

Minutes of the regular monthly meeting of the Jerusalem Town Board held on July 16, 2008 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Hopkins and Simmons, Town Engineer Ackart, Town Clerk McMichael.

GUESTS: Max Parson, Bill Pringle, Donna Alexander, Jim Bird, Taylor Fitch, Alice Hunt, Bob Evans, Susan Close, Tom Close, Bob Johnson and several unidentified guests.

Excused: Councilpersons Folts and Stewart.

Supervisor Jones called the meeting to order with the Pledge to the Flag at 7:01 P.M.

Councilperson Simmons stated Councilperson Folts is not present tonight because of the farm damage he and other farmers incurred during the hail storm today. Councilperson Stewart is on vacation.

RESOLUTION #108-08

APPROVAL OF MINUTES

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

ADOPTED	Ayes	3	Hopkins, Jones, Simmons
	Nays	0	

Resolved that the minutes of the June 18, 2008 meeting be approved as read.

RESOLUTION #109-08

AUDIT OF CLAIMS

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

ADOPTED	Ayes	3	Hopkins, Jones, Simmons
	Nays	0	

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

General:	\$ 11,212.28
Highway DA:	\$ 2,511.95
Highway DB:	\$103,450.51
Sewer:	\$ 2,118.21
Water:	\$169,831.23
June utilities: General:	\$ 1,295.70
	Sewer: \$ 20,213.76
	Water: \$ 752.85
	Trust: \$ 36,520.36

RESOLUTION #110-08

SUPERVISOR REPORT

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

ADOPTED	Ayes	3	Hopkins, Jones, Simmons
	Nays	0	

Resolved that the Supervisor's Report on the Town's finances for the month of June 2008 be accepted as presented.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

Written report on file in the office of the Town Clerk.

Councilperson Simmons stated Highway Superintendent Payne is obtaining quotes on a wood stove or outside burning furnace for the Highway Barn. An alternative heating source was recommended in the energy audit conducted earlier this year.

TOWN ENGINEER

The automatic fill system in Keuka Park went down over the weekend, however it is back up and running as of last night. The Town took water non-stop for almost thirteen hours on July 2 to fill our tanks at Keuka Park and the State Park, along with the automated Keuka College irrigation. We have requested the College not use the big irrigation guns at the athletic complex on Mondays and Tuesdays when Pulteney is drawing water in the morning.

Councilperson Simmons inquired about our ability to accommodate the agricultural community by getting into the wholesale irrigation business. Any venture such as this would have to be coordinated with the Village of Penn Yan as our water supplier.

COUNCIL

Councilperson Hopkins and Simmons will be meeting tomorrow to continue discussions on forming an alliance to bid out our electric.

SUPERVISOR

Supervisor Jones stated the NYSDH Fact Sheet #5 regarding water taken from the lake by a private residence is not law. The Yates County Legislature adopted Resolution No. 283-08 at their July 14th meeting recommending that until such time that the New York State Department of Health gathers public health data and water quality data evidence in New York State to support the severe limitations outlined in Fact Sheet #5, the fact sheet should be rescinded.

Supervisor Jones assigned Councilmen Folts and Simmons to review

and implement the recommendations in the Zoning, Planning and Assessing Department Operation Review report as submitted by the subcommittee. Councilperson Hopkins will serve in Councilperson Folts' place if he is not able to fulfill this obligation due to the recent damages to his farm.

Supervisor Jones was contacted by Branchport establishments regarding skateboarding in front of their businesses. Legislation received from the Village of Rushville will be sent to Town Attorney Bailey to draft a skateboarding ordinance in the B-1 district.

ADDRESSING SYSTEM PROPOSAL FOR THE TOWN OF JERUSALEM

Supervisor Jones and Councilperson Stewart will meet with the subcommittee to further evaluate their Proposal Offering a Unique Opportunity to Create a User-Friendly Addressing System for the Town Of Jerusalem. The Proposal was offered to assist emergency personnel, protect residents and to welcome tourists and visitors to our Town.

Following review of the proposal, Yates County Sheriff Ron Spike, Penn Yan Fire Department 2nd Assistant Chief Richard Simpson and Branchport/Keuka Park Fire Department Chief Michael Chapman submitted comments to Supervisor Jones.

Yates County Legislator Donna Alexander commended the subcommittee for the work done on the proposal. She suggested as the supervisor of 911, Sheriff Spike and/or the Chief Dispatcher be involved in these meetings.

Subcommittee member Alice Hunt after reviewing the three letters received, apologized publicly to the Branchport/Keuka Park Fire Department as she felt based on comments in their letter that they were some how offended by contents of the proposal. She asked that the Town record reflect that there had never been a minute in any of their discussion where anyone expressed a concern that the Branchport/Keuka Park Fire Department was in any way doing anything but a stellar job - either in their response time or their dedication to detail in any/all of their operations. The subcommittee was saddened that in trying to point out how difficult the local addressing system must make their job, and the potential seriousness of a duplicate address, their efforts appear to have been interpreted as derogatory - that certainly was not their intention, and they sincerely regret that their statements were misinterpreted.

Mrs. Hunt felt that page 2. of Sheriff Spike's letter supports the Subcommittee's point of the need to correct the addresses. She provided the Board with information showing duplicate and/or

varied addresses for properties within the Town from the service location and mailing address on our water/sewer bills, assessment records and phone book listings.

Mrs. Hunt also stated Keuka Park Post Mistress Mary St. George has informed her that the Post Office wants to see this resolved and they will cover \$1,000.00 postage for a town wide mailing on this matter.

The subcommittee spent months gathering information and interviewing on all aspects of the problem. The proposal attempts to satisfy and cure all identified problems and is not intended for one organizations use or benefit. Some of the proposed items do not apply to everyone.

Subcommittee member Bob Johnson also spoke to the proposal and asked that the proposal be approached with an open mind and the subcommittee be allowed to discuss any issues with the Town Board.

SUBDIVISION SUBCOMMITTEE:

Supervisor Jones stated the Subdivision Subcommittee is underway again as Tom Close has agreed to chair this group following the resignation of previous chair, Jim Barden.

ZONING REVIEW/TOWN HOUSE SUBCOMMITTEE:

Proposed R-1 zoning amendments are being reviewed by Town Attorney Bailey.

There has been confusion related to the review process and exactly what recommendations are being proposed. As the Town Board liaison to the Planning Board, Councilperson Simmons stated hot items will now be on blue paper. It was noted the summary of resolutions chart from the Planning Board is helpful to the Town Board members.

The Subcommittee continues to discuss possible zoning for town houses.

WIND FARM SUBCOMMITTEE:

Jim Barre has agreed to chair the Wind Farm Subcommittee following the resignation of previous chair, Councilperson Simmons.

LOW IMPACT WHOLESALE BUSINESS ZONING AMENDMENT

Proposed regulations on Low Impact Wholesale Business were reviewed by the Planning Board at their July meeting. The Planning Board had recommended changing the review from the Zoning Board to the Planning Board, but as a special use, review

is stipulated by the Town Code to the Zoning Board. The Planning Board had interpreted this use as the prescribed duty of the Planning Board to review all matters relating to site plan review. It was noted that at one time, Town Attorney Bailey had considered changing special use review to the Zoning Board, but upon further review determined it should remain with the Planning Board. Councilperson Simmons will present this to the Planning Board at their August meeting.

Planning Board member Bill Pringle stated his frustration with the Planning Board taking their time to review these proposed regulations and questioned why it wasn't sent to the Zoning Board if it their responsibility to review special use applications. It was explained that the Zoning Board enforces the existing zoning laws and the Planning Board proposes new zoning laws.

RESOLUTION #111-08
SCHEDULE PUBLIC HEARING AND SUBMIT GML239 REFERRAL TO COUNTY ON
PROPOSED LOCAL LAW D-2008 - LOW IMPACT WHOLESALE BUSINESS ZONING
AMENDMENT

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

ADOPTED	Ayes	3	Hopkins, Jones, Simmons
	Nays	0	

Resolved that a Public Hearing be held at the August 20, 2008 Town Board meeting at 7:00 P.M. on proposed Local Law D-2008 providing for Low Impact Wholesale Business in the Town of Jerusalem as follows:

Section 1. Intent.

The Town Board of the Town of Jerusalem finds that it is in the best interest of the inhabitants of the Town of Jerusalem that provision be made for small manufacturing businesses within the town so as to encourage enterprises that would furnish employment and stimulate commerce in the town while not diminishing such inherent advantages of Jerusalem as its scenic beauty, rural character, and agricultural economy. One way of promoting this interest is to allow such businesses in the agricultural-residential zoning district as provided in this local law.

Section 2. Low-Impact Wholesale Business defined.

There is hereby added to § 160-5 of Chapter 160 of the Code of Jerusalem the following definition:

BUSINESS, LOW-IMPACT WHOLESALE - A small-scale, non-retail business that manufactures or assembles products for sale

off the premises or provides a service by electronic or other means that do not require the customer to come to the premises. In operation and appearance, it blends well with its surrounding neighbors.

Section 3. Provision in AGR District as Special Use.

There is hereby added to § 160-20 of Article V Agricultural-Residential (AGR) Use District of Chapter 160 of the Code of Jerusalem the following Special use:

Low Impact Wholesale Business meeting the standards of Section ____ .

Section 4. Low Impact Wholesale Businesses.

The following sections are added to Article V of Chapter 160 of the Code of Jerusalem:

Section ____: A Low Impact Wholesale Business shall comply with the following standards:

The lot shall be no less than two acres in size.

The primary building of a Low Impact Wholesale Business shall not be:

Larger than 3000 square feet in size.

Greater than thirty-five (35) feet in height.

Closer than thirty (30) feet to the front lot line.

Closer than forty (40) feet to a side lot line.

Closer than forty-five (45) feet to the rear lot line.

Accessory structures shall comply with the dimensional requirements otherwise applicable in the AGR District.

The exterior siding and style of construction of all buildings shall be compatible with other buildings in the area in which the business is located.

No manufacturing or assembly of product shall occur out of doors.

Retail space, if any, is not to exceed 10% of total floor area of the building.

The provisions of Section 160-16 of this Chapter regarding off-street parking shall apply.

Traffic lanes for ingress and egress to and from the parking lot of the business shall be sufficiently wide and have adequate visibility so as to furnish safe passage by motor vehicle.

Storage of materials and finished goods shall be indoors unless adequate, attractive screening as determined by the Zoning Board is provided to hide the same from neighbors and persons using the highway.

Appropriate landscaping or shrubbery may be required by the zoning board in order to eliminate unsightly aspects of the business from its immediate neighbors.

Exterior lighting shall be compatible with the surrounding neighborhood and the character of the area. Glare shall be kept to a minimum by directional, downward lighting.

The business shall be reasonably compatible with nearby properties.

In order to insure the compatibility of the business with its surrounding neighbors, the Board may establish reasonable hours of operation of the business as a condition of the special permit.

Environmental conditions, such as (without limitation) vibration, noise, radioactivity, odor, visual glare, smoke, dust, fly ash and excessive heat that endanger or harm the neighbors or neighboring properties shall not be permitted.

Section ____. Application.

The applicant shall submit an application for the special use permit to the Code Enforcement Officer, who shall forward it to the Zoning Board of Appeals. The application shall include a plan for the disposal of hazardous waste (if any). The application shall be accompanied by the appropriate fee and a short environmental assessment form.

Section ____. Inspections.

Applicants are reminded that all buildings must meet the minimum standards of the Uniform Fire Prevention and Building Code. They are subject to inspection for this purpose. The Town Board may establish a fee for such inspections by resolution from time to time. If there is a report of a violation, the Code Enforcement Officer may inspect the facility at his discretion.

Section 3. Effective Date.

This local law shall take effect upon filing with the Secretary of State.

; and, further

Resolved that a GML 239 Referral be submitted to the Yates County Planning Board for review on said local law and; further

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

COMMENTS FROM MAX PARSON

Long-time resident Max Parson asked to be on tonight's agenda to present his view on the Town establishing a reserve fund to acquire property. Area lands already include Hi Tor, New York State Park, Sugar Creek, Keuka College, and County and Town owned lands. He believes there are options to explore before setting aside monies to buy land. The Town is in need of economic growth to broaden our tax base and attract young people to our area. The Town needs to look to pursuing businesses such as technology, electronics tourism and gift shops. He questioned what the tax payers get in return for this investment. He finds it ironic that we are looking to buy land when residents are struggling to pay their taxes.

Councilperson Hopkins spoke to his comments. Town taxes increase one cent for every \$5,000 included in the budget. The Comprehensive Plan adopted in 2006 identified protecting our natural resources and preserving open space as priorities for our Town. The land reserve fund would be established utilizing \$8,000 of unanticipated revenues when Twix Pines lands were removed from the forestry program. It is a small amount, but it is a start. Local farmers are working with Peter Landre, Cornell Cooperative Extension Executive Director and the American Farmland Trust to sell development rights to their farm to keep lands forever farmed. As a Town, she does not feel we would be successful in attracting businesses and we would need to look to the IDA, County or Chamber for those types of broad endeavors. Councilperson Folts is working with a professor at Alfred University to bring in students to look at our Town to help identify scenic rights that should be preserved. In other towns, subdivision fees are paid into a fund so the monies do not have to all come from taxes.

RESOLUTION #112-08

KWIC - ENFORCEMENT OF JERUSALEM WATERSHED

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

ADOPTED	Ayes	3	Hopkins, Jones, Simmons
	Nays	0	

Whereas, the Town of Jerusalem on 12/9/1993 entered into a contract with Keuka Watershed Improvement Cooperative (KWIC); and

Whereas, said contract allows for KWIC to serve in several

capacities including enforcement for our watershed system, when those duties do not exceed the scope of Town Law; and

Whereas, without said contract with KWIC, this type of investigation and enforcement would be handled by the Town Code Enforcement Officer; now, therefore be it

Resolved that the Town of Jerusalem, for the duration of said KWIC contract, does hereby transfer the investigation of all violations and the prosecution of minor ones in Town Court to KWIC and their Watershed Program Manager as outlined within the signed KWIC contract. All major violations which require a lawsuit must be acted on by the Town Board before it proceeds.

Copies of this resolution shall be forwarded to the KWIC Chairman and the current Watershed Program Manager.

OPINION ON OPEN MEETINGS LAW

Supervisor Jones spoke with the Association of Towns and had it confirmed in an e-mail that three Town Board members can attend a committee meeting and it is not an open meeting as long as one member is in the audience and observes only. Once the third member participates in the meeting, it becomes a Town Board meeting with a quorum present under the open meetings law. Past practice has been to include only two Town Board members on every committee to avoid this situation. Because a third Board member has been attending the monthly Keuka Park Sewer & Water Committee meeting, it has been noticed to the newspaper and posted on the bulletin board as a precautionary measure.

PUBLIC COMMENT

Bill Pringle stated the recent Keuka Park Sewer & Water Committee meeting notice in the newspaper was confusing. He said we have a few concerned customers who would like to attend these meetings.

Bob Evans requested the status of the Conklin sidewalk case. Supervisor Jones responded that it was his understanding this matter was being dealt with by the Court some time next month.

With there being no further business, on a motion of Councilperson Simmons, seconded by Councilperson Hopkins, the meeting was adjourned at 8:59 P.M.

Sheila McMichael, Town Clerk

Jersualem Town Board
July 16, 2008

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