

Minutes of the regular monthly meeting of the Jerusalem Town Board held on August 19, 2009 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, Bob Evans, Taylor Fitch, David Wegman, George Sproule, Nancy Sproule, Doug Paddock, Robert Johnson, Ed Castillo, Scott Demmin.

Supervisor Jones called the meeting to order with the Pledge to the Flag at 7:04 P.M.

RESOLUTION #129-09  
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the July 14, July 15 and August 4, 2009 meetings be approved as read.

RESOLUTION #130-09  
AUDIT OF CLAIMS

On a motion of Councilperson Hopkins, seconded by Councilperson Folts, 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:		\$11,783.56
Highway DA:		\$ 4,657.78
Highway DB:		\$31,638.10
Sewer:		\$77,393.74
Water:		\$ 6,772.29
Outside Village		\$ 100.00
Branchport Light		\$ 254.00
July utilities:	General:	\$ 798.07
	Sewer:	\$ 434.67
	Water:	\$ 747.20
	Trust:	\$51,931.08

RESOLUTION #131-09  
SUPERVISOR REPORT

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

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

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Resolved that the Supervisor's Report on the Town's finances for the month of July 2009 be accepted as presented.

PUBLIC HEARING - PROPOSED LOCAL LAW D-2009 TO RESCIND THE AUTHORITY OF THE PLANNING BOARD TO REVIEW PLATS OF SUBDIVISIONS

With proof of notice having been duly published and posted, Supervisor Jones opened the public hearing on proposed Local Law D-2009 to rescind the authority of the Planning Board to review plats of subdivisions at 7:09 P.M.

In 1989, the purpose of Section 276 of the Town Law was to prescribe a method of notifying the County Clerk that a town has adopted subdivision regulations and therefore the county clerk should not file subdivision maps without approval from the town. Although Town Law 276 was adopted, the Town Board did not adopt subdivision regulations in 1989 or any time thereafter. Therefore the existence of this authority to review subdivision maps is confusing, because there is no comprehensive scheme of regulations in Jerusalem that the Planning Board is to employ in reviewing such maps.

Ed Castillo questioned this law being in the Town Code for years and why the Town is still without subdivision regulations. He encouraged the Board to do something to protect everybody, noting various committees have worked on subdivision regulations for 20-25 years that he is aware of.

Attilio Carcone clarified that the State subdivision regulations are in effect until such time the Town enacts local regulations. He noted problems encountered where he used to reside and feels Jerusalem should have some ability to review subdivisions.

Councilperson Simmons noted when subdivision regulations are enacted, this section of Town Law would have to be rescinded or changed. As it exists on the books currently, this is more of an aggravation requiring a \$100 application fee and hiring an attorney than a review by the Town.

Scott Demmin stated subdivision regulations have been proposed and the comments here tonight indicate the Town needs to adopt those regulations.

Bob Johnson played the devil's advocate and asked what happens if the subdivision regulations do not get enacted?

The hearing was left open.

REPORT OF TOWN OFFICIALS  
HIGHWAY SUPERINTENDENT

- Written monthly Highway Roadwork Budget Report on file in the Office of the Town Clerk.
- The paperwork for our CHIPS reimbursement has been submitted.
- The loader has been ordered with expected delivery in mid-September.
- Highway Superintendent Payne met with the Department of Transportation representatives to review the crosswalks at the four corners in Branchport. Necessary sections of sidewalk will be installed after Labor Day.

TOWN ENGINEER

- Town Engineer Ackart reported two scheduled improvements have been made to install a strainer and the spring assist to the SV2 valve at the lower water tank location in the State Park.
- Other miscellaneous upgrades/repairs have been completed to the water and sewer systems.
- Notification has been received from the State Comptroller's Office creating Sewer District #3. These customers will no longer be billed at the out-of-district rate.

COUNCIL

- Councilperson Folts and Highway Superintendent Payne are addressing a potential safety concern on County House Road.
- Councilperson Simmons stated the Summer Recreation Program completed another successful season. Bev Eggleston and Brenda Austin-Nielsen will make a presentation next month.
- Councilperson Hopkins has gathered information related to the Marcellus Shale Hydraulic Fracturing. Scheduling a guest speaker to present on this issue was discussed. Several local residents have expressed an interest in serving on a committee; Jim Bedient, Bob Morse, Glenn Herbert, Max Parson, Peter Gamba, Bob Payne and Supervisor Jones. Yates County Planner Shawna Bonshak is possibly looking for a representative on a committee she is forming to get a consensus on what we as a community can do to protect ourselves.
- Councilperson Stewart stated we have learned that under Worker's Compensation Law, individuals interested in the cleaning position currently paid by voucher must carry disability insurance. The Personnel Committee will look into creating a part-time cleaning position paid as an employee.

SUPERVISOR

- Supervisor Jones took the opportunity to thank Jud's Nursery for donating their landscaping services to the Town Hall again this year.
- The Town Board unanimously supports Marshall Gurnee continuing the upkeep of the Herrick Cemetery on Skyline Drive. A written statement to this effect was sent to Mr. Gurnee on behalf of the Town Board. Further, Mr. Gurnee was commended for the work he has done with the Boy Scouts and Karate Club on the cemetery. Funds will be added to budget code 8810.4 in the 2010 budget for Herrick Cemetery.

SUBCOMMITTEE REPORTS

ZONING REVIEW/TOWNHOUSE SUBCOMMITTEE:

No report.

WIND FARM SUBCOMMITTEE:

No report.

SUBDIVISION SUBCOMMITTEE:

The Planning Board referred the proposed subdivision regulations to the Town Board following a presentation by Subcommittee Chair Tom Close at their August 6<sup>th</sup> meeting. The regulations will be referred to Town Attorney Phil Bailey for review.

RESOLUTION #132-09

PROPOSED SUBDIVISION REGULATION SEQR RESOLUTION

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

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

Whereas the Town Planning Board has developed proposed Subdivision Regulations that must be reviewed to satisfy the SEQR regulations; now, therefore, be it

Resolved as follows:

- That the adoption of said Subdivision Regulations is a Type 1 SEQR Action.
- That the Town wishes to become Lead Agent for the necessary SEQR process.
- That the Town will conduct a Coordinated Review for said Action.
- That the Supervisor is directed to notify the Yates County Planning Agency by letter of the Town's Lead Agency.
- That the Town Clerk is directed to supply a copy of the proposed Subdivision Regulation for review by the County Planning Agency.

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- That the Town Engineer is directed to complete Parts 1 and 2 of a Full Environmental Assessment Form (FEAF) for said Action.
- That the Town Clerk be directed to supply all parties identified in the FEAF with copies of that document, requesting their comments on issues that should be considered by the Town in the SEQOR process.

ADDRESSING SUBCOMMITTEE:

Councilperson Stewart presented a summary of eight resolutions for road signage recommended by the Addressing Subcommittee as follows:  
Resolution 1:

Removal of two signs

Resolution 2:

Destination and distance signs along NY54A corridor  
A. Destination and distance signs along southbound lane  
B. Destination and distance signs along northbound lane

Resolution 3:

Road name signs along West Lake Road, Branchport

Resolution 4:

Road name signs at intersections throughout Jerusalem

Resolution 5:

Road names through and near Keuka Lake State Park

Resolution 6:

Road names signs near Keuka Lake State Park

Resolution 7:

Destination and distance sign at Keuka Lake State Park entrance

Resolution 8:

Speed limit signs on NY54A east of Branchport

Councilperson Stewart moved all eight resolutions as proposed by the Addressing Subcommittee. The motion was seconded by Councilperson Hopkins.

Following further discussion whereby Resolution 8 deals with speed limit signs on a State road and this action can not be undertaken by the Town of Jerusalem as presented; Councilperson Stewart removed Resolution 8 from his motion.

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ADDRESSING RESOLUTIONS #1-7 - JERUSALEM ROAD SIGNAGE

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

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

**SIGNS THROUGHOUT JERUSALEM, ALONG NY54A AND ELSEWHERE**

Destination and distance signs are typically used with a "fewer is better" approach, but are used when special or confusing situations exist. Keuka Lake with its unique Y-shape, its two West Lake Roads and its two Bluff Drives, has created special circumstances that are confusing to motorists visiting the area, and even some local residents. Appropriate use of destination and distance signs is needed to unmythify this confusion. During the research portion of this project, it was apparent that destination and distance signs were needed regardless of any corrections made to the addressing situation. The biggest problems revolved around finding the two West Lake Roads and the two Bluff Drives, and the constant stream of people asking the Branchport merchants for directions to Penn Yan, Hammondsport and Naples. Most of these questions can be addressed with the aid of a few destination and distance signs placed appropriately along NY54A.

Therefore the following destination and distance signs are proposed:

Road name signs need to be erected for West Lake Road and the private roads that intersect it now that they are officially named. Road name signs correctly identifying the officially renamed roads near the State Park also need to be erected. A Destination and Distance sign needs to be erected at the State Park entrance. Road names signs need to be erected at all intersections throughout Jerusalem. In addition there is a very serious and potentially dangerous situation with regards to the speed limit on NY54A just east of Branchport and the location of the speed limit signs. {NYS DOT rules regarding the posting of signs along a state highway are summarized in the Appendix}

**Resolution 1** Removal of two signs

WHEREAS, the two "Lower West Lake Road" signs identify something that has never officially existed, and

WHEREAS, these signs have spread much misinformation, and

WHEREAS, these signs are to be replaced with meaningful destination and distance signs, now, therefore

BE IT RESOLVED that, the Town of Jerusalem does agree that these two signs need to be removed and will request the NYSDOT remove the

two Lower West Lake Road signs along NY54A near the water plant near Penn Yan as soon as possible.

**Resolution 2 Destination and distance signs along the NY54A corridor**

WHEREAS, the road-name issues have been resolved, and

WHEREAS, there is a real need for destination and distance signs to assist residents with the correct road-names, and

WHEREAS, there is a need to assist travelers and local residents, as well as delivery services, with the location of and to recognize the difference between the two West Lake Roads and the two Bluff Drives as they drive Jerusalem's roads in search of their destination, and

WHEREAS, destination and distance signs will reduce traveler's dependency on merchants and residents for basic travel information, now, therefore

BE IT RESOLVED that, the Town of Jerusalem does approve the following list of signs, and, be it further

RESOLVED, the Town will forward this list of signs, along with the necessary paperwork, to the NYSDOT in request of the needed approval for the erection of these Destination and Distance Signs along the NY54A corridor.

**A. Destination and distance signs along NY54A when traveling from Penn Yan to Branchport to Steuben County Line: (Southbound lane)**

Note: All destination and direction signs are green with white lettering

1. Signage containing the following destinations and distances be erected near and before the intersection of NY54A with West Lake Road, Penn Yan (at the location of old Lower W Lake sign):
  - a. The direction to West Lake Road, Penn Yan
  - b. The direction and distance to West Lake Road, Branchport

1 sign:

□ W Lake Rd, PY  
□ W Lake Rd, Bpt 6 mi

2. Signage containing the following destinations and distances be erected near and before the intersection of NY54A with Central Avenue:

- a. The direction and distance to East Bluff Drive
- b. The direction and distance to West Bluff Drive

1 sign:

□ E Bluff Dr 1 mi  
□ W Bluff Dr 3 mi

3. Signage containing the following destinations and distances be erected just past the intersection of NY54A with Assembly Avenue:
- The direction and distance to West Bluff Drive
  - The direction and distance to West Lake Road, Branchport

1 sign:

□ W Bluff Dr	2 mi
□ W Lake Rd, Bpt	3 mi

4. Signage containing the following destination and distance be erected near and before the intersection of NY54A with Pepper Road:
- The direction to West Bluff Drive

1 sign:

□ W Bluff Dr	1.5 mi
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5. Signage containing the following destinations and distances to be erected along 54A as approaching the main intersection in Branchport:

- The direction to West Lake Road, Branchport
- The direction and distance to Hammondsport
- The direction and distance to Naples

1 sign:

∟ W Lake Rd, Bpt	
∟ Hammondsport	14 mi
□ Naples	15 mi

**B. Destination and distance signs along NY54A when traveling NORTH/EAST from Steuben County Line to Branchport to Penn Yan: (Northbound lane)**

6. Signage containing the following destinations and distances be erected along 54A as approaching the main intersection in Branchport:

- The direction and distance to West Lake Road, Penn Yan
- The direction and distance to Penn Yan
- The direction and distance to Naples

1 sign:

∟ W Lake Rd, PY	4 mi
∟ Penn Yan	7 mi
∟ Naples	15 mi

7. Signage containing the following destination and distance be erected near and before the intersection of NY54A with Pepper Road:

- The direction and distance to West Bluff Drive
- The direction and distance to East Bluff Drive

1 sign:

□ W Bluff Dr	1.5 mi
□ E Bluff Dr	2 mi

8. Signage containing the following destinations and distances be erected near and before the intersection of NY54A with Assembly Avenue:

- The direction and distance to East Bluff Drive
- The direction and distance to West Lake Road, Penn Yan

1 sign:

□ E Bluff Dr	0.5 mi
□ W Lake Rd, PY	1 mi



9. Signage containing the following destinations and distances be erected near and before the intersection of NY54A with Central Avenue:

a. The direction and distance to West Lake Road, Penn Yan

1 sign:

□ W Lake Rd, PY 0.1 mi

**Resolution 3** Road-name signs along West Lake Road south of Branchport

WHEREAS, the road-name issues have been resolved, and

WHEREAS, there is a need for residents and motorists to become familiar with these names, and

WHEREAS, there is a need for road name signs to assist travelers as they drive Jerusalem's roads, and

WHEREAS, the road name signs will be installed at all intersections with NY54A so that both the state highway and the crossroad are identified, and

WHEREAS, the state highway will be identified by inclusion on the road-name sign, now, therefore, be it\*\*

RESOLVED that, the Town of Jerusalem does approve the following list of signs; and, be it further

RESOLVED, the Town will forward this list of signs, along with the necessary paperwork, to the NYSDOT to request the needed approval for the erection of these Road-Name Signs along West Lake Road south of Branchport.

**Road name signs along West Lake Road, Branchport four-corners to Steuben County Line:**

1. Road-name sign at intersection of West Lake Road, Route 54A, Guyanoga Road and Italy Hill Road in Branchport.

1 sign, 2 sides: \*\*

□ W Lake Rd, Bpt NY54A  
NY54A W Lake Rd, Bpt□

2. The road-name sign at intersection of West Lake Road, Bpt and Aumick Road

1 sign, 2 sides: \*\*

W Lake Rd, Bpt NY54A

AND



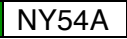


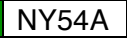


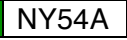


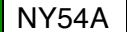
1 sign, 2 sides

Aumick Rd - Private

3. The road-name sign at intersection of West Lake Road, Bpt and Mill Street

1 sign, 2 sides: \*\*

W Lake Rd, Bpt NY54A

- AND  
1 sign, 2 sides 
4. The road-name sign at intersection of West Lake Road, Bpt and Acorn Road (two intersections)  
2 signs, 2 sides: \*\*    
AND  
2 signs, 2 sides 
5. The road-name sign at intersection of West Lake Road, Bpt and Beechnut Road  
1 sign, 2 sides: \*\*    
AND  
1 sign, 2 sides 
6. The road-name sign at intersection of West Lake Road, Bpt and Stever Hill Road  
1 sign, 2 sides: \*\*    
AND  
1 sign, 2 sides 
7. The road-name sign on West Lake Road, Bpt just north of the Steuben County line.  
1 sign, 1 side: \*\*  

\*\* Signs 1 through 7: West Lake Rd sign (a) might be a good choice as there are no NY54A highway signs, or accompanying direction signs, at any of the intersections south of Branchport. Further, if the road name sign has both the road-name and the highway number on it, there should be no confusion about the identity of the road by anybody.

Note: All public road-name signs are green with white lettering; all private road-name signs are blue with white lettering.

**Resolution 4** Road-name signs throughout Jerusalem

WHEREAS, the road-name issues have been resolved, and

WHEREAS, there is a real need for road name signs to assist travelers as they drive Jerusalem's roads, and

WHEREAS, it is standard practice to have all roads forming an intersection identified by road signs appropriately located so they can be seen by the driver while seated in vehicle and stopped at the intersection, now, therefore, be it

RESOLVED that, the Town of Jerusalem does approve the erection of Road-name signs appropriately labeling all roads forming all intersections throughout the Town of Jerusalem; and, be it further

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RESOLVED, the Town will erect said signs for all roads at all intersections as part of the project of replacing the current signs in order to meet the latest Highway Code.

**Resolution 5 Road-names within Keuka Lake State Park**

WHEREAS, the roads within Keuka Lake State Park have been officially assigned names by the state in agreement with 911, and

WHEREAS, there is a need for these road-names to appear on town maps, and

WHEREAS, there is an need for these road-names to be known for emergency purposes, and

WHEREAS, these road-names are acceptable to the Town of Jerusalem, now, therefore, be it

RESOLVED that, the Town of Jerusalem does approve the following list of road-names.

- a) The section of road through Keuka Lake State Park, and between the two park entrances, and formerly known as part of West Bluff Drive, shall be known as Recreation Drive.
- b) The section of seasonal road between West Bluff Drive, at the south entrance to the State Park, and Pepper Road, shall be known as West Bluff Drive.
- c) The section of road between the intersections of Pepper Road with the seasonal section of West Bluff Drive and its intersection with Skyline Drive, shall be known as Coyote Crossing.
- d) The section of road in the State Park from near the Park Office to the maintenance area and the campsite areas shall be known as Campground Road.

**Resolution 6 Road name signs near Keuka Lake State Park**

WHEREAS, the names of the roads through Keuka Lake State Park have been officially assigned by the State Parks in agreement with 911, and

WHEREAS, there is a need for those road-names to be posted to assist motorists (both local and tourists) with becoming familiar with these names, and

WHEREAS, these names have been accepted by the Town of Jerusalem, now, therefore, be it

RESOLVED that, the Town of Jerusalem does approve the following list of signs, and, be it further

RESOLVED, will erect these Road-Name Signs along Pepper Road and Skyline Drive.

1. The road-name signs at the intersection of Pepper Road and Recreation Drive (Road into State Park):

1 sign, 2 sides:

Pepper Rd

1 sign, 2 sides:

Recreation Dr

2. The road-name signs at the intersection of Pepper Road and West Bluff Drive (The seasonal road that is closed for winter months):

1 sign, 2 sides:

Pepper Rd

1 sign, 2 sides:

West Bluff Dr

3. The road-name signs at the intersection of Pepper Road and Coyote Crossing (The short road between Pepper Road and Skyline Drive, opposite West Bluff Drive) and at the intersection of Skyline Drive and Coyote Crossing:

2 signs, 2 sides:

Coyote Crossing

**Resolution 7 Destination and distance sign on Pepper Rd at Keuka Lake State Park entrance**

WHEREAS, the access to West Bluff Drive is through the State Park during the winter, and

WHEREAS, part of West Bluff Drive is a seasonal road, and

WHEREAS, West Bluff Drive is a Town of Jerusalem road, and

WHEREAS, the use of Recreation Drive has been a standing practice, now, therefore, be it

RESOLVED that, the Town of Jerusalem does approve the following signs, and, be it further

RESOLVED, will be responsible for maintaining the signs, and for installing the signs each Fall and removing the signs each Spring.

1. Signage containing the following destination and distance be erected near and before the intersection of Pepper Road with Recreation Drive, the State Park Road:

- a) The direction and distance to West Bluff Drive for the winter. (To be installed and removed seasonally by Town of Jerusalem.)

1 sign, 2 sides:

To W Bluff Dr 1 mi □

2. Signage containing the following destination and distance be erected near the south entrance to Keuka Lake State Park at the intersection of West Bluff Drive with Recreation Drive, the State Park Road:

- a) The direction and distance to Pepper Road for the winter. (To be installed and removed seasonally by Town of Jerusalem.)

1 sign, 2 sides:

To Pepper Rd 1 mi  
□

OR

To Pepper Rd 1 mi □

(Depends on location of sign)

APPENDIX

This page is page 17 from, PROPOSAL OFFERING A UNIQUE OPPORTUNITY TO CREATE A USERFRIENDLY ADDRESSING SYSTEM FOR THE TOWN OF JERUSALEM, presented to the Jerusalem Town Board on June 18, 2009.

**A. NYSDOT RULES FOR SIGNS**

In an attempt to clarify what can and cannot be done with regard to road-names and signs along NY54A, James Sparro, NYSDOT in Hornell, NY was contacted. The following three lists summarize the points clarified on June 6, 2009 and verified in writing on June 10, 2009. (See footnote, this page.)

Notes from conversation James Sparro, NYSDOT, morning of 6/6/2009.

**Road-Name Signs**

1. All signage along a state highway must be approved by the NYSDOT.
2. Sections of state highways can have local names - local government determines the local road names.
3. The officially recognized local road-names may be posted at intersections\* along a state highway.  
{\* Clarification, see footnote at bottom of this page}
4. At intersections of local roads with a state highway, it is standard practice to have the local road identified by a road sign and the highway identified using two highway-number signs (one in either direction, accompanied by a direction sign, like "west") a short distance from the intersection within view of the driver.
5. When the standard practice is followed, there is little need for a road-name sign for the highway.
6. The local name of the state highway may be displayed on the signpost with the local road-name. (The local road-name must be officially recognized locally and NYSDOT approval is needed.)
7. Local government will be responsible for purchasing and installing the signs utilizing the NYSDOT Highway work permit process\*.

{\* Clarification, see footnote at bottom of this page}

**Destination and Distance Signs**

1. Destination and distance signs may be used along state highways.
2. They are generally used in a conservative manner (a "fewer is better" approach).
3. The premises for use of destination and distance signs is, "the motorist has and is using a map."
4. Destination and distance signs may be used when special or confusing situations exist.
5. Specific requests must be made by the local government and must be approved by the NYSDOT.
6. Local government will purchase signs and signs are installed by NYSDOT.

**Rebuilding NY54A**

1. Current timetable: Bidding in 2010 with Construction in 2011.
2. When state roads are rebuilt it typically includes: Replacement of street signs at intersection of local roads with the state road, Replacement of destination and distance signs, Additional street signs and destination/distance signs that have been approved, Installation of all approved signs.
3. The approval process includes: Official local approval, Submission of detailed request, NYSDOT approval, and Submission to state highway-planning stage.
4. When signs and installation are part of the rebuilding project, the costs are absorbed by the highway construction budget.

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\*The above notes were sent to J. Sparro for review. During a follow-up phone call he confirmed the accuracy noting two clarifications were needed. He e-mailed those clarifications. Copy of his e-mail follows:

From: James Sparro <jsparro@dot.state.ny.us>  
To: "Bob Johnson" <rr.bs.johnson@juno.com>  
Subject: Re: Follow up to conversation  
Date: Tue, Jun 10, 2009 09:26 AM  
Road Name Signs

3. This means at the intersection, not at various points along the highway.
  7. Local government will be responsible for purchasing and installing the signs utilizing the Highway work permit process.
- James Sparro, Traffic Safety and Mobility, 107 Broadway, Hornell, NY, 607-324-8524

RESOLUTION #134-09  
APPROVE EXPENDITURE FOR MAILING NOTIFICATION OF ADDRESSING  
RESOLUTION ADOPTION

On a motion of Councilperson Stewart, seconded by Councilperson Folts, the following was  
ADOPTED Ayes 5 Folts, Hopkins, Jones, Simmons, Stewart  
Nays 0

Whereas the Town Board approved the addressing proposal resolution that changes numerous addresses within the Town; and

Whereas the Board has determined the need to alert the entire community to the upcoming address changes; now, therefore, be it

Resolved that the expenditure for the postage for said community notice be authorized.

ZAP OPERATIONS REVIEW SUBCOMMITTEE

- The Building Department has been working on a building permit fee analysis. The County Legislators were asked to assist with this process as some towns have not responded to our request.

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Legislator Taylor Fitch will assist in obtaining this information. Councilperson Hopkins noted that the building permit fees were increased in 2006 as the Board felt that the individuals using the service should help subsidize those costs.

- Legislator Fitch will obtain salary information from the other towns to provide a tool as we begin the 2010 budget process.

RED JACKET MEMORIAL DONATION

Town Historian Bob Evans reported that Jack Nielsen of the Nielsen Granite Co. donated his services to the Town for the monument erected in honor of Red Jacket's mother, Drooping Blue Flower (AHEYNEYOHN). The ceremony for the rededication of the monument was held on July 19<sup>th</sup>. Supervisor Jones will send a thank you letter to Mr. Nielsen.

RESOLUTION #135-09

ACCEPT PLANNING BOARD RESIGNATION

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

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

Resolved that the Town Board regretfully accepts Annette Toaspern's letter of resignation from the Planning Board; and be it further

Resolved that the Supervisor send Mrs. Toaspern a letter recognizing her dedication, vast knowledge and years of service to the Town.

Councilperson Stewart will plan a party to honor Mrs. Toaspern.

An ad will be placed for both the Planning Board and Zoning Board Alternate positions. Candidates will be interviewed by the Town Board Planning/Zoning Committee

RESOLUTION #136-09

UN-OFFICIAL MAP OF THE TOWN OF JERUSALEM

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

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

WHEREAS, Section 270-a of the New York State Town Law authorizes, but does not require, the town board to "establish an official map of that part of the town outside the limits of any incorporated city or village showing the streets, highways and parks theretofore laid out, adopted and established by law"; and

WHEREAS, Section 270-a further provides that: "Such map shall be final and conclusive with respect to the location and width of streets and highways, drainage systems and the location of parks shown thereon."; and

WHEREAS, a map has been presented to this town board called the un-official map of the Town of Jerusalem, dated August 19, 2009; and

WHEREAS, much effort has been put forth by employees of the town and of Yates County in the preparation of the map; and

WHEREAS, the Town Board is unable at this time to specify with "final and conclusive" effect the width of the streets and highways of the town; and

WHEREAS, the Town Board believes that the existence of an Un-Official map of the Town that depicts as accurately as possible the location of the roads, both public and private, and other features within the town would be of great assistance to persons using town services and others,

NOW, THEREFORE, RE IT RESOLVED, that the Map described above is hereby approved by the Town Board as the "Un-Official Map of the Town of Jerusalem" for use as only a guide to the features depicted on the map, until such time as the width of the streets and highways can be determined with final and conclusive effect, and further

That the Town Clerk is directed to cause four (Town Clerk, Assessor, Town Attorney and Branchport/Keuka Park Fire Department) copies of such map to be reproduced in a manner and at a cost to be approved by the Supervisor in advance for distribution to persons requesting the same, and further

That each copy of the map shall bear the following words and be subscribed by the Town Clerk: "This is not an Official Map of the Town of Jerusalem within the meaning of Section 270-a of the Town Law. It is intended to be used only as a guide and may not be



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introduced into a court of law or other adjudicative body for any purpose. Nevertheless, great effort has been expended to assure the accuracy of the information presented. BY ORDER OF THE TOWN BOARD" and further

That changes to this map shall not be authorized without further action by this board.

RESOLUTION #137-09

CLOSE PUBLIC HEARING - LOCAL LAW D-2009 TO RESCIND AUTHORITY OF PLANNING BOARD TO REVIEW SUBDIVISION PLATS

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

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

Resolved that the Public Hearing on proposed Local Law D-2009 be closed at 9:00 P.M. and that the Board return to the Regular Town Board meeting.

TENTATIVE KEUKA PARK SEWER & WATER BUDGET

Supervisor Jones presented the preliminary Keuka Park Sewer & Water budget to the Town Clerk and Town Board. A budget workshop was scheduled for August 27 at 3:00 P.M.

RESOLUTION #138-09

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. 4 OF 2009 (PROPOSED) TO RESCIND AUTHORITY OF PLANNING BOARD TO REVIEW SUBDIVISION PLATS

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

ADOPTED BY ROLL CALL VOTE:

Councilperson Stewart	Aye
Supervisor Jones	Aye
Councilperson Hopkins	Aye
Councilperson Folts	Aye
Councilperson Simmons	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 August 19, 2009, 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 rescinding the authority of the Planning Board to review plats of subdivisions", and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on July 29 and August 5, 2009, and

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WHEREAS, said public hearing was duly held on August 19, 2009, at 7:09 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. 4 of 2009 entitled "A Local Law to rescind the authority of the Planning Board to review plats of subdivisions", 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: Findings and Purpose.

The Town Board finds that the authority of the Planning Board to review plats of subdivisions pursuant to Section 276 of the Town Law as authorized by Resolution of the Town Board on December 13, 1989, which was later incorporated into Local Law No. 2 of 1990, has created substantial confusion both within and without town government. The purpose of Section 276 of the Town Law is to prescribe a method of notifying the County Clerk that a town has adopted subdivision regulations and therefore the county clerk should not file subdivision maps without approval from the town. Although the Town Board adopted the resolution prescribed by Town Law 276 in 1989 and the Town Clerk notified the County Clerk of that authority, the Town Board did not, in fact, adopt subdivision regulations in 1989 or at any time thereafter. Therefore the existence of this authority to review subdivision maps is confusing, because there is no comprehensive scheme of regulations in Jerusalem that the Planning Board is to employ in reviewing such maps. At a fundamental level there is no definition of the term "subdivision" so that any division of one parcel of land into two parcels of land, regardless of size, constitutes a subdivision and would subject the interested person to Planning Board review.

Furthermore, the Town Board is advised that a number of small transactions involving splits of parcels are now in progress in the town and will require Planning Board approval under current law. At the same time, a committee of the Town Board has brought forward a draft of subdivision regulations for the town, which appears to have broad support. They are not now ready for adoption, however. Under these proposed regulations the transactions mentioned would not require Planning Board approval.

Accordingly, the Town Board finds that it is in the best interest of the inhabitants of Jerusalem to rescind the authority of the Planning Board to review subdivision plats until such time as subdivision regulations are adopted by this Board.

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Section 2: 1989 Resolution Rescinded.

The authority of the Planning Board to approve plats showing lots, blocks or sites, with or without streets or highways, and to approve preliminary plats within that part of the town outside the limits of any incorporated city or village heretofore conferred upon the Planning Board pursuant to Article 16 of the Town Law by resolution adopted by the Town Board on December 13, 1989 is hereby withdrawn, canceled and terminated in all respects, effective immediately.

Section 3: Amendment of Town Code.

Section 39-2 of the Code of the Town of Jerusalem relating to the authority of the Planning Board to review subdivision plats is hereby rescinded.

Section 4: The Town Clerk is hereby directed to notify the County Clerk of Yates County that the authority of the Planning Board to review subdivision maps is no longer effective in the Town of Jerusalem.

Section 5: Effective Date.

This local law shall take effect upon filing with 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.

APPLICATION TO ALTER MILL STREET

Dave Wegman addressed the Board regarding the status of his application to alter Mill Street. Supervisor Jones stated Town Attorney Bailey just provided the Town with additional information on the application today. Highway Superintendent Payne met with his Highway Committee and they have further questions on the application.

RESOLUTION #139-09

MOVE TO EXECUTIVE SESSION

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

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

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Resolved that this meeting be interrupted to go into Executive Session to discuss pending litigation at 9:24 P.M.

RESOLUTION #140-09

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session at 9:27 P.M.

RESOLUTION #141-09

FILE MOTION TO APPEAL

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

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

Resolved the special attorney for the Town be authorized to file a notice of appeal on Judge Bender's order regarding the Village of Penn Yan vs. the Town of Jerusalem law suit.

With there being no further business, on a motion of Councilperson Simmons, seconded by Councilperson Stewart, the meeting was adjourned at 9:30 P.M.

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Sheila McMichael, Town Clerk