

Town of Murray Public Hearing and Board Meeting
June 13, 2017

Present: Supervisor John Morriss, Councilmen Ed Bower, Lloyd Christ, Paul Hendel and Bob Miller, Town Clerk Cindy Oliver, Attorney Jeff Martin, Code Enforcement Officer Ron Vendetti, Assessor Lynn Wood, Louise Passarell, Stan Kemp, Kathleen Case, Dave Knapp, Ian Berg, Elaine Berg, Neil Valentine, Dave Piedmonte, Deana Curtis, Mike Curtis, Joe Sidonio, Doug Piedemonte, Dennis Piedmonte, Art Knab, Joe Kellenberger, Ted Karpenko, Greg Specht, Shirley Bader, Tim Bader, Kerri Neale, William Moroz, John Totter, Anthony Peone

Public Hearing – Local Law No. 2 of 2017 – A Local Law Amending the Town Code to Establish a New Chapter 130 Entitled 'Solar Energy Systems and Facilities', and to Amend the Schedule of Use Regulations to Provide for those Facilities

Ron Vendetti drafted this proposed local law with a lot of input from our Planning Board. It was sent to the County for review and County Planning Board recommended approval with no changes or recommendations made by them. One question about the setback for a house or building. Ron believes it is 20 feet but he would have to look it up as there are different setbacks different properties.

Public Hearing on Local Law No. 2 of 2017 was closed at 7:06 p.m.

Public Hearing – Local Law No. 3 of 2017 – A Local Law Requiring the Owner of a Property which includes a Solar Farm Energy System Approved Pursuant to the Provision of Chapter 130 of the Town Code to Enter into a Contract for Payment in Lieu of Taxes

This local law will require any developer putting in a commercial solar energy farm to enter into a PILOT agreement (payment in lieu of taxes) with the Town of Murray. Brief discussion regarding this. Jeff Martin stated that the school opted out as they were concerned about loss of tax revenue. Ron said that we need to speak to the school about this as no one will develop here if that is the case. Councilman Hendel asked if the Assessor approves this. Jeff said that Lynn would set a rate and then the Town Board would either agree or disagree. Councilman Miller spoke briefly about decommissioning of these solar energy farms. Councilman Hendel thanked Ron for putting this together. He has seen many plans come through the County Planning Board and this is one of the best.

Public Hearing closed at 7:20 p.m.

Regular Town Board Meeting

Motion by Christ, Seconded by Miller approving the May Public Hearing and board meeting minutes as submitted Motion Carried

Assessor

Grievance Day was held on May 23rd. Four property owners came in with five pieces of property. Lynn said the Board of Assessment Review did an excellent job. He was extremely pleased with the questions that were asked of the property owners. Tax and Finance notified Lynn that our equalization rate is at 100%. Office traffic is slowing down as exemptions are done and this gives Lynn and Louise an opportunity to get back on the road to see improvements that we don't have on record.

Code Enforcement

Ron informed the Board that the new pictometry is available. As he starts to see discrepancies he will always offer an individual to apply for a building permit after the fact. Failing that, they will receive a citation. There is no statute of limitations for code violations.

The Planning Board is working its way through the Zoning Ordinance. Their next project will be updating the Comprehensive Plan.

Old Business

Regarding the property that Roy Kenyon wanted to give to the Town; Jeff spoke to Mitch Morris of the controller's office regarding this issue. He also referred him to an opinion which basically stated that ordinarily it's improper for municipalities to obtain property. Even though Mr. Kenyon is willing to give the property away, as far as Albany is concerned it is not appropriate. Jeff informed Mr. Kenyon of this today and thanked him for the offer.

New Business

Motion by Hendel, Seconded by Miller adopting Town of Murray Local Law No. 2 of 2017 – *A Local Law Amending the Town Code to Establish a New Chapter 130 Entitled 'Solar Energy Systems and Facilities', and to Amend the Schedule of Use Regulations to Provide for those Facilities*
Motion Carried

Motion by Christ, Seconded by Miller adopting Town of Murray Local Law No. 3 of 2017 – *A Local Law Requiring the Owner of a Property which includes a Solar Farm Energy System Approved Pursuant to the Provision of Chapter 130 of the Town Code to Enter into a Contract for Payment in Lieu of Taxes*
Motion Carried

Motion by Bower, Seconded by Christ approving the Bond Resolution authorizing the issuance of not exceeding \$825,000 serial bonds of the Town of Murray, to pay the cost of improvements to water district no. 3, ext. 1

Motion Carried

Motion by Miller, Seconded by Christ authorizing Supervisor John Morriss to execute and submit the application for loan and grant assistance to the USDA Rural Development for improvements to the Town of Murray Water District No. 3, Ext. 1, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information and to execute such documents as may be required in connection with obtaining such loan and grant funds.

Motion Carried

Councilman Hendel reminded all that a date needs to be set for the employee picnic. We can discuss it at the end of the meeting. He suggested inviting former Councilperson Kathy Case.

Attorney

The BAN for the 2017 Mac 10-wheel will have to be renewed as it matures at the end of June. Notice of sale was sent out today to prospective banks and underwriters. June 29th we will be borrowing \$200,000 at 1.89% interest rate. We are still waiting for the \$200,000 grant funds. The Town would have the ability any time after six months to pay the renewal note off.

The Zoning Board met on for an area variance request for Amy Braddoc. Her old garage needs to be demolished and a new one built but required an area variance, which was granted.

Katelyn Farm Event Barn applied for a use variance to hold wedding receptions and special events. This was sent to County Planning for referral. The County recommended against the use variance. As Jeff Martin has represented owner Ted Jenney in the past, the Town authorized retaining special counsel last month, so Jeff had no involvement. Ron added that this issue began with neighbor complaints about the activities at Katelyn Farm. This not generated by him.

Supervisor Morriss informed the Board that he has called DASNY three times about when we will be receiving our \$200,000 grant funds. Bottom line is whenever the Governor gets around to signing it so we are just waiting for him to sign off on it.

Town Clerk

Receipts for May totaled \$1,375 with \$1,102.68 going into the general fund. Cindy provided the Board with a tax collection report for the 2017 tax collection period.

Highway and Water Superintendent

Supervisor Morriss spoke to Ed about the complaints regarding his absence at some meetings. He is away at Cornell Highway School. Ed offered to cancel so he could attend the meeting and Supervisor Morriss said that he didn't want him to cancel attending the school.

John read a brief report regarding road paving; the master reader that is being installed; couple of minor water leaks have been taken care of.

Public Comments

Kerri Neale stated that he thinks the use of Pictometry is unconstitutional and he wouldn't support any candidate who agrees with it. Assessor Lynn Wood explained that it is not used to spy on people and that it is used by many agencies, including contractors, for many things. Code Enforcement Officer Ron Vendetti stated that the fly-by is only done in the fall or winter once a year. The pictures are not of a detail where you can actually make out who a person is.

Art Knab questioned why the lights in the back parking lot are on at night.

Lynn Wood stated he has been a resident of the Town for 50 years and questioned a letter in the Orleans Hub stating the Town of Murray is seeing double digit tax rate increases. Lynn said he has kept track of town, county and school tax rates and in the year 2000 the town tax rate was \$4.30/thousand and presently in 2017 the town tax rate is \$4.83/thousand. When you read on the Hub about double digit tax increases, it is not true. Joseph Sidonio said he wrote a letter after researching the tax rates in the town and he stands by what he said. Mr. Sidonio also questioned if the Board followed proper procedure when we issued the truck bond. His recollection is that it was done at a work meeting without any public comment. Did the Board need to have a public hearing on this? Jeff Martin informed him that the Town Board certainly did follow proper procedures as they always do. Orrick, Herrington & Sutcliffe are the number one Bond Counsel in the United States. They are top notch and issue an approving opinion certifying that everything is done properly. Ten or fifteen thousand dollars in fees is certainly worth receiving \$200,000 free money and whatever needed to be done was done legally. Councilman Hendel stated that we do not need to have a public hearing in order to adopt a bond resolution.

John Totter, Chairman of the Holley Joint Fire District talked about each of our area fire departments (Holley and Fancher Hulberton Murray). With much talk

about consolidation and merging fire companies and/or fire districts, he thought it would be a good thing to go over the options and the effects of each. If the public wanted a consolidated fire district, there are ways to have that done. John or Dave Knapp do not feel it would be beneficial to the tax payer to do so at this time.

Lloyd Christ spoke about rumors that are still being spread about him stealing water. These false rumors have to do with his character and can affect his business. Joe said he did not accuse Lloyd of stealing water.

Motion by Christ, Seconded by Bower to enter into executive session to discuss possible litigation. Motion Carried

Board entered into executive session at 8:45 p.m.

Motion by Hendel, Seconded by Bower to return to regular session.
Motion Carried

Board returned to regular session at 9:21 p.m.

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

General Fund	Claims 145 – 189	\$29,615.37
Highway Fund	Claims 64 – 77	\$65,021.38
Water District No. 1	Claim 10	\$285.30
Water District No. 2	Claims 17 – 19	\$7,834.46
Water District No. 3	Claim 7	\$64.50
Water District No. 6	Claims 23 – 28	\$4,554.27
Water District No. 7	Claim 7	\$64.50
Water District No. 10	Claim 12	\$2.59
Water District No. 11	Claims 26 – 29	\$4,456.94

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

Meeting adjourned at 9:25 p.m.

Respectfully Submitted,

Cynthia L. Oliver