

JERUSALEM TOWN BOARD MEETING - JULY 19, 2006

Minutes of the regular monthly meeting of the Jerusalem Town Board held on July 19, 2006 at 7:00 P.M. PRESENT were: Councilpersons Barden, Folts and Hopkins, Supervisor Jones, Highway Superintendent Payne, Town Engineer Ackart, Town Clerk McMichael.

Guests: Summer Recreation Program Director Eggleston, Assistant Director Nielsen-Austin, Bill Pringle, Bob Evans, Max Parson, Peg Thompson, Dundee Observer Reporter.

Excused: Councilperson Stewart.

Supervisor Jones called the meeting to order at 7:00 P.M. with the Pledge to the Flag.

RESOLUTION #115-06

APPROVAL OF MINUTES

On a motion of Councilperson Hopkins, seconded by Councilperson Barden, the following was

ADOPTED	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays	0	

Resolved that the minutes of the June 21, 2006 meeting be approved as presented.

PUBLIC HEARING - PROPOSED LOCAL LAW D OF 2006 - NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE 1203 AND #108 UNSAFE STRUCTURES AND EQUIPMENT

Supervisor Jones opened the Public Hearing at 7:02 P.M., asking for comments on Proposed Local Law D of 2006 that the State has mandated for adoption by 1/1/2007. Councilperson Hopkins stated the State expanded the wording of Section 11.C. on page 3 to include, "Any such Acting Code Enforcement Officer shall have current New York State Code Enforcement certification." Associated fees will be established by Town Board resolution. Wayne Ackart, West Lake Road, Penn Yan, stated he did not read requiring operating permits from every business in the Town in the proposed local law. Bill Pringle, 309 Cedar Street, requested clarification of Section II.(3) on page 12.

RESOLUTION #116-06

CLOSE PUBLIC HEARING

On a motion of Supervisor Jones, seconded by Councilperson Barden, the following was

ADOPTED	Ayes	4	Barden, Folts, Jones, Hopkins
	Nays	0	

Resolved that the Public Hearing be closed at 7:16 P.M. and that the Board return to the Regular Town Board meeting.

SUMMER RECREATION PROGRAM

Director Bev Eggleston provided an overview of the youth summer recreation program. There are 110 registrants, who participate in various activities including games, arts and crafts, hiking and swimming lessons. Outings have been planned to Watkins Glen and Seabreeze. A picnic is planned for the last day, August 10

Ms. Eggleston informed the Board of issues related to the lack of a written age requirement statement for the program. This matter will be addressed for next year's program.

RESOLUTION #117-06

APPROVAL - PURCHASE FLAGS AND MEMORIAL BRICKS FOR THE VETERANS' WAR MEMORIAL

On a motion of Councilperson Barden, seconded by Councilperson Hopkins, the following was

ADOPTED	Ayes	4	Barden, Folts, Jones, Hopkins
	Nays	0	

Whereas the Lest We Forget Committee has requested the five service flags and a POW MIA flag be purchased and displayed at the Veterans' War Memorial; and

Whereas the Committee also requested selling bricks to the public that will border the sidewalk memorializing our servicemen; now, therefore, be it

Resolved that the Town Board approve the request from the Lest We Forget Committee as presented.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

Highway Superintendent Payne submitted his report of the highway work for the month of June, which is kept on file in the office of the Town Clerk. He noted his concern with the ability to perform scheduled roadwork due to volatile prices.

Councilperson Hopkins questioned the bank stabilization project done at Flint Creek as this is not in the Town of Jerusalem. This was due to the water run-off from Italy Hill that flows to Flint Creek. The funds have been appropriated through Steuben County Soil & Water Conservation, so Jerusalem will be reimbursed for the Hanson Aggregate expense. Highway Superintendent Payne will provide Supervisor Jones with a list of the projects recommended by Soil & Water.

TOWN ENGINEER

- Three connections have been made to the Brandy Bay sewer.
- We received the Assembly Avenue sewer DOT permit. The district map is being finalized.
- The Indian Pines Pump Station meter flow data is now available. This will be helpful as we address the Village of Penn Yan's concern over excessive sewage flow.
- The DOH application for Bedient's RPZ has been submitted for Stever Hill Road.
- Two hydrants have been replaced at Keuka Lake State Park.
- Measures have been taken to protect the hydrant at Mill Street because it has been knocked over three times recently.
- We continue to work on the location and resolution of an old private waterline near Keuka Park.
- While upgrading remotes on the bluff, it was discovered that the old Badger remotes and the meter registers don't agree. Further investigation has resulted in the discovery of broken seals on the meters. Letters have been sent as this is a violation of Town Code. Meters are sealed to prevent tampering. Future violators will be issued a ticket to appear before town magistrate. Area plumbers are being directed to notify the KPSW office when they remove meters so they are resealed by authorized personnel only.
- Water pooling on Assembly Avenue is due to runoff from the College watering their athletic fields. The fields are irrigated and the water is following the field trench lines.

SUPERVISOR

- Supervisor Jones reported according to The Chronicle Express, the Village of Penn Yan has asked their attorney to start negotiating the sewer and water contracts with Jerusalem.
- At the June Town Board meeting, it was reported that there was a fund balance in excess of \$300,000 in the water budget. The 2005 audited figures are not available at this time. There are numerous expenses anticipated that will significantly reduce this \$300,000 fund balance.

UPDATE - COMPREHENSIVE PLAN

Councilperson Barden reported two public hearings have been held on the draft comprehensive plan. We will consolidate the comments received and convene a meeting of the Steering Committee to review them. Clark Patterson and Associates will then update the master draft Plan as needed and provide ten color hard copies and 2 CDROMs upon adoption of the Plan.

RESOLUTION #118-06

COMPREHENSIVE PLAN - AUTHORIZE THE FILING OF A NEGATIVE DECLARATION UNDER THE SEQR LAW

On a motion of Councilperson Barden, seconded by Councilperson Hopkins, the following was

ADOPTED Ayes 4 Barden, Folts, Jones, Hopkins
 Nays 0

Whereas the Town Board of the Town of Jerusalem hereby finds and determines with respect to the revision of the official Town Comprehensive Plan that: (a) it has considered the action, reviewed the full environmental assessment form, reviewed the criteria set forth in 6 New York Code of Rules and Regulations, section 617.7 (c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with the Project; (b) notice of its intention to become the Lead Agency with respect to the adoption of said Plan has been duly given to Yates County Planning Board, and said agency has responded in writing but not opposed this Board's becoming Lead Agency; (c) the adoption of the Plan will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant effect on the environment; (d) a negative declaration should be prepared; and (e) the reasons supporting this determination are set forth on Part 2 of the Full Environmental Assessment Form with respect to this project (a copy of which form is on file in the Office of the Clerk).

Section 2: The Town Board of the Town, as Lead Agency with reference to the revision of the Plan, hereby: (a) authorizes the Supervisor of the Town to sign a negative declaration (determination of non-significance) pursuant to 6 New York Code of Rules and Regulations, section 617.7 with respect to the project; and (b) authorizes the Clerk to forward a copy of the negative declaration to the Yates County Planning Board.

Section 3: This Resolution shall take effect immediately.

RESOLUTION #119-06
SCHEDULE PUBLIC HEARING - PROPOSED LOCAL LAW EXTENDING ADULT ENTERTAINMENT MORATORIUM FOR 90-DAY

On a motion of Councilperson Folts, seconded by Councilperson Hopkins, the following was

ADOPTED Ayes 4 Barden, Folts, Hopkins, Jones
 Nays 0

Whereas we currently have a 6-month moratorium on places of adult entertainment that expires August 15, 2006; and

Whereas for procedural purposes, the Planning Board Adult Entertainment Subcommittee recommends the moratorium remain in

place until adoption of the Comprehensive Plan that designates the zone for such allowed use; now, therefore be it

Resolved that a Public Hearing be scheduled for August 16, 2006 at 7:00 P.M. to extend the moratorium on places of adult entertainment for another 90 days beyond the August 15, 2006 expiration date.

Resolved that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

RESOLUTION #120-06

SCHEDULE PUBLIC HEARING - PROPOSED LOCAL LAW AMENDING TOWN CODE

CHAPTER 98. JUNKYARDS

On a motion of Councilperson Hopkins, seconded by Supervisor Jones, the following was

ADOPTED	Ayes	4	Barden, Folts, Jones, Hopkins
	Nays	0	

Resolved that a GML 239 Referral be submitted to the Yates County Planning Board for review; and, further

Resolved that a Public Hearing be scheduled for August 16, 2006 at 7:05 P.M. on proposed Local Law amending Town Code Chapter 98. Junkyards; and, further

Resolved that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

RESOLUTION #121-06

SCHEDULE PUBLIC HEARING - PROPOSED LOCAL LAW AMENDING TOWN CODE

ARTICLE II SECTION 160-5 BED & BREAKFAST

On a motion of Councilperson Hopkins, seconded by Supervisor Jones, the following was

ADOPTED	Ayes	4	Barden, Folts, Jones, Hopkins
	Nays	0	

Resolved that a GML 239 Referral be submitted to the Yates County Planning Board for review; and, further

Resolved that a Public Hearing be scheduled for August 16, 2006 at 7:10 P.M. on proposed Local Law amending Chapter 160 of the Town of Jerusalem relating to the definition of Bed-and-Breakfast; and, further

Resolved that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

RESOLUTION #122-06

APPROVAL - POST EMPLOYMENT BENEFITS - ELAINE NESBIT

On a motion of Supervisor Jones, seconded by Councilperson Barden, the following was

ADOPTED Ayes 4 Barden, Folts, Jones, Hopkins
 Nays 0

Whereas, the Town Board received a request from Elaine Nesbit asking for an extra 500 sick hours to be banked due to the lack of attention which was given towards her sick bank at the time when she was taken from hourly to salary (March 1996); and

Whereas, the sick hours ceased being accumulated as of March 1996; and

Whereas, she had accumulated a total of 553 sick hours at the time; now, therefore, be it

RESOLVED that the Town Board is authorizing the request of 500 sick hours (based on a 35-hour per week position) be added to Elaine Nesbit's sick bank; and, further

RESOLVED that the Bookkeeper be instructed to enter 1053 hours in the sick bank and start accumulating sick hours as of August 2006.

RESOLUTION #123-06

APPROVAL - POST EMPLOYMENT BENEFITS - JOHN PHILLIPS

On a motion of Supervisor Jones, seconded by Councilperson Hopkins, the following was

ADOPTED Ayes 4 Barden, Folts, Jones, Hopkins
 Nays 0

Whereas, the Town Board received a request from John Phillips asking for an extra 600 sick hours to be banked due to the lack of attention which was given towards his sick bank at the time when he was taken from hourly to salary (March 1996); and

Whereas, the sick hours ceased being accumulated as of March 1996; and

Whereas, He had accumulated a total of 208 sick hours at the time; now, therefore, be it

RESOLVED that the Town Board is authorizing the request of 600 sick hours (based on a 40-hour per week position) be added to John Phillip's sick bank; and, further

RESOLVED that the Bookkeeper be instructed to enter 808 hours in the sick bank and start accumulating sick hours as of August 2006.

MARKHAM ASSESSMENT CLAIM DECISION AND PETITION

Supervisor Jones received notice on the recent Decision from Judge Falvey completely in the Town's favor on the 2004 and 2005 assessment filings by Markham, 1087 East Bluff Drive. The Decision will be signed and filed, after which the Markhams will have 30 days to appeal that Order. The cost to the Town for legal services rendered by Underberg & Kessler total \$45,042.58 to date. Mr. Markham represents himself in court. Because of the wording of New York State law, Mr. Markham does not have to pay Court costs. As a result of Falvey's decision, Markham lost on his 2004 and 2005 petitions. The assessment will stand at \$493,900 for three more years unless there is a town wide reval or an Appellate Division review.

RESOLUTION #124-06

AUDIT OF CLAIMS

On a motion of Councilperson Barden, seconded by Councilperson Folts, the following was

ADOPTED Ayes 4 Barden, Folts, Jones, Hopkins
Nays 0

Resolved that the bills be paid as presented in the following amounts:

General	\$ 19,205.71
Highway DA	\$ 1,832.92
Highway DB	\$ 5,239.57
Sewer	\$ 37,733.92
Water	\$108,062.96

RESOLUTION #125-06

SUPERVISOR'S REPORT

On a motion of Councilperson Barden, seconded by Councilperson Hopkins, the following was

ADOPTED Ayes 4 Barden, Folts, Jones, Hopkins
Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of June 2006 be accepted as presented.

RESOLUTION #126-06

SEQR DETERMINATION - PROPOSED KEUKA LAKE UNIFORM DOCKING AND MOORING LAW

On a motion of Councilperson Barden, seconded by Councilperson Hopkins, the following was

ADOPTED Ayes 4 Barden, Folts, Jones, Hopkins
Nays 0

Whereas the Town of Jerusalem held its Public Hearings for the proposed Keuka Lake Uniform Docking and Mooring Law on October 12, 2005 and June 21, 2006; and

Whereas the SEQR review conducted by the Town of Jerusalem as an involved agency has identified no significant negative environmental impacts; now, therefore, be it

Resolved that the Supervisor inform the Town of Urbana as Lead Agency of said findings.

PRIVILEGE OF THE FLOOR

Bob Johnson, 3671 West Lake Road, Branchport, submitted his written concern regarding the street signs in Branchport, copy attached. He feels the signage is inadequate, making it difficult for emergency services and visitors to locate homes in that area. He suggested placing two additional signs at the four-corners of Branchport for West Lake Road and State Route 54A on the same signpost with the current Guyanoga Road and Italy Hill Road signs. The Board directed Highway Superintendent Payne to contact the local DOT office to resolve this matter.

With there being no further business, on a motion of Councilperson Hopkins, seconded by Councilperson Folts, the meeting was adjourned at 9:21 P.M.

Sheila McMichael, Town Clerk