Claims 36 - 38	Total	\$ 69.22
Water District No. 10	Claims 55 - 59	Total	\$ 643.07
Water District No. 11	Claims 60 - 63	Total	\$ 880.74

The board will go over the engineering proposals at the special board meeting and any other business that may arise on October 3<sup>rd</sup> at 7:00 p.m. Cindy will place a notice in the paper announcing the special meeting and it will be posted on the website calendar.

MOTION by Christ, SECOND by Morriss that meeting be adjourned until October 3<sup>rd</sup> at 7:00 p.m. CARRIED

Meeting adjourned at 8:50 p.m.

Respectfully Submitted,

Cynthia L. Oliver  
Town Clerk