

Town of Murray Public Hearing and Town Board Meeting

May 15, 2023

Present: Supervisor Joseph Sidonio, Town Councilmen Randall Bower, Lloyd Christ, Michael Mele, and Gerald Rightmyer, Town Clerk Cindy Oliver, Highway and Water Superintendent Dirk Lammes, Water Clerk Alexis Penna, Dave Knapp, Amy Machamer, Legislator John Fitzak, Legislator Ed Morgan, Elaine Berg, Mark Scarborough, Wally Liese, Carol Liese, Arthur Knab, Sam Lammes

Public Hearing – Proposed Local Law No. 2 of 2023 *Solar Energy Systems & Facilities Law, Article 1 &2*

Motion by Bower, Seconded by Mele to open the public hearing at 7:00 p.m.

Motion Carried

Amy Machamer spoke regarding concerns with the proposed law. These solar systems should not be placed on prime agricultural soil in our town. All of those on the Town Board and Planning Board should be sitting down with a fine tooth comb as this could be devastating to our agricultural economy. What happens in 25 years when those companies don't exist anymore? These solar farms will ruin the landscape and view of our area. We need to take stock of all we value. When a solar farm goes in next to residents whose houses represent their life savings, their property value goes down.

Ron Vendetti stated that he worked with the Planning Board on the proposed solar law. He believes every property owner in this country has the right to farm solar, wind, corn, pigs and cows. When you buy a piece of property, you should have some rights to do what you want with it.

Two years ago, there was a perfectly good solar law in place. In all that time, we have never had an application because we don't have the infrastructure in Murray for those applications. This is not something that gives off noise and there are limits in the law to make sure it does not create a problem. If you try to limit it, you'll have no law. The people who pay their taxes have a right to determine how they use their land.

Dave Knapp represents the town at the county level and town level. He stated that the County Planning Board thought the solar law was excellent the way it is written.

Elaine Berg, Planning Board member informed all that no matter what is put in the law, New York State can override it.

Motion by Mele, Seconded by Bower to close the public hearing at 7:15 p.m.

Motion Carried

Town Board Meeting

Motion by Rightmyer, Seconded by Christ approving the minutes of the April 17th meeting as submitted Motion Carried

Town Clerk

April receipts totaled \$1,502.00 with \$1,409.88 going into the general fund.

Property taxes have been reconciled and will be turned over to the County Treasurer tomorrow. Cindy gave the Board a collection summary that shows the Clerk’s office collected over \$4,000,000. In taxes. She wrote a check to the Supervisor in the amount of \$11,882.11 for the penalties and returned check fees that were collected.

Highway and Water Department

Paving season has begun. Highway has helped the towns of Clarendon and Shelby.

Requests for culvert replacements have been coming in.

The Water Department has been installing hydrant meters for farmers and water haulers. Have been listening at the south section for leaks. Investigating some water bills that have increased and finding the cause in most cases is leaky toilets. Residents do not realize how much this can increase your water bill if not repaired.

Brief discussion regarding purchasing a new truck to replace the 2006 International.

Code Enforcement

Written report submitted

Building Permits Issued: 5

Building Inspections: 7

Certificates of Compliance Issued: 2

No appeals for the Zoning Board for May. Adam Moore is the new member and will fill the vacant position of Gerry Rightmyer. Mr. Moore’s term expires 12/31/2027.

The Planning Board continues to have workshop meetings on the Zoning Ordinance.

County Planning Board – April:

23-09 CLARENDON Request for Amendment to Zoning Text (Articles II and VII) – Regulations governing Special Use Permits for Short Term Rentals (Section 719) and Manufactured Home Parks (Section 708)

23-10 KENDALL Request to change Zoning Classification Tax Parcels 33.4-1-17.1 and 33.4-1-19.1 from Residential Hamlet to General Business

23-11 YATES Request for Area Variance, Special Use Permit and Site Plan Review for Farm Labor Housing of H2A and H2B workers. Project located at 1962 N. Lyndonville Rd.

New Business

Supervisor Sidonio asked for a motion to adopt the revised zoning regulations as revised on May 3rd and/or a motion to introduce zoning regulations as revised on May 3rd with the two additions to that proposed local law. Councilman Bower stated that a discussion is needed. There is a possible resolution lower on this agenda to retain LaBella to finish the Zoning Law. Supervisor Sidonio said the modifications will be presented to the Board at the next meeting. The Board stated they want the full revised version prior to the next meeting so they have time to read it. Councilman Rightmyer said that he gathered much information regarding the zero setback in order to make the most prudent decision. He spoke to engineers, land surveyors, planning boards, John Papponetti, Commissioner of Public Works for Orleans County and Jeff Braley, the resident engineer for Genesee and Orleans County. Every person he spoke to was against the zero-setback stating it was a horrible idea. Code Enforcement Officers in Gaines and Ridgeway, towns where Route 104 runs through said they have setbacks of at least 50 feet.

Councilman Rightmyer stated that the email the Supervisor sent to the Board stating they were bickering and arguing and we couldn't come up with any plan. Nothing could be further from the truth. We discuss things, as we're supposed to do. The most disconcerting thing in the email was that the Supervisor said Jim Bensley had removed himself from any further discussion regarding this. Councilman Rightmyer called Jim Bensley two days after receiving Joe's email and Jim said he hadn't talked to Joe in the past seven days. Supervisor Sidonio said it seems Councilman Rightmyer is pontificating. He offered to show Councilman Rightmyer the email from Mr. Bensley saying he didn't want to discuss this issue because of the politics of it. Councilman Rightmyer said Mr. Bensley did not have a problem speaking to him as a board member at length about the setbacks and he was very helpful. Supervisor Sidonio does not agree and stated that there are plenty of communities with zero setbacks. Councilman Rightmyer said yes, but not on Ridge Road. It would have been a bad deal if that zero-setback stayed in the law. The Supervisor stated that what is a bigger deal is that the Town of Murray issued the biggest development project in this town, approved under a zoning law that we all agreed to adopt. His recommendation as Supervisor that we introduce this law right now, as agreed to amend, taking out those setbacks, adding in the things that are of concern and move this thing along.

Supervisor asked for a motion. Councilman Mele said that the board should have the full revised zoning law in front of them before voting to adopt. The next item on the agenda is to retain LaBella Associates to help with the rest of the zoning. We should send Barbara a list of changes agreed upon and she can make the revisions and send us the final copy so we have time to review it before the meeting. Supervisor Sidonio said if the board passes the resolution to retain LaBella Associates to make the changes, you will all have a copy in your mailbox with official notification and it will be introduced to you by the Supervisor between now and then. It will be on the agenda next month for adoption.

Supervisor Sidonio would encourage the Planning Board to take a look at the special use permit that was issued referencing this zoning ordinance and not the current one. Look for Section 414 and Section 775 – it does not exist in the 2009 Zoning Ordinance which we are currently operating under. He stated it is imperative we move this along before we have a big problem.

RESOLUTION 2023-023

At a meeting of the Murray Town Board, duly held on May 15, 2023, Councilman Michael Mele moved adoption of the following resolution; Councilman Randall Bower seconded the motion:

BE IT RESOLVED that the Town Board of the Town of Murray hereby retains LaBella Associates to make the Town Board’s recommended revisions to the Town of Murray Zoning Local Law at a cost of \$125.00/hour plus expenses, not to exceed \$1,500.

Upon being put to a vote, the resolution was unanimously adopted.

RESOLUTION 2023-024

At a meeting of the Murray Town Board, duly held on May 15, 2023, Councilman Lloyd Christ moved adoption of the following resolution; Councilman Gerald Rightmyer seconded the motion:

BE IT RESOLVED, that the Town Board of the Town of Murray hereby increases the water rate for farmers from \$4.50 per thousand gallons to \$5.00 per thousand gallons.

BE IT FURTHER RESOLVED that this rate increase shall take effect June 1, 2023

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

| | | |
|---------|---|--------------------------------|
| Ayes | 4 | Bower, Christ, Mele, Rightmyer |
| Nays | 0 | |
| Abstain | 1 | Sidonio |

The resolution was thereupon adopted.

RESOLUTION 2023-025

At a meeting of the Murray Town Board, duly held on May 15, 2023, Councilman Randall Bower moved adoption of the following resolution; Councilman Michael Mele seconded the motion:

RESOLVED, that the meter charge for farmers and water haulers be increased from \$30.00 to \$50.00; and

BE IT FURTHER RESOLVED, that this rate increase shall take effect for the May 2023 billing period.

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

| | | |
|---------|---|--------------------------------|
| Ayes | 4 | Bower, Christ, Mele, Rightmyer |
| Nays | 0 | |
| Abstain | 1 | Sidonio |

The resolution was thereupon adopted.

RESOLUTION 2023-026

At a meeting of the Murray Town Board, duly held on May 15, 2023, Councilman Lloyd moved adoption of the following resolution; Councilman Gerald Rightmyer seconded the motion:

RESOLVED that the Town Board of the Town of Murray hereby authorizes Dirk Lammes, Highway Superintendent to auction the white, 2003 one-ton pickup truck, VIN No. 1GBJK34U53E176809 with a reserve of \$2,000, as it is no longer needed for Town use.

After being put to a vote, the resolution was unanimously adopted.

RESOLUTION 2023-027

At a meeting of the Murray Town Board, duly held on May 15, 2023, Councilman Gerald Rightmyer moved adoption of the following resolution; Councilman Lloyd Christ seconded the motion:

RESOLVED, that the Town Board of the Town of Murray hereby increases the water rates for water haulers from \$4.99 per thousand gallons to \$6.00 per thousand gallons; and

BE IT FURTHER RESOLVED, that this rate increase shall take effect for the May 2023 billing period.

Upon being put to a vote, the resolution was unanimously adopted.

Motion by Christ, Seconded by Mele to reschedule the regular June Town Board meeting to June 26th at 7:00 p.m. due to the Juneteenth holiday Motion Carried

Cindy will place a public notice in the Batavia Daily News regarding the change.

Old Business

Supervisor Sidonio stated there should be a discussion regarding solar law and the requirement for our pilot agreement. Also in question, is whether the Town Board should be taking the lead on approving these projects instead of the Planning Board.

Public Comment

Ron Vendetti of Hindsburg Road spoke that there are more items you should be concerned with in the zoning law. The revisions you agreed to are only part of the problem, there is much more.

There was a public hearing on the solar law tonight and now you already want to change it and give the Town Board authority instead of the Planning Board. It looks like a top-down kind of a deal.

Mr. Vendetti asked why, on the 15th of May would you raise water rates for people that already have meters.

Legislator Ed Morgan asked about the list of items to be disposed of as this was on the agenda. He was informed that this item was removed and there is no list of items at this time.

Sam Lammes of Route 31 asked what the status is of his invoice for the bucket he built for the town as we weren't able to get one. He sent an invoice in February and it is still unpaid.

Amy Machamer of Hurd Road thanked Dirk and crew for responding to an end of the water line problem and for also removing a dead deer which wasn't in their jurisdiction.

Ms. Machamer also spoke of individual property rights in regard to the solar law. She agrees that individuals should be able to do what they like on their property, however, in this case, solar installations are actually industrial and it changes the classification of the actual land and it affects neighbors. She thinks it bears more consideration, particularly on prime soil.

Regarding the setback on Ridge Road; If you make property owners go back too far, they will be off of the good soil and into Sandy Creek. Ridge Road is unique and the right of way is enormously wide. The reasons there are accidents at the intersection of Ridge Road and County Line Road is because County Line Road does not meet Ridge Road squarely. Not one of those accidents were caused by people pulling out of County Line Road. The setback will not correct an accident problem.

Art Knab of Hindsburg Road spoke about the number of accidents in the last five years that have occurred on Ridge Road and he believes there should be a setback.

Scott Underwood of Hindsburg Road wanted to make clear that there was no problem from our water system and no contamination at the end of the line on Ridge Road. Ms. Machamer stated she did not say that, she thanked the Water Department for their help which was almost at the end of her line.

Ron Vendetti of Hindsburg Road stated he was confused as to why the zoning board was at the last meeting because they do not make zoning laws but there should be more input into this zoning law than less. You should be thinking about Transit Tire, property at the corner of Petersmith Rd. and Ridge, the Wishing Well and Christo's. These businesses were all taken out of the commercial zoning and they should be back in. He thinks the whole thing needs to be looked at before you start making small changes. At the last meeting it was said that it didn't make any difference

because the planning board can put stronger restrictions on if they want and that is not true. If he comes in with a plan that meets all requirements with the code, you will be giving him a permit or we will go to court.

Water Superintendent Lammes wanted to clarify the comments about the end of the water line. Saying the end of the line, it could be taken out of context that there is a problem with our system and that is why Scott brought it up.

Motion by Mele, Seconded by Bower to close the public comment period Motion Carried

Motion by Bower, Seconded by Mele approving the supervisor’s financial report and that the following bills be paid:

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

| | | |
|---------|---|--------------------------------|
| Ayes | 4 | Bower, Christ, Mele, Rightmyer |
| Nays | 0 | |
| Abstain | 1 | Sidonio |

Motion Carried

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|-----------------------|-------------|
| General Fund | \$18,437.33 |
| Highway Fund | \$25,149.59 |
| Street Lights | \$692.01 |
| Water District No. 1 | \$727.05 |
| Water District No. 2 | \$2,293.36 |
| Water District No. 3 | \$1,181.16 |
| Water District No. 4 | \$328.01 |
| Water District No. 5 | \$169.99 |
| Water District No. 6 | \$2,234.94 |
| Water District No. 7 | \$1,476.59 |
| Water District No. 8 | \$693.08 |
| Water District No. 9 | \$277.48 |
| Water District No. 10 | \$731.74 |
| Water District No. 11 | \$3,528.84 |
| Water District No. 12 | \$284.99 |
| Water District No. 13 | \$459.95 |
| Water District No. 15 | \$873.84 |
| Water District No. 16 | \$210.00 |
| Water District No. 20 | \$549.29 |

Motion by Mele, Seconded by Christ to adjourn the meeting at 8:11 p.m. Motion Carried

Respectfully Submitted,

Cynthia L. Oliver