

Minutes of the regular monthly meeting of the Jerusalem Town Board held on May 20, 2008 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Hopkins, Simmons, Highway Superintendent Payne, Town Engineer Ackart, Town Clerk McMichael.

GUESTS: William Pringle, Susan Close, Tom Close, Ed Pinneo, Taylor Fitch, Jim Bird, Bob Evans and several other unidentified guests.

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

RESOLUTION #87-08  
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the previous meeting be approved.

Note: Councilperson Simmons stated that according to his notes, he asked that a thank you letter be sent to Rick Ayers, Yates County Soil & Water for his work on the slopes regulations and this is not reflected in the minutes. Supervisor Jones stated he did not recall if a letter was sent. (Note: Supervisor Jones' file indicates a letter of appreciation was sent to Mr. Ayers on December 12, 2007.)

RESOLUTION #88-08  
AUDIT OF CLAIMS

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

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

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

General:	\$ 7,040.78
Highway DA:	\$ 3,479.89
Highway DB:	\$ 24,774.82
Sewer:	\$ 25,746.57
Water:	\$139,271.10
April utilities:	General: \$ 296.65
	Sewer: \$21,192.43
	Water: \$ 310.27

RESOLUTION #89-08  
SUPERVISOR REPORT

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

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

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

REPORT OF TOWN OFFICIALS  
HIGHWAY SUPERINTENDENT

- Highway Superintendent Payne submitted his written report of road work done for the month of April 2008.
- In an effort to report on the impact of today's volatile economy, Payne reported final cost figures for the oil and stoning project completed on East Bluff Drive. Payne will meet with the Highway Committee to develop a reporting format to provide this type of information to the Board.

TOWN ENGINEER

- Town Engineer Ackart stated the Annual Quality Report will be mailed out to all water customers.
- Financial Consultant Chuck Bastian is working with Village Treasurer Shawna Wilber on the newly adopted Village water and sewer budgets.
- The insurance check has been received to cover the cost of the sewage flow meter replacement at Indian Pines.
- The KPSW Committee is not recommending a water rate increase to our customers as the additional cost from the Village can be absorbed by the consolidated district at this time.
- Councilperson Folts suggested the KPSW Committee also develop a format for reporting financial information to the Board similar to the report the Highway Department has been asked to do.

RESOLUTION #90-08  
VILLAGE OF PENN YAN SEWER RATE INCREASE

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

ADOPTED 4 Folts, Hopkins, Jones, Simmons  
0

Whereas the Village of Penn Yan will be increasing the cost of sewer treatment to the Town of Jerusalem as of June 1, 2008; and

Whereas the Town of Jerusalem adopted Resolution #14-05 to pass through said increases to its customers to recover our cost; now, therefore, be it

Resolved that based on the adopted Village of Penn Yan sewer budget, the minimum rate to all sewer customers that are connected to our system be increased \$28.00/year.

COUNCIL

- Councilperson Hopkins is working with Town Attorney Bailey on establishing two reserve funds using monies received when Twix Pines land was removed from the forestry program. One reserve account will be for repairs to the Town Hall building and the other to fund development rights purchases as outlined in our Comprehensive Plan. Hopkins requested input and asked that ideas be submitted to her.
- Councilperson Simmons stated he is working with Councilperson Hopkins and County Legislator Fitch to form an alliance that would bid out our electric. Letters have been sent to the surrounding municipalities to determine their interest in our endeavor.

SUPERVISOR

Supervisor Jones attended the Finger Lakes Housing Consortium along with Planning Board member Bill Pringle last week. The Consortium is looking at housing for the homeless. Taylor Fitch stated the County Legislators will receive a report on the meeting from their Department Heads who attended the meeting. The next meeting of the consortium will be in October.

SUBCOMMITTEE REPORTS:

ZONING REVIEW/TOWNHOUSE SUBCOMMITTEE:

Meeting scheduled next week.

SUBDIVISION SUBCOMMITTEE:

Meeting scheduled next week.

WIND FARM SUBCOMMITTEE:

Councilperson Simmons stated the Subcommittee will present their recommendations to the Planning Board at their June meeting.

ZPA DEPARTMENT OPERATION REVIEW SUBCOMMITTEE:

Meetings were held with Code Enforcement Officer Phillips to flow chart the building permit process and with Assessor Comstock to map out the assessment cycle. The Subcommittee expects to present their report at the June Town Board meeting.

RESOLUTION #91-08

SEQR CONSIDERATION AND NEGATIVE DECLARATION - LOCAL LAW A-2008 -  
REGULATIONS FOR CONSTRUCTION ON STEEP SLOPES

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

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

Whereas the Town has seen the need for and developed the proposed  
Local Law A-2008 regulating construction on steep slopes, and  
reviewed and took public comment at a Public Hearing on April 16,  
2008; and

Whereas the Town is obligated to discharge its obligations required  
by the State Environmental Quality Review Act prior to any adoption  
or enactment of said Local Law; now, therefore, be it

Resolved that the Town declares itself Lead Agent, deems the  
potential adoption or enactment to be an "Unlisted Action" for the  
purposes of SEQR, and has had prepared a Short Form Environmental  
Assessment, opting to not conduct a Coordinated Review; and,  
further, be it

Resolved that the Town Board has reviewed said Short Environmental  
Assessment Form, and hereby determines that said action will not  
result in any significant adverse environmental impacts and hereby  
directs the Supervisor to so sign said Form and file same in the  
Office of the Town Clerk.

DISCUSSION - PROPOSED LOCAL LAW A-2008 REGULATIONS FOR CONSTRUCTION  
ON STEEP SLOPES

Jim Bird submitted his written comments on the proposed regulations  
for construction on steep slopes to the Town Board for their  
consideration as he was unable to attend the scheduled public  
hearing. Mr. Bird supports the intent of the slopes law, but noted  
two concerns where he felt the law is either too restrictive or too  
accommodating. In summary:

1. The definition of "Disturbance" is too restrictive. The  
Planning Board requirement for an application for a permit is  
to include 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 according to Section  
4. Permit procedure, B.
2. Why a need to exempt "farming activities" and what is "sound  
management practices"?

After further discussion, the Board agreed an amendment to Section  
4. Permit procedure B.1. by adding "a certified professional in

erosion and sediment control or landscape architect" as included in the definition of Certified Professional would address the noted concerns.

RESOLUTION #92-08

ADOPTION LOCAL LAW 3-2008 REGULATIONS FOR CONSTRUCTION ON STEEP SLOPES

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

ROLL CALL VOTE

Councilperson Folts	Aye
Supervisor Jones	Aye
Councilperson Simmons	Aye
Councilperson Hopkins	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 April 16, 2008, at 7:00 P.M. at the Branchport Fire House, Route 54A, Branchport, New York, to hear all interested parties on a proposed Local Law entitled "A Local Law amending the Zoning Ordinance of the Town of Jerusalem to regulate construction on steep slopes"; and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on April 2 and 9, 2008; and

WHEREAS, said public hearing was duly held on April 16, 2008, at 7:00 P.M. at the Branchport Fire House at Route 54A, Branchport, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, 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 March 27, 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. 3 of 2008 entitled "A Local Law Regulating Construction on Steep Slopes", a copy of which is attached hereto and made a part of this resolution;

Be it enacted by the Town of Jerusalem 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, CPESC-Certified professional in erosion and sediment control or equivalent 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 SEQOR 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.

**§ 6. Effective Date.**

This Local Law becomes effective immediately.  
;and, further, be it

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.

WAKLEY OPEN DEVELOPMENT AREA APPLICATION

Supervisor Jones stated the Open Development Area application has been withdrawn by Wakleys.

DISCUSSION - PROPOSED SEWER & WATER ADVISORY COMMITTEE

The proposal introduced at the April meeting by Councilperson Simmons to establish a Sewer & Water Advisory Committee to help study in detail issues that come up was discussed. In summary, he proposed each Town Board member designate a representative to this advisory committee. The advisory committee would meet with the Town Board prior to the monthly Town Board meeting. Comments included:

- In the past, the KPSW Committee has worked with our Financial Consultant Chuck Bastian. Town resident Art Adams has also been a resource person.
- Meetings are subject to open meetings law.

- A 5-member advisory committee is too many members.
- Town Board still has ultimate authority.
- A comparison was made to the Village of Penn Yan Municipal Utilities Board that as an advisory group only makes recommendations to the Village Board.
- The existing KPSW Committee seems to work quite well, but all the information is not getting to the full Town Board.
- Need to develop good reporting systems.
- Reference to the \$1.6 million operation was clarified that a significant amount of that is debt and contracts with Penn Yan.
- Meetings are held periodically with Keuka College as our largest customer on KPSW matters.
- An option to hiring a financial consultant is to utilize resources within our community at no cost. The Town has paid the financial consultant \$2,387 through April 16, 2008.
- Conflict of interest policy needs to be set.
- Members could be added to our KPSW Committee to bring expertise for guidance and enhancement instead of creating another separate entity.

RESOLUTION #93-08

ESTABLISH PROPOSED SEWER & WATER ADVISORY COMMITTEE

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

DENIED      Ayes 2      Folts, Simmons  
              Nays 2      Hopkins, Jones

Whereas a proposal has been presented to establish a separate Sewer & Water Advisory Committee that would meet prior to the monthly Town Board meetings; and

Whereas after further discussion it has been determined a separate committee is not warranted as proposed, but we desire to enhance the existing Keuka Park Sewer & Water Committee; now, therefore, be it

Resolved that three members be added to the KPSW Committee as follows:

Art Adams  
A representative from Keuka College  
One member to be determined by Councilperson Simmons

RESOLUTION #94-08

ESTABLISH PROPOSED SEWER & WATER ADVISORY COMMITTEE

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

DENIED      Ayes 2      Hopkins, Jones  
              Nays 2      Folts, Simmons

Whereas a proposal has been presented to establish a separate Sewer & Water Advisory Committee that would meet prior to the monthly Town Board meetings; and

Whereas after further discussion it has been determined a separate committee is not warranted as proposed, but we desire to enhance the existing Keuka Park Sewer & Water Committee; now, therefore, be it

Resolved that two members be added to the KPSW Committee as follows:

Art Adams

A representative from Keuka College or a member to be determined by Councilperson Simmons

RESOLUTION #95-08

ESTABLISHMENT OF ADULT ENTERTAINMENT APPLICATION FEES

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

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

Whereas the Town of Jerusalem has enacted law requiring Adult Entertainment Business to be individually licensed by the Town of Jerusalem; and

Whereas the Adult Entertainment Law requires both an original non refundable license fee and a yearly renewal fee; now, therefore, be it

Resolved that following application fees be established for Adult Entertainment Business Fee, and be made part of the Town of Jerusalem Fee Schedule:

AEB - Original Application	\$2,000.00
AEB - Annual Renewal Fee	\$ 500.00

RESOLUTION #96-08

APPOINTMENT - PART-TIME HELP - BUILDING DEPARTMENT

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

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

Whereas the 2008 budget included funds for additional help in the Building Department to help with basic office functions; and

Whereas the Code Enforcement Officer's busy season has begun; and

Whereas the citizen's group convened to review and recommend areas for improvements within the Zoning, Assessing and Planning Departments has not completed their report to date; now, therefore, be it

Resolved that an advertisement be placed in the local newspaper for a part-time Code Enforcement Officer clerk to work no more than 17.5 hours/week per Civil Service classification. Applicants will be evaluated on their computer skills, organizational skills and ability to work with the public with a salary commensurate on these abilities.

;and, further, be it

Resolved the candidates be interviewed by Code Enforcement Officer Phillips, ZAP Clerk Nesbit and the Code Enforcement/Code Officer Committee (Councilperson Hopkins and Supervisor Jones).

RESOLUTION #97-08

INDEMNIFICATION AGREEMENT RENEWAL

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

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

WHEREAS, due to a recognized need for an indemnification agreement to be executed between Town of Jerusalem and various municipalities or entities within Yates County that may receive loaned equipment and vehicles from the Town without operator; and

WHEREAS, the Town Attorney has recommended that such an agreement be executed in the event the Town is asked to loan equipment or vehicles without operators to various municipalities or entities within Yates County; and

WHEREAS, the indemnification agreement will be in effect for two years from the date of signature by the Supervisor of the Town of Jerusalem and will need to be renewed bi-annually; now, therefore be it

RESOLVED, to authorize the Supervisor of the Town of Jerusalem to sign the indemnification agreements with various municipalities or entities within Yates County; and be it further

RESOLVED, that a copy of this resolution be sent to the Town of Jerusalem Highway Department and each municipality or entity that wishes to borrow Town equipment and vehicles without operators.

INDEMNIFICATION AGREEMENT

A. To the fullest extent permitted by law, Yates County agrees to defend, indemnify and hold harmless the TOWN OF JERUSALEM, its officers, directors, agents, and employees from and against any and all claims, suits, liens, awards, judgments, damages, losses, and expenses, including reasonable legal fees and costs, arising in whole, in part, and in any manner from the acts or omissions of Yates County, its officers, directors, agents and employees, in connection with its use of vehicles and/or equipment owned by the TOWN OF JERUSALEM.

B. Further, Yates County agrees to reimburse the TOWN OF JERUSALEM for any damage done to said vehicles and/or equipment while such vehicles and/or equipment are being used by or under the control of Yates County, excepting ordinary wear and tear. This agreement shall be in effect for two years from the date of signature of the Town Supervisor.

RESOLUTION #98-08

ADOPT FINANCIAL MANAGEMENT POLICY

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

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

Whereas a draft Comprehensive Financial Management Policy has been received from financial consultant Bernard P. Donegan, Inc.; now, therefore, be it

Resolved that the Town Board adopt the Comprehensive Financial Management Policy as presented; and, be it further

Resolved that the Town Board will review said policy at the annual Organizational Meetings.

RESOLUTION #99-08

APPROVAL - CERTIFICATE OF AMENDMENT OF THE CERTIFICATE OF INCORPORATION OF THE BRANCHPORT FIRE DEPARTMENT, INC.

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

ADOPTED BY ROLL CALL VOTE  
Supervisor Jones  
Councilperson Simmons  
Councilperson Folts  
Councilperson Hopkins

Whereas the Town Board of the Town of Jerusalem authorized the execution of the Consent in the matter of the approval of the Certificate of Amendment of the Certificate of Incorporation of the Branchport Fire Department, Inc. on November 15, 2006 by Resolution #191-06 as follows:

Whereas the Town Board has received from the Branchport Fire Department, Inc. a letter and a Consent form for consideration by this Board; and

Whereas the Department is requesting that a Certificate of Amendment to its Certificate of Incorporation be approved as required by the Not-for-Profit Law; and

Whereas the Board has determined that the proposed Amendments simply reflect the current operating status of the Department as to its name, purposes, and the territory which it is called upon to protect; and

Whereas the Board has also determined that signing a Consent requested, does not impose any liability on this Board or subject it to any cost or expense; now, therefore, be it

Resolved that after further deliberation this Board authorizes the execution of the Consent submitted by the Branchport Fire Department Inc. as to amendments to its Certificate of Incorporation and that all members of this Board are authorized to sign such Consent; and, further

Resolved that because of the untimely filing of said approval by The Harris Law Firm as stated in their May 5, 2008 correspondence, the Town Board update its approval as of this date, May 20, 2008.

RESOLUTION #100-08

APPROVE - TAX EXEMPT STATUS - TOWN OF PULTENEY WATER DISTRICT NO. 1  
PARCEL WITH THE TOWN OF JERUSALEM

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

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

Whereas the Town of Pulteney Water District No. 1 master meter is located within the Town of Jerusalem, identified as tax parcel number 95.02-1-13.2; and

Whereas the Town of Pulteney seeks an agreement with the Town of Jerusalem exempting said property from taxation, special ad valorem levies and special assessments; now, therefore, be it

Resolved that the Town of Jerusalem exempts said parcel that is utilized solely for water district operations pursuant to Real Property Tax Law Section 406 and/or Section 410-a; and, further

Resolved that a copy of this resolution be forwarded to the Town of Pulteney, the Town Assessor and the Yates County Real Property Tax Service.

RESOLUTION #101-08

REFERRING ALL REQUESTS FOR OPEN DEVELOPMENT AREAS TO THE PLANNING BOARD

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

ADOPTED Ayes 4 Folts, Hopkins, Jones, Simmons  
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 advise on the application and that the Planning Board shall have a reasonable length of time to report on the matter; and

Whereas, the Planning Board agrees that a reasonable length of time to report on such an application shall be 30 or 60 days from receipt, depending on the complexity of the circumstances of the case; now, therefore, be it

Resolved that:

1. All applications for the creation of a new Open Development Area within the Town of Jerusalem are hereby referred to the Town of Jerusalem Planning Board in accordance with procedures established in this resolution.
2. The Code Enforcement Officer (CEO) shall receive all such applications and the prescribed application fee and shall insure that all relevant information is submitted with the application.
3. If and when the CEO shall determine that an application is complete, he shall forward the same to the Chairman of the Planning Board, who shall place the matter on the agenda of the next regular meeting of the Planning Board. At the same time the CEO shall advise the Supervisor and Town Clerk of the receipt of the completed application.
4. The Planning Board shall report to the Town Board its recommendation either to approve or disapprove the application.
5. The Planning Board's report shall be in writing and shall contain its reasons for its recommendation. If the recommendation is to approve the application, the Planning Board may prescribe such Rules for the construction and maintenance of

- the private road as it shall deem appropriate in the circumstances. In so doing the Planning Board shall be guided by the Rules for Private Roads heretofore adopted by the Town Board with the advice of the Planning Board on June 20, 2007, but these Rules may be modified as required by a particular case.
6. The Planning Board's report shall be received by the Town Clerk at least five (5) days prior Town Board's regular meeting scheduled at least 30 days after the receipt of the application by the Chairman of the Planning Board.
  7. If the circumstances of the case reasonably require more time for the Planning Board to report, it may so notify the Clerk of the Town Board, in which case the report shall be received by the Town Clerk at least five (5) days prior to Town Board's regular meeting scheduled at least 60 days after the receipt of the application by the Chairman of the Planning Board.
  8. If a Planning Board does not report to the Town Board as provided in paragraphs 6 or 7 above, the Town Board may act on the application without a report from the Planning Board.
  9. The Procedure for Handling Requests for Open Development Area (ODA) attached to this Resolution is hereby adopted and shall be followed until further resolution of this Town Board. In case of conflict between this Resolution and the Procedure, this Resolution shall govern.
  10. The Town Clerk shall furnish a copy of this Resolution to the Planning Board and the CEO.
  11. This Resolution shall take effect immediately.

TOWN OF JERUSALEM

Procedure for handling Request for Open Development Area (ODA):

1. Request goes to CEO for action by Town Planning Board and Town Board.
  - a. Fee paid.
  - b. CEO sees that all necessary information is furnished.
    - i. Map showing lots to be served, road, and public highway, all with dimensions.
    - ii. Copy of owner's deed.
    - iii. Proposed maintenance agreement or deed provision.
    - iv. SEQR EAF.
  - c. When complete, CEO sends to Planning Board for consideration at its next regular meeting.
  - d. Planning Board must report to the Town Board 5 days before the Town Board's next regular meeting after the Planning Board meeting. In unusual cases Planning Board may have an additional 30 days to report.
2. Planning Board response.
  - a. Planning Board reports to Town Board in writing.

- i. Recommends either to establish or not to establish the ODA.
    - ii. Recomends use standard Rules (Spec's) or modified Spec's.
    - iii. Includes statement of reasons for its recommendation.
  - b. Or, Planning Board does not respond.
3. Town Board acts on request by Resolution. Town Board may:
  - a. Require applicant to construct road in accordance with the spec's before ODA will be established, or
  - b. Establish ODA on condition that road must be constructed and approved by the CEO or the Yates County Soil and Water Office, or both of them, before any building permits are issued, or
  - c. Disapprove the request.
  - d. Approval of the CEO or the Yates County Soil and Water Office shall mean a written approval without conditions. If either of them feels that unconditional approval cannot be given, he shall disapprove and state the reasons.
4. CEO may not issue a Building Permit for a lot until:
  - a. Town Board has adopted resolution establishing ODA.
  - b. Road has been constructed to the lot and in accordance with resolution establishing ODA.
  - c. Highway superintendent has approved road in writing without conditions.
5. CEO may not issue a Certificate of Occupancy until:
  - a. A maintenance agreement has been recorded in Yates County Clerk's Office.
  - b. A road sign has been erected with house number(s) displayed.

RESOLUTION #102-08

APPROVAL - CONCERT AT LEST WE FORGET MEMORIAL

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

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

Resolved that permission be granted for the Celtic Concert to be held at the Lest We Forget Memorial on August 12, 2008.

With there being no further business, on a motion of Supervisor Jones, seconded by Councilperson Hopkins, the meeting was adjourned at 9:37 P.M.

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Sheila McMichael, Town Clerk