

JERUSALEM TOWN BOARD MEETING - AUGUST 16, 2006

Minutes of the regular monthly meeting of the Jerusalem Town Board held on August 16, 2006 at 7:00 P.M. PRESENT were: Councilpersons Barden, Folts, Hopkins, and Stewart, Supervisor Jones, Highway Superintendent Payne, Town Engineer Ackart, Town Clerk McMichael.

Guests: Max Parson, Donna Alexander.

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

RESOLUTION #127-06
APPROVAL OF MINUTES

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

ADOPTED	Ayes	4	Barden, Folts, Hopkins, Jones
	Nays	0	
	Abstain	1	Stewart

Resolved that the minutes of the July 19, 2006 meeting be approved as presented.

PUBLIC HEARING - PROPOSED LOCAL LAW G OF 2006 - IMPOSING A 90-DAY MORATORIUM ON PLACES OF ADULT ENTERTAINMENT

Supervisor Jones opened the Public Hearing at 7:03 P.M., asking for comments on the proposed 90-day moratorium on places of adult entertainment as recommended by the Planning Board Adult Entertainment Subcommittee in anticipation of the adoption of the Comprehensive Plan that designates the zone for such allowed uses.

No one from the public wished to comment.

RESOLUTION #128-06
CLOSE PUBLIC HEARING - MORATORIUM ON PLACES OF ADULT ENTERTAINMENT

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

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

Resolved that the Public Hearing be closed at 7:06 P.M. and that the Board return to the Regular Town Board meeting.

PUBLIC HEARING - PROPOSED LOCAL LAW E OF 2006 - TOWN CODE AMENDMENT TO CHAPTER 98. JUNKYARDS

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 7:07 P.M., asking for comments on the proposed amendments to Chapter 98. Junkyards.

No one from the public wished to comment.

Councilperson Hopkins spoke to the need to amend Chapter 98 of the code relating to license fees, fencing, existing junkyards, and the responsible enforcement officer at this time.

Supervisor Jones received sample junkyard legislation from resident, Bill Pringle that will be shared with the Planning and Town Boards to use as a guideline for further updates to the code.

RESOLUTION #129-06

CLOSE PUBLIC HEARING - CHAPTER 98. JUNKYARDS

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

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

Resolved that the Public Hearing be closed at 7:14 P.M. and that the Board return to the Regular Town Board meeting.

PUBLIC HEARING - PROPOSED LOCAL LAW F OF 2006 - TOWN CODE AMENDMENT TO CHAPTER 160 RELATING TO THE DEFINITION OF BED-AND-BREAKFAST

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 7:15 P.M., asking for comments on the proposed amendment to Chapter 160 relating to the definition of Bed-and-Breakfast.

Supervisor Jones read a letter from Theresa Kwiecinski, 5087 Pulteney Road, objecting to the proposed "owner-occupied" amendment due to the negative impact it will have on her plans to renovate and restore "The Old Paddock House" to be purposed as a bed-and-breakfast pending all additional required site plans and special use permits. Her family's plans will be to occupy and manage the B&B in the future, but she would not be able to fund the needed renovations without her current occupation at this time.

The need for such amendment was questioned given the necessary application and permitting process required for a bed-and-breakfast. A concern of the Planning Board was commercialization of residential districts, not Ag/Res where this B&B is proposed. Board members discussed operating a B&B as compared to renting cottages in residential districts, issues related to parking and access to the Lake, and the possibility of a hotel/motel with a resident manager. B&B's bring some revenue to the Town. B&B's also encourage upkeep of the residence to attract guests.

RESOLUTION #130-06

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW F OF 2006 - CHAPTER 160.
RELATING TO THE DEFINITION OF BED-AND-BREAKFAST

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

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

Resolved that the Public Hearing be closed at 7:29 P.M. and that the Board return to the Regular Town Board meeting.

RESOLUTION #131-06

REJECT PROPOSED LOCAL LAW F OF 2006 - CHAPTER 160. RELATING TO THE
DEFINITION OF BED-AND-BREAKFAST

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 Planning Board recommended an amendment to Chapter 160. relating to the definition of bed-and-breakfast as "owner/occupant" to "owner-occupied" residence; and

Whereas after discussion, the Town Board does not believe the intended restriction is merited in view of the rental opportunities on Keuka Lake; now, therefore, be it

Resolved that the Town Board reject Proposed Local Law F of 2006 relating to the definition of Bed-and-Breakfast; and, further

Resolved that a copy of this resolution along with the letter from Ms. Kwiecinski be forwarded to the Planning Board.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Highway Superintendent Payne presented his report of road work done in the month of July, on file in the Office of the Town Clerk. All roads scheduled for oil and stone resurfacing have been done, except Armstrong Road.
- A situation on Belknap Hill Road whereby a cow was struck by a motor vehicle after dark when the owner was transferring cattle across the road was discussed. Cattle crossing signs are currently in place. Following further discussion, the possibility of additional signage and/or yellow caution lights will be investigated by Payne and Supervisor Jones.
- A recent situation on East Bluff Drive was discussed at length. A road opening permit was not obtained and major excavation took place near our water main. We have been lenient on this matter

in the past, but the need for a reminder is evident as contractors encroach more on the Town highway right-of-way. The CEO, Highway Superintendent and Town Engineer will hold regular meetings to keep all parties apprised of construction activities within the Town.

RESOLUTION #132-06

APPROVE - TOWN HIGHWAY RIGHT-OF-WAY PERMIT REQUIREMENT REMINDER

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

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

Whereas it is the Board's desire to ensure proper permitting for work performed within the Town highway right-of-way; now, therefore be it

Resolved that the Town Board send a friendly reminder letter regarding required Town permits to contractors, along with Town law; and, further

Resolved that creating a permit packet be considered, along with a process list to inform all involved parties of the Town's requirements.

RESOLUTION #133-06

APPROVE - UPDATE TOWN HALL PARKING AREA

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

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

Whereas the Highway Superintendent has investigated the cost to make necessary improvements to the Town Hall parking lot; now, therefore, be it

Resolved that the Highway Department be authorized to improve the Town Hall parking area at a cost of \$4,000.

TOWN ENGINEER

Town Engineer Ackart presented the following highlights from his monthly report.

- We experienced our second power supply failure from Penn Yan within three weeks. One of the three transformers failed, leaving us with only two legs of the three-phase service. A thank you letter was sent to Penn Yan as they had us back on line within three hours.

- Water customers and contractors were notified seals are not to be cut and meters removed.
- The master water meter has been calibrated.
- Railroad ties were installed around the Mill Street hydrant to protect it from being hit further by vehicles.
- Town Engineer Ackart and the Code Enforcement Officer are working with Keuka College on the water supply and sprinkler system for the Ball Hall renovation project.
- Pulteney held a Public Hearing to increase the total authorized expenditure on the proposed water district - details will follow.

RESOLUTION #134-06

ADOPT NATIONAL INCIDENT MANAGEMENT SYSTEM

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

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

It is hereby resolved by the Town of the Jerusalem, State of New York that:

Whereas, In Homeland Security Presidential Directive (HSPD), the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

Whereas, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

Whereas, it is necessary that all federal, state, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

Whereas, to facilitate the most efficient and effective incident management it is critical that federal, state, local and tribal organizations utilize standardized terminology, standardized organizational structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

Whereas, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the state's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

Whereas, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including all public safety and emergency response organizations training programs; and

Whereas, the National Commission of Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System; now, therefore, be it

Resolved, pursuant to the authority vested in me by the Town of Jerusalem and provisions of Resolution #134-06 I do hereby mandate the National Incident Management System be utilized for all incident management in the Town of Jerusalem; and be it further

Resolved, this is to take effect immediately; and be it further

Resolved, that the Clerk forward a copy of Resolution #134-06 and the NIMS Single Point of Contact form designating the Supervisor as such, to the Yates County Office of Emergency Management.

RESOLUTION #135-06

AUTHORIZE SUPERVISOR TO EXECUTE EMPLOYEE HANDBOOK PROFESSIONAL SERVICES AGREEMENT

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

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

Whereas the Town Board desires to develop and implement a compliant Employee Handbook; and

Whereas following professional review of our proposed draft, numerous policy revisions were identified and many recommended topics had not been addressed; now, therefore, be it

Resolved that the Supervisor be authorized to execute the Professional Services Agreement with Public Sector HR Consultants for human resource management services following clarification of the timeline and the \$4,000 payment schedule.

(The expected timeline is based on the turn-around time of drafts by the Town, but estimated at January 2007. Payment is 40% upon execution of the agreement, 40% upon delivery of the initial draft and 20% billable 30 days thereafter, plus travel expenses.)

RESOLUTION #136-06
ADOPT LOCAL LAW #4-2006 PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

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

ADOPTED BY ROLL CALL VOTE

Councilperson Folts	Aye
Councilperson Barden	Aye
Councilperson Stewart	Aye
Councilperson Hopkins	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 July 19, 2006 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 provide for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code", and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on July 5 and July 12, 2006, and

WHEREAS, said public hearing was duly held on July 19, 2006, at 7:00 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 July 27, 2006, 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.

Be it enacted by the Board of the Town of Jerusalem, in the County

of Yates, as follows:

SECTION 1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

SECTION 2. DEFINITIONS

In this local law:

Building Permit shall mean a permit issued pursuant to section 4 of this local law. The term Building Permit shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.

Certificate of Occupancy/ Certificate of Compliance shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

Code Enforcement Officer shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

Code Enforcement Personnel shall include the Code Enforcement Officer and all Inspectors.

Compliance Order shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 15 of this local law.

Energy Code shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

Inspector shall mean an inspector appointed pursuant to subdivision (d) of section 4 of this local law.

Operating Permit shall mean a permit issued pursuant to section 10 of this local law. The term Operating Permit shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

Permit Holder shall mean the Person to whom a Building Permit has been issued.

Person shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

Stop Work Order shall mean an order issued pursuant to section 6 of this local law.

Temporary Certificate shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

Town shall mean the Town of Jerusalem.

Uniform Code shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

- (5) to review and investigate complaints;
- (6) to issue orders pursuant to subdivision (a) of section 15 (Violations) of this local law;
- (7) to maintain records;
- (8) to collect fees as set by the Town Board of this Town;
- (9) to pursue administrative enforcement actions and proceedings;
- (10) in consultation with this Town attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and
- (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

(b) The Code Enforcement Officer shall be appointed by the Town Board of this Town. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated there under.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, a certified individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law. Any such Acting Code Enforcement Officer shall have current New York State Code Enforcement certification.

(d) One or more Inspectors may be appointed by the Town Board of this Town to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code

enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board of this Town.

SECTION 4. BUILDING PERMITS.

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, demolition, or the extension of electrical, plumbing or HVAC systems of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

(1) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(2) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

(3) construction of temporary motion picture, television and theater stage sets and scenery;

(4) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(5) installation of partitions or movable cases less than 5'-9" in height;

(6) painting, wallpapering, tiling, carpeting, or other similar finish work;

(7) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(8) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(9) repairs, provided that such repairs do not involve (i) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the proposed work;
- (2) the tax map number and the street address of the premises where the work is to be performed;
- (3) the occupancy classification of any affected building or structure;
- (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education

Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) building systems, including underground and rough-in;
- (6) fire resistant construction;

- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance; and
- (10) a final inspection after all work authorized by the Building Permit has been completed.

(c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in

writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by [registered mail / certified mail]. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by [registered mail / certified mail]; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. CERTIFICATES OF OCCUPANCY / CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy / Certificates of Compliance required. A Certificate of Occupancy / Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy / Certificate of Compliance.

(b) Issuance of Certificates of Occupancy / Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate

of Occupancy / Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy / Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy / Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy / Certificate of Compliance:

(1) a written statement of structural observations and/or a final report of special inspections, and

(2) flood hazard certifications.

(c) Contents of Certificates of Occupancy / Certificates of Compliance. A Certificate of Occupancy / Certificate of Compliance shall contain the following information:

(1) the Building Permit number, if any;

(2) the date of issuance of the Building Permit, if any;

(3) the name, address and tax map number of the property;

(4) if the Certificate of Occupancy / Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy / Certificate of Compliance is issued;

(5) the use and occupancy classification of the structure;

(6) the type of construction of the structure;

(7) the assembly occupant load of the structure, if any;

(8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

(9) any special conditions imposed in connection with the issuance of the Building Permit; and

(10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy / Certificate of Compliance and the date of issuance.

(d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed [6] months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy / Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy / Certificate of Compliance or for Temporary Certificate.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing fire fighting services for a property within this Town shall promptly notify the Code

Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent, any fire the origin of which has been traced to the electrical system of any buildings or structures, and any emergency response involving carbon monoxide detector activation.

SECTION 9. UNSAFE BUILDING AND STRUCTURES

(a). General. When a structure or equipment is found to be unsafe, or when a structure is found unfit for human occupancy or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

(1). Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or occupant of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(2). Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public of occupants of the premises or structure.

(3). Structure for human occupancy. A structure is unfit for human occupancy whenever such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(4). Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

(b). Vacant structures. Vacant structures shall comply with Sections 311.1 through 311.4 of the *Fire Code of New York State*.

(c). Notice. Whenever a structure or equipment has been condemned under the provisions of this section, a notice shall be posted in a

conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

(d). Prohibited occupancy. No person shall occupy a placarded premises or shall operate placarded equipment.

(e). Placard removal. The placard shall be removed whenever the defect or defects upon which the condemnation and placarding action were based on have been eliminated.

SECTION 10. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled Fire Code of New York State and incorporated by reference in 19 NYCRR section 1225.1;

(2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(3) use of pyrotechnic devices in assembly occupancies;

(4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town;

(6) manufactured home parks; and

(7) carnivals, fairs and special events for over 300 people except those events associated with one or two family residential uses.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such

application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed other than facilities covered by OFPC, at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all

multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every [specify interval consistent with local conditions, not to exceed thirty-six (36) months].

(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(c) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this section to the contrary:

(1) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(2) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(3) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section; and

(4) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section.]

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation adopted for administration and enforcement by the Code Enforcement Officer. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) of this local law;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. RECORD KEEPING.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this local law, including; and
- (9) all fees charged and collected.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 14. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

SECTION 15: VIOLATIONS

(a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by [registered mail / certified mail]. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by [registered mail / certified mail]; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code and any other local town law.

(c) Penalties.

(1) In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Town.

(2) Any violation of any part of this local law or orders issued in compliance with this local law or any other town local law shall constitute a violation as defined in the Penal Law of the State of New York, and shall be punishable by a fine not to exceed two hundred and fifty dollars (\$250), or fifteen days imprisonment, or both such fine and or imprisonment. Each day such violation continues shall constitute a separate violation.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work

Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 381 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 381 of the Executive Law.

(f) An action proceeding in the name of the Town may be commenced in any court of competent jurisdiction to compel compliance with or restrain violation of this local law or orders or other Town laws issued in compliance with this local law or any other local laws of this Town.

SECTION 16: FEES

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of occupancy / Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 17. INTERMUNICIPAL AGREEMENTS

The Town Board of this Town may, by resolution, authorize the Supervisor of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 18. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 19. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of the Town of Jerusalem hereby adopts said Local Law No. 4 of 2006 entitled "A Local Law providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code", a copy of which is attached hereto and made a part of this resolution, 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.

RESOLUTION #137-06
SEQR DETERMINATION - ADULT ENTERTAINMENT MORATORIUM

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

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

Resolved that the adult entertainment moratorium as a Type II SEQR action requires no further review.

RESOLUTION #138-06
REFER AG. RES. BUSINESS #1, SEQR AND ADULT ENTERTAINMENT REGULATIONS PROPOSED BY PLANNING BOARD TO TOWN ATTORNEY

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

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

Whereas proposed Ag. Res. Business #1, SEQR and Adult Entertainment regulations have been presented to the Town Board for consideration following actions as outlined in Resolutions #96-06 and #111-06; and

Whereas the Town Board expressed concerns given the volatile subject matter; now, therefore be it

Resolved that the proposed regulations be forwarded to the Town Attorney for his detailed review and comment prior to adoption.

RESOLUTION #139-06

AUDIT OF CLAIMS

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 bills be paid as presented in the following amounts:

July Utilities:	General	\$ 1,743.87
	Water	\$30,923.25

General	\$ 11,268.87
Highway DA	\$ 4,842.35
Highway DB	\$214,354.15
Sewer	\$ 25,453.23
Water	\$ 8,654.08

RESOLUTION #140-06

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 month of July 2006 be accepted as presented.

RESOLUTION #141-06

POSTING OF WEST LAKE ROAD SIGN AT 4-CORNERS OF BRANCHPORT

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

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

Whereas Bob Johnson presented his concerns regarding the street signs in Branchport at the July 19, 2006 Town Board meeting; and

Whereas this matter was pursued with the New York State Department of Transportation office and it was brought to our attention that there is already a West Lake Road within our township and it is very uncommon to have two roads with the same name in the same town; and

Whereas this situation could impact emergency response times, if needed, to residents in both areas; now, therefore, be it

Resolved that the Town not install any further signs at the four corners of Branchport under the advice of DOT and the safety issue at hand.

REPORT OF TOWN COUNCIL:

- Supervisor Jones will follow up with the Sheriff's Department regarding boats parked along 54A being a safety hazard.
- KPSW will respond to Don Schneider's inquiry regarding the recent letter from the Town concerning water meter seals and removing meters.
- Councilperson Barden reported changes to the proposed Comprehensive Plan have been submitted to Clark Patterson & Associates for correction of the final draft.
- Councilperson Barden will forward copies of the current draft Uniform Docking and Mooring law as proposed by the eight municipalities surrounding Keuka Lake to Board members. The Docks Committee discussed the enforcement issue at length at their last meeting. Enforcement will require further discussion following adoption of the law. Councilman Barden then offered to assist the CEO if enforcement became burdensome.

With there being no further business, on a motion of Councilperson Stewart, seconded by Councilperson Hopkins, the meeting was adjourned at 9:43 P.M.

Sheila McMichael, Town Clerk