

Minutes of the regular monthly meeting of the Jerusalem Town Board held on May 19, 2010 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Parson, Simmons, Stewart, Highway Superintendent Payne, Town Clerk McMichael.

GUESTS: William Pringle, Jim Bird, Bob Evans, Ed Pinneo, Peter Gamba, Tom Close, Ed Castillo, Doug Paddock, John Grabski and other unidentified guests.

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

RESOLUTION #82-10  
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the April 21, 2010 meeting be approved with the amendment to Resolutions #73-10 and #76-10 whereby the vote should state Supervisor Jones, not Councilman Simmons as he was not present at the April meeting.

RESOLUTION #83-10  
AUDIT OF CLAIMS

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

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

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

General:		\$ 8,921.46
Highway DA:		\$ 2,523.93
Highway DB:		\$ 46,190.49
Sewer:		\$ 19,823.89
Water:		\$103,790.58
Branchport Light:		\$ 292.62
Trust:		\$ 6,288.96
April utilities:	General:	\$ 2,005.29
	Sewer:	\$ 386.76
	Water:	\$ 386.76
	Trust:	\$47,277.53

RESOLUTION #84-10  
SUPERVISOR REPORT

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

ADOPTED Ayes 4 Folts, Jones, Parson, Stewart  
Nays 1 Simmons

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

PUBLIC HEARING - PROPOSED LOCAL LAW B-2010 STEEP SLOPES AMENDMENT  
With proof of notice having been duly published and posted,  
Supervisor Jones opened the Public Hearing at 7:05 P.M., asking for  
comments on the proposed amendments to Chapter 137 Steep Slopes.

Jim Bird noted several concerns and had also submitted written comments in an e-mail dated March 5, 2010. His concerns included retaining walls; defining a 15% slope; agricultural structures; paving or surfacing of driveways; an addition to Section 137-4 I. to include runoff to neighboring properties; penalties for offenses and notification to the public on newly enacted laws.

Steep Slopes Subcommittee Chair Ed Pinneo responded to Mr. Bird's comments.

Ed Smith questioned the cost of the steep slopes application which is \$100.

Doug Paddock noted a typo that the scale should read "one inch equals 30 feet" and suggested the Board consider increasing the 300 square feet to 500 square feet. Jim Bird supported Mr. Paddock's suggestion.

The Subcommittee was thanked for doing a great job.

The public hearing was left open.

REPORT OF TOWN OFFICIALS  
HIGHWAY SUPERINTENDENT

- May 2010 Highway Budget Report distributed to Town Board.
- Highway Superintendent Payne stated he anticipates receiving CHIPS funding and has no plans to reduce planned roadwork in the Town at this time. He noted we do not receive monies until after the work has been done and we can not apply for funding until the State budget has been passed.
- Dust oiling was finished up today.
- Signs for private roads will be placed on the June agenda.

RESOLUTION #85-10

HIGHWAY BARN CLEANING PROPOSAL

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

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

Resolved that the Board authorize the Town Supervisor to sign an agreement with Yates ARC for the cleaning of the Town Barn at a cost of \$75 for the initial cleaning and \$26 on a bi-weekly basis thereafter.

TOWN ENGINEER

- Report is on file.

COUNCIL

- The Assessor will be instructed to inform Lucille Syracuse that the Town will consider her offer to purchase the property adjacent to the Town's gravel pit could be mined by the Town.
- The Code Enforcement Officer sent two final notices to rectify situations of unsafe structures.
- Supervisor Jones will contact the Comprehensive Plan Steering Committee members to determine their interest in reviewing/ updating the Plan.
- The Planning Board approved a slope application for a driveway and an antique shop at the Carcone's.
- Planning Board member Jennifer Gruschow is reviewing our Comprehensive Plan to identify possible grant funds the Town may apply for.
- The Planning Board has requested a joint meeting of the Town, Planning and Zoning Boards. This was tentatively scheduled for June 17.
- As requested at the April 21, 2010 Town Board meeting, the Zoning Board would like to include Attorney Phil Bailey at the Zoning Board meeting 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).
- The status of the Finger Lakes Cultural & Natural History Museum meeting that Supervisor Jones was trying to schedule was questioned. Councilperson Folts recognized Assessor Butch Comstock for his role in getting the Museum in our Town.
- The Town's electric accounts were switched to Energy Plus, an energy savings program through Farm Bureau.
- Windfarm Subcommittee Chair Jim Barre made a presentation at the May 6<sup>th</sup> Planning Board meeting. To ensure we do our due

diligence, another community meeting at the College this summer along with conducting a town survey were suggested.

- The advertisement for Planning Board applicants was placed in the newspaper requesting letters of interest by June 4<sup>th</sup>.

#### SUPERVISOR

- A meeting with the Village of Penn Yan will be scheduled.
- Reimbursement of Administrative Costs and Fees will be placed on the June agenda.
- We will be receiving a sample notification letter from the Yates County Legislature that can be sent to the owner of the Keuka Maid should they consider docking the Keuka Maid along the shores of the Town of Jerusalem.
- The Hazard Mitigation Planning meeting will be held June 2 at the Yates County Auditorium. The Hazard Mitigation Plan will enable the County, towns and villages to be eligible for FEMA Hazard Mitigation money when it becomes available.

#### ADDRESSING SUBCOMMITTEE:

Notifications of official addresses continue to be sent. Private roads are causing problems.

#### MARCELLUS SHALE PRESENTATION

Jerusalem representative, Peter Gamba presented on the status of the Yates County Marcellus Shale Task Force discussions. The "Road Preservation Use and Repairer Agreement" should be available in June for use as a guideline due to road damage caused by the heavy equipment used in hydrofracturing. Driveway permit recommendations will be available in July. Towns have been asked to identify "Critical Environmental Areas" within their town. The Committee will address "Quality of Life Issues" next.

George Mathewson will present on road preservation at the June Town Board meeting.

Melanie Steenburgh, member of the Committee to Preserve the Finger Lakes, shared three resolutions adopted by Tompkins County banning the drilling for consideration by the Town.

#### RESOLUTION #86-10

##### INVENTORY OF ROADS

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

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

Resolved the Town Board approve the presented map as prepared by Assessor Alan Comstock showing private roads in the Town of Jerusalem; and be it further

Resolved the Town of Jerusalem does hereby recognize the names of the private roads to provide the best inventory of roads in the Town of Jerusalem.

RESOLUTION #87-10

CLEAN UP DAY

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

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

Whereas the Town of Jerusalem now has no clean up day for the residents of the Town of Jerusalem; now, therefore, be it

Resolved the Town of Jerusalem will have a clean up day June 12, 2010 from 9:00 A.M. to 3:00 P.M. at the Jerusalem Town Pit; and, be it further

Resolved the sum of \$3,500 will be set aside from contingency account A1990.4 to pay for Town clean up day; and, be it further

Resolved the Jerusalem Town Clerk is directed to send a copy of the notice of Town clean up day to the Town newspaper.

RESOLUTION #88-10

HOURLY RATE FOR DEPUTY TOWN CLERK

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

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

RESOLVED that the rate per hour for Carol Goebel, Deputy Town Clerk be set at \$10.42.

RESOLUTION #89-10

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW B-2010 STEEP SLOPES AMENDMENT

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

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

Resolved that the Public Hearing be closed at 9:10 P.M.

RESOLUTION #90-10

SEQR CONSIDERATION AND NEGATIVE DECLARATION LOCAL LAW B - 2010 REGULATION FOR CONSTRUCTION ON STEEP SLOPES

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

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

Whereas the Town adopted regulations relating to construction on steep slopes and after reviewing the regulations realize a need to make modifications to the current regulations; and

Whereas the Town is obligated to discharge its obligations required by the State Environmental Quality Review Act prior to any adoption or enactment of said Local Law; now therefore, be it

Resolved that the Town declares itself Lead Agent, deems the potential adoption or enactment to be an "Unlisted Action" for the purposes of SEQOR, and has prepared a Short Form Environmental Assessment, opting to not conduct a Coordinated Review; and further, be it

Resolved that the Town Board has reviewed said Short Environmental Assessment Form, and hereby determines that said action will not result in any significant adverse environmental impacts and hereby directs the Supervisor to so sign said Form and file same in the Office of the Town Clerk.

RESOLUTION #91-10

CERTIFY ASSESSOR FOR FLOOD PLAIN CERTIFICATION

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

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

Whereas the Jerusalem Town Assessor is not certified to issue flood plain elevation certificates; now, therefore, be it

Resolved that the Town Assessor obtain the necessary training at which time he will be authorized by the Jerusalem Town Board to issue flood plain elevation certificates.

Supervisor Jones will instruct the Town Assessor not to issue flood plain elevation certificates until he has been certified and the ZAP Secretary that she is not to send further letters until this matter has been resolved. The Town Attorney will review the Assessor's training for validity of current certification.

RESOLUTION #92-10

PAID SECRETARY FOR ADDITIONAL PLANNING BOARD MEETING MINUTES

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

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

Whereas the Town of Jerusalem Planning Board does not have a person to record minutes for all their meetings; now, therefore, be it

Resolved that \$1,000 from account 8020.4 to 8020.1 be set aside to provide for a person to record minutes of additional meetings requiring minutes.

RESOLUTION #93-10

ALL LEGAL MATTERS PERTAINING TO TOWN BUSINESS BE SENT TO ALL TOWN BOARD MEMBERS

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

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

Whereas all the Jerusalem Town Board does not receive all legal correspondence pertaining to town business; now, therefore be it

Resolved that from May 19, 2010 forward, all legal correspondence regarding town business will be sent to all town board members.

RESOLUTION #94-10

BUDGET OFFICER

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

ADOPTED Ayes 3 Folts, Parson, Simmons  
Nays 2 Jones, Stewart

RESOLVED:

- 1) That Resolution No. 7-10 concerning the Budget Officer be and it hereby is rescinded in its entirety; and
- 2) That the salary for the Budget Officer for 2010 be established at \$500.00; and
- 3) That the balance of the 2010 Budget account No. 1340.4 be held in 1990.4 for future use during calendar year 2010 as determined by resolution of the Town Board.

DISCUSSION – BUDGET OFFICER

Supervisor Jones stated the Budget Officer is appointed by the Supervisor and questioned his ability to fill the position given the \$500 salary set.

RESOLUTION #95-10

TABLE – PROPOSED LOCAL LAW B-2010 STEEP SLOPES AMENDMENT

On a motion of Councilperson Stewart, seconded by Councilperson

Simmons, the following resolution was

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

Resolved the adoption of proposed Local Law B-2010 amending the steep slopes regulations be tabled to allow the Board to consider further amendments based on comments received during tonight's public hearing.

PUBLIC COMMENT

Several East Bluff Drive residents were present inquiring about the start of the 2011 budget. During last year's public hearing, they were informed we would begin in May. Supervisor Jones stated we need six months of actual expenditures to base the 2011 projections on, as advised by our Financial Consultant. Work shops will begin in the fall.

RESOLUTION #96-10

MOVE TO EXECUTIVE SESSION

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

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

Resolved that this meeting be interrupted to go into Executive Session to discuss attorneys and personnel issues.

The Executive Session convened at 9:32 P.M.

The following information was provided by Supervisor Jones.

RESOLUTION #97-10

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session.

The Board reconvened in regular session at 10:36 P.M.

RESOLUTION #98-10

PRIOR AUTHORIZATION REQUIREMENT FOR SERVICES BY THE ATTORNEY FOR THE TOWN

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

ADOPTED       Ayes       5       Folts, Jones, Parson, Simmons, Stewart



Nays 0

Resolved that Attorney Phil Bailey, Attorney for the Town be notified that authorization from two (2) Town Board members is required before having discussions with any party outside of Board members.

With there being no further business, on a motion of Councilperson Stewart, seconded by Councilperson Parson, the meeting was adjourned at 10:45 P.M.

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Sheila McMichael, Town Clerk