

Minutes of the regular monthly meeting of the Jerusalem Town Board held on April 16, 2008 at 7:00 P.M. at the Branchport Fire Hall. PRESENT were: Supervisor Jones, Councilpersons Folts, Hopkins, Simmons, Stewart, Highway Superintendent Payne, Town Engineer Ackart, Town Attorney Bailey, Town Clerk McMichael.

GUESTS: Attorney Jason DiPonzio, Mike Morton, Max Parson, Bob Evans, Debbie Koop, Ed Pinneo, Annette Toaspern, Bill Pringle, Doug Paddock, Mark Dibble, Aaron Warner , Larry Brown, Sally Button Ribble, Donna Daugherty, Mr. & Mrs. Norman Pierce, Jim Fitzgibbons, Daryl A. Robinson, Sr., Mike VanWormer, Taylor Fitch, Sarah Stackhouse, Susan Close, Tom Close, Cynthia Geertson, George Sproule, Bob Morse, Rick Ayers, Ed Seus, Joan Rubin, Ron Rubin, Len Lang, Jan Molyneaux, Delores Lang, Keith Toaspern, Marion Balyszak, Jim Balyszak, Mary Ann Oglesby, Daniel Oglesby.

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

RESOLUTION #71-08  
APPROVAL OF MINUTES

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 minutes of the March 19, 2008 meeting be approved as read.

RESOLUTION #72-08  
AUDIT OF CLAIMS

On a motion of Councilperson Stewart, seconded by Councilperson Hopkins, 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:	\$50,847.37
Highway DA:	\$ 4,079.52
Highway DB:	\$16,378.24
Sewer:	\$ 5,385.86
Water:	\$65,264.45
March utilities:	General: \$ 3,292.38
	Sewer: \$20,707.07
	Water: \$ 617.72

RESOLUTION #73-08  
SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of March 2008 be accepted as presented.

RESOLUTION #74-08

MOVE TO SCHEDULED PUBLIC HEARING - PROPOSED LOCAL LAW A-2008 - CONSTRUCTION ON STEEP SLOPES REGULATIONS

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

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

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing on proposed Local Law A-2008 regulating construction on steep slopes at 7:08 P.M., providing a summary of conduct for the public hearing.

Supervisor Jones read a letter from Bob Worden supporting the proposed regulations.

Sarah Stackhouse spoke in favor of the regulations and gave kudos to the Subcommittee and Town Board for their work.

Max Parson supports the proposed regulations, noting timber harvesting is not included and he would like to see that addressed by the Town. Ed Pinneo, Chair of the Slopes Subcommittee noted the proposed regulations only address construction on areas slopes. Timber harvesting is a different issue to look at.

Rick Ayers, Yates County Soil and Water was commended for his contribution to the proposed regulations, along with the Subcommittee members.

RESOLUTION #75-08

MOVE TO SCHEDULED PUBLIC HEARING - PROPOSED LOCAL LAW C-2008 ZONING AMENDMENT TO PROVIDE ADDITIONAL PROTECTIONS AS TO ADULT USE BUSINESSES

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

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

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing on proposed Local Law C-2008 zoning amendment to provide additional protections as to Adult Use Businesses at 7:15 P.M.

After correlating Article XX, the current proposed Local Law C-2008 and the 35-page facsimile dated November 7, 2007 from Attorneys Jason S. DiPonzio and Patrick A. Trueman, Town of Jerusalem Residents for Effective Adult Entertainment Regulations representative, Cynthia Geertson made several observations and posed questions that were answered by Attorney DiPonzio. They commended the Town for the work done; however, they sincerely believe that the currently proposed additional protections are **not sufficient** to effectively provide peace, good order and safety in the Town of Jerusalem.

Attorney Jason DiPonzio made the general statement that the courts have ruled that a municipality is not allowed to prohibit adult use businesses. He stated the Town's desire is to enact regulations to limit the secondary effects of adult use businesses, noting the Town has been wrestling with these regulations since 2006. It is difficult to modify the regulations and come up with the perfect solution based on a hypothetical situation as the Town does not currently have any adult use businesses. He again stressed the fact that the Town Board can not deny an application for content based regulations. An applicant can not be denied on the Board's unfettered exercise of discretion. However, the Town Board can enact regulations to deal with the negative secondary events related to adult use businesses. The regulations include site plan review and applicants have to comply with all applicable codes. The Town can not eliminate adult use businesses through de facto prohibition. These businesses have to be allowed in our Town. He cautioned our regulations can not be so restrictive that they limit adult use businesses and make it impossible for a proprietor to do business in Jerusalem. Attorney DiPonzio believes the current proposed regulations meet the needs of the Town at this time.

Councilperson Stewart believes the Town is adequately protected under the proposed regulations. He stated the Subcommittee has done a commendable job.

Town Attorney Bailey agreed with the points made by Attorney DiPonzio. With no history within our Town, we have done as much as we can reasonably do with these regulations. The Supreme Court will not allow the Town of Jerusalem to prohibit adult use businesses.

Bill Pringle thanked the Adult Entertainment Subcommittee for their 4+ years of work to refine these regulations. Supervisor Jones dittoed.

CANCELLATION OF PRESENTATIONS:

The presentation by Chuck Mitchell was cancelled as he is on vacation. Paul Bauter also cancelled tonight and may be scheduled for the May meeting.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Highway Superintendent Payne submitted his written report of winter work done in the month of March 2008.
- Highway Superintendent Payne is anticipating an increase in this year's CHIPS monies that will help off set the soaring cost of fuel. Councilperson Simmons commended Payne for staying on top of his budget given the current fuel costs.
- He hopes to begin work on West Bluff Drive next week. The Town may want to consider some type of recourse or way to fund the road damage on West Bluff Drive that arises due to construction out there.
- The energy audit conducted on the Town Barns will be brought to the Town Office and made available for review by the Town Board.
- Payne has consulted with Rick Ayers, Yates County Soil & Water on a drainage issue at 4682 Morrison Road. Mr. Ayers' concerns regarding the soils, stream channel and culvert will be relayed to the property owner. The Highway Department is not responsible for the drainage issues, but as part of our routine road work, a larger culvert will be installed in the future that may help alleviate some of the problems. In the interim, the Highway Department will continue to monitor and clear the culvert of debris and restrictions.

RESOLUTION #76-08

AMENDMENT OF PUMP SPECIFICATIONS PROVISION FOR ELECTRIC PROTECTION FOR PUMPS

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

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

Whereas the Code of The Town of Jerusalem , Chapter 131 Sewers provides for the administration , operation and maintenance of the Town sanitary sewerage system; and  
Whereas 131-12, 131-15 and 131-34 provide for standards, rules and regulations and the adoption and modification thereof by Resolution of the Town Board; now, therefore, be it  
Resolved that said Rules and Regulations be amended to require in Sewer Extension #2 that all new and replacement grinder pump

control panels be equipped with a power protection device for brown outs, dry run and high pressure; and, be it further Resolved that the Rules and Regulations also be amended to recommend that property owners be made aware of the advantages of utilizing such electric protection devices where and when available on pumping facilities to be installed by property owners in all other areas of the Keuka Park Sewer District and Extensions thereof.

TOWN ENGINEER

- Town Engineer Ackart provided an update on the process necessary to finalize the transfer of the Assembly Avenue sewer constructed by Keuka College to the Town.
- The wholesale cost of water from the Village of Penn Yan to the Town will increase from \$1.91/1,000 to \$2.12/1,000 gallons.
- The Village of Penn Yan's audit for last year has not been completed to date. Upon completion of the audit, our water usage to actual use will be reconciled.
- We anticipate an increase in sewer cost operations from the Village to the Town.
- Councilperson Simmons again inquired about the security of the Town's reserve funds at Five Star Bank. Financial Consultant, Chuck Bastian provided a policy for the Town Board's consideration. Following further questions, it was recommended Simmons speak directly with Mr. Bastian.
- Councilperson Simmons introduced a proposal to establish a Sewer & Water Advisory Committee to help study in detail issues related to the Keuka Park Sewer & Water operations. This will be placed on the May Town Board meeting agenda for discussion.

RESOLUTION #77-08

CHANGE MAY TOWN BOARD MEETING DATE

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

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

Whereas the Town of Jerusalem has been awarded The Water System of the Year Award to be presented at the Annual Technical Conference on May 21, 2008 in Kerhonkson, New York; and  
Whereas the regular meeting of the Town Board is scheduled for May 21, 2008; now, therefore, be it Resolved that the monthly Town Board meeting be changed to May 20, 2008 to allow Board members to attend the award ceremonies honoring our water department.

COUNCIL

Councilperson Hopkins stated she attended the FLCC College Intern expo with Councilperson Folts. Budgeting monies for a paid position will be looked at as part of the 2009 budget process.

RETURN TO ADULT USE PUBLIC HEARING: PROPOSED LOCAL LAW C-2008 ZONING AMENDMENT TO PROVIDE ADDITIONAL PROTECTIONS AS TO ADULT USE BUSINESSES

Mrs. Geertson asked how many Town Board or Adult Entertainment Subcommittee members live in the Town's Agricultural/Residential (AGR) district that are not covered by the exempted roads in the proposed regulations? She commented on the Town Board's six-month discussion of the definition of Bed & Breakfast in the Town Code and commended Mrs. Toaspern for insisting the Town Board amend the definition to protect her neighborhood. She noted there is now a different neighborhood desiring additional changes to the adult use regulations as they desire to have a safe place in which to live.

Attorney DiPonzio stated adult use business is allowed in the broad AGR area, but new Section 107 limits their location. If our regulations limit these businesses too much, we could be challenged. The Courts have reviewed the percent of a Town where these businesses are allowed to determine if adequate viable building sites are available. Mrs. Geertson asked that the Board reconsider the hours of operation and change them to 10:00 A.M. - 10:00 P.M. The Planning Board is able to put reasonable conditions on an adult use business establishment through the site plan review criteria, but the Town must allow a proprietor reasonable hours of operation to make a business viable.

Regulating adult use businesses has been a fluid process with numerous amendments to the regulations to date. Attorney DiPonzio noted what we can't legislate, free enterprise will take care of, noting that it is hard to predict what a proprietor and the Courts will do. Our desire is to ensure the Town of Jerusalem is best prepared should an adult use business locate in our Town.

After further review, Attorney DiPonzio recommended §13. Sub-paragraph "(4)" of paragraph "A" of Section 110 be amended by deleting the words "and a copy of the special use granted by the Zoning Board of Appeals." to be consistent with the rest of the Code.

RESOLUTION #78-08

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW C-2008 ZONING AMENDMENT TO PROVIDE ADDITIONAL PROTECTIONS AS TO ADULT USE BUSINESSES

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

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

Resolved the Public Hearings on additional amendments related to adult use business protections be closed and the Town Board return to regular session at 9:14 P.M.

RESOLUTION #79-08

SEQR - PROPOSED LOCAL LAW C-2008 ZONING AMENDMENT TO PROVIDE  
ADDITIONAL PROTECTIONS AS TO ADULT USE BUSINESSES

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

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

Whereas the Town Board of the Town of Jerusalem hereby finds and determines with respect to the revision of zoning relating to the additional protections, it has considered the action, reviewed the short environmental assessment form and determined the adoption will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant effect on the environment; now, therefore, be it

Resolved that a negative declaration be prepared and the Town Board authorizes the Supervisor to sign the negative declaration (determination of non-significance) pursuant to 6 New York Code of Rules and Regulations, section 617.7 with respect to the project.

RESOLUTION #80-08

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF  
JERUSALEM OF LOCAL LAW NO. C-2008 (PROPOSED) ZONING AMENDMENT  
ENTITLED: "PROVIDING ADDITIONAL PROTECTIONS AS TO ADULT USE  
BUSINESSES"

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

ADOPTED BY ROLL CALL VOTE:

Councilperson Folts	Aye
Councilperson Simmons	Aye
Supervisor Jones	Aye
Councilperson Hopkins	Aye
Councilperson Stewart	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 April 16, 2008, at 7:05 P.M. at the Branchport Fire House at Route 54A, Branchport, New York, to hear all interested parties on a proposed Local Law entitled "A Local Law amending the Zoning Ordinance of the Town of Jerusalem to provide additional protections as to adult use businesses", and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on April 2 and 9, 2008, and

WHEREAS, said public hearing was duly held on April 16, 2008, at 7:05 P.M. at the Branchport Fire House at Route 54A, 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, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Yates County Planning Board recommended approval of the proposed Local Law on March 27, 2008, pursuant to section 239-m of the General Municipal Law, 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. 2 of 2008 entitled "A Local Law providing additional protections as to Adult Use Businesses", a copy of which is attached hereto and made a part of this resolution;

Be it enacted by the Town Board of the Town of Jerusalem as follows:

Section 1: Article XX of Chapter 160 of the Code of the Town of Jerusalem is hereby amended by changing the title of Article XX from "Adult Entertainment Use Establishments" to "Adult Entertainment Businesses."

§2. Section 106 of such Article is amended by changing the term "ADULT BUSINESSES" to "ADULT ENTERTAINMENT BUSINESS."

§3. Section 106 of such Article is further amended by deleting the term "SEXUAL ENCOUNTER CENTER" and its definition and by inserting new sub-paragraphs "J", "K" and "L" after sub-paragraph "I" in the definition of "ADULT ENTERTAINMENT BUSINESS" to read as follows:

J. Sexual Encounter Center: A business or commercial enterprise that as one of its primary business purposes offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between two persons of the opposite sex or persons of the same sex; or
  2. Activities between two persons of the opposite sex or persons of the same sex when one of the persons is in the state of nudity or semi nudity.
- K. A principal or primary business purpose exists if the services offered are intended to generate business income.
- L. The term "adult entertainment business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

§4. Section 106 of such Article is further amended by deleting the definition of the term "PERSON" and inserting new definition of "PERSON" to read

PERSON - Any individual, proprietorship, firm, partnership, corporation, club, association or legal representative acting individually or jointly, limited liability company, association or other legal entity.

§5. Section 106 of such Article is further amended by adding the following terms and definitions:

NUDITY OR STATE OF NUDITY - The appearance of the human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than opaque covering; or of a female breast with less than a fully opaque covering of any part of the areola; or of human male genitals in a discernibly turgid state even if completely and opaquely covered.

SEMI NUDE OR SEMI NUDITY - A state of dress in which clothing covers no more that the genitals, pubic region and areola of the female breasts, as well as portions of the body covered by the supporting straps or devices.

§6. Section 106 of such Article is further amended by deleting the definition of the term "SPECIFIED SEXUAL ACTIVITIES" and substituting the following new definition of that term

SPECIFIED SEXUAL ACTIVITIES - This term includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic regions, buttocks, anus or female breasts, whether covered or uncovered;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
3. Masturbation, actual or simulated;
4. Excretory functions as part of or in connection with any of the activities set forth in items 1, 2, and 3 above.

§7. Section 107 of such Article is amended by deleting the first sentence and substituting a new first sentence to read as follows:

An Adult Entertainment Business shall be permitted only in the Agricultural-Residential Use district.

§8. Section 107 of such Article is further amended by deleting paragraph "A" entirely and substituting a new paragraph "A" to read

- A. No adult entertainment business shall be permitted within 1000 ft. of the either side of the following:
  1. State Route 54A.
  2. Guyanoga Road from its intersection with State Route 54A to the Jerusalem Town Line.
  3. Italy Hill Road from its intersection with State Route 54A to the intersection of Darby's Corners Road.
  4. Darby's Corners Rd. from its intersection with Italy Hill Road to the Jerusalem Town Line.
  5. Skyline Drive.

§9. Section 107 of such Article is further amended by re-designating paragraphs "B", "C", and "D" as paragraphs "C", "D", and "E" and adding a new paragraph "B" to read

- B. No adult entertainment business shall be established within 1000 ft. of the property line of any of the following sensitive use sites:
  1. A public or private school exempt from real property taxation pursuant to the New York Real Property Tax Law.
  2. A church or other house of worship.
  3. A licensed day care center, nursery school or preschool.
  4. A public library.
  5. A public or private park, playground, campground or environmental land or animal preserve.
  6. A public or private recreation or community center.

7. A senior citizen center.
8. A fire station or ambulance/emergency response facility.
9. An establishment serving alcoholic beverages.

§10. Former paragraph "B" re-designated hereby as paragraph "C" of Section 107 of such Article is further amended by changing the distance from "700 feet" to "1000 feet."

§11. Section 108 of such Article is amended by deleting paragraph "A" entirely and substituting a new paragraph "A" to read

Viewing Rooms and Booths:

Any Adult Entertainment Business or use which provides or contains private booths or viewing rooms for the viewing of film, video cassettes, CDs, DVDs or other video reproductions, shall comply with the following regulations:

1. Any and all such booths, cubicles, studios and rooms for the private viewing of adult motion pictures shall be open to public view from the common areas of the establishment and there shall not be any doors, curtains, blinds or other structures or devices that shall impede observation of the entire area of such private viewing areas from the common area of the establishment.
2. All such private booths, viewing rooms or areas shall be well lighted and readily accessible at all times and shall continuously be open to view.
3. No such private booths, viewing rooms or areas shall be occupied by more than one person at any time.

No openings of any kind shall be permitted to exist between such private booths, viewing rooms or areas.

§12. Section 108 of such Article is further amended by deleting paragraph "I" entirely and adding new paragraphs "I" through "K" to read as follows:

- I. Prohibitions involving children. No person shall knowingly allow a person under the age of 18 years on the premises of an adult entertainment business or use.
- J. No owner, manager, supervisor or employee of the adult entertainment business shall touch any patron or customer or the clothing of a patron or customer while on the premises.
- K. A separate license shall be required for each adult entertainment business on the same premises. Premises having one or more such licenses shall not be allowed to have any additional adult entertainment business without

the issuance of an additional license for each such additional adult entertainment business.

§13. Sub-paragraph "(4)" of paragraph "A" of Section 110 of such Article is amended by deleting the words "and a copy of the special use granted by the Zoning Board of Appeals."

§14. Section 110 of such Article is further amended by deleting paragraph "B" and adding a new paragraph "B" to read

B. Certificate of Compliance. The application shall be accompanied by a Certificate of Compliance from the Town Code Enforcement Officer that certifies compliance with this local law, all other applicable zoning, development, and land use regulations of the Town, and the NYS Fire Protection and Building Code.

§15. Section 110 of such Article is further amended by deleting paragraphs "D", and "E" entirely and adding new paragraphs "D", "E", "F", "G" and "H" as follows:

D. Completeness. The application shall not be complete until all of the information required by Subsection A, the certificate required by Subsection B, and the fee required by Subsection C are received by the Town Clerk. The application shall not be deemed complete when the applicant shall have been convicted of a violation of this code within the previous five (5) years. When the application is complete, the Town Clerk shall accept it and forward it to the Town Board for its review and consideration.

E. Notice to neighbors. When the application is complete, the Town Clerk, by ordinary mail, shall notify the owners of all properties within 2000 feet of the premises to be licensed of the receipt of the application, the name and address of the applicant, the premises to be licensed, the nature of the use applied for, and the owner's privilege of submitting written comment to the Town Board within ten (10) business days of the mailing of the notice. For this purpose, the term "owner" shall mean the owner listed on the current tax roll of the Town of Jerusalem.

F. Action by the Town Board. The Town Board shall act on the application within thirty (30) days of receipt from the Town Clerk.

G. Issuance. The Town Clerk shall issue the license within ten (10) days of the Resolution of the Town Board approving it.

H. Inspection requirements. The owner or operator or an employee or agent of an adult entertainment business shall permit representatives of the Town of Jerusalem, the Yates County Sheriff's Department, the New York State Police, the State Department of Health, local Fire Departments or any Town, County or State department or agency that has permitting authority regarding the use of the premises to inspect said premises for the purpose of ensuring compliance with this local law at any time said business is occupied or open for business, without prior notice.

§16. The first sentence of Section 111 of such Article is amended by inserting the words "or revoke" after the word "deny."

§17. Section 111 of such Article is amended by adding new paragraphs "G" and "H" to read as follows:

- G. That the owner, operator, or any person managing or supervising an adult entertainment business, or an employee thereof, has allowed any of the following to occur on the business premises:
- i. Any illegal gambling.
  - ii. Any act of sexual intercourse, sodomy, oral copulation, masturbation or other specified sexual activities.
  - iii. Any possession, use or sale of a controlled substance.
- H. That the owner, operator, or any person managing or supervising an adult entertainment business, or an employee thereof, refuses to permit a lawful inspection of the premises at any time said premises is occupied or open for business.

§18. Section 117 of such Article is amended by adding new paragraph "D" to read

- D. Notwithstanding paragraphs A through C of this Section, a violation of paragraph I of Section 108, paragraph K of Section 108 or paragraph H of Section 111 of this Article shall be a misdemeanor.

§19. Such Article is further amended by adding Section 118 to read

§118. Validity.

Should any section or provision of this Article be declared by a court of competent jurisdiction to be invalid, such declaration shall not affect the validity of this Local Law as a whole or any other part thereof.

§ 20. Subparagraph "(1)" of paragraph "A" of Section 160-101 of Article XIX Site Plan Review of Chapter 160 of the Code is amended by adding the following:

(d) All Adult Entertainment Businesses.

§ 21. Section 160-102 of Article XIX Site Plan Review of Chapter 160 of the Code is amended by adding the following:

G. Permissible action as to Adult Entertainment Businesses. Notwithstanding subsection F, previous, the Planning Board shall not have the power to disapprove the proposed site plan of an Adult Entertainment Business.

§22. This local law shall become effective immediately upon its being filed by 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.

RESOLUTION #81-08

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW A-2008 - CONSTRUCTION ON STEEP SLOPES REGULATIONS

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

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

Resolved the Public Hearing on construction on steep slopes regulations be closed and the Town Board return to regular session at 9:28 P.M.

ZONING REVIEW SUBCOMMITTEE:

- Planning Board Chairman, Bob Evans reported the Zoning Review Subcommittee is the same subcommittee as the Harborview/Town House Subcommittee. They will submit their written report to the Town Board next week.
- Under Resolution #61-08, the Town Board referred the proposed R-1 zoning amendments to Town Attorney Bailey for his review.

SUBDIVISION SUBCOMMITTEE:

No report.

WIND FARM SUBCOMMITTEE

The public information meeting was held march 27 at Keuka College.

RESOLUTION #82-08

YATES COUNTY INDEMNIFICATION AGREEMENT

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

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

Resolved that the Supervisor be authorized to sign the Indemnification Agreement with Yates County.

RESOLUTION #83-08

APPOINTMENT - GRIEVANCE BOARD SECRETARY

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 Eleanor Lambert be appointed as Grievance Board Secretary at a salary of \$10.42/hour.

RESOLUTION #84-08

INCREASE MILEAGE REIMBURSEMENT RATE

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

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

Resolved that the mileage rate for Town officials and employees be set in accord with the Internal Revenue Service recommended rate of 50.5 cents per mile.

RESOLUTION #85-08

TABLE - OPEN DEVELOPMENT AREA APPLICATION PROCEDURE RESOLUTION

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

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

Resolved that the Open Development Area Application Procedure resolution be tabled until the May 20, 2008 Town Board meeting.

RESOLUTION #86-08

REFER 654 EAST BLUFF DRIVE USE CHANGE PROPOSAL TO PLANNING BOARD

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 use change proposal for 654 East Bluff Drive be referred to the Planning Board for their review and recommendation.

PUBLIC COMMENT:

- Planning Board member Bill Pringle was given information on the May 16<sup>th</sup> Housing Summit to address area housing needs as a follow-up to his comment at the March Town Board meeting regarding the need to look into subsidized housing.
- Supervisor Jones will respond to written questions submitted by Mr. Pringle regarding the conversion of the Indian Pines Pump Station from natural gas to electric heat.

With there being no further business, on a motion of Councilperson Stewart, seconded by Councilperson Hopkins, the meeting was adjourned at 9:45 P.M.

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Sheila McMichael, Town Clerk