

Minutes of the regular monthly meeting of the Jerusalem Town Board held on October 21, 2009 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Hopkins, Stewart, Town Engineer Ackart, Highway Superintendent Payne, Town Attorney Bailey and Town Clerk McMichael.

EXCUSED: Councilperson Simmons

GUESTS: William Pringle, Max Parson, Colleen Brackett, Basil Brackett, George Sproule, Nancy Sproule, Rochelle Makusy, Kenneth Licht, Susan Comstock, Gail Pollard, J.C. Smith, Richard Blowers, Taylor Fitch, Mark Lipa, Alan McGuffie, Tom Close, Katherine Childs, Doug Paddock, Donna Alexander and several unidentified guests.

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

RESOLUTION #153-09
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the September 16, 2009 meeting be approved as read.

RESOLUTION #154-09
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	

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

General:		\$14,860.75
Highway DA:		\$ 3,527.57
Highway DB:		\$17,954.85
Branchport Light:		\$ 254.00
Outside Village:		\$ 33.99
Sewer:		\$27,682.89
Water:		\$44,955.78
Trust:		\$ 5,857.25
September utilities:	General:	\$ 1,569.43
	Sewer:	\$40,084.62
	Water:	\$ 240.36
	Trust:	\$37,029.38

RESOLUTION #155-09
SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of September 2009 be accepted as presented.

PUBLIC HEARING - SEWER GENERAL REPAIR RESERVE FUND

With proof of notice having been duly published and posted, Supervisor Jones opened the public hearing on the sewer general repair reserve fund at 7:06 P.M.

No one wished to comment. The public hearing was left open.

PUBLIC HEARING - PROPOSED LOCAL LAW F OF 2009 - PROPERTY NUISANCE ABATEMENT LAW

With proof of notice having been duly published and posted, Supervisor Jones opened the public hearing on proposed Local Law F of 2009 creating a property nuisance abatement law at 7:07 P.M.

Max Parson thought a beautification law was adopted by the Town years ago. He also suggested working with the County through shared services as he questioned how much more work the Code Enforcement Officer could do. Code Enforcement Officer John Phillips spoke to the need to enact the property nuisance abatement law to provide a tool to enforce laws currently in effect regarding property maintenance.

Councilperson Folts asked if abandoned sheds will need to be torn down. Phillips replied if complaints are received or it is a hazard such as a shed that is ready to fall down, those would need to be addressed.

Councilperson Stewart explained this law was the result of several residents who met this summer and requested we clean up our Town.

The public hearing was left open.

PUBLIC HEARING - PROPOSED LOCAL LAW E OF 2009 - R-1 ZONING AMENDMENT

With proof of notice having been duly published and posted, Supervisor Jones opened the public hearing at 7:14 P.M., asking for comments on proposed local law E of 2009 correcting the zoning ordinance as to rear yard setback in the R-1 District.

No one wished to comment. The public hearing was left open.

PUBLIC HEARING - PROPOSED LOCAL LAW G OF 2009 - BRANCHPORT SERVICE
PARK BOUNDARY AMENDMENT

With proof of notice having been duly published and posted, Supervisor Jones opened the public hearing at 7:15 P.M., asking for comments on proposed local law G of 2009 amending the zoning ordinance as to the boundary of the Branchport Service Park (BSP).

James Smith, 3529 South Main Street is the immediate neighbor on the north side of the district. He expressed strong apprehensions because when the BSP was rezoned it was to incorporate non-conforming uses and solved compliance matters. He wanted to ascertain that the Mahoney property rezoning was always intended to be in the BSP. If so, this would be the second change to the BSP and he feels the Town Board is doing a sloppy job. The Mahoney property is the buffer between his property and the BSP. He feels being next door to the BSP commercial zone would impact his quality of life. He is entirely surrounded by out of town property owners and he is concerned about his life as a resident here. He does not want to be adversarial, but he has to stand up for his concerns regarding the Mahoney property being used as the septic area for the proposed townhouse project in the BSP. He realizes the proposed townhouse project will bring new residents to the Town, but amending the BSP boundaries will have a serious impact on his quality of life.

The public hearing was left open.

REPORT OF TOWN OFFICIALS
HIGHWAY SUPERINTENDENT

- Written Highway Roadwork Budget Report for October 2009 on file in the Office of the Town Clerk.
- Highway Superintendent Payne stated they are moving forward to winter as salt and sand have been put up and work has begun on the plows and sanders.
- The new loader is working well. We received \$6,345 for the old loader and truck that were taken to auction.
- We hope to install the sidewalk at the 4-corners of Branchport with two weeks.
- An ad will be placed for bids on gravel crushing.

TOWN ENGINEER

- Town Engineer Ackart reported a meeting was held with the New York State Department of Health and the Village of Penn Yan wholesale water customers to discuss the Stage 2 monitoring trends of the disinfection byproducts in the Village of Penn Yan and the systems that purchase water from the Village of Penn Yan.

- The Village of Penn Yan has scheduled the Exit Conference on their audit and the reconciliation of the 2007-08 and 2008-09 budgets for November 4th.
- Ackart commended KPSW Water Maintainers Gary Dinehart and Paul Enos, along with contractor, TRT for the work done on a major 8" water main break in Keuka Park on September 18th. The break required a boil water order and took several hours to repair. KPSW also sent a letter to the Village of Penn Yan thanking them for their assistance on this repair.
- The Finger Lakes Economic Development Center invited Town Engineer Ackart and Code Enforcement Officer John Phillips to attend a meeting held in response to a proposal from Yates County on potential sites for the Finger Lakes Museum. The State Park is one of the sites under consideration.

COUNCIL

- Councilperson Stewart announced the recent passing of Bill Crain who served on the Jerusalem Planning Board from 1989-1998.
- Councilperson Hopkins announced the recent passing of Pauline Culver who was our former Assessor.
- Councilperson Hopkins provided information to residents who inquired about contributions to the Town's land reserve fund.
- The Town Board received two letters regarding the proposed wind farm regulations that will be read at the public hearing when it is scheduled.

SUPERVISOR

- Supervisor Jones stated we will look into a letter from the Bluff Point Association regarding the numerous signs placed about the Town.
- Bob Evans will serve as the Lest We Forget Memorial Coordinator to schedule events. Secretary/Treasurer Sue Pinckney will act in his absence.

SUBCOMMITTEE REPORTS

ZONING REVIEW SUBCOMMITTEE

No report.

SUBDIVISION SUBCOMMITTEE

Subcommittee Chair Tom Close will be scheduling a meeting of the Subdivision Subcommittee prior to the November 18 public hearing to consider comments received on the draft regulations from Town Attorney Bailey.

The SEQR process is underway. Letters were sent to interested agencies declaring the adoption of the regulations to be a Type I Action and naming the Town of Jerusalem as lead agent.

WIND FARM SUBCOMMITTEE

Several residents in the proposed wind farm district overlay attended tonight's meeting to express concerns with the proposed wind farm regulations. The draft wind farm regulations are currently being reviewed by Town Attorney Bailey. Supervisor Jones will coordinate a meeting with Wind Farm Subcommittee Chair Jim Barre to hear their concerns. Mark Grant and John Grabski will represent the concerned residents.

ZAP OPERATIONS

No report.

RESOLUTION #156-09

CLOSE PUBLIC HEARING - SEWER GENERAL REPAIR RESERVE FUND

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

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

Resolved that the Public Hearing regarding the establishment of the Sewer General Repair Reserve Fund be closed at 7:14 P.M. and that the Board return to the Regular Town Board meeting.

RESOLUTION #157-09

ESTABLISH THE GENERAL REPAIR RESERVE FUND OF THE KEUKA PARK SEWER DISTRICT

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

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

WHEREAS:

1. The Town of Jerusalem operates the Keuka Park Sewer District (the "District"), and
2. From time to time, but not every year, the pump station and equipment used by the District require repair or maintenance at the cost of the District, and
3. In order to even out the cost of such repairs in the annual budgets of the District, the creation of a reserve fund would be beneficial, and
4. Pursuant to notice duly published as required by law, a public hearing was held concerning the subject of this resolution at the Jerusalem Town Hall on the 21st day of October, 2009 at 7:06 P.M. at which all persons who desired to be heard were heard;

NOW THEREFORE, The Town Board of the Town of Jerusalem, duly convened in regular session, acting pursuant to Section 6-d of the General Municipal Law, does hereby resolve as follows:

SECTION 1. That there is hereby established a repair reserve fund for the future repair or maintenance of the pump station and equipment of the District.

SECTION 2. That such fund is to be known as the "General Repair Reserve Fund of Keuka Park Sewer District."

SECTION 3. That the maximum amount to be held in such fund at any time shall be Seventy-five Thousand Dollars (\$75,000).

SECTION 4. That such sums as may hereafter be appropriated shall become part of the fund.

SECTION 5. That the moneys in the fund shall be deposited in one or more separate bank accounts in one or more commercial banks having offices in Yates County.

SECTION 6. That no expenditure shall be made from the fund except that the Supervisor is hereby authorized to expend from the fund such amounts as may be necessary and reasonable to pay for the repair and maintenance of the pump station and equipment of the District.

SECTION 7. This resolution shall take effect immediately.

RESOLUTION #158-09

CLOSE PUBLIC HEARING - PROPOSED NUISANCE ABATEMENT LAW

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

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

Resolved that the Public Hearing on the proposed nuisance abatement law be closed at 7:14 P.M. and that the Board return to the Regular Town Board meeting.

RESOLUTION #159-09

ADOPT RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. 5 OF 2009 (PROPOSED) PROPERTY NUISANCE ABATEMENT LAW

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

ADOPTED BY ROLL CALL VOTE:

Councilperson Folts	Aye
Councilperson Stewart	Aye

Councilperson Hopkins Aye
Supervisor Jones 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 October 21, 2009, at 7:05 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 in the Town of Jerusalem to create a property Nuisance Abatement Law"; and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on September 30 and October 7, 2009; and

WHEREAS, said public hearing was duly held on October 21, 2009, at 7:07 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 September 24, 2009, 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. 5 of 2009 entitled "A Local Law creating a property Nuisance Abatement Law", a copy of which is attached hereto and made a part of this resolution, BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF JERUSALEM as follows:

Section 1. A new Chapter is hereby added to the Code of the Town of Jerusalem entitled "PROPERTY NUISANCE ABATEMENT LAW OF THE TOWN OF JERUSALEM", to read as follows:

Chapter ____: PROPERTY NUISANCE ABATEMENT LAW OF THE TOWN OF JERUSALEM

1. Findings and purpose.

Dangerous and unsafe buildings, structures, and premises threaten life and property in the Town of Jerusalem and constitute nuisances. Premises, whether occupied or unoccupied by human beings, improved or not, may become nuisances, dangerous and unsafe, by reason of faulty design or construction, failure to maintain the structural integrity of a building, lack of proper sanitary facilities, lack of adequate lighting or ventilation, inability to heat properly, failure to keep property free from the accumulation of garbage and refuse, fire, age or general deterioration, violation of state or local codes, laws, rules or regulations, or any combination of these or other factors that create a hazard to the community. This Chapter provides for the safety, health, protection and general welfare of the persons and property of and in the Town of Jerusalem by requiring that such unsafe premises be repaired, cured, cleared, cleaned, vacated, demolished or any combination of these.

2. Declaration of public nuisance.

All unsafe premises within the terms of this Chapter are hereby declared to be public nuisances and shall be repaired, cured, cleared, cleaned, vacated or demolished as hereafter provided.

3. Definitions

As used in this Chapter, the following terms shall have the meanings indicated:

BUILDING – Any building, structure or portion thereof used for any or no purpose, whether vacant or occupied, including (without limitation) residential, business, agricultural, land conservation, or industrial structures.

CODE ENFORCEMENT OFFICER – The Code Enforcement Officer of the Town of Jerusalem or such other persons appointed by the Town Board to enforce the provisions of this Chapter.

GARBAGE – Any refuse from animal or vegetable matter, waste or animal or refuse from kitchen, market, store or house, floor sweepings, table waste or vegetable matter, meats, fish, bones, fat, and all organic waste substances or food substances capable of decay.

REFUSE – Plastics and combustible trash (that has not been packaged or is not part of a business operation), including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree limbs and

branches, yard trimmings, wood furniture and bedding. Also included is noncombustible trash, including but not limited to tires, metals, cans, plastics, metal furniture, small quantities of rock, brick and concrete, glass, metal fixtures, bottles and street rubbish, street sweepings, dirt, ashes, dead animals, junked vehicles, solid market and industrial waste, cardboard, leaves, crockery and similar materials.

STRUCTURAL INTEGRITY – Any condition that threatens the safety of occupants, owners or the general public, such as but not limited to sheathing falling off the side of a building, roofs that are falling in, large holes of four square feet or larger, walls that are separating away from the building, buildings that are leaning at an angle, buildings that have partially or completely collapsed, sagging support beams, floors that are falling in, have holes or are otherwise weak and unsafe, porch roofs dropping or pulling away from the building, chimneys that are leaning or falling apart, bricks that are missing and leave holes, steps that are rotted or coming apart, and decks that are leaning or rotted and falling down or coming apart.

THE TOWN BOARD – The Town Board of the Town of Jerusalem.

UNSAFE PREMISES – Real property including any improvements, buildings, structures, equipment thereon or installations therein, including electrical, gas, water, sewer or septic service, whether above or below ground surface, that are the property owner's responsibility and that are dilapidated, decayed, unsafe, unsanitary, or a fire hazard or are likely to cause injury, sickness or disease and, therefore, are a danger to the health, safety or general welfare of those residing in or upon the property or adjacent to the same or to the citizens of the Town of Jerusalem at large. "Unsafe premises" also includes properties that, because of their condition, are otherwise unsafe, unsanitary or dangerous to the people of the Town of Jerusalem. "Unsafe premises" shall also mean those properties that are in violation of the New York State Uniform Fire Prevention and Building Code, the New York State Public Health Law, or the New York State Sanitary Code. "Unsafe premises" may be the whole or any portion of a parcel of real property; whether improved or unimproved located in the Town of Jerusalem, Yates County, New York.

4. Duties of Code Enforcement Officer.

When in the Code Enforcement Officer's opinion or upon receipt or information that any property is or may become unsafe premises within the meaning of this Chapter, the Code Enforcement Officer shall be authorized to condemn said premises or buildings and to have them vacated immediately if necessary to protect the safety of

person or property. The Code Enforcement Officer shall also be authorized to order its repair, if the same can be safely repaired, its securing for safety purposes, its demolition and removal, or any combination of thereof. For any necessary stronger enforcement the Code Enforcement Officer shall make a report in writing to the Town Board of his findings and recommendations in regards to its being vacated, repaired, secured for safety purposes or demolished and removed.

5. Town Board.

The Town Board shall thereafter consider such report and the definitions of this Chapter and by resolution determine, if in its opinion and judgment the report so warrants, that such building or premises is unsafe or dangerous and order its repair, if the same can be safely required, its securing for safety purposes, its demolition and removal, or any combination of thereof, and further order that a notice be served upon the persons designated in No.7 of this Chapter and in the manner provided therein. The Town Board will authorize the Code Enforcement Officer to be in charge of the enforcement of the town order.

6. Contents of notice.

This notice shall contain the following:

- A. A description of the premises.
- B. A statement of the particulars in which the building or property is unsafe or dangerous.
- C. A statement outlining the manner in which the building or property is to be made safe and secure or demolished and removed.
- D. An order that the repair, vacating, securing or removal of such building or condition (nuisance) shall commence within 30 days of service of the notice and shall be completed within 60 days thereafter, unless for good cause shown such time shall be extended
- E. A date, time and place for a public hearing before the Town Board in relation to such dangerous or unsafe premises, which hearing shall be scheduled not less than five business days from the date of service of the notice. Emergency notices shall be displayed in the window at the Town Clerk's office identifying the property and status of action being taken.
- F. A statement that, in the event of neglect or refusal to comply with the order to secure or demolish and remove or correct such condition (nuisance), the Town Board is authorized to provide

for its repair or securing or its demolition and removal, as the case may be, to assess all expenses thereof against the land on which it is located and/or to institute a special proceeding or action to collect the cost of removal, demolition or repair, including legal and engineering expenses.

7. Service of Notice.

The notice required under this Chapter shall be served upon the owner, his executors, legal representatives, agent, lessee, or any other person having a vested or contingent interest in such unsafe premises or building, as shown by the records of the Town Assessor or of the Yates County Clerk. Service shall be made either personally or by registered or certified mail, addressed to the last know address, if any, of the owner, his executors, legal representatives, agent, lessee or other person having a vested or contingent interest in such unsafe premises or building as aforesaid identified. If service is made by registered or certified mail, a copy of the notice shall be posted on the premises.

8. Conduct of public hearing.

A. The public hearing shall be conducted before at least a quorum of the Town Board.

B. The Supervisor or his or her designee shall preside over the public hearing.

C. The owner of the premises may be represented by counsel at the public hearing and shall have the right to call witnesses in his or her behalf and to otherwise present his or her case in opposition to the Town's case.

D. The strict rules of evidence shall not apply to the public hearing. The Town must prove its case by a preponderance of the evidence.

E. After both parties have presented their respective cases, the Town Board shall decide the case. Such decision shall be in writing and shall be filed with the Town Clerk and mailed to the property owner if the owner's identity is known, and any other person served with the Notice under paragraph 7 of this Chapter at his or her last known residence address within five days of the date of the public hearing. The decision shall be made by a simple majority of the Town Board.

F. Failure of the property owner to appear, either in person or by representative, at the date and time specified for a public hearing shall not prevent the Town Board from rendering a decision.

9. FAILURE TO COMPLY; Action by Town.

In the event of the refusal or neglect of the person so notified to comply with said order of the Town Board and after the hearing, the Town board shall provide for the repair, vacating, securing or demolition and removal, as the case may be, of such building or property, either by Town employees or by contract. Except in emergency cases as provided for herein, any contract for repair, securing or demolition and removal, as the case may be, shall be awarded in accordance with the provisions of the General Municipal Law of the State of New York.

10. Penalties for Offenses.

If the property has not been brought into compliance within 30 days after service of the first notice by Code Enforcement Officer to bring the property into compliance, the property owner or owners or responsible agent of the owner shall be subject to fine in the amount of \$500.00 per week until the property has been brought into compliance. Any unpaid fines within a twelve-month period shall be levied on the property in the same manner as *ad valorem* taxes.

11. Assessment of expenses.

All expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe building or property, including the cost of actually removing such building or correcting such condition or nuisance or repairing the same, shall be assessed against the land on which such building or condition or nuisance is located and shall be levied and collected in the same manner as provided in the Town Law for the levy and collection of Town taxes or special *ad valorem* levies.

12. Emergency Cases.

Where it reasonably appears that there is present a clear and imminent danger to the life safety or health of any person or property unless an unsafe building or condition or nuisance is immediately repaired and secured or demolished, the Town Board may, by resolution, authorize the Code Enforcement Officer to order immediately the repair, vacating, securing or demolition of such unsafe building or correction of such condition (nuisance). The expenses of such repair, vacating, securing or demolition or correction of such condition (nuisance) shall be charged against the land on which it is located and shall be assessed, levied and collected in the same manner as provided in the Town Law for the levy and collection of Town taxes or special *ad valorem* levies.

13. Administrative liability; defense by Town Attorney.

No Officer, agent or employee of the Town shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer or employee of the Town as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the Town Attorney or by counsel furnished by the insurance carrier of the Town until the final determination of the proceedings thereon.

;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.

Section 2. Effective Date. This local law shall become effective immediately as soon as it is filed by the Secretary of State.

RESOLUTION #160-09

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW E-2009 R-1 ZONING AMENDMENTS

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

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

Resolved that the Public Hearing on proposed local law E of 2009 be closed at 7:56 P.M. and that the Board return to the Regular Town Board meeting.

RESOLUTION #161-09

ADOPT RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. 6 OF 2009 (PROPOSED) CORRECTING THE R-1 ZONING ORDINANCE AS TO REAR YARD SETBACK

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

ADOPTED BY ROLL CALL VOTE:

Supervisor Jones	Aye
Councilperson Folts	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 October 21, 2009, at 7:10 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 correct the rear yard setback in the R-1 District; and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on September 30 and October 7, 2009; and

WHEREAS, said public hearing was duly held on October 21, 2009, at 7:14 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 September 24, 2009, 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. 6 of 2009 entitled "A Local Law correcting the zoning ordinance as to rear yard setback in the R-1 District", 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: Purpose.

A mistake has been noticed in the text of Local Law Number 6 of 2009 in that the prescribed rear yard in the R-1 district was stated incorrectly. This local law will correct that mistake.

§ 2: Paragraph (4) of subsection A of Section 160-30 of Chapter 160 of the Code of the Town of Jerusalem is amended to read as follows:

Rear yards. There shall be a rear yard of not less than ~~54.75~~ 30 feet. ~~measured from the edge of the public highway as defined in section 160-5.~~ For a lot between the public highway and the lake, this may be ~~reduced~~ modified to ~~20~~ 44.75 feet measured from the center of the traveled way.

In locations where stairs are necessary for practical access from the public highway to the usable area of a lot, they may be constructed within the ~~20-foot setback~~ prescribed yard, but the top step may not be closer than 24.75 feet from the center of the highway. The stairs may include one or more landings if required for safety, provided that each landing is not more than 16 square feet in area and is not enclosed or covered.

[Matter ~~stricken through~~ is deleted. Matter underlined is new.]

;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.

§ 3: Effective Date.

This local law shall take effect upon being filed by the Secretary of State.

RESOLUTION #162-09

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW G-2009 BRANCHPORT SERVICE PARK AMENDMENT

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

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

Resolved that the Public Hearing on proposed local law G-2009 amending the boundaries of the Branchport Service Park be closed at 7:58 P.M. and that the Board return to the Regular Town Board meeting.

DISCUSSION - PROPOSED LOCAL LAW G-2009 BRANCHPORT SERVICE PARK AMENDMENT

Following further discussion of the proposed boundary amendment to the Branchport Service Park, it was agreed that Mr. George Sproule would coordinate a meeting of the parties involved to address the concerns noted by Mr. Smith during tonight's public hearing.

RESOLUTION #163-09

TABLE - PROPOSED LOCAL LAW G-2009 AMENDING THE BRANCHPORT SERVICE PARK BOUNDARIES

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

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

Resolved that proposed local law of G-2009 amending the boundaries of the Branchport Service Park be tabled for further consideration following comments received during tonight's public hearing.

RESOLUTION #164-09

REDIRECT STIMULUS FUNDS FROM ROUTE 15 TO STATE ROUTE 54A

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

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

Whereas, stimulus funds were provided for the Route 15 road project in Lindley, NY; and

Whereas, bids came in well under what was initially expected, which resulted in a significant bid savings on that project, and a surplus of stimulus funds is available for use on other projects in the region and state; and

Whereas, Senator George Winner, Jr. and Assemblyman James Bacalles have asked that these surplus funds be redirected to Yates County for the reconstruction of Route 54A; now, therefore, be it

Resolved, that copies of this resolution be sent to Governor Paterson, Senator George Winner, Jr., Assemblyman James Bacalles, Acting Commissioner, NYSDOT, Stanley Gee, Regional Director, NYSDOT, Peter White.

RESOLUTION #165-09

APPROVAL - KEUKA PARK SEWER & WATER RELEVIES

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

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

Whereas, the Jerusalem Town Code provides for the collection of delinquent water and sewer bills by the County of Yates by the relevy of those accounts on the January tax bills; and

Whereas, the Town Water/Sewer office has compiled a listing of the preliminary 2009 water and sewer delinquent accounts in the following amounts:

Water	\$18,515.22
Sewer	\$10,391.42
Relevy Fee	\$ 4,250.00

;and

Whereas, these amounts may be reduced as payments received via mail postmarked on or before October 15, 2009 are applied; now, therefore, be it

Resolved, that the Jerusalem Town Board does hereby approve the transfer of these delinquent accounts to the County for relevy on their 2010 tax bills.

**Final relevy amounts:	Water	\$24,704.09
	Sewer:	\$19,467.03
	Relevy Fee:	\$ 4,200.00

Due to timing of the submission of the disk to Yates County and payment posting.

RESOLUTION #166-09
APPOINTMENT - ZONING BOARD ALTERNATE

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

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

Whereas, an open position exists for alternate member on the Zoning Board for an alternate in the Town of Jerusalem; and

Whereas, the position was advertised, and the selection committee, comprised of two Town Board members and one Zoning Board member interviewed the applicants; now, therefore be it

Resolved, that a consensus of the selection committee recommends that Dwight Simpson, 822 East Bluff Drive, Penn Yan be appointed to fill the unexpired alternate member term through December 31, 2010; and, be it further

Resolved, that the Town Clerk formally notify Mr. Simpson of his appointment and send a letter thanking all candidates for interest in the position.

PERSONNEL

- The Planning Board interviews have not been scheduled to date due to illness.
- Yates County Civil Service requested further information from the cleaning personnel applicant following review of her application.
- Funds have been included in the 2010 Budget for a health officer.

RESOLUTION #167-09

RESCIND DESIGNATION OF OFFICIAL NEWSPAPER

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

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

WHEREAS, it is necessary to publish notice of the public hearing regarding the adoption of the assessment roll for the Keuka Park Consolidated Water District at least ten and not more than 20 days before the date of the hearing (Town Law Section 239); and

WHEREAS, the public hearing has been scheduled for November 2, 2009 in order to coincide with the public hearing on the preliminary budget of the town, which must be held not later than Thursday November 5, 2009 (Thursday after Election Day, Town Law 108); and

WHEREAS, it is not possible to publish notice of a hearing ten days before November 2, 2009 in the Chronicle Express, the official newspaper of the town, but it is possible to publish such notice in the Finger Lakes Times; now therefore be it

RESOLVED, that the Finger Lakes Times is hereby designated as an official newspaper for the month of October 2009 only.

RESOLUTION #168-09

PUBLIC HEARING - PRELIMINARY 2010 BUDGET

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

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

Resolved the public hearing on the preliminary 2010 fiscal budget, consolidated water district and sewer districts and extensions be held at 6:30 P.M. on November 2, 2009 at the Branchport Fire Hall.

RESOLUTION #169-09

MOVE TO EXECUTIVE SESSION

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

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

Resolved that this meeting be interrupted to go into Executive Session to discuss labor negotiations at 8:32 P.M.

Councilperson Folts left the meeting at 9:12 P.M.

RESOLUTION #170-09

RETURN TO REGULAR SESSION

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

ADOPTED Ayes 3 Hopkins, Jones, Stewart
Nays 0

Resolved that the Board return to regular session at 9:15 P.M.

With there being no further business, on a motion of Councilperson Hopkins, seconded by Councilperson Stewart, the meeting was adjourned at 9:17 P.M.

Sheila McMichael, Town Clerk