

Minutes of the regular monthly meeting of the Jerusalem Town Board held on May 16, 2007 at 7:00 P.M. PRESENT were: Councilpersons Barden, Folts, Hopkins, Stewart, Supervisor Jones, Highway Superintendent Payne, Town Engineer Ackart, Town Clerk McMichael.

GUESTS: Ryan MacKenzie, Bill Pringle, Cynthia Geertson, Bob Evans, Doug Paddock.

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

RESOLUTION #70-07

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the April 18, 2007 meeting be approved as read.

RESOLUTION #71-07

AUDIT OF CLAIMS

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

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

Resolved the bill be paid as presented in the following amounts:

General	\$ 7,233.92
Highway DA	\$ 3,299.89
Highway DB	\$35,523.82
Sewer	\$43,749.88
Water	\$ 7,172.65
Branchport Light	\$ 257.00

April Utilities:	General:	\$ 3,451.77
	Sewer:	\$18,496.21
	Water:	\$ 427.84
	Brnpt. Light	\$ 188.38

RESOLUTION #72-07

SUPERVISOR REPORT

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

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

Resolved that that Supervisor's Report on the Town's finances for the month of April 2007 be accepted as presented.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

Highway Superintendent Payne submitted his written report on roadwork done in April 2007, noting they have been using the roller purchased this year extensively.

TOWN ENGINEER

- Town Engineer Ackart reported the recent smoke testing conducted on the Keuka Park Sewer was a worthwhile effort. This was done as a free service through our membership in New York Rural Water Works Association.
- Recent lightening strikes have caused numerous problems including; three transformers in Indian Pines, a transformer at the Keuka Park Pump Station, the Water #3 upper Keuka Lake State Park tank microwave radio and the auto emergency dialer. We have had to operate manually while these were being fixed. A part has been ordered to rectify the unreliable readings at the Penn Yan Water Plant.
- We continue to work with Bernard P. Donegan, Inc. on the water rate study and other financial issues.
- Engineer Ackart read in tonight's Chronicle Express that the Village is scheduling a public hearing on their budget that includes a proposed increase in their water rates of \$.30/1,000 gallons used.
- We will be mailing the Annual Water Quality Report to our 1,000+ customers.
- A meeting of Pulteney, Penn Yan, Jerusalem and Department of Health representatives is scheduled for June 12 to coordinate the operation of the Pulteney water district.

SUPERVISOR

- County Administrator Sarah Purdy forwarded an anonymous letter she received claiming a Town of Jerusalem property owner did not obtain the necessary approvals for their small wholesale business. After investigation, it has been determined this is an unfounded statement as all permit requirements were met for the family-run home business.
- Supervisor Jones received a letter from Dan Davis, New York State Department of Parks Recreation and Historical Preservation stating the only fee to the Jerusalem Summer Recreation Program will be the \$50 annual permit fee. Senator Schumer's office contacted us on this matter and Supervisor Jones informed them it has been resolved.
- Supervisor Jones thanked Bob Evans for putting together the WWII Honor Roll that has been framed and displayed in the Town Hall meeting room.

SUBDIVISION SUBCOMMITTEE:

The need to establish a Subdivision Subcommittee was discussed at length. Subdivision was ranked 3rd on the Planning Board assignment prioritized list.

RESOLUTION #73-07

CONSULTING QUOTES FOR SUBDIVISION REGULATION

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

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

Whereas the Town of Jerusalem adopted their Comprehensive Plan on September 2006 following extensive work by the Steering Committee chaired by Councilperson Barden; and

Whereas the Town desires to enact subdivision regulation in accordance with the Town's Comprehensive Plan; and

Whereas the Town Board has determined the need for professional consulting services to assist with drafting subdivision regulation along with reviewing subdivision regulations from surrounding municipalities; now, therefore, be it

Resolved that Councilperson Barden be authorized to obtain quotes for professional services from Clark Patterson & Associates and Bergman Associates; and, be it further

Resolved that Councilperson Barden contact the Comprehensive Plan Steering Committee members to ascertain their interest in serving on the Subdivision Subcommittee.

UNIFORM DOCK & MOORING COMMITTEE

Councilperson Barden reported data is being collected on the permits issued for permanent docks since the enactment of the Uniform Dock & Mooring law. A summary will be presented at the June KWIC meeting. There have been no new permits issued in Jerusalem, only the completion of those already started or contracted which comply with the new law anyway.

Code Enforcement Officer John Phillips is drafting an inventory form to be mailed to all lakeshore owners for verification of existing docks. In parallel with mailing these letters, Councilperson Barden and Assessor Butch Comstock will take pictures from the lake. Aerial photography has been used by Steuben County. County Legislator Doug Paddock stated the County has a contract with the Sheriff's Department for Pictometry.

PLANNING BOARD

Councilperson Hopkins stated the Private Road Standards were reviewed by the Planning Board at their May meeting. Attorney Bailey is redrafting the Standards to incorporate suggestions made by the Planning for discussion at their June 7th meeting.

RECREATION COMMITTEE

Councilperson Stewart has discussed this year's Summer Recreation Program with Recreation Director Bev Eggleston. Mrs. Eggleston will be submitting her Program plan to the Town Board.

WIND FARM SUBCOMMITTEE

Subcommittee member Bill Pringle stated they are looking to schedule a one-day visit to the Town of Fenner the week of June 18. The bus rental is \$600 and can accommodate 25 people. The next step will be for the Subcommittee to tour Jerusalem to determine potential locations for wind farms.

SLOPES SUBCOMMITTEE

The Slopes Subcommittee is scheduled to meet May 21st.

ZONING REVIEW SUBCOMMITTEE

The Zoning Review Subcommittee has not met.

ADULT ENTERTAINMENT SUBCOMMITTEE

Subcommittee member Bob Evans reported they are working with the maps as requested for purchase at the April Town Board meeting (Resolution #68-07). He noted the County has a marvelous copy machine available to us if needed.

RESOLUTION #74-07

PUBLIC HEARING & GML REFERRAL - ZONING AMENDMENT - PROPOSED LOCAL LAW C-2007 ADULT BUSINESS AS A SPECIAL USE

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

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

Resolved that a Public Hearing be held at the June 20, 2007 Town Board meeting at 7:00 P.M. on proposed Local Law C-2007 of the Town of Jerusalem, a local law amending Chapter 160 of the Code of the Town of Jerusalem concerning zoning relating to Adult Business as a Special Use as follows:

Section 1: Local Law No. 1 of 2007 of the Town of Jerusalem is repealed.

§2: The first sentence of Paragraph A of Section 160-41 of Chapter 160 of the Code of the Town of Jerusalem relating to Zoning is hereby amended to read:

- A. Except for Adult Businesses, which are governed by paragraph C below, [t]he special uses listed in this chapter may be permitted, enlarged or otherwise altered upon authorization by the Zoning Board of Appeals in accordance with the standards and procedures set forth in this Article and such additional standards as may be set forth for such special uses elsewhere in this chapter.

§3: There is hereby added to such Section Paragraph C to read as follows:

- C. An Adult Business as defined in Article XX of this chapter may be permitted, enlarged or otherwise altered upon authorization by the Zoning Board of Appeals in accordance with the standards and procedures set forth in this Article and such additional standards as may be set forth for such special uses elsewhere in this chapter. In permitting a special use or the modification of a special use, the Zoning Board of Appeals may impose, in addition to those standards and requirements expressly specified by this chapter only such reasonable conditions that would control the number and location of vehicle access points, limit the number, size and location of signs and require diking, fencing, screening, landscaping or other facility to protect adjacent or nearby property.

§4: There is hereby added to Article IX of such Chapter 160 relating to Site Plan Review a new Section 160-104 to read as follows:

§ 160-104. Criteria for Review of Adult Businesses. Conditions or restrictions that may be required by the Planning Board pursuant to § 160-102 F and § 160-103 shall be limited to matters set forth in Paragraphs B through G (inclusive) of § 160-103.

; and, further

Resolved that a GML 239 Referral be submitted to the Yates County Planning Board for review on said local law and, further

Resolved that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

RESOLUTION #75-07

CHAMBERS OPEN DEVELOPMENT AREA APPLICATION - AUTHORIZE THE FILING OF A NEGATIVE DECLARATION UNDER THE SEQOR LAW

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

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

Whereas the Town Board of the Town of Jerusalem hereby finds and determines with respect to the Chambers Open Development Area application, it has considered the action, reviewed the short environmental assessment form and determined the adoption will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant effect on the environment; now, therefore, be it

Resolved that a negative declaration be prepared and the Town Board authorizes the Supervisor to sign the negative declaration (determination of non-significance) pursuant to 6 New York Code of Rules and Regulations, section 617.7 with respect to the project.

DISCUSSION - CHAMBERS OPEN DEVELOPMENT AREA APPLICATION

The Board discussed the Open Development Area application for lands currently owned by James and Julie Chambers off of Skyline Drive. Supervisor Jones sent a proposed resolution to the Planning Board members requesting their comments and concerns. Bob Evans read the following letter from Annette Toaspern regarding the matter:

Dear Town Board:

As a 16 year member of the planning board, I have heard lots of discussions and seen proposed subdivision laws. Our town has just passed a master plan calling for subdivision to be a priority. We have had many subdivisions done without town knowledge until after the fact of filing with Yates County, even then, there has not been a formal review. This subdivision of land - yes the land is divided - was not reviewed by the board. We do not know the future plans of the 28 +/- acres in this open development nor the connecting lots which constitute quite a few acres in our Ag. Res. District. In this district, the 1 acre lot requirement would give this "open development" a huge "hands off" from future subdivision law. This 28 acre parcel if subdivided into 1 acre lots would be major subdivision without review!

To review my concerns.

1. The concept of "open development" cancels future subdivision review on 28 +/- acres which constitute the potential for a **major subdivision**.
2. The procedure being followed to allow "open development" without a review and **resolution** by the planning board is not correct. We did not see the final version of the roads at a full board meeting or vote to agree with the concept of open development.
3. The passage of "open development" sets a dangerous precedence for "others" to follow **subverting a subdivision law** which is called for on the town board's priority list for 2007 as part of the master plan.
4. This is a hurried matter being pushed by the town lawyer, who is also representing his clients on this matter.
5. The town should be calling for **moratorium** on subdivision, **NOT** allowing any open development until the subdivision law is enacted.

Thanks you for reading this BEORE you vote tonight.
Sincerely,
Annette Toaspern

Councilperson Stewart stated his agreement with Annette's comments, noting she raised a number of valid points. Supervisor Jones clarified Chambers made an application to the Town Board for an Open Development Area designation of this land in September 2006 which was submitted to the Town by Attorney Phil Bailey on behalf of his clients, James and Julie Chambers. Due to numerous miscommunications, the application was not addressed. Attorney Valerie Gardner has since filed an Open Development Area application in April 2007 on behalf of her clients, Daniel and Debra Kennedy for the same area. The property is currently under contract for transfer which is contingent upon open development area approval. It was clarified any action would only be for this particular request and would not be precedent setting.

RESOLUTION #76-07

ESTABLISH OPEN DEVELOPMENT AREA NUMBER 1

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

ADOPTED	Ayes	3	Barden, Hopkins, Jones
	Nays	1	Stewart

WHEREAS, James A. and Julie S. Chambers have applied to the Town of Jerusalem for the establishment of an "Open Development Area" within the meaning of Section 280-a of the Town Law so as to allow construction of structures on lots within said area that do not directly abut a public highway, and

WHEREAS, Section 280-a of the Town Law authorizes the Town to establish an Open Development Area on such rules as the Town deems reasonably required to insure access by emergency vehicles to lots served by a private road, and

WHEREAS, the applicants have filed with the town a survey map prepared by Larson & Simolo, Land Surveyors dated July 29, 2006 (Job No. 99-143-10) showing provision for access to the proposed 5 lots designated as Parcels C through G inclusive by right-of-way fifty feet in width;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Jerusalem, in regular session duly convened, as follows:

1. Open Development Area Number 1 of the Town of Jerusalem be and the same hereby is established comprising the 28.352 acres of land shown as Parcels C through G inclusive together with the Right of Way in Common, 50 feet wide, along the south line of parcel A on the aforesaid map on file with the town, subject to the following Rules which must be satisfied prior to the issuance of a building permit for any structure on a lot in such area.
2. This resolution is only for this particular request and is not to be precedent setting.

Open Development Area No. 1 of the Town of Jerusalem
Rules for Private Road

1. These rules apply to any private road that serves two or more lots.
2. A private road must connect to a Town, County or State road or street.
3. A private road must be fifty feet wide with a fifteen foot drivable surface and shall have proper drainage to protect the road and surrounding property. Compliance with the Construction Standards set forth in paragraph 7 shall be deemed adequate.
4. Private roads shall be inspected and approved by the Town Code Enforcement Officer, the Town Highway Superintendent, the Fire Chief, and may require approval by the Yates County Soil and Water Conservation Department.
5. Before a private road may be used for ingress and egress for vehicular and pedestrian traffic, there must be an agreement among the property owners providing for maintenance and repair of the private road. This agreement must be recorded in the deed records at the Yates County Clerk's Office prior to the issuance of a building permit for any lot served by this road.
6. An appropriate street sign shall be placed at the intersection of the private road and Skyline Drive. The sign will be

furnished and maintained by the property owner or developer and will indicate that the road is a private road. Upon the issuance of a building permit and prior to a final inspection, a fire number shall be assigned to the lot and the assigned fire number shall be placed on the street sign at the intersection of the private road and Skyline Drive.

7. Private Road Construction Standards:

- A. A Private Road shall be 50 feet wide with a hard pack surface, which shall be a minimum of 15 ft. wide.
- B. The private road shall have a surface graded to ¼ inch per foot minimum.
- C. The 15 ft. wide cleared surface area will have a GEO and EC mesh layer followed by an 8 inch layer of bank run gravel compacted.
- D. The sides of the 15 feet hard pack surface shall be tapered with a 3 to 1 slope.
- E. Cross culverts are to be installed where needed to promote drainage.
- F. Pre-cast open drive gutters with iron grates are to be installed approximately 15 feet from the edge of the public highway on slopes of 10% or greater.
- G. 25 ft. minimum length culverts to be installed where a private road meets a Town/County or State road. The diameter of culvert is to be determined by appropriate Highway Superintendent (Town/County/State).
- H. Turnarounds shall be a minimum of 60 feet in diameter or an equivalent square or rectangle.

3. This Resolution shall take effect immediately.

RESOLUTION #77-07

INSTRUCT TOWN ATTORNEY TO DRAFT MORATORIUM ON CERTAIN BUILDING PERMITS AND SCHEDULE PUBLIC HEARING

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

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

Resolved that Town Attorney Bailey be instructed to draft a proposed local law imposing a one-year moratorium on the issuance

of building permits for new structures on lots in the Town that do not have the required minimum frontage on a public highway for building as required by the zoning ordinance of the Town; and, be it further

Resolved that a Public Hearing be held at the June 20, 2007 Town Board meeting at 7:05 P.M. on proposed Local Law D-2007; and, be it further

Resolved that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

DISCUSSION - EMPLOYEE HANDBOOK UPDATE

Councilperson Stewart reported the draft Employee Handbook has been presented to the Town Board. An amendment suggested by Councilperson Barden regarding the prohibition of weapons on Town property will be included to address employees having weapons in their personal vehicles for hunting purposes. The sentence proposed by our consultant "This does not apply to legally possessed firearms that are safely stored in an unloaded state within a locked personal vehicle." will be added to Sections 405 and 905. Councilperson Stewart thanked everyone involved with the drafting of the Handbook, noting numerous hours were put into it.

RESOLUTION #78-07

ADOPTION - EMPLOYEE HANDBOOK

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

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

WHEREAS the Town Board of the Town of Jerusalem is desirous to develop and implement an Employee Handbook detailing the various personnel policies and procedures, employee benefits, compliance policies, and other pertinent information governing employment related matters; and

WHEREAS the Town Board has retained Public Sector HR Consultants LLC to assist with the development of the Town's Employee Handbook; and

WHEREAS the Town Board has reviewed the draft of said Employee Handbook; now, therefore, be it

RESOLVED this 16th day of May, 2007 that the attached document be adopted as the official Employee Handbook of the Town of Jerusalem; and, be it further

RESOLVED that the Town of Jerusalem Employee Handbook shall be distributed, with signed acknowledgment, to all Town officials and employees.

RESOLUTION #79-07

EMPLOYEE HANDBOOK REPEALER

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

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

WHEREAS, on April 1, 1990, by resolution #13-90, this Board adopted its Smoking Policy; and

WHEREAS, on June 12, 1991, by resolution #12-91, this Board adopted its Employee Benefits Policy; and

WHEREAS, on May 26, 1993, this Board adopted its Sexual Harassment Policy; and

WHEREAS, on May 26, 1993, this Board adopted its Alcohol-Free and Drug-Free Workplace Policy; and

WHEREAS, these four policies now constitute Articles I, II, III, and IV of Article 36 of the Code of the Town of Jerusalem entitled "Personnel Policies"; and

WHEREAS, the Town Board desires that in the future the Personnel Policies of the Town shall not be contained in the Code of the Town, but shall be contained in a separate book maintained by the Clerk of the Town for that purpose; now, therefore, be it

RESOLVED, by the Town Board of the Town of Jerusalem that Article 36 of the Code of the Town of Jerusalem is hereby REPEALED effective immediately.

RESOLUTION #80-07

AUTHORIZATION OF ATTENDANCE AT MUNICIPAL UTILITIES BOARD MEETINGS

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

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

Whereas the Town of Jerusalem would like to be more aware of the workings of the Penn Yan Municipal Utilities Board to:

- 1) Assure the Town's awareness of any action that may impact our many contractual interests.

2) Obtain information that will be of use in our budgeting process.

3) Heighten our awareness of issues that must be dealt with by the Municipal Utilities Board.

; now, therefore, be it

Resolved that those representatives sent from the Town of Jerusalem are there for observation only and will not comment on proceedings unless under specific direction by the Town Board; and, be it further

Resolved that the Town of Jerusalem request that the official minutes of the Municipal Utilities Board be forwarded to the Town Clerk of the Town of Jerusalem, for distribution to Town Board members on a regular basis.

PUBLIC COMMENT:

- In response to his request, Max Parsons was granted permission to accompany Water Maintainer Dinehart to observe the daily KPSW operations.
- Mr. Parsons asked if the Sewer #2 Agreement with the Village of Penn Yan had been absolved. Supervisor Jones replied it is going into litigation.
- Bill Pringle stated about three water meter reads were done at his residence. Town Engineer Ackart explained we were experiencing problems with our remote meter reader, but they have been resolved.
- Max Parsons complained about the high level of chlorine in the water on Guyanoga Road. This is due to the low volume of water use on Guyanoga Road. Hopefully, the addition of the Pulteney water line will help rectify this situation. Using a filter for his drinking water was also suggested.
- Community dissatisfaction with the condition of Route 54A was discussed at length. The problem is festering and is compounded by our inability to deal with the situation on a local level. No further patching has been done to date. There has been no serious maintenance to 54A and the patching that was done last year created speed bumps and does not stay in the pot holes. State records do not indicate the road has contributed to any accidents. Rerouting traffic to Lower West Lake Road is not feasible as this road can not handle the traffic. 10-wheelers are driving on the shoulders of the road that were not built for that type of traffic. Improving the road through a "shared services" project with area municipalities was suggested, but does not appear to be feasible when all factors are considered. Councilperson Hopkins will fax information to the Governor's Regional Office requesting prompt action on this matter.

Jerusalem Town Board
May 16, 2007

With there being no further business, on a motion of Councilperson Barden, seconded by Councilperson Hopkins, the meeting was adjourned at 9:02 P.M.

Sheila McMichael, Town Clerk