

Minutes of the regular monthly meeting of the Jerusalem Town Board held on September 16, 2009 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Hopkins, Simmons, Stewart, Highway Superintendent Payne, Town Engineer Ackart, Town Attorney Bailey, Town Clerk McMichael.

GUESTS: H. Taylor Fitch, Bill Pringle, Jim Fitzgibbons, Bob Evans, Tom Close, Debbie Koop, John Grabski, George Sproule, Nancy Sproule, Ken Light, Doug Paddock.

Supervisor Jones called the meeting to order with the Pledge to the Flag at 7:06 P.M.

RESOLUTION #142-09

APPROVAL OF MINUTES

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 minutes of the August 19, 2009 meeting be approved as read.

RESOLUTION #143-09

AUDIT OF CLAIMS

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 bills be paid as presented in the following amounts:

General:		\$26,517.36
General Outside Village		\$ 6,000.00
Highway DA:		\$ 2,617.60
Highway DB:		\$34,601.69
Sewer:		\$ 2,629.40
Water:		\$41,931.68
Branchport Light		\$ 254.00
August utilities:	General:	\$ 768.88
	Sewer:	\$ 145.77
	Water:	\$ 216.81
	Trust:	\$38,412.57

RESOLUTION #144-09

SUPERVISOR REPORT

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

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

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

RECREATION PROGRAM

Bev Eggleston, Recreation Director and Brenda Austin, Recreation Leader presented an overview of the 2009 summer recreation program. Positive comments received on the program were shared with the Board along with a photo album of this year's activities.

The 2009 program was well attended and included a variety of activities; arts, crafts, sports, swimming lessons and field trips. Visitors this year included Mrs. Ware, Penn Yan Elementary School Vice Principal and members of the Branchport/Keuka Park Fire Department. At least three staff members have R.T.E. first aid which exceeds the required number for our program. The NYS Health Department complimented us on the logo t-shirts worn that identifies our staff. The duffle bags with our logo were well-received by the children.

The Board commended the staff for another successful program.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Highway Roadwork Budget Report for September 2009 on file in the Office of the Town Clerk.
- Supervisor Payne reports that budget-wise, we are doing well. Oiling is done and we are ditching roads for next year.
- CHIPS funds were received.
- The loader was delivered today.

RESOLUTION #144-09

AUTHORIZE SALE OF SURPLUS LOADER AND TRUCK

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

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

Whereas the Town of Jerusalem Superintendent of Highways, Robert Payne, has declared one 1975 Yale loader and one 1971 GMC truck with dump as equipment of no further use or utility to the Town, now, therefore, be it

Resolved by the Town of Jerusalem Board that the Highway Superintendent be authorized to sell said surplus equipment at municipal auction October 3, 2009; and, be it further

Resolved that the proceeds from said sale shall be deposited into the Highway Machinery reserve fund.

RESOLUTION #145-09

RESOLUTION ESTABLISHING THE "SEWER MAIN AND PUMP STATION RESERVE FUND OF THE KEUKA PARK SEWER DISTRICT"

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

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

The Town Board of the Town of Jerusalem, duly convened in regular session, does hereby resolve as follows:

SECTION 1. That pursuant to section 6-c of the General Municipal Law there is hereby established a specific capital reserve fund in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00) to accumulate all or part of the cost of the reconstruction of the sewer main and pump station of the Keuka Park Sewer District (the "District").

SECTION 2. That this fund is to be known as the "Sewer Main and Pump Station Reserve Fund of the Keuka Park Sewer District."

SECTION 3. That the estimated maximum cost of such reconstruction is One Hundred Fifty Thousand Dollars (\$150,000.00).

SECTION 5. That such sums as may hereafter be appropriated shall become part of the fund.

SECTION 6. That the moneys in the fund shall be deposited in a separate bank account in Five Star Bank, Penn Yan office or such other bank as may be designated by Resolution of this Board from time to time.

SECTION 7. That the Supervisor is authorized to invest, from time to time, the moneys of this fund pursuant to Section 10 of the General Municipal Law. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become a part of the fund.

SECTION 8. That no expenditure shall be made from the fund except by authorization of the Town Board of the Town of Jerusalem pursuant to the provisions of section 6-c of the General Municipal Law.

SECTION 9. That this resolution is subject to permissive referendum, but the resolution to expend moneys from the fund will not be subject to permissive referendum under Section 6-c of the General Municipal Law.

SECTION 10. That this resolution shall take effect immediately.

RESOLUTION #146-09

RESOLUTION SCHEDULING PUBLIC HEARING ON PROPOSED RESOLUTION

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

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

WHEREAS a resolution entitled, "RESOLUTION ESTABLISHING THE 'GENERAL REPAIR RESERVE FUND OF KEUKA PARK SEWER DISTRICT' UNDER SECTION 6-d OF THE GENERAL MUNICIPAL LAW," was introduced at this meeting by a member of the Town Board, and

WHEREAS this Town Board desires to hold a public hearing with respect to the adoption of that Resolution as required by Section 6-d of the General Municipal Law of the State of New York,

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held by this Town Board with respect to the adoption of the aforesaid Resolution at 7:00 P.M. on October 21, 2009, the at Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York New York, and it is further

RESOLVED that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

COUNCIL

- Councilperson Stewart reported the Personnel Committee is addressing the cleaning personnel issue. The position will be made a part-time employee. The three applicants have been notified of this and asked to complete a Civil Service application. Interviews will then be scheduled.
- Councilperson Hopkins reported the Planning Board forwarded the proposed wind farm regulations to the Town Board. These are currently being reviewed by Town Attorney Bailey. Supervisor Jones requested both Planning Board member Deb Koop and Jim Fitzgibbons submit their concerns in writing so they can be shared with the Committee and Attorney Bailey.
- Councilperson Simmons thanked County Legislator Fitch for obtaining the salary information requested.
- Councilperson Folts reported a center line has been painted on County House Woods Road to address a safety concern in that area.

SUPERVISOR

- Supervisor Jones presented the Town Clerk and Town Council with copies of the 2010 tentative budget.

- Supervisor Jones continues to work with DOT on the speed limit signs and crosswalks on State Route 54A in Branchport. Supervisor Jones will provide Addressing Committee Chair Bob Johnson with a copy of the September 9,, 2009 letter from DOT.

SUBCOMMITTEE REPORT

ZONING REVIEW/TOWNHOUSE SUBCOMMITTEE

No report.

SUBDIVISION SUBCOMMITTEE

Town Engineer Ackart is completing the SEQR required for subdivision regulations. Letters will be sent to interested parties for comment on the Town being lead agent.

RESOLUTION #147-09

SCHEDULE PUBLIC HEARING - PROPOSED SUBDIVISION REGULATIONS

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

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

Resolved that a Public Hearing be held at the November 18, 2009 Town Board meeting at 6:30 P.M. on proposed Local Law H-2009 providing for land subdivision regulations as follows:
and, be it further

Resolved that the meeting place be changed to the Branchport Fire Hall; and, be it further

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

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

WIND FARM SUBCOMMITTEE

No further report.

ADDRESSING SUBCOMMITTEE

Councilperson Stewart stated a post card will be sent to all property owners notifying them of the upcoming changes to some of the addresses in Jerusalem.

ZAP OPERATIONS SUBCOMMITTEE

No report.

RESOLUTION #147-09

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

On a motion of 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 21, 2009 Town Board meeting at 7:05 P.M. on proposed Local Law A-2008 creating a property nuisance abatement law as follows:

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

Resolved that the Town Clerk advertise for said Public Hearing in a manner consistent with law; and, be it further

Resolved that Town Attorney Bailey review the proposed regulation to determine if it negatively affects people composting.

RESOLUTION #148-09

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

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

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

Resolved that a Public Hearing be held at the October 21, 2009 Town Board meeting at 7:10 P.M. on proposed Local Law E-2009 correcting the zoning ordinance as to rear yard setback in the R-1 District; and, be it further

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

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

RESOLUTION #149-09

SCHEDULE PUBLIC HEARING - PROPOSED LOCAL LAW G-2009 AMENDING THE BOUNDARY OF THE BRANCHPORT SERVICE PARK

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

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

Resolved that a Public Hearing be held at the October 21, 2009 Town Board meeting at 7:15 P.M. on proposed Local Law G-2009 amending the zoning law as to the boundary of the Branchport Service Park;

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

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

RESOLUTION #150-09

MILL STREET ALTERATION - SEQR

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

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

Whereas an application for the alteration of the boundaries of Mill Street has been presented requiring SEQR review; and

Whereas the proposed action is an unlisted action; now, therefore be it

Resolved that a negative declaration be prepared and the Town Board authorizes the Supervisor to sign the negative declaration (determination of non-significance) pursuant to 6 New York Code of Rules and Regulations, section 617.7 with respect to the application.

MILL STREET BOUNDARIES

Highway Superintendent Payne noted his concern with the proposed black top area. It was agreed that this area would be in the center of the right-of-way and not as depicted on the drawing.

RESOLUTION #151-09

TOWN BOARD CONSENT TO MILL STREET BOUNDARIES

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

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

CONSENT OF JERUSALEM TOWN BOARD - Application of Harbor View Townhomes LLC, et al the Owners of the Land on Both Sides of a Highway in the Town of Jerusalem, Yates County, New York, Known as Mill Street, for the Alteration of the Limits of Said Highway that Runs Through the Land of Said Owners, Pursuant to Section 172 of the Highway Law

The undersigned, being all of the members of the Town Board of the Town of Jerusalem, having read the Petition of Harbor View Townhomes LLC, et al for the alteration of the boundaries of Mill Street in said Town and having been fully advised with respect

to the facts surrounding this application, do hereby

CONSENT, in accordance with the provisions of section 172 of the Highway Law of the State of New York that the Highway Superintendent of the Town of Jerusalem make an order altering the boundary of the highway known as Mill Street in the Town of Jerusalem, Yates County, New York.

MILL STREET/TOWNHOUSE PROJECT:

The following commitments were made by David Wegman and George Sproule, on behalf of their company, Harbor View Townhomes, LLC, to the Town of Jerusalem.

Mill Street: Upon construction of the Harbor View Townhome Project, Mr. Wegman and Mr. Sproule will assume responsibility for snow plowing of Mill Street from Route 54A to its easterly terminus. This obligation may be assigned to the Harbor View Homeowners Association which will be formed in conjunction with the project.

Mr. Wegman and Mr. Sproule, at their expense, will relocate the waterline which now runs north of Mill Street to a location within the revised right-of-way.

During construction of the townhome project, they will re-pave Mill Street for its entire length from Route 54A at the west to its easterly terminus. The entire paved area will be within the right-of-way as revised. "Pavement" shall consist of tar and stone.

Deed Restrictions: The Harbor View Townhome Project will be constructed on an assemblage of land consisting of a parcel now owned by Harbor View Townhomes LLC, a portion of a lot now owned by Nangeo (George Sproule) and a portion of parcel now owned by Lake Keuka Boat Company LLC (Wegman). The portions of the Nangeo parcel and Lake Keuka Boat Company parcel which are not conveyed to Harbor View will be deed restricted to prohibit the construction of any buildings on the site other than a clubhouse building, 18x20 utility building (which is shown on the site plan submitted to the planning board), and dock facilities along the waterfront of the Nangeo parcel, and the possibility of garages on the Lake Keuka Board Company parcel for the sole use by owners of units in the townhouse project.

Resident Canoe Kayak parking: Several parking places are being reserved on the former "Mahoney" property for use by town residents, by permit only, while canoeing or kayaking on Keuka Lake.

RESOLUTION #152-09

PROCLAMATION - CONSTITUTION WEEK SEPTEMBER 17-23, 2009

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

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

Supervisor Jones read the following Proclamation presented by the Gu-Ya-No-Ga Chapter NSDAR:

Whereas, our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and

Whereas, it is of the greatest importance that all citizens fully understand the provisions and principles contained in the Constitution in order to effectively support, preserve and defend it against all enemies; and

Whereas, the two hundred and twenty second anniversary of the signing of the Constitution provides an historic opportunity for all Americans to remember the achievements of the Framers of the Constitution and the rights, privileges, and responsibilities they afforded us in this unique document; and

Whereas, the independence guaranteed to American citizens, whether by birth or naturalization, should be celebrated by appropriate ceremonies and activities during Constitution Week, September 16 through 22, as designated by proclamation of the President of the United States of America in accordance with Public Law 915; now

Therefore, I Daryl H. Jones by virtue of the authority vested in me as Jerusalem Supervisor in the State of New York, do hereby proclaim the week of September 16 through 22 as CONSTITUTION WEEK in the Town of Jerusalem, and urge all our citizens to reflect during that week on the many benefits of our Federal Constitution and the privileges and responsibilities of American citizenship.

HISTORIAN PRESENTATION

Town Historian Bob Evans presented a plaque containing a sign believed to be from a bridge in the early 1900's that was found during a recent excavation. According to Town records, a great storm wiped out all of the bridges in November 1905. It was customary in those days to depict the name of the Highway Superintendent on the bridges and this particular sign says "E.E. Evans, Commissioner, 1905", who was the Historian's grandfather. The sign has been reconditioned for historical preservation and is on public display at the Town Hall.

Jerusalem Town Board
September 16, 2009

With there being no further information, on a motion of Councilperson Stewart, seconded by Councilperson Hopkins, the meeting was adjourned at 8:34 P.M.

Sheila McMichael, Town Clerk