

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

Excused: Councilperson Hopkins

GUESTS: Max Parson, Bill Pringle, Bob Evans, Taylor Fitch, Susan Close, Tom Close, Alice Hunt, Lincoln Charles, Bob Johnson, Curt Gillette, Sue Gillette, Doug Paddock, Jim Fitzgibbon.

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

RESOLUTION #116-08
APPROVAL OF MINUTES

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

ADOPTED	Ayes	3	Folts, Jones, Simmons
	Nays	0	
	Abstain	1	Stewart

Resolved that the minutes of the July 16, 2008 meeting and the July 30, 2008 special meeting be approved as read.

RESOLUTION #117-08
AUDIT OF CLAIMS

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

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

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

General:	\$13,087.90
Highway DA:	\$ 5,956.15
Highway DB:	\$41,193.06
Sewer:	\$75,955.96
Water:	\$ 4,221.00
July utilities: General:	\$ 730.81
	Sewer: \$20,048.80
	Water: \$ 156.25
	Trust: \$52,601.59

RESOLUTION #118-08
SUPERVISOR REPORT

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

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

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

RESOLUTION #119-08

MOVE TO SCHEDULED PUBLIC HEARING - PROPOSED LOCAL LAW D-2008 -
LOW IMPACT WHOLESALE BUSINESS

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

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

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing on proposed Local Law D-2008 providing for Low Impact Wholesale Business in the Town of Jerusalem at 7:05 P.M. Supervisor Jones presented a summary of conduct for the public hearing and read the local law.

Max Parson supports the local law stating it is long overdue and the Town needs to move ahead.

Bob Evans stated the Planning Board has some concerns with the local law as proposed, but are not opposed to it tonight. The Planning Board's concerns will be addressed at a later time.

Lincoln Charles requested verification of his understanding of the local law as proposed. He asked if existing buildings that do not comply with the set backs would be grandfathered in.

In response to a question from Bob Johnson regarding the definition of "non-retail" in Section 2. that conflicts with Section 4. 6. Retail space, if any, is not to exceed 10% of total floor area of the building., Section 2. was amended to state "limited retail" instead of "non-retail".

Town Engineer Ackart stated the word "short" needed to be deleted from Section. ___ Application regarding the environmental assessment form that needs to accompany an application because it could require either a long or short form.

The public hearing was left open.

Lincoln Charles spoke to his specific needs that would allow him to relocate his foundry operation that produces high-end high-value commodities to the Town of Jerusalem.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

Highway Superintendent Payne submitted his financial summary of road work through July. (On file in the office of the Town Clerk.)

RESOLUTION #120-08

AUTHORIZE GRAVEL CRUSHING BID

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

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

Resolved that Highway Superintendent Payne be authorized to advertise for gravel crushing bids.

RESOLUTION #121-08

AUTHORIZE PURCHASE OF FURNACE

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

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

Whereas, Highway Superintendent has received four quotes for a wood burning furnace to be used for heating of the Highway Department buildings. Gowiski Sales 7 Service, Arkport, New York meets the necessary requirements at the lowest price.

Quotes:

Gowiski Sales 7 Service, Wood Master Model #5500
\$7250.00

Quackenbush Hardware, Wood Master Model #5500 \$7970.00

Martins Outdoor Power Equipment, Classic Model #6048DR
\$9385.00

Diversified Energy Systems, Heatmor Model #400 DCSS \$9315.00

Now, therefore, be it resolved that the Town Highway Superintendent is hereby authorized to purchase the following: one (1) Wood Master Outdoor Wood Burning Furnace, Model #5500 from Gowiski Sales & Service, Arkport, NY in the amount of \$7250.00, to be used for heating purposes at the Highway Department Garage.

The proceeds for this purchase shall be taken from General Garage Account #5132.4.

Councilperson Simmons and Supervisor Jones met with Bob Multer to discuss possible shared services whereby the Highway Department would plow County roads like Middlesex and the Town of Milo do. Highway Superintendent Payne has considered this

and is of the opinion that with 112 miles of road we currently plow, we do not have the time to cover any more miles of road. Also, there is not any stretch of County road that we already travel that we could plow on their behalf.

TOWN ENGINEER

Town Engineer Ackart reported the Town of Pulteney has approximately 160 connections and they estimate 200 connections by year end.

A meeting was called by the Hornell State Health Department with the Geneva State Health Department, Pulteney and Jerusalem to discuss re-chlorination, THM's and tank fill procedures.

We anticipate significant expenses related to needed revisions at the Village of Penn Yan Water Treatment Plant.

The Village of Penn Yan is in receipt of their draft 2006-2007 audited financial statement. Copies of the statement will be mailed to their wholesale water customers within seven days after being approved. Our water usage can then be reconciled to the audited financial statement.

Work on the 2009 water and sewer budgets is underway.

COUNCIL

Councilperson Stewart noted both the concert at the War Memorial and the program at the Branchport Library on August 12th were well attended. Because we do not have a VFW or American Legion, he suggested the Town look to do more community events. Stewart and Bob Evans will coordinate an event such as an ice cream social or B-B-Q.

The Town has received numerous complaints regarding property maintenance. The Grievance Board informed the Town Board grievances were filed because of property maintenance issues. The Code Enforcement Officer is issuing violation notices to address these matters.

Supervisor Jones read the following Council Report from Loretta Hopkins:

We (the Town Board) have received a letter from the Grievance Board speaking to us about their concerns that several grievances came because of property maintenance in the hamlet of Branchport. Although some relief was granted to property owners, they believe the problem may be much broader.

Coinciding with the apparent problem locally, CNN and ABC recently presented commentaries showing property maintenance as a national problem devaluing neighborhoods by 20% and much more depending on the scope.

Our Code Enforcement Officer has cited four of the offenders at this time and will soon be citing more.

I respectfully request that the Resolution for the Land Reserve Fund and the hour adjustment for the KPSW Water Clerk be tabled until the September meeting when I can comment on these issues.

Also, I have a response to Councilman Folts' complaints about day time meetings and would like to address them at our next public meeting.

Supervisor Jones also received a letter from Debbie Koop requesting the Town Board refrain from voting on the use of Twix Pines settlement monies to establish the land reserve fund.

RESOLUTION #122-08

TABLE LAND RESERVE FUND RESOLUTION

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

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

Resolved that the Land Reserve Fund Resolution be tabled until the September 17, 2008 Town Board meeting.

SUPERVISOR

Supervisor Jones stated upon the sale of 687 West Bluff Drive, it was discovered a shed is encroaching on the highway right-of-way. Supervisor Jones informed Town Attorney Bailey that because the previous owner did not obtain a building permit to place the shed on the property, their options are:

Remove the building from the property

Apply for a permit and meet the proper setbacks

Apply for a permit with same setbacks, the Code Enforcement Officer will then deny, and they can apply for a variance.

Supervisor Jones has not heard any further on this matter.

ZONING REVIEW/TOWNHOUSE SUBCOMMITTEE

Planning Board Chair Evans stated the Subcommittee recommended to the Planning Board at their August meeting that townhouses be allowed in the Branchport Service Park. Regulations for townhouses have not yet been completed for the Town. Supervisor Jones advised George Sproule of the Planning Board's recommendation.

SUBDIVISION SUBCOMMITTEE

Subdivision Subcommittee Chair Close stated they met last night to review the draft regulations and the alternative approach recommended. They will meet next week to continue discussions.

WIND FARM SUBCOMMITTEE

Councilperson Simmons stated the Wind Farm Subcommittee will be meeting September 3rd to start looking at rules and regulations to allow wind farms within the Town. Jim Barre is now chairing this subcommittee.

ZONING ASSESSMENT PLANNING (ZAP) OPERATIONS REVIEW SUBCOMMITTEE

With budget sessions currently upon us, Councilpersons Folts, Simmons and Stewart will be looking at the ZAP Operations Review Subcommittee report in October with a January start date for implementation of the recommendations.

ROUTE 54A ADDRESSING PROPOSAL SUBCOMMITTEE

Alice Hunt provided an update on the July 31st Subcommittee meeting with Yates County Sheriff Ron Spike, Code Enforcement Officer John Phillips, Councilperson Stewart and Supervisor Jones. While Sheriff Spike was receptive to the Town's problems, the Emergency Management Services (EMS) works well on its own and has components available to only EMS. EMS has mechanisms in place to deal with the duplicate addresses that currently exist.

Bob Johnson also spoke to the July 31st meeting and presented the Board with an outline of the address proposal support as follows:

Sheriff Spike has promised full cooperation and assistance as the Town updates its property-address listing. This includes sharing mapping software and the map book used by 911 and the road patrol officers to locate properties.

Sheriff Spike has pledged \$2,000 towards a fund to pay for the numbers needed for a door-to-door "Get-Those-Numbers-Posted Campaign." Such a campaign would assure numbers being posted throughout the Town of Jerusalem.

Sheriff Spike has stated he understands the need for local road names even though 911 doesn't need them, and that 911 can easily work with local road names. He has also stated that he favors using the modified Stark numbering system (1000-numbers per mile) for numbering the lake roads.

The US Postal Service has recently provided us with two alternative form letters that can be used for notifying residents about their change of address. As previously stated, the USPS will pickup the postage for all letters containing their form letter with the US Postal Service insignia on it. This is an estimated \$1000 cost to the USPS.

Petitions presented with, and attached to, the proposal demonstrate public support from each of the roads/streets directly involved. The sampling indicated over 90% support from the residents living along each of these roads.

Also attached to the proposal presented on June 18, 2008 were

several Declarations of Support from individuals, mostly from the Penn Yan and Jerusalem business community - people whose business relies on the addressing system for accurate and efficient delivery of their goods and correspondences. The July 30, 2008 issue of the Chronicle Express had an extensive article about the proposal. The committee has received several positive responses; "When and what is going to happen?" "How soon can we expect this to take effect?" We have heard no adverse reactions.

Volunteers are available and willing to do much of the work: re-numbering, address correcting, preparing and information flyer, preparing notifications, stuffing envelopes, answering phones and whatever other assistance is possible. This will minimize the extra work required of town personnel resulting from the passage of the Addressing Proposal.

All the departments with the Jerusalem government have gone on record as being in support of the merits and the improvements that the Address Proposal will bring about. Mr. Johnson presented the Town Board with a letter of support signed by staff at the Town Hall.

Supervisor Jones and Councilperson Stewart will meet with Mrs. Hunt and Mr. Johnson on August 27 to continue review and discussion of the addressing proposal.

PLANNING BOARD PRIORITY LIST

The Town Board accepted the Planning Board's recommended list of priorities as listed:

Subdivision

Town Houses Regulations, etc.

Agriculture Protection and The Right To Farm

Senior and Affordable Housing

Conservation of Natural Resources and Alternate Energy Resources Grants.

MEETING TIMES

A lengthy discussion ensued regarding Councilperson Folts' comments regarding daytime meetings given two recent special Town Board meetings and the upcoming budget meeting schedule. Supervisor Jones stated that the budget workshops and hearing have not been scheduled to date, but they will be scheduled for the convenience of the majority and employees' schedules will be taken into consideration if they need to attend.

REQUEST FOR SUPPORT - AG & MARKETS FARMLAND PROTECTION GRANT PROGRAM

Sue Gillette, 2658 Sand Hill Road addressed the Board regarding their application to the New York State Department of Ag & Markets Farmland Protection Implementation Grants Program that

Peter Landre, Cornell Cooperative Extension Executive Director supervises. The State has a competitive grants program for farmland protection that provides up to 75% cost share for the purchase of development rights. The landowner or other entity pays the other 25%. The Gillette and Mike Folts' farms were selected through a competitive process to be applicants for this year's State program. Support from the Town is not required, but was requested of the Town since the Town's Comprehensive Plan clearly identifies protection of farmland as a major goal. If funded, it will result in the protection of 247 acres on the Gillette farm and 52.5 acres on the Folts farm.

RESOLUTION #123-08

APPROVAL OF NEW YORK STATE DEPARTMENT OF AG AND MARKETS FARMLAND PROTECTION GRANT PROGRAM

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

ADOPTED	Ayes	3	Jones, Simmons, Stewart
	Nays	0	
	Abstain	1	Folts

Whereas the 2006 Town of Jerusalem Comprehensive Plan states in part "It is our policy to conserve Jerusalem's rural heritage and to protect our active farmland and valuable open space..."; and

Whereas New York State provides 75% funding for the protection of valuable farmland through the Farmland Protection Implementation Program; and

Whereas the Michael Folts Farm (Folts) and Curtis Gillette Farm (Gillette), in the Town of Jerusalem have applied to Yates County to participate in the program through the Yates County Ag and Farmland Protection Board; and

Whereas the Folts and Gillette farms have been selected through a competitive selection process by the Yates County Ag and Farmland Protection Board to apply to the state program; and

Whereas the Finger Lakes Land Trust has agreed to hold, monitor and enforce the conservation easement, should the projects be funded; and

Whereas Folts and Gillette have agreed to pay 25% of the cost share of the project; and

Whereas the Town of Jerusalem values the contributions and protection of agriculture in the Town and recognizes the important opportunity the New York State Farmland Protection

Implementation Program provides for farmers across the state;
now, therefore, be it

Resolved, the Town of Jerusalem supports the application of the
Folts and Gillette farms for the New York State Farmland
Protection Implementation Program.

RESOLUTION #124-08

CLOSE PUBLIC HEARING MOVE - PROPOSED LOCAL LAW D-2008 - LOW
IMPACT WHOLESALE BUSINESS

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

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

Resolved that the Public Hearing be closed at 8:43 P.M. and that
the Board return to the Regular Town Board meeting.

RESOLUTION #125-08

SEQR CONSIDERATION AND NEGATIVE DECLARATION - PROPOSED LOCAL LAW
D-2008 - LOW IMPACT WHOLESALE BUSINESS

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

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

Whereas the Town has seen the need for and developed the
proposed Local Law D - 2008 , and reviewed and took public
comment at a Public Hearing on August 20, 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, be it further

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.

RESOLUTION #126-08

STEEP SLOPES APPLICATION - FEE SCHEDULE

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

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

Whereas, a Steep Slopes Section was added to the Town Code for the Town of Jerusalem on July 1, 2008; and

Whereas, a fee schedule must be established to cover costs incurred by the Town to process, inspect and approve any Steep Slope applications; now, therefore, be it

Resolved that a two-part application fee be adopted to be charged when a parcel requires review under the Steep Slope Law in the following amounts:

Application fee - \$100.00 per parcel (non-refundable)

Professional Service Fee - \$500.00

This fee will be used to defray cost of services, incurred by the Town, in connection with Professional review of said application.

Should that initial fee be insufficient to cover the services rendered, the applicant will be notified and all additional fees incurred from that point forward will be billed to the applicant. Professional Service Fees must be paid in full prior to the issuance of the Steep Slopes Permit.

Should the cost of Professional Service for any Steep Slopes Application be less than the \$500.00 mandatory fee, the Town will return the unused portion to the applicant upon the issuance or withdrawal of said Application; and, be it further

Resolved that this Steep Slope Fee become effective immediately and that said fees be added to the Town Fee Master List in the Town Clerk's Office.

RESOLUTION #127-08

STEEP SLOPES APPLICATION FORM

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

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

Resolved the Steep Slope Application form dated 8/07/08 be approved as presented.

RESOLUTION #128-08

APPROVAL - APPLICATION FOR JUSTICE COURT ASSISTANCE PROGRAM GRANT

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

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

Whereas the Town Justice has requested the purchase of office equipment that is not included in the 2008 Town Budget; and

Whereas as funds are available through the New York Justice Court Assistance Program Application Grant; now, therefore, be it

Resolved that the Supervisor be authorized to submit a grant application for a photo copier and metal shelving.

PUBLIC COMMENT

Max Parson asked what we can expect for the 2009 budget. Supervisor Jones responded we are in the process of inputting department requests and could not provide a definite answer at this time. Ways to reduce the budget were discussed that included ventures such as the electric co-op and shared services.

RESOLUTION #129-08

PROCLAMATION - CONSTITUTION WEEK SEPTEMBER 17-23, 2008

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

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

Supervisor Jones read the following proclamation presented by the Gu-Ya-No-Ga Chapter NSDAR:

Whereas, our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and

Whereas, it is of the greatest importance that all citizens fully understand the provisions and principles contained in the Constitution in order to effectively support, preserve and defend it against all enemies; and

Whereas, the two hundred and twentieth anniversary of the signing of the Constitution provides an historic opportunity for

all Americans to remember the achievements of the Framers of the Constitution and the rights, privileges, and responsibilities they afforded us in this unique document; and

Whereas, the independence guaranteed to American citizens, whether by birth or naturalization, should be celebrated by appropriate ceremonies and activities during Constitution Week, September 17 through 23, as designated by proclamation of the President of the United States of America in accordance with Public Law 915; now

Therefore, I Daryl H. Jones by virtue of the authority vested in me as Jerusalem Supervisor in the State of New York, do hereby proclaim the week of September 17 through 23 as CONSTITUTION WEEK in the Town of Jerusalem, and urge all our citizens to reflect during that week on the many benefits of our Federal Constitution and the privileges and responsibilities of American citizenship.

RESOLUTION #130-08

TABLE SUBDIVISION CONSULTANT CONTRACT - BERGMANN ASSOCIATES

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

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

Resolved the contract from Bergmann Associates be tabled until such time the Subdivision Subcommittee requests their assistance with the development of subdivision regulations.

With there being no further business, on a motion of Councilperson Stewart, seconded by Councilperson Folts, the meeting was adjourned at 9:15 P.M.

Sheila McMichael, Town Clerk

