

Minutes of the regular monthly meeting of the Jerusalem Town Board held on December 17, 2008 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Hopkins, Simmons, Stewart, Highway Superintendent Payne, Town Engineer Ackart, Town Clerk McMichael.

GUESTS: Max Parson, William Pringle, Ron Rubin, George Sproule, Bob Evans, Jim Bird, Susan Close, Tom Close, Annette Toaspern, Glenn Herbert, Chuck Mitchell.

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

RESOLUTION #173-08
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the November 19, 2008 meeting be approved as read.

RESOLUTION #174-08
AUDIT OF CLAIMS

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

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

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

General:	\$ 12,439.80
Highway DA:	\$ 4,853.20
Highway DB:	\$ 13,670.35
Sewer:	\$ 2,049.21
Water:	\$ 2,066.09
Branchport Light:	\$ 255.00
Trust:	\$ 12,176.28
November utilities: General:	\$ 27,933.42
Highway DA:	\$ 1,000.00
Highway DB:	\$ 7,940.00
Brnpt. Light:	\$ 255.00
Sewer:	\$ 23,787.70
Water:	\$ 56,337.48
Trust:	\$ 35,162.38

RESOLUTION #175-08
SUPERVISOR'S REPORT

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

ADOPTED	Ayes	4	Folts, Jones, Simmons, Stewart
	Nays	0	
	Abstain	1	Hopkins

Resolved that the Supervisors' Report on the Town's finances for the month of November 2008 be accepted as presented.

MOVE TO SCHEDULED PUBLIC HEARING - PROPOSED LOCAL LAW G-2008 AMENDING CHAPTER 143 VETERANS AND SENIOR CITIZENS TAX EXEMPTION

With proof of notice having been duly published and posted, Supervisor Jones opened the public hearing on proposed Local Law G-2008 amending Chapter 143 Veterans and Senior Citizens tax exemption at 7:08 P.M. Supervisor Jones presented a summary of conduct for the public hearing.

Bob Evans requested a definition of veteran. Councilperson Stewart stated veteran does not include cold war veterans.

Jim Bird spoke to the following information he sent to the Town Board on December 15th:
Town Board Members,

I understand that there will be a public hearing concerning Alternative Veterans Exemption this Wednesday. I hope to attend the meeting if I can get home in time, but I am sending you some information that you may want to review. Along with the Alternative Veterans Exemption, there is a new veteran's exemption option (Real Property Tax Law, section 458-b) that you can adopt this year that you may or may not be aware of. It is called the Cold War Veterans Exemption and I think that you will find that it is much more inclusive and actually fairer to more veterans than just the Alternative Veterans Exemption. It may be already under your consideration for the public hearing but in case it is not, I just wanted to make sure that you were aware of it. I personally think it should be considered along with the Alternative Veterans Exemption.

The Alternative Veterans Exemption carves specific time windows out of history to qualify non-combat veterans for an exemption. However, it ignores those who served and provided a valuable function during a time of preparation for wars. Under the Alternative Veterans Exemption, if a veteran's active duty fell one day within one of those windows, they qualify for the Alternative Exemption. The Cold War Veterans Exemption pertains to those veterans who served from Sept 2, 1945 to December 26, 1991. It recognizes all veterans who served at a time when it was crucial that the nation maintain a strong military as a deterrent to an attack by the Soviet Union. As I once heard it explained, if the mission of the armed services is to maintain a state of operational readiness, how could the service and contributions of those who guarded our bases, trained our soldiers, and maintained our ships and aircraft for combat be considered to be less significant to their country than the non-combat veterans of any other time period? Non-wartime veterans made the same commitment and took the same risk as those non-combat veterans who served during times of conflict, especially those who served during the Cold War when there was a constant risk of conflict. Why should a veteran who served one day during one of those time periods of actual conflict qualify for an exemption when someone who may have spent years preparing military equipment and training for combat not receive the exemption? The Cold War Exemption amendment was recently adopted to the Real Property Tax Law and is now available for towns to accept along with the other exemptions.

The following website has some great information related to the exemptions and I'm sure that the Yates County Department of Veterans would be available to explain further.

<http://www.orps.state.ny.us/pamphlet/exempt/vets.htm>

There was considerable discussion on the cold war veteran exemption. The Town is not able to quantify the cost of that benefit with the current information available to us. The Town Board will consider this further when we are able to measure the financial impact to the

Town. It was noted the Town tax is only a small portion with the majority of the tax monies going to the County.

Bill Pringle wholly agreed with Mr. Bird.

The public hearing was left open.

MOVE TO SCHEDULED PUBLIC HEARING - PROPOSED LOCAL LAW B-2008 AMENDING
CHAPTER 160 ZONING ORDINANCE

With proof of notice having been duly published and posted, Supervisor Jones opened the public hearing on proposed Local Law B-2008 amending the zoning ordinance as to home occupations, building height, set-backs for sheds generally, other set-backs in the R-1 District, and allowing one RV in the R-1 District at 7:22 P.M.

In response to a question regarding permits for swimming pools in the AGR District, it was explained these zoning ordinance changes were based on the number of variance requests granted by the Zoning Board of Appeals for similar relief and are found to be reasonable accommodations of landowners in the R-1 District.

The public hearing was left open.

PRESENTATION - CHUCK MITCHELL, JERUSALEM REPRESENTATIVE TO YATES
COUNTY PLANNING BOARD

Chuck Mitchell, Jerusalem representative to the Yates County Planning Board provided a copy of their Bylaws outlining the purposes and activities of the Yates County Planning Board as established in General Municipal Law Article 12-B and under the direction of the Yates County Legislature.

The County Planning Board, along with the Yates County Planner, Shawna Bonshak are resources to the Town. The County Planning Board reviews certain planning, zoning and subdivision actions of the Town as provided in General Municipal Law 239 (l), (m), and (n). The process is to foster coordination of municipal planning and zoning actions and to provide guidance to local agencies regarding inter-community and county-wide considerations. The County Planning Board does not have jurisdiction as the local board is ultimately responsible to approve, modify or disapprove the application.

Mr. Mitchell requested that applicants be encouraged to attend the County Planning Board meetings to answer any questions they may have to assist them with their review.

The Town was recently informed of a change in the Yates County Planning Board's referral deadline, which will cause a delay in matters referred by the Jerusalem Town Board. Yates County Planner Bonshak replied that they understand our concern and will work with

us to get matters on their agenda. We need to advise the County of a referral by the Tuesday the week before the meeting and submit the referral as early as possible on the Thursday before the meeting.

Mr. Mitchell was thanked by the Board for his service on the Yates County Planning Board.

REPORT OF TOWN OFFICIALS
HIGHWAY SUPERINTENDENT

- Written financial report on road work done for the month of November (on file in the Office of the Town Clerk).
- Highway Superintendent Payne stated winter is upon us and we are putting a dent in our salt and sand.
- Budget wise, the Highway Department is doing fine and will have a pretty good amount left over by year-end.
- There was considerable discussion on CHIPS funding following the Benton Town Board meeting comments in The Chronicle Express. Payne stated the \$37,000 increase for 2008 CHIPS funds to Jerusalem was a one-time increase. There has not been any official notification of the amount we will receive in 2009.
- The Town of Barrington Intermunicipal Agreement was tabled until all issues are ironed out.

TOWN ENGINEER

- Town Engineer Ackart stated Town Attorney Bailey drafted a revised Water Contract with the Town of Pulteney for review.
- Resident Ed Castillo will circulate the petition for Sewer District #3 in January.
- Discussions continue with Keuka College on their water and sewer contract.
- Supervisor Jones worked with Town Engineer Ackart to develop a prioritized list of projects for the proposed 2009 Federal Economic Stimulus Program that include a Highway salt and sand storage facility, rehabbing the Branchport Elementary School for use as Town Offices and a Community Center, and Keuka Park Water District water main replacement.

COUNCIL

- As Planning Board liaison, Councilperson Simmons reported Bob Evans and Mary Coriale were re-elected as Chair and Vice-Chair of the Planning Board.
- Town resident, Frank Strong made a presentation to the Planning Board on conservation easements and open space in the Town of Perinton.
- The recently enacted steep slope regulations have been put to use in two situations.

RESOLUTION #176-08
APPROVAL TO PURCHASE COPIER

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

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

WHEREAS, the 2009 general budget included leasing a copier at \$960 per year for 3 years; and

WHEREAS, this figure was based off a 2007 quote at 0% interest; and

WHEREAS, the Town had to obtain a new quote due to the time that has lapsed; and

WHEREAS, the new quote now includes interest that totals \$703.80 over the three-year period; now, therefore,

BE IT RESOLVED that the Town purchase the copier at a cost of \$2,529.00 because of the cost savings.

SUPERVISOR

- Supervisor Jones reported dialogue began with the New York State Department of Transportation regarding their proposed project to rehabilitate Route 54A between Branchport and Penn Yan.
- In response to an inquiry to abandon Mill Street, Supervisor Jones asked Town Historian Evans to research the matter. The information concludes that Mill Street does not go all the way to the Basin. The Town will need to obtain an easement for the water main located there. Legalities for official abandonment will need to be researched and outlined by the Town Attorney.

SUBCOMMITTEE REPORTS

ZONING REVIEW/TOWNHOUSE SUBCOMMITTEE

Zoning Review/Townhouse Subcommittee Chair Annette Toasperm stated they will be meeting December 29th.

SUBDIVISION SUBCOMMITTEE

Subdivision Subcommittee Chair Tom Close reported on three meetings held. They have converged on a definition of subdivision based on the State Health Code. Mr. Close noted the compromise was achieved through the substantial efforts of Attorney Don Schneider. We will need to ensure the Town is able to track and enforce any regulations put in place. Mr. Close will discuss this matter with Code Enforcement Officer, John Phillips and ZAP Clerk, Elaine Nesbit. The Subcommittee will schedule a public informational meeting to discuss the proposed regulations when they are completed.

WIND FARM SUBCOMMITTEE

Wind Farm Subcommittee member Bill Pringle reported they are in the process of drafting proposed regulations.

ZAP OPERATIONS REVIEW SUBCOMMITTEE

Councilperson Stewart stated the ZAP Operations Review Subcommittee has not met yet.

BOARD OF ASSESSMENT REVIEW APPLICANTS

Supervisor Jones stated we have received two applicants for the Board of Assessment Review Board. Interviews will be scheduled in January.

RESOLUTION #177-08

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW G-2008 AMENDING REAL PROPERTY TAX EXEMPTIONS IN THE TOWN OF JERUSALEM

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

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

Resolved that the Public Hearing on amendments to Chapter 143 Veterans and Senior Citizens Tax exemption be closed at 8:25 P.M. and that the Board return to the Regular Town Board meeting.

RESOLUTION #178-08

PROPOSED LOCAL LAW B-2008 AMENDING CHAPTER 160 ZONING ORDINANCE - AUTHORIZE FILING OF A NEGATIVE DECLARATION UNDER THE SEQR LAW

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

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

Whereas the Town Board of the Town of Jerusalem hereby finds and determines with respect to the revision of zoning as to home occupations, building height, set-backs for sheds generally, other set-backs in the R-1 District and allowing one RV in the R-1 District, it has considered the action, reviewed the short environmental assessment form and determined the adoption will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant effect on the environment; now, therefore, be it

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

RESOLUTION #179-08

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW B-2008 AMENDING CHAPTER 160 ZONING ORDINANCE

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

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

Resolved that the Public Hearing on amendments to Chapter 160 Zoning Ordinance be closed at 8:29 P.M. and that the Board return to the Regular Town Board meeting.

RESOLUTION #180-08

ADOPT KPSW FEE SCHEDULE

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

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

Resolved that the following fee schedule be adopted for the Keuka Park Water/Sewer Department for 2009:

<u>WATER FEE SCHEDULE</u>	<u>FEE</u>
APPLICATION FEE***	\$350.00
CONNECTION FEE**	\$251.00 MULTIPLIED BY # OF EDU'S
TURN ON/OFF	\$ 25.00
METER (new and/or replacement)	\$200.00
HOURLY RATE*	\$ 25.00 PER HOUR
WEEKEND CALL IN*	\$ 75.00
PARTS*	COST
Return Check	\$ 20.00
Relevy Fee	\$ 50.00 (Minimum Relevy Amount \$50.00)

<u>SEWER FEE SCHEDULE</u>	<u>FEE</u>
APPLICATION FEE***	\$350.00
CONNECTION FEE SEWER ORIGINAL, EXT. 1, EXT. 3**	\$ 36.00 MULTIPLIED BY # OF EDU'S
CONNECTION FEE SEWER EXT. 2**	\$688.00 MULTIPLIED BY # OF EDU'S
TURN ON/OFF	\$ 25.00
HOURLY RATE*	\$ 25.00 PER HOUR
WEEKEND CALL IN*	\$ 75.00
PARTS*	COST
Return Check	\$ 20.00
Relevy Fee	\$ 50.00 (Minimum Relevy Amount \$50.00)

*These fees would only apply to repairs made due to customer negligence or request. Hourly rate will only apply if outside the normal working hours and will be in addition to the weekend call in fee.

**Connection fee will apply to vacant property or property that is split from a parcel of land that is permitted to connect to water and/or sewer and currently does not pay capital charge. It will not apply to those properties that have paid the lump

sum payment for either water or sewer capital. Fee will be equal to the current capital charge for that district multiplied by the number of EDU's. They will also be charged an application fee in addition to the connection fee.

***Water and Sewer Permits are valid for 90 days. Permits may be renewed 1 time for a total of 180 days for no additional charge. After 180 days, the original permit will become void, and the applicant will need to re-apply for water and/or sewer connection permit and pay an additional application fee (\$350.00).

RESOLUTION #181-08
AMEND WATER BUDGET

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

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

Whereas, the Town approved Resolution #64-08, which establishes the Routine Repair Reserve for the consolidated water; and

Whereas, the Town did not have a budgeted line item for this reserve; now, therefore

BE IT RESOLVED that the Water Fund be amended as follows

Interfund Transfers 9901.9 be increased \$ 10,000.00

Use of Fund Balance 909.8 be increased \$ 10,000.00

RESOLUTION #182-08

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. 6 OF 2008 AMENDING THE ZONING ORDINANCE AS TO HOME OCCUPATIONS, BUILDING HEIGHT, SET-BACKS FOR SHEDS GENERALLY, OTHER SET-BACKS IN THE R-1 DISTRICT AND ALLOWING ONE RV IN THE R-1 DISTRICT

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

ADOPTED BY ROLL CALL VOTE

Councilperson Folts	Aye
Councilperson Simmons	Aye
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 December 17, 2008, at 7:05 P.M. at the Town Hall at 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law entitled "A Local Law amending the Zoning Ordinance of the Town of Jerusalem as to home occupations, building height, set-backs for sheds generally, other set-backs in the R-1 District, and allowing one RV in the R-1 District"; and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on December 3 and 10, 2008; and

WHEREAS, said public hearing was duly held on December 17, 2008, at 7:22 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 December 11, 2008, 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 Jerusalem hereby adopts said Local Law No. 6 of 2008 entitled "A Local Law amending the Zoning Ordinance of the Town of Jerusalem as to Home Occupations, Building Height, Set-Backs for Sheds Generally, other set-backs in the R-1 District, and allowing one RV in the R-1 District", a copy of which is attached hereto and made a part of this resolution;

Be it enacted by the Town of Jerusalem as follows:

Section 1: Purpose.

A. The Town Board appointed a committee to review the Zoning Ordinance of the Town of Jerusalem and make recommendations concerning changes that, in the opinion of the committee, should be made in the ordinance. After its preliminary report was considered by the Planning Board, the committee submitted its final report and recommendation to the Town Board, and it was considered by the Town Board on March 19, 2008. One of the purposes of this local law is to implement the suggestions made in the final report. These recommendations are based on the number of variance requests granted by the Zoning Board of Appeals for similar relief and are found to be reasonable accommodations of landowners in the R-1 District without detracting from the public health and welfare of inhabitants of the town in general. They concern Building Height and other setbacks in the R-1 district.

B. The Town Planning Board, after consideration by its committee, has recommended to the Town Board other changes to the Zoning Ordinance concerning Home Occupations, set-backs for sheds and allowing one RV in the R-1 District. The Town Board agrees with the Planning Board that making these changes to the Zoning Ordinance will promote the health and welfare of the inhabitants of the town and that they ought to be adopted. The other purpose of this local law is to implement these changes.

§ 2: Section 160-5 of Chapter 160 of the Code of the Town of Jerusalem, constituting the Zoning Ordinance of the Town, is amended by deleting the definition of "BUILDING HEIGHT" and substituting a new definition as follows:

BUILDING HEIGHT - The vertical distance measured from the average elevation of the proposed finished grade at the building's lowest side elevation to the highest point of the rooftop.

§ 3: In section 160-5 of the Code of the Town of Jerusalem, the definition of HOME OCCUPATION is amended by deleting from the first sentence the words: "and in connection therewith there is not the keeping of stock in trade."

§ 4: Section 160-19 of the Chapter 160 of the Code of the Town of Jerusalem is amended by adding a new paragraph C to read:

C. In addition to the foregoing, one or more non-permanent, movable structures, not exceeding 64 sq. ft. in size, may be placed not closer than 5 feet from the side yard lot lines and road rights of way, including, but not limited to, a dog house, garden shed, lawnmower storage shed, or beach gear storage shed.

§ 5: Subsection A of Section 160-29 of the Chapter 160 of the Code of the Town of Jerusalem is amended by deleting paragraphs (2) and (5) and re-numbering paragraphs (3) and (4) as paragraphs (2) and (3) respectively.

§ 6: Section 160-29 of the Code of the Town of Jerusalem is further amended by re-designating paragraph B as paragraph C and adding a new paragraph B to read:

B. Accessory Uses and Structures:

- (1) Home Occupation.
- (2) The storage of boats and personal watercraft outdoors.
- (3) The storage of no more than one of each of the following when owned by the resident of the premises and either licensed or in satisfactory condition for being licensed by the Department of Motor Vehicles: boat

trailer, cargo trailer, unoccupied camper, unoccupied Recreational Vehicle (RV).

(4) Bathhouse, boathouse, beachhouse, detached private garage for use by passenger vehicles, boat slips, docks, playhouse, tool house, garden house, private swimming pool.

(5) One non-permanent, movable structure, not exceeding 64 sq. ft. in size, which may be set not closer than 5 feet from the side yard lot lines and road right of way, including, but not limited to, a dog house, garden shed, lawnmower storage shed, or beach gear storage shed.

(6) No accessory use structure shall be operated for gain or used for sleeping or living purposes.

§ 7: Subsection B of Section 160-30 of Chapter 160 is amended to read as follows:

Height. No principal building shall exceed 35 feet in height, except as provided in Article IV, 160-15 [B]. No accessory structure located between the public highway and the lake shall exceed one story or 15 feet in height. No accessory structure located on the uphill side of the public highway shall exceed 20 feet in height.

§ 8: Paragraph (2) of subsection A of Section 160-30 of Chapter 160 is amended to read as follows:

Front yards. There shall be a front yard of not less than 64.75 feet measured from the center of the traveled way. For a lot between the public highway and the lake, this may be reduced to 15 feet to from the high water line. For purposes of this chapter, lakeshore lot line shall be measured at an elevation of 715.15 feet above sea level which has been established as mean high water level by the New York State Department of Environmental Conservation.

In locations where stairs are necessary for practical access to the lakeshore, they may be constructed within the 15 foot setback, but the bottom step may not be below the high water mark. The stairs may include one or more landings if required for safety, provided that each landing is not more than 16 square feet in area and is not enclosed or covered.

§ 9: Paragraph (4) of subsection A of Section 160-30 of Chapter 160 is amended to read as follows:

Rear yards. There shall be a rear yard of not less than 54.75 feet measured from the centerline of the traveled way. For a lot between the public highway and the lake, this may be reduced to 20 feet.

In locations where stairs are necessary for practical access from the public highway to the usable area of a lot, they may be constructed within the 20 foot setback, but the top step may not be closer than 24.75 feet from the center of the highway. The stairs may include one or more landings if required for safety, provided that each landing is not more than 16 square feet in area and is not enclosed or covered.

§ 10: Subsection B of Section 160-32 of the Code of the Town of Jerusalem is amended by adding a new sub-paragraph (6) to read: (6) Home Occupation.

§ 11: Subsection B of Section 160-33.2 of the Code of the Town of Jerusalem is amended by adding a new sub-paragraph (3) to read:

(3) In addition to the foregoing, one or more non-permanent, movable structures, not exceeding 64 sq. ft. in size, may be placed not closer than 5' from the side yard lot lines and road rights of way, including, but not limited to, dog house, garden shed, lawnmower storage shed, and beach gear storage shed.

§ 12: Subsection B of Section 160-33.2 of the Code of the Town of Jerusalem is further amended by adding a new sub-paragraph (3) to read: (3) Home Occupation.

§ 13: Subsection H of Section 160-35 of the Code of the Town of Jerusalem is amended by adding the words "Home Occupation," after the phrase "accessory uses:".

§ 15: Section 160-36 of the Code of the Town of Jerusalem is amended by adding subsection E to read as follows:

E. The minimum building square footage for a one-story dwelling structure shall be 600 square foot, for a one-and-one-half-story dwelling, 1,000 square feet; for a two-story dwelling, 1,200 square feet. In calculating the minimum square footage as required herein, open porches, decks and steps shall not be taken into consideration.

§ 16: Subsection J of Section 160-37.2 of the Code of the Town of Jerusalem is amended to read:

J. Single-family dwellings other than mobile homes and as an accessory use: Home Occupation.

§ 17: Section 160-37.3 of the Code of the Town of Jerusalem is amended by adding subsection E to read as follows:

E. The minimum building square footage for a one-story dwelling structure shall be 600 square foot, for a one-and-one-half-story dwelling, 1,000 square feet; for a two-story dwelling, 1,200 square feet. In calculating the minimum square footage as required herein, open porches, decks and steps shall not be taken into consideration.

§ 18: Effective Date.

This local law shall take effect upon 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.

RESOLUTION #183-08

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. 7 OF 2008 AMENDING REAL PROPERTY TAX EXEMPTIONS IN THE TOWN OF JERUSALEM

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

ADOPTED BY ROLL CALL VOTE

Councilperson Folts	Aye
Councilperson Simmons	Aye
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 December 17, 2008, at 7:00 P.M. at the Town Hall at 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law entitled "A Local Law amending the Real Property Tax Exemptions in the Town of Jerusalem"; and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on December 10 and 17, 2008; and

WHEREAS, said public hearing was duly held on December 17, 2008, at 7:08 P.M. at the Town Hall at 3816 Italy Hill Road, Branchport, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 7 of 2008 entitled "A Local Law amending the Real Property Tax Exemptions in the Town of Jerusalem", a copy of which is attached hereto and made a part of this resolution;

Be it enacted by the Town of Jerusalem as follows:

Section 1: Article I, regarding to Veterans Tax Exemptions, of Chapter 143 of the Code the Town of Jerusalem is hereby amended by modifying section 143-1 to read as follows:

Exemption increased.

Pursuant to Real Property Tax Law § 458-a (2) (d) (ii), the exemptions from real property taxes for Veterans provided by paragraphs (a), (b), and (c) of subdivision 2 of § 458-a are hereby increased to \$15,000.00, \$10,000.00, and \$50,000.00 respectively.

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

Eligibility Limits.

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

Annual Income	Percentage Assessed Valuation Exempt From Taxation
\$0 to \$11,650	50%
\$11,651 to \$12,650	45%
\$12,651 to \$13,650	40%
\$13,651 to \$14,650	35%
\$14,651 to \$15,550	30%
\$15,551 to \$16,450	25%
\$16,651 to \$17,350	20%
\$17,351 to \$18,250	15%
\$18,251 to \$19,150	10%
\$19,151 to \$20,050	5%
\$20,051 or more	0%

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

;and, be it further

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

RESOLUTION #184-08

MOVE TO EXECUTIVE SESSION

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

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

Resolved that this meeting be interrupted to go into Executive Session at 8:37 P.M.

RESOLUTION #185-08

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session at 9:20 P.M.

RESOLUTION #186-08

ADVERTISE - WATER & SEWER PART-TIME HELP

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

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

Resolved that we advertise for Water & Sewer part-time help.

With there being no further business, on a motion of Supervisor Jones, seconded by Councilperson Stewart, the meeting was adjourned at 9:40 P.M.

Sheila McMichael, Town Clerk