

Minutes of the regular monthly meeting of the Jerusalem Town Board held on June 18, 2008 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Hopkins, Simmons, Stewart, Highway Superintendent Payne, Town Engineer Ackart, Town Clerk McMichael.

GUESTS: Max Parson, William Pringle, Susan Close, Tom Close, Bob Evans, Alice & Don Hunt, Bob & Barb Johnson, Rick Willson, Mary St. George, Doug Paddock and several other unidentified guests.

Supervisor Jones called the meeting to order with the Pledge to the Flag at 7:05 P.M.

RESOLUTION #103-8
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the May 20, 2008 meeting be approved as read.

RESOLUTION #104-08
AUDIT OF CLAIMS

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

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

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

General:	\$ 19,545.22
General Outside Village:	\$ 6,000.00
Highway DA:	\$ 25,774.13
Highway DB:	\$191,653.54
Sewer:	\$ 7,114.12
Water:	\$ 43,848.22
May utilities: General:	\$ 1,484.90
Highway DA:	\$ 30.15
Sewer:	\$ 20,906.08
Water:	\$ 39,818.97

REPORT OF THE ZONING, PLANNING & ASSESSING DEPARTMENT OPERATION
REVIEW SUBCOMMITTEE

The subcommittee members were Tom Close, Tim Culver, Ron Kenville and Bill Wolff. Mr. Close presented a summary of findings based on their review of the offices and functions of the Code Enforcement Officer and Assessor. Their report provided recommendations for possible improvements in the operational efficiency of these

functions. Mr. Close noted the subcommittee was favorably impressed by the quality and professionalism of the people that were interviewed and believe that the Town is well served by their offices.

The findings and recommendations include:

Workflow - Possible efficiency improvements could be obtained if the assessor did more direct data entry into the TSL tax collection and assessment software package.

Work space - Rearrangement of the work space could provide more privacy and work room for both staff and public.

Issues for consideration by the Town Board are:

- Joining with the other towns in the County to use a uniform system of appraisals and doing revaluations simultaneously.
- Simplify and clarify zoning laws in order to reduce zoning and code enforcement work load.
- More precisely define the code enforcement/zoning tasks and assignments.
- Create a process to identify and assess any structures that are not currently on tax rolls because they had no permit or have never been assessed.
- Determine how to follow-up on enforcement or required conditional site improvements after planning/zoning approval.

Their written report also included a flow chart of the building permit process and a flow chart and notes on the assessment cycle.

The Town Board members commended the Committee for a job well done.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Highway Superintendent Payne provided a financial analysis of road work done to date. Considerable work has been done on West Bluff Drive due to the amount of construction causing road damage.
- The 2006 gravel pit purchase has been a good investment for the Town as we have hauled an estimated \$100,000 of gravel this year, noting a large amount of fuel is consumed when hauling.
- Oil prices are expected to increase the end of this month. We budgeted \$1.70/gallon and it is currently at \$1.83/gallon. Councilperson Simmons suggested Payne look into pre-paying our oil.
- The new Highway Department pick-up truck approved for purchase under Resolution #36-08 has been delivered. We continue to use the old truck at this time and will look to selling it in the fall.

TOWN ENGINEER

- Town Engineer Ackart stated the Village of Penn Yan has not reconciled the water budgets for the last three fiscal years. We are awaiting response to our request for notification of the "audit exit interview" as provided by contract.
- We continue to wait for the next "water partners" meeting to be scheduled.
- Attorney Bailey has been notified that our water agreement with Pulteney is subject to the five-year statutory limit on intermunicipal agreements, Section 119-o(2)(j) of Article 5-G of the General Municipal Law enacted by legislation in 1996, and will be expiring at year's end.
- We continue to proceed with a preliminary draft contract with Keuka College for water and sewage service provided by the Town to make it equitable for both parties.
- Hold harmless agreements for contractors is being discussed with Attorney Bailey.
- Councilperson Simmons inquired about our capability to take sewage from pumping trucks as an opportunity to generate income because we have not exceeded the sewage volume allowed under our contract. Ackart responded this type of sewage material has the potential to damage our pumps.
- Town Engineer Ackart will provide detailed information to Supervisor Jones regarding inspections and sewer connection violations to address our concerns with KWIC (Keuka Watershed Improvement Cooperative).
- The pumping reports Councilperson Stewart requested from KWIC last week have not been received to date.
- Councilperson Stewart has asked Town Attorney Bailey to provide an opinion on insurance requirements for contractors permitted to work in the Town and performing working for the Town.
- Councilperson Simmons asked Town Engineer Ackart to provide data on the effect the water minimum reduction from 12,000 gallons to 10,000 gallons per quarter had on the water consumption for those customers at or near the past and present minimums.

SUPERVISOR

NEW YORK STATE DEPARTMENT OF HEALTH FACT SHEET #5 - SUSCEPTIBLE
WATER SOURCES

Supervisor Jones stated NYSDH Fact Sheet #5 regarding water taken from the lake by a private residence was discussed at a Keuka Watershed Improvement Cooperative meeting and he was now asking the community to write to the New York State Department of Health on this matter. Fact Sheet #5 states "Surface water should not be used as a water source and is not eligible for approval via specific waivers or Building Permits issues pursuant to the Residential Code." Considerable discussion ensued on prohibiting the use of surface water for domestic use on area lakes, the impact

on property owners, and the need for a coordinated approach by the community to resolve this matter.

COUNCIL

- Discussions continued on the deteriorating condition of State Route 54A and associated dangerous situations. Testing will be done next week to determine the integrity of the road in preparation of rebuilding it in 2011. The potholes were outlined with bright colored paint for participants in a recent bicycle race. The State Highway Department will be patching 54A with completion anticipated by July 4.
- Councilperson Hopkins stated surrounding municipalities will be meeting on June 26 to discuss forming an alliance to bid out our electric.

ROUTE 54A PROPOSED ADDRESSING SYSTEM PRESENTATION

The Town Board appointed a committee that was charged with the responsibility of thoroughly researching the current situation with street names and numbers on Route 54A from Penn Yan to the Steuben County line at their September 2007 meeting.

Robert Johnson and Alice Hunt presented their proposal offering a unique opportunity to create a user-friendly addressing system for the Town. The goal of the proposal is to have every property within the Town identified by a unique address that satisfies the needs of all the following: 1) Homeland Security, 2) the Yates County Fire and Emergency Code, 3) the Planning, Enforcement and Assessment Offices, 4) the U.S. Postal Service, 5) the Board of Election, 6) the locals who have lived here for many years, 7) those who have trouble finding locations, and 8) all those who are unfamiliar with the area and need to find their way around. A secondary goal is to reconnect with the rich history of Jerusalem to better meet today's needs.

The proposal identified the main problems and provided four phases to implement the proposed solutions and their cost estimates.

Rick Willson, surveyor, Mary St. George, Keuka Park Post Mistress and Councilperson Stewart, Town Board liaison to the Committee provided their support of the proposal.

Supervisor Jones will provide County Legislator Doug Paddock with two copies of the proposal for the Yates County Sheriff and Branchport/Keuka Park Fire Chief Mike Chapman.

The Town Board will consider the proposal that will be discussed at a future meeting. They commended the committee for their work.

RESOLUTION 105-08
ALCONERO OPEN DEVELOPMENT AREA APPLICATION

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

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

WHEREAS, Rodrigo & Barbara Alconero have applied for an Open Development Area consisting of 32.34 + acres, located on the West side of Experanza Road in the Town of Jerusalem, and

WHEREAS, any and all properties located within this application site will be subject to any restrictions imposed by this resolution, further noting that said restrictions will apply to all current or future property owners, and

WHEREAS, the necessary reviews have been completed by the Town of Jerusalem Planning Board, and

WHEREAS, at the June 5, 2008 Planning Board meeting a Negative Declaration was given to the SEQR Review on for this project,

NOW THEREFORE BE IT RESOLVED that the Town Board accept the recommendations of the Planning Board and approve the Alconero Open Development Area Application with conditions.

(Recommendations were made at the Planning Board Meeting on June 5, 2008 and based on the Final Storm Water Pollution Prevention Plan developed by APD Engineering and dated 2/14/2008 - Project number 05-0329, which will be referred to within this document as SWPPP, approval of Alconero APD Engineering Storm Water Management Plan ES-1, Dated 11/14/07 by Dixon Rollins PE Regional Water Engineer Dated 6/5/08 and the approved, Revised Full Environmental Assessment dated 5/12/08.)

Recommendations were as follows:

1) That a private road be constructed in accordance with the Town of Jerusalem's Private Road standards as outlined in Section 93-23 of the Town Code.

2) That the Proposed Project Phasing be adhered to per the SWPPP per project # 05-0329.

3) That the Overall CS1 Drainage Plan be adhered to, with the addition that the inspector shall be a New York State certified

erosion professional as described in the executive summary contained in the SWPPP - page 3.

4) That the "Maintenance Schedule for the Permanent Storm Water (BMP) Controls" of appendix "E" of the SWPPP, page 27 be adhered to.

5) That the General Contractor selected associated with any type of earth disturbance, shall be required to complete the contractor certifications contained in the SWPPP.

6) That prior to the issuance of any Building Permit, that improvements as identified in the approved final engineered Alconero Storm Water Managements Plan -(referring to phasing) be deemed satisfactorily completed by a NYS certified erosion professional as identified in the executive summary contained in SWPPP page 3. The Code Enforcement Officer (CEO) may not issue a Certificate of Occupancy(C of O) until the road and storm water maintenance agreements are recorded in the Yates County Clerk's Office and the road sign has been erected with the house numbering displayed.

7) That the development of any Alconero properties whose topography triggers steep slope review will be required to undergo applicable review.

Note: To begin this process a gathering of all involved will be held in accord with the plan outlined in SWPPP, Executive Summary, beginning on page 1.

And be it further

RESOLVED that copies of this resolution be supplied to all involved including but not limited to the following; Rodrigo & Barbara Alconero, APD Engineering, Hunt & Baker, Attorney for Alconero, NYS Dept of Environmental Conservation, Yates County Soil & Water Department, TOJ - Planning Board, CEO, & Engineer.

ZONING REVIEW/TOWNHOUSE SUBCOMMITTEE

Bob Evans reported Mr. Dave Wegman made a very helpful presentation to the Zoning Review/Townhouse Subcommittee to educate and familiarize the Subcommittee to his experience with townhouses.

SUBDIVISION SUBCOMMITTEE

Subdivision Subcommittee Chair Jim Barden stated the draft subdivision regulations were brought into question by a subset of the Subcommittee members. They worked through their concerns and made two minor changes to the draft regulations. Consultant Andy

Raus attended that meeting and incorporated the changes, thereby expending our original contract amount with Bergmann Associates. Bergmann Associates has presented the Town with a contract for Town Planner services on an as needed basis for any further work related to our subdivision regulations development process. A public information meeting will be held prior to scheduling the public hearing.

Mr. Barden noted a second part of subdivision regulation is the technical specifications such as roads, drainage, curbs, etc. that his Subcommittee recommends we model after the Town of Potter's regulations.

Mr. Barden presented the final draft regulations to the Town Clerk. Copies of the draft regulations will be given to Planning Board Chair Bob Evans to distribute to the Planning Board members on an informational basis. Councilperson Folts wished the record to show that not all Subcommittee members were in total agreement on the draft regulations.

WIND FARM SUBCOMMITTEE

Wind Farm Subcommittee Chair Simmons stated they came into agreement to permit windmills in the northwest corner of the Town. The Subcommittee will continue to develop regulations and look into the financial aspects of windmills. The Subcommittee will have a new Chair as Councilperson Simmons feels it is unethical to develop regulations and then vote on them as a Town Board member. The Subcommittee will be co-chaired by Jim Barre and Art Hunt. Rick Ayers will replace Councilperson Simmons on the Subcommittee.

LOW IMPACT WHOLESALE BUSINESS ZONING AMENDMENT

The proposed Low Impact Wholesale Business Zoning Code amendment is currently being reviewed by the Planning Board.

RESOLUTION #106-08

RESOLUTION SUPPORTING THE VILLAGE OF PENN YAN 2008 TRANSPORTATION ENHANCEMENTS PROGRAM GRANT APPLICATION

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

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

WHEREAS, the New York State Department of Transportation (NYSDOT) is administering the Transportation Enhancements Program (TEP) to provide federal reimbursement for projects intended to benefit the traveling public, increase transportation choices and access, enhance the built and natural environment, and provide a sense of

place. Among the projects eligible for reimbursement are the rehabilitation of historic transportation structures and historic preservation of a historic facility; and,

WHEREAS, NYSDOT is currently administering a round of solicitations for transportation-related projects, with applications for funding due June 27, 2008; and,

WHEREAS, the Village of Penn Yan is planning to request TEP funding to rehabilitate the stone arch culvert that supports Clinton Street (NYS Route 54) over Jacobs Brook, and

WHEREAS, this section of Clinton Street is within the Penn Yan Historic District, which is listed in the National Register of Historic Places; and

WHEREAS, the sidewalls of the stone arch culvert are failing and need to be stabilized to remove the risk of collapse; and

WHEREAS, NYS Route 54 links the Village of Penn Yan to the Village of Dresden and NYS Route 14, is used by residents of the Town of Jerusalem and neighboring communities to access employment, shopping, health care, government facilities, and other services, and is used by tourists and visitors to access destinations in the Town of Jerusalem, the Village of Dresden, the City of Geneva and the Village of Penn Yan;

NOW, THEREFORE, BE IT RESOLVED, that the Jerusalem Town Board fully supports the proposed Clinton Street Stone Arch Culvert Rehabilitation Project, and finds that the proposed project will protect a resource of historic significance and will help to ensure the continued viability of transportation connections that are vital to Town of Jerusalem residents and businesses.

RESOLUTION #107-08

RESOLUTION ESTABLISHING THE "BUILDING REPAIR RESERVE FUND OF THE TOWN OF JERUSALEM" UNDER SECTION 6-C OF THE GENERAL MUNICIPAL LAW

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

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

The Town Board of the Town of Jerusalem, duly convened in regular session, does hereby resolve as follows:

SECTION 1. That there be and hereby is established a capital reserve fund in the amount of Fifty Thousand Dollars (\$50,000.00) to accumulate all or part of the cost of the following types of repairs and restorations of improvements and equipment of the Town of Jerusalem, to wit: major structural repairs of the town hall,

the highway barns, and other buildings owned by the Town of Jerusalem (the "Town").

SECTION 2. That this fund is to be known as the "Building Repair Reserve Fund of the Town of Jerusalem."

SECTION 3. That the estimated maximum cost of the capital expenditure is the sum of Fifty Thousand Dollars (\$50,000.00).

SECTION 4. That out of the surplus moneys of said District now on hand for the year 2008 and not otherwise appropriated, the sum of Fifteen Thousand Dollars (\$15,000.00) be and the same hereby is appropriated for the "Renewal of Facilities Capital Reserve Fund of the Keuka Park Consolidated Water District," and the Supervisor is hereby authorized, empowered and directed to transfer from surplus funds of said District the sum of Fifteen Thousand Dollars (\$15,000.00) to the fund.

SECTION 5. That such additional sums as may hereafter be appropriated shall become part of the fund.

SECTION 6. That the moneys in the fund shall be deposited in a separate bank account in Five Star Bank.

SECTION 7. That the Supervisor is authorized to invest, from time to time, the moneys of this fund pursuant to Section 10 of the General Municipal Law. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become a part of the fund.

SECTION 8. That no expenditure shall be made from the fund except by authorization of the Town Board of the Town of Jerusalem pursuant to the provisions of section 6-c of the General Municipal Law.

SECTION 9. That this resolution is not subject to permissive referendum, but the resolution to expend moneys from the fund may be subject to permissive referendum under Section 6-c of the General Municipal Law.

SECTION 10. That this resolution shall take effect immediately.

PUBLIC COMMENTS

- Bob Evans stated the waiting room and ticket booth from the Penn Yan/Branchport Trolley still exists today. It is located two cottages south at the bottom of Stever Hill. Mr. Evans is in the process of contacting the current owners.
- Councilperson Stewart stated the press release on the Town receiving The Water System of the Year Award has been submitted to the newspaper. The plaque is on display in the KPSW office.
- County Legislator Doug Paddock reminded Supervisor Jones the forms need to be submitted to receive the enhanced funds for the recreation program. Recreation Committee member Simmons stated these funds will be used for two additional field trips this year.

Jerusalem Town Board
June 18, 2008

With there being no further business, on a motion of Councilperson Hopkins, seconded by Councilperson Folts, the meeting was adjourned at 10:23 P.M.

Sheila McMichael, Town Clerk