

Minutes of the regular monthly meeting of the Jerusalem Town Board held on April 21, 2010 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Parson, Stewart, Highway Superintendent Payne, Town Engineer Ackart, Town Clerk McMichael.

GUESTS: Taylor Fitch, Donna Alexander, Doug Paddock, Dan Landis, Tom Close, Peg Thompson, Lou Jane Johns.

Excused: Councilperson Simmons.

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

RESOLUTION #69-10

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the March 17, 2010 regular meeting and the March 24, 2010 special meeting be approved as read.

RESOLUTION #70-10

AUDIT OF CLAIMS

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

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

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

General:		\$53,538.32
Highway DA:		\$ 1,418.96
Highway DB:		\$23,558.81
Sewer:		\$11,866.03
Water:		\$46,963.02
Branchport Light:		\$ 145.42
Trust:		\$11,841.93
March utilities:	General:	\$ 2,635.08
	Sewer:	\$30,226.47
	Water:	\$ 433.11
	Trust:	\$47,510.07

RESOLUTION #71-10

SUPERVISOR REPORT

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

ADOPTED Ayes 3 Folts, Jones, Stewart
Nays 0

Abstain 1 Parson

Resolved that the Supervisor's Report on the Town's finances for the month of March 2010 be accepted as presented.

PUBLIC HEARING - PROPOSED LOCAL LAW A OF 2010 - TOWN CODE AMENDMENT AS TO THE DURATION OF BUILDING PERMITS, WHEN A BUILDING PERMIT MAY BE ISSUED AND CORRECTING A REFERENCE TO THE EXECUTIVE LAW

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 proposed Local Law A of 2010 amending the Town zoning ordinance as to the duration of building permits, when a building permit may be issued and correcting a reference to the Executive Law.

No one from the public wished to comment.

REPORT OF TOWN OFFICIALS
HIGHWAY SUPERINTENDENT

- March 2010 Highway Budget Report for Winter, Snow, and Ice Removal distributed to Town Board.
- The Highway Department will begin oiling roads in mid-May when it is anticipated dust oil will be available.

RESOLUTION #72-10

AUTHORIZE 50% PAYMENT TO CONTRACTOR MORRIS ROSSMAN

On the motion of Councilperson Folts, seconded by Councilperson Parson, the following was

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

Whereas the Town Highway Barn roof sustained wind damage and was reported to NYMIR for reimbursement under the Town's insurance policy; and

Whereas a bid for repair was received from Morris Rossman in the amount of \$2,875.00; and

Whereas Mr. Rossman has requested 50% down before beginning the work and the balance due upon completion; now, therefore, be it

Resolved that Highway Superintendent Payne verify that Mr. Rossman carries the proper insurance coverage; and be it further

Resolved that the Town Board authorize payment to Mr. Rossman in the amount of \$1,437.50 under voucher #246-10.

TOWN ENGINEER

The tour of the Village of Penn Yan Sewage Treatment Plant is scheduled April 28th at 1:00 P.M.

COUNCIL

- The first scheduled dig between the Keuka Park Sewer & Water Department and the Highway Department is scheduled for next week.
- Following a review for compliance with the civil rights laws covering our loan from USDA, the paved parking lot at the Town Hall needs to be striped.
- A joint meeting of the Zoning Board and the Town Board will be scheduled to review Judge Bender's ruling on the Doreen Inzalaco, Trustee of the Two Kids Trust of 2002 (Petitioner) court case which was presented under Article 78 proceeding against the Town of Jerusalem, Zoning Board of the Town of Jerusalem and John Does (Respondents). Councilperson Parson will schedule this with the ZAP Secretary.
- The final decision on the site for the Finger Lakes Cultural & Natural History Museum has not been made to date.
- A Transportation Map depicting the private roads in the Town was presented. No action was taken.

SUPERVISOR

A joint meeting with the Village of Penn Yan will be scheduled to allow the Town to present on the history of the sewer contracts.

RESOLUTION #73-10

TOWN HALL CLEANING PROPOSAL

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

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

Whereas the Town of Jerusalem currently contracts town office cleaning services with Connect-A-Service of Penn Yan; and

Whereas Yates ARC has submitted a bid at a substantially lower amount to perform the same cleaning services; now, therefore, be it

Resolved that the Board authorize the Town Supervisor to sign an agreement with Yates ARC for the cleaning of the town office to begin May 1, 2010; and, be it further

Resolved that the Town Clerk notify Connect-A-Service by certified mail within 72 hours of ratification of this resolution.

TOWN CLEAN UP DAY

Councilmen Folts and Parson are planning a Town Clean-Up Day.

SUBDIVISION SUBCOMMITTEE

No report.

ADDRESSING SUBCOMMITTEE

Letters have been sent to property owners on Esperanza Drive and Crescent Beach notifying them of their official address. The next mailing will be the West Lake Road, Branchport area.

ROAD USE ORDINANCE

Yates County will distribute copies of their Road Use Ordinance to the Town upon adoption.

RESOLUTION #74-10

SLOPES REGULATION AMENDMENT - SCHEDULE PUBLIC HEARING

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

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

Resolved that a Public Hearing be held at the May 19, 2010 Town Board meeting at 7:00 P.M. on proposed Local Law B of 2010 revising the regulations for construction on steep slopes; and, further

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

RESOLUTION #75-10

KEUKA PARK 4" WATER LINES

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

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

Whereas the Town formed the original Keuka Park Water District in July 1976,

And whereas in November of 1980 a group of 8 property owners in Keuka Park approached the Town regarding the replacement of a private 2" water main on private property serving said 8 properties,

And whereas said group volunteered to construct a replacement 4" waterline to Town specifications, and give easements to the Town for subsequent ownership, operation and maintenance of said 4" line,

And whereas in Resolution #23 - 80 the Town authorized purchase of the 4" pipe and fittings for said line,

And whereas said line was so constructed, however the easements were never filed and now are invalid due to ownership changes,

And further the New York State Health Department in a March 12, 2010 letter to the Town indicates that the Town should obtain current valid easements and take over ownership , operation and maintenance of said 4" line, which the Department of Health considers a public water supply system within the bounds of the original Keuka Park Water District,

Now therefore be it resolved that;

1. Town Attorney Philip Bailey be directed to draw up an easement form that can be used for the 8 properties
2. That spokesman for the 8 property owners Attorney Donald Schneider be provided a copy of the easement form for use in obtaining signatures of the 8 current property owners
3. And that upon receipt of current proper easements from Attorney Schneider and filing of said easements by the Town , that the Consolidated Keuka Park Water District assume ownership, operation and maintenance of said main into perpetuity.

RESOLUTION #76-10
PLANNING BOARD RESIGNATION

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

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

Resolved that the Town Board regretfully accepts the resignation of Deborah Koop from the Planning Board and the Steep Slopes Subcommittee; and, be it further,

Resolved that the Supervisor Jones send Ms. Koop a letter thanking her for her service to the Town.

PLANNING BOARD ISSUES:

- Councilperson Parson will discuss the process to fill the Planning Board vacancy with Chair Evans.
- Councilperson Folts stated Planning Board Chair Evans has requested approval to utilize the Planning Board Secretary for additional hours to attend Zoning Review Subcommittee meetings. This unbudgeted expense will be addressed at the May Town Board meeting.

It was noted Town Attorney Bailey has advised the Town on the importance to keep documentation of committee meetings if they will be making recommendations to the Town Board for action. He has stressed the need for good notes that outlines what and why certain actions are taken.

RESOLUTION #77-10

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW A-2010- TOWN CODE AMENDMENT AS TO THE DURATION OF BUILDING PERMITS, WHEN A BUILDING PERMIT MAY BE ISSUED AND CORRECTING A REFERENCE TO THE EXECUTIVE LAW

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

ADOPTED Ayes 4 Folts, Jones, Parson Stewart
Nays 0

Resolved that the Public Hearing be closed at 8:24 P.M. and that the Board return to the Regular Town Board meeting.

RESOLUTION #78-10

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW 1-2010 (PROPOSED) - TOWN CODE AMENDMENT AS TO THE DURATION OF BUILDING PERMITS, WHEN A BUILDING PERMIT MAY BE ISSUED AND CORRECTING A REFERENCE TO THE EXECUTIVE LAW

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

ADOPTED BY ROLL CALL VOTE:

Councilperson Folts	Aye
Councilperson Parson	Aye
Councilperson Stewart	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 April 21, 2010, 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 amending the Town Code as to the duration of building permits, when a building permit may be issued and correcting a reference to the Executive Law", and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on April 7 and 14, 2010, and

WHEREAS, said public hearing was duly held on April 21, 2010, at 7:07 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, 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.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 1 of 2010 entitled "A Local Law amending the Town Code as to the duration of building permits, when a building permit may be issued and correcting a reference to the Executive Law", a copy of which is attached hereto and made a part of this resolution,

Be it enacted by the Town of Jerusalem as follows:

Section 1: Purpose.

The Town Board wishes to correct certain sections of the Code relating to Zoning and Building Code Administration so as to insure compatibility of the sections with each other and governing law.

§ 2: Section 160-64 of Chapter 160 of the Code of the Town of Jerusalem, constituting the Zoning Ordinance of the Town, is amended by deleting Subsection F and substituting a new Subsection F to read as follows:

F. TIME LIMIT. Building permits shall become invalid unless the authorized work or use is commenced within six 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 subsection may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

§ 3: Section 64-4 of Chapter 64 of the Code of the Town of Jerusalem, governing Building Code Administration, is amended by deleting the last sentence of subsection F and substituting a new last sentence to read as follows:

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, unless the project of which the proposed work is a part does not comply with another provision of the Code of the Town of Jerusalem for which a Building Permit is required.

§ 4: Section 64-14 of Chapter 64 of the Code of the Town of Jerusalem, governing Building Code Administration, is further

amended by substituting the number 382 for the number 381 in two places in Subsection E.

§ 4: Effective Date.

This local law shall take effect immediately upon being filed by the Secretary of State.

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.

PRVILEGE OF THE FLOOR

Legislator Donna Alexander reported the County has contracted services to complete the Hazard Mitigation Plan for Yates County. The Plan enables the County and all of its towns and villages to be eligible for FEMA Hazard Mitigation money when it becomes available.

With there being no further business, on a motion of Councilperson Stewart, seconded by Councilperson Folts, the meeting was adjourned at 8:26 P.M.

Sheila McMichael, Town Clerk