

Minutes of the regular monthly meeting of the Jerusalem Town Board held on October 19, 2011 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilors Folts, Parson, Simmons, Town Attorney Bailey, Highway Superintendent Payne, Town Clerk McMichael, Town Engineer Ackart, Budget Officer Muscarella.

Excused: Councilor Stewart

GUESTS: Chuck Rettig; Town of Italy, Melanie Steinberg, Peter Gamba, Debbie Koop, Mike Steppe, Ron Kenville, Stacey Grabski, John Grabski, John Philips, Jim Fitzgibbon and several other unidentified guests.

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

RESOLUTION #168-11
APPROVAL OF MINUTES

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

DEFEATED	Ayes	2	Folts, Jones
	Nays	0	
	Abstain	2	Parson, Simmons (members did not attend)

Resolved that the notes of the September 8, 2011 committee meeting be approved as read.

RESOLUTION #169-11
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the September 14, 2011 budget workshop be approved with the following amendments:

- Add "\$100,000" of assessed valuation to the first sentence.
- Addition to Budget Highlights (#2 and #3):
 - Councilor Simmons stated there was a savings in 2011 when the Town Board changed their health benefits.
 - Councilor Parson stated employees will contribute toward health benefits in 2013 so all employees are treated the same because this is in the Teamster's Union contract for new Keuka Park Sewer & Water employees.

RESOLUTION #170-11
APPROVAL OF MINUTES

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

ADOPTED	Ayes	4	Folts, Jones, Parson, Simmons
---------	------	---	-------------------------------

Nays 0

Resolved that the minutes of the September 21, 2011 meeting be approved with an amendment changing the name Barden to Stewart in Resolution #151-11.

OPEN PUBLIC HEARING - PROPOSED LOCAL LAW F OF 2011 - WIND FARM REGULATIONS

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing on proposed Local Law F of 2011 regulating wind farms at 7:07 P.M.

Chuck Redding, Town of Italy requested a copy of the proposed regulations to review in light of Italy's experience with wind farms.

John Grabski thought the changes to the proposed local law looked good and asked for the rationale for the 50% property value guaranty bond requirement. This was the amount suggested by Attorney Bailey and accepted by the Town Board.

Jim Fitzgibbons was pleased to see the proposed regulations address the other issues raised by the Citizens Committee.

Debbie Koop is in favor of the Town Board adopting the proposed local law as amended.

The public hearing was left open until the November 16 meeting to offer an additional comment period to residents in the neighboring towns.

OPEN PUBLIC HEARING - UNSAFE STRUCTURE - 2958 RTE. 54A, TAX MAP #72.74-1-7

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing on the unsafe structure located at the Yells property, 2958 Rte. 54A, Yells property, tax map #72.74-1-7 at 7:25 P.M.

Justice Davison excused himself from the meeting room.

Code Enforcement Officer Phillips summarized the events that have transpired to date and stated the matter is now before the Town Board as demolition was started by a family member, but is not complete. Various methods to accomplish this task were discussed. Associated costs and available time are issues for the family in completing the demolition. The formal procedure of the Town Code, Chapter 67 was outlined in a letter to Mrs. Yells on August 12, 2011. Board members stated their desire to work with Mrs. Yells,

but noted the process can not continue open ended without a known completion date.

The hearing was closed at 7:55 P.M.

RESOLUTION #171-11

ORDER - UNSAFE STRUCTURE - 2958 RTE. 54A, TAX MAP # 72.74-1-7

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

ADOPTED Ayes 4 Folts, Jones, Parson, Simmons

Nays 0

Whereas the Town of Jerusalem Code Enforcement Officer has determined that the property located at 2958 Rt. 54A is unsafe and dangerous in violation of Town of Jerusalem Code 67; and

Whereas the Code Enforcement Officer has provided written notice to the property owner of his findings and delivered a Violation Notice dated June 10, 2010 and an Order to Remedy the Violation on Kathleen Yells, the owner of the property; and

Whereas the property owner acquired a demolition permit and began to demolish the building on or about July 7, 2011; and

Whereas no action has been taken at the premises since on or about July 11, 2011; and

Whereas a Public Hearing was scheduled for October 19, 2011 at the September monthly meeting of the Jerusalem Town Board; and

Whereas Kathy Yells owner of the premises located at 2958 Rte. 54A was duly served with a copy of the Notice of Public Hearing on October 4, 2011, affidavit on file; and

Whereas the Public Hearing was held on October 19, 2011; and

Whereas the Town Board heard from all interested persons; now therefore

Be it resolved that as follows:

1. FINDINGS: The Town Board finds that the old house on the property at 2958 Rte. 54A, Penn Yan, New York is within the Town of Jerusalem and is dangerous and unsafe in that the building has been partially knocked down, several of the walls are still standing and in danger of falling over, the roof is caved in, there is rubble and debris all over, the basement is open to the elements and wild animals, its supporting

structures are falling in and are weak and unsafe, the steps are coming apart, and as a whole the structure is dilapidated, decayed, unsafe, unsanitary and a fire hazard; it is likely to cause injury, sickness or disease to the public or those in or upon the property.

2. CONCLUSION: The remaining structure should be wholly removed from the property and the hole filled in and graded so as to render the property safe.
3. ORDER: The building on the premises at 2958 Rte. 54A, Penn Yan, New York be secured in the following manner, to wit: the structure shall be demolished, all debris removed from the premises, any holes filled in and leveled so that the area is safe and secure, all of which must be commenced within 30 days of the service of notice of this Order on the Owner and be completed within 60 days thereafter unless for good cause shown such time shall be extended.
4. This resolution takes effect immediately.

PUBLIC HEARING - 2012 TENTATIVE KEUKA PARK SEWER & WATER BUDGET
With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing on the 2012 Tentative Keuka Park Sewer & Water Budget at 7:56 P.M.

Lynn Wuytowicz asked if the budget includes funds to screen the Bioxide tank on Culver Hill Road. Screening the tank will be addressed in 2011.

Councilor Simmons questioned earmarking the use of fund balance and reserves for several future projects based on the preliminary Keuka Park Water District 5-year prioritized project list. Attorney Bailey responded this matter has been opined by the State Comptroller and he will make an inquiry to Albany.

There were no further comments from the public.

RESOLUTION #172-11
CLOSE PUBLIC HEARING - 2012 TENTATIVE KEUKA PARK SEWER & WATER BUDGET

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

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

Resolved that the Public Hearing be closed at 8:09 P.M. and that the Board return to the Regular Town Board meeting.

PUBLIC HEARING - 2012 TENTATIVE TOWNWIDE BUDGET

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing on the 2012 Tentative Townwide Budget at 8:10 P.M.

Budget Officer Muscarella stated two outstanding items need to be addressed:

1. \$1,200 for General Code eCode 360 to provide access to the Town Code on our website. The Zoning Board and ZAP Clerk are in favor of eCode 360. Funding was earmarked by increasing the contingency fund \$1,200 until the Board has a better understanding of supplementation. The Town Board asked Mike Steppe to research this expenditure further.
2. Yates ARC informed Councilor Parson today the cost of cleaning services is increasing as they are now required to charge prevailing rate. Councilor Parson suggested putting the service out for bid.

The Board asked Town Justice Davison to report on the status of his health care insurance. He has not received an answer from Albany yet and will keep the Board apprised on the matter. The Justice salary has been supplemented with \$1,200 which is the premium difference between his current medical plan and changing to the plan currently afforded to Town employees.

There were no further comments from the public.

RESOLUTION #173-11

CLOSE PUBLIC HEARING - 2012 TENTATIVE TOWNWIDE BUDGET

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

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

Resolved that the Public Hearing be closed at 8:30 P.M. and that the Board return to the Regular Town Board meeting.

RESOLUTION #174-11

ADOPT 2012 KEUKA PARK SEWER & WATER BUDGET

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

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

Resolved the 2012 Keuka Park Sewer & Water Budget be adopted as presented.

RESOLUTION #175-11
ADOPT 2012 TOWNWIDE BUDGET

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

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

Resolved the 2012 Townwide Budget be adopted as amended.

RESOLUTION #176-11
AUDIT OF CLAIMS

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

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

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

General:	\$12,610.43	
General OV:	\$ 4,821.80	
Highway DA:	\$ 9,810.89	
Highway DB:	\$40,054.41	
Sewer:	\$37,049.27	
Water:	\$37,077.59	
Branchport Light	\$ 245.37	
September utilities:	General:	\$ 1,824.66
	General OV	\$ 33.19
	Sewer:	\$31,250.58
	Water:	\$ 538.04

RESOLUTION #177-11
SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of September 2011 be accepted as presented.

REPORT OF TOWN OFFICIALS
HIGHWAY SUPERINTENDENT:

- Written Budget Highway report on file in the Office of the Town Clerk.
- The Highway Department is starting their winter work. Salt prices are in line with the funds budgeted.

TOWN ENGINEER:

- Notes of the October 11, 2011 KPSW Committee meeting are on file.
- Town Engineer Ackart praised KPSW employees Gary Dinehart and Paul Enos for the work undertaken installing a pressure valve at the Keuka Lake State Park tank. He noted there are not many crews that can handle a repair of this nature themselves.

COUNCIL:

Councilors Simmons and Parson thanked Budget Officer Muscarella for the work done on the 2012 budgets. Mr. Muscarella thanked the department heads for their work.

SUBCOMMITTEE REPORTS

ZONING REVIEW/54A SUBCOMMITTEE:

Subcommittee Member Mike Steppe reported the attendance at the second community information meeting held September 22nd was disappointing. The Committee is considering three options to determine the 54A corridor which extends from Penn Yan to Branchport: line of sight, fixed distance or boundary lines.

YATES COUNTY MARCELLUS SHALE TASK FORCE:

Peter Gamba reported a speaker on conventional drilling from Norwich, New York presented to the Task Force today. The Task Force is meeting again next week to respond to the revised draft SGEIS (Supplemental Generic Environmental Impact Statement). The public comment period has been extended to December 12, 2011.

TOJ HYDROFRACK IMPACT STUDY COMMITTEE:

Committee Co-Chair Melanie Steinberg reported members attended the Town's Planning and Zoning Board meetings this month to entertain questions and concerns regarding hydrofracking. This input was submitted for consideration by Town Attorney Bailey and the Environmental Attorneys David and Helen Slottje in drafting zoning amendments regarding high impact industrial activity. Town Engineer Ackart completed the SEQR form. Attorney Bailey and Engineer Ackart were thanked for their work done.

A public information meeting is scheduled for Tuesday, November 1st, 7:00 P.M. at the Branchport Fire House.

The timeframe for enactment of the proposed local law was discussed due to the SGEIS comment period expiring December 12th. Co-Chair Gamba thanked everyone who worked on the Committee, noting they put their heart and soul in it. Supervisor Jones thanked the Committee for pushing forward and noted they have done an outstanding job.

RESOLUTION 178-11

SCHEDULE PUBLIC HEARING - PROPOSED LOCAL LAW G-2011 COLD WAR
VETERANS EXEMPTION

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

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

Resolved that a Public Hearing be held at 7:00 P.M. on November 16, 2011 regarding proposed Local Law G-2011 establishing the Cold War Veterans Real Property Tax Exemption in the Town of Jerusalem; and, be it further

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

DISCUSSION - PROPOSED LOCAL LAW H-2011 ZONING AMENDMENT - HIGH
IMPACT INDUSTRIAL ACTIVITY (HYDROFRACKING)

Town Attorney Bailey explained the terminology used in proposed Local Law H-2011 amending and supplementing the zoning ordinance regarding high impact industrial activity. In summary, if it is not permitted, it is prohibited. Draft amendments were submitted by Attorneys David and Helen Slottje, counsel of Community Environmental Defense Council, Inc. (CEDC), a pro-bono environmental law firm based in Ithaca. The draft was then reviewed and changes made by Town Attorney Bailey. This zoning amendment makes our law more explicit.

RESOLUTION #179-11

SCHEDULE PUBLIC HEARING - PROPOSED LOCAL LAW H-2011 ZONING
AMENDMENT - HIGH IMPACT INDUSTRIAL ACTIVITY

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

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

Resolved that a Public Hearing be held at 7:10 P.M. on November 16, 2011 regarding proposed Local Law H-2011 to amend and supplement the Zoning Ordinance by Establishing a Severability Clause; Confirming and Clarifying that any Uses not Expressly Permitted are Prohibited; Articulating Certain Explicitly Prohibited Uses; Adding Certain New Definitions, and Changing Certain Existing Definitions; and Modifying, Clarifying, and Adding to the Provisions Regarding Area and Use Variances Generally, and Use Variances Respecting Explicitly Prohibited Uses Specifically; and, be it further

Resolved that a GML 239 Referral be submitted to the Yates County Planning Board for review on said local law; and, be it further

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

RESOLUTION #180-11

SEQR LEAD AGENT - PROPOSED LOCAL LAW H-2011 ZONING AMENDMENT

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

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

Whereas the adoption of local law H of 2011 (hereinafter referred to as the "Action"), said local law being entitled, "A local law to amend and supplement the 'Town of Jerusalem Zoning Ordinance' adopted on October 14, 1974 as it has been heretofore amended, by: Establishing a Severability Clause; Confirming and Clarifying that any Uses not Expressly Permitted are Prohibited; Articulating Certain Explicitly Prohibited Uses; Adding Certain New Definitions, and Changing Certain Existing Definitions; and Modifying, Clarifying, and Adding to the Provisions Regarding Area and Use Variances Generally, and Use Variances Respecting Explicitly Prohibited Uses Specifically" is now pending before the Town Board of the Town of Jerusalem;

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

Section 1. Pursuant to, and in accordance with, the provisions of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations (6 NYCRR part 617) the Planning Board of the Town of Jerusalem hereby makes the following determinations and classifications with respect to the adoption of this local law (the "Action"):

1. That the Action is subject to SEQR.
2. That the Action is a Type I Action.
3. That the Action involves no other agencies.
4. That a coordinated review of the Action will not be conducted.
5. That the Town Board of the Town of Jerusalem will be the lead agency with respect to the Action.

Section 2. The Town Engineer is directed to prepare a Full Environmental Assessment Form (FEAF) for the Action.

Section 3. This Resolution shall take effect immediately.

RESOLUTION #181-11
SEQR NEGATIVE DECLARATION - PROPOSED LOCAL LAW H-2011 ZONING
AMENDMENT

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

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

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

Whereas the adoption of local law H of 2011 (hereinafter referred to as the "Action"), said local law being entitled "A local law to amend and supplement the 'Town of Jerusalem Zoning Ordinance' adopted on October 14, 1974 as it has been heretofore amended, by: Establishing a Severability Clause; Confirming and Clarifying that any Uses not Expressly Permitted are Prohibited; Articulating Certain Explicitly Prohibited Uses; Adding Certain New Definitions, and Changing Certain Existing Definitions; and Modifying, Clarifying, and Adding to the Provisions Regarding Area and Use Variances Generally, and Use Variances Respecting Explicitly Prohibited Uses Specifically" (hereinafter referred to as the "Local Law") is now pending before the Town Board of the Town of Jerusalem;

Section 1. The Town hereby finds and determines that:

(a) it has considered the Action, reviewed the full environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts of the Action and their magnitude in connection with the proposed Local Law ; and

(b) the Action will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant impact on the environment, and, therefore, a negative declaration will be prepared; and

(c) the reasons supporting this determination are set forth on Part 2 of the Full Environmental Assessment Form with respect to this project, a copy of which form shall be kept on file in the Office of the Clerk.

Section 2. The Town, as Lead Agency with reference to the Action, hereby:

(a) adopts a negative declaration pursuant to 6 NYCRR section 617.7 with respect to the Action;

(b) authorizes the Supervisor of the Town to sign a negative declaration and determination of non-significance with respect to the project; and

(c) authorizes and directs the Clerk to publish notice of this determination in the Environmental Notice Bulletin pursuant to 6 NYCRR Part 617.17 (c) and to forward a copy of said negative declaration and determination of non-significance to the Yates County Planning Board.

Section 3. This Resolution shall take effect immediately.

RESOLUTION #182-11

APPROVAL - WATER AND SEWER RELEVIES

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

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

Whereas, the Jerusalem Town Code provides for the collection of delinquent water and sewer bills by Yates County by the relevy of those accounts on the January tax bills; and

Whereas, the Town Water/Sewer office has compiled a preliminary listing of the 2011 water and sewer delinquent accounts in the following amounts:

Water	\$22,347.92
Sewer	\$17,035.76
Relevy Fee	\$ 4,650.00

;now, therefore, be it

Resolved that the Jerusalem Town Board does hereby approve the transfer of these delinquent accounts to the County for relevy on the 2012 tax bills.

(NOTE: Delinquent accounts totaled:	Water	\$22,148.34
	Sewer	\$16,383.56
	Relevy Fee	\$ 4,500.00)

With there being no further business, on a motion of Councilor Simmons, seconded by Councilor Folts, the meeting was adjourned at 9:26 P.M.

Jerusalem Town Board
October 19, 2011

Sheila McMichael, Town Clerk