

Minutes of the regular monthly meeting of the Jerusalem Town Board held on March 21, 2012 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilors Folts, Killen, Parson, Steppe, Deputy Supervisor Stewart, Town Attorney Bailey, Town Clerk McMichael, Town Engineer Ackart.

GUESTS: Taylor Fitch, Jennifer Gruschow, Jim Fitzgibbons, Rob Martin, Scott Demmin, Art Carcone and several other unidentified guests.

EXCUSED: Highway Superintendent Payne

Supervisor Jones called the meeting to order with the Pledge to the Flag at 7:02 P.M.

RESOLUTION #56-12
APPROVAL OF MINUTES

On a motion of Councilor Killen, seconded by Councilor Steppe, the following was

ADOPTED	Ayes	4	Folts, Jones, Killen, Steppe
	Nays	1	Parson

Resolved that the minutes of the February 15, 2012 meeting be approved as read.

RESOLUTION #57-12
APPROVAL OF MINUTES

On a motion of Councilor Parson, seconded by Councilor Steppe, the following was

ADOPTED	Ayes	4	Folts, Jones, Killen, Parson
	Nays	0	
	Abstain	1	Steppe

Resolved that the minutes of the Special March 9, 2012 meeting be approved as read.

RESOLUTION #58-12
AUDIT OF CLAIMS

On a motion of Councilor Parson, seconded by Councilor Killen, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

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

General:	\$ 11,979.65
Outside Village	\$ 4,702.84
Highway DB:	\$ 12,051.70
Branchport Light	\$ 251.33
Trust	\$ 1,801.00

Sewer: \$ 4,737.93
Water: \$124,674.05

February Utilities:

General: \$ 2,179.51
Sewer: \$30,755.64
Water: \$ 327.98
Branchport Light: \$ 270.18

RESOLUTION #59-12
SUPERVISOR REPORT

On a motion of Councilor Killen, seconded by Councilor Steppe, the following was

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe
Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of February 2012 be accepted as presented.

OPEN PUBLIC HEARING - LOCAL LAW A-2012 (PROPOSED) - CHANGE TO DATE ESTABLISHED FOR GRIEVANCE DAY

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing on proposed Local Law A-2012 (proposed) change to the date established for Grievance Day at 7:05 P.M., asking for comments.

Supervisor Jones explained enactment of this law will establish Grievance Day as Thursday, May 24th for the year 2012. This change is necessary because the Town employs an Assessor who is at the same time employed by another assessing unit.

RESOLUTION #60-12

CLOSE PUBLIC HEARING - LOCAL LAW A-2012 (PROPOSED) CHANGE TO DATE ESTABLISHED FOR GRIEVANCE DAY

On a motion of Supervisor Jones, seconded by Councilor Steppe, the following was

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe
Nays 0

Resolved that the Public Hearing on Local Law A-2012 (proposed) be closed at 7:07 P.M. and that the Board return to the Regular Town Board meeting.

RESOLUTION #61-12

AUTHORIZING ADOPTION BY THE TOWN BOARD OF LOCAL LAW NO. A-2012
(PROPOSED) CHANGE TO DATE ESTABLISHED FOR GRIEVANCE DAY

On a motion of Councilor Killen, seconded by Supervisor Jones, the following was

ADOPTED BY ROLL CALL VOTE:

Councilor Parson	Aye
Councilor Folts	Aye
Councilor Steppe	Aye
Councilor Killen	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 March 21, 2012, 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 change the date established for Grievance Day", and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on March 14 and 21, 2012, and

WHEREAS, said public hearing was duly held on March 21, 2012, at 7:05 P.M. at the Town Hall at 3816 Italy Hill Road, Branchport, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 2 of 2012 entitled "A Local Law Change to the Date Established for Grievance Day", a copy of which is attached hereto and made a part of this resolution,

Be it enacted by the Town of Jerusalem as follows:

Section 1 - Statement of Purpose:

The Town of Jerusalem in the County of Yates employs an Assessor who is at the same time employed by another assessing unit. Pursuant to the authority granted by Section 512 (1-a) of Real Property Tax Law, the Town of Jerusalem desires to establish a date

for the meetings of the Board of Assessment Review other than that provided in subdivision 1 of Section 512 of the Real Property Tax Law.

Section 2 - Grievance Day in the Town of Jerusalem:

The Town of Jerusalem hereby adopts as and for its Grievance Day the first Thursday after the fourth Tuesday of May and so many days thereafter as the Board of Assessment Review deems necessary to meet to hear complaints in relation to assessments pursuant to Section 512 of the New York State Real Property Tax Law. The Grievance Day hereby established shall remain in effect until rescinded or superseded by local law.

Section 3 - Effective Date:

This local law shall take effect immediately 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.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.

COUNCIL

- Town Clean-Up Day is scheduled for Saturday, June 16, 2012.
- Councilor Steppe stated the Finger Lakes Museum held their sketch plan conference for the Guyanoga Road campus with the Planning Board on March 1st. The Museum has requested the Planning Board be lead agent on SEQR. The Planning Board needs to submit their written recommendation on changing the zoning for the Museum project to the Town Board for their consideration.

SUPERVISOR

- St. Michael's Bike the Bluff 2012 has been scheduled for Saturday, July 7th from 8:00-11:00 A.M. Additional signage along the route will be requested as a precautionary measure.

The Town Board will enter in an Executive Session tonight.

RESOLUTION #62-12

SEQR - LEAD AGENCY DECLARATION IN THE ADOPTION OF THE BRANCHPORT HAMLET MASTER PLAN

On a motion of Supervisor Jones, seconded by Councilor Killen, the following was

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe
Nays 0

Whereas in accordance with the regulations set forth by the New York State, State Environmental Quality Review Act (SEQR), the Town of Jerusalem must first undergo the process defined in such act prior to the adoption of the Branchport Master Plan; and

Whereas as the government body for the Hamlet of Branchport, the Jerusalem Town Board believes it to be appropriate that they serve as lead agency for such SEQR process; and

Whereas the Town must send notification to other involved agencies seeking input on their decision to serve as lead agency and it is believed the only other involved agency is Yates County; now, therefore, be it

Resolved that the Jerusalem Town Board will serve as and is declared lead agency, as in accordance with the New York State, State Environmental Quality Review Act for the anticipated adoption of the Branchport Hamlet Master Plan and will send notification to Yates County seeking input regarding the Town Board's declaration of lead agency.

SUBCOMMITTEE REPORTS

ZONING REVIEW/54A SUBCOMMITTEE:

The Subcommittee is working with Yates County Soil & Water to map out boundaries for the rezoning of 54A and possibly create an overlay district

CONSERVATION/RENEWABLE ENERGY COMMITTEE

The Committee is working on an open space plan and trails.

YATES COUNTY MARCELLUS SHALE TASK FORCE

The Task Force continues to work on a host community agreement.

SUNSHINE FUND

The draft overview and mission of the Sunshine Fund presented to the Board in February will be distributed for use to all departments as follows:

Sunshine Fund Committee for 2012-Councilman Patrick Killen (Chairman), Councilman Mike Folts, Bookkeeper Jennifer McKay

Purpose - to show appreciation for and support of current and former employees of the Town of Jerusalem, and others who have significantly contributed to the Town or to express condolences after a death of a Town employee or immediate family member.

The Sunshine Fund is created by monthly contributions of \$12 each from the members of the Town Council & the Town Supervisor and is held in a separate account by Bookkeeper Jennifer McKay.

Major activities by Sunshine Fund

Annual Party (typically Christmas Party)

Flowers, plant or donation in memorial

Cards

Open House reception w/ verbal recognition read into minutes of Board Meeting

Events that trigger action by the Sunshine Fund

Flowers, plant or donation in memorium (typically \$40-\$50)

1. Death of current or former employee, or of a member of their immediate family (see Employee Handbook re: bereavement leave to determine immediate family)
2. Death of prominent member of community who made significant contribution to benefit of Town of Jerusalem

Cards

1. Marriage of employee
2. Birth of child to employee or their spouse/significant other
3. Surgery of employee
4. Injury or illness of employee where employee loses more than 4 days' work

Open House reception w/ verbal recognition read into minutes of Board Meeting

1. Retirement or resignation in good standing (at least 10 years of consecutive service)

2. Receipt of state/national award or recognition (i.e., water/sewer state award)

At the discretion of the Sunshine Committee, any matters not specifically addressed in above may be considered for action by agreement of majority vote of committee.

Councilor Killen noted recently retired Yates County Board of Elections employee, Pam Welker was in a serious accident. Our thoughts and prayers are with her and her family.

PROPOSED FENCE REGULATIONS

The Committee continues to meet and will draft proposed fence regulations to present to the Board and Attorney Bailey.

RESOLUTION #63-12

RESOLUTION AUTHORIZING ADOPTION OF LOCAL LAW F-2011 (PROPOSED) WIND FARM REGULATIONS

On a motion of Supervisor Jones, seconded by Councilor Parson, the following was

ADOPTED BY ROLL CALL VOTE:

Councilor Killen	Aye
Councilor Steppe	Aye
Councilor Folts	Aye
Councilor Parson	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 September 21, 2011 and October 19, 2011, at 7:00 P.M. at the Town Hall at 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law entitled "A Local Law amending the Zoning Ordinance of the Town of Jerusalem to regulate Wind Farms", and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on September 7 and 14, 2011 and October 5 and 12, 2011, and

WHEREAS, said public hearing was duly held on September 21, 2011 at 7:07 P.M. and October 19, 2011, at 7:07 P.M. at the Town Hall at 3816 Italy Hill Road, Branchport, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Yates County Planning Board recommended approval of the proposed Local Law on December 15, 2011, 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. 2 of 2012 entitled "A Local Law Regulating Wind Farms", a copy of which is attached hereto and made a part of this resolution,

Be It enacted by the Town of Jerusalem as follows:

SECTION 1: There is hereby added to Chapter 160 of the Code of the Town of Jerusalem relating to Zoning a new article entitled "Wind Farms" to read as follows:

ARTICLE ---

WIND FARMS

Section 1: Purpose & Intent

The purpose of this local law is to address the construction and operation of commercial facilities that convert wind energy to electricity and the necessary electric transmission facilities that transmit this electric power to a commercial power grid. Commercial wind power generation is a non-polluting source of energy and has the potential to provide the Town and other taxing districts with taxes or payments in lieu of property taxes that can reduce property tax levies. In addition, landowners with commercial wind turbines can receive income from the power generated. The aesthetics of the Keuka Lake area as described in the Town Comprehensive Plan are recognized and must be protected to assure the health of the tourism industry in the region and the character of the neighborhood in the area where the activity may be undertaken. This local law establishes a wind farm overlay zone and standards to minimize the environmental impacts resulting from the physical construction and operation of these commercial scale facilities. Furthermore, it strives to maintain the existing use of land close to the commercial wind tower. This local law will address the visual, aesthetic and land use compatibility aspects of Commercial Wind Energy Conversion Units, and more specifically will:

- A. Restrict the location of Commercial Wind Energy Conversion Units to areas where adverse impacts on the community are minimized.
- B. Require the configuration of Commercial Wind Energy Conversion Units to be located in a way that minimizes adverse visual impact of the towers.

Section 2: Wind Energy Overlay District

The Wind Energy Overlay District is that area of land within the Town of Jerusalem bounded on the north by the Jerusalem-Potter Town Line, on the east and southeast by the Italy Friend Road, and on the west by the Jerusalem-Italy Town Line. (See attached map.)

Section 3: Authority--Delegation, Requirement and Fees

A. This law is enacted pursuant to Article 16 of the New York State Town Law and Section 10 of the Municipal Home Rule Law.

B. The Town Planning Board is hereby authorized to approve, approve with conditions, or disapprove up to thirty (30) Commercial Wind Energy Conversion Units (CWECUs) within the Wind Energy Overlay District in accordance with Section 264 of the New York State Town Law. No CWECU is to be approved outside of the Wind Energy Overlay District.

C. No CWECU or any portion thereof shall be located or operated in the Town unless it is in accordance with a permit duly issued by the Town Planning Board under this local law.

D. The Town Planning Board shall determine on a case by case basis, based upon the specific aspects of the application and the complexity of the application, whether an independent professional Engineer or consultant will be required to assist in the review of an application. If the Planning

Board determines that independent professional or consulting services are required, the applicant shall be responsible for any and all fees associated with such services. The costs of such services shall be limited to the reasonable standard fees for such independent third party review. The Town shall bill the incurred costs for third party reviews. Failure to pay such billed costs shall constitute a withdrawal of the applicant's application under this local law, and such application shall be considered null and void by the town for all purposes related thereto.

Section 4: Procedure

A. A completed application for a CWECU or a Commercial Wind Energy Conversion System (CWECs) shall be submitted to the Town Clerk at least fifteen (15) business days prior to a regular meeting of the Town Planning Board. The Applicant or his duly authorized representative shall attend the meeting of the Planning Board to discuss the application.

B. Within sixty-two (62) days after the Town Planning Board has determined the application to be complete, it shall hold a public hearing. Notice of such public hearing shall be published in the official newspaper of the Town at least ten (10) days prior to the date thereof. The Applicant shall give notice in writing by certified mail to all property owners of record of the land within two (2)

miles of the parcel (or parcels) where the site is proposed. The Applicant shall mail these notices at least ten (10) days in advance of the public hearing scheduled in the matter, and file with the Town Clerk the United States Post Office receipts as proof of such notification being made prior to the public hearing date.

C. Within sixty-two (62) days of the close of the public hearing, the Town Planning Board shall approve, conditionally approve, or disapprove the application. The time in which the Planning Board may render its decision may be extended by mutual consent of the Applicant and the Planning Board. The decision of the Town Planning Board on the application shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered, and a copy thereof mailed to the Applicant.

Section 5: Wind Measurement Towers (WMT):

A. Permitted Temporary Use:

The construction of a temporary Wind Measurement Tower (WMT) for the collection of wind data in a location of a proposed Commercial Wind Farm shall be permitted. Such temporary use shall be for a period of not more than 26 months, and shall be subject to Site Plan Review and approval by the Town Planning Board and the issuance of a building permit by the zoning officer, and the posting of a surety in a form acceptable to the town in an amount sufficient to fund the removal of such tower at the conclusion of the use.

B. Requirements:

1. The distance between the WMT and the property line shall be at least 1.25 times the tip height of the WMT.
2. Anchor points for any guy wires for a WMT shall be located within the property on which the WMT is located and not cross any above-ground electric wires. The point of attachment for the guy wire to the anchor shall be sheathed in bright orange or yellow covering from three (3) to eight (8) feet above the ground
3. The New York State Department of Agriculture and Markets guidelines for agricultural mitigation shall be adhered to both in and outside the agricultural districts

Section 6: Application Requirements

The Applicant shall submit fifteen (15) copies of the application required by Section 4 and a site plan showing the following information, unless one or more of such requirements are waived by the Town Planning Board for good cause. In addition, the Town Planning Board may request any and all additional information the Town Planning Board might deem necessary for review of such application, but such additional requested information must be reasonable in scope and relevant to the application being reviewed:

- A. Name of the project, a map indicating boundary lines of the parcel (or parcels) that the project will include and the proposed site location(s), date, North arrow and scale of the plan. The maps shall include an overall map of the project, as well as individual site maps for each proposed CWECU.

- B. Name and address of the owner(s) of record of the parcel(s) where the project is proposed to be sited, Name and address of the project sponsor and the signed seal, including the name and address, of the engineer, architect, or surveyor preparing, or assisting in the preparation of, the site plan.
- C. Name and addresses of all owners of record, as indicated in the Yates County Clerk's office, of all adjacent property owners to the project and all property owners of any and all parcels within the property setback requirements as specified.
- D. A map showing all existing lot lines, easements and rights of way, and a sketch plan showing proposed road access, including provisions for paving, if any, proposed transmission lines and accessory facilities, and location of all existing and proposed utility systems to the project.
- E. A survey of the land to be leased, if applicable.
- F. A map showing existing microwave and communication links within the project boundaries.
- G. A map showing existing and proposed topography at two-foot contour intervals.
- H. A site plan showing all existing natural land features, trees, forest cover, water courses, wetlands and all proposed permanent changes to these features, including size and type of plant material and erosion control measures.
- I. A fully completed State Environmental Quality Review Act (SEQRA) Environmental Assessment Form.
- J. A visual impact study assessing the visibility of the project from key viewpoints relative to such project, existing tree lines, and proposed elevations. This study shall be digitally enhanced to simulate the appearance of the as-built project as such completed project would appear from distances specified by the Planning Board within a five (5) mile radius of the location of such project, or any portion thereof. Additional pictures from specific locations may be required by the Town Planning Board, and all such pictures shall be in color and no smaller than 5" X 7".
- K. Documentation of the proposed intended capacity of energy generation to be derived from the completed project.
- L. Preliminary report prepared by the applicant describing:
 - 1. Surrounding topography in relation to the capabilities for generation of electricity by wind and why the project site was selected for development.
 - 2. Required improvements for construction activities, including those within the public right of way or land controlled by the Town of Jerusalem.
 - 3. Proposed mitigation measures for visual impacts of any and all components, structures, and materials related to the CWECs or individual CWECU including, but not limited to

- Commercial Wind Energy Conversion Units CWECUs, substation(s), Wind Measurement Towers, support structures and access roads.
4. Proposed safety measures to mitigate any potential CWECU failure.
 5. Documentation and justification for any proposed land clearing around structures within the project.
- M. Elevation map showing the CWECU's height and design, including a cross-section of the structure and components of the nacelle; statement of compliance documenting the unit's compliance with applicable structural standards; and the CWECU's abilities in terms of producing energy.
- N. The Applicant shall provide shadow flicker and blade glint information for the area within the boundaries of the parcel upon which the project, or any portion thereof, is to be sited and for any additional area located within a radius of one mile beyond the boundaries of said parcel. Such information shall include a shadow flicker zone map and documentation of the non-reflective coating for the blades. Accompanying such information shall be the proposed schedule with which the non-reflecting coating for the blades shall be reapplied as based on the manufacturer's suggested life of the coating product.
- O. The Applicant shall also state the following:
1. Identify the most likely locations of shadow flicker, estimate the expected duration of such shadow flicker at these locations per day, and calculate the potential total number of hours per year at each location such shadow flickers may occur.
 2. Identify potential problem zones where shadow flicker may interfere with existing residences, and describe proposed measures to mitigate these problems including but not limited to a change in siting of the unit, a change in operation of the unit, or grading or landscaping mitigation measures.
 3. Provide tax identification numbers for all properties within the potential shadow flicker zones.
- P. The Applicant shall submit a lighting plan. This must include location and type of lighting, as well as the expected impact on residential property within a five-mile radius of the project and must be in compliance with FAA minimum lighting requirements and meet the lighting requirements of Section 7-E.
- Q. Description of the Applicant's ten-year plan for the project that shall include the estimated market demand and long term project expansion needs within the Town associated with the project for the duration of the required ten year plan.
- R. Report showing soil logs and soil profile analysis for any area being disturbed as part of the project.
- S. A complete Storm Water Pollution Prevention Plan to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, and flooding of

other properties, in compliance with NYS Phase II regulations and Town of Jerusalem Steep Slopes Law.

- T. The Applicant shall, in consultation with the Town of Jerusalem and Yates County, establish an Emergency Preparedness Plan, to be implemented in the event of an emergency requiring immediate response or attention during the construction and operation of the Commercial Wind Energy Conversion System or any portion thereof.
- U. The applicant shall present a spill containment response plan, to be implemented in the event of any environmental contamination resulting from, but not limited to, oil or other chemicals. A performance bond or other appropriate mechanism shall be required to deal with this possibility. Such bond or other security shall be filed with the Town Clerk annually and kept in force.
- V. Proof of all required surety or other financial requirements related to the project. Such proof may include, but is not limited to, proof of liability insurance, decommissioning funds, development mitigation funds and all other financial requirements related to the application.
- W. A proposed agreement between the owner and operator of the CWECU or CWECs to be approved by the Planning Board that will cover the following topics:
 - 1. a Payment in Lieu of Taxes (PILOT) if the project will be exempt from real property tax;
 - 2. a plan for repairing and maintaining town highways due to damage caused by traffic in excess of that for which such highways are designed;
 - 3. a plan for decommissioning the improvements when they have served their useful purpose;
 - 4. Such other topics as the Planning Board shall reasonable require.

Section 7: Standards

The construction of a Commercial Wind Energy Conversion Unit (CWECU) or Commercial Wind Energy Conversion System (CWECs) shall be permitted only within the Town Wind Energy Overlay District upon receiving prior permit approval from the Town Planning Board. Such application for a permit shall only be granted if the application complies with the following requirements and such other reasonable conditions that the Town Planning Board requires as part of any conditional approval issued hereunder: No CWECU or CWECs will be permitted outside of the Town Wind Farm Zone.

A. Location – All CWECU's shall be located, erected and sited in accordance with the following requirements:

- 1. The applicant will evaluate the effects of the CWECs on any migratory flight path of birds and bats. If such problem is found to exist, such problem shall be resolved at the applicant's sole and complete expense to the satisfaction of the Town Code Enforcement Officer.
- 2. No individual Commercial Wind Energy Conversion Unit (CWECU) shall be installed in any location where such unit's proximity with existing fixed broadcast or reception antenna

(including residential reception antenna or satellite system) for radio, television or wireless phone or other personal communication systems where the unit would produce interference with signal transmission or reception. The applicant shall correct (or document significant progress toward corrective action on) any unforeseen interference to the satisfaction of the Code Enforcement Officer within thirty (30) days of any complaint being given to the applicant by the Code Enforcement officer or affected person. To correct such problem:

a. The Applicant shall provide the affected person(s) with service equal to or better than the service that was interrupted, or an acceptable alternative to such service which is agreeable to the Code Enforcement Officer and the affected property owner.

b. If emergency service needs have been affected, such problem shall be remedied by the Applicant within thirty-six (36) hours of notification being given to the Applicant by the Code Enforcement Officer or affected person.

3. All CWECU's shall be located, installed, or constructed on the subject parcel only in accordance with the following set backs:

a. A distance not less than 625 feet as measured from any and all public roadways or above ground power lines in the vicinity of said unit, to the base of such unit.

b. A distance not less than 1500 feet as measured from any existing residential building, unless waived in writing by the owner of such neighboring residential building..

c. A distance not less than 625 feet as measured from the property lines of the parcel on which said CWECU is to be sited.

d. Variance - The Town Zoning Board of Appeals is authorized to grant a variance to the setback requirements of subparagraph 3 of this section in accordance with Article XV of the Town of Jerusalem Zoning Ordinance, only if said Board is in receipt of a written, notarized consent form from the impacted property owner.

B. Noise. - The level of noise produced by or from the operation of the CWECU or CWECs shall be less than 6 dBA over background noise at the property lines and less than 5 dBC over background noise at the property lines.

C. Property Values. – The owner of the CWECU or CWECs shall agree to reimburse any property owner within a radius of two (2) miles of the CWECs who, based upon an appraisal by a mutually agreed upon licensed property value appraiser, determines that the value of the owner's property has been reduced due to the presence of the CWECU or CWECs. Such reimbursement shall be made within two years of the commencement of construction of the CWECU or CWECs. This reimbursement shall be only for the loss of property value (all structures and land values) due to the presence of the CWECU or

CWECS. The Town Planning Board shall require the applicant to provide a bond in the amount of 50% of the current assessed value of the property (or other security acceptable to the Town Board) for the purpose of complying with such agreement in case the applicant fails to do so. Proof of this bond or other security shall be filed with the Town Clerk before construction may begin.

D. Emergency Shutdown / Safety Operations:

1. The Applicant shall file emergency contact information with the Town Clerk, including but not limited to a telephone number and unique ID number, for each wind energy conversion unit and shall post the information at the entrance of each access road to such wind energy conversion unit so the appropriate people may be contacted should any CWECU need immediate attention or care.
2. Each CWECU shall have an automatic manufacturer-certified or engineer-certified braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, and turbine components or nacelle.

E. Lighting:

1. No CWECU shall be artificially lighted unless such lighting is required by a local, state or federal statute, rule or regulation. The use of nighttime and overcast daytime condition stroboscopic lighting shall be the minimum required by law to satisfy the lighting requirements as issued by the Federal Aviation Administration.
2. Light shields, if commercially available or other devices to block downward lighting must be used. A study of the potential impact of the proposed lighting, as well as any required alterations as determined and required for approval hereunder, on the area surrounding the subject project must be submitted.
3. If the minimum lighting requirement, as determined by applicable federal, state or local rules, regulations or statutes change during the course of operation of the wind energy conversion system, the applicant shall alter the lighting and install such lighting in the wind energy conversion system that that is at a level equal to or better than such revised minimum requirements.
4. Prior notification of any changes in the lighting plan for the project must be communicated to the Town Planning Board prior to installation of such new lighting scheme, and such alterations shall be approved for installation only for good cause shown or in order to bring such project into compliance with any and all statutory and regulatory requirements.

F. Utility Service:

1. All power transmission lines servicing the project or any portion thereof shall be underground to a minimum depth of forty-eight (48) inches or to such depth as required

by the Uniform State Fire Prevention and Building Code whichever is greater.

2. If this standard is deemed to be technically infeasible, rationale and alternative solutions and designs shall be submitted with the completed application for review and approval by the town planning board. Such approval shall be granted if such alternative is deemed acceptable by the Town Planning Board based upon substantial evidence in the record ensuring such alternative provides the level of protection and safety afforded by the standard set forth in paragraph a of this subparagraph.
3. In the unlikely event of a stray voltage occurrence, the applicant shall be notified, and shall take corrective action immediately fully remedying such occurrence.

G. Blade Sweep – The minimum height of the lowest part of the blade sweep area shall be thirty (30) feet above the highest existing major structure or tree within a one-hundred-fifty (150) foot radius of the base of the wind energy unit. The total tip height for each wind energy conversion unit cannot exceed five hundred (500) feet as measured from the base of the unit to the tip of the unit's longest blade when the blade is at its apogee.

H. Access Roads:

1. In an effort to minimize curb cuts, existing roadways shall be used for access to the site whenever possible.
2. If existing roadways are not practicable for use as such access, any necessary new roadways shall be constructed in such a way that they are level with the surrounding environment. Unless the landowner upon which such new access road is located signs a waiver requesting such property not be gated, new access roads constructed from existing roadways shall be gated and locked near the intersection of the access road and the existing roadway with breakaway gates allowing emergency access to the roadway.

I. Accessory Structures / Facilities – Transmission facilities and/or buildings shall be located along roadways, below ridgelines or behind vegetation to screen such facilities and/or buildings from visibility. If such a facility or building is to be located in or along the side of an open field, the facility or building shall be landscaped in such a way as to blend such facility or building in with the surrounding environment.

J. Security – To secure each and every CWECU so constructed within the Town, each such unit shall:

1. Not have any climbing device of any kind attached to the CWECU closer than fifteen (15) feet from the ground, and
2. Have a locked anti-climbing device installed on the unit.

K. Shadow Flicker – The owner shall design each proposed CWECU to comply with Shadow Flicker Limit at all residences, occupied community buildings and roadways. The Shadow Flicker Exposure Limit Specifications are:

1. Maximum of 25 minutes per day of Shadow Flicker Exposure from any individual CWECU or cumulative effect from multiple CWECUs.
2. Maximum of 25 hours per year of Shadow Flicker Exposure from any individual CWECU or cumulative effect from multiple CWECUs.
3. If shadow flicker exceeds these conditions, the CWECU or CWECUs causing the shadow flicker shall be shut down until the offending condition is remedied.

L. Environmental Contamination by Oil or Other Chemicals - The applicant for a wind energy conversion system, after such application has been approved and before a permit is issued, shall submit the maximum amount letter of credit or other mechanism necessary to ensure the clean-up of any contamination to DEC requirements. The Town Board and the attorney for the Town shall judge the letter of credit or other surety as adequate and satisfactory before such a permit is granted.

M. Below-Grade Foundations – The foundation top of each CWECU shall be buried to a depth of four (4) feet below ground, or to the specifications of the New York State Department of Agriculture and Markets guidelines, whichever is greater, to enable use of the land for farming/agriculture during the life of the project.

N. Road Mitigation- To be approved, the applicant shall submit and deposit with the Town a sum of money equal to an amount determined by the Town Board to offset the estimated direct and indirect adverse impacts on the Town’s Highway system anticipated to be incurred by the Town as a result of the approval of such application.

O. Decommissioning and Restoration – As a condition of approval and prior to the construction of any portion of such wind energy conversion system, each wind energy conversion system shall have a decommissioning plan with related financial surety to be filed with the town.

1. Such plan and surety shall include the following:
 - a. The anticipated life of the project,
 - b. The estimated decommissioning cost in current dollars,
 - c. A method and schedule for updating the costs of decommissioning and restoration.
 - d. A method of ensuring that funds will be available for decommissioning and restoration, and
 - e. The anticipated manner in which the project will be decommissioned and the site restored.
2. Prior to approval, the application shall be referred to the Town Board for determination of the financial surety required under this subparagraph.
3. The applicant shall agree to remove such wind energy conversion system and related

facilities if it becomes obsolete or ceases to be used for its intended purpose for a period of twelve (12) consecutive months. The Town Planning Board shall require the applicant to provide a demolition bond or other security acceptable to the Town Board for the purpose of removing such facilities in case the applicant fails to do so as required above. Proof of this bond or similar surety shall be filed with the Town Clerk each year, and recalculated in an amount reflecting the then current estimated costs for decommissioning such system.

4. The Applicant shall notify the Code Enforcement Officer within thirty (30) days of the discontinuance of use of any CWECs or any portion thereof.

a. Should the applicant fail to notify the Town Code Enforcement Officer as required in this paragraph (4), the applicant shall be subject to all penalties provided under this local law and following additional penalties:

b. A \$200.00 per day penalty from the time the applicant should have notified the Code Enforcement Officer as required in this paragraph (4) to the date the wind energy conversion system or portion thereof is removed or made operational as set forth under paragraph 6 of this section.

5. Should a CEWCS or any portion thereof not operate for a total period of 60 days within any 90 day period, the Town shall notify the applicant that such offending CWECs or portion thereof shall be removed or made operational as provided in paragraph 7 of this section.

6. The Applicant shall remove any discontinued, decommissioned, obsolete or unused commercial wind energy conversion system or portions thereof and restore the site to pre-construction conditions, or make the wind energy conversion system or portion thereof fully operational, within one hundred eighty (180) days of delivery or receipt of the notification set forth in paragraph 5 of this section.

7. Prior to the expiration of this time, the applicant may apply to the Town Code Enforcement Officer, and the Code Enforcement Officer may grant, an extension ~~in~~ of the time ~~for~~ in which such CWECs or portion thereof needs to be removed or made operational, up to an additional time of one hundred eighty (180) days. Such extension shall be granted only if the applicant demonstrates good cause that such extension is necessary as a result of uncontrollable events such as weather delays, repair delays or other similar conditions requiring the need for such extension.

8. Failure to notify and/or remove any discontinued, decommissioned, obsolete or unused CWECs or portion thereof in accordance with this local law shall be in violation of this local law and subject the applicant to the penalties set forth herein. In addition, the cost of removing the offending CWECs or portion thereof shall be drawn against the financial surety posted by the applicant for demolition or decommissioning of the project as set forth in this section.

9. Any expense incurred by the Town that exceeds the amount of such financial surety or is not covered by said surety shall be reimbursed by the applicant.

10. Upon completion of all such removal activities by the Town, any remaining portion of the posted surety shall be returned to the applicant forthwith.

P. Post-Installation

1. On an annual basis a post-installation field report identifying the CWECU or CWECs's generation of electricity, and impacts upon the environment, including but not limited to any adverse drainage patterns then existing, sites of erosion in vicinity of the system, and other potential adverse environmental conditions, shall be submitted by the applicant to the Town Board. This report shall also include all complaints and remedial actions logged by the Applicant and any other reasonable items that may be requested by the Town Planning Board. This report shall be filed annually with the Town Clerk.

2. If it is determined that any CWECs or portion thereof is operating outside the parameters of the zoning requirements and conditions of approval, the Applicant shall be notified, and any and all necessary remedies implemented. If the problem cannot be remedied within an appropriate amount of time, based on its nature and severity, the Code Enforcement Officer may require the CWECs or a portion thereof be shut down until such repairs can be made. If the applicant and the Code Enforcement Officer are unable to agree on an appropriate time or method for remedying such problem, either party shall ask the Town Board to determine such a reasonable time or method of remedy

3. Safety issues deemed to be of an imminent significant threat to the health, safety and/or welfare of any person affected by the wind energy conversion system or any portion thereof as determined by the Code Enforcement Officer shall require the immediate shut down of the CWECs or portion thereof until corrective action is taken and the imminent significant threat fully mitigated.

Section 8: Operating Considerations

A. Landscaping – Upon completion of installation the site shall be returned as close as possible to its natural state, including, but not limited to restoring the subsoil and topsoil to pre-construction condition and reforestation of at least 40% for any woodlands that have been cleared.

B. Building and Grounds Maintenance – Any damaged or unused parts shall be removed from the premises within thirty (30) days or stored in a locked on-site storage building. All maintenance equipment, spare parts, oil or chemicals (cleaning, pesticides, fuels), shall also be stored in said on-site locked storage building.

C. Ownership Changes – If the ownership of a CWECU or CWECs changes, the approved permit shall remain in full force and effect. All requirements of the approved permit, including bonding, letters of credit or continuing certification requirements of the original owner shall continue to be obligations of the succeeding owners. All such changes in ownership shall be registered with the Town Clerk within thirty (30) days of such transfer, and any emergency contact information posted shall be changed accordingly.

D. Commercial Wind Energy Conversion Unit Modifications – Any and all modifications,

additions, deletions or changes to a CWECU or CWECs, whether structural or not, shall not be made if it has been approved by the Town Planning Board.

E. Repairs – However, prior approval as set forth in paragraph D of this section shall not be required for repairs which become necessary in the normal course of operation of the CWECU or CWECs, become necessary as a result of natural forces such as wind or ice, as a result of any other acts of God, or repairs caused by the malicious or negligent acts of any persons or the behavior of animals.

Section 9: Certifications

A. Routine Inspection Report – An inspection report prepared by a qualified professional engineer licensed in the State of New York shall be required at the completion of the installation of the CWECU or CWECs. Said inspection report shall certify the wind energy system and any portion thereof complies with all manufacturing specifications and any and all rules, regulations and statutes pertaining thereto. Said inspection report shall be filed with the Code Enforcement Officer and the Town Clerk.

B. During Construction – During construction of a permitted facility, the Code Enforcement Officer shall have access to the project for the purpose of making inspections of the progress of construction to insure compliance with applicable rules and regulations.

C. Insurance – Liability – Prior to the issuance of a building permit regarding an approved CWECs, the applicant shall file with the Town proof, in the form of a duplicate insurance policy or a certificate issued by an insurance company, of liability insurance in a reasonable level as determined by the Town Board in consultation with the Town's insurer, guided by industry standards, to cover damage or injury which might result from the CWECs or any portion thereof. Such liability insurance shall also name the Town and the current property owner of record as an additional insured, unless said property owner waives such coverage in writing.

D. National and State Standards – In addition to any requirements of this local law, the applicant shall show that all applicable manufacturers, New York State and U.S. standards for the construction, operation and maintenance of the proposed CWECUs have been met or are in compliance. CWECUs shall be built, operated and maintained to applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).

E. Continuing Obligations – All requirements detailed in this local law shall remain in full force and effect for the duration of the granted permit.

Section 10: Definitions:

Applicant:

Any person applying to develop, own, locate, construct or operate a wind energy conversion system within the Town. All requirements placed upon an applicant under this local law or by way approval of a permit issued hereunder, shall be fully and completely binding upon the owner, his/her/its successors, heirs and assigns, of the wind energy conversion system being

submitted for review hereunder.

Accessory Facilities or Equipment:

Any structure, other than a CWECU, related to the use and purpose of deriving or distributing energy from such towers located at or near the CWECs site.

Blade glint:

The intermittent reflection of the sun off the surface of the blades of a CWECU.

Commercial Wind Energy Conversion Systems (CWECs):

More than one CWECU designed to generate power only for transfer to a commercial utility grid including all structures and facilities utilized or necessary for the normal operation of the project being submitted by an applicant under this local law, including, but not limited to, wind energy conversion units, all accessory facilities and equipment thereto, and/or any portion thereof.

Commercial Wind Energy Conversion Unit (CWECU):

Any single mechanism designed for the purpose of converting wind energy into electrical energy, and transferring the energy to a commercial power grid. A CWECU is capable of producing one or more megawatts of power and does not produce power for on site consumption. This definition shall include the tower, monopole, or other structure supporting the mechanism at its final working location. The height of a CWECU shall be considered the vertical distance as measured from the average elevation at the base of the structure to the tip of the highest point of the structure including all blades when at their apex position.

Commercial Wind Farm (CWF):

A commercial enterprise consisting of one or more CWECs located and attached as a group to the commercial utility grid.

Decommissioned:

Status applied to a Wind Energy Conversion Unit when it has been non-productive for a period of one year, or when the unit or project no longer provides a useful service.

Fall Zone:

Fall Zone shall be a level distance perpendicular to the base equal to the total height of the wind energy conversion unit plus the rotor at a full and upright vertical position.

Nacelle:

The portion of the Wind Energy Conversion Unit that connects the rotor to the support tower and houses the generator, gearbox, drive train and braking system.

Residential structure:

Any permanent structure with electric power, running water and capable of inhabitation.

Right of Way:

A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

Set Back:

The area of land measured along the ground out a horizontal distance in any direction from the structure or facility being regulated under this local law.

Shadow Flicker:

The effect from the sun shining through the turning blades of the Wind Energy Conversion Unit and casting a shadow over the landscape.

Tip Height:

Tip height is equal to the distance from the ground to the tip of the rotor blade in a full and upright vertical position.

Tower Site:

Site where one or more Commercial Wind Energy Conversion Unit(s) will be located, including all accessory facilities or equipment.

Tower Height:

Tower height is equal to the distance from the ground to the top of the tower not including the nacelle or rotor blades.

Wind Measurement Tower (WMT):

A tower installed for a temporary period of time to measure wind velocity, direction and duration.

Section 11: INCONSISTENCY

All other local laws and ordinances of the Town of Jerusalem inconsistent with the provisions of this Local law are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Local Law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section 12: PENALTY

Any person who violates or knowingly permits the violation of this Local Law or any amendment thereto shall be deemed to have committed a violation and shall be subject to the following penalties: a minimum of \$25.00 to a maximum of \$350.00 per day or 15 days imprisonment, or both. Every week such violation is determined to have existed shall be deemed to constitute a separate and additional offense for which the person may be subject to the penalties set forth herein.

Section 13: UNCONSTITUTIONALITY AND ILLEGALITY

If any clause, sentence, paragraph, word, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair, or invalidate any other paragraph, word, section or part thereof.

SECTION 2: EFFECTIVE DATE: This Local law shall take effect immediately upon being filed with 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.

E-MAIL POLICY

The Town's need and desire for an e-mail policy was discussed at length. It is not mandated that the Town have such policy, but it is recommended. It was suggested the Town develop best practice guidelines and do inservice training instead of instituting a policy. Councilor Parson has reviewed several sample e-mail policies that will be shared with Councilor Steppe for further review.

RESOLUTION #64-12

RESOLUTION TO MODIFY THE PROCUREMENT POLICY

On a motion of Supervisor Jones, seconded by Councilor Killen, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

WHEREAS, by resolution duly adopted on July 8, 1992, the town board of the town of Jerusalem adopted its Procurement Policy, which now appears as Chapter 43 of the Town Code, and

WHEREAS, with the passage of time, some of the provisions of the Policy have become out of date, not consistent with state law or current prices for goods and services and they do not reflect certain advances in technology, and

WHEREAS, the number of quotations is not in fact stated although it is called for in Section 43.2 (C), and

WHEREAS, the relation between this Policy and the state law requiring bids in certain cases is not clearly stated, and

WHEREAS, for these reasons, this Town Board finds it appropriate to modify certain provisions of the Policy,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Section 43-1 (A) (1) of the town code is amended to read as follows:

(1) Purchase contracts under ~~\$10,000~~ \$20,000 and public works contracts under ~~\$20,000~~ \$30,000.

2. Section 43-1 (A) is further amended by adding clause (8) to read as follows:

(8) Purchases for which only one source of supply is available
(See Section 43-4 (E) below).

3. Section 43-2 (A) is amended to read as follows:

A. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations or any other methods that assure that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances:

(1) Purchase contracts over ~~\$10,000~~ \$20,000 and public works contracts over ~~\$20,000~~ \$30,000;

(2) Goods purchased from ~~agencies for the blind or severely handicapped~~ Preferred Sources pursuant to ~~§ 175-b~~ § 162 of the State Finance Law;

(3) Goods purchased from correctional institutions pursuant to § 186 of the Correction Law;

(4) Purchases under state contracts pursuant to § 104 of the General Municipal Law;

(5) Purchases under county contracts pursuant to § 103, Subdivision 3 of the General Municipal Law; or

(6) Purchases pursuant to § 43-4 of this chapter.

4. Section 43-2 (B) (1) is amended to read as follows:

<u>Estimated Amount of</u> <u>Purchase Contract</u>	<u>Method</u>	<u>Number of Quotations</u>
\$3,000 - \$9,999	Verbal Quotations	Two

\$10,000 - \$19,999	Written/fax/or email quotations, written requests for proposal	Three
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<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>	<u>Number of Quotations</u>
\$3,000 - \$9,999	Verbal Quotations	Two
\$10,000 - \$19,999	Written/fax/or email quotations	Three
\$20,000 - \$29,999	Written/fax/or email quotations, written requests for proposal	Three

4. Section 43-2 is further amended by adding clause (D) to read as follows:

(D.) Purchase contracts over \$20,000 and public works contracts over \$30,000 shall be governed by Section 103 of the New York State General Municipal Law, which deals with advertising for bids and offers; letting of contracts; criminal conspiracies.

5. The introductory paragraph of Section 43.4 (D) is amended by changing the phrase "Subdivision 2f" to read "Subdivision 2g."

6. Section 43-4 (D) is amended to read as follows:

D. Goods or services under ~~\$250~~ \$3000. The time and documentation required to purchase through this policy may be more costly than the item itself and would, therefore, not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. Section 43.4 is further amended by adding clause (E) to read as follows:

E. Sole Source. Where the item to be purchased or the services to be hired can be obtained from only one vendor, competitive bidding is not possible. The facts that the item or service cannot be obtained from more than one source and

the specifications cannot be modified to allow for other sources of supply shall be verified by suitable documentation.

8. Section 43-5 is deleted and a new Section 43-5 is added to read as follows:

~~43-5. Purchases by Highway Superintendent. The Town Highway Superintendent may make purchases of up to \$2,000 without approval of the Town Board so long as the cumulative effect of each of those purchases is not otherwise violative of the bidding requirements of General Municipal Law § 103, or any other pertinent statute.~~

43-5. Officials Responsible: The persons responsible for purchasing in the Town of Jerusalem and their titles are

<u>Daryl H. Jones</u>	<u>Supervisor</u>
<u>Robert Payne</u>	<u>Superintendent of Highways</u>
<u>Sheila McMichael</u>	<u>Town Clerk</u>
<u>John Phillips</u>	<u>Code Enforcement Officer</u>
<u>Gary Dinehart</u>	<u>Department Head , Water-Sewer Department</u>
<u>Vernon Brand</u>	<u>Assessor</u>

This designation shall be reviewed not less often than at two-year intervals.

9. This Resolution shall take effect immediately.

Words ~~stricken through~~ are deleted. Words underlined are new.

RESOLUTION #65-12

REPEAL - PROCUREMENT POLICY

On a motion of Councilor Killen, seconded by Councilor Parson, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Whereas by Resolution #64-12 duly adopted on March 21, 2012, the Town Board of the Town of Jerusalem amended its Procurement Policy originally adopted on July 8, 1992 appearing as Chapter 43 of the Town Code; now, therefore, be it

Resolved Chapter 43. Procurement Policy be removed from the Jerusalem Town Code Book due to the frequent revisions and associated cost of reprinting.

ASSESSOR MEMORANDUM OF UNDERSTANDING

Councilor Parson is working with Special Counsel David Lippett on the job description and expectations of the Assessor.

RESOLUTION #66-12

SCHEDULE PUBLIC HEARING - ROUTINE REPAIR RESERVE FUND

On a motion of Councilor Folts, seconded by Councilor Killen, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved a public hearing to transfer funds from the Routine Repair Reserve Fund of the Keuka Park Consolidated Water District to the Keuka Park Water District expense item 8340.4 in the 2012 Annual Budget be scheduled for April 18, 2012 at 7:00 P.M. at the Town Hall.

ESTABLISH ZONING REVIEW COMMITTEE

A committee will be established to review Town Code Chapter 160. Zoning. Members include Councilor Parson and Planning Board member Art Carcone.

RESOLUTION #67-12

MOVE TO EXECUTIVE SESSION

On a motion of Supervisor Jones, seconded by Councilor Parson, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that this meeting be interrupted to enter into Executive Session to discuss the employment history of particular persons.

The Executive Session convened at 8:25 P.M.

RESOLUTION #68-12

RETURN TO REGULAR SESSION

On a motion of Supervisor Jones, seconded by Councilor Killen, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that the Board return to regular session.

The Board reconvened in regular session at 8:31 P.M.

PRESENTATION - NYMIR

John Kuehn, New York Municipal Insurance Reciprocal (NYMIR) representative from Sprague Insurance made a detailed presentation on insurance coverage for purpose of renewal April 1, 2012. The 2012-2013 premium will decrease approximately \$200 to \$37,294.53. The NYMIR Board of Governors voted to return the final capital contribution to the Town in the amount of \$2,797.98. NYMIR carries an A.M. Best Co. rating of A- (excellent) that reinforces the financial stability of their company.

In response to a question, Mr. Kuehn responded Sprague Insurance needs to be notified regarding the NYSEG brown-out that damaged several Town-owned grinder pumps.

In the future, the insurance renewal proposal will be submitted in advance for Board review prior to presentation for future.

RESOLUTION #69-12

MOVE TO EXECUTIVE SESSION

On a motion of Supervisor Jones, seconded by Councilor Parson, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that this meeting be interrupted to enter into Executive Session to discuss the employment history of particular persons.

The Executive Session convened at 9:20 P.M.

RESOLUTION #70-12

RETURN TO REGULAR SESSION

On a motion of Supervisor Jones, seconded by Councilor Killen, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that the Board return to regular session.

The Board reconvened in regular session at 10:07 P.M.

RESOLUTION #71-12

MOVE TO EXECUTIVE SESSION

On a motion of Supervisor Jones, seconded by Councilor Parson, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that this meeting be interrupted to enter into Executive Session to discuss the employment history of a particular person.

The Executive Session convened at 10:08 P.M.

RESOLUTION #72-12

RETURN TO REGULAR SESSION

On a motion of Councilor Steppe, seconded by Councilor Parson, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that the Board return to regular session.

The Board reconvened in regular session at 10:15 P.M.

With there being no further business, on a motion of Supervisor Jones, seconded by Councilor Parson, the meeting was adjourned at 10:16 P.M.

Sheila McMichael, Town Clerk