

**Town of Murray Public Hearing and Town Board Meeting**

April 9, 2019

Present: Supervisor Robert Miller, Councilmen Lloyd Christ, Paul Hendel, Michael Mele and Neil Valentine, Town Clerk Cindy Oliver, Attorney Jeffrey Martin, Assessor Lynn Wood, Louise Passarell, Charles Felice, Jessica Renzi, Nicole Jenney, Donna Smith, David Griggs, Kevin Johnson, Mary Dale, Ted Jenney, Janet Walker, David Piedmonte, Jeanne Leonard, Chuck Maxon, Susan Machamer, Amy Machamer, Eric Fredendall, Joseph Sidonio, Beth Miller, Kellie Gregoire, Ronald Carlston, Arthur Knab, Kerri Neale, Eduardo Mendoza, Norma Mendoza, Eulalio Mendoza, Sandra Shaw, Dirk Lammes, Tom Rivers

Pledge to the flag.

Public Hearing – Proposed Local Law No. 1 of 2019 – *A Local Law Providing for the Regulation of Special Events at Farms and Wineries in the Town of Murray.*

Supervisor Miller and Attorney Jeff Martin spoke about the proposed local law. Its objective is to give someone an opportunity who does not qualify as exempt under Ag & Markets, to hold special events. For example Hurd Orchards would not need a permit as they are exempt under the Ag & Markets Law. Regarding the Jenney Barn, Bob Somers of Ag & Markets said that there is not enough of a nexus between the horse farm and the exemption from Ag & Markets. The Board is trying to accommodate our local farms and to give smaller farming operations an opportunity to make a profit. If you have a facility that is set up for special events such as a wedding reception; the Town wants to encourage that type of activity, but you have to take into account neighbors. Protecting residents in the area as well as allowing a farming operation make productive use of a facility that has been there for years.

Questions and comments from those in attendance:

- Will a special event permit be needed for any gathering such as graduation parties or fund raisers? No permit is required for an occasional gathering or fund raising event.
- Although drafted under good intentions, the setback and other parts of the law are quite restrictive
- Parts of the proposed law are vague. This gives ultimate authority to Town Planning Board, which at the current time is fine, but who knows how future members of the Planning Board will interpret the law?
- Our local Right to Farm law needs to be considered, doesn't this law cover weddings?
- Agriculture Advisory Committee would be helpful in this instance.

- The law is too restrictive and although the current Board is supportive, what about other Board members down the line?

Public Hearing Closed at 8:25 p.m.

Councilman Paul Hendel spoke about the guidelines for review of local laws affecting direct farm marketing activities per the Department of Agriculture and Markets:

1. *Many farm markets offer some form of on-farm recreational activity such as hayrides, a petting zoo, or a cornfield maze. These activities are often an important component of farm markets since they are a useful tool to attract customers.*
2. *However, the activity e.g. hayrides, a petting zoo or a cornfield maze, must be used as part of the direct marketing strategy of the farm operation and the primary purpose of the activity must be to sell the farm's products/services, not to serve as a recreational use of the land.*
3. *The events and activities must be: 1) directly related to be the sale and promotion of the crops, livestock and livestock products produced at the farm; 2) incidental and subordinate to the retail sale of the farm's crops, livestock and livestock products; 3) hosted by the farm; 4) feature the farm's crops, livestock and livestock products.*
4. *The Department considers events/activities to be "incidental" only when the gross annual receipts from the facility rental/vendor fees, admission fees, sale of non-agricultural products, etc. at such events/activities does not exceed 30% of the total gross sales from the retail sale on-site of crops, livestock and livestock products at such events.*
5. *The primary purpose of the events must be to market the farm's agricultural commodities and the events must be sufficiently related to the farm operation.*

Councilman Hendel stated that he is not advocating to pass this local law tonight. The Board heard good comments from those present. He appreciates the time, effort and seriousness the Planning Board and Jeff Martin took to come up with a proposed law that would address these issues. We took on a hard issue and think it has the potential to be a win for everyone. We are all looking for the same end result; to bring or capitalize what we have to offer. Keep in mind that the County Planners, who are paid professionals recommended that this law be approved at the local level.

Councilman Michael Mele suggested taking another look at some of the avenues in the law and read over Mr. Somers's response. These issues need to be worked out before we adopt the law.

Motion by Hendel, Seconded by Valentine to engage the Planning Board and Jeff Martin to revisit this proposed legislation and see if there are areas that

are too restrictive and see if we can rewrite what we have, knowing full well this will add months before Kateland Farms can have any schedule.

Motion Carried

### Town Board Meeting

Motion by Christ, Seconded by Mele approving the March meeting minutes as submitted Motion Carried

### Assessor

The update is winding down and exemptions are in line. The change of assessment notices will be mailed out sometime next week.

### New Business

Motion by Hendel, Seconded by Mele approving Water District 3, Ext. 1 Change Order No. 3 Motion Carried

Motion by Christ, Seconded by Valentine approving Water District 3, Ext. 1 Pay Application No. 5 to Pilon Construction in the amount of \$72,234.86  
Motion Carried

Motion by Hendel, Seconded by Christ reappointing George Herring to the Board of Assessment Review to a 5-year term ending September 30, 2023  
Motion Carried

Motion by Valentine, Seconded by Christ that the Town Board enter into executive session regarding a personnel matter Motion Carried

Board entered into executive session at 8:20 p.m.

Motion by Hendel, Seconded by Christ that the Town Board return to regular session at 8:55 p.m. with no action taken Motion Carried

Motion by Hendel, Seconded by Mele approving and authorizing the confidential separation agreement Motion Carried

### Town Clerk

Receipts for March totaled \$749.05 with \$655.81 going into the general fund. The second notices for tax bills will be mailed on April 15<sup>th</sup> for those property owners with unpaid balances.

Motion by Christ, Seconded by Mele to accept the Town Clerk's report  
Motion Carried

Public Comments

David Piedmonte asked how many members of the County Planning Board voted against recommendation of the proposed special events law. Councilman Hendel said he would have to check with the county planners.

Kerri Neale questioned the separation agreement. Supervisor Miller told him that it was a signed, confidential agreement. Mr. Neale said he will have to trust that the Town Board had to do what was necessary and that he has come up against bullies in his day and that sometimes you have to fight them.

Joe Sidonio informed all that while clearing land he recognized the Emerald Ash Borer Beetle. He suggested that the Town consider the damage that will occur and how are we going to deal with that on our roads and ditches. Possibly consider the equipment needed for taking care of this in future budgets.

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

General Fund	\$22,379.94
Highway Fund	\$12,665.64
Water District No. 1	\$385.50
Water District No. 2	\$10,061.75
Water District No. 3	\$3,079.00
Water District No. 4	\$130.00
Water District No. 6	\$3,700.90
Water District No. 10	\$2.59
Water District No. 11	\$2,291.91
Water District No. 15	\$83.33
Pre-Paid General Fund	\$2,012.24
Pre-Paid Highway Fund	\$2,534.90

Motion by Mele, Seconded by Christ that the meeting be adjourned  
Motion Carried

So adjourned at 9:06 p.m.

Respectfully Submitted,

Cynthia L. Oliver