

Minutes of the regular monthly meeting of the Jerusalem Town Board held on November 14, 2007 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Barden, Folts, Hopkins, Stewart, Highway Superintendent Payne, Town Engineer Ackart, Town Clerk McMichael.

GUESTS: Max Parson, Jim Fitzgibbons, Maxine Kniffin, Tom Close, Sue Close, Bob Evans.

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

RESOLUTION #156-07
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the October 17, 2007 meeting be approved as read.

PUBLIC HEARING - PROPOSED LOCAL LAW F-2007 SIDEWALK MAINTENANCE

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 7:03 P.M., asking for comments on proposed Local Law F-2007 to promote the health, safety and welfare of the inhabitants of the Town of Jerusalem by establishing standards for maintenance of sidewalks within the unincorporated area of the Town.

Maxine Kniffin stated she did not want the sidewalk when the Town installed it and now this local law would require her to maintain a sidewalk that she doesn't even want. Supervisor Jones stated this local law would require her to maintain the sidewalk. He noted there had been a sidewalk in the area for years. She agreed, but before the Town replaced it, it was her intent to cover it and make it part of her yard because it was in such bad condition.

Councilperson Folts explained this proposed law came about following several complaints about sidewalks in the Town being obstructed by property owners. Councilperson Hopkins added the Town Board is responsible for the safety of our residents and there are sidewalks that are posing a health hazard.

RESOLUTION #157-07
AUDIT OF CLAIMS

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

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

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

General	\$14,357.28
Highway DA	\$ 8,159.68
Highway DB	\$21,933.15
Sewer	\$23,295.38
Water	\$ 4,975.33

October Utilities:	General	\$ 1,394.95
	Sewer	\$18,622.13
	Water	\$ 405.82

RESOLUTION #158-07

APPROVE FOR PAYMENT - BERNARD P. DONEGAN, INC. INVOICE

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

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

Resolved that the invoice from Bernard P. Donegan, Inc. that was inadvertently omitted from the audit in the amount of \$778.68 be approved for payment as presented.

RESOLUTION #159-07

SUPERVISOR REPORT

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

ADOPTED	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays		

Resolved that the Supervisor's Report on the Town's finances for the month of October 2007 be accepted as presented.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Highway Superintendent Payne stated the Highway Department continues to ditch and replace culvert pipes as the weather permits. Work is being scheduled while managing employees' vacation time that needs to be taken by year-end.
- Written report of road work for the month of October on file in the Office of the Town Clerk.
- The DEC Mining Permit renewal application has been completed and filed. We have not heard anything from DEC regarding the application to date.
- A new lease for the Bedient sand pit has been drafted by Town Attorney Bailey that will now be between Angela Bedient and the Town due to the passing of her husband, Zane. The Lease is for

a 5-year term to coincide with the term of the DEC Mining Permit, January 1, 2008 through December 31, 2012.

TOWN ENGINEER

- Town Engineer Ackart reported a significant water main break occurred on Central Avenue last week. Three water main valves completely rusted through; one leak was repaired, one valve was repaired and one valve was replaced. He circulated pictures showing the state of disrepair the old Keuka Park water lines are in. Records are not available on these old lines thereby compounding problems when repairs are made. Lines are being mapped as we repair them.
- He again commented on the significant costs that the Town will incur when the Village of Penn Yan Water Treatment Plant repairs are made.

RESOLUTION #160-07

WATER BILL PAYMENT - 225 WEST LAKE ROAD, PENN YAN

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

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

Whereas a water leak occurred at 225 West Lake Road, Penn Yan resulting in a \$2,628.28 water bill; and

Whereas the property owner has requested the Town consider allowing them to pay \$500 per month without penalty until said bill is paid off; and

Whereas the Town considers each emergency situation on a case-by-case basis before allowing any financial arrangement; now, therefore, be it

Resolved that monthly payments of \$500 will be allowed on this \$2,628.28 water bill and all late fees will be waived. Payment must be made in full by October 15, 2008 or it will be relieved on the property tax bill.

SUPERVISOR

- Supervisor Jones stated the outcome of the October 10, 2007 vote was to eliminate one justice position in the Town. Matt Davison will now be the sole justice for the Town.
- A petition was filed requesting a referendum on consolidating the water districts. After review of the petitions with the Town Attorney, it was determined that the Petition is insufficient to require a referendum. Therefore, Resolution #131-07 is effective as adopted by the Town Board and the four

water districts will be legally consolidated on December 31, 2007 as provided in Town Law §206.

- A joint meeting of the Town, Planning and Zoning Boards is scheduled on November 29, 2007 at 6:30 P.M. at the Town Hall. The purpose of the meeting will be to discuss the roles of the various Boards. This meeting format has been done in previous years and found to be helpful, especially for new members.

SUBCOMMITTEE REPORTS

- Wind Farm Subcommittee Chair Neil Simmons stated their work has been on hold awaiting the outcome of neighboring Towns' wind farm regulations. Town Attorney Bailey is reviewing our draft regulations. Notification will be given to Town residents in the areas where wind farm turbines will be allowed, followed by a public informational meeting for them to air their feelings on the matter. Jim Fitzgibbons presented a letter to register his opposition to the siting of commercial scale Wind Power generation facilities and Wind Farms in the Town of Jerusalem. Mr. Fitzgibbons' concerns will be further considered by the Subcommittee.
- Slopes Subcommittee Chair Ed Pinneo reported he and Rick Ayers met with Town Attorney Bailey on October 28. Proposed regulations were presented to the Planning Board in November and will be discussed further at the December Planning Board meeting.
- Subdivision Subcommittee Chair Barden reported the Subcommittee agreed to a final draft of the proposed subdivision regulation. Substantive input was received from Town Attorney Bailey on the draft and will be further reviewed at their next meeting. Barden noted the Planning Board has a heavy role in the implementation of subdivision, along with the Code Enforcement Officer and the Zoning, Assessing and Planning (ZAP) Secretary.
- Zoning Review Subcommittee member Hopkins stated they continue to refine their proposed amendments to our R-1 zoning code as there is not consensus among the Subcommittee members.
- Supervisor Jones stated we received a response from Attorney DiPonzio on our Adult Entertainment regulations. He conferred with Attorney Trueman as recommended by the Citizens' Group and produced a substantial report. Their report has been forwarded to the Adult Entertainment Subcommittee and Town Attorney Bailey for their review. Subcommittee Chair Bob Evans stated they already met once on the matter and will be meeting again to continue their review of the report.

RESOLUTION #161-07

ADOPT 2008 FISCAL BUDGET

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

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

Resolved that the 2008 Preliminary Fiscal Budget be adopted; and, be it, further

Resolved that the Town Board wishes to go on record expressing their thanks to the Town personnel for all the support and input the Board received on the budget, especially from Bookkeeper Jennifer McKay who did a tremendous job.

RESOLUTION #162-07

AWARD OF BID - USED 2001 CHEVY SILVERADO PICK UP TRUCK

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

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

Whereas three sealed bids were received on the used 2001 Chevy Silverado 1500, ½ ton, 4x4, 2-door pick-up truck from the following:

Richard Johnson	\$4200
Maxine Kniffin	\$3051
John Flohr	\$2001

;and

Whereas the Code Enforcement Officer was involved in an accident involving a deer with the 2004 Chevy Silverado pick up truck and is temporarily driving the 2001 Chevy Silverado pick up truck being sold; now, therefore, be it

Resolved that Richard Johnson be awarded the 2001 Chevy Silverado pick up truck at the high bid of \$4200. Transfer of the title from the Town will occur following repair of the Code Enforcement Officer's truck.

INTRODUCTION - RESOLUTION ESTABLISHING THE "GRINDER PUMP REPAIR RESERVE FUND OF KEUKA PARK SEWER DISTRICT NO. 2" UNDER SECTION 6-d OF THE GENERAL MUNICIPAL LAW

Supervisor Jones introduced the following resolution:

WHEREAS:

- (1) The Town of Jerusalem operates the Keuka Park Sewer District Extension No. 2, and

- (2) Each of the 279 properties presently served by the District is equipped with a grinder pump that is owned by the District, and
- (3) From time to time some of these pumps require repair or replacement at the cost of the District, and
- (4) In order to even out the cost of such repairs and replacements 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, does hereby resolve as follows:

SECTION 1. That there be and hereby is established a repair reserve fund in the amount of \$75,000 for the future repair of grinder pumps in Keuka Park Sewer District No. 2 (the "District").

SECTION 2. That such fund is to be known as the "Grinder Pump Repair Reserve Fund of Keuka Park Sewer District No. 2."

SECTION 3. That the maximum amount to be held in such fund at any time shall be the sum of \$75,000.

SECTION 4. That out of the surplus moneys of said District now on hand for the year 2007 and not otherwise appropriated, the sum of \$12,000 be and the same hereby is appropriated for the "Grinder Pump Repair Reserve Fund of Keuka Park Sewer District No. 2," and the Supervisor of the Town is hereby authorized, empowered and directed to transfer from surplus funds of said District the sum of \$12,000 to the fund.

SECTION 5. That such additional 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 a commercial bank having offices in Yates County.

SECTION 7. 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 replacement of grinder pumps owned by Keuka Park Sewer District No.2.

SECTION 8. This resolution shall take effect immediately.

RESOLUTION #163-07

SCHEDULE PUBLIC HEARING ON PROPOSED RESOLUTION

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

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

WHEREAS a resolution entitled, "RESOLUTION ESTABLISHING THE 'GRINDER PUMP REPAIR RESERVE FUND OF KEUKA PARK SEWER DISTRICT NO.

2' UNDER SECTION 6-d OF THE GENERAL MUNICIPAL LAW," was introduced at this meeting by a member of the Town Board, and

WHEREAS this Town Board desires to hold a public hearing with respect to the adoption of that Resolution as required by Section 6-d of the General Municipal Law of the State of New York,

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held by this Town Board with respect to the adoption of the aforesaid Resolution at 7:00 P.M. on December 19, 2007, at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York New York, and it is further

RESOLVED that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

RESOLUTION #164-07

APPROVE KEUKA HOUSING COUNCIL REQUEST FOR FUND USE

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

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

Whereas Keuka Housing Council has informed the Town that CDBG funds under the Water #3 Hook-Up Assistance Grant were designated for a Town of Jerusalem Water #3 district customer who is now deceased; and

Whereas upon his death, his estate reimbursed the Town of Jerusalem for these grant monies; and

Whereas Keuka Housing Council has requested that these funds be used for a sewer connection within the Town of Jerusalem; now, therefore, be it

Resolved that the Town Board approve using the \$1,077.00 of available CDBG funds to complete the sewer connection at 248 West Lake Road, Penn Yan as requested by Keuka Housing Council.

RESOLUTION #165-07

HEALTH INSURANCE PLAN - HEALTHY CHOICES OPTION A

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

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

Whereas, the Town currently offers Blue Choice Freedom and Blue Choice Value health insurance plans to all eligible employees; and

Whereas, the Town has been notified from Excellus Blue Cross Blue Shield that they are discontinuing Blue Choice Freedom as of January 1, 2008; and

Whereas after review of other available health insurance plans within Excellus Blue Cross Blue Shield we have identified insurance plans that will better meet our employees' needs; now, therefore, be it

Resolved that the Town also discontinue the Blue Choice Value plan and offer Healthy Choices Option A to all eligible employees beginning January 1, 2008.

RESOLUTION #166-07

ZONING BOARD RESIGNATION - ROBERT FOX

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

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

Resolved that the Town Board accept the letter of resignation from Zoning Board of Appeals member Robert Fox effective November 2, 2007, with regrets; and, be it further

Resolved that the Supervisor draft a letter to Mr. Fox thanking him for his service to the Town.

RESOLUTION #167-07

WATER RATE AND MINIMUM QUARTERLY CONSUMPTION REDUCTION

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

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

RESOLVED THAT FOR THE CALENDAR/BUDGET YEAR 2008, THAT THE WATER RATE FOR THE CONSOLIDATED KEUKA PARK WATER DISTRICT BE SET AT \$5.95 /1,000 GALLONS, AND THAT COMMENCING 1/01/2008 THAT ALL BILLS BE ISSUED AT THE RATE OF \$5.95/1000 GALLONS; AND BE IT FURTHER

RESOLVED THAT THE MINIMUM QUARTERLY CONSUMPTION BILLED TO CONNECTED CUSTOMERS SHALL BE REDUCED FROM 12,000 GALLONS/QUARTER TO 10,000 GALLONS/QUARTER AND BILLED ACCORDINGLY TO ALL CUSTOMERS OF THE CONSOLIDATED KEUKA PARK WATER DISTRICT FOR 2008 AND THEREAFTER.

PUBLIC COMMENT

- Max Parsons presented the Board with a "Newsweek" article on wind farms that he supports.

- Mr. Parson expressed his disappointment on the water district consolidation that was achieved in three months versus the years needed for the Board to make a decision on matters such as adult entertainment and bed and breakfast regulations.

RESOLUTION #168-07

CLOSE PUBLIC HEARING - SIDEWALK MAINTENANCE

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

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

Resolved that the Public Hearing be closed at 8:10 P.M.

Supervisor Jones called for a 5 minute recess.

RESOLUTION #169-07

PROPOSED SIDEWALK MAINTENANCE LOCAL LAW - AUTHORIZE FILING OF A NEGATIVE DECLARATION UNDER THE SEQOR LAW

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

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

Whereas the Town Board of the Town of Jerusalem hereby finds and determines with respect to establishing standards for maintenance of sidewalks within the unincorporated area of the Town, 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 #170-07

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. 5-2007

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

ADOPTED BY ROLL CALL VOTE:

Councilperson Stewart	Aye
Councilperson Hopkins	Aye
Councilperson Folts	Aye
Councilperson Barden	Aye
Supervisor Jones	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 October 17, 2007, 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 of the Town of Jerusalem to establish standards for maintenance of sidewalks within the unincorporated area of the Town"; and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on October 24 and 31, 2007; and

WHEREAS, said public hearing was duly held on November 14, 2007, 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 October 25, 2007, 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. 5 of 2007 entitled "A Local Law to establish standards for maintenance of sidewalks with the unincorporated area of the Town", a copy of which is attached hereto and made a part of this resolution

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

§ 1. Duties of owners.

It shall be the duty of the owner of every lot or piece of land in the Town of Jerusalem to keep the sidewalks adjoining the lot or

piece of land in good repair and to remove and clean away all snow and ice and other obstruction from such sidewalks. The term "owner" shall mean the person shown on the most recent tax roll of the Town to be the owner.

§ 2. Obstructions prohibited; exception.

No owner, occupant or lessee of any premises abutting on any street, road, highway or sidewalk shall place, permit or suffer to be placed on any sidewalk in front of, adjoining or adjacent to such premises any snow, ice, display signs, goods, wares, vehicles, merchandise, boxes, barrels, junk, debris or other articles or material; nor shall they in any manner obstruct or interfere with the use of any such sidewalk. As an exception to the forgoing, a person may place goods, wares, household furniture or merchandise on the sidewalk for not more than one hour while loading or unloading the same. Written notice of violation of this section shall be served upon the owner, occupant or lessee by the Sheriff, Highway Superintendent or other town officer as may be designated by the Town Board, describing the violation and requiring the immediate removal of the obstruction. Failure to comply with such notice shall subject the owner, occupant, or lessee to the penalties prescribed in Section 4 below.

§ 3. Repair Required Upon Notice; Procedure.

- A. A sidewalk shall be considered to be unsafe when the Town Superintendent of Highways shall determine that it is so broken, cracked, lifted, spilled, scaled or otherwise defective as to cause a clear and present danger to pedestrians.
- B. Upon the determination by the Town Superintendent of Highways that a certain sidewalk is unsafe, the Town Board shall notify the owner of the land in front of whose premises the same may be to repair the same within thirty (30) days from the date of such notice (with extensions where necessary as determined by the Town Board).
- C. Such notice shall specify the sidewalk or portions thereof which require repair or replacement and contain a brief summary of the reasons therefore. Such notice shall be served upon the owner in person or by certified mail, return receipt requested, addressed to the last known address as shown on the latest completed assessment roll of the Town of Jerusalem. If delivery of the certified mail is returned or unclaimed, then service shall be made by regular mail and shall be deemed complete five days after the date of mailing.

D. If the owner shall neglect or refuse to put such sidewalk in repair within such time, then the Town Board may cause the same to be done at the expense of the property owner. If said expense, as determined by the town, is not paid within 30 days after billing to the property owner, the charge shall be a lien upon the property where the sidewalk is located until paid and shall be added to the property owner's next tax bill as an assessment.

E. Any property owner aggrieved by a determination to repair the sidewalk or any portion thereof as contained in the written notice of the same shall have a right to appeal such determination to the Town Board by delivering a written request for review of the determination to the Town Clerk within 10 days of delivery of said notice, which the Town Clerk shall thereupon transmit to the Town Board. Upon receipt of a timely request for review, the Town Board shall refer the matter to a person whom it shall designate for the purpose of hearing all evidence and arguments both for and against such determination. For this purpose, the person so designated by the Town Board shall schedule a time and place for such a hearing and shall give or cause to be given adequate notice thereof to the property owner and the Town Superintendent of Highways. On such hearing the formal rules of evidence shall not apply. Upon conclusion of such hearing the person designated shall prepare and transmit to the Town Board a recommended decision, based on the evidence and arguments presented, either annulling, modifying or affirming the determination of the Town Superintendent of Highways, together with a summary of the reasons therefore. Upon receipt of such recommended decision, the Town Board shall take the matter up at the next regularly scheduled Town Board meeting and shall adopt, reject or modify the recommended decision. The determination of the Town Board so made shall be deemed final and binding upon the property owner and the Town Superintendent of Highways.

§ 4. Penalties and Remedies for Offenses.

A. Any person, partnership, association or corporation who violates any provision of this Article shall be guilty of an offense and subject to a fine of not more than two hundred fifty Dollars (\$250.00) and 15 days in jail, for each such offense. Each day of continued violation after notice thereof shall constitute a separate and distinct violation.

B. In addition to the above-provided penalties, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any portion of this Law.

C. Assessment of costs.

In addition to A. and B. above, if notice is served and the violation is not remedied, the Town Board is authorized to direct that the work be done and the costs added to the town taxes on the property as otherwise provided in this Article.

§ 4. Effective Date: This local law shall take effect upon its being filed by the Secretary of State.

;and be it further

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

REPORT OF COUNCIL:

Councilperson Barden is addressing the dying bushes planted around the Verizon cell tower that were required for screening purposes as part of their permit approval. He advised the construction manager of the situation and will follow up with him again tomorrow.

RESOLUTION #171-07

EXECUTIVE SESSION

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

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

Resolved that the Board move into an Executive Session at 8:29 P.M. to discuss an employee promotion.

RESOLUTION #172-07

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session at 8:40 P.M.

RESOLUTION #173-07

PROMOTION - Frank Fitzwater

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

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

Whereas, Frank Fitzwater has been reclassified through Civil Service from a laborer to a Heavy Equipment Operator; and

Whereas, the Town Board feels it is appropriate to recognize this reclassification by giving Frank Fitzwater a 3% increase in his hourly rate starting today, November 14, 2007; now, therefore

BE IT RESOLVED that Frank Fitzwater be recognized for this reclassification and his hourly rate of pay be increased from \$12.19 to \$12.56.

REPORT OF COUNCIL:

Councilperson Stewart attended a meeting of the County Legislature at the request of Jerry Nissen of Coach & Equipment regarding the closing of the County-owned land fill approximately twenty years ago. A consortium of four local companies is seeking an additional \$195,000 toward the \$850,000 settlement with the State related to the closing of the land fill. The Consortium requested the County contribute toward the \$195,000. The County Legislators called for an Executive Session to discuss the matter further. The State could sue the Consortium, who can then file suit against any party who utilized the land fill.

With there being no further business, on a motion of Councilperson Hopkins, seconded by Supervisor Jones, the meeting was adjourned at 8:44 P.M.

Sheila McMichael, Town Clerk