

Minutes of the regular monthly meeting of the Jerusalem Town Board held on November 16, 2011 at 7:00 P.M. at the Branchport Fire Hall. PRESENT were: Supervisor Jones, Councilors Folts, Parson, Simmons, Stewart, Town Attorney Bailey, Town Clerk McMichael, Town Engineer Ackart.

Excused: Highway Superintendent Payne.

GUESTS: Carol Goebel, Jack Goebel, Joe Hoff, Helen Slottje, Tom & Anne Kiefer, Susan Oliver, Ann Kirch, Art Carcone, Carolyn Schaeffer, Joan & Ron Rubin, Melanie Steinberg, Dennis Karalow, Susan Close, Tom Close, Carol Seus, Kathy Horton, Jim Barden, Vaughn Baker, Patrick Killen, Rob Martin, Joe DeGeorge, George Burnett, David & Lorrie Owens, Candy Smith (Wayne), Bonnie Barney, Pam Harrington, Deborah Smith, Marie Wilkins, Philip Hanna, Julie Hanna, Donald Wright, Ed Webb, James Marshall III, Michelle Stilson, Joesph Cacciola, Karen Soles, Rodgers & Janet Williams, Art & Joyce Hunt, Chuck Rettig (Italy), Peter Gamba, Debbie Koop, Taylor Fitch, Annette Toasperm, Robert Gillespie, Dolores Lang, Len Lang, Robert Johnson, Jim Barre, Lynn Wuytowicz, Sonya Simpson, Mike Steppe, John Philips, Jim Fitzgibbons and several other unidentified guests.

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

RESOLUTION #183-11  
APPROVAL OF MINUTES

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

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

Resolved that the notes of the September 28, 2011 budget workshop be approved as read.

RESOLUTION #184-11  
APPROVAL OF MINUTES

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

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

Resolved that the notes of the October 11, 2011 budget workshop be approved as read.

RESOLUTION #185-11  
APPROVAL OF MINUTES

On a motion of Councilor Parson, seconded by Supervisor Jones, the following was

ADOPTED Ayes 4 Folts, Jones, Parson, Simmons  
Nays 0  
Abstain 1 Stewart (did not attend meeting)

Resolved that the minutes of the October 19, 2011 meeting be approved as read.

RESOLUTION #186-11

AUDIT OF CLAIMS

On a motion of Councilor Stewart, seconded by Supervisor Jones, 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:	\$15,520.57
General OV:	\$19,395.05
Highway DA:	\$ 9,410.95
Highway DB:	\$83,332.32
Sewer:	\$44,043.17
Water:	\$10,497.47
October utilities:	General: \$977.12
	General OV \$ 31.59
	Sewer: \$162.07
	Water: \$164.44

RESOLUTION #187-11

SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of October 2011 be accepted as presented.

OPEN PUBLIC HEARING - PROPOSED LOCAL LAW G-2011 ESTABLISHING COLD WAR VETERANS REAL PROPERTY TAX EXEMPTION

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 7:05 P.M., asking for comments on proposed Local Law G-2011 establishing the Cold War Veterans Real Property Tax Exemption in the Town of Jerusalem.

Phillip Hannah stated he originally proposed this to the Town Board a couple years ago and it is wonderful that the Board is pursuing its adoption.

RESOLUTION #188-11

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW G-2011 COLD WAR VETERANS EXEMPTION

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

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

Resolved that the Public Hearing on proposal Local Law G-2011 Cold War Veterans Real Property Tax Exemption be closed at 7:09 P.M. and that the Board return to the Regular Town Board meeting.

RESOLUTION #189-11

ADOPTION - LOCAL LAW 5-2011 TO ESTABLISH COLD WAR VETERANS EXEMPTION (PROPOSED)

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

ADOPTED BY ROLL CALL VOTE:

Councilor Folts	Aye
Councilor Simmons	Aye
Councilor Parson	Aye
Supervisor Jones	Aye
Councilor 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 November 16, 2011, at 7:00 P.M. at the Branchport Fire House, Route 54A, Branchport, New York, to hear all interested parties on a proposed Local Law entitled "A Local Law Establishing the Cold War Veterans Real Property Tax Exemption 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 November 2 and November 9, 2011, and

WHEREAS, said public hearing was duly held on November 16, 2011, at 7:05 P.M. at the Branchport Fire House, Route 54A, 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. 5 of 2011 entitled "A

Local Law to establish the Cold War Veterans Real Property Tax Exemption 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: Purpose:

Section 458-b of the Real Property Tax Law of New York State authorizes towns to provide a partial exemption from real property taxation to Cold War veterans, who are those persons that served on active duty in the United States armed forces between September 2, 1945 and December 26, 1991 and were discharged or released therefrom under honorable conditions. Towns may establish the maximum amount of the exemption as permitted by Section 458-b. This Town Board recognizes the important service to the United States rendered by all veterans and especially by those residing in the Town of Jerusalem and deems it to be highly appropriate and fitting to offer this exemption to Cold War veterans owning property in the Town.

§ 2: Cold War veteran's exemption adopted:

The provisions of Section 458-b of the Real Property Tax Law of New York State shall be in effect in the Town of for tax rolls completed after 2011, subject to the maximum amounts provided in the next section.

§ 3. Maximum amount of Cold War veteran's exemption:

(a) Qualifying residential real property within the Town of Jerusalem shall be exempt from taxation to the extent of ten percent of the assessed value of such property; provided however, that such exemption not exceed eight thousand dollars or the product of eight thousand dollars multiplied by the latest state equalization rate of the town.

(b) In addition to the exemption provided by paragraph (a), where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed forty thousand dollars, or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit.

§ 4. Effective Date: This Local Law shall be effective upon

its being filed by the Secretary of State.  
;and be it further

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

RECONVENE PUBLIC HEARING - PROPOSED LOCAL LAW F-2011- WIND FARM REGULATIONS

The public hearing held on October 19, 2011 regarding proposed Local Law F-2011 regulating wind farms was reconvened.

Supervisor Jones read the following letter from Town of Italy Supervisor, Bradley E. Jones, 6060 Italy Valley Road, Naples, NY 14512:

Thank you for the opportunity to comment on your draft local law. We respectfully request that you and your Board consider including the following provisions in your final law.

1. Property value protection for all impacted landowners within 2.5 miles of the project boundary, regardless of municipality.
2. Tax revenue protection for towns, counties, and school districts.
3. A setback of one mile from boundaries of non-participating municipalities.
4. A fully funded escrow account held in Trust to cover the full cost of decommissioning.
5. Complaint Resolution Procedure.
6. A detailed Business Plan and Audited Financial Statements which identify all project owners/investors and which demonstrate the financial resources necessary to successfully complete the project.

Thank you for your consideration.

Debbie Koop supports the proposed local law.

Jim Fitzgibbons stated the Jerusalem Preservation Association supports the proposed local law. The Committee reviewed Italy's comments from Mr. Jones noted above and feel three of the points are already covered and the other three points are additional protection to the Town of Italy residents. He supports adoption of the proposed local law and recommended the Town Board refer the regulations back to the Committee for further review for amendment.

The Yates County Planning Board will review the proposed local law at their November 17<sup>th</sup> meeting.

Supervisor Jones requested Mr. Fitzgibbons submit the Committee's comments in writing clarifying the merit and further protection to the Town of Italy to the Supervisor or Town Clerk for distribution to the Town Board for their consideration.

RESOLUTION #190-11  
CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW F-2011 - WIND FARM REGULATIONS

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

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

Resolved that the Public Hearing be closed at 7:17 P.M. and that the Board return to the Regular Town Board meeting.

RESOLUTION #191-11  
OPEN PUBLIC HEARING - LOCAL LAW H-2011 ZONING AMENDMENT - HIGH IMPACT INDUSTRIAL ACTIVITY

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

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

With proof of notice having been duly published and posted, the Public Hearing on Proposed Local Law H-2011 Zoning Amendment - High Impact Industrial Activity was opened at 7:18 P.M.

TOJ Hydrofracking Impact Study Committee Co-Chair Peter Gamba summarized the following overview of the proposed zoning amendment and the Committee's work to date:

Purpose TOJ of Zoning Law Addition

- The TOJ Board established a Moratorium on hydrofracking drilling in March 2011.
- The TOJ board then established a committee to look at the industry and the anti-fracking interests and present recommendations to the TOJ board.

The TOJ Zoning Ordinance Focus

1. No Hydrofracking in the TOJ
2. Protect current economic development
3. Strengthen the TOJ board position on protecting the Health, Safety and Welfare to the TOJ.

The TOJ Moratorium Impact Committee Members

1. Peter Gamba- Committee chair - retired engineer in the aerospace and computer services industry - on the Yates County Marcellus

- Shale Committee representing the TOJ. Member of The Committee to Preserve the Finger Lakes
2. Melanie Steinberg - committee co-chair, accountant - TOJ resident and member of the Committee to Preserve the Finger Lakes
  3. Daryl Jones - TOJ Supervisor - career in law enforcement
  4. Max Parson - TOJ Board member and local farmer - gas lease owner.
  5. Art Hunt- 6th generation resident and owner of Hunt Country Vineyards - Past Keuka Lake Assn. board member
  6. Joe Hoff I.D.- International Consultant, author and retired school principal
  7. Jim Barre- Retired Engineer, business owner, Member of the Keuka Lake Assn. Marcellus Shale Committee
  8. Ed Seus Phd - Scientist, Member of the TOJ Zoning Board
  9. Art Carcone - Engineer, water purification and construction business, Member of the TOJ Planning Board
  10. Debbie Koop- Local organic farmer, 30 years experience in the natural food industry, Assistant Professor and Chair of the TOJ Open Space Committee

#### Support Individuals

- David and Helen Slottje - Lawyers - Community Environmental Defense Council
- Phil Bailey - Lawyer- Penn Yan - TOJ Legal council
- Wayne Ackart - TOJ - engineer - Prepared SEQR report
- Jim Crevelling - professional forester - TOJ Zoning Board- TOJ Open Space Committee
- Butch Comstock - Retired TOJ Assessor - has acted as a consultant on zoning
- Harold Kurland - Lawyer - reviewed new law
- Paul Lange- Lawyer - Farachi and Lange - reviewed new law
- Mark Morris - Retired engineer- Yates County Legislature, Member of the Yates County Marcellus Shale Committee
- Ron Brand- Farmington Planning Board member - Advice on zoning rules for NYS
- Steve Coffman Author - researcher - Wrote "Zoning Explained in Plain English" - paper- 11-11-11
- Rob Loudon - Legal advisor - Helped write Zoning Explained in Plain English - paper-11-11-11

#### Committee Activities

Nov. 14 Meeting of TOJ Committees and Interested Parties:  
TOJ Impact Committee, Finger Lakes Museum, TOJ Board Members, TOJ Zoning Board Members, TOJ Planning Board Members, TOJ 54A - Corridor Committee, TOJ Open Space Committee, TOJ Attorney, TOJ Members to Yates County Planning Board, Helen Slottje (the attorney who prepared the zoning ordinance amendment), Retired TOJ assessor.

- Regular meetings approximately every two weeks - Minutes sent to the TOJ Board
- Members spent a great deal of time traveling to attend many forums at universities, Finger Lakes institute, Syracuse - Penn Yan, etc. to learn from industry, community, environmental and legal stakeholders on the hydrofracking process.
- Spoke with State and Federal elected officials - DEC in Albany, State Senators, State Assemblyman and US Congressman - O'Mara, Palmasano, Reed, Leff (DEC)
- Organized Town Forum at Keuka College - Where speakers from industry, university and community presented
- Created questionnaire for residents
- Compiled questionnaire results as well as letters from residents
- Asked attorneys to help - Helen and David Slottje - work on pro bono basis
- Review Amendment to zoning law created by Slottje- with Town Attorney Phil Bailey and other attorneys.
- Presented findings from questionnaire and letters from residents to TOJ Board
- Distributed zoning amendment to TOJ Board and the TOJ Planning and Zoning Boards
- Held a public information night Nov 1st on the proposed zoning changes
- The committee will have met 15 times since March 2011 - approximately every two weeks.
- Committee minutes were prepared and sent to the TOJ Board
- Total hours spent by the committee since March is approx 3000 hours. Equivalent of 1 1/2 work years for one person.

#### Zoning Ordinance in TOJ

- History - the TOJ initiated a zoning ordinance process and laws in 1974
- There are 6 zoning Districts that have been created. They are: (AGR) Agricultural Residential, (R1) Residential Lakeshore, (R2) Residential-Public Sewers, (R3) Residential- Indian Pines, (B1) General Business, (BSP) Branchport Service Park, - (FW1) Plus a Floodway Zone
- Total amendments to the zoning ordinance since 1974 - counting from Zoning General code book - are 38 Amendments

#### TYPES OF USES IN ALL DISTRICTS IN EXISTING ZONING ORDINANCE

1. PERMITTED USE
2. PERMITTED ACCESORY USE
3. SPECIAL USE

#### USE CATEGORY TO BE **ADDED** TO EXISTING ZONING ORDINANCE

1. PROHIBITED USE - TO ALL ZONES



Proposed NEW Amendments to Zoning Ordinance

Modified or Added Definitions:

- Added
  - Severability
  - Comprehensive Plan
  - Light industry
  - Variance Area and Variance Use
  
- Modified
  - Essential services
  - Explicitly Prohibited Uses
  - Quarry, Sand Pit, Gravel pit, Topsoil Stripping
  - Public Utility

Article X -Special Use Permits

Each special use is considered on a individual basis taking into account (a) the comprehensive plan and (b) that it will not effect the character of the surrounding area

Article XV Variances

Add 160-70 – Addresses use variances by Zoning Board of Appeals and Yates County Planning Board

Add 160-70a - Part A - Addresses the procedure for use variances - for use variances the hardship criteria and impact to the character of neighborhoods, the environment, roads, emergency response - this is a very extensive amendment

Add 160-70a Part B - Addresses area variances – the individual vs. community benefit is a primary concern

Article XXIII Explicitly Prohibited Uses

160-141 - "Explicitly prohibited uses; Prohibition Against Natural Gas and/or petroleum extraction, exploration or production wastes: These uses are: (a) Disposal of radio active waste, (b) Injection well, (c) Land application Facility, Large scale water use, (d) Natural gas and or Petroleum Exploration Activities, (e) Natural gas and or Petroleum Extraction Activities, (1) Natural gas and or Petroleum, extraction, Exploration or production Wastes disposal/Storage facility, (g) Natural gas and or Petroleum, extraction, Exploration

- THE ABOVE USES ARE REFERRED TO AS SPECIFICALLY PROHIBITED USE
- A COMBINATION OF THE ABOVE USES IS REFERRED TO AS SPECIFICALLY PROHIBITED USES.

ARTICLE XXIII 160-141 Defined Terms

- Agriculture Use
- Below regulatory concern
- Exempted vehicles
- Explosive Materials

- Natural Gas and/or petroleum, extraction exploration or production wastes disposal facility/storage facility

- Flammable
- Gathering Line or production line
- Gross Vehicle weight rating
- High frequency- high impact truck traffic
- Injection well
- Land application facility
- Large Scale Water use
- Natural Gas
- Natural Gas and/or petroleum extraction activities
- Natural Gas and/or petroleum extraction, exploration or production wastes
- Natural Gas and/or petroleum, extraction, exploration or production wastes dump
- Natural gas compression facility
- Natural Gas processing facility
- Non-regulated pipelines
- Pipeline
- Private water system
- Radioactive material
- Radiation
- Sequestering water use
- Subsurface
- Transmission Line
- Underground Injection
- Underground natural gas storage
- Water withdrawal

### Community Support

- The zoning ordinance Amendment has lots of support
- Over 92% of those polled at the forum do not want this heavy industry - Hydrofracking to be here.
- Over 70 letters to the TOJ Board were sent not wanting Hydrofracking in the area.
- Letters to the editor, articles and editorials in the Chronicle Express, Finger Lakes Times, Dundee Observer, Democrat and Chronicle and others also expressed their desire to not have this industry in our area

### TOJ Committee Recommendations for New Zoning Ordinance Implementation

A concern was raised that the new ordinance that addresses variances in all the zoning districts would be too long difficult to communicate to individuals requesting variances and it could possibly frighten away new business.

The committee at the Nov 14th meeting suggested that a checklist be created that would make it easy for a resident to understand what is needed to be done for a variance. The TOJ committee agreed to create checklist along with the TOJ staff and boards to make the amendments resident and business friendly

(AGR Agricultural) – Residential Use District Current Ordinance  
Examples of Permitted Uses 160-18

- Farms and related farm structures
- Agricultural businesses to service farm equipment and supplies
- Single Family dwellings
- Churches
- Municipal buildings
- Libraries

Examples of Permitted Accessory Uses 160-19

- Garage

- Swimming pools

Examples of Special Uses 160-20

- Campgrounds
- Animal hospitals
- Small retail services
- Mini storage buildings

(R1) Residential – Lakeshore Use District Current Ordinance

Examples of Permitted Uses 160-28

- Single family dwellings
- Agriculture, farm
- Road side stands

Examples of Permitted Accessory Uses 160-29

- Home occupation
- Boat storage

Examples of Special Uses 160-29

- Bed and breakfast

(R2) Residential Public Sewers Use District

Examples of Permitted Uses 160-31

- Single family uses
- Educational uses

Examples of Permitted accessory Uses 160-32

- Keeping not more than 4 transient roomers and boarders
- Outdoor storage - boats
- Private garage

Examples of Special Uses 160-32

- Bed and Breakfast
- Multiple dwelling with no more than 50 dwelling units

(B 1) General Business Use District

Examples of Permitted Uses 160-35

- Commercial and business
- Clubs
- Funeral homes - mortuaries
- Motor vehicle service stations
- Agriculture
- Single family dwelling
- Lodging, tourist, B&B.

Building Restrictions 160-36

- Building size lot side vs. building size - setbacks, etc.

(R3) Residential – Indian Pines Use District Current Ordinance

Examples of Permitted Uses 160-33

- Single family dwellings
- Outdoor Storage of boats not more than one....

Examples of Permitted Accessory Uses 160-33

- Boathouse, Bathhouse, docks.....

- NO accessory use structure shall be operated for gain.  
Prohibited use

Examples of Special Uses 160-33

NONE

(BSP) Branchport Service Park Use District Current Ordinance

Examples of Permitted Uses 160-37.1 and 160-37.2

- Marinas
- Boat docking facilities
- Sale of boats
- Cottage rentals
- Gift shops

Area setback and height restrictions; building coverage 160-37.33

- Setbacks
- Height
- Building size vs. lot size

(FW1) Floodway Zone Current Ordinance

Examples of Permitted Uses 160-38

- General farming
- Animal husbandry
- Sale of Ag products
- Open recreation uses

Examples of Special Uses 160-38

- Building associated with permitted uses – EXCEPT for DWELLINGS - HUMAN HABITATION- prohibited use
- Community centers, Kennels, Dairies, Railroads, Country Clubs, Excavation of sand, gravel and other earth products.

Supervisor Jones introduced Attorney Helen Slottje who drafted the proposed zoning amendments which were then reviewed and amended by Town Attorney Bailey

Myron White questioned the absence of the Mennonite community at tonight's meeting as the largest land owners in our Town.

The following spoke in favor of the proposed amendment:

Annette Toaspern stated it is good planning on our part to look ahead and is in line with comments heard for several years from the public that they are against industry.

Art Carcone encouraged the Board not to hesitate in adopting the law.

Debbie Koop felt it was well crafted. She has personally spoken with members of the Mennonite community.

Marie Wilkins thanked the Committee for their great work and proposed action to have DEC implement a buffer zone around all of the Finger Lakes like they did for Skaneateles Lake.

Joe Hoff stated Keuka Lake Association's position was to extend that buffer beyond the 4,000 feet to the State line. He supports the ordinance not only for the current residents, but for generations to come.

Jim Barre chairs the Keuka Lake Association Hydrofracking and Well Disposal Committee. Member Associations have formed the Finger Lakes Regional Watershed Alliance and urges a ban on the hydrofracking in the Finger Lakes watershed region.

Art Hunt attended the DEC public hearing in Dansville. Other towns are looking to Jerusalem for language on proposed laws.

Robert Gillespie noted concern with the disposal of the waste fracking fluids.

Robert Johnson observed a liquid being used on the NYS Thruway to keep the ice down and questioned if the Thruway Authority is already using brine. Both he and his wife support the amendment.

Chuck Rettig, Town of Italy commended Jerusalem for the work done.

Lynn Wuytowicz presented a petition signed by 28 residents supporting adoption of the amendment:  
As taxpayers and property owners in the Town of Jerusalem, NY we ask the Jerusalem Town Board to pass the proposed local zoning code law which will prohibit natural gas drilling and associated industrial activities, including high impact truck traffic and storage of hydrofracking wastes. We support the preservation of our natural resources, air and water quality for present and future generations.

Lynn Wuytowicz also presented the following resolution:  
Whereas hydraulic fracturing has been known to have devastating and detrimental consequences to well water in the area surrounding drilling, and  
Whereas it is now suspected that hydro fracking has been the cause of or contributed to the occurrence of earth quakes in the vicinity of active drilling, and  
Whereas there is currently no proven method of treating the chemically infested waste water produced in the hydro fracking process, and  
Whereas communities subjected to hydro fracking are experiencing a higher crime rate due to the transient nature of the increased

worker population, (do local authorities have the budget to increase policing?), and  
Whereas the majority of hydro frack workers are brought in from out of state, not significantly benefiting the local job market, and  
Whereas the majority of gas extracted is shipped overseas not benefiting the local community or even the US populace, and  
Whereas it is a known fact that any breach or compromise of the watershed surrounding the Finger Lakes, or any open water, will effectively contaminate such water, rendering it unusable for human use, be it recreational, or consumptive, for an undetermined number of years, and  
Whereas the drilling activities and related traffic inherent to hydro fracking would have a seriously detrimental impact on the number one industry of the Finger Lakes tourism, and our right to "quiet enjoyment" of private property, and  
Whereas a majority of residents in the Finger Lakes area recognize the above negative impacts of hydraulic fracturing, and  
Whereas the negative impact of hydro fracking on real estate values would effectively reduce revenue to the Town of Jerusalem,  
I encourage you to vote for the proposed zoning amendment prohibiting hydraulic fracturing in the Town of Jerusalem.  
Thank you for attention to this very crucial matter.

Sonja Simpson supports the amendment and thanked the Committee.

Melanie Steinberg noted the negative impact to the Finger Lakes Museum project. She is looking to the Town Board to protect our Town and encouraged adoption of the amendment.

Ed Seus agreed with Mrs. Steinberg. With regard to moving too fast, he stated the State is getting ready to issue permits and the people want passage of this amendment.

Joe DeGeorge questioned when the Board will vote and asked if a special meeting will be held. Review of the proposed zoning amendment will be done by the Yates County Planning Board at their November 17<sup>th</sup> meeting. Attorney Helen Slottje clarified placing this on the December Town Board monthly meeting agenda would be adequate because the State could not issue permits for a minimum of 10 days following the DEC's December 12<sup>th</sup> Supplemental Generic Environmental Impact Statement (SGEIS) comment period.

Councilor Simmons questioned the value of our moratorium that was enacted to give the Town an opportunity to get things in place. Attorney Bailey responded the Town's moratorium would not prohibit the State from issuing permits. Attorney David Slottje encouraged the Board to pursue the course they are on and not delay enactment

of the proposed zoning amendment because our one-year moratorium has not expired.

Molly Ross supports the proposed amendment based on her personal experience working in the oil industry, along with the devastation she has seen locally to the roads in Potter that heavy industry can do.

Myron White again asked the Board to contact the Mennonite Community to which Debbie Koop repeated they are aware and it is their personal choice to attend meetings or not. Mary Sutherland stated she was not invited to this meeting. She read about it in the newspaper.

Deb Smith searched for her property on East Bluff Drive for five years and drove from Michigan to attend tonight. She supports the proposed amendment.

The following persons again spoke in favor of the action: Marie Wilkins, Art Hunt, Jim Barre, Joe Hoff, Lynn Wuytowicz, Chuck Rettig, Melanie Steinberg, and Art Carcone.

RESOLUTION #192-11

CLOSE PUBLIC HEARING - LOCAL LAW H-2011 ZONING AMENDMENT - HIGH IMPACT INDUSTRIAL ACTIVITY

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

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

Resolved that the Public Hearing be closed at 8:27 P.M. and that the Board return to the Regular Town Board meeting; and be it further

Resolved that further comments on proposed Local Law H-2011 zoning amendment be sent to the Town Office for distribution to the Town Board prior to their December meeting.

RESOLUTION #193-11

CHANGE DECEMBER MEETING DATE

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

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

Whereas the December Town Board Meeting originally scheduled for December 21, 2011 is felt to be very close to the impending Christmas Holiday; now, therefore, be it

Resolved that the meeting date be moved to December 14, 2011 at 7:00 P.M.; and, further

Resolved that the meeting be held at the Branchport Fire Hall due to anticipated public attendance; and, further

Resolved that the Town Clerk place a legal notice in the newspaper that indicates said change in the regular Town Board Meeting schedule.

\*(Note: The meeting location was changed to the Keuka Park Fire Hall, 522 Assembly Avenue due to the unavailability of the original site.)

The Supervisor called for a five minute recess.

REPORT OF TOWN OFFICIALS:

HIGHWAY SUPERINTENDENT:

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

TOWN ENGINEER:

Councilor Simmons distributed the 54A Project Locations & Detours map for the State's Culvert & Wall Replacements 2012 thru 2014 to the Town Clerk and Town Engineer as it relates to DOT moving the Town's water line located near Camp Good Days. Supervisor Jones and Highway Superintendent Payne will be meeting with DOT officials after November 28<sup>th</sup>.

COUNCIL:

Councilor Stewart has been receiving phone calls regarding the Water Maintainer position advertised. He has encouraged the applicants to take the Civil Service test as the Town will interview and hire after the eligible list is available.

SUBCOMMITTEE REPORTS:

YATES COUNTY MARCELLUS SHALE TASK FORCE:

County Legislator Taylor Fitch stated the County established the Task Force to address hydrofracking and noted the Town is ahead of the work done by the Task Force. They passed a resolution to be submitted to DEC as comment on the draft SGEIS. The Task Force will be looking at a Community Host Agreement requirement.

RESOLUTION #194-11

SEQR DETERMINATION - ENVIRONMENTAL NON-SIGNIFICANCE OF PROPOSED LOCAL LAW F-2011- WIND FARM REGULATIONS

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



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

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

Section 1. The Town Board of the Town of Jerusalem (hereinafter the "Town") hereby finds and determines that:

(a) it has considered the action, reviewed the full environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts of the action and their magnitude in connection with the proposed Local Law entitled, "A LOCAL LAW REGULATING WINDFARMS" (hereinafter referred to as the "Local Law");

(b) the action (to wit, the adoption by the Town Board of the Local Law) will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant impact on the environment, and, therefore, a negative declaration will be prepared; and

(c) the reasons supporting this determination are set forth on Part 2 of the Full Environmental Assessment Form with respect to this action, a copy of which form shall be kept on file in the Office of the Clerk.

Section 2. The Town Board of the Town, as Lead Agency with reference to the above-described action, hereby:

(a) adopts a negative declaration pursuant to 6 NYCRR section 617.7 with respect to the action;

(b) authorizes the Supervisor of the Town to sign a negative declaration and determination of non-significance with respect to the action; and

(c) authorizes and directs the Clerk to publish notice of this determination in the Environmental Notice Bulletin pursuant to 6 NYCRR Part 617.17 (c) and to forward a copy of said negative declaration and determination of non-significance to the Yates County Planning Board.

Section 3. This Resolution shall take effect immediately.

RESOLUTION #195-11

RESOLUTION ORDERING REPAIR OR REMOVAL OF STRUCTURE OWNED BY CAROLYN THOMPSON

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

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

WHEREAS, the Code Enforcement Officer of the Town of Jerusalem has filed his report in writing with the Town Board of the Town of Jerusalem containing his findings and recommendations regarding certain structures situate on premise at 3705 Route 54A in which report said Enforcement Officer states his opinion that said structure is unsafe and dangerous to the public and recommends their immediate securing or removal, and

WHEREAS, the Town Board of the Town of Jerusalem after reviewing said report and after hearing said Enforcement Officer in regard thereto and after having duly deliberated upon the same, having determined that said report warrants the securing of said structures or their removal.

NOW, THEREFORE, BE IT RESOLVED, that: (1) notice be given to Carolyn Thompson, owner of this structure situate on premises on 3705 Route 54A, in the form required by section 67-6 of the Code of the Town of Jerusalem, (2) said notice to be served personally upon said Carolyn Thompson or by registered mail to her last known address as shown by the records of the tax collector or of the county clerk if such person cannot reasonably be found for personal service and by affixing a copy thereof upon said structures, (3) said notice shall order the securing of said structures in the following manner, to wit: the foundation shall be re-built and made structurally sound, the exterior walls shall be repaired and made secure both structurally and against the elements or in the alternative such structure shall be removed from the premises, to be commenced within thirty (30) days of the service of said notice and to be completed within sixty (60) days thereafter, (4) a public hearing has been scheduled on 14<sup>th</sup> day of December, 2011 at 7:10 P.M. at the Branchport Fire Hall, Route 54A, Branchport, New York , in relation to such dangerous or unsafe structures, and (5) the Code Enforcement Officer of the Town of Jerusalem be and he hereby is directed to prepare said notice and arrange for the service thereof in accordance with the requirements of said Local Law and by filing in the office of the County Clerk.

\*(Note: The meeting location was changed to the Keuka Park Fire Hall, 522 Assembly Avenue due to the unavailability of the original site.)

UNSAFE STRUCTURE - 2958 ROUTE 54A

The Notice of proceedings to remove the unsafe building from the premises reputedly owned by Kathleen Yells has been served.

RESOLUTION #196-11

SUPPORT SUBMISSION OF CONSOLIDATED FUNDING APPLICATIONS BY FINGER LAKES MUSEUM ON BEHALF OF THE TOWN OF JERUSALEM

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

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

Whereas Finger Lakes Museum is submitting a Consolidated Funding Application to make Phase 1 improvements to its property in the Hamlet; and

Whereas the Finger Lakes Museum is submitting a Second Consolidated Funding Application on behalf of the Town of Jerusalem through the Department of States Coastal Program which requires the applicant to be a New York State Municipality; and

Whereas the Town of Jerusalem has signed a Memorandum of Understanding with Finger Lakes Museum committing our support to their activities; and

Whereas one such partnership is the revitalization of the Water Front of the Hamlet of Branchport;

Now Therefore Be It Resolved that The Town Board of the Town of Jerusalem supports the Finger Lakes Museum's submission of the 2 (Two) Consolidated Funding Applications for Phase 1 improvements to its property in the Hamlet of Branchport

RESOLUTION #197-11

SCHEDULE PUBLIC HEARING - PROPOSED LOCAL LAW E-2011 - CHAPTER 131  
SEWER AMENDMENTS

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

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

Resolved that a Public Hearing on proposed Local Law E-2011 amending Chapter 131. Sewers be held December 14, 2011 at 7:00 P.M. at the Branchport Fire Hall; and, be it further

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

\*(Note: The meeting location was changed to the Keuka Park Fire Hall, 522 Assembly Avenue due to the unavailability of the original site.)

RESOLUTION #198-11

2011 BUDGET AMENDMENT - FIRE DEPARTMENT PARKING LOT

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

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

Whereas, the Branchport/Keuka Park Fire District requested some blacktop to maintain the parking lot at the Branchport Fire House from the Highway Superintendent, and

Whereas, the Town Highway Superintendent arranged to have Suit-Kote Corporation deliver such material when they were in the area, and

Whereas, the Town paid the Suit-Kote Corporation invoice in full and then invoiced the Branchport/ Keuka Park Fire District for their owed amount, now, therefore be it

RESOLVED that the 2011 budget be amended to reflect payment received from the Branchport/ Keuka Park Fire District as follows

Revenue code 2770 be increased \$ 4999.41  
Expense code 3989.4 be increased \$ 4999.41

RESOLUTION #199-11

APPROVAL TO BID TOWN CLEANING SERVICES

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

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

Whereas ARC of Yates notified the Town that the cost of our cleaning services will increase as they are now required to charge prevailing wage; and

Whereas there has been dissatisfaction with the quality of cleaning services provided; now, therefore, be it

Resolved that Councilors Stewart and Parson will draft a notice for bids on cleaning services at the Town Hall and Highway Barn.

RESOLUTION #200-11

ASSESSOR 2011 VACATION REQUEST

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

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

Whereas the appointed Assessor is requesting vacation time in December 2011; and

Jerusalem Town Board  
November 16, 2011

Whereas Town Board authorization is needed to grant said vacation time as the Employee Handbook does not define the benefits afforded to that position; now, therefore, be it

Resolved that the Assessment Committee meet with the Assessor to determine the benefit package for that position.

With there being no further business, on a motion of Councilor Stewart, seconded by Councilor Simmons, the meeting was adjourned at 9:23 P.M.

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Sheila McMichael, Town Clerk