

Minutes of the regular monthly meeting of the Jerusalem Town Board held on July 18, 2007 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Barden, Folts, Hopkins, Highway Superintendent Payne, Town Engineer Ackart, and Town Clerk McMichael.

GUESTS: William Pringle, Max Parsons, Bob Morse, Bob Evans, Mary Coriale, Doug Paddock, Cynthia Geertson, Loujane Johns, Chronicle Express Reporter, Deborah O'Neil.

EXCUSED: Councilperson Stewart

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

RESOLUTION #102-07
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the June 20, 2007 meeting be approved as read.

RESOLUTION #103-07
AUDIT OF CLAIMS

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

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

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

General	\$19,082.09
Highway DA	\$ 2,317.83
Highway DB	\$47,128.68
Sewer	\$30,523.94
Water	\$39,039.89

May Utilities: General:	\$1,747.14
Water:	\$ 800.47
Sewer:	\$ 315.96

RESOLUTION #104-07
SUPERVISOR REPORT

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

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

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

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

Written report of roadwork done in June 2007 on file in the Office of the Town Clerk.

TOWN ENGINEER

- Representatives from the Towns of Milo and Jerusalem have requested to meet with the Village of Penn Yan regarding their 10% increase in sewer costs and to review the status of the Penn Yan Sewage Treatment Plant.
- A data logger has been installed on the master water meter that is providing very good information.

COUNCIL

- Councilperson Hopkins reported the Planning Board tabled two items until they receive additional information. One from Keuka College to make an office building on Central Avenue into two apartments and one from the Alconero's Open Development Area application.
- The Planning Board passed their recommendation to the Town Board for revisions to our adult entertainment regulations as recommended by the Adult Entertainment Subcommittee. These have been forwarded to Attorney DiPonzio and Attorney Bailey for review and drafting of the proposed local law.

SUPERVISOR

Supervisor Jones stated Gordon Davis has brought forth a concern about the driveway to their trailer between the Town Hall and his residence being blocked at times during Court and Town meetings. A "Do Not Block Driveway" sign has been installed next to the driveway to alleviate this problem. Supervisor Jones pointed out that by Resolution #28-99, the 1999 Land Purchase Agreement executed between the Town and Gordon and Jane Davis included a clause to provide them with a new driveway. Mr. Davis does not feel that the added expense of an additional driveway is necessary and is agreeable with the placement of a sign at this time.

RESOLUTION #105-07

WATER VIOLATION AT ZERGES - 96 AND 98 ESPERANZA DRIVE

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

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

Whereas the Town of Jerusalem issued Rolf Zerges a notice of violation to Sections 152-3 and 152-11 of the Town Code for the water connection between his house at 96 Esperanza Drive and his guest quarters at 98 Esperanza Drive; and

Whereas Mr. Zerges has requested the Town withdraw its notice of violation as he feels his water service qualifies as an "extenuating circumstance" as allowed under Section 152-3; and

Whereas in previous similar situations, property owners have complied to the Town's requirements; now, therefore, be it

Resolved that the Town Board continue their position of compliance and deny Mr. Zerges' request for the Town to withdraw its notice of violation.

WINDFARM SUBCOMMITTEE:

Subcommittee member, Bill Pringle stated the one-day wind arm tour to the Town of Fenner has been scheduled for September 13th.

SLOPES SUBCOMMITTEE:

Councilperson Folts reported the Subcommittee will be reviewing a rough draft of the proposed regulations and meet again in mid-August.

SUBDIVISION SUBCOMMITTEE:

Councilperson Barden reported the Subdivision Subcommittee convened its first meeting. The make-up of the Subcommittee is being reviewed as they concluded the agricultural sector is under-represented, given their intense interest in the subject during the public hearing. Their next meeting will be July 26.

Councilperson Barden discussed the terms of the agreement with Andy Raus at Bergmann Associates. Our desire to hold two public meetings will be handled by Bergmann Associates charging an hourly rate for the additional meeting requested.

ADULT ENTERTAINMENT SUBCOMMITTEE:

Bob Evans expressed his disappointment with the postponement of the enactment of the Adult Entertainment regulation amendments and his concern that Attorney DiPonzio may change their proposed changes. Councilperson Hopkins explained the local law process and the timeframes involved.

RESOLUTION #106-07

TOWN HALL SOFFITT REPAIR

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

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

Whereas the following bids were received to repair the soffitt and take down the chimney at the Town Hall:

Build-R	\$ 1,490.00
Ram Construction	\$10,900.00 (includes new roof)
Bucky's Construction	\$14-15,000 (includes new roof)
Connect-A-Service	\$ 4,378.32

Resolved that the contract be awarded to the low bidder, Build-R as recommended by the Building & Grounds Committee.

Consideration was given to placing the Town Hall on the register of historical buildings as an avenue for funding for needed repairs. Roof replacement will be budgeted for in 2008. It was determined the cons outweigh the benefits. Supervisor Jones added we are obtaining bids to point up the stone of the Town Hall.

RESOLUTION #107-07

PROPOSED LOCAL LAW D-2007 IMPOSING A ONE-YEAR MORATORIUM ON CERTAIN BUILDING PERMITS

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

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

Whereas proposed Local Law D-2007 imposing a one-year moratorium on certain building permits was referred to the Yates County Planning Board for their review; and

Whereas the Yates County Planning Board recommended three amendments:

Section 1 - Specify what the required minimum frontage is and include the citation of where this can be found in the Town's zoning ordinance;

Section 4 - Change the term of the moratorium from one year to six months, with an option to renew at the end of the six months;

Section 5 - Remove the word "enlarge" from Section 5 as the moratorium only relates to new construction, not existing structures; and

Whereas the Yates County Planning Board's comments were forwarded to Town Attorney Bailey for his review and received his support for the changes to Section 4 and 5, but he does not support their suggested amendment to Section 1; and

Whereas upon consideration of the Yates County Planning Board's recommended amendments, the Town Board has determined the following:

Section 1 - Accept Town Attorney Bailey's recommendation and leave the wording as drafted.

Section 4 - Change the term of the moratorium to six months.

Section 5 - Remove the word "enlarge".

now, therefore, be it

Resolved that Town Attorney Bailey incorporate these two changes and redraft proposed Local Law D-2007.

RESOLUTION #108-07

TABLE PROPOSED LOCAL LAW D-2007 IMPOSING A ONE-YEAR MORATORIUM ON CERTAIN BUILDING PERMITS

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

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

Resolved that proposed Local Law D-2007 imposing a one-year moratorium on certain building permits be tabled.

DISCUSSION - WATER DISTRICT CONSOLIDATION

Town Engineer Ackart presented the preliminary work done on the proposed consolidation of our water districts that will lower costs and provide more efficient operation of our water system. Major elements of the proposal are:

- Reduction of the Water Rate
- Reduction of the Minimum Purchase
- Consolidation of Keuka Park Water District and Extensions #1, #2, & #3.
- Creation of Reserve Funds for future capital projects for our \$20M system.
- Capital Charge collection on the Annual Property Tax Bill

Detailed information will be mailed to our water customers and available at the Public Hearing.

RESOLUTION #108-07

RESOLUTION CALLING PUBLIC HEARING REGARDING THE PROPOSED CONSOLIDATION OF THE KEUKA PARK WATER DISTRICT AND EXTENSIONS NOS. 1, 2, AND 3 OF THE KEUKA PARK WATER DISTRICT OF THE TOWN OF JERUSALEM INTO ONE CONSOLIDATED WATER DISTRICT TO BE DESIGNATED AS THE KEUKA PARK CONSOLIDATED WATER DISTRICT IN THE TOWN OF JERUSALEM PURSUANT TO SECTIONS 206 AND 206-a OF THE TOWN LAW OF THE STATE OF NEW YORK

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

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

WHEREAS, there are presently one water district and three extensions of that water district existing in the Town of Jerusalem; and

WHEREAS, the indebtedness of said district and extensions will remain outstanding following the proposed consolidation; and

WHEREAS, presently the cost of the district and extensions is high in relation to the available assessment base so that the cost constitutes an undue burden on the property therein; and

WHEREAS, it appears that certain benefits would accrue if said district and extensions were consolidated, namely

- a. Bookkeeping and budgeting would be facilitated without the necessity of interdistrict transfers and adjustments.
- b. The costs of future repairs for emergencies would be spread over the entire consolidated district and not borne only by the area involved.
- c. The costs of future expansion of water service will be spread over the entire consolidated district and not just the new area involved.
- d. All future expenses of maintenance, operation and improvements of the consolidated district would be raised and paid for by all properties within the consolidated district.

WHEREAS, said district and extensions thereto are presently financed on the benefit basis.

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

- a. A public hearing be and the same hereby is called to be held on August 15, 2007, at 7:00 p.m. at the Branchport Fire Hall, Route 54A, Branchport, New York to consider the proposed consolidation of the Keuka Park Water District and Extensions Nos. 1, 2, and 3 of the Keuka Park Water District of the Town of Jerusalem pursuant to sections 206 and 206-a of the Town Law of the State of New York.
- b. If approved, all the property of the original districts shall become the property of the consolidated district and the consolidated district shall assume and pay the indebtedness of each of the original districts as if such indebtedness has been incurred subsequent to the consolidation.
- c. If approved, all future costs of operation, maintenance and improvements of said consolidated district and all extensions

hereafter established shall be a charge against the entire area of the consolidated district proposed to be established and as the same may be extended in the future.

d. If approved, the future costs of the operation, maintenance and improvements of the consolidated district will be paid on a benefit basis as determined by the town board following the public hearing hereby called.

e. The Town Clerk shall give notice of said hearing by publication of a notice in the Chronicle Express and the Dundee Observer, the official newspapers of the Town, at least ten (10) days prior to the time fixed for such public hearing and shall post one copy of said notice on the Town Clerk's signboard at least ten (10) days prior to the time fixed for such public hearing; and be it further

RESOLVED that the Town mail a letter giving notice to all property owners in said districts.

RESOLUTION #109-07

RENEWAL OF ANIMAL CONTROL AGREEMENT WITH YATES COUNTY

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

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

Resolved that the Town of Jerusalem renew its agreement with Yates County to provide Animal Control services commencing 1/1/2007 and terminating 12/31/2008.

RESOLUTION #110-07

EXECUTE INTERMUNICIPAL COOPERATION AGREEMENT

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

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

Whereas the Town of Jerusalem and the Town of Barrington have decided to share certain equipment and/or machinery towards the end of realizing cost reductions and other benefits to both Towns by sharing the expense of owning, maintaining, and repairs; now, therefore, be it

Resolved that the Supervisor of the Town of Jerusalem be authorized to execute the Inter Municipal Cooperation Agreement with the Town of Barrington.

RESOLUTION #111-07

INCREASE FEE CHARGED FOR ZONING CODE BOOK

Jerusalem Town Board
July 18, 2007

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

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

WHEREAS, Zoning Code Books have been made available for sale to the public at a cost of \$7.00 for many years; and

WHEREAS, the Town has been absorbing the increased printing cost, due in part to inflation and to an increase in the Zoning Code material to be reproduced, now therefore be it

RESOLVED that the fee charged for a Zoning Code Book be increased to \$25.00 per copy to correctly reflect the cost experienced by the Town to produce said material.

With there being no further business, on a motion of Councilperson Barden, seconded by Councilperson Folts, the meeting was adjourned at 8:47 P.M.

Sheila McMichael, Town Clerk