

Minutes of the regular monthly meeting of the Jerusalem Town Board held on March 18, 2009 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Hopkins, Simmons, Stewart, Town Engineer Ackart, Highway Superintendent Payne, Town Clerk McMichael.

GUESTS: Taylor Fitch, Mary Coriale, Annette Toaspern, Susan Close, Tom Close, Bob Evans, Ron Rubin, Doug Paddock, Mike Bunting, George Sproule, Bill Pringle, Robert Johnson and other unidentified guests.

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

RESOLUTION #49-09
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the February 18, 2009 meeting be approved as read.

RESOLUTION #50-09
AUDIT OF CLAIMS

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

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

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

General:	\$11,022.72
Highway DB:	\$10,981.37
Sewer:	\$11,987.63
Water:	\$34,249.69
Branchport Light:	\$ 254.00
Trust:	\$ 3,305.00
February utilities: General:	\$ 1,188.99
	Sewer: \$20,566.64
	Water: \$ 221.50
	Trust: \$47,062.68

RESOLUTION #51-09
SUPERVISOR REPORT

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

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

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

OPEN PUBLIC HEARING - PROPOSED LOCAL LAW A OF 2009 - AMENDMENT TO CHAPTER 143. ARTICLE II SENIOR CITIZENS TAX EXEMPTION

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 7:04 P.M., asking for comments on the proposed local law correcting the income eligibility limits for Senior Citizens Tax Exemption.

Supervisor Jones explained the need to correct the levels adopted under Local Law 7-2008 in December 2008 to recognize \$.01 to \$.99 between the annual income levels.

No one from the public wished to comment.

OPEN PUBLIC HEARING - PROPOSED LOCAL LAW B of 2009 - TOWNHOUSE REGULATIONS

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 7:07 P.M., asking for comments on the proposed local law providing comprehensive regulations for townhouses to be built. Supervisor Jones noted townhouses would only be allowed in the Branchport Service Park at this time. Two minor changes have been made to the draft regulations since originally proposed as follows:

3. Dimension Rules. B. A Project Site shall be not less than 75 feet from the highwater of Keuka Lake.

5. Site Plan. D. In order to minimize detrimental environmental effects, all exterior design and materials must be approved by the planning board.

Zoning Review/Townhouse Subcommittee Chair Annette Toasperm made a presentation on the proposed regulations allowing townhouses as a permitted use in the Branchport Service Park. An overhead of a project site outlining area, setback, height, lot coverage and building groups provided a visual representation to assist in understanding the regulations as written.

The following letter was read from Bob Worden regarding the notice in the Chronicle Express that the board was discussing the townhouse zoning in the Branchport Service Park as follows:

I also understand that ownership-access to lakefront would NOT be permitted in any agreement here. I just wanted to say I feel strongly that townhouses should not have access to lakefront (at least beyond what they could have through R1 zoning (50 ft. per

unit). I think it is important NOT to set a precedent here and end up with the mess they got into in Canandaigua. Right now between upland zoning and the docks and moorings law, I believe that Jerusalem (and Keuka) are protected from the problems that come from intense shoreline development. I hope that continues.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written financial report for March 2009 snow removal and CHIPS on file in the Office of the Town Clerk.
- The Highway will be fixing yard damage caused by the snow plows.

TOWN ENGINEER

- Town Engineer Ackart reported we have seen a number of frozen water services and/or water leaks due to the harsh winter conditions.
- The petition for Sewer District #3 is being circulated for signature.
- A petition to expand the consolidated water district to a parcel off Eastman Avenue will also be forthcoming.
- Significant progress has been made with Keuka College on the contract for water and sewer services.
- Insurance coverage has been obtained for the Town-owned grinder pumps in Sewer District #2. We have also been assured of liability coverage for the Keuka Lake State Park facility as the Town was given an easement to use the facility, but we do not own it.

RESOLUTION #52-09

REFER PROPOSED R-4 DISTRICT ZONING TO TOWN ATTORNEY

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

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

Whereas current zoning requires inside Village residents to obtain variances when adding accessory buildings; and

Whereas the Planning Board Zoning Review Subcommittee has recommended the Town create a new residential district that would mirror the Village of Penn Yan zoning to give equity to the neighborhood; now, therefore, be it

Resolved that Town Attorney Bailey draft legislation for said proposed R-4 District.

COUNCIL

- Councilperson Stewart stated the Zoning Board tabled review on the application presented as there was not enough information available at their March meeting.
- Councilpersons Simmons and Folts met with the Highway employees on Friday to improve communications and say thank you for the work done during the ice storm.
- Councilperson Simmons stated a brain storming session will be held on the Branchport School and asked that any ideas be passed along to Councilpersons Folts, Stewart or Simmons.

SUPERVISOR

- A Special Meeting is scheduled March 23, 2009 at 3:00 P.M. to review our insurance coverage for purpose of renewal April 1, 2009.
- Supervisor Jones received from Gateway Energy to convert our electric to Gateway for energy savings that will be passed on to the electric/energy saving committee.
- Supervisor Jones spoke to the Department of Transportation (DOT) regarding cross walks and the speed limit signs in Branchport. DOT does not recommend cross walks mid-block at the Library because the Vehicle and Traffic Law can give people a false hope of security that if they are in the crosswalk, traffic would be required to stop. For safety reasons, this would not be a good idea, but they will have a crew look into cross walks at the four-corners and the placement of the speed limit signs.
- The deteriorating condition of State Route 54A was discussed extensively.

RESOLUTION #53-09

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW A OF 2009 - AMENDMENT TO CHAPTER 143. ARTICLE II SENIOR CITIZENS TAX EXEMPTION

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 Public Hearing on on the proposed local law correcting the income eligibility limits for Senior Citizens Tax Exemption be closed at 8:00 P.M.

RESOLUTION #54-09

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. 1 OF 2009 (PROPOSED) - AMENDMENT TO CHAPTER 143. ARTICLE II SENIOR CITIZENS TAX EXEMPTION

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

ADOPTED BY ROLL CALL

Supervisor Jones Aye

Councilperson Folts Aye
Councilperson Simmons Aye
Councilperson Hopkins Aye
Councilperson Stewart 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 March 18, 2009, 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 Real Property Tax Exemptions in the Town of Jerusalem"; and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on March 4 and 11, 2009; and

WHEREAS, said public hearing was duly held on March 18, 2009, 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, 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. 1 of 2009 entitled "A Local Law amending Real Property Tax Exemptions 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 BOARD OF THE TOWN OF JERUSALEM as follows:

Section 1: Article II, regarding to Senior Citizens Tax Exemption, of Chapter 143 of the Code the Town of Jerusalem is hereby amended by modifying section 143-6 to read as follows:

Eligibility Limits.

The maximum income eligibility level in the Town of Jerusalem shall be in accordance with the following schedule:

<u>Annual Income</u>	<u>Percentage of Assessed Valuation Exempt From Taxation</u>
\$0.00 to \$11,650.00	50.00%
\$11,650.01 to \$12,649.99	45.00%

\$12,650.00 to \$13,649.99	40.00%
\$13,650.00 to \$14,649.99	35.00%
\$14,650.00 to \$15,549.99	30.00%
\$15,550.00 to \$16,449.99	25.00%
\$16,450.00 to \$17,349.99	20.00%
\$17,350.00 to \$18,249.99	15.00%
\$18,250.00 to \$19,149.99	10.00%
\$19,150.00 to \$20,049.99	5.00%
\$20,050.00 or more	0.00%

§ 2: This Local Law shall be effective for tax years beginning on or after January 1, 2009.

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.

RESOLUTION #55-09

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW B of 2009 - TOWNHOUSE REGULATIONS

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

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

Resolved that the Public Hearing on the proposed local law establishing regulations on townhouses be closed at 8:09 P.M.

Attorney Bailey entered the meeting at 8:10 P.M.

SUBCOMMITTEE REPORTS

ZONING REVIEW SUBCOMMITTEE

No further report.

SUBDIVISION SUBCOMMITTEE

Subcommittee Chair Close stated they will be meeting March 23.

WIND FARM SUBCOMMITTEE

Subcommittee Chair Pringle reported they are scheduled to meeting March 24 and are working on draft regulations.

ADDRESSING SUBCOMMITTEE

Subcommittee Chair Bob Johnson provided minutes of the Expanded Addressing Subcommittee meetings held on February 10, February 24 and March 3. Three recommendations have been proposed to the Town Board.

Resolution 1. Naming sections of NY54A in Jerusalem

- a. The section of NY54A from the village limits of Penn Yan near the Indian Pines Farm Market to the main intersection in Branchport shall be named "Penn Yan-Branchport Road".
- b. The section of NY54A from the main intersection in Branchport to the Yates/Steuben County line shall be named "Branchport West Lake Road".

Resolution 2. Specifying the numbering system to be used throughout the Town of Jerusalem shall consist of two complementary grids: the 4-digit fire code grid shall be used along non-lake roads and the "1000-numbers per mile" grid shall be used along the lake roads.

Resolution 3. Guidelines for assigning numbers

Supervisor Jones received a phone call from County Legislator Donna Alexander who sits on the County Public Safety Committee expressing her concerns in the naming of a State route and the amount of work it will create for a number of agencies.

RESOLUTION #56-09

SET PUBLIC HEARING

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 a Public Hearing be held at the May 20, 2009 Town Board meeting at 7:00 P.M. on three resolutions proposed by the Expanded Addressing Subcommittee; and, be it further

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

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

ZAP OPERATIONS REVIEW SUBCOMMITTEE

Councilperson Folts stated the Assessor's office will be moved to the former file room as recommended by the Subcommittee to make meeting with the Assessor more convenient for the public.

RESOLUTION #57-09

CREATE PART-TIME WATER & WASTEWATER MAINTAINER POSITION

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

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

Whereas the Town recognizes the need to start training a person in the Keuka Park Sewer & Water Department to help provide weekend coverage and possibly other scheduled leave; and

Whereas both of the Water & Wastewater Maintainers are nearing retirement age; now, therefore, be it

Resolved that the Town create a part-time Water & Wastewater Maintainer position and advertise for said position at this time.

The Town Engineer went on record supporting the creation of the position and cited a recent incident that occurred during the vacation of one of our two current maintainers.

RESOLUTION #58-09

CREATE TEMPORARY ACCOUNT/CLERK/TYPIST POSITION

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

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

Whereas, the Town recognizes the need to hire a temporary Account/Clerk/Typist in order to cover the maternity leave of the current Keuka Park Water & Sewer Clerk; and

Whereas, training for this position should start in April at twenty (20) hours per month until the current clerk's maternity leave begins; and

Whereas, thereafter the temporary clerk will work five (5) hours per day until the return of the full time clerk; now, therefore, be it

Resolved that the Town Board does hereby create a temporary position, using the listed guidelines established in this resolution.

RESOLUTION #59-09

PULTENEY WATER DISTRICT AGREEMENT

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

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

Whereas concern was noted regarding the ambiguity of wording within the proposed contract agreement on Page 3, Section 3. Payments.a.1. and the desire to assure that each year's new equivalent dwelling units numbers are supplied to Jerusalem; and

Whereas that section will now read:

The amount of the payment will be equal to the total number of equivalent dwelling units (herein called "EDU's") supplied, served or connected by Pulteney on December 31 of the previous calendar year from year billed multiplied by the rate per EDU.

;now, therefore be it

Resolved the Supervisor be authorized to execute the Intermunicipal Agreement with the Town of Pulteney for the transmission of water from Penn Yan to Pulteney as revised.

DISCUSSION - PROPOSED TOWNHOUSE REGULATIONS - SEQR DETERMINATION

Town Attorney Bailey stated he has made some contact regarding the SEQR for the proposed townhouse regulations, but does not have sufficient information to bring it forward tonight.

TOWN MAP

The Assessor has been working with Yates County Soil & Water to finalize the town map. Councilperson Stewart stated Soil & Water gave a presentation on ArcView that is used for mapping. The Town also has this computer program and it will be beneficial for us to update the licensing and train staff on the program.

RESOLUTION #60-09

MOVE TO EXECUTIVE SESSION

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

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

Resolved the regular meeting be interrupted to enter into Executive Session at 8:44 P.M.

The following information was provided by the Town Supervisor:

During Executive Session, Councilperson Folts excused himself.

RESOLUTION #61-09

RETURN TO REGULAR SESSION

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

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

Resolved the meeting return to regular session at 9:56 P.M.

With there being no further business, on a motion of Supervisor Jones, seconded by Councilperson Hopkins, the meeting was adjourned at 9:58 P.M.

Sheila McMichael, Town Clerk