

Minutes of the regular monthly meeting of the Jerusalem Town Board held on April 17, 2013 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilors Folts, Parson, Steppe, Town Attorney Bailey, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

Excused: Councilor Killen

GUESTS: Debbie Koop, Annette Toaspern, Art Carcone, Taylor Fitch, Doug Paddock, David Specksgoor; *Dundee Observer* Reporter,

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

**RESOLUTION #68-13**

**APPROVAL OF MINUTES**

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

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

Whereas clarification was provided on Resolution #60-13 Local Law 2-2013 Fence Regulations adoption was presented, but defeated by a 3-2 vote; and

Whereas clarification was provided that Town Code Chapter 137. Steep Slopes and Chapter 84. Fees contain reimbursement provisions; now, therefore, be it

Resolved that the minutes of the March 20, 2013 meeting be approved as read.

**RESOLUTION #69-13**

**AUDIT OF CLAIMS**

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

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

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

General:	\$11,970.37
Outside Village	\$ 358.50
Highway DB:	\$ 9,653.51
Sewer:	\$37,301.65
Water:	\$83,048.90
Branchport Light	\$ 265.83

March Utilities/Debt Payments:

General:	\$ 1,333.68
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Outside Village:	\$	30.18
Sewer:		\$36,647.25
Water:		\$52,298.04
Trust:		\$33,567.10

RESOLUTION #70-13  
SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of March 2013 be accepted as presented.

TOWN OFFICIALS  
HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Highway Superintendent Martin stated the Sensaphone monitoring system has been installed, along with three of the seven electrical disconnects.
- CHIPS funding will increase for Jerusalem this year.

TOWN ENGINEER

- Written KPSW Committee notes on file in the Office of the Town Clerk.

COUNCIL

- Councilor Folts reported the Zoning Board heard one area variance application.
- The Intermunicipal Agreement with the Town of Pulteney for the transmission of water expires December 31, 2013.
- Supervisor Jones will inform Mr. Jackson that while the Town is sympathetic to the cost related to his recent water leak, the Town does not provide relief for water that goes through the meter. The Town incurred expenses for the purchase, chlorination and treatment of this water.
- The Code Enforcement Officer is responsible for oversight of conditions placed on approvals granted by the Planning Board.
- Building Permits are valid for 12 months and can be extended as long as the permit is still active. The first renewal is \$10 and any renewal after is \$100. Per Article 65, if the work is not complete in one year, the permit expires. Work must commence within 6 months and the permit is valid for one year from date of issue.
- The Branchport Hamlet Committee members are Don Naetzker, J.C.

Smith, Mike Sullivan, Bill Pinckney, Afra Nahmmacher, Jennifer Gruschow and Councilor Parson. The Consolidated Funding Application guidelines are being reviewed. They are considering engaging the services of Ingalls Planning & Design consultant Matt Ingalls. Their next meeting is April 29<sup>th</sup>.

- Councilor Parson would like to resolve the time clock matter of some employees do and some employees do not use the time clock. He noted the Town Board adopted a resolution that all hourly employees use the time clock three years ago and he foresees a labor issue coming. Exceptions have been brought forward periodically regarding the use of the time clock, but we cannot keep making exceptions. Supervisor Jones stated the Personnel Committee is meeting tomorrow and will present their recommendation to the Town Board. Prior time clock resolutions will be sent to the Board for review.
- Councilor Parson stated the staff meeting needs to be scheduled. Suggested agenda items include procedures and communications, including the phone system and inter-departmental matters.
- John Wheeler requested a building permit refund as it was cost prohibitive to tear down the structure, so the property was sold. Code Enforcement Officer Phillips will notify Mr. Wheeler that the building permit fee is non-refundable. Councilor Steppe recused himself from the discussion.
- "Non-refundable" will be added to our building permit.

#### SUPERVISOR

Supervisor Jones received a report from Yates County Soil & Water Conservation District on watershed activities for Jerusalem. He is following up with the KWIC Manager on the past due violations.

#### PRESENTATION: CONSERVATION/RENEWABLE ENERGY COMMITTEE:

Annette Toaspern and Debbie Koop addressed the Board to request approval to award the Town's Certificate of Appreciation to two Jerusalem families for their work to preserve farmland and open space in the Town of Jerusalem.

1. The Gillette family: for preserving their farm through the NYS Purchase of Development Rights program
2. The Cutler family - for their voluntary conservation easement on their Bluff Point land.

#### RESOLUTION #71-13

##### AUTHORIZE CERTIFICATES OF APPRECIATION

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

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

Resolved that the Town Board present Certificates of Appreciation to the Gillette and Cutler families to recognize their work to preserve farmland and open space in the Town of Jerusalem.

EFC GRANT - SEWER STUDY

We are in receipt of the CWSRF Engineering Planning Grant Agreement from the New York State Environmental Facilities Corporation (EFC) that will be signed by Supervisor Jones and returned.

NYSDOS GRANT - WATERFRONT REVITALIZATION GRANT:

The Waterfront Revitalization Grant Steering Committee members are being identified and will be meeting on April 23<sup>rd</sup>.

AGR/ZONING REVIEW SUBCOMMITTEE:

The AGR/Zoning Review Subcommittee has been meeting. They will not be meeting during the summer months, but will resume in the fall.

YATES COUNTY MARCELLUS SHALE TASK FORCE:

Supervisor Jones has received a copy the Local Law for Prohibition of Heavy Industry and Brine on Town Roads adopted by the Town of Warwick this year for future discussion.

RESOLUTION #72-13

INTRODUCE LOCAL LAW I-2012 RIGHT TO FARM LAW

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

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

WHEREAS, Councilman Parson has introduced and filed a proposed local law entitled "A Local Law to Establish the Town of Jerusalem Right-to-Farm Law" to be identified as Local Law No. I of 2012,

Be it enacted by the Town Board of the Town of Jerusalem a new Chapter, entitled "Right to Farm" to read as follows:

I. Intent:

With this law the Town of Jerusalem reaffirms the Agricultural & Open Space Goal set forth in the Towns Comprehensive Plan which states that: The Town Jerusalem will strive to maintain the viability of agriculture within the community as an integral part of the local economy and an important land use activity to sustain future generations. In pursuit of this goal, the Town Board makes it the policy of the Town of Jerusalem to encourage an environment supportive of agricultural operations and to discourage conflicts that can result from non-farmers living in close proximity to active agricultural operations.

It is the general purpose and intent of this law to encourage farming and agricultural commerce as a means to protect rural character and open space, to ensure that agriculture continues as the primary economic activity in the community, to treat farming as a business and as the primary land use in the community, to encourage a supportive business climate for agricultural commerce, to provide special support to those Jerusalem farmers who choose to engage in the practice of sustainable agriculture, and to discourage fragmentation of currently active and potentially active farmland for other land uses.

Further, the Town finds that when nonagricultural land uses extend into agricultural areas, agricultural operations may become the subject of nuisance suits or legal actions restricting agricultural operations. As a result agricultural operations are sometimes curtailed. Investments in farm improvements may be discouraged. In addition to the aforementioned general purpose, it is the intent of this chapter to establish an Agricultural Advisory Committee. The purpose of this chapter is to recognize the importance of agriculture as both a vital local economic base and as a landform that provides the Town of Jerusalem with much of its rural land, rustic character and charm. The Agricultural Advisory Committee will set up a structure for which complaints, questions and comments about current and future farming practices can be handled in a timely and professional manner; to aid the Town Board in keeping abreast on current and future farming practices; establish a cooperative relationship between all different types of farms and Town government; to give the non-farm community comfort that their concerns and questions can be handled without unnecessary alarm; and to reaffirm that the Town of Jerusalem supports agriculture.

## II. Definition

### Agricultural Corporation:

Any organization, entity, association, partnership, limited liability company or corporation engaged in the business of agriculture whether for profit or otherwise, including the cultivation of land, the raising of crops or the raising of livestock.

### Agricultural Parcel:

Those parcels that the town assessor has identified with a property class code in the 100's or 241. Such farm operation may consist of one or more parcels of owned or rented land, such parcels may be contiguous or noncontiguous to each other.

### Agricultural Practices:

All activities conducted by a farmer on a farm to produce agricultural products and which are inherent and necessary to the

operation of a farm and the on-farm production, preparation, and marketing of agricultural products, application of animal wastes; storage, transportation, and proper and legal use of equipment for tillage, planting, harvesting, irrigation, fertilization and pesticide application; storage and use of legally permitted fertilizers, limes, and pesticides all in accordance with local, state and federal law and regulations and in accordance with manufacturer's instructions and warnings; storage, use and application of animal feed and foodstuffs, construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the sale of agricultural products, and for the use of farm labor, as permitted.

**Agricultural Products:**

Those products as defined in section 301(2) of Article 25AA of the State Agriculture and Markets Law, including but not limited to:

- a. Field crops, including corn, wheat, rye, barley, hay, potatoes, beans, and hops
- b. Fruits, including apples, peaches, grapes, cherries and berries
- c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
- d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs.
- f. Maple sap
- g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump
- h. aquaculture products, including fish, fish products, water plants and shellfish
- i. Woody biomass, which means short rotation woody crops raised for bioenergy and shall not include farm woodland.
- j. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens. For the purposes of this paragraph, "nucs" shall mean small honey bee colonies created from larger colonies including the nuc box, which is a smaller version of a beehive, designed to hold up to five frames from an existing colony.

**Farm:**

The land, buildings, farm residential buildings, and machinery used in the production of agricultural products.

**Farmer:**

Any person engaged in the business of agriculture whether for profit or not.

**Farmland:**

Land used in agricultural production, as defined in subdivision 4 of section 301 of Article 25AA of the State Agriculture and Markets Law.

**Generally Accepted Agricultural Practices:**

Those practices which are feasible, lawful, inherent, customary, necessary, reasonable, normal, safe, and typical to the industry or unique to the commodity as they pertain to the practices listed in the definition of agricultural practices and do not harm human health.

**III. Authority to engage in agricultural practices:**

A. Farmers as well as those employed, retained or other wised authorized to act on behalf of farmers, may lawfully engage in agricultural practices within the Town of Jerusalem at all such times and in all such locations as are reasonable necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

B. Agricultural practices conducted on farmland shall not be found to be a public nuisance if such agricultural practices are:

1. Reasonable and necessary to the particular farm or farm operation.
2. Conducted in a manner that is not negligent or reckless.
3. Conducted in conformity with generally accepted agricultural practices.
4. Conducted in conformity with all local, state, and federal laws and regulations.
5. Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person; and
6. Conduced in a manner which does not unreasonably obstruct the free passage or use of navigable waters or public roadways
7. Conducted in a manner which does not degrade water quality

C. Nothing in this Article Shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death due to a failure to follow sound agricultural practices, as outlined in this Section.

IV. Duty of Town officers and boards, including the Planning Board, Board of Zoning Appeals and the Town Board to consider impact of farm operations on certain applications.

The legislative intent and purposes of this article shall be taken into consideration by each Town officer and/or board in processing any application requesting rezoning, site plan approval and/or special use permit approval when the property which is the subject of such application is located within 500 feet of an existing farm. Such Town officer and/or board shall, as part of its review of such application, determine whether appropriate and reasonable conditions may be prescribed or required, which would further the purposes and intent of this article as part of an approval of the application. Such appropriate and reasonable conditions shall be determined on a case-by-case basis and may include, but not be limited to, requiring declarations, deed restrictions and/or covenants which run with the land which would notify future purchasers and owners of the subject property that owning and occupying such property might expose them to certain discomforts or inconveniences resulting from the conditions associated with agricultural practices and operations in the Town.

V. Establishment of an Agricultural Advisory Committee

A. The Agricultural Advisory Committee (hereinafter "Committee") shall be composed of five members appointed by the Town Board as follows:

1. Four residents of the Town of Jerusalem from the agricultural community, including, but not limited to, representatives from the crop production and dairy segments, livestock, field crops, greenhouse/vegetable, and vineyard. The members shall recommend a chairperson for appointment by the Town Board.
2. One member of the Town Board shall serve as an ex-officio member.

B. The four community members appointed to the Committee shall serve for four year terms. Upon initial formation one member shall be appointed for one year, one member shall be appointed for two years, one member shall be appointed for three years, and one member shall be appointed for a four year term. The Town Board member shall serve and be appointed for a one year term. Each year thereafter reappointments or new appointments will be for a four year term. Reappointments or new appointments shall be recommended by the advisory committee. Terms shall be from January first through December thirty first. Members shall serve without salary.

Duties and Informal resolution

The Agricultural Advisory Committee (hereinafter "Committee") shall:



1. Meet annually or biannually to discuss any issues pertaining to farming in the Town that might be of concern in the Town. These annual review and recommendations shall focus on zoning, planning activities and other actions within the county agricultural districts and the Town agricultural zones.
2. Report annually to the Town Board, with copies of the report being forwarded to the Yates County Farmland Protection Board, Yates County Farm Bureau and possibly in the future other towns with Agricultural Advisory Committees.
3. Advise the Town Board and the County Agricultural and Farmland Protection Board in relation to the proposed establishment, modification, continuation or termination of any county agricultural district. The board shall present advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within any proposed or established area.
4. Review county, state and federal legislation affecting agricultural issues and communicate the effect to the appropriate board and/or the Town Board.
5. Serve as a vehicle for communication between the agricultural community, the Town and/or the County Agricultural Farmland and Protection Board.
6. Submit to the Town Board an annual summary of the activities of the Agricultural Advisory Committee.

B. Whenever a proposed zoning, policy change or development (major residential, business or industrial) affecting Town agricultural zoning districts is presented to the Town Board within or contiguous to a county agricultural district or Town agricultural zones it shall be referred to the Agricultural Advisory Committee for review. The Agricultural Advisory Committee shall have 30 days to respond with a recommendation(s) for the action(s). The board shall present advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within any proposed or established area. This recommendation(s) shall include a determination as to whether the proposed action(s) will have an unreasonable adverse effect on the continuing viability of a farm enterprise or enterprises within the county or Town agricultural districts. This recommendation(s) shall be advisory only.

C. If any controversy arises regarding any inconveniences or discomfort occasioned by agricultural operations including, but

not limited to, noise, odors, fumes, dust, the operation of machinery, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and/or pesticides, the parties shall be referred to the Agricultural Advisory Committee. If the dispute is not appropriate for the committee, or if the parties are unable to reach an agreement, then the parties should submit the controversy for determination by the New York State Agricultural Mediation Program in an attempt to resolve the matter prior to the filing of any court action.

1. If controversy arises between the parties, the Advisory Committee shall establish a Dispute Resolution Committee within 30 days of the last date of occurrence of the particular activity giving rise to the controversy or the date the party became aware of the occurrence.

2. The Dispute Resolution Committee shall be composed of three members from the Town selected by the Town Board, as the need arises, including one representative from the Agricultural Advisory Committee, one person from Town government and one person mutually agreed upon by both parties involved in the dispute. (Suggest someone from Cornell with expertise in the field of the dispute may also be present.)

3. The effectiveness of the (Dispute Resolution) Committee as a forum for the resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.

4. The controversy shall be presented to the Dispute Resolution Committee by written request of one of the parties within the time limits specified. Thereafter, the Committee may investigate the facts of the controversy but must, within 25 days, hold a meeting at a mutually agreed place and time to consider the merits of the matter and within five days of the meeting render a written decision to the parties. At the time of the meeting, both parties shall have an opportunity to present what each considers to be pertinent facts. No party bringing a complaint to the Committee for settlement or resolution may be represented by counsel unless the opposing party is also represented by counsel. The time limits provided in this subsection for action by the Committee may be extended upon the written stipulation of all parties in the dispute.

#### VI. Notification to Real Estate Buyers

In order to promote harmony between farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with Section 310 of Article 25-AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows: "It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors." This notice shall be provided to prospective purchase of property within an agricultural district or on property with boundaries within 500 feet of a farm operation located in an agricultural district. A copy of this notice shall be included by the seller or seller's agent as an addendum to the purchase and sale contract at the time an offer to purchase is made.

#### VII. Severability Clause

If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not effect the remainder of this Local Law. The Town hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

#### VIII. Precedence

This Local Law and its provisions are in addition to all other applicable laws, rules and regulations.

#### IX. Effective Date

This Local Law shall be effective immediately upon filing with the New York Secretary of State.  
;and

WHEREAS, the State Environmental Quality Review Act of the State of New York and SEQR Regulation 615.5 (c) (3) and (27) provide that actions involving agricultural farm management practices, including

construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming and involving the adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list are "Type II" actions and do not require the preparation of an Environmental Assessment Form, and

WHEREAS, the General Municipal Law of the State of New York requires that certain actions having to do with zoning and planning be referred to the Yates County Planning Board, but the proposed local law is not such an action:

NOW THEREFORE THE TOWN BOARD HEREBY DETERMINES and ORDERS as follows:

1. No Environmental Assessment Form will be prepared in connection with the adoption of this local law.
2. Review by the Yates County Planning Board is not required.
3. A public hearing on Local Law I of 2012 will be held at the regular meeting of this board on May 15, 2013 at 7:05 p.m.
4. The Town Clerk will advertise the public hearing as required by law.

;and, be it further

Resolved that Councilor Parson will instruct the Committee to respond to questions posed to date prior to the public hearing.

PROPOSED LOCAL LAW J-2012 SIGN LAW AMENDMENT

Comments on proposed local law J-2012 Sign Law Amendment will be submitted to Planning Board member Art Carcone.

RESOLUTION #73-13  
REJECT TRACTOR BIDS

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

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

Whereas bids for the purchase of a new and unused 2013 tractor with new and unused 2013 side and rear flail mowers was advertised in accordance with Resolution #53-13; now, therefore, be it

Resolved the one bid received from Joe Johnson Equipment, Rochester, New York be rejected and the tractor purchase be advertised again.

RESOLUTION #74-13  
PROVISIONAL APPOINTMENT - PLANNING BOARD SECRETARY - ASHLEY WILLIAMSON

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

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

WHEREAS, the Jerusalem Planning Board currently has an open position for a part time secretary; and

Whereas, Ashley Williamson has submitted a resume and written a letter expressing an interest in the opening; and

Whereas, the subcommittee of Ron Rubin, Michael Folts, and Mike Steppe reviewed the resume and letter submitted by Ashley, and or discussed the position directly with her; and

Whereas, based on her resume and interview, the subcommittee has determined Ashley to be qualified for the positions; and

Whereas, the subcommittee unanimously agreed to her provisional appointment at the hourly rate is \$10.50 per hour from April 18, 2013 through July 17, 2013 at which time the town board decide on extending a permanent offer;

Now therefore be it resolved the appointment of Ashley Williamson as the Secretary to the Town of Jerusalem Planning Board.

RESOLUTION #75-13

RESOLUTION OPPOSING THE PASSAGE OF LEGISLATION TO ALLOW EARLY VOTING, OR TO ALLOW COUNTIES TO OPT-IN TO EARLY VOTING OPPORTUNITIES, AND FOR THE STATE TO FULLY FUND ANY INCREASED COSTS ASSOCIATED WITH EARLY VOTING

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

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

Whereas, A.689 (Silver)/S.1461 (Stewart-Cousins) has been introduced in the New York State Legislature establishing early voting in primary, general and special elections in the State of New York; and

Whereas, this bill would allow early voting to take place up to 14 days before a general election and up to a week before a primary or special election, from 8:00 a.m. until 7:00 p.m. on every early voting day including Saturday and Sunday; and

Whereas, county boards of elections would be required to select a minimum of five polling places throughout each county and provide election inspectors at each location; and

Whereas, county boards of elections would also be required to follow the same polling place protocols that are observed on election day on all early voting days; and

Whereas, there will be costs associated with staffing early voting locations and printing county paper ballots associated with early voting; and

Whereas, the 2 percent tax cap and insufficient relief from state-mandates has placed an unprecedented strain on local governments to provide more services with less funding.

Now, therefore, be it resolved, that the Jerusalem Town Board does hereby oppose the passage of legislation requiring counties to implement early voting; and

Be it further resolved, if the proposal is enacted, allow counties to opt-in to providing early voting opportunities and the State needs to fully fund the cost of early voting for those counties that provide early voting.

Be it further resolved that the Town of Jerusalem shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

RESOLUTION #76-13  
AUTHORIZE TRAINING

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

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

Resolved to authorize the attendance of Code Enforcement Officer John Phillips to the G/FLRPC Spring Local Government Workshop scheduled for May 16, 2013 at a cost of \$60.00; and, be it further

Resolved to authorize the attendance of Code Enforcement Officer John Phillips to the Ontario County Building Officials meeting presentation Hoarding and property maintenance scheduled for April 24, 2013 at a cost of \$15.00 for lunch, be it further

Resolved to authorize the attendance of Art Carcone to the G/FLRPC Spring Local Government Workshop scheduled for May 16, 2013 at a cost of \$60.00; and, be it further

Resolved to authorize the attendance of the (9) nine Highway Department employees to mandatory mine safety; and, be it further

Resolved to authorize the attendance of the (9) nine Highway Department employees and (2) two Keuka Park Water & Sewer Department employees to mandatory CPR/First Aid.

RESOLUTION #77-13

ACCEPT ZONING BOARD RESIGNATION - JIM BIRD

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

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

Resolved that the Town Board accept the resignation of Jim Bird from the Zoning Board of Appeals; and, be it further

Resolved that the Town Clerk send a letter thanking Mr. Bird for his service.

RESOLUTION #78-13

APPOINTMENT - ZONING BOARD - EARL MAKATURA

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

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

Resolved that Zoning Board alternate member, Earl Makatura be appointed to fill the unexpired term of Jim Bird through December 31, 2017; and, be it further

Resolved that the Town Clerk advertise for applications from any Town resident who may have an interest in serving as an alternate member of the Zoning Board.

RESOLUTION #79-13

MOVE TO EXECUTIVE SESSION

On a motion of, seconded by, the following was

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

Resolved that this meeting be interrupted to enter into Executive Session to discuss pending litigation.

The Executive Session convened at 8:46 P.M.

RESOLUTION #80-13

RETURN TO REGULAR SESSION

On a motion of, seconded by, the following was

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

Resolved that the Board return to regular session.

The Board reconvened in regular session at 9:24 P.M.

PENDING LITIGATION- ARTICLE 7 GILBERT FAMILY LTD.:

Assessor Brand will be instructed to send a courtesy letter to Yates County and the Penn Yan School District notifying them of a possible settlement by the Town regarding Gilbert Family Ltd.'s Supreme Court petition Index No. 2012-0185 against the Town of Jerusalem/Board of Assessment Review/Assessor unless the County and School agree to cover all legal costs to continue defending this case.

With there being no further business, on a motion of Supervisor Jones, seconded by Councilor Parson, the meeting was adjourned at 9:25 P.M.

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Sheila McMichael, Town Clerk