

Minutes of the regular monthly meeting of the Jerusalem Town Board held on December 13, 2006 at 7:00 P.M. PRESENT were: Councilpersons Folts, Hopkins, Stewart, Supervisor Jones, Highway Superintendent Payne, Town Engineer Ackart, Planning Board Chairman Evans, Deputy Town Clerk Hunt.

EXCUSED: Councilperson Barden.

GUESTS: Max Parson Sr., David Geertson, Janice Christensen, Kathy Hathaway, June Hathaway, S.K. Havener, Cynthia Geertson, Mark Dibble & Michele Rowcliffe - representing YMCA Camp Corey.

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

RESOLUTION #200-06
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the November 15, 2006 regular Town Board meeting be approved.

RESOLUTION #201-06
AUDIT OF CLAIMS

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

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

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

November Utilities: General	\$661.98
Sewer	\$26,385.46
Water	\$110.01
General	\$7,565.35
Highway DA	\$631.95
Highway DB	\$31,687.90
Sewer	\$26,775.70
Water	\$1,715.23
Light	\$265.00

RESOLUTION #202-06
SUPERVISOR'S REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of November 2006 be accepted as presented.

REPORT OF TOWN OFFICIALS

Highway Superintendent - filed a written report, including the following subjects:

- a) Worked a great deal on both East and West Bluff Drives.
- b) Culvert replacements are complete on Yatesville Road.
- c) Ready for snow, but so far great weather in December.
- d) Specifications for the roller purchase have been picked up by six vendors to date.
- e) The Klehammer case, which was brought against the Town by the property owner after a heavy area rain caused damage to his property, has been dismissed by the Courts.

TOWN ENGINEER - filed a written report, including the following items:

- a) Indian Pines Pump Station experienced a problem with "the brains" of the pump. Following replacement, and some tweaking, everything is back in operation.
- b) A productive meeting was held with Keuka College, resulting a decision to test all the meters over the student holiday break.
- c) The new hand held radio read meter devices used in Water District #3 have been found to be very helpful in finding leaks caused by frozen services.
- d) The long anticipated Pulteney Water District is becoming a reality. Contracts have now been awarded and the DEC Water Permit is expected this week.

COUNCIL:

Councilperson Folts reported that he attended the Zoning Board meeting, however there were no variances filed in December.

Councilperson Stewart updated the Board on the progress of the Employee Handbook project. The first formal draft has been received and is being reviewed by the Personnel Committee. Questions raised by the Albany firm overseeing the project have been answered and forwarded to the company, with the final draft being returned soon. The document will be much more complete than anything we have had in the past. Final review and adoption of the document should occur early in 2007.

Councilperson Hopkins reported on several items:

- 1) The Planning Board has established guidelines for variance applications and site plan reviews to be attached to applications and signed by the applicant. Areas are to be staked out seven days in advance of a Planning Board meeting allowing for easy identification by the Board members as they visit the site.

2) A resolution was adopted that outlines the New York State's definition of a Bed and Breakfast as the description to be used by the Town of Jerusalem, and is being forwarded to the Town Board to be considered.

3) A resolution was adopted by the Planning Board to be forwarded to the Town Board stating that the regulation of Adult Entertainment is beyond their legal expertise and outlining specific document that they feel should be forwarded to Attorney David Saracino for his consideration. Mr. Saracino has been highly recommended by Larry Wientraub, an attorney with the NYS Department of State, as an expert in this complicated field who has had great success in Newark and Arcadia with similar legislation.

4) The Wind Farms Subcommittee is recommending that a Public Informational Meeting be held in the future.

5) No report was received from the Slopes Subcommittee.

SUPERVISOR:

Supervisor Jones reported on the recent Waterfront Revitalization Committee meeting. Four consultant proposals were received in response to their RFP. The committee is scheduling interviews with four of those firms on January 16th.

Additionally, they indicated that Municipalities may be contacted for monetary help in the future. Supervisor Jones tentatively expressed his feelings that Jerusalem would not be interested contributing to the funding as the project is not directly beneficial to his Municipality.

RESOLUTION #203-06

PUBLIC HEARING - PROPOSED LOCAL LAW TO RE-DEFINE THE BED-AND-BREAKFAST SECTION OF THE ZONING CODE

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

ADOPTED AYES 4 Folts, Hopkins, Jones, Stewart
NAYS 0

RESOLVED that a public hearing be held on February 21, 2006 at 7:00 P.M. to consider a Local Law that would adopt the New York State definition of BED-AND-BRAKFAST by the Town of Jerusalem for inclusion in the Zoning Code as follows:

BED-AND-BREAKFAST - An owner-occupied residence resulting from a conversion of a one-family dwelling, used for providing overnight accommodations, and a morning meal to transient lodgers, and

containing at least one but not more than five bedrooms for such lodgers; and further

RESOLVED that the Town Clerk advertise said public hearing in accordance with the law, and forward the definition to the Yates County Planning Board for their review.

RESOLUTION #204-06

PUBLIC HEARING - LOCAL LAW TO AMEND ZONING CODE TO RE-DEFINE ADULT ENTERTAINMENT REGULATIONS AS IT RELATES TO SPECIAL USE IN AG-RES AND GENERAL BUSINESS ZONES

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

ADOPTED AYES 4 Folts, Hopkins, Jones, Stewart
NAYS 0

RESOLVED that a public hearing be held on February 21, 2006 at 7:05 P.M. that would amend Local Law #6-Adult Entertainment Regulations, deleting the first sentence and substituting a new first sentence to read as follows:

Adult Entertainment uses shall be permitted only in the Agricultural-Residential and General Business zones as a Special Use; and further

RESOLVED that the Town Clerk advertise said public hearing in accordance with the law, and forward the proposed change to the Yates County Planning Board for their review.

Comment: Planning Board Chairman Robert Evans wished the record to reflect that the Movie Gallery at the Lake Street Plaza happens to be the largest preparer of adult entertainment information and studios in the entire country with 2600 outlets.

RESOLUTION #205-06

REJECTION OF ADULT ENTERTAINMENT ZONING DISTRICT KNOWN AT AG/RES BUSINESS DISTRICT #1

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

ADOPTED AYES 4 Folts, Jones, Hopkins, Stewart
NAYS 0

WHEREAS the Town wishes to offer its residents a measure of protection against unregulated Adult Entertainment being established in the Community; and

WHEREAS, the Planning Board and A/E Subcommittee members have diligently spent countless hours of research on this issue and its effects on other communities. Followed by the drafting of detailed

regulations and the difficult struggle of finding an area within the Municipality to allow this issue; and

WHEREAS, the Town Board understanding the complexity of the issue and the time needed by the committee to develop a workable plan, attempted to provide protection to residents of the Town by implementing two successive moratoriums to delay any application prior to the completion of the necessary legislation; and

WHEREAS, upon the final submission of draft regulations and proposed zoning district, public hearings were called. The response from area residents brought to light several issues in need of further consideration; and

WHEREAS, one parcel of land that had been included in the proposed AG/RES Business District #1 where A/E could be allowed if adopted, is owned by the YMCA. This parcel of land was believed by the Town to be vacant and unused. However, representatives from the YMCA provided information that children attending camp during the summer are bused to that location for hiking and overnight tenting purposes on a regular basis; and

WHEREAS, one of the major focus in preparing legislation to regulate an A/E operation was to keep such establishments away from residential areas, schools or any other place where children would be in close proximity; now, therefore be it

RESOLVED that proposed Local Law H of 2006 creating a new Agricultural Residential Business District #1 zone currently under consideration by this Town Board be rejected.

RESOLUTION #206-06

AUTHORIZATION TO FORWARD ALL ADULT ENTERTAINMENT RELATED MATERIALS TO ATTORNEY FOR REVIEW, LEGAL OPINION & RECOMMENDATIONS

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

ADOPTED AYES 4 Folts, Hopkins, Jones, Stewart
NAYS 0

Whereas, due to the complex nature of this issue the Town of Jerusalem wishes to have all materials related to Adult Entertainment regulations and any possible zoning district classification to be reviewed by an Attorney who is proficient with this type of legislation; and

Whereas, it has come to the Town's attention that Attorney David Saracino of Newark, whom the Town has contacted for an unrelated issue, has written legislation that was adopted by both Newark and

Arcadia that has been praised by NY State representatives; now therefore be it

Resolved, that the following materials be forwarded to Attorney David Saracino of Newark asking for his expert legal opinion and assistance with further refinement of materials on the Adult Entertainment issue, including, but not limited to:

Resolution #175-06 of 10/18/06.

Phil Bailey letter dated 11/27/06.

Jason S. DiPonzio's letter to Phil Bailey dated 11/16/06

Comments received from Town residents on the issue.

Ag-Res Business District #1 regulations and all zoning maps associated with this legislation that identify setbacks.

All materials received from Cindy Geertson (blue notebook).

Note: 1) Cindy Geertson commented that Mayor of Newark and Supervisor of Arcadia have both offered to come here to speak of their experiences in the adoption of Adult Entertainment Legislation in their communities. She also presented an additional notebook of related materials to the Town and asked that it stay in-house for the Board's use.

2) Councilperson Stewart wished to thank the entire committee for their diligent work on this issue. Also, thanks were offered to all the neighbors for their patience and to Mrs. Geertson for her time and dedication in researching material on this subject.

RESOLUTION #207-06

AUTHORIZATION OF BUDGET TRANSFERS

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

ADOPTED AYES 4 Folts, Hopkins, Jones, Stewart

Nays 0

HIGHWAY DB FUND

Out of 5110.4 (general Repairs) \$132.96

Into 5140.4 (brush and weeds) \$132.96

GENERAL FUND

Out of 1990.4 (contingent) \$21,161.88

Into 1355.4 (assessor) \$21,161.88

Out of 1420.4 (attorney) \$10,000.00

Into 1355.4 (assessor) \$10,000.00

Out of 1990.4 (contingent) \$517.54

Into 1110.4 (town board) \$517.54

Out of 1990.4 (contingent) \$125.50

Into 6510.4 (veterans) \$125.50

WATER FUNDS

Out of 8340.1	(transmission & distribution)	\$2669.00
Into 8310.1	administration)	\$2669.00
Out of 1990.4	(contingent)	\$95.55
Into 8310.1	(administration)	\$95.55

PUBLIC COMMENT

MAX PARSONS - wished to comment on the recent decision to give all Town employees a paid lunch break. In his opinion, as a tax payer, the issue was not well thought out by Board members. He would like to have the decision reconsidered and voted on by the entire Board.

Note was made by Councilperson Stewart that all employees other than the Highway Department had been receiving a paid lunch break and the change was made as it was felt that all employees should be treated the same. Additionally, Highway Superintendent Payne noted that two fifteen-minute breaks had been done away with. Therefore, no additional expense has been incurred by the Town.

Lengthy, and sometimes heated discussion, followed between Mr. Parsons and the Board members, concluding with the consensus that the issue of paid lunch hours for all employees would be scrutinized during the consideration process dealing with the adoption of the new official Employee Handbook.

Note was made that the Organizational Meeting would be held on January 3, 2007 at 7:00 P.M.

RESOLUTION #208-06

MOVE TO EXECUTIVE SESSION

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

ADOPTED AYES 4 Folts, Hopkins, Jones, Stewart
NAYS 0

RESOLVED that the Board move from Regular Session into an Executive Session to discuss disciplinary action. Time 8:00PM

RESOLUTION #209-06

CLOSE EXECUTIVE SESSION

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

ADOPTED AYES 4 Folts, Hopkins, Jones, Stewart
NAYS 0

Resolved that the Board return to open session. Time 9:05 PM

Jerusalem Town Board
December 13, 2006

With there being no further business, on motion of Councilperson Stewart, seconded by several the meeting was adjourned at 9:05 PM

Alice B. Hunt, Deputy Town Clerk