

Minutes of the regular monthly meeting of the Jerusalem Town Board held on September 17, 2008 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Hopkins, Simmons, Stewart, Highway Superintendent Payne, Town Engineer Ackart, Town Clerk McMichael.

GUESTS: Bill Pringle, Max Parson, Susan Close, Tom Close, Bob Johnson, Bob Evans and several other unidentified guests.

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

RESOLUTION #131-08
APPROVAL OF MINUTES

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

ADOPTED	Ayes	4	Folts, Jones, Simmons, Stewart
	Nays	0	
	Abstain	1	Simmons

Resolved that the minutes of the August 20, 2008 meeting be approved as read.

RESOLUTION #132-08
AUDIT OF CLAIMS

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

ADOPTED	Ayes	4	Folts, Hopkins, Jones, Stewart
	Nays	0	
	Abstain	1	Simmons

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

General:		\$13,087.90
Highway DA:		\$ 5,956.15
Highway DB:		\$41,193.06
Sewer:		\$75,955.96
Water:		\$ 4,221.00
August utilities:	General:	\$ 156.41
	Sewer:	\$20,014.91
	Water:	\$ 6.56
	Trust	\$35,809.51

RESOLUTION #133-08
SUPERVISOR REPORT

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

ADOPTED	Ayes	4	Folts, Hopkins, Jones, Stewart
	Nays	0	
	Abstain	1	Simmons

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

RECREATION PROGRAM

Bev Eggleston, Recreation Director and Brenda Austin, Recreation Leader presented their annual report on the summer recreation program. Numerous positive comments from the program evaluation forms were shared with the Board. Several requests were made to extend the hours of the program.

The 2008 program was well attended and included a variety of activities; arts, crafts, sports, swimming lessons and field trips. Workshops were conducted by the American Red Cross, members of the Sheriff Department K-9 unit and Penn Yan Martial Arts. Mrs. Eggleston noted the children thoroughly enjoyed the new playground at the State Park.

The Board commended the staff for another successful program.

Mrs. Eggleston will meet with the Recreation Committee to discuss additional program hours and adding a registered nurse to our staff.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

Highway Superintendent Payne submitted his financial report on road work done for the month of August.

RESOLUTION #134-08

ACCEPT GRAVEL CRUSHING BID

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

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

Whereas after advertising and accepting bid quotes for crushing gravel, the Town of Jerusalem has received only one bid in the amount of \$4.00 per cubic yard; now, therefore, be it hereby

Resolved that the award for crushing gravel be granted to Siri Sand & Gravel in the amount of \$4.00 per cubic yard.

The proceeds for this service shall be taken from Highway Account DB5110.4

RESOLUTION #135-08

AMEND HIGHWAY DB 2008 BUDGET TO RECOGNIZE ADDITIONAL CHIPS MONIES

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

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

Whereas, the Highway Superintendent has received correspondence from the NYS DOT regarding the expected Chips funds for 2008; and

Whereas, the Town is to receive additional funds beyond the original budgeted amount,

Resolved that the Highway DB 2008 budget be amended as follows
 Revenue code 3501 be increased \$ 37,731.14
 Expense code 5112.4 be increased \$37,731.14

RESOLUTION #136-08

AWARD OF BID - REPAIR OF TOWN BARN ROOF

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

ADOPTED: Ayes 5 Folts, Hopkins, Jones, Simmons, Stewart
 Nays 0

Whereas the following bids were received to the repair the roof on the Town Barn:

Ram Construction	4060 Belknap Hill Road		\$7,450.00
	Branchport NY		
CJA Contracting	2564 Rt. 14A	Option I	\$7,260.00
	Penn Yan NY	Option II	\$7,760.00

Now, therefore, be it resolved that CJA Contracting Inc., 2564 Rt. 14A, Penn Yan be awarded the contract to repair the town barn roof for the low bid of Option I in the amount of \$7,260.00 contingent upon the Highway Superintendent obtaining proof of adequate insurance coverage from CJA Contracting Inc.

SUPERVISOR

Supervisor Jones read a memo from Gary Dinehart, KPSW Water Maintainer regarding area contractors that do not carry the Town's required \$1M automobile liability coverage (Resolution #88-06). The Board will consider amending the required insurance limits after further review.

TOWN ENGINEER

- Town Engineer Ackart reported Town Attorney Bailey is drafting a new contract for the Pulteney water district.
- Environmation is working on the integration of the control systems for Jerusalem and Pulteney.
- Water capital will be collected annually on the County/Town tax bill as of January 2009.
- The Keuka Park Water Department had two positive coliform results for the September water sampling. The water department

was required to re-sample the water in eight locations and all eight samples were negative for coliform. Over 900 letters will be mailed as we are required to notice every connected user of this incident.

- We continue to meet with Keuka College regarding the final details of a proposed water and sewer contract to be drawn up by Town Attorney Bailey.
- The Village requested we type our daily sewer logs of the lift stations; however our sewer contract only requires that the sewer flows be metered. Supervisor Jones will inform the Village on this matter.

COUNCIL

- Councilperson Stewart stated we received correspondence requesting the Town review their current Senior Citizen Property Tax Exemption income levels and consider updating them to reflect the impact of inflation on senior incomes. The Yates County Legislature passed a local law to increase their levels on September 8.
- Councilperson Simmons noted Sheriff Ron Spike is implementing an incentive program to grant employees paid time off if they identify ways to reduce costs and suggested the Town look into how they are administering the plan.
- Councilperson Hopkins offered her response to the August 20, 2008 Town Board meeting discussion regarding day time meetings. She stressed the importance of having Town personnel available to participate in budget discussions, noting other government entities hold day time meetings. She believes scheduling flexibility needs to be considered when an individual runs for government positions.

2009 TENTATIVE BUDGET

Supervisor Jones presented the Town Clerk and Town Council with copies of the 2009 tentative budget. Budget workshops will be held September 23 and 25 from 4:00-6:00 P.M.

ZONING REVIEW/TOWNHOUSE SUBCOMMITTEE

Planning Board Chair Evans stated the Planning Board unanimously supports allowing townhouses in the Branchport Service Park district as recommended by the Zoning Review/Townhouse Subcommittee. Regulations for townhouses will be developed.

The Subcommittee's decision to deny a request to allow townhouses in the R-1 district will be submitted to Supervisor Jones in writing.

SUBDIVISION SUBCOMMITTEE

Subdivision Subcommittee Chair Close reported discuss continues regarding a compromise proposal on subdivision regulations.

WIND FARM SUBCOMMITTEE

The Wind Farm Subcommittee continues to gather data that will then be compiled and used to develop regulations on wind farms.

RESOLUTION #137-08

AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. D-2008 (PROPOSED) PROVIDING FOR LOW IMPACT WHOLESALE BUSINESSES IN THE TOWN OF JERUSALEM

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

ADOPTED BY ROLL CALL VOTE:

Councilperson Folts	Aye
Councilperson Simmons	Aye
Supervisor Jones	Aye
Councilperson Stewart	Aye
Councilperson Hopkins	Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Jerusalem for a public hearing to be held by said Town Board on August 20, 2008, at 7:00 P.M. at the Town Hall at 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law entitled "A Local Law amending the Zoning Ordinance of the Town of Jerusalem to provide for Low Impact Wholesale Businesses", and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on August 6, 2008 and August 13, 2008, and

WHEREAS, said public hearing was duly held on August 20, 2008, at 7:00 P.M. at the Town Hall at 3816 Italy Hill Road, Branchport, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Yates County Planning Board recommended approval of the proposed Local Law on August 28, 2008, pursuant to section 239-m of the General Municipal Law, and

WHEREAS, the Town Board of the Town of the Town of Jerusalem, after due deliberation, finds it in the best interest of said Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 4 of 2008 entitled "A Local Law Providing for Low Impact Wholesale Businesses in the Town

of Jerusalem", a copy of which is attached hereto and made a part of this resolution;

Be it enacted by 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, limited 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:

1. The lot shall be no less than two acres in size.
2. The primary building of a Low Impact Wholesale Business shall not be:
 - a. Larger than 3000 square feet in size.

- b. Greater than thirty-five (35) feet in height.
 - c. Closer than thirty (30) feet to the front lot line.
 - d. Closer than forty (40) feet to a side lot line.
 - e. Closer than forty-five (45) feet to the rear lot line.
3. Accessory structures shall comply with the dimensional requirements otherwise applicable in the AGR District.
 4. 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.
 5. No manufacturing or assembly of product shall occur out of doors.
 6. Retail space, if any, is not to exceed 10% of total floor area of the building.
 7. The provisions of Section 160-16 of this Chapter regarding off-street parking shall apply.
 8. 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.
 9. 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.
 10. Appropriate landscaping or shrubbery may be required by the zoning board in order to eliminate unsightly aspects of the business from its immediate neighbors.
 11. 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.
 12. The business shall be reasonably compatible with nearby properties.
 13. 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.
 14. 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 an 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 be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of the Town of Jerusalem, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

LAND RESERVE FUND

Considerable discussion ensued regarding establishing a Land Reserve Fund using the balance of monies received when the Twix Pines lands were removed from the forestry program. Councilperson Hopkins will research this further and report back.

RESOLUTION #138-08

SUPPORT OF ADDRESSING PROPOSAL CONCEPT

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

ADOPTED	Ayes	4	Folts, Hopkins, Jones, Stewart
	Nays	1	Simmons

Whereas extensive work has been done by the Addressing Committee, noting several severe problems occurring with our current system,

and offering an outline for several areas of change to correct these problems; and

Whereas, we acknowledge that these problems do exist town-wide and do affect the entire Community (emergency service personnel, postal delivery system, all delivery services, tourism, GPS systems validity, as well as the ability to easily find any specific home or business address); now, therefore, be it

Resolved that the Town Board agrees in CONCEPT that the addressing system within the Town of Jerusalem must be overhauled and improved; and, further

Resolved that the Addressing Committee be encouraged to continue their efforts to seek the best course of action for all involved on the Town's behalf; and, be it further

Resolved that the elements of change described in the submitted proposal be broken down into workable sections for Town Board action, (i.e., House Numbering - Town Building Numbering Code - Informational Flyer Specifics - Signage - Street/Road Names - Private Roads) with specifics of each section submitted by resolution to the Town Board for consideration and action - allowing progress on this project until an acceptable and workable plan for the Community has been reached.

RESOLUTION #139-08

APPROVE INCREASE IN HOURS FOR KPSW CLERK

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

ADOPTED: Ayes 5 Folts, Hopkins, Jones, Simmons, Stewart
 Nays 0

Resolved that the hours for the Keuka Park Sewer and Water (KPSW) Clerk be increased from 35 hours to 40 hours per week effective September 22, 2008 due to increased work load; and, be it further

Resolved that the hours of operation of the KPSW office will be determined by the department head as stated in the Employee Handbook.

GASOLINE SALE TO BRANCHPORT/KEUKA PARK FIRE DEPARTMENT

The Branchport/Keuka Park Fire Department has requested they be allowed to purchase gasoline from the Town Highway Department. Highway Superintendent Payne supports their request, but questions the accuracy of our gas pump. He will discuss calibrating the pump with Yates County Weights & Measures.

RESOLUTION #140-08

SCHEDULE PUBLIC HEARING AND SUBMIT GML239 REFERRAL TO COUNTY ON
PROPOSED LOCAL LAW E-2008 REGULATING THE USE OF SKATEBOARDS IN THE
B1 DISTRICT

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

ADOPTED AYES 5 Folts, Hopkins, Jones, Simmons, Stewart
NAYS 0

Resolved that a Public Hearing be held at the October 15, 2008 Town
Board meeting at 7:00 P.M. on proposed Local Law E-2008 providing
regulations for the use of skateboards, roller skates and in-line
skates on public ways in the B1 District of the Town as follows:

BE IT ENACTED by the Town Board of the Town of Jerusalem as
follows:

Section 1: In order to promote public safety and health and to
eliminate damage to public and private property in the B1 District
of the Town of Jerusalem the Town Board desires to regulate the
operation of skateboards, roller skates, and in-line skates on
public ways, sidewalks, and parking lots in that district.

§2. Definitions. For the purposes of this local law:

"Skateboard" shall mean any wheeled vehicle intended and designed
to be propelled by a foot on the vehicle at the time of initial
propulsion for skating or gliding including, but not limited to
common skate devices known as skate boards, in-line skates, or
roller skates.

"Public" shall mean open to common use or for the benefit of all,
including that which is the property of the Town of Jerusalem.

§3. Conduct Prohibited:

A. No person shall operate, use, ride on or attempt to operate,
use or ride on a skateboard as defined herein on any public way,
public area, public sidewalk, public step, public parking area,
public bridge, public park or public street within the B 1 District
of the Town of Jerusalem.

B. No parent or legal guardian shall knowingly or negligently
allow a minor to engage in conduct as defined in §3 A.

§4. Enforcement:

The Yates County Sheriff and the New York State Police may enforce
this local law. Any police or peace officer who observes a
violation of this chapter by any individual may issue a warning or

an appearance ticket to that individual for appearance in the local Justice Court. Any officer who receives a sworn complaint of a violation of this law from a citizen and after investigating concludes that a violation has occurred, may issue a warning or seek a criminal summons from the court, whichever is appropriate.

§5. Penalty:

Any person, including a parent or guardian, found to be in violation of this chapter shall be guilty of an infraction and liable for a warning or a fine of not less than fifty Dollars (\$50 00) and not more than One Hundred Fifty Dollars (\$150 00).

§6. When effective.

This local law shall become effective on filing in the office of the Secretary of State.

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.

BOARD OF ASSESSMENT REVIEW APPOINTMENT:

An ad will be placed for applicants interested in serving on the Board of Assessment Review.

OTHER BUSINESS:

On behalf of the Planning Board, Councilperson Simmons requested:

1. The Town Attorney clarify deeded lot definition.
2. A November joint meeting of the Town Board, Planning Board, Zoning Board, Town Attorney Bailey, John Phillips and Elaine Nesbit like was held last year. Scheduled for November
3. The Planning Board be provided with the Code Enforcement Officer monthly report.

Town resident, Gary Cronk will be recognized on September 27th for his USA field.

With there being no further business, on a motion of Councilperson Folts, seconded by Councilperson Hopkins, the meeting was adjourned at 9:45 P.M.

Sheila McMichael, Town Clerk