

JERUSALEM TOWN BOARD MEETING - FEBRUARY 15, 2006

Minutes of the regular monthly meeting of the Jerusalem Town Board held on February 15, 2006 at 7:00 P.M. PRESENT were:
Councilpersons Barden, Folts and Stewart, Supervisor Jones, Highway Superintendent Payne, Town Engineer Ackart, Town Clerk McMichael.

Guests: Max Parson, Bill Pringle, Ef Adnopoz, Bob Evans, Tony Hurd, Shannon Hurd.

Supervisor Jones called the meeting to order at 7:03 P.M. with the Pledge to the Flag.

RESOLUTION #38-06

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the January 18, 2006 meeting be approved with the addition of noting the December 19, 2005 Public Hearing was regarding the Butcher Petition for Annexation into the Village of Penn Yan.

PUBLIC HEARING - LOCAL LAW A-2006 ESTABLISH POLICY ON DRIVEWAYS

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 7:05 P.M. The intent of the proposed local law is to provide oversight and supervision of driveway installations and repairs on Town roads in Jerusalem. Bill Pringle, Cedar Street questioned the fee schedule. Fees will be set by Board resolution following adoption of the local law. Max Parson, Guyanoga Road thought the Highway Department provided this service as good will to the Town residents. Highway Superintendent Payne explained the property owners have always purchased their own pipe. Now, they will also be required to file an application and pay the established fee. Run off issues will continue to be addressed by the Highway Department, like they currently do.

Councilperson Hopkins entered the meeting at 7:07 P.M.

PUBLIC HEARING - 6-MONTH EXTENSION OF THE ADULT ENTERTAINMENT MORATORIUM

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 7:15 P.M. to extend Local Law #2-2004 which imposed a one-year moratorium on places of adult entertainment for another 6-months. The extension has been requested by the Ad Hoc Committee to allow coordination of the designated area for such allowed use with the Town's Master Plan

currently underway. Draft wording describing the area for a proposed new zoning district has been submitted to the Department of State for their review.

The Board has determined the moratorium on places of adult entertainment zoning is a Type II SEQOR action and requires no further action. Our GML-239 Referral was approved by the Yates County Planning Board at its January 26, 2006 meeting. No one wished to comment. The hearing was left open.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

Highway Superintendent Payne submitted his monthly report of snow removal and roadwork, noting we are checking and cleaning culverts due to flooding again on West Bluff Drive.

TOWN ENGINEER

- E-One is holding a training session on February 28 at the Milo Town Barns to troubleshoot a failed grinder pump.
- The New York State Department of Health has informed the Village of Penn Yan the water sampling data indicates the total trihalomethanes are now running below the maximum contaminant level of 0.080 mg/l. Public notifications will no longer be required.
- The State Park water tank is now filling automatically.
- The Town is realizing substantial savings due to the expertise of Water Maintainers Enos and Dinehart and their ability to perform numerous repairs in-house.
- A meeting will be held with Keuka College to discuss water and sewer issues as they relate to the renovation of Ball Hall.
- Town Engineer Ackart and Code Enforcement Officer John Phillips will be attending a seminar on storm water management, primarily as it relates to construction run-off.

RESOLUTION #39-06

APPROVAL - 2006 MUNICIPAL CONSULTING AGREEMENT WITH CLOUGH HARBOUR

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

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

Resolved that the Supervisor be authorized to execute the 2006 Municipal Consulting Agreement with Clough Harbour & Associates.

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RESOLUTION #40-06

SET \$50 BUILDING PERMIT AND ZONING RESEARCH FEE

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

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

Whereas the new permit and application fee schedule was approved under Resolution #37-06; and

Whereas, the Code Enforcement Officer has determined the need to establish a fee for building permit and zoning research; now, therefore, be it

Resolved that a \$50 fee be charged for building permit and zoning research to recoup the Town's cost for the time spent researching requested information, as well as copying and mailing the information.

RESOLUTION #41-06

FINDINGS AND ORDER OF TOWN BOARD DISAPPROVING PETITION FOR ANNEXATION

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

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

WHEREAS, a petition, pursuant to General Municipal Law Article 17, was presented to the Town Board of the Town of Jerusalem, New York (the "Town") on November 10, 2005, for the annexation of certain territory in the Town to the Village of Penn Yan, New York (the "Village"), said territory being a parcel of land owned by one Robert Butcher as more particularly described in Exhibit A annexed hereto and which is also attached to said petition, and

WHEREAS, a joint hearing of the Jerusalem Town Board and the Board of Trustees of the Village of Penn Yan and the Town Board of the Town of Benton, was duly held on said petition for annexation, according to the law in such cases made and provided, at the Village Hall, at 111 Elm Street, Penn Yan, New York, on December 19, 2005, at which time all persons who sought to be heard in the matter were heard, and

WHEREAS, the Town Board of the Town has duly considered said petition and the evidence presented at said hearing,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town finds as follows:

(1) That the aforesaid petition for annexation substantially complies in form and content with General Municipal Law Article 17.

(2) That the proposed annexation of certain territory in the Town to the Village as described in the aforesaid petition is not in the overall public interest in that: No evidence was presented concerning the effect of the proposed annexation on the tax base of the involved municipalities, including the school district, on existing indebtedness of the involved municipalities that may be allocated to the territory involved, nor on the presence or lack of utility or other municipal services, which may or may not be available to the territory involved depending on whether the proposed annexation is approved.

No evidence was presented on the question of providing utility services to out of district customers.

NOW, THEREFORE, IT IS ORDERED that the Town Board of the Town disapproves and does not consent to the annexation to the Village of the territory now situated in the Town and described in the aforesaid petition (Exhibit A).

RESOLUTION #42-06
NYMIR INSURANCE RENEWAL

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

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

Resolved that the New York Municipal Insurance Reciprocal (NYMIR) insurance policy be renewed for the period April 1, 2006-2007.

RESOLUTION #43-06
SEQR - LEAD AGENCY DESIGNATION - LOCAL LAW TO ENACT A UNIFORM SET OF REGULATIONS TO RESTRICT AND REGULATE DOCKS, MOORINGS, AND BOATHOUSES ON KEUKA LAKE

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

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

Whereas a local law for each of the eight municipalities surrounding Keuka Lake to enact a uniform set of regulations to restrict and regulate docks, moorings, and boathouses on Keuka Lake has been proposed and requires SEQR review; and

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Whereas at the December 12, 2005 meeting of the Town Board of the Town of Urbana, a Resolution was unanimously passed, by Roll Call vote, wherein the Town of Urbana "volunteers" to be the Lead Agency; now, therefore, be it

Resolved that the Town of Jerusalem, as an involved agency, has no objection to the Town of Urbana assuming Lead Agency status for this action and consents to their designation as such.

RESOLUTION #44-06

CLOSE PUBLIC HEARING - DRIVEWAY INSTALLATION POLICY

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

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

Whereas a correction to strike "except for new driveway installations" from Section 4. 2. of proposed Local Law A-2006 establishing a policy on new driveways and the repair of existing driveways on Town roads in the Town of Jerusalem will be made; now therefore, be it

Resolved that the Public Hearing be closed at 8:44 P.M.

RESOLUTION #45-06

CLOSE PUBLIC HEARING - ADULT ENTERTAINMENT MORATORIUM EXTENSION

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

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

Resolved that the Public Hearing on extending the moratorium on places of adult entertainment for six months be closed at 8:47 P.M.

RESOLUTION #46-06

APPROVAL - ADULT ENTERTAINMENT USE MORATORIUM 6-MONTH EXTENSION

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

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

Whereas Local Law #2-2004 was adopted on August 11, 2004 imposing a one-year moratorium on places of adult entertainment; and

Whereas the Ad Hoc Committee has submitted draft regulations to the Department of State for review; and

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Whereas the Ad Hoc Committee proposal needs to be coordinated with the Steering Committee draft comprehensive plan currently underway; now, therefore, be it

Resolved that the moratorium on places of adult entertainment be extended for six months to allow the Ad Hoc Committee to finalize their recommendation on this matter.

RESOLUTION #47-06

APPROVE AUDIT QUOTE FROM RAYMOND F. WAGER, CPA, P.C.

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

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

Resolved that the supervisor be authorized to execute the Quotation for Accounting Services for the Year Ended December 31, 2005 from Raymond F. Wager, CPA, P.C. at a cost of \$15,550.

RESOLUTION #48-06

AUDIT OF CLAIMS

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

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

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

General	\$10,658.10
Highway DA	\$ 185.00
Highway DB	\$ 8,347.81
Branchport Light	\$ 264.94
Water	\$ 3,212.91
Sewer	\$29,997.66

RESOLUTION #49-06

SUPERVISOR'S REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the months of December 2005 and January 2006 be accepted as presented.

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RESOLUTION #50-06

REFER PROPOSED WIND FARM MORATORIUM TO TOWN ATTORNEY

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

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

Whereas the Town is in receipt of a letter from Russ Kimball, President, M.B. Communications, 100 Main Street, Penn Yan regarding recent contact a company made with him regarding possible sites for a wind farm in the Town of Jerusalem; and

Whereas some research was conducted by an ad hoc committee during the one-year moratorium imposed on wind farms in 2004, but was inconclusive; now, therefore be it

Resolved that Town Attorney Bailey be instructed to draft a proposed local law imposing a six-month moratorium on wind farms for discussion at the March 15, 2006 Town Board meeting; and be it further

Resolved that Councilperson Hopkins notify the Planning Board of the Town Board's intent.

REPORT OF TOWN COUNCIL:

- Councilperson Stewart stated the Town web site, www.jerusalem-ny.org, provides both information and various forms that can be downloaded. He commended all involved for doing a great job. Supervisor Jones thanked Councilpersons Stewart and Barden for their work done on this project. Comments and suggestions are welcome about our site. Our intent is to post meeting minutes after they are approved.
- Councilperson Barden reported the Steering Committee met on January 25th to conduct an editorial update on the draft Master Plan. Two major components of our contract yet to be fulfilled by Clark Patterson & Associates is the public hearing followed by an update of the plan to finalize it for adoption. A joint meeting of the Steering Committee and Planning Board will be scheduled to coordinate the work of the Adult Entertainment Ad Hoc Committee with the draft Master Plan.
- Shannon Hurd, FLCC student studying local and state government, was recognized as a guest at tonight's meeting.
- Past Town Constable and long-time Jerusalem resident, Chet Culver was remembered. A memorial service is being planned.
- Councilperson Hopkins commended Bob Evans, Chairman, for his ideas submitted to the Town Board on the operations of the Town Planning Board.

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- A policy for lowering the flag at the Veteran's Memorial will be established.

RESOLUTION #51-06

DENY FIDDLE CLUB REQUEST FOR USE OF THE TOWN HALL

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

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

Whereas Tom Close, 613 East Bluff Drive made an inquiry of available space for the Fiddle Club to meet and play twice a month on Friday nights; and

Whereas the Town Assessor submitted this request to the Town Board for consideration; and

Whereas the Town Board has determined the Town Hall is not available on Friday nights due to cleaning, special meetings and court matters, along with concern for Town Hall contents; and

Whereas the same request was made to the Village of Penn Yan by the Fiddle Club; now, therefore be it

Resolved that the Town Board deny the Fiddle Club use of the Town Hall as requested; and, further

Resolved that Town Assessor Comstock notify Mr. Close of this decision.

PUBLIC CONCERN:

- Town Engineer Ackart will follow up on a concern noted by Bill Pringle, Cedar Street, regarding his neighbor's failed water meter.

RESOLUTION #52-06

MOVE TO EXECUTIVE SESSION

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

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

Resolved that the regular meeting be interrupted to move into Executive Session at 8:50 P.M. to discuss a Board appointment.

RESOLUTION #53-06

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session at 9:30 P.M.

RESOLUTION #54-06

APPOINTMENT - ALTERNATE TO THE ZONING BOARD OF APPEALS

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

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

Resolved that Jim Bird be appointed to the Zoning Board of Appeals as an alternate for a term to expire December 31, 2006.

RESOLUTION #55-06

APPOINTMENT - PLANNING BOARD

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

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

Resolved that Neil Simmons be appointed to the Planning Board for a seven-year term, effective May 1, 2006 that will expire December 31, 2012.

With there being no further business, on a motion of Councilperson Hopkins, seconded by Councilperson Folts, the meeting was adjourned at 9:35 P.M.

Sheila McMichael, Town Clerk