

Town of Murray Public Hearing and Town Board Meeting
April 11, 2017

Present: Supervisor John Morriss, Councilmen Ed Bower, Lloyd Christ, Paul Hendel and Bob Miller, Town Clerk Cindy Oliver, Highway and Water Superintendent Ed Morgan, Assessor Lynn Wood, Attorney Jeff Martin, Code Enforcement Officer Ron Vendetti,

Pledge to the flag.

Public Hearing – Local Law No. 1 of 2017 *Imposing a Temporary Town-Wide Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems*

This moratorium will give the Planning Board and the Town an opportunity to put some regulations in place that would govern these larger solar energy panels. This does not pertain to solar panels on an individual's roof Setbacks. need to be established, screening to the street, back or side yards. This is new technology and nothing in our zoning regulations addresses this issue. Ron reminded those present that this is not a ban on solar energy in the Town. Most residential applications involve rooftop solar panels which are not affected by this moratorium.

Andrea Newman stated that she had a solar, ground mounted system put in almost a year ago. It was an easy process and they worked closely with Ron getting the zoning approved. She suggested having specific numbers so the resident knows the difference between commercial or residential. Ron stated that the residential regulations are virtually untouched. Ms. Newman stated that it sounds to her that this is coming out of a good place on the Town's part. Planning Board member Neil Valentine informed those present that there is no plan to block anything regarding the solar energy systems.

Public Hearing closed at 7:40 p.m.

Town Board Meeting

Motion by Bower, **Seconded** by Miller approving the March 16th meeting minutes as submitted **Motion Carried**

Assessor The update on tillable land is completed. Notices of change of assessment to these landowners will be sent out at the end of the week. Informal hearings are available to anyone who has concerns regarding their assessed valuations.

Code Enforcement Officer Ron has been working on a clean energy grant. He has a company that will be looking at our electric bills to see if we can save some money. Ron spoke about an opinion letter that was on Orleans Hub stating that the Board should stop emphasizing Code Enforcement. Ron stated that the Board has never done this. When Ron was hired, he was told to take his time, and he has tried to slowly bring properties to a certain standard. His job is to enforce the codes the Town has in place. He is a Civil Service employee and is dismissible for cause, and when you follow the laws on the books, you're not doing anything wrong.

New Business

Motion by Bower, Seconded by Hendel Adopting Town of Murray Local Law No. 1 of 2017 entitled A Temporary Town-Wide Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems
Motion Carried

Motion by Christ, Seconded by Hendel adopting the following Order of the Town of Murray scheduling a public hearing on proposed Murray Water District No. 3 Extension No. 1:

In accordance with the provisions of Article 12 of the Town Law, petitions have been filed with the Murray Town Clerk requesting that the Town Board extend Murray Water District 3 to the territory hereinafter described, which is located wholly within the Town of Murray, Orleans County, New York, outside the Village of Holley, said water district extension to be known as Murray Water District No. 3, Extension No. 1:

PART A – HINDBURG ROAD

Town of Murray Water District No. 3 Extension No. 1, Part A, shall have an exterior boundary described as follows:

Beginning at a point, said point being 500 feet more or less easterly of the centerline of Hindsburg Road (49.5' R.O.W.) and along the southerly boundary line of the Town of Murray Water District No. 3;

1. Southerly, 4,062 feet more or less, along a line parallel to and 500 feet easterly of the centerline of Hindsburg Road to a point, said point being along the centerline of East Transit Church Road (49.5' R.W.W.); thence
2. Westerly, 1,000 feet more or less, along the centerline of East Transit Church Road to a point; thence

3. Northerly, 3,989 feet more or less, along a line parallel to and 500 feet westerly of the centerline of Hindsburg Road to a point, said point being along the southerly boundary line of the Town of Murray Water District No. 3; thence
4. Easterly, 1,010 feet more or less, along the southerly boundary of the Town of Murray Water District No. 3 to a point, said point being the point of beginning.

PART B – WEST KENDALL ROAD

Town of Murray Water District No. 3 Extension No. 1, Part B, shall have an exterior boundary described as follows:

Beginning at a point, said point being 500 feet more or less westerly of the centerline of West Kendall Road (49.5' R.O.W.) and along the northerly boundary line of the Town of Murray Water District No. 3; thence

1. Northerly, 5,585 feet more or less, along a line parallel to and 500 feet westerly of the centerline of West Kendall Road to a point, said point being along the Kendall and Murray Town line; thence
2. Easterly, 1,000 feet more or less, along the Kendall and Murray Town line; thence
3. Southerly, 6,070 feet more or less, along a line parallel to and 500 feet easterly of the centerline of West Kendall Road to a point, said point being along the northerly boundary line of the Town of Murray Water District No. 3; thence
4. Westerly, 1,100 feet more or less, along the northerly boundary of the Town of Murray Water District No. 3 to a point, said point being the point of beginning.

PART C – CENTER ROAD

Town of Murray Water District No. 3 Ext. No. 1 Part C shall have an exterior boundary described as follows:

Beginning at a point, said point being 500 feet more or less westerly of the centerline of Center Road (66' R.O.W.) and along the northerly boundary line of the Town of Murray Water District No. 3; thence

1. Northerly, 3,416 feet more or less, along a line parallel to and 500 feet westerly of the centerline of West Kendall Road to a point, said point being along the Kendall and Murray Town line; thence
2. Easterly, 1,000 feet more or less, along the Kendall Murray Town line; thence
3. Southerly, 3,735 feet more or less, along a line parallel to and 500 feet easterly of the centerline of West Kendall Road to a point, said

point being along the northerly boundary line of the Town of Murray Water District No. 3; thence

4. Westerly, 1,047 feet more or less, along the northerly boundary of the Town of Murray Water District No. 3 to a point, said point being the point of beginning.

The maximum amount proposed to be expended for the improvements is \$825,000, which will be paid from a combination of grant and loan funding from the United States Department of Agriculture, Rural Development Agency. The projected grant amount is \$369,000 and the projected loan amount of \$456,000, which will be evidenced by the issuance of serial bonds of the Town at an annual interest rate not to exceed 3.00%, maturing in annual installments over a term of 38 years, payable in the first instance from assessments levied on benefitted real property in the proposed extension.

It is proposed that this water district extension be established on a benefit basis rather than on an ad valorem basis, with the cost of construction to be assessed by the Town Board in proportion as nearly as may be determined to the benefit of each lot or parcel will derive therefrom. Water District 3 was established by the Murray Town Board by order adopted on August 31, 1992. This extension will not be consolidated with the parent water district.

A map, plan and report dated December 28, 2016, prepared by Chatfield Engineers, P.C., an engineer duly licensed in the State of New York, is on file in the office of the Murray Town Clerk for inspection by interested persons during regular business hours. The map, plan and report sets forth the boundaries of the proposed extension, a general plan of the water distribution system, a report of the proposed method of operation, and the location of all water mains, laterals, distribution pipes, valves and appurtenances. The project consists of the installation of approximately 14,900 linear feet of 8" water main, valves, hydrants and appurtenances along several roads within the Town of Murray that are not presently served by public water and includes connections to existing water mains and driveway and lawn restoration. All of the service areas are contiguous to existing Water District 3. The source of water for all of the areas included in Water District 3, Extension No. 1 is Monroe County Water Authority via Murray Water Districts 2 and 3 to the east and the Village of Albion water distribution system via Murray Water District 3 to the west. Construction of the extension will make the entire Town of Murray water distribution system more cost effective and efficient by eliminating several dead ends in the system and allowing for the back feeding of areas that may be impacted by service work or repairs.

The cost of the water district extension to the typical property in the area encompassed by the extension will be \$836.30 in the first year following formation of the extension in which both principal and interest on any indebtedness and operation and maintenance cost will be paid. This amount has been calculated in the following manner:

Debt Service (\$456,000 loan @ 3.00% interest over 38 years):	\$623.80
Water Purchase Cost (50,000 gals/household/yr @ \$4.25 per 1000 gallons*):	<u>212.50</u>
Total Cost to Typical Property:	836.30

*(NOTE: The \$4.25 charge per 1000 gallons includes operation and maintenance charges)

The above figure does *not* include hook-up fees, which are estimated to be approximately \$1,650.00 for the typical property. The actual hook-up fee may vary depending on the type and the length of water service installed. A detailed explanation of the manner of calculating the estimated hook-up fees and the cost of the water district to the typical property in the extended district is available for inspection by interested persons at the office of the Murray Town Clerk during regular business hours.

This Board will hold a public hearing on May 3, 2017 at 7:00 PM at the Murray Town Hall at 3840 Fancher Road, Holley, New York to consider the map, plan and report and to consider the proposed extension. All persons interested in this matter and desiring to be heard will be heard at this hearing.

Order unanimously adopted

Motion by Hendel, Seconded by Miller approving the Legal Services Agreement between the Town Board of the Town of Murray, on behalf of Town of Murray Water District No. 3, Extension 1 and Jeffrey R. Martin, Esq. for \$18,000 payable in three installments. Motion Carried

This is considerably less than what Jeff has charged for past water districts and identical to the format used before.

Ed Morgan gave the Board copies of his recommendations for changes to the Town's Water Rules and Regulations and the Fire Hydrant Private Use Agreement. Ed is recommending the portions highlighted in yellow be taken out and the red portions added in. Based on our increase of cost, it is recommended for residential, as of July 1st, raise rate from \$4.25/thousand gallons to \$4.50/thousand gallons. Water haulers be raised to \$4.50/thousand gallons and farming to 4.00/thousand gallons.

Hydrants meters must now be installed by a Town of Murray employee. Upon request, the meter may be moved to another location, by a Town of Murray employee ONLY, for a fee of \$50.00 per move, which will require a new agreement to be signed.

Motion by Hendel, Seconded by Christ adopting the changes to the Town of Murray Water Rule and Regulations, Fire Hydrant Private Use Agreement and changes to the water rates Motion Carried

Motion by Bower, Seconded by Christ correcting the April 2016 minutes regarding Virginia Hendel's term on the Board of Assessment Review expiring in September 2019. The correct expiration of her term is September 30, 2021. Minutes will be corrected to read:
Virginia Hendel is reappointed to the Town of Murray Board of Assessment Review, to a 5-year term to expire September 30, 2021 Motion Carried
Hendel abstained from the vote.

Motion by Hendel, Seconded by Bower to enter into executive session to discuss potential litigation Motion Carried

Board entered into executive session at 8:37 PM.

Motion by Hendel, Seconded by Miller to return to regular session Motion Carried

Board returned to regular session at 9:03 PM with no action taken.

Attorney

Motion by Miller, Seconded by Christ that the Town retain the services of Christian M. Nadler, Esq. of Reeve Brown Attorneys, PLLC to represent the Town in a zoning proceeding at \$200/hour to pursue injunctive relief though Orleans County if needed. Motion Carried

Town Clerk March receipts totaled \$737.00 with \$338.18 going into the general fund. Cindy handed out a Tax Collection Summary. As of today, 85% of property taxes have been collected, totaling \$3,390,850.51. 228 tax bills remain unpaid totaling \$585,554.69. Notices have been printed and will be sent out on Thursday reminding property owners that the last day to pay at the Town Clerk's office is April 30th. Cindy will be attending the NYS Town Clerk's conference in Rochester April 24th through April 26th. Val will be in the office those days.

Highway and Water Superintendent

There are two old steel tanks that were not purchased but given to us years ago. They are rusting and basically junk. There is a resident who is willing to come and get them.

Motion by Hendel, Seconded by Christ declaring the two old steel tanks as obsolete and no longer needed for Town use. Motion Carried

Motion by Bower, Seconded by Miller authorizing Ed Morgan to take the small stainless steel sander used for mixing our salt with liquid and a two-post vehicle lift that is no longer used to the Palmyra Municipal Auction. Motion Carried

Motion by Christ, Seconded by Miller authorizing Ed Morgan to purchase the two-year added warranty for the loader for \$1,995 Motion Carried

There appears to be FEMA money available from the snow storm. Ed is documenting time and material costs for that.

Ed received notice that State Snow and Ice underpaid us \$200 for the 2013/14 season, underpaid us \$4,258 for the 2014/15 season and over paid us \$11,168 for the 2015/16 season. This totals an overpayment of \$6,708. They will be withholding \$2,236 for the next three years.

The state budget has passed and Murray will be getting an extra \$13,000 on our CHIPS program.

Motion by Hendel, Seconded by Christ authorizing Ed Morgan to sign the annual maintenance agreement for our backup generator for \$1,066. Motion Carried

Ed has been informed by Kevin Bush, Regional DOT Director that the Bennett's Corners Road, Telegraph Road and Transit Road bridges will be redesigned in 2017 and redone but couldn't guarantee what the weight limits will be.

The wind storm has done quite a lot of damage; 2/3 of the Highway Dept. roof shingles are gone, computer problems having to do with power surges, lost census meter reading system, the electronic fuel system. Ed and John are attempting to get some or all of the cost paid through our insurance. Ed already had the \$13,683 budgeted for the fuel system as it was beginning to give us difficulties. Motion by Christ, Seconded by Miller authorizing Ed Morgan to purchase the new fuel system for \$13,683. Motion Carried

Motion by Miller, Seconded by Bower authorizing Ed Morgan to upgrade our Census program at a cost not to exceed \$18,000. Motion Carried

The Historical Society's pot luck dinner is being held on April 25th at the American Legion at 6:00 PM. The evening's speaker is author Michael Keane. RSVP to Cindy so she can inform them who will be attending.

Public Comments

In response to question raised in February regarding Ed Morgan's fringe benefits Jeff read aloud the memorandum in its entirety which concludes that the Town is not in violation of our own Local Law. Although Ed Morgan is collecting his retirement, which is quite a standard practice, there was no break in service and he is entitled to payment in lieu of health insurance.

Motion by Christ, Seconded by Miller approving the Supervisor's financial report and that the following bills be paid: Motion Carried

General Fund	Claims 83-115	\$19,943.52
Highway Fund	Claims 44-53	\$12,222.39
Water District No. 1	Claim 7	\$285.30
Water District No. 2	Claims 12-13	\$7,916.28
Water District No. 3	Claims 4-5	\$25,375.14
Water District No. 4	Claims 5-6	\$1,691.90
Water District No. 5	Claim 4	\$941.79
Water District No. 6	Claims 16-18	\$1,915.16
Water District No. 7	Claim 5	\$5,010.48
Water District No. 8	Claim 4	\$3,426.78
Water District No. 9	Claim 4	\$847.04
Water District No. 10	Claims 7-9	\$1,385.17
Water District No. 11	Claims 17-22	\$10,864.87
Water District No. 12	Claim 4	\$999.22
Water District No. 13	Claim 4	\$1,713.81
Water District No. 14	NONE	\$0.00
Water District No. 15	Claims 5-7	\$3,072.16
Water District No. 20	Claim 2	\$1,850.47

Motion by Miller, Seconded by Christ to adjourn the meeting. Motion Carried

Meeting adjourned at 9:47 PM.

Respectfully Submitted

Cynthia L. Oliver