

Minutes of the regular monthly meeting of the Jerusalem Town Board held on June 16, 2010 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Parson, Simmons, Stewart, Highway Superintendent Payne, Town Clerk McMichael, Town Attorney Bailey.

GUESTS: Vaughn Baker, John Keidel, Tom Close, Bob Morse, Alan McGuffie, Barb McGuffie, John Grabski, Mark Morehouse, Frank Zaffino, Anne Gunn, Rich Macalpine, Bob Evans, William Pringle, Jennifer Gerschow, Atilio Carcone, Art & Joyce Hunt.

Supervisor Jones called the meeting to order with the Pledge to the Flag at 7:05 P.M.

RESOLUTION #99-10
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the May 18, 2010 special meeting and May 19, 2010 regular meeting be approved as read.

RESOLUTION #100-10
AUDIT OF CLAIMS

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

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

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

General:	\$14,651.01
Highway DA:	\$ 3,075.75
Highway DB:	\$93,662.30
Sewer:	\$ 3,679.03
Water:	\$ 3,913.27
Branchport Light:	\$ 292.01
Trust:	\$ 9,545.77
May utilities: General:	\$ 1,293.40
Sewer:	\$29,894.91
Water:	\$ 714.07
Trust:	\$43,141.02

RESOLUTION #101-10
SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of May 2010 be accepted as presented.

MARCELLUS SHALE/ROAD PRESERVATION PRESENTATION

George Mathewson, Esq., a member of "Preserve the Finger Lakes" provided an update on the road preservation ordinance. He presented numerous newspaper articles and photographs of the rigs and trucks related to gas drilling in the Marcellus Shale.

He is in receipt of the model Road Preservation Use and Repair Agreement adopted June 14th as policy by the Yates County Legislature. The primary focus of the document is to create rules, fees, bonds/credits and a review and evaluation process. This process would evaluate the roads prior to use and thus be able to assess damage caused by the high density traffic of drilling and protect the county and towns from the cost associated with that traffic.

Peter Gamba, member of the Yates County Marcellus Shale Task Force stated the County Legislature will provide the Towns with a copy of the Road Preservation Use and Repair Agreement referenced by Mr. Mathewson. The Yates County Marcellus Shale Task Force was created to address the environmental and infrastructure concerns that would arise from gas drilling in the Marcellus Shale below our community. The committee is comprised of representatives from each of the towns surrounding Keuka Lake and members of Cornell Cooperative Extension.

Mr. Gamba has a 75-minute video of a talk on Marcellus Shale that he will make available on a Saturday to anyone who is interested. The video is of a talk that was given by Cornell Professor Tony Ingraffa. Art Hunt encouraged the Town Board to view the video offered by Mr. Gamba, noting the Town Board needs to lead this effort and protect our town.

Mr. Gamba requested a statement from the Board on who has leases in our town. The Assessor has a map depicting the gas leases, but it does not contain any names.

PROPERTY MAINTENANCE – BOB EVANS

Planning Board Chair Bob Evans will establish a Property Maintenance Subcommittee of the Planning Board to study property maintenance issues in the Branchport hamlet, review current Town regulations and consult with Code Enforcement Officer Phillips to provide recommendations on improving our regulations.

The following memo addressed to the Town Board regarding maintenance codes from Code Enforcement Officer Phillips was read into the record as he was not able to attend tonight's meeting:

I received a copy of the Village of Penn Yan & the Town of Gorham maintenance laws. Both of these pretty much mirror our own 1203 maintenance law.

We need our Town Attorney to review the laws of NYS to see if there are provisions that our Town can adopt whereby we would have more enforcement authority.

Example: Home owner receives notice for law maintenance, home owner does not comply, Town has it mowed and sends owner a bill, if bill is not paid a lien is placed on property.

We are currently working with several properties on lawn maintenance as well as unsafe structures.

It's a slow process and codes need to be improved so we have more authority to enforce our Town Codes. Current codes take considerable time to deal with each violation, taking away from my other responsibilities.

Signed,
John F. Phillips

The Attorney for the Town was directed to give priority to reviewing the Uniform Building Code to allow the Town to mow lawns and give our community pride in where they live. This will be on the July agenda.

NYS COMMUNITY DEVELOPMENT BLOCK GRANT

Planning Board member Jennifer Gruschow reviewed the Town's Comprehensive Plan and identified available funding through a Community Development Block Grant to assist in the development of a downtown plan for Jerusalem.

RESOLUTION #102-10

SCHEDULE PUBLIC HEARINGS AND SPECIAL TOWN BOARD MEETING - NYS COMMUNITY DEVELOPMENT BLOCK GRANT

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

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

Whereas New York State Community Development Block Grant (NYS CDBG) has announced the availability of approximately \$1 million in funding, providing the opportunity for eligible units of local government to obtain funding for the development of a wide range of community development planning instruments for economic development, main street revitalization, smart growth and several other sustainable initiative projects; and

Whereas each unit of local government may submit an application for up to \$40,000 in funding; and

Whereas to provide residents the opportunity to comment on the needs and revitalization of Jerusalem's Main Street within the Hamlet of Branchport; now, therefore, be it

Resolved that a Public Hearing on the New York State Office of Community Renewal Funding availability under the NYS CDBG Community Planning Program be held on Tuesday, June 29, 2010 6:00 P.M.; and, be it further

Resolved that a Public Hearing be held on Tuesday, July 13, 2010 at 6:00 P.M. to provide residents the opportunity to comment on the development of Jerusalem's Master Hamlet Plan to revitalize and beautify the Hamlet of Branchport; and, be it further

Resolved that a Special Meeting to approve the submission of the NYS Community Development Block Grant application be held on Tuesday, July 13, 2010 at 6:30 P.M.

REPORT OF TOWN OFFICIALS
HIGHWAY SUPERINTENDENT

- June 2010 Highway Budget Report distributed to Town Board.
- Highway Superintendent Payne stated the State has approved CHIPS funds for highway improvements. A letter to that effect will be forthcoming.
- DEC is reviewing the area in response to numerous calls received regarding hog weed.

TOWN ENGINEER

- Written report on file in the Office of the Town Clerk.

COUNCIL

- Councilperson Stewart reported the Town is taking over a private waterline on Central Avenue and is in the process of obtaining the necessary easements.
- Funds were included in the 2010 budget to purchase a new pick-up truck for the KPSW Department. Extensive discussion ensued on the proposal submitted to consider keeping our current truck and buy a used "work" truck instead of purchasing a new truck to replace a truck that would result in a \$2,000 savings. After extensive discussion, it was decided that Councilperson Stewart will meet with KPSW Department Head Dinehart and explain while the Board feels it is a great concept, we will pursue purchasing a trailer in 2010 and keep our current truck until 2011.
- Councilperson Parson reported the Zoning Board considered an application for an interpretation of the zoning code regarding the building of a new single family home on property that does not meet the zoning requirements of the R1 zone. The lot is a

pre-existing, non-conforming lot having been owned by the same family prior to the Town's adoption of zoning regulations.

Resolution #103-10

AMEND RESOLUTION #87-10 - TOWN CLEAN UP DAY FUNDING

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

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

Whereas, the Town Board set aside \$ 3500 from the 1990.4 (contingent account) to cover expenses related to the, unbudgeted, Town Clean up Day by resolution # 87-10, but did not specify where such funds were to be set aside, now be it

Resolved to amend resolution # 87-10 to set aside the \$ 3500 within the 5132.4 (garage contractual).

Resolution #104-10

BUDGET TRANSFER - TOWN CLEAN UP DAY FUNDING

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

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

Whereas, the Town Board transferred funds to the 5132.4 (garage contractual) to cover expenses related to the Town Clean up Day, and

Whereas, any salaries for highway employees working the Town Clean up Day was not taken into consideration, now be it

Resolved that the Town Board authorizes the transfer of \$ 346.50 from the 5132.4 (garage contractual) to the 5132.1 (garage personal services) to cover the payroll expense associated with the Town Clean up Day.

SUBCOMMITTEE REPORTS

AGRICULTURAL RESIDENTIAL (AGR) ZONING SUBCOMMITTEE

The Agricultural-Residential Zoning Subcommittee is reviewing zoning, focusing on the 54A corridor and what is needed for the Finger Lakes Cultural Museum.

WINDFARM SUBCOMMITTEE

The Summary of Adverse Environmental Impacts Caused by Industrial Wind Turbines received from the Town of Italy will be copied to the Town Board and posted on the Town's website.

ADDRESSING SUBCOMMITTEE

New address numbers have been sent to

1. Crescent Beach & Esperanza Drive
2. West Lake Road, Branchport
3. Rte. 54A, Penn Yan from the Penn Yan Village Line to the break of Rte. 54A, Penn Yan & West Lake Road, Penn Yan.
4. West Lake Road, Penn Yan down to the start of Central Avenue.

East Bluff Drive numbers have been reviewed and are in the process of getting ready to be sent out.

West Bluff Drive numbers will follow. These numbers are in the review process at this time.

There are some issues related to private road names need to be resolved before their addresses are assigned.

Once the lake numbers have been sent out, we will return to reviewing the main Rte. 54A corridor on into Branchport until eventually all addresses have been reviewed.

RESOLUTION #105-10

AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. 2 OF 2010

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

ADOPTED BY ROLL CALL VOTE:

Councilperson Simmons	Aye
Councilperson Stewart	Aye
Supervisor Jones	Nay
Councilperson Parson	Aye
Councilperson Folts	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 May 19, 2010 at 7:00 P.M. at the Town Hall, 3816 Italy Hill Road, Branchport, New York to hear all interested parties on a proposed Local Law entitled REVISIONS OF REGULATIONS FOR CONSTRUCTION ON STEEP SLOPES; and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle-Express, the official newspaper of said Town, on May 5 and May 12, 2010 and duly posted on the clerk's bulletin board on April 29, 2010; and

WHEREAS, said public hearing was duly held on May 19, 2010 at 7:05 P.M. at the Jerusalem Town Hall, 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

WHEREAS, the Town Board 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. 2 of 2010 entitled REVISIONS OF REGULATIONS FOR CONSTRUCTION ON STEEP SLOPES, a copy of which is attached hereto and made a part of this resolution;

Be It enacted by the Town of Jerusalem as follows:

§ 1. Intent and purpose.

Regulations for Construction on Steep Slopes in the Town of Jerusalem were enacted by the Town Board on May 20, 2008 and now form Chapter 137 of the code of the Town of Jerusalem. While generally successful, the Town Board finds that experience has shown the need to make certain changes to these regulations to improve their administration, primarily by defining a Minor Soil Disturbance and authorizing the Code Enforcement Office to permit those smaller projects without the delay and expense involved in the review by the Planning Board. Other changes in wording and are also made.

§ 2. Sections 2 through 6 inclusive are deleted from Chapter 137 of the Code of the Town of Jerusalem and Sections 5 through 7 are added to Chapter 137 to read as follows:

Section 2 Definitions.

As used in this article, the following terms shall have the meaning indicated:

SOIL DISTURBANCE – Preparing land for construction or reconstruction, such as clearing, grading, filling and/or the building of structures, including driveways, retaining walls and/or drainage systems.

A) MINOR SOIL DISTURBANCE – Soil Disturbance of 300 sq. ft. or

less.

B) MAJOR SOIL DISTURBANCE – Soil Disturbance greater than 300 sq. ft.

STEEP SLOPES – Ground areas with a slope of 15% or greater.

CERTIFIED PROFESSIONAL – licensed professional engineer, CPESC- Certified professional in erosion and sediment control or landscape architect.

Section 3. Permit required; exempt activities.

- A. It shall be unlawful to create any soil disturbance, other than an exempt activity as set forth in this article, on any steep slope in the Town of Jerusalem unless and until a steep slope permit is granted by the Planning Board or CEO pursuant to the requirements of this article.
- B. Exempt activities. The following activities on steep slopes do not require the issuance of a steep slope permit:

- (1) Any planting or installation of landscape materials which does not require disturbance of existing terrain.
- (2) Emergency situations, as determined by the Town Code Enforcement Officer, where the disturbance of steep slopes is required to protect persons, or property from imminent danger.
- (3) Farming activities using sound management practices as defined by New York State Agricultural and Markets Department's Sound Agricultural Practice Guidelines.
- (4) If the slope of the site can be documented as less than 15 percent, no permit is required.
- (5) Routine and emergency construction, maintenance or repair of public highways by authorized municipal personnel.
- (6) Town Water & Sewer Installations.
- (7) Installation of KWIC approved septic system(s) with erosion control plans.
- (8) Construction, maintenance or repair of Public Utilities.
- (9) Routine repair and maintenance of an existing driveway but not to include reconstruction.

Section 4. Permit procedure.

A. MINOR SOIL DISTURBANCE(S): The Code Enforcement Officer is hereby designated to administer and implement this article for minor soil disturbances. The Code Enforcement Officer, at his discretion, with the advice of the Highway Superintendent where needed, may determine that the minor steep slope application should be reviewed by the Planning Board.

B. A Steep Slopes application for Minor Soil Disturbance shall be made on forms furnished by the Code Enforcement Officer.

C. MAJOR SOIL DISTURBANCE: The Planning Board is hereby designated to administer and implement this article by granting or denying steep slopes permits for all residential, commercial or agricultural construction whether on a single lot or in connection with a subdivision application.

D. An application for a Building permit in steep slope areas shall be made on forms furnished by the Planning Board and shall include the following information:

- (1) Ten copies of a site plan (with a minimum of 2 large copies and the 8 copies may be reduced to ledger size, 11" x 17") drawn at a scale of not less than one inch equals 30 feet, prepared by a Licensed Professional Engineer, landscape architect, or licensed surveyor, CPESC-Certified professional in erosion and sediment control or equivalent showing the lot or lots containing steep slopes and the following:
 - (a) All existing and proposed natural or artificial drainage courses.
 - (b) The proposed location of all structures, including drainage, septic systems, wells, waterlines, and driveways.
 - (c) The location of the proposed area of disturbance and its relation to adjacent properties, together with building, structures, roads, affected trees and affected wetlands, if any, within 100 feet of the boundaries of said area.
 - (d) Existing topography of the proposed area of disturbance at a contour interval of not more than two feet. Contours shall be shown for a distance of 50 feet or greater beyond the limits of the proposed area of disturbance, if determined necessary by the Planning Board, in order to fully evaluate the application.
 - (e) Proposed final contours and proposed surface materials or treatment at a maximum contour interval of two feet.
 - (f) Erosion Control Plan showing proposed area of disturbance, temporary and permanent erosion control measures. (All erosion control practices have to comply with NYS standards and specifications of erosion and sediment control).
 - (g) Stormwater management – The detail of any surface or subsurface runoff for sizing of drainage structures (i.e. culverts and diversions)
 - (h) Any special reports deemed necessary by the Planning Board to evaluate the application, including but not limited to geologic or hydrologic studies or capacity evaluation.
- (2) A written narrative explaining the nature of the proposal, including any future development proposals for the property and whether alternative locations for the proposed activity.

(3) New York State SEQR law will be followed as required by Part 617: State Environmental Quality Review of the Regulations of the Department of Environmental Conservation.

(4) All requirements of New York State Phase II Stormwater regulations will be met if the site exceeds 1 acre of construction disturbance.

(5) The application shall be accompanied by:

(a) A fee in an amount to be determined by resolution of the Town Board, and

(b) Fees for engineer's and attorney's services in an amount determined by the Town Board sufficient to defray the estimated costs of such services rendered to the town in connection with the application. The applicant shall deposit with the Town Clerk the amount estimated to reimburse the town for such costs. Any amount remaining after payment to the Supervisor for the services rendered shall be returned to the applicant upon final approval or upon withdrawal if the application is withdrawn.

E. The Planning Board may refer each application for a steep slope permit to the Yates County Soil and Water Conservation District or other certified professional for review, who shall submit a written report to the Planning Board. This report shall contain the following items:

(1) A recommendation on whether the submission is complete and contains sufficient information for the Planning Board to perform a proper review of the submission.

(2) A recommendation of approval, disapproval or approval with conditions of the application.

F. In a building lot or development situation that requires material removed from the site or hauled in over town roads, the Highway Superintendent shall review the engineered plan before work commences. In some cases it may be necessary to haul material in or out during certain times of day or year.

G. During its review of the application, the Planning Board shall:

(1) Review the application to determine that the requirements of this article have been satisfied and that the application is complete.

(2) Review each complete application and approve, approve with conditions or deny the application, in with this article, within 60 days of the receipt of a complete application as determined by the Planning Board.

(3) If deemed necessary, require posting of a performance bond or other security as a condition of approval, the amount of such bond or other security to be approved by the Town Board.

H. Public hearing. The Planning Board may, at its discretion, hold a public hearing on an application for a steep slope permit. If a public hearing is held, the notice and hearing requirements shall follow the procedures as contained in Section 160-73 pertaining to Zoning Board hearings for variances.

I. In granting a steep slope permit, the Planning Board shall find that the following conditions have been met.

- (1) The proposed activity is in accordance with the legislative intent and purpose stated in this article.
- (2) The proposed activity will preserve and protect existing streams, lakes, floodplains, wetlands and promote sound development to protect open space.
- (3) The proposed activity will not adversely affect existing or proposed drainage structures, well, or sewage disposal systems.
- (4) The proposed activity will not adversely affect any Town roads and adjacent properties.

J. After a steep slope permit is approved:

- (1) All permits shall expire on completion of the work specified therein and approved thereby. Unless otherwise indicated, the approved permit shall be valid for a period of one year from the date of issuance. The Planning Board may grant a six-month extension of this period.
- (2) Following completion of the work, the applicant shall submit a certification, signed by the Property Owner, the Excavation Contractor, the Certified Professional and the Code Enforcement Officer that the completed work meets the requirements of the permit. The Town Code Enforcement Officer and the Certified Professional shall verify that the work has been completed in accordance with the permit. An as-built survey or plan shall be required to show that the work was completed in accordance with the permit.

Section 5. Plan Modification(s):

Any alteration to an already Approved Steep Slope Plan must, be reviewed and agreed to by the following Personnel: Code Enforcement Officer, Yates County Soil and Water, Plan Designer, Highway Superintendent (if applicable) and a Planning Board Representative. An updated Plan, signed and dated showing the modifications, must

be submitted to the Town Offices by the Plan Designer.

Section 6. Penalties for offenses; corrective action.

Violations of any section of this law shall constitute a violation and be punishable by a fine of not more than \$250 or by a sentence of imprisonment not exceeding 15 days, or by both such fine and imprisonment.

Section 7. Effect on existing operations or construction.

All construction operations that will create a disturbance in a steep slope area will comply with the above permit.

§ 3. Effective Date.

This Local law becomes effective immediately on its being filed by the New York State 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 Jerusalem, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

Resolution #106-10

PROVIDING FOR UNIFORM STANDARDS FOR SIGNS ON PRIVATE ROADS

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

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

WHEREAS: Article II of Chapter 93 of the Code of the Town of Jerusalem provides in section 93-24 that the names of private roads shall be indicated by signs to be furnished by the Town placed at the intersections of the private road with the public highway; and

WHEREAS: No specifications for the sign are provided in the regulation; and

WHEREAS: The town board intended that such signs would be purchased and maintained by the owners of the lots served by the respective private roads, but the section does not clearly so state; and

WHEREAS: The purpose of this local law is to clarify and correct these omissions;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF JERUSALEM:

1) That Paragraph 7 of Resolution 87-07 codified as Section 93-24 of Chapter 93 of the Code of the Town of Jerusalem is amended to read as follows:

Upon approval and acceptance of the private road, an appropriate street sign shall be placed at the intersection of the private road and the connecting Town, County, or State road or street. The sign will be furnished and maintained ~~by the Town of Jerusalem~~ at the expense of the owners of the lots served by the private road. The sign will indicate that the road is a private road and will otherwise comply with such specifications as may be adopted by resolution of the Town Board from time to time. In adopting such specifications, the Town Board shall be guided by all federal and New York State laws, rules and regulations that may apply in such cases. Upon the issuance of a building permit and prior to a final inspection, a fire number shall be assigned to the lot, and the assigned fire number shall be placed on ~~the street~~ a sign at the intersection of the private road and connecting Town, County or State road or street in accordance with the requirements of paragraph 66-(4) (E) (7) of this code. This sign, which is not the same as the road sign otherwise provided for, will be furnished and erected by the owners of the lots served by the private road at their own expense and will comply with such specifications as the Town Board may adopt from time to time.

2) That the portion of the Resolution adopted by the Town Board on September 14, 1994 entitled SPECIFICATIONS FOR ROADS TO BE DEDICATED TO THE TOWN OF JERUSALEM AS PUBLIC HIGHWAYS, which is codified at Article I of Chapter 93 of the Code of the Town of Jerusalem, is amended by deleting paragraph B of Code Section 93-15.

3) That this resolution shall take effect immediately.

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

Resolution #107-10

KEUKA MAID NOTICE

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

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

Whereas the Keuka Maid has been evicted from its present mooring in the Town of Urbana; and

Whereas Yates County, the Town of Milo and the Village of Penn Yan banded together to obtain a restraining order on the Keuka Maid to keep it out of the Penn Yan area, which has been recently lifted; and

Whereas the Town of Jerusalem has been provided with a sample notification letter addressed to Robert Pfuntner, owner of the Keuka Maid, in anticipation of an attempt to moor at another location on Keuka Lake; now, therefore, be it

Resolved that Town Attorney Bailey adapt the sample notification letter to Mr. Pfuntner should he consider docking the Keuka Maid along the shores of the Town of Jerusalem.

PUBLIC CONCERN - WINDFARMS

A lengthy discussion ensued on wind farms following a request for an update on where the initiative is going from the Jerusalem Preservation Association. The Wind Farm Subcommittee does not have a strong position either way following over two years of efforts to put forth a draft ordinance. Concern over the negative impact of wind farms on agriculture and tourism in our area was noted. The Town needs to get something in place, keeping the best interest of all the Jerusalem residents in mind. At the May Town Board meeting, it was suggested to ensure we do our due diligence, another community meeting at the College be held this summer along with conducting a town survey.

Resolution #108-10

MUNICIPAL ENDORSEMENT

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

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

WHEREAS, the Finger Lakes Cultural and Natural History Museum, is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located at the Branchport School Facility located at 3369 Guyanoga Road, Branchport New York

14418, a site located within the territorial jurisdiction of this Board; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, be it resolved by this august body that the Town Board of Jerusalem hereby does approve and endorse the application of the Finger Lakes Cultural and Natural History Museum for a grant under the Environmental Protection Fund for a park project known as Finger Lakes Museum Branchport Campus: Phase I Building & Park Improvements and located within this community.

Resolution #109-10

AUTHORIZE PICTOMETRY MEDIA PURCHASE

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

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

Whereas Yates County Real Property Office is offering the purchase of an external hard-drive containing pictures that are uploaded every two years and data information that is uploaded annually for the Town of Jerusalem as well as County-wide; and

Whereas said purchase does not replace GIS, but is recommended by Town Office personnel for the following reasons:

- 1) It shows pictures of all properties including buildings; they are measurable which would be very useful.
- 2) We would have lakefront pictures, showing permanent docks, etc. that we have been trying to get for several years.
- 3) These files can be archived prior to annual uploads, so that we have dated information and pictures that can be referenced.
- 4) This is a useful tool for Water & Sewer purposes, again an advantage and help to them since the pictures can be shown at different angles and different views of buildings, streets, etc.

; now, therefore, be it

Resolved the purchase of Pictometry be approved at a cost of \$185.00 to be expensed to assessing, zoning, water and sewer as presented.

Resolution #110-10

APPOINTMENT – RECREATION PROGRAM DIRECTOR

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

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

Whereas the Town needs to appoint the Jerusalem Recreation Director for 2010; now, therefore, be it

Resolved we recommend that person to be Beverly Eggleston. She has served several years in this capacity and has done a great job; and be it further

Resolved we set her salary at \$3,783.00 which is up \$110.00 from last year and this keeps us within budget.

Resolution #111-10

REAFFIRM CONTRACTOR'S INSURANCE #149-08 and #88-06

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

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

Whereas insurance requirements for contractors working under town permits was established by Resolution #88-06 and amended under Resolution #149-08; and

Whereas it has been determined that the Town Board needs to reaffirm these required insurance limits; now, therefore be it

Resolved that insurance requirements will be as follows:

1. Notwithstanding any terms, conditions, or provisions, in any other writing between the parties, the contractor/permittee hereby agrees to effectuate the naming of the municipality as an unrestricted additional insured on the contractor's insurance policies, with the exception of workers' compensation.
2. The policy naming the Town as an additional insured shall state that the organization's coverage shall be primary coverage for the Municipality, its Board, employees and volunteers.
 - a) The Municipality shall be listed as an additional insured by using endorsement CG 2026 or broader.
 - b) The certificate must state that this endorsement is being used. If another endorsement is used, a copy shall be included with the certificate of insurance.

- c) The policy naming the municipality as an additional insured shall contain a 30-day notice of cancellation.

The required insurance is listed below:

1. Commercial General Liability Insurance:
\$1,000,000 per occurrence/\$2,000,000 aggregate. (Per project aggregate preferred.)
2. Automobile Liability:
\$500,000 combined single limit for owned, hired and borrowed and non-owned motor vehicles.
3. Workers' Compensation and NYS Disability:
Statutory Workers' Compensation, Employers' Liability and NYS Disability Benefits Insurance for all employees.
4. In lieu of a policy from a NYS licensed insurance company, the Town will consider a letter from the Church of Lancaster, Pennsylvania certifying to their providing the same amount of coverage for the Mennonite contractors as acceptable proof of coverage.

; and, be it further

Resolved the Sewer and Water Clerk and Highway Superintendent are directed to send letters to all contractors, who regularly seek such permits from the Town with the above information with copies to the Town Clerk.

Resolution #112-10

OFFICE HOURS

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

ADOPTED Ayes	3	Folts, Parson, Simmons
Nays	2	Jones, Stewart

Whereas the offices in the Town of Jerusalem have no posted office hours; and

Whereas this would be a benefit to the residents in the Town of Jerusalem; be it

Resolved that all offices in the Town of Jerusalem will have posted hours on the front door of the Town Hall by July 1, 2010.

Councilperson Stewart noted in his eleven years as Town Council he did not feel this was necessary.

Resolution #113-10

REFER ADMINISTRATIVE FEES TO TOWN ATTORNEY

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

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

Resolved that Town Attorney Bailey review the Town of Milo's Reimbursement of Administrative Costs and Fees and provide his recommendations on a local law for Jerusalem.

PUBLIC COMMENT

Bob Morse reported the majority of bushes required by the Town to screen the cell tower have died off again. Mr. Morse requested the Town remove this condition from the cell tower special use permit.

RESOLUTION #114-10

MOVE TO EXECUTIVE SESSION

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

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

Resolved that this meeting be interrupted to go into Executive Session to discuss pending litigation with Penn Yan.

The Executive Session convened at 10:02 P.M.

RESOLUTION #115-10

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session.

The Board reconvened in regular session at 10:21 P.M.

RESOLUTION #116-10

AUTHORIZE SUPERVISOR TO EXECUTE SPECIAL COUNSEL RETAINER AGREEMENT

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

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

Resolved that the Town Board accepts the rates as proposed and authorizes the Supervisor to execute the retainer agreement with special counsel, Hodgson & Russ, Esqs.

With there being no further business, on a motion of Councilperson

Jerusalem Town Board
June 16, 2010

Parson, seconded by Councilperson Stewart, the meeting was adjourned at 10:23 P.M.

Sheila McMichael, Town Clerk