

Minutes of the regular monthly meeting of the Jerusalem Town Board held on March 19, 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, Bill Pringle, Ed Pinneo, John Kuehn of Sprague Insurance, Susan Close, Tom Close, Bob Evans, Vaughn Baker, Cynthia Geertson, Jim Fitzgibbon, Debbie Koop and several other unidentified guests.

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

RESOLUTION #55-08

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the February 20, 2008 meeting be approved as read.

RESOLUTION #56-08

AUDIT OF CLAIMS

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

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

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

General: \$54,369.77
Highway DA: \$ 3,019.96
Highway DB: \$33,608.07
Sewer: \$ 8,681.26
Water: \$42,126.60

February Utilities: General: \$ 2,084.38
Sewer: \$20,902.40
Water: \$ 651.71

RESOLUTION #57-08

SUPERVISOR REPORT

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

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

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

NYMIR INSURANCE PROPOSAL - JOHN KUEHN, SPRAGUE INSURANCE

John Kuehn of Sprague Insurance presented a brief overview of the Town's insurance renewal, focusing on the premium summary. The positive posture of NYMIR resulted in a \$2,680.45 premium reduction for the 4/1/2008 - 4/1/2009 policy. The Insurance Proposal is a quick reference highlighting the coverage provided to the Town.

Mr. Kuehn noted areas of liability exposure for the Town include the ownership and occupancy of buildings, the existence of a road system, which has become an area of litigation when it is alleged that a road defect or hazardous road condition results in injury, and the water system whereby a product is put forth for customers.

In response to a question, Mr. Kuehn responded Travelers Insurance provides Public Officials Crime insurance that includes coverage for the subcommittees the Town currently has working on various matters.

The New York Municipal Insurance Reciprocal program is "A" rated and working as it was designed, providing the most comprehensive insurance and risk management program for local governments that is member run.

REPORT OF TOWN OFFICIALS
HIGHWAY SUPERINTENDENT

- Highway Superintendent Payne submitted his written report of winter work done in the month of February 2008 (on file in the office of the Town Clerk), noting we are depleting our salt and sand supply.
- He stated we are experiencing the impact of the high fuel costs that he will review further and advise.
- He will provide the Town Board with a copy of the recent energy audit conducted on the highway barn which includes recommendations for insulation and an alternative fuel furnace.

RESOLUTION #58-08

AMEND RESOLUTION #36-08 TRUCK PURCHASE

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 approved the purchase of a F350 pick-up truck under Resolution #36-08; and

Whereas after further review of the quote from Van Bortel Ford it was found that the base price used was for a F250 pick-up truck and not the F350 pick-up truck; now, therefore, be it

Resolved that the amended total purchase price for the F350 pick-up truck for the Highway Department is not to exceed the amount of \$20,335.25 as per the Van Bortel Ford February 22, 2008 proposal.

TOWN ENGINEER

- Town Engineer Ackart stated an insurance claim will be filed for instrumentation damages at the Indian Pines Pump Station. On or about March 8th, a power surge irreparably damaged the solid state circuitry. He will discuss this further with Mr. Kuehn of Sprague Insurance.
- Ackart will flow chart information received from Town Attorney Bailey regarding the legal process to extend the consolidated water district.
- The Branchport Keuka Park Fire Department requested the Town review its current EDU schedule. The two fire halls are currently each charged 2 EDU's. After further discussion, it was agreed the Keuka Park Fire Hall would be reduced to 1 EDU and the Branchport Fire Hall would remain at 2 EDU's due to their water usage. This adjustment will become effective January 2009 as the 2008 budget is based on the current number of EDU's being charged. Supervisor Jones will inform them of the decision to reduce the Keuka Park Fire Hall EDU and request the Fire Department submit their monthly water usage report so it can be applied to the Town's unaccounted water usage. He will also thank the Fire Department for their services.
- The Indian Pines Pump Station has been converted to electric. Town Engineer Ackart will determine if we qualify for the Village's industrial rate that could more than double our annual savings.

RESOLUTION #59-08

DECLARATION OF SURPLUS EQUIPMENT

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

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

Whereas the Keuka Park Sewer and Water District has the following items in inventory, for which it has no foreseeable use; and

Whereas these items have residual market value, which could be used for the benefit of the district; now, therefore, be it

Resolved that the Department Head be directed to dispose of the following items for the highest reasonable price which can be

solicited, with the proceeds of said disposition to be deposited in the operation funds for the Keuka Park Sewer and Water District:

- 13 - Hayward True Union PVC Flanged 6" Ball Valves
- 5 - Badger 2" Bronze Plate Strainers

RESOLUTION #60-08

AMENDMENT TO RESOLUTION #53-08 BRANCHPORT LIGHTING DISTRICT

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

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

Whereas Resolution #53-08 identified parcels that should not be taxed for the Branchport Lighting District as the properties fall outside the lines set up when said District was created; and

Whereas Linda Smith and Brian Zerges own more than one parcel within said District warranting a correction; now, therefore, be it

Resolved that Resolution #53-08 be amended to remove the following properties from the Branchport Lighting District:

Linda Smith: Tax map #83.65-1-12
Tax map #83.65-1-13
Brian Zerges Tax map #83.73-1-10
Gary Dinehart Tax map #83.49-1-1

;and, be it further

Resolved that the following property remain a taxed parcel within the Branchport Lighting District:

Brian Zerges Tax map #83.65-1-18

RESOLUTION #61-08

REFER PROPOSED LOCAL LAW B-2008 - R-1 ZONING AMENDMENTS TO TOWN ATTORNEY

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

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

Resolved that proposed local law B-2008 amending the R-1 zoning as recommended by the Zoning Review Subcommittee be submitted to Town Attorney Bailey for his review.

SUBCOMMITTEE REPORTS:

SUBDIVISION SUBCOMMITTEE:

Councilperson Folts stated their last meeting was with Attorney Don Schneider who was hired by some members of the Subcommittee to provide an additional review of the proposed subdivision regulations. Subcommittee Chairman Jim Barden was to relay

Attorney Schneider's concerns to Consultant Andy Raus and convene another meeting of the Subcommittee. The meeting is expected to be scheduled as soon as Chairman Barden returns from vacation.

WIND FARM SUBCOMMITTEE:

Subcommittee Chairman Simmons stated the public information meeting is scheduled for March 27th at 7:00 P.M. at Keuka College Jepson Hall. The Subcommittee will present a timeline of the work done to date along with presentations by Jim Sharron, Steuben County IDA and local resident, Jim Fitzgibbons. The Subcommittee will then meet to make their recommendations to the Planning Board.

SLOPES SUBCOMMITTEE:

Subcommittee Chairman Ed Pinneo stated the proposed regulations should include the GIS 7/07 topographical map created by Yates County Soil and Water Conservation District. The map is referred to in the regulations and will provide a guide to the Code Enforcement Officer.

RESOLUTION #62-08

SCHEDULE PUBLIC HEARING AND SUBMIT GML239 REFERRAL TO COUNTY ON PROPOSED LOCAL LAW A-2008 CONSTRUCTION ON STEEP SLOPES

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

ADOPTED AYES 5 Folts, Hopkins, Jones, Simmons, Stewart

NAYS 0

Resolved that a Public Hearing be held at the April 16, 2008 Town Board meeting at 7:00 P.M. on proposed Local Law A-2008 providing regulations for construction on steep slopes as follows:

§ 1. Intent and purpose.

The purpose of this article to control construction on steep slopes. This article is intended to regulate individual and subdivided lots to protect the health, safety and welfare of the general public by maintaining and protecting the natural terrain, waterways, wetlands and vegetative features and provide safe building sites by preventing surface erosion, creep and sudden slope failure, preserve farmland and open space, prevent flooding, stormwater runoff and preserving areas of wildlife habitat.

§ 2. Definitions.

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

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

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

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

§ 3. Permit required; exempt activities.

A. It shall be unlawful to create any disturbance, other than an exempt activity as set forth in this article, on any steep slope as defined by the steep slopes map or R1 area located within any existing or proposed lot or lots in the Town unless and until a steep slope permit is granted by the Planning Board pursuant to the requirements of this article. Steep slope maps will be revised as new topographic data becomes available.

B. Exempt activities. The following activities on steep slopes do not require the issuance of a steep slope permit:

- (1) Any planting of landscape materials which does not require disturbance of existing terrain.
- (2) Emergency situations, as determined by the Town Code Enforcement Officer, where the disturbance of steep slopes is required to protect persons, or property from imminent danger.
- (3) Farming activities using sound management practices.
- (4) If the slope of the site can be documented as less than 15 percent, no permit is required.

§ 4. Permit procedure.

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

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

- (1) Eight copies of a site plan drawn at a scale of not less than one inch equals 30 feet, prepared by an engineer, landscape architect, or licensed surveyor showing the lot or lots containing steep slopes the following:
 - (a) All existing and proposed natural or artificial drainage courses.
 - (b) The proposed location of all structures, including drainage, septic system, wells, waterlines and driveways.

- (c) The location of the proposed area of disturbance and its relation to adjacent properties, together with buildings, structures, roads, affected trees and affected wetlands, if any, within 100 feet of the boundaries of said area.
 - (d) Existing topography of the proposed area of disturbance at a contour interval of not more than two feet. Contours shall be shown for a distance of 50 feet or greater beyond the limits of the proposed area of disturbance, if determined necessary by the Planning Board, in order to fully evaluate the application.
 - (e) Proposed final contours and proposed surface materials or treatment at a maximum contour interval of two feet.
 - (f) Erosion Control Plan showing proposed area of disturbance, temporary and permanent erosion control measures. (All erosion control practices have to comply with NYS standards and specifications of erosion and sediment control).
 - (g) Stormwater management - The details of any surface or subsurface drainage system proposed to be installed. Calculated volume and velocity of runoff for sizing of drainage structures (i.e. culverts and diversions).
 - (h) Any special reports deemed necessary by the Planning Board to evaluate the application, including but not limited to geologic or hydrologic studies or capacity evaluation.
- (2) A written narrative explaining the nature of the proposal, including any future development proposals for the property and whether alternative locations exist for the proposed activity.
- (3) New York State SEQR law will be followed as required by Part 617: State Environmental Quality Review of the Regulations of the Department of Environmental Conservation.
- (4) All requirements of New York State phase II stormwater regulations will be met if the site exceeds 1 acre of construction disturbance.
- (5) The application shall be accompanied by:
- (a) A fee in an amount to be determined by resolution of the Town Board, and
 - (b) Fees for engineer's and attorney's services in an amount determined by the Town Board sufficient to defray the estimated costs of such services rendered to the town in connection with the application. The applicant shall deposit with the Town Clerk the amount estimated to reimburse the town for such costs. Any amount remaining after payment to the Supervisor for the services rendered

shall be returned to the applicant upon final approval or upon withdrawal if the application is withdrawn.

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

- (1) A recommendation on whether the submission is complete and contains sufficient information for the Planning Board to perform a proper review of the submission.
- (2) A recommendation of approval, disapproval or approval with conditions of the application.

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

- (1) Review the application to determine that the requirements of this article have been satisfied and application is complete.
- (2) Review each complete application and approve, approve with conditions or deny the application, in accordance with this article, within 60 days of the receipt of a complete application as determined by the Planning Board.
- (3) If deemed necessary, require posting of a performance bond or other security as a condition of approval, the amount of such bond or other security to be approved by the Town Board.
- (4) In a building lot or development situation that requires material removed from the site or hauled in over town roads, the highway Superintendent must be notified before work commences. In some cases it may be necessary to haul material in or out during certain times of day or year in an effort to minimize damage to the Town roads.

E. Public hearing. The Planning Board may, at its discretion, hold a public hearing on an application for a steep slope permit. If a public hearing is held, the notice and hearing requirements shall follow proper procedures.

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

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

- (4) The proposed activity will not adversely affect any Town roads and adjacent properties.

G. After a steep slope permit is approved:

- (1) All permits shall expire on completion of the work specified therein and approved thereby. Unless otherwise indicated, the approved permit shall be valid for a period of one year from the date of issuance. The Planning Board may grant a six-month extension of this period.
- (2) Following completion of the work, the applicant shall submit a certification by an engineer, certified professional or code enforcement officer, that the completed work meets the requirements of the permit. The Town Code Enforcement Officer shall verify that the work has been completed in accordance with the permit. An as-built survey or plan shall be required to show that the work was completed in accordance with the permit.
- (3) Any proposed revision to work covered by a steep slope permit may be reviewed by the Town official. Where the Town Code Enforcement Officer or Planning Board determines that a substantial revision is required, a new application to the Planning Board is required.

§ 5. Penalties for offenses; corrective action.

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

§ 6. Effect on existing operations or construction.

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

§ 7. Effective Date.

This Local Law becomes effective immediately.

; and, further

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

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

RESOLUTION #63-08

SCHEDULE PUBLIC HEARING AND SUBMIT GML239 REFERRAL TO COUNTY ON
PROPOSED LOCAL LAW C-2008 ADULT ENTERTAINMENT REGULATIONS AMENDMENT

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

ADOPTED AYES 5 Folts, Hopkins, Jones, Simmons, Stewart
NAYS 0

Resolved that a Public Hearing be held at the April 16, 2008 Town Board meeting at 7:05 P.M. on proposed Local Law C-2008 Providing Additional Protections as to Adult Use Businesses as follows:

Section 1: Article XX of Chapter 160 of the Code of the Town of Jerusalem is hereby amended by changing the title of Article XX from "Adult Entertainment Use Establishments" to "Adult Entertainment Businesses."

§2. Section 106 of such Article is amended by changing the term "ADULT BUSINESSES" to "ADULT ENTERTAINMENT BUSINESS."

§3. Section 106 of such Article is further amended by deleting the term "SEXUAL ENCOUNTER CENTER" and its definition and by inserting new sub-paragraphs "J", "K" and "L" after sub-paragraph "I" in the definition of "ADULT ENTERTAINMENT BUSINESS" to read as follows:

J. Sexual Encounter Center: A business or commercial enterprise that as one of its primary business purposes offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between two persons of the opposite sex or persons of the same sex; or
2. Activities between two persons of the opposite sex or persons of the same sex when one of the persons is in the state of nudity or semi nudity.

K. A principal or primary business purpose exists if the services offered are intended to generate business income.

L. The term "adult entertainment business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

§4. Section 106 of such Article is further amended by deleting the definition of the term "PERSON" and inserting new definition of "PERSON" to read

PERSON - Any individual, proprietorship, firm, partnership, corporation, club, association or legal representative acting individually or jointly, limited liability company, association or other legal entity.

§5. Section 106 of such Article is further amended by adding the following terms and definitions:

NUDITY OR STATE OF NUDITY - The appearance of the human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than opaque covering; or of a female breast with less than a fully opaque covering of any part of the areola; or of human male genitals in a discernibly turgid state even if completely and opaquely covered.

SEMI NUDE OR SEMI NUDITY - A state of dress in which clothing covers no more that the genitals, pubic region and areola of the female breasts, as well as portions of the body covered by the supporting straps or devices.

§6. Section 106 of such Article is further amended by deleting the definition of the term "SPECIFIED SEXUAL ACTIVITIES" and substituting the following new definition of that term

SPECIFIED SEXUAL ACTIVITIES - This term includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic regions, buttocks, anus or female breasts, whether covered or uncovered;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
3. Masturbation, actual or simulated;
4. Excretory functions as part of or in connection with any of the activities set forth in items 1, 2, and 3 above.

§7. Section 107 of such Article is amended by deleting the first sentence and substituting a new first sentence to read as follows:

An Adult Entertainment Business shall be permitted only in the Agricultural-Residential Use district.

§8. Section 107 of such Article is further amended by deleting paragraph "A" entirely and substituting a new paragraph "A" to read

A. No adult entertainment business shall be permitted within 1000 ft. of the either side of the following:

1. State Route 54A.
2. Guyanoga Road from its intersection with State Route 54A to the Jerusalem Town Line.
3. Italy Hill Road from its intersection with State Route 54A to the intersection of Darby's Corners Road.
4. Darby's Corners Rd. from its intersection with Italy Hill Road to the Jerusalem Town Line.
5. Skyline Drive.

§9. Section 107 of such Article is further amended by re-designating paragraphs "B", "C", and "D" as paragraphs "C", "D", and "E" and adding a new paragraph "B" to read

B. No adult entertainment business shall be established within 1000 ft. of the property line of any of the following sensitive use sites:

1. A public or private school exempt from real property taxation pursuant to the New York Real Property Tax Law.
2. A church or other house of worship.
3. A licensed day care center, nursery school or preschool.
4. A public library.
5. A public or private park, playground, campground or environmental land or animal preserve.
6. A public or private recreation or community center.
7. A senior citizen center.
8. A fire station or ambulance/emergency response facility.
9. An establishment serving alcoholic beverages.

§10. Former paragraph "B" re-designated hereby as paragraph "C" of Section 107 of such Article is further amended by changing the distance from "700 feet" to "1000 feet."

§11. Section 108 of such Article is amended by deleting paragraph "A" entirely and substituting a new paragraph "A" to read

Viewing Rooms and Booths:

Any Adult Entertainment Business or use which provides or contains private booths or viewing rooms for the viewing of film, video cassettes, CDs, DVDs or other video reproductions, shall comply with the following regulations:

1. Any and all such booths, cubicles, studios and rooms for the private viewing of adult motion pictures shall be open to public view from the common areas of the establishment and there shall not be any doors, curtains, blinds or other structures or devices that shall impede observation of the entire area of such private viewing areas from the common area of the establishment.

2. All such private booths, viewing rooms or areas shall be well lighted and readily accessible at all times and shall continuously be open to view.
3. No such private booths, viewing rooms or areas shall be occupied by more than one person at any time.

No openings of any kind shall be permitted to exist between such private booths, viewing rooms or areas.

§12. Section 108 of such Article is further amended by deleting paragraph "I" entirely and adding new paragraphs "I" through "K" to read as follows:

- I. Prohibitions involving children. No person shall knowingly allow a person under the age of 18 years on the premises of an adult entertainment business or use.
- J. No owner, manager, supervisor or employee of the adult entertainment business shall touch any patron or customer or the clothing of a patron or customer while on the premises.
- K. A separate license shall be required for each adult entertainment business on the same premises. Premises having one or more such licenses shall not be allowed to have any additional adult entertainment business without the issuance of an additional license for each such additional adult entertainment business.

§13. Sub-paragraph "(4)" of paragraph "A" of Section 110 of such Article is amended by substituting the word "license" for the words "special use."

§14. Section 110 of such Article is further amended by deleting paragraph "B" and adding a new paragraph "B" to read

- B. Certificate of Compliance. The application shall be accompanied by a Certificate of Compliance from the Town Code Enforcement Officer that certifies compliance with this local law, all other applicable zoning, development, and land use regulations of the Town, and the NYS Fire Protection and Building Code.

§15. Section 110 of such Article is further amended by deleting paragraphs "D", and "E" entirely and adding new paragraphs "D", "E", "F", "G" and "H" as follows:

- D. Completeness. The application shall not be complete until all of the information required by Subsection A, the certificate required by Subsection B, and the fee required

by Subsection C are received by the Town Clerk. The application shall not be deemed complete when the applicant shall have been convicted of a violation of this code within the previous five (5) years. When the application is complete, the Town Clerk shall accept it and forward it to the Town Board for its review and consideration.

- E. Notice to neighbors. When the application is complete, the Town Clerk, by ordinary mail, shall notify the owners of all properties within 2000 feet of the premises to be licensed of the receipt of the application, the name and address of the applicant, the premises to be licensed, the nature of the use applied for, and the owner's privilege of submitting written comment to the Town Board within ten (10) business days of the mailing of the notice. For this purpose, the term "owner" shall mean the owner listed on the current tax roll of the Town of Jerusalem.
- F. Action by the Town Board. The Town Board shall act on the application within thirty (30) days of receipt from the Town Clerk.
- G. Issuance. The Town Clerk shall issue the license within ten (10) days of the Resolution of the Town Board approving it.
- H. Inspection requirements. The owner or operator or an employee or agent of an adult entertainment business shall permit representatives of the Town of Jerusalem, the Yates County Sheriff's Department, the New York State Police, the State Department of Health, local Fire Departments or any Town, County or State department or agency that has permitting authority regarding the use of the premises to inspect said premises for the purpose of ensuring compliance with this local law at any time said business is occupied or open for business, without prior notice.

§16. The first sentence of Section 111 of such Article is amended by inserting the words "or revoke" after the word "deny."

§17. Section 111 of such Article is amended by adding new paragraphs "G" and "H" to read as follows:

- G. That the owner, operator, or any person managing or supervising an adult entertainment business, or an employee thereof, has allowed any of the following to occur on the business premises:
 - i. Any illegal gambling.

- ii. Any act of sexual intercourse, sodomy, oral copulation, masturbation or other specified sexual activities.
- iii. Any possession, use or sale of a controlled substance.

H. That the owner, operator, or any person managing or supervising an adult entertainment business, or an employee thereof, refuses to permit a lawful inspection of the premises at any time said premises is occupied or open for business.

§18. Section 117 of such Article is amended by adding new paragraph "D" to read

D. Notwithstanding paragraphs A through C of this Section, a violation of paragraph I of Section 108, paragraph K of Section 108 or paragraph H of Section 111 of this Article shall be a misdemeanor.

§19. Such Article is further amended by adding Section 118 to read

§118. Validity.

Should any section or provision of this Article be declared by a court of competent jurisdiction to be invalid, such declaration shall not affect the validity of this Local Law as a whole or any other part thereof.

§ 20. Subparagraph "(1)" of paragraph "A" of Section 160-101 of Article XIX Site Plan Review of Chapter 160 of the Code is amended by adding the following:

(d) All Adult Entertainment Businesses.

§ 21. Section 160-102 of Article XIX Site Plan Review of Chapter 160 of the Code is amended by adding the following:

G. Permissible action as to Adult Entertainment Businesses. Notwithstanding subsection F, previous, the Planning Board shall not have the power to disapprove the proposed site plan of an Adult Entertainment Business.

§22. This local law shall become effective immediately upon its being filed by the Secretary of State.
; and, be it further

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

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

Resolved that the Supervisor invite Attorney Jason DiPonzio and Town Attorney Bailey to the public hearing. The April meeting will be held at the Branchport Fire Hall due to the anticipated large number of attendees.

HARBOR VIEW DEVELOPMENT, 42 WEST LAKE ROAD, BRANCHPORT

Supervisor Jones read a memo addressed to Planning Board Chairman Bob Evans and presented a copy of said memo to him regarding the proposed Harbor View development at 42 West Lake Road, Branchport. It was noted that based on a straw vote, the Planning Board agreed to look at the concept of the project further. Supervisor Jones changed "project" approval to "conceptual" approval in his memo because it was clarified the Planning Board has not approved the proposed project. Evans has established a subcommittee to work on this matter. Supervisor Jones requested the subcommittee submit their written report to the Town Board.

Public comments were received regarding the need to put forth more effort into regional planning for this type of project. Cornell and Pace Universities have collaborated to make a land use leadership training program available for local decision makers who are faced with difficult land use decisions with a lack of sufficient support and preparation. Additional collaborators are Cornell Cooperative Extension, Keuka Lake Association, County Planning Departments and the Genesee Finger Lakes Regional Planning Council.

RESOLUTION #64-08

RESOLUTION ESTABLISHING THE ROUTINE REPAIR RESERVE FUND OF THE KEUKA PARK CONSOLIDATED WATER DISTRICT UNDER SECTION 6-d OF THE GENERAL MUNICIPAL 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:

- (1) The Town of Jerusalem operates the Keuka Park Consolidated Water District (the "District"), and
- (2) From time to time, but not every year, the structures and equipment used by the District requires repair or maintenance at the cost of the District, and

- (3) In order to even out the cost of such repairs and maintenance in the annual budgets of the District, the creation of a reserve fund would be beneficial;

NOW THEREFORE, The Town Board of the Town of Jerusalem, duly convened in regular session, acting pursuant to Section 6-f of the General Municipal Law, does hereby resolve as follows:

SECTION 1. That there is hereby established a repair reserve fund in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the future repair or maintenance of the equipment and structures of the District.

SECTION 2. That such fund is to be known as the "Routine Repair Reserve Fund of Keuka Park Consolidated Water District."

SECTION 3. That the maximum amount to be held in such fund at any time shall be One Hundred Fifty Thousand Dollars (\$150,000).

SECTION 4. That such sums as may hereafter be appropriated shall become part of the fund.

SECTION 5. That the moneys in the fund shall be deposited in one or more separate bank accounts in one or more commercial banks having offices in Yates County.

SECTION 6. That no expenditure shall be made from the fund except that the Supervisor is hereby authorized to expend from the fund such amounts as may be necessary and reasonable to pay for the repair and maintenance of the equipment and structures of the District.

SECTION 7. This resolution shall take effect immediately.

RESOLUTION #65-08

RESOLUTION ESTABLISHING THE MISCELLANEOUS REPAIR CAPITAL RESERVE FUND OF THE KEUKA PARK CONSOLIDATED WATER DISTRICT

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

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

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

SECTION 1. That pursuant to section 6-c of the General Municipal Law there is hereby established a capital reserve fund in the amount of Two Hundred Thousand Dollars (\$200,000.00) to accumulate all or part of the cost of all types of repairs and restorations of the improvements and equipment of the Keuka Park Consolidated Water District (the "District"), including, without limitation, the water tank, the instrumentation and control equipment, the meters, communications devices, and the water main.

SECTION 2. That this fund is to be known as the "Miscellaneous Repair Capital Reserve Fund of the Keuka Park Consolidated Water District."

SECTION 3. That the estimated maximum cost of such repairs and reconstructions is Two Hundred Thousand Dollars (\$200,000.00).

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

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

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

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

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

SECTION 10. That this resolution shall take effect immediately.

DISCUSSION - BANK SECURITY POLICY

Town Attorney Bailey worked with Financial Consultant Chuck Bastian to establish the reserve funds for the consolidated water district. In response to an inquiry from Councilperson Simmons, Town Engineer Ackart will obtain the Bank Security Policy guidelines that have been discussed with Mr. Bastian.

RESOLUTION #66-08

AUTHORIZE SUPERVISOR'S PETTY CASH

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

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

Resolved that A petty cash account for the Supervisor be established in the amount of \$50.00.

RESOLUTION #67-08

OPEN DEVELOPMENT AREA APPLICATION - WAKLEY, JERUSALEM SPRINGS ROAD

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

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

Whereas, Section 280-A of the Town Law requires that the Town Board shall refer all applications for the creation of an Open

Development Area, as defined in that Section, to the Planning Board for its advice on the application and that the Planning Board shall have a reasonable length of time to report on the matter; now, therefore, be it

Resolved that the Open Development Area application from Suzanne Wakley for her land parcel located on Jerusalem Springs Road be referred to the Planning Board for their review and recommendation.

COLLEGE INTERN EXPO

Councilperson Hopkins stated an expo is scheduled for April 2 at FLCC to discuss college intern opportunities for both paid and unpaid positions. Councilpersons Stewart and Folts will attend on the Town's behalf.

RESOLUTION #68-08

PROPOSED ZONING CHANGE PROVIDING FOR LOW IMPACT WHOLESALE BUSINESS

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

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

Whereas the Town Board has received a recommendation for a zoning change concerning Low Impact Wholesale Business in the Town of Jerusalem; now, therefore, be it

Resolved that this information be passed on to our Planning Board for their recommendation and returned to the Town Board as soon as possible.

PUBLIC COMMENT:

- Max Parson commented on the assessment notices sent by the Assessor and stated his concern with the financial hardship being placed on residents. Supervisor Jones stated as the sole elected Assessor, this matter has to be brought to Mr. Comstock as the Town Board has no control on the matter.
- There is a meeting of the New York State Commission on Property Tax Relief tomorrow in Rochester to review the State's property tax system.
- Bill Pringle stated the Town will need to look into subsidized housing soon.

RESOLUTION #69-08

MOVE TO EXECUTIVE SESSION - PENDING LITIGATION

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

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

Resolved that the Board move to executive session to discuss pending litigation at 9:22 P.M.

RESOLUTION #70-08

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session at 9:46 P.M.

With there being no further business, on a motion of Supervisor Jones, seconded by Councilperson Folts, the meeting was adjourned at 9:46 P.M.

Sheila McMichael, Town Clerk