

Minutes of the regular monthly meeting of the Jerusalem Town Board held on September 15, 2010 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Parson, Simmons, Stewart, Highway Superintendent Payne, Town Clerk McMichael, Town Attorney Bailey.

GUESTS: Peter Gamba, Taylor Fitch, Bob Evans, Scott Demmin, Robert Plummer, Art Adams, Doug Paddock, Tom Close, Jim Fitzgibbons, Lou Jane Johns; Chronicle Express reporter, Joyce Herbert.

Excused: Town Engineer Ackart

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

RESOLUTION #149-10

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the August 18, 2010 meeting be approved as read.

RESOLUTION #150-10

APPROVAL OF MINUTES

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 minutes of the August 12, 2010 joint meeting with Penn Yan be approved as read.

RESOLUTION #151-10

APPROVAL OF MINUTES

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

ADOPTED	Ayes	3	Jones, Parson, Simmons
	Nays	0	
	Abstain	2	Folts, Stewart

Resolved that the minutes of the August 23, 2010 special meeting be approved as read.

RESOLUTION #152-10

AUDIT OF CLAIMS

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

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

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

General:		\$11,679.75
Highway DA:		\$ 1,551.44
Highway DB:		\$26,104.82
Sewer:		\$ 3,631.90
Water:		\$ 1,859.31
Branchport Light:		\$ 307.22
August utilities:	General:	\$ 1,206.14
	Sewer:	\$33,487.61
	Water:	\$ 432.09
	Trust:	\$54,143.70

RESOLUTION #153-10
SUPERVISOR REPORT

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

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

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

PUBLIC HEARING - UNSAFE STRUCTURE 3884 ITALY HILL ROAD

Supervisor Jones stated the public hearing on the unsafe structure located at 3884 Italy Hill Road, tax map no. 83.03-1-5, scheduled for tonight has been cancelled as the notice of hearing was not duly served.

James Keeler, son of the property owner, Dana Keeler, attended tonight's meeting to report he received full authorization from his father to act and resolve this matter. An application for a demolition permit has been submitted to the Code Enforcement Officer.

UNSAFE STRUCTURE - 2958 ROUTE 54A

Supervisor Jones stated the Code Enforcement Officer is also addressing the unsafe structure located at 2958 Route 54A, tax map no. 74.74-1-7, owned by Lena Yells. We are currently awaiting a response from the contractor regarding dismantling the building.

RECREATION PROGRAM REPORT

The Recreation Program report will be scheduled for the October 20, 2010 Town Board meeting.

BLUFF POINT ASSOCIATION – SIGNS

Rob Plummer presented concerns from the Bluff Point Association (BPA) regarding the numerous temporary signs placed throughout the Town. Mr. Plummer displayed photographs depicting the problem and presented a proposed ordinance to regulate temporary signs in the Town for the Board's consideration. The BPA supports signage when it is on a specific property, but it appears they are being used as general advertising at intersections throughout the Town.

Councilperson Parson will present the draft signage ordinance to the Planning Board.

SIGNAGE ON ROUTE 54A OVERLOOK

The Bluff Point Association (BPA) offered to donate a permanent sign to be placed at the Route 54A scenic outlook providing history on Keuka Lake and the Bluff and asked how to proceed. The BPA was referred to the State DOT as this would be located on State property and will require State approval. Town Historian Bob Evans was asked to work with their committee on the proposed wording for the sign.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written report on file in the Office of the Town Clerk.

TOWN ENGINEER

- Minutes of the September 7, 2010 Jerusalem Water and Sewer Committee meeting distributed.

COUNCIL

- The Zoning Board approved Mr. McCarthy's non-conforming lot.
- The Planning Board approved a Bed & Breakfast at 3269 Italy Friend Road.
- The Board of Assessment Review Chair is submitting a letter to the Town Board requesting action on a non-participating member of their Board.

SUPERVISOR

- The Tentative 2011 Town, Water & Sewer Budget has been delivered to the Town Clerk. Copies are available to the public upon request. Supervisor Jones stated the public hearing on the budget has been scheduled for October 20, 2010 at 7:00 P.M.
- The Town Board made the vegetation law the number one priority for Town Attorney Bailey. The draft vegetation law was delivered to the Town Board on July 14 and has not been acted on to date. Supervisor Jones questioned the Board's desire on the matter. It was agreed there are too many laws currently on the books for the Code Enforcement Officer to enforce now and we do

not need to add another one.

- At the August Town Board meeting, Heidi Bauer appeared before the Board regarding the property maintenance violation notice she was issued on August 9, 2010 by the Code Enforcement Officer (CEO) for her overgrown lawn. Supervisor Jones questioned the status of this because CEO Phillips stated he was instructed by Councilperson Parson not to issue the appearance ticket. Councilperson Parson stated there has been a misunderstanding here and he will clarify this matter with CEO Phillips.

SUBCOMMITTEE REPORT

ZONING/54A SUBCOMMITTEE:

The Zoning/54A Subcommittee continues to define the list of suggested uses for the Route 54A scenic corridor. Councilperson Simmons spoke to the need to involve residents in that area that will be directly impacted. Additional participants will be invited to their meetings to offer their views.

MARCELLUS SHALE TASK FORCE

Peter Gamba, Town of Jerusalem Member of the Yates County Marcellus Shale Task Force encouraged the Town to adopt the Road Preservation Use and Repair Agreement (Agreement) adopted as policy by the Yates County Legislature.

Mr. Gamba reported the Task Force will address noise issues related to the gas drilling process next week.

In an effort to further protect the Town, Mr. Gamba presented the Road Preservation and Repair Law - Certain Industrial and Commercial Activities (such as drilling) that incorporates the Agreement into a local law for the Town Board's consideration. This will be placed on the October meeting agenda.

Councilperson Folts stated the Highway Committee held an informal meeting to discuss the Yates County Highway Department Driveway Installation & Replacement Permit that the Committee needs to discuss further.

County Legislator Fitch will provide the Board with the County's resolution requesting the State consider treating the Keuka Lake watershed like New York City's that could be adopted by the town if we agree with that concept. He noted DEC is in charge of the situation.

Councilperson Simmons suggested the Mennonite community be involved in discussions.

RESOLUTION #154-10

ASSESSOR

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

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

Whereas it is the opinion of the Town Attorney that because Assessor Alan Comstock has not submitted his letter of resignation to the Town Clerk, he still holds the elected position in the Town of Jerusalem; and

Whereas Mr. Comstock is corresponding with the New York State Retirement System and has requested and has been provided a Withdrawal of Application for Service Retirement (Form RS 6354) that will reinstate him in the Retirement System, the Town Board having no oversight over that process, which must be submitted by the individual; and

Whereas the elected Assessor for the Town of Jerusalem is entitled to the salary and benefits afforded this position; and

Whereas the Town ceased payment of his salary August 1, 2010 and his medical and dental insurance premiums September 1, 2010; now, therefore be it

Resolved that as soon as the Town Clerk is notified that Mr. Comstock's Withdrawal of Application of Service Retirement has been accepted by the Retirement System, payment be made to him immediately for all net salary due to him and for medical insurance premiums that he paid; and, be it further

Resolved that Mr. Comstock be informed of his status as Assessor for the Town and resume his responsibilities of assessing for the Town immediately; and, be it further

Resolved that Resolution # 143-10 Assessor Medical and Dental Insurance and Resolution #144-10 Establish Work Hours for the Assessor be rescinded.

ASSESSMENT COMMITTEE

The Assessment Committee will develop an outline addressing issues as we move forward on the Assessor position such as elected/appointed, part-time/full-time, or combine positions. The Committee will seek advice from the Yates County Real Property Tax Director, Zoning, Assessing & Planning Clerk and Assessor Mary Lilyea, who provides services to Benton, Torrey and Potter.

PROCLAMATION - CONSTITUTION WEEK SEPTEMBER 17-23, 2010

Supervisor Jones read the following Proclamation presented by the Gu-Ya-No-Ga Chapter NSDAR:

Whereas: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

Whereas: September 17, 2010, marks the two hundred twenty-third anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

Whereas: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

Whereas: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Daryl H. Jones by virtue of the authority vested in me as Supervisor of the Town of Jerusalem, do hereby proclaim the week of September 17 through 23 as CONSTITUTION WEEK and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

KEUKA CITIZEN AGAIN HYDROFRACKING

Joseph Haff introduced himself as the Chairperson of Keuka Citizens Against Hydrofracking. This newly formed residents' group is dedicated to protecting the rich heritage of the Lake and surrounding watershed areas for future generations. This group of Jerusalem residents is committed to enabling informed choice in protecting the people and the pristine quality of the Keuka Lake region.

With there being no further business, on a motion of Councilperson Stewart, seconded by Supervisor Jones, the meeting was adjourned at 8:17 P.M.

Sheila McMichael, Town Clerk