

JERUSALEM TOWN BOARD MEETING - MARCH 15, 2006

Minutes of the regular monthly meeting of the Jerusalem Town Board held on March 15, 2006 at 7:00 P.M. PRESENT were: Councilpersons Folts, Hopkins and Stewart, Supervisor Jones, Town Engineer Ackart, Town Clerk McMichael.

Excused: Councilperson Barden, Highway Superintendent Payne.

Guests: Max Parsons, Bob Armstrong, Peg Thompson, Dundee Observer reporter.

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

RESOLUTION #56-06
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the February 15, 2006 meeting be approved as presented.

REPORT OF TOWN OFFICIALS
HIGHWAY SUPERINTENDENT

Highway Superintendent Payne submitted his written report for February, on file in the Office of the Town Clerk.

TOWN ENGINEER

- The February 28th E-One training session on site diagnostics with the Town of Milo was very informational.
- Water Maintainer Dinehart recently volunteered to assist the Town of Milo with a sewer issue. A mutual aid agreement will be formalized to cover these situations.
- The automated tank fill system at the State Park remained operational during the recent windstorm power outage. We only had to reset one "clock".
- Town Engineer Ackart and Code Enforcement Officer Phillips have been working with Keuka College on the upcoming renovation of Ball Hall with regard to building, water, sewer and drainage issues.
- Bids for the Pulteney water project are due the end of the month. If accepted, water from Penn Yan's water filtration plant will be transmitted through Jerusalem's Water Districts #1 and #3 lines to Pulteney.
- Flow charts indicate Keuka Park has been taking on more water the last two days. Testing will be done to determine the reason for this.

RESOLUTION #57-06

AUTHORIZE SALT STORAGE GRANT APPLICATION

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

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

Resolved that the Supervisor be authorized to submit an application requesting Water Quality Improvement Project Funding on behalf of the Town for a salt storage structure.

RESOLUTION #58-06

AUTHORIZE BOOKKEEPER TO ATTEND SEMINAR

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

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

Resolved that the Bookkeeper is hereby authorized to attend the State Comptroller's Advanced Accounting School seminar in Canandaigua, New York on October 4-6, 2006 with expenses covered by the Town of Jerusalem.

RESOLUTION #59-06

SCHEDULE PUBLIC HEARING FOR PROPOSED LOCAL LAW B-2006 TO ESTABLISH TRAINING REQUIREMENTS FOR PLANNING AND ZONING BOARD MEMBERS

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

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

Whereas proposed Local Law B-2006 has been submitted as follows:

SECTION 1. TITLE

The Law shall be entitled: "A local law establishing training requirements for members and alternate members of the Planning Board and Zoning Board of Appeals of the Town of Jerusalem."

SECTION 2. PURPOSE AND INTENT

A. The Town Board (hereinafter the "Town Board") of the Town of Jerusalem (hereinafter the "Town") finds that appropriate training of Zoning Board of Appeals (hereinafter the "ZBA") and Town Planning Board (hereinafter the "Planning Board") members is essential to the proper functioning of said Boards.

B. The State of New York has recognized the importance of training in amendments to the Planning Board and ZBA statutes (Town Law sections 271 and 267).

C. It is the purpose of this Local Law to assist the members of the ZBA and Planning Board in obtaining training to enhance their ability to carry out their duties under applicable provisions of Law, and to pay the reasonable costs of such training as a Town charge.

D. It is also the purpose of this Local Law to establish minimum training and continuing education course requirements for such members.

SECTION 3. MINIMUM TRAINING REQUIREMENTS

A. All members and alternate members (hereinafter individually or collectively referred to as "Member" of the ZBA and Planning Board) shall attend training sessions at least once for their term of office and provide a certificate of attendance.

B. All members and alternate members first appointed after January 1, 2006 shall be required to attend a minimum of one relevant training course within one year from the date of their initial appointment to such board and thereafter shall comply with paragraph A. A certificate of attendance must be provided.

C. Non-compliance with these minimum requirements relating to training shall be deemed a proper cause for removal from office.

D. The reasonable costs of such training courses, seminars, workshops or continuing education courses so designated shall be a Town charge. Members shall also be reimbursed for travel and meal expenses according to Town policies. Such training sessions shall be approved in advance by the Town Board.

SECTION 4. APPROVED TRAINING COURSES

Training sessions which relate to the duties of members of the ZBA and members of the Planning Board may include programs offered by the New York State Department of State, New York State Association of Towns, New York State Department of Environmental Conservation, the New York State Planning Federation, the Yates County Cooperative Extension, and other such entities. The Town Board, after discussion with the Chairpersons of the ZBA and Planning Board, shall annually designate such training courses, seminars, workshops, or continuing education courses which may be offered within a reasonable distance and which may be helpful to or of assistance to the ZBA and Planning Board in carrying out their respective functions in a timely, fair and lawful manner.

SECTION 5. LACK OF TRAINING NOT TO AFFECT VALIDITY OF MEMBERS' ACTIONS

Notwithstanding the foregoing, the failure of a member of the Planning Board or ZBA to obtain such training shall not affect said

person's appointment to serve on such Board, to entertain applications, to vote on such applications, or the validity of such member's actions, or the validity of any Decision, order or action of such Board.

SECTION 6. PROCEDURE FOR REMOVAL OF A MEMBER

The Chairperson of the ZBA and the Chairperson of the Planning Board shall notify the Town Board in writing on or about 30th day of November in any year of any member who fails to comply with the minimum requirements for training in any calendar year. In the event a member of the ZBA or Planning Board has failed to complete the minimum training requirements set forth in Section 3, then the Town Board may remove such member for cause as herein provided:

A. Notice. Such member shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum requirements of Section 3 above.

B. Public Hearing. Such notice shall specify a date, not less than ten (10) or more than thirty (30) days from the date of mailing such notice, when the Town Board shall convene and hold a public hearing on whether or not such member should be removed from service on such Board. Such notice shall also specify the time, date and place of such hearing.

C. Public Notice. Public notice of such hearing shall be published in the official newspaper of the time at least ten (10) days prior to the date of the public hearing.

D. Conduct of Hearing. The public hearing on the charges shall be conducted before the Town Board. The member shall be given an opportunity to retain an attorney, present evidence, call witnesses to refute the charges and cross-examine witnesses. A record of such hearing shall be made. The decision of the Town Board shall be reduced to writing together with specific findings of the Town Board with respect to each charge against such member. A copy of such decision and such findings shall be filed in the Office of the Town Clerk and mailed to the member.

E. Action by the Town Board. Following the hearing and upon a finding that such member has not met the minimum training established by this Local Law the Town Board may:

- i. remove such member from the ZBA or Planning Board; or
- ii. issue a written reprimand to such member without removing such member from such Board; or
- iii. if the Town Board shall find that the reasons for failing to meet the minimum training requirements are excusable because of illness, injury or other good and sufficient cause, the Town Board may elect to take no action.

SECTION 7. REMOVAL FOR CAUSE

Nothing contained herein shall be deemed to limit or restrict the Town Board's authority to remove a member from the ZBA or Planning Board for cause (i.e., for reasons other than those enumerated herein). The procedural provisions of section 6 (Procedure) of this Local Law shall govern any hearing to remove a member for cause.

SECTION 8. SEPARABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held to be illegal, invalid or unconstitutional, or to be inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or such inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this Local Law or their application to other persons or circumstances.

SECTION 9. EFFECTIVE DATE AND APPLICABILITY

A. This Local Law shall take effect immediately upon its being filed by the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

B. This Local Law shall apply to all members and alternate members of the ZBA and Planning Board regardless of the date of their appointment to such boards.

C. Prospective members and alternate members of the ZBA and Planning Board shall be notified of the requirements of this Local Law prior to their appointment to such board.

, now, therefore, be it

Resolved that a Public Hearing be held at the April 19, 2006 Town Board meeting at 7:00 P.M.; and, further

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

RESOLUTION #60-06

SCHEDULE PUBLIC HEARING AND AUTHORIZE GML 239 REFERRAL FOR PROPOSED LOCAL LAW C-2006 IMPOSING A 6-MONTH MORATORIUM ON WIND FARMS

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

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

Whereas proposed Local Law B-2006 has been submitted:

Be it enacted by the Town Board of the Town of Jerusalem as follows:

Section 1. Title

This Local Law shall be referred to as the "Local Law Imposing a Six Month Moratorium on Wind Farms."

Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Town of Jerusalem (the "Town") to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town hereby declares a six month moratorium on the establishment, placement, construction, enlargement and erection of Wind Farms within the Town.

The Town Board is aware that the location of Wind Farms within the Town may have a significantly detrimental effect on the visual environment of the Town and that proposals for establishing Wind Farms have been made in nearby towns.

The possible introduction of such establishments within the Town, where the visual environment is a significant factor in the attractiveness of the Town as a resort and destination for tourists, calls for the planning of suitable standards and controls as to the location, use, and zoning of Wind Farms.

The Town Board of the Town desires to address, in a careful manner, the establishment, placement, construction, enlargement and erection of Wind Farms on a comprehensive Town-wide basis, rather than on an individual basis, and to adopt appropriate land use provisions specifically to regulate same.

A previous moratorium for the same purpose expired in August 2005, but the Planning Board and the Town Board have not completed the work necessary for proposing a suitable regulation of Wind Farms in the Town.

Section 3. Scope of Controls

A. During the effective period of this Local Law:

1. The Town Board of the Town shall not grant any approvals that would have as the result the establishment, placement, construction, enlargement or erection of a Wind Farm within the Town.

2. The Town Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit that would have as a result the establishment, placement, construction, enlargement or erection of a Wind Farm within the Town.

3. The Town Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the establishment, placement, construction, enlargement or erection of a Wind Farm within the Town.

4. The Code Enforcement Officer of the Town shall not issue any permit that would result in the establishment, placement, construction, enlargement or erection of a Wind Farm within the Town.

B. The Town Board of the Town reserves the right to direct the Code Enforcement Officer to revoke or rescind any building permit or certificate of occupancy issued in violation of this Local Law.

Section 4. No Consideration of New Applications

No application for construction affected by this Local Law or for approval for a site plan, subdivision, variance, special use permit or other permits shall be considered by any board officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

Section 5. Term

The moratorium imposed by this Local Law shall be in effect for a period of six months from the effective date of this Local Law.

Section 6. Penalties

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any Wind Farm in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town for violations; and

B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law.

Section 7. Validity

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 8. Hardship

A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days of receipt of

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said application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the Town. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section 9. Effective Date

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

, now, therefore, be it

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

Resolved that a Public Hearing be held at the April 19, 2006 Town Board meeting at 7:05 P.M.; and, further

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

RESOLUTION #61-06

ADOPT LOCAL LAW #1-2006 ESTABLISHING A POLICY ON NEW DRIVEWAYS AND THE REPAIR OF EXISTING DRIVEWAYS ON TOWN ROADS IN THE TOWN OF JERUSALEM

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

ADOPTED BY ROLL CALL VOTE

Councilperson Folts	Nay
Supervisor Jones	Aye
Councilperson Hopkins	Aye
Councilperson Stewart	Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Jerusalem for a public hearing to be held by said Town Board on February 15, 2006, at 7:00 P.M. at the Town Hall at 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law entitled "A Local Law establishing a policy on new driveways and the repair of existing driveways on Town roads in the Town of Jerusalem, and

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WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on January 25, February 1 and February 8, 2006, and

WHEREAS, said public hearing was duly held on February 15, 2006, at 7:00 P.M. at the Town Hall at 3816 Italy Hill Road, Branchport, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Yates County Planning Board recommended approval of the proposed Local Law on September 22, 2005, pursuant to section 239-m of the General Municipal Law, and

WHEREAS, the Town Board of the Town of the Town of Jerusalem, after due deliberation, finds it in the best interest of said Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of the Town of Jerusalem hereby adopts said Local Law 1-2006 entitled "A Local Law Establishing a Policy on New Driveways and the Repair of Existing Driveways on Town Roads in the Town of Jerusalem" with the inclusion of "additional" insured to Section 6. 3., a copy of which is attached hereto and made a part of this resolution, 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.

BE IT ENACTED BY THE TOWN OF JERUSALEM AS FOLLOWS:

Section 1: Purpose

The Town Board of the Town of Jerusalem finds that unsupervised installation and repair of driveways on Town Roads can cause dangerous and harmful conditions unless adequate provision is made for the carrying off of surface water, for adequate passage of storm water under the driveway as it crosses the highway ditch, and for adequate sight distance from the driveway to motorists using the highway. This local law is adopted by the Town Board in order to reduce these problems and thereby enhance the health, welfare and safety of the inhabitants of the town and all persons using Town roads.

Section 2: Policy

1. No person shall build a new driveway from a town road or replace an existing driveway pipe without submitting a written application to the Town, receiving approval from the Highway Superintendent and paying the applicable fee or fees.
2. All new driveway pipes shall be installed by the Town of Jerusalem, except as provided in Section 6.
3. All new and replacement pipes shall be ADS or Hancor smooth bore polyethylene (when possible) or equal as approved by the Town of Jerusalem Highway Superintendent or his designee. All 12" - 48" pipes shall meet AASHTO M294-97 Type S requirements.
4. Direct flow of storm water from the proposed new driveway onto any Town of Jerusalem road shall not be permitted. Drainage swales or ditches shall be provided at both sides of the proposed driveway and shall provide for positive drainage from the driveway into the existing road ditch within the public right-of-way.

Section 3: Fees and Expenses.

1. No application shall be complete without payment of the application fee by the property owner.
2. The property owner shall also pay an installation fee prior to the commencement of work by the Town. This fee may be waived when the work is to be performed by a private contractor under Section 6.
3. The amount of all fees shall be prescribed from time to time by resolution of the Town Board.
4. The cost of all materials, including replacement pipes and additions to existing driveway pipe systems, shall be paid by the property owner, unless the existing pipe or system is defective or not functioning properly.

Section 4: Application and Permit.

1. Upon notice of the planned installation of a new driveway or the replacement or extension of an existing driveway pipe on a Town highway, the Highway Superintendent shall meet with the interested property owner for the purpose of providing and explaining to the owner a Driveway Permit Application.
2. The Driveway Permit Application will require a sketch or drawing that shows the location of all pipes and gives dimensions to nearby reference points and a detailed description of the method of construction.

3. The Highway Superintendent will review existing site conditions and determine the proper diameter and the length and depth of pipe to be installed and whether end sections well re required. The cost of materials and the installation fee will be determined and made part of the Driveway Permit Application given to the property owner.
4. The approved application shall constitute a Permit for doing the work described in it.

Section 5: Installation by the Town.

The property owner shall purchase all new driveway pipe and fittings as required by the Permit. Upon notice from the property owner that all the materials listed on the Permit have been obtained, the Highway Superintendent shall schedule installation work to begin within fifteen (15) working days or as soon as the work can reasonable be scheduled. No driveway installation work shall begin prior to receipt of the installation fee.

Section 6: Installation by a Private Contractor.

1. In case of a hardship due to scheduling or time constraints, the property owner may hire a private contractor (approved by the Town of Jerusalem Highway Superintendent) to perform the installation.
2. All work done by a private contractor shall be at the expense of the owner.
3. All private contractors must provide an appropriate insurance certificate naming Town of Jerusalem as an additional insured party before any work is begun.
4. No work by a private contractor shall begin until the Driveway Application fee is paid to the Town of Jerusalem.
5. No installation fee shall be required by the town when the installation is Permitted to be done by a private contractor as provided in this Section.
6. All driveway installation work performed by a private contractor will be subject to a final inspection and acceptance by the Highway Superintendent. The contractor or owner should request a final inspection while the contractor is still on-site. Should the installation not be done in a satisfactory manner, the Highway Superintendent will not approve the installation. The cost of all work required to correct or re-install the driveway pipe to the satisfaction of the Highway Superintendent shall be paid by the property owner.

Section 7: Violations.

1. In case a new or replacement driveway pipe is installed by a private contractor or other person after the effective date of this law without prior approval and permission of the of the Highway Superintendent as required by this law,
 - a. the owner shall be required to submit a Driveway Permit Application and pay the appropriate fee to the Town of Jerusalem, and
 - b. the installation shall be subject to removal and re-installation at the expense of the owner if found to be unsatisfactory by the Highway Superintendent.
2. Any violation of this local law shall be an offense punishable by a fine not exceeding \$250.00.

Section 8: Effective Date

This Local Law shall take effect on the day when it is filed by the New York State Secretary of State.

RESOLUTION #62-06

ADOPT LOCAL LAW #1-2006 DRIVEWAY INSTALLATION POLICY FEE SCHEDULE

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

ADOPTED Ayes 3 Jones, Hopkins, Stewart
 Nays 1 Folts

Pursuant to Local Law #1-2006 which authorizes the Town Board to adopt fees from time to time applicable to the installation or repair of new and existing driveways in the Town of Jerusalem, be it

Resolved that until further resolution of this board the fee schedule is as follows

	Item	Fee
1.	Application	\$35.00
2.	Installation of new driveway pipe	\$100.00 for each 20 feet

RESOLUTION #63-06

ACCEPT ZONING BOARD OF APPEALS RESIGNATION LETTER FROM NEIL SIMMONS

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

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

Resolved that the Town Board accepts Neil Simmons resignation from the Zoning Board of Appeals, effective April 30, 2006.

RESOLUTION #64-06

APPROVE MAINTENANCE OF "LEST WE FORGET" MEMORIAL

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

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

Whereas the "Lest We Forget" Committee has offered to maintain the Veteran's Memorial; and

Whereas we have been advised by Sprague Insurance that the Town has liability coverage for such volunteer service; now, therefore, be it

Resolved that the "Lest We Forget" Committee be charged with the maintenance of the Veteran's Memorial as offered.

RESOLUTION #65-06

AUDIT OF CLAIMS

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

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

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

General	\$ 7,928.31
Highway DA	\$ 5,893.27
Highway DB	\$ 10,982.37
Sewer	\$118,335.90
Water	\$ 2,327.56

RESOLUTION #66-06

SUPERVISOR'S REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of February 2006 be accepted as presented.

RESOLUTION #67-06

CRESCENT BEACH SPEED LIMIT

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

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

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Whereas New York State Vehicle and Traffic Law states no area speed limit can be posted for less than 30 MPH and the New York State Department of Transportation Traffic and Safety denied the petition from residents at Crescent Beach for a speed limit of 15 MPH; and

Whereas the Yates County Sheriff's Department investigated and recovered the posted 30 MPH speed limit signs; and

Whereas the Department of Transportation has advised the Town may place a (reduced) advisory speed sign on a warning sign, i.e., Pedestrian or Narrow road sign to address concerns of the Crescent Beach residents, although this black on yellow advisory signing is not regulatory; and

Whereas if the Town chooses not to post these roads with the approved 30 MPH regulatory limit, then by default, the statewide 55 MPH would prevail as the enforceable limit; now, therefore, be it

Resolved that the 30 MPH speed limit signs be put back up and yellow advisory signs be discussed with the Highway Superintendent; and, further

Resolved that the Department of Transportation letter be copied to the Crescent Beach residents.

REPORT OF TOWN COUNCIL:

Councilpersons Stewart and Barden met with Doug Amey, who designed the Town's web page and has been retained as our Webmaster. Board minutes will be posted on the site for one year.

PUBLIC COMMENTS:

Max Parsons, Guyanoga Road, stated his appreciation for the help received from Town personnel, John Phillips and Elaine Nesbit, following the recent fire at his house.

RESOLUTION #68-06

MOVE TO EXECUTIVE SESSION

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

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

Resolved that the regular meeting be interrupted to move into Executive Session at 8:01 P.M. to discuss collective negotiations pursuant to Article 14 of the civil service law.

RESOLUTION #69-06

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session at 8:50 P.M.

RESOLUTION #70-06

OVERTIME AND COMPENSATORY POLICY

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

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

Whereas overtime and compensatory time has been paid according to the Fair Law Standards Act, whereby hourly employees earn overtime for hours worked in excess of 40 hours in one work week, and also, benefit time does not count towards the 40 hours worked; and

Whereas review of our proposed draft Employee Manual by the Association of Towns has not been completed to date, and therefore not in effect; and

Whereas the Highway Superintendent submitted a request that this policy be revised to consider benefit time as hours worked due to the need to call employees in during emergencies after hours and when on vacation; now, therefore, be it

Resolved that effective immediately, benefit time will be considered as time worked in computing overtime for hourly employees; and, further

Resolved an hourly employee may elect to take compensatory time in lieu of overtime pay. No employee may accumulate more than a total of 40 hours of compensatory time per year. An employee is not allowed to accumulate 40 hours, use 8 hours of compensatory time and build it back up to 40 hours. At the end of the year, any unused compensatory time will be paid at the hourly rate in effect on December 31.

With there being no further business, on a motion of Councilperson Hopkins, seconded by Supervisor Jones, the meeting was adjourned at 8:52 P.M.

Sheila McMichael, Town Clerk